JINSA
The Jewish Institute for National Security of America

By Itself, With U.S.: The Case for a U.S.-Israel Mutual Defense Treaty Post-10/7

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Table of Contents

I. Introduction

The purpose of this paper is to assess the impact of Hamas's barbaric attack on Israel on October 7, 2023, and ensuing events on the value of a U.S.-Israel mutual defense treaty (MDT). In multiple reports dating back to 2018, the Jewish Institute for National Security of America (JINSA) has argued that a carefully tailored MDT would contribute to regional stability while enhancing the capabilities, interests, and deterrence of both Washington and Jerusalem.[1] This new paper maintains that in light of October 7, including the subsequent multi-front war that Israel has faced against Iran and its proxies, and the ups and downs experienced by the U.S.-Israel relationship, the rationale for formalizing a U.S.-Israel alliance and significantly deepening the two countries' commitment to each other's mutual security is stronger than ever.[2]

October 7 deeply traumatized Israeli society while shattering the country's security and deterrence.[3] In the dangerous and chaotic months that followed, the Jewish state, which has long taken pride in its determination to defend itself by itself, discovered that it was far more dependent upon the United States than it previously imagined for weapons deliveries, deterring Iranian proxies on multiple fronts, defending against direct Iranian attacks, and blunting international political pressure and legal charges. Yet, U.S. backing for Israel after October 7 has gradually eroded. Robust support in the months immediately following the attack eventually gave way in 2024 to mounting hesitation, public criticism, "bothsidesism," and even pauses or slowdowns in certain weapons deliveries.[4] Frequent U.S.-Israeli tension has also seemed to embolden the Iranian axis. Hamas for months has rejected increasingly favorable terms for a deal involving a ceasefire and release of hostages it seized, including American citizens. Concurrently, Iran and its proxies have consistently ratcheted up their provocative actions—conventional and nuclear—raising risks of a new major war in the region and greater threats to Israeli and U.S. security interests.[5]

These post-October 7 dynamics reconfirm JINSA's view that the more daylight that exists between the United States and Israel, the more Iran and its proxies are emboldened to provoke, destabilize, and wreak violence. Conversely, the less such daylight between the two partners, the greater chance for regional peace and stability.

JINSA believes that one of the most powerful ways to signal that the United States stands firmly beside Israel at this critical and dangerous moment would be to transform one of its most capable global partners into an invaluable ally through a mutual defense treaty. Imparting such certainty to the U.S.-Israel relationship, especially in the minds of

common adversaries, would, we assess, significantly enhance Israeli and regional security and U.S. interests alike.

Israel has proven that, with proper American resupply and backing, it is able and willing not just to defend itself but to push back forcefully against the Iranian threat network on multiple fronts, without requiring U.S. boots on the ground. Other U.S. regional partners threatened by the regime in Iran also share an interest in weakening Iran and, therefore, an interest in cooperating with and benefiting from Israel acting as a regional security provider. An Israel that emerges from the horrors of October 7 stronger, having defended itself, and with the United States staunchly by its side, will be an Israel with which its Arab neighbors, Saudi Arabia foremost among them, will want to make peace. All this can be empowered by a U.S.-Israel MDT.

JINSA's Gemunder Center first recommended and issued a draft U.S.-Israel MDT in 2018. An updated version was published in 2023.[6] The idea drew the support of Israeli Prime Minister Benjamin Netanyahu and the interest of Presidents Donald Trump and Joe Biden.[7] Several U.S. senators, led by Lindsey Graham, championed it in Congress.[8] In September 2023, Biden and Netanyahu privately discussed the MDT in New York during the United Nations General Assembly, leading to plans for follow-up discussions the following month between senior American and Israeli officials in Washington.[9] Hamas's October 7 assault froze this promising momentum, along with parallel efforts toward Israel-Saudi normalization.[10]

While the war in Gaza finally may be moving toward a lower-intensity phase of combat operations, Israel's conflict with the rest of the Iranian axis heats up, which could be far larger and even more destructive. At the same time, diplomacy resumed in recent months toward a U.S.-Saudi defense pact that would be part of an Israeli-Saudi normalization package and is reportedly near completion.[11]

In the context of these fast-moving and potentially historic developments, JINSA is issuing this new paper to again call attention to the vital role that a U.S.-Israel MDT could play in building a more stable and secure strategic architecture in the Middle East—a conclusion which, we believe, has on balance been bolstered by the intensifying multi-front threats Israel and the United States have confronted since October 7.

II. Value of a Mutual Defense Treaty

JINSA's September 2023 report, *From Partner to Ally*, argued that the growing acute threat of Iran, rising Chinese influence in the Middle East, the Ukraine war, anti-Israel and isolationist trends in U.S. politics, growing chances of a U.S.-Saudi defense treaty, and Israel's reassignment to U.S. Central Command (CENTCOM), all underscored the value, logic, and feasibility of adopting a U.S.-Israel MDT soon.[12] Three-quarters of a century after the Jewish state's founding, a formal mutual defense treaty between the United States and Israel would advance U.S. strategic interests by upgrading and cementing a longstanding pivotal military, intelligence, and high-tech relationship. Such a treaty would at last bring to the Middle East many of the same benefits of deterrence against outside aggressors that U.S. defense treaties with 52 other countries have invaluably delivered for decades in Europe, the Indo-Pacific, and the Americas. Indeed, the absence of any U.S.-led alliance network in the Middle East has contributed to the region's unusual volatility and danger.

A U.S.-Israel MDT would enhance Israeli capabilities, deter existential threats, help prevent a nuclear Iran, mitigate the severity of a major conflict that involved Israel, and better align Israeli policy with America's on China and Russia, all without requiring more U.S. boots on the ground. Indeed, as proposed by JINSA, the draft treaty's combination of a strengthened commitment to provide Israel with the weapons it needs to defend itself by itself, together with a pledge of U.S. assistance in the event of an existential threat, should be a critical component of any U.S. strategy to prevent a nuclear Iran and build a more sustainable regional security structure to protect and advance U.S. interests and influence in the Middle East in the 21st century.[13]

Importantly, in our view, as a matter of practice, an MDT would achieve these strategic benefits without placing meaningfully greater constraints on Israel's much-cherished freedom of action. The stark reality since October 7 is that even without a treaty the United States has repeatedly not shied away from bringing its views to bear on Israeli military strategy—at times bordering on unprecedented micromanaging.

The administration urged Israel to forego a preemptive strike against Hezbollah in the days after October 7.[14] It attempted to dictate whether and how Israel should attack the strategically critical city of Rafah in Gaza and the Philadelphi Corridor.[15] It lectured Israel on what U.S.-made weapons to use and where, how humanitarian aid should be delivered, and what would constitute acceptable responses to Iran's massive April and October 2024 missile attacks and Hezbollah's escalating war of attrition.[16] In short, the United States has been engaged in a sustained campaign to shape how Israel fights by

constraining its freedom of action for most of 2024—all without offering any of the benefits of a mutual defense treaty.

We do not share the concerns of some that such a treaty would only tie America down more in the Middle East at a time when greater resources and attention should be devoted to threats emanating from China and Russia. Instead, we argue that it would accomplish the opposite. For almost eight decades, U.S. adversaries have taken American defense treaties extremely seriously, making them sources of enormous stability. U.S. treaties have rarely, if ever, been challenged and major wars have been deterred.[17] We maintain that the same would hold true in the Middle East. Bolstering Israeli deterrence and capabilities and empowering it to act as a provider of security across the wider region in cooperation with America's most powerful Arab partners would in fact enable the United States to focus more of its own military energy and assets on other strategically pressing parts of the world, notably the Indo-Pacific.

JINSA's draft U.S.-Israel MDT actually promises to further sharpen America's competitive edge against China by bringing Israeli policy into closer alignment with U.S. interests. With provisions for strengthening joint investment and development of cutting-edge technologies, as well as a common approach to the export of dual-use technologies, an MDT would help ensure that Israel's value as America's most important partner in the Middle East could be leveraged globally as well.

The benefits of a U.S.-Israel alliance could also redound across other relationships, helping ease growing doubts about U.S. leadership and reliability. Indeed, there might be no greater endorsement of U.S. credibility than for Israel, a country viscerally committed to defending itself by itself, to agree to a mutual defense treaty.

A treaty would also protect the U.S.-Israel security relationship against the vagaries of U.S. politics. Just as Cold War-era treaties made the decades-long continuity of U.S. commitment to its allies both credible and predictable—regardless of changing politics and foreign policies in Washington and foreign capitals—a treaty alliance with Israel, enshrined by the Senate with broad support from both parties (the Constitution requires Senate ratification of a treaty with two-thirds, or 67, votes), would strengthen and stabilize one of America's top security partnerships against domestic efforts to abruptly and arbitrarily condition or downgrade it.

A U.S. mutual defense treaty with Israel, America's closest and most capable Middle East partner, takes on even greater relevance as the Biden administration, correctly, has been working to conclude a similar treaty with Saudi Arabia as part of an effort to enable Israel-Saudi normalization.[18] Concluding treaties with both countries would leverage America's unmatched set of partnerships across the broader Middle East to address common threats, share burdens, and advance U.S. global interests, laying the foundations for a regional security architecture.

III. Heightened Need for MDT After October 7

The October 7 attack and its aftermath have only reinforced the arguments supporting the value and importance of a U.S.-Israel MDT.

The war in Gaza has thrown into sharp relief both how severe the threats to Israel's security have grown from an Iranian axis committed to its destruction—from Gaza, Lebanon, Iraq, Syria, Yemen, and Iran itself—and how critical sustained and reliable U.S. political and military support are for Israel's ability to successfully manage this increasingly dangerous and complex environment.

Even one of Iran's lesser proxies, Hamas, proved capable of wreaking horrific destruction on the Israeli home front. Ever since October 7, Israel has strained against threats that are proving less deterrable, detectable, and defeatable than any it has faced previously. Constant fire from Hezbollah, the most potent Iranian proxy with a massive rocket and missile arsenal, has stretched Israeli resources and has forced over 60,000 Israelis living near the Lebanese border to evacuate their homes.[19] Houthi rebels in Yemen and Shiite militias in Iraq persist in targeting Israel with long-range missiles and drones.[20] Meanwhile, Iran is becoming a threshold nuclear weapons state, as it deepens its cooperation with Russia and China.[21] These dangerous dynamics culminated with Iran's unprecedented decisions this year to launch a direct and massive aerial attack against Israel on the night of April 13-14 and then again on October 1.[22]

Tehran's willingness to initiate potentially high-casualty attacks, utilizing weapons that it proliferates to Russia and tactics honed by Russian forces in Ukraine, suggests troubling confidence in its own expanding capabilities—be they nuclear, conventional, or its network of terrorist armies—and a growing disdain for the power and resolve of Israel and the United States to counter its relentless drive for regional hegemony.[23]

Since October 7, U.S. support has proven critical to Israel's security and ability to defend itself against these mounting threats, despite Israel's ethos of self-reliance.

First, the immediate, massive, and generally continuous U.S. supply of weapons has helped sustain and replenish Israel's arsenal.[24] As of August 2024, more than 50,000 tons of military equipment had arrived in Israel by plane and sea.[25] Second, the United States helped deter a wider war with Hezbollah and Iran in the immediate aftermath of October 7.[26] Third, U.S. military forces have directly engaged to mitigate some of the threats posed by Iran's proxies, in particular incessant Houthi attacks from Yemen targeting Israel and Red Sea shipping.[27] Fourth, the United States organized a multinational coalition including European and Arab states that provided crucial assistance to help Israel neutralize the April 13-14 Iranian attack.[28] When the threat of large-scale attacks by Iran, Hezbollah, and other proxies arose once more in the aftermath of the late July assassinations of Hezbollah's top military chief in Beirut and the head of Hamas's politburo in Tehran, the U.S. again rapidly dispatched massive firepower to the region, pledging unequivocally to help defend Israel and prevent escalation toward a full-blown regional war. The United States also helped shoot down some of the 180 ballistic missiles Iran fired at Israel on October 1.[29]

These mounting threats, and the multifaceted and comprehensive U.S. role in helping Israel defend against them, heighten the relevance of considering a bilateral defense treaty. Israel's decades-long declarations of "we defend ourselves by ourselves," however sincere and determined, appear far less realistic, at least in the face of a mounting, multi-front Iranian threat that is increasingly backed by a tightening alliance of nuclear powers in China, Russia, and North Korea. Israel simply needs America more than it expected on October 6 of last year.

But if the United States is already doing so much to assist Israel in the current conflict, some might wonder why the need for a formal treaty? We believe that a treaty could significantly enhance several core U.S.-Israel interests, including: helping stabilize the Middle East; bolstering both U.S. and Israeli military capabilities; better aligning the two partners' global priorities; further incentivizing Israeli-Saudi normalization and laying the building blocks of a new regional security alliance; and insulating the U.S.-Israel strategic partnership from the increasingly fickle nature of America's domestic politics.

A. Strengthen Shared Deterrence and Stabilize the Middle East

The need to deter Iran-led threats has only grown more pressing since last October 7 for both Israel and the United States. Iran thinks that its strategy to destroy Israel through a relentless and grinding war of attrition and terror on multiple fronts is gaining momentum, in no small part due to the growing amount of strategic daylight and discord Tehran and its proxies perceive between Washington and Jerusalem. These malign actors are more likely to exercise caution and avoid further escalation the more they believe the United States will support Israel whenever attacked, a belief that a mutual defense treaty can help imbue. While no guarantee, the existence of a U.S.-Israel MDT can help minimize the risk that adversaries will dangerously miscalculate and overreach by misreading the unwavering nature of U.S. support for Israel.

Hamas's decision to launch its devastating offensive, and its expectations of triggering a larger war, were likely fueled by perceptions of such U.S.-Israel daylight in the months preceding October 7—and of Israel's distraction, weakness, and isolation due to its own domestic political upheaval. In the nine-month runup to the attack, the Biden administration's persistent public criticism of the Israeli government's proposed judicial reforms and its pointed refusal to invite newly returned Prime Minister Netanyahu to Washington undoubtedly contributed to the widespread perception across Iran's axis of resistance—underscored publicly and repeatedly by Supreme Leader Ali Khamenei—that Israel was in the process of being fatally weakened, including losing support from its most important international partner.[30] In fact, during this time senior Israeli defense officials shared with JINSA their concerns over this intensifying Iranian (mis)perception, with one senior Israeli general calling it "dangerous."

President Biden's snap decisions immediately after October 7 to amass two carrier strike groups in the Eastern Mediterranean underlined the high risks associated with Iran's uncertainty over the extent of American support should Israel come under a large-scale attack.[31] This was anything but a story foretold. In fact, the extraordinary level of U.S. assistance to Israel in the immediate aftermath of October 7 came as a surprise to Iran, its proxies, and even to U.S. partners—and thus the advance deterrent value was largely non-existent.

Furthermore, since none of these American efforts were anchored to a formal U.S. commitment, their benefits are slowly but surely being tested, and in many cases eroded, by revamped Iran-led aggression. Likewise, Tehran's audacious direct attack on Israel in April with hundreds of missiles and drones, and the extraordinary combined

efforts to defeat it, further highlighted the shared U.S.-Israeli deterrence deficit against Iran's evolving and expanding capacity for massive and regionwide escalation.

We do not claim that an MDT would have prevented October 7. Nor would Hamas's attack on its own have triggered JINSA's proposed treaty. Yet a formal alliance would almost certainly have helped reduce the risks of Iran and Hezbollah launching a broader regional conflict in the aftermath of October 7—including on April 13-14—knowing that the United States had a formal commitment to act should Israel come under serious threat. In short, an MDT would remove any doubt in Tehran's eyes about where Washington stood with regard to any effort by Iran and its proxies to make good on their very real belief that Israel's days are numbered and its survival is in play. JINSA's proposed MDT would further concretize this message by providing for the guaranteed prepositioning and resupply of U.S. defense materiel to Israel both before and during any conflict.

If anything, the important role that repeated surges of U.S. forces to the region to help defend Israel have played since October 7 in deterring and defeating Iranian-led threats, and Israel's eagerness to invite and welcome such U.S. assistance, raises the question of whether the threshold articulated in JINSA's draft treaty for U.S. intervention—only those threats that rise to the level of "existential"—is itself drawn too high. Are there scenarios that have arisen since October 7 that, while perhaps not putting at risk Israel's actual survival, would potentially wreak such a level of damage and destruction as to also justify putting U.S. troops into harm's way to deter and defeat them? Certainly, the persistent risk since October 7 that Iran would lead its entire axis in a coordinated all-out multi-front attack that might overwhelm Israel's defenses has been one such scenario motivating the actions of the Biden administration. While JINSA does not resolve the question in this paper of whether the triggers for U.S. intervention identified in our draft treaty need to be slightly expanded in light of recent events, we recognize it as an important issue worthy of discussion.

October 7 and its aftermath have also pulled Israeli and U.S. resources and focus away from Iran's continued progress toward the nuclear weapons threshold.[32] If Tehran attempts to cross this threshold, an MDT would likely mitigate the severity of Iran's retaliation by putting it on notice that it faced much higher odds of triggering a direct confrontation with Washington. And if Iran achieves nuclear weapons capability, a treaty alliance would add a layer of deterrence against the radical Tehran regime utilizing its new nuclear capability to advance its goals to drive the United States out of the Middle East, destroy the Jewish state, and subjugate America's Arab partners.

Recent events also demonstrate the increasingly global interplay of U.S. policy in the Middle East. China sees any waning U.S. resolve against Iran as a green light to dial up its own provocations in the Taiwan Strait and South China Sea, just as Moscow is tightening strategic coordination with Tehran, Beijing, and Pyongyang.[33] Since allies and adversaries worldwide gauge the reliability of American guarantees based partly on how it treats its closest, most militarily capable and active partners like Israel, an MDT would shore up fraying U.S. deterrence not only against Iran but also more generally—a salutary inversion of the process whereby Washington's past failures to uphold guarantees in the Middle East directly undermined its security pledges elsewhere.

Concomitantly, an MDT would advance U.S. security interests by reducing the risks to the United States of more Middle East conflict and escalation that would distract further from other priorities. The ongoing regional crisis already shows America's adversaries working more closely with one another than ever before, most notably Russian-Iranian defense cooperation, and seizing opportunities for aggression created by the strategic strains this imposes on the United States. By reducing the risks of war, an MDT would lessen these burdens and dilemmas, thus softening the zero-sum tradeoffs facing American leaders as they try to uphold stability and defense commitments in Europe, the Middle East, and Indo-Pacific simultaneously.[34]

An alliance with Israel could be expected to require less of the United States than existing MDTs. Israel already is among America's most capable and reliable security partners. It devotes a higher (and rising) share of gross national product to defense than any other democracy, and it is uniquely committed to defending itself by itself. Thus, unlike some of its existing alliances, the United States would not be expected to provide, nor would Israel accept, permanently stationed American forces to serve as a tripwire or second line of defense on Israeli soil. Moreover, JINSA's proposed U.S.-Israel MDT has a much higher threshold—it is triggered only if Israel's very existence is threatened, while MDTs with all other U.S. treaty partners are sparked by a simple "attack."[35]

B. Enhance American and Israeli Capabilities

Events surrounding October 7 have made painfully clear that reliable and sustained U.S. military resupply can help ensure Israel's operational capacity to defend itself—and U.S. interests—against the growing demands and challenges posed by Iran and its proxies. Already evident before Hamas's surprise attack, this issue has become even more pressing in light of the IDF's unprecedented need for precision-guided munitions (PGM) and every other category of weaponry in its Gaza campaign, and its much greater demands still in campaigns against Lebanese Hezbollah.[36] JINSA's draft MDT would help

ensure regular supply of weapons to Israel, both by stipulating the prepositioning of advanced weapons in the U.S. armory in Israel—which the Pentagon calls WRSA-I—and investing in joint research and development (R&D) and production of critical defense technologies, including within Israel. This known access to critical ammunition and weaponry is vital for Israeli planning, and enhances its threats to Iran, Hezbollah, and other proxies. Storing American weapons in WRSA-I keeps them in U.S. possession for U.S. use, but allows them to be transferred easily to Israel, with American approval, in time of need.[37] JINSA has long advocated for this, and it has become even more natural to do so since the United States moved Israel into CENTCOM's area of responsibility in 2021.[38]

Israel's heightened need for munitions compounds the strategic and operational risks of U.S. supply disruptions due to materiel shortfalls, diplomatic pressure from the Executive Branch, or congressional deadlock and dysfunction. In turn, this reinforces the importance of provisions spelled out in JINSA's proposed September 2023 treaty to surmount such hurdles.[39] There is even greater need now to ensure ample and reliable U.S. arms transfers by maintaining Israel's qualitative military edge (QME) over growing Iran-led threats, and by fulfilling WRSA-I's explicit purpose to support both countries' deterrence and readiness for major unforeseen Middle East crises. And though it would not be spelled out point-by-point in a treaty, a U.S.-Israel MDT should establish a formal framework, similar to certain existing U.S. alliances, with standard operating procedures agreed in advance to ensure adequate stockpiles in Israel and expedited emergency resupply.

An MDT also would address the patent inability of Israel and the United States to equip their forces for the cost-imposing conflicts Iran and its proxies, backed by global powers in Moscow and Beijing, are now waging at high intensity on multiple fronts and theaters. Neither America's nor Israel's defense-industrial bases (DIB), singly or jointly, can meet the severe logistical demands of countering mass projectiles barrages affordably, at scale, and without prejudicing readiness for other major contingency operations.[40] These problems are exacerbated by the competing strains on U.S. weapons bottlenecks from Ukraine's similarly insatiable hunger for U.S.-made munitions.[41]

For all these reasons, JINSA's MDT stipulates a new, 25-year bilateral memorandum of understanding (MOU) that would refocus long-term bilateral defense cooperation on joint R&D for new military technologies, information-sharing, and more formally coordinated supply chains for everything from raw materials to key systems and platforms—in many ways similar to ongoing U.S. integration efforts with Australia and Britain (AUKUS), as well as with Japan, to meet large-scale challenges from China.[42]

More concerted, synchronous, and predictable cooperation here would help address glaring shortcomings in each country's DIB, and would expedite development and procurement of directed energy, unmanned platforms, hypersonics, artificial intelligence (AI), space sensors, cyber operations and electronic warfare (EW), and other next-generation capabilities for both countries.

C. Align U.S.-Israeli Policy on Global Priorities

Increasingly overt, aggressive, and effective strategic cooperation between Tehran, Moscow, Beijing, and Pyongyang since October 7 demonstrates the need to better align U.S. and Israeli policies against these overlapping challenges. Israel is viscerally tied to the United States and the West, but tension in the U.S.-Israeli relationship often resulted from the two partners not always seeing eye-to-eye on China or Russia.[43] The formal structures, continual consultations, and tighter security relationship resulting from an MDT would help harmonize U.S. and Israeli national security policies regionally and globally. To this end, JINSA's draft treaty contains language to promote deeper intelligence and technological cooperation, and to develop a common approach on vital security issues like dual-use goods, sensitive technology trade and investment, and dangerous reliance on Chinese-controlled resources and technologies. These provisions are central to confronting the strategic challenges that will determine U.S. and Israeli security and prosperity throughout the 21st century.

As is already the case with Japan, South Korea, and Australia, among others, an MDT also would give Israel greater diplomatic and strategic flexibility to support U.S. policies outside the region, such as aiding Ukraine, because of its official status as an American treaty ally. And while not entailing any formal commitment to do so, an MDT could make Israel more likely to consult or inform the United States in advance of major military action to defend itself against a dire strategic threat that could put U.S. military assets at risk, and vice versa.

D. Build a New U.S. Regional Security Architecture

Since October 7, the logic of a U.S.-Israel MDT is even more essential to the Biden administration's pursuit of landmark agreements to normalize Israel-Saudi relations and provide U.S. security guarantees to the kingdom.[44] The establishment of diplomatic relations between the Jewish state and Islam's Custodian of the Two Holy Mosques would strike a mortal blow against the ideological heart of Iran's axis. Derailing progress toward such a deal was a growing fixation for Tehran and its proxies before October 7 and very likely played into the timing and motivation for Hamas's attack. Proving that Iran is unable to dictate regional dynamics is strategic impetus enough to conclude

Israeli-Saudi normalization. But the benefits of such a deal do not end with merely vexing Tehran.

On top of the Abraham Accords and Israel's move to CENTCOM, signaling continued U.S. regional commitment through an MDT with Israel could encourage greater U.S.-led regional security cooperation on air and missile defense, maritime security, cyber operations, EW, and other evolving challenges. Transforming bilateral regional partnerships into a multilateral regional architecture, however slowly, would provide the basis for more effective efforts to counter Iranian aggression as well as Tehran's overt and tangible coordination with Russia, China, and North Korea. Such advances also would mitigate the tendency among America's Arab partners to hedge toward Beijing, Moscow, and Tehran in the absence of clear indications of future U.S. intent toward the Middle East. An American security commitment to Saudi Arabia would be important and welcome in this strategic context, but would also make the absence of a U.S. MDT with its most powerful, reliable, and democratic regional partner even more glaring and perplexing.

E. Insulate U.S.-Israeli Relations from Politics

Strong and unequivocal American support for Israel in the immediate aftermath of the October 7 attack might seem to obviate the need for an MDT, but that initial surge of backing, and its subsequent waning, only serve to highlight the need for such a treaty.

President Biden's decisions to publicly and concretely support Israel right after October 7 surprised Israel's foes, and even many Israelis and Americans, including those who served in the Biden administration.[45] Had there been an existing U.S.-Israel mutual defense treaty in place, such assistance would have been anticipated, not astonishing, immediately lessening the risk of an Israel-Hezbollah and regional war.

Meanwhile, American support has declined from its high point in the war's initial months, aggravating pre-existing concerns that U.S. support for Israel is increasingly conditional and inconsistent.[46] In the face of strong pushback against President Biden's support for Israel, especially from within his own administration and party, the Biden administration pivoted to a far more critical posture against Israel and its war effort, and even held up delivery of some critical weapons to Israel.[47] Congressional foot-dragging, meanwhile, resulted in a six-month delay in passage of the $16 billion supplemental aid package that President Biden requested for Israel.[48]

Such uncertainty and delays will likely only grow over time due to rising isolationism in the wings of both parties in general,[49] and evermore strident opposition to the U.S.-

Israel partnership—and even to the Jewish state itself—in parts of the Democratic base in particular.[50] Events in the Middle East since October 7 also highlight the importance of reliable U.S. support in bolstering shared deterrence and eliminating dangerous strategic daylight in the bilateral relationship. Locking in institutional U.S. support for Israel now via a mutual defense treaty could well constrain less pro-Israel, or more isolationist, tendencies of a future president and ensure sufficient support for Israel in its time in need, including from the key national security bureaucracies. This stability and predictability would be undergirded over the long term by JINSA's proposed shift from a 10- to 25-year MOU on bilateral defense cooperation.

Cold War-era pacts made the decades-long continuity of U.S. commitment to its allies both credible and predictable—regardless of changing politics and policies in Washington and foreign capitals. A treaty alliance with Israel, enshrined by the Senate with broad support from both parties, would do much the same: strengthening and stabilizing one of America's top security partnerships against domestic efforts to abruptly and arbitrarily condition or downgrade it.

IV. U.S.-Israel MDT Tenets and Specifics

JINSA's proposed treaty (see Appendix) would consolidate and expand Israel's capabilities to defend itself by itself in all but the most extreme circumstances, while adding a critical layer of deterrence against any enemy that seeks to destroy it.[51] The treaty's specifics derive largely, but not exclusively, from existing U.S. MDTs, and they are informed entirely by considerations preceding October 7. Like all existing U.S. treaty alliances, JINSA's proposed pact commits the signatories only to confer when one another's security is threatened or comes under attack in the circumstances specified by the treaty.

While some skeptics might minimize the value of the commitment to consultations in a MDT, the reality is that such commitments have proven very effective. Seven-plus decades of the United States and its treaty allies pursuing independent national security policies, often over each other's objections, provide ample evidence for how MDTs avoid infringing their members' strategic freedom of action. Yet, despite the fact that no existing MDT requires any specific response beyond immediate consultation, the reality is that no U.S. treaty ally has been attacked. The fact that Finland and Sweden dispensed with their historic reluctance to join NATO and eagerly sought the alliance's security

following Russia's 2022 invasion of Ukraine speaks volumes in regard to the enormous value proposition that MDTs still have in the eyes of U.S. partners.[52]

Still, some might argue that for Israel, which has had such a close relationship with the United States, codification of "consultations" would mark a step down in bilateral ties. But there is nothing in a treaty that requires that allies stop at just having consultations and doing nothing else. Indeed, the purpose of an MDT is to create a presumption of allied reaction if a treaty member is attacked. On the other hand, there is nothing in the current U.S.-Israel relationship, as strong as it has been, that requires that Washington continue standing by the Jewish state. If anything, the not unfounded presumption of U.S. Middle Eastern partners and adversaries alike is that the United States is increasingly less disposed to taking action in the region and increasingly at odds with Israel. Unlike an MDT, the status quo actually risks creating a presumption of U.S. inaction on Israel's behalf. Against this backdrop, even just the consultation requirement of an MDT would be a positive development.

Despite an MDT's presumption in favor of action, JINSA's proposed mutual defense treaty would not require U.S. involvement, or even consultation, in the vast majority of security threats facing Israel. Our draft MDT is intentionally designed to activate only under a very limited set of exceptional circumstances, specifically:

1) The use, or threat of use, of weapons of mass destruction against territory controlled by Israel;
2) The use, or threat of use, of weapons of mass destruction against U.S. forces based in Middle Eastern countries that share diplomatic ties with Israel; or
3) A major armed attack on territory controlled by Israel by a regional or global power that poses an existential threat to Israel.

This is a very high threshold compared to other U.S. mutual defense treaties, each of which can be triggered simply by an "armed attack." However, Israel, unlike Germany or Italy, is frequently attacked, often by Iran and/or its proxies, compelling it to respond. None of those conflicts would activate our proposed U.S.-Israel treaty, nor would Israel want it to, given its deep-seated ethos of self-reliance.

The second condition of activation of the treaty, the use or threat of use of weapons of mass destruction (WMD) against U.S. bases in regional countries friendly to Israel, adds an important element of mutuality to the treaty without committing Israel to act in far-flung countries where its interests are not implicated. In this way JINSA's proposed pact resembles the 1960 U.S.-Japan treaty's strictly bounded geographical scope, explicitly limiting itself to threats facing both countries in the Middle East.[53]

Reflecting Israel's emergence as the Middle East's preeminent military, technological, and economic power, JINSA's proposed MDT also would solidify and expand core elements of existing, mutually-beneficial bilateral security cooperation. To ensure Israel's ability to address the vast majority of threats without the need for direct U.S. assistance, our proposed MDT would recommit America to maintaining Israel's QME over current and potential future regional threats, as required under U.S. law, by providing for the immediate and consistent supply of needed U.S. materiel to Israel—including via WRSA-I.[54] To ensure that both countries are reaping the full benefits of their world-leading defense and innovation bases, it also would replace the standard practice of a ten-year bilateral MOU, which provides Israel with Foreign Military Financing (FMF) to buy mostly American weapons, with a new 25-year MOU focused on joint R&D to innovate the next generation of military technologies for both countries, and to streamline defense-related trade and cooperation.

JINSA's draft MDT also contains language that would commit both countries to deepening intelligence and technological cooperation while developing a common approach to dual-use goods and sensitive technology trade and investment.

Appendix: Proposed Text of U.S.-Israel MDT

The High Contracting Parties to this Treaty ("the Parties") reaffirm their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law. They seek to promote stability and well-being in the Middle East region, which is vital to the security of the world and the high national interests of the Parties. They desire to promote conditions of security and well-being in their countries, including through closer economic, technological, and intelligence cooperation between them.

The High Contracting Parties to this Treaty are resolved to unite their efforts for collective defense and for the preservation of peace and security. They declare publicly and formally their common determination to defend themselves against exceptional armed attack on either or both Parties, so that no potential aggressor could be under the illusion that either Party stands alone in the Middle East region. They therefore agree to this Mutual Defense and Security Treaty Against Existential Threats Between the United States of America and the State of Israel, independently of any diplomatic and political issues between either Party and a Third Party.

For the purposes of this Treaty, "Qualitative Military Edge" shall be understood, as defined in U.S. Public Law 100-429 §201(d)(2) of October 15, 2008, as Israel's ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.

To enhance Israel's Qualitative Military Edge, and ensure that Israel has the means to defend itself by itself, the Parties agree to conclude a 25-year Memorandum of Understanding to strengthen joint defense capabilities and more consistent joint defense cooperation, including through information and technology sharing and research and development, in order to ensure their shared leadership in critical, defense, and emerging technologies and any other capability upon which the Parties agree.

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article II

The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Each Party undertakes to help ensure that the other has the means to defend itself by itself against all known threats in the Middle East, and the United States considers Israel's capacity for self-reliance to be an anchor of stability in the Middle East. As a critical component of the right of each Party to self-defense, the Parties underscore their joint commitment to combatting the proliferation of weapons of mass destruction. The United States acknowledges that Israel's ability to defend itself by itself depends upon the maintenance of secure and defensible borders as well as its Qualitative Military Edge that enables it to counter and defeat possible military threats while sustaining a viable society and economy. Toward that end, and to the benefit of both parties, the United States will ensure that the War Reserve Stockpile for Allies-Israel ("WRSA-I"), consistent with its stated mission and purpose under U.S. law, will, as rapidly as possible, and thereafter, maintain at all times adequate supplies of advanced munitions and other weaponry necessary to ensure Israel's ability to defend itself by itself during emergencies such as wartime.

Article III

It shall be the policy of both Parties, to the maximum extent practicable, to share on an urgent basis intelligence that threatens the security of the other Party.

Article IV

Each Party affirms it does not seek the intervention of the other Party in all possible conflicts, but only when Exceptional Circumstances arise. Exceptional Circumstances are deemed to include:

1) The use, or threat of use, of weapons of mass destruction against territory controlled by Israel;

2) The use, or threat of use, of weapons of mass destruction against U.S. forces based in Middle Eastern countries that share diplomatic ties with Israel; or

3) A major armed attack on territory controlled by Israel by a regional or global power that poses an existential threat to Israel.

In such Exceptional Circumstances, each Party affirms it will make every possible effort to provide necessary military and other means of support to ensure the other Party's security, and will look favorably upon the other Party's requests for such assistance.

The Parties will consult together on an urgent basis whenever, in the opinion of either or both of them, any of these Exceptional Circumstances are deemed to obtain.

Article V

The Parties agree that in the event of any Exceptional Circumstance(s) defined in Article IV, the threat or attack shall be considered a threat or attack against both Parties to this Treaty. In such Exceptional Circumstances, the Contracting Party will assist the Party so attacked by taking whatever action it deems necessary to exercise its inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations. On the request of the Party threatened or directly attacked, the Contracting Party may determine the immediate measures which it may take individually in fulfillment of the obligations contained in this Treaty, including the use of armed force, in accordance with its constitutional provisions and processes.

Article VI

Each Party declares that none of the international engagements now in force between it and any Third Party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international agreement in conflict with this Treaty.

Article VII

Nothing in this agreement shall limit in any way the freedom of either Party to take such actions as it deems necessary to exercise in any way its inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

Article VIII

The Parties will contribute toward the further development of peaceful and friendly international relations, and toward maintaining and developing their individual and

collective capacity to resist attack, by encouraging economic and technological cooperation between them.

Article IX

The Parties commit, separately and jointly, to protect against the acquisition by strategic competitors of any capabilities, technologies, and information that could threaten the security of either Party, and they commit to deepen their consultation and cooperation in addressing military, intelligence, political, economic, and technological threats from strategic competitors and adversaries of each Party.

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