

Representative Rashida Tlaib Tests Her Boundaries

by *Jacqueline Carroll and Cathy E. Horwitz*

In a video interview for DemocracyNow.org, made on January 19, 2021, Congresswoman Rashida Tlaib specifically called Israel a “racist” and “apartheid” state. Her comments were based on a false legal premise and violate the International Holocaust Remembrance Alliance’s (“IHRA”) working definition of anti-Semitism. Was she testing that definition? Whether she was or was not, it is our duty to speak up against her comments—NOW. Rep. Tlaib stated:

I mean, I think it’s really important to understand **Israel is a racist state** and that they would deny Palestinians, like my grandmother, access to a vaccine, **that they don’t believe that she’s an equal human being that deserves to live**, deserves to be able to be protected by this global pandemic. And it’s really hard to watch as this apartheid state continues to deny their own neighbors, the people that breathe the same air they breathe, that live in the same communities. You could put a settlement wherever you want, but on the other side of that wall is a farm community, a village, where my grandmother lives, and many of our, you know, various family members and others that I know are trying, again, to live a good life, a free life, free from these oppressive policies, **these racist policies, that deny them access to public health**, deny them access to freedom of travel, deny them access to economic opportunities.

It is so critically important that we call it out. Our country continues to enable that country and enable Netanyahu, who continues to spew anti-Arab rhetoric that allows violence towards Palestinians to continue in a way that is so inhumane and doesn’t follow international human rights. And so, I think it’s very important. If anything, I hope my colleagues, I hope our country, sees what the Palestinians have been trying to tell us for a very long time, that **Israel has no intention of ever being caring** or allow equality or freedom for them as their neighbors.

And you can see it with the distribution of vaccine. You also saw it with the testing and tracing. My family told me they didn’t have access to testing. They would get some side effects, and they would use the small little house that they had and quarantine the family member. They had no access at all for any preventive measures, any medication. And again, that continues on. And we allow, again, enabling Israel to continue to do that. **They have the power to distribute that vaccine** to the Palestinian people, their own neighbors, again, feet away from where they live, many of which, again, could expose them and their family. And it doesn’t — if anything, it just reiterates what the Palestinian people and even human rights groups have been telling us, is **that this is an apartheid state.**¹ **[Emphasis added]**.

There are several problems with this statement. First and foremost, Israel is not responsible for Rep. Tlaib’s grandmother’s health care because she lives in the village of Beit Ur al-Fauqa, a village located in Ramallah and al-Bireh Governate in the northern West Bank.^{2,3}

Ramallah currently serves as the de facto administrative capital of the Palestinian National Authority (“PA”).⁴ Pursuant to international law, Israel is *not* responsible for the health care of Palestinians living in Beit Ur al-Fauqa or any other Palestinian village located within the PA. Specifically, paragraph 2 of Article VI of the Oslo I Accord, officially called the “Declaration of Principles on Interim Self-Government Arrangements,” provides “authority will be transferred to the Palestinians in the following spheres: education and culture, **health**, social welfare, direct taxation and tourism.”⁵ **[Emphasis added]**. The Oslo I Accord was agreed to and signed by Israel, the Palestinian Liberation Organization (“PLO”), the United States of America and the Russian Federation on September 13, 1993.⁶ The responsibility of the Palestinians for their own health care was reiterated in the Oslo II Accord signed and agreed to by the United States of America, the Russian Federation, Israel and the PLO on September 28, 1995.⁷ The Palestinian responsibility for vaccinating its population was specifically mentioned. Both Israel and the Palestinians are responsible to “exchange information regarding epidemics and contagious diseases” and to “cooperate in combatting them...”⁸ Since that date, no subsequent agreements have altered the PA’s responsibility for the health of its populace. Therefore, if in fact Rep. Tlaib’s grandmother has been denied access to public health services including testing, vaccines or other preventative measures and medications, the fault lies squarely with the PA and not with Israel.

Israel has provided equal access to vaccinations to all of its citizens and residents including Palestinians with residence status.⁹ Additionally, in accordance with its obligation under the Oslo II Accord and with regard to COVID-19 specifically, Israel transferred professional Arabic language materials to the Palestinian government, trained Palestinian medical teams, laboratory technicians and hospital staff, donated thousands of test kits and supplies and facilitated donations from others to the Palestinians.¹⁰ Prior to May 2020, the coordination between Israel and the PA regarding the pandemic was considered “excellent.”¹¹ However, the PA decided to sever that coordination in May of 2020. The United Nations Office for the Coordination of Humanitarian Affairs noted “[t]he PA’s cutting of ties with Israel further impacted Palestinians seeking medical care in Israeli hospitals for treatment not available in PA areas, who already had been harmed by the PA’s March 2019 decision to cease medical referrals to Israeli hospitals.”¹² The PA also refused to accept delivery of medical supplies from the United Arab Emirates “because it was coordinated between Israel and them [the UAE].”¹³ It has even been reported some Palestinian officials stated the PA denied delivery of vaccines that were offered to them by Israeli NGOs.¹⁴

Well prior to Rep. Tlaib’s interview, the Palestinian government had already announced its own plans to acquire vaccines for its people, without cooperation or help from Israel.¹⁵ On December 12, 2020, the PA announced it expected to receive four million vaccines from Russia by early January.¹⁶ On or about January 9, 2021, the PA announced it had reached agreements with four companies to provide COVID-19 vaccines.¹⁷ On the very day of her interview, it was reported the PA would receive its first shipment of the Russian Sputnik COVID-19 vaccine within the week.¹⁸ Even though the PA’s efforts to obtain vaccines has not been as effective as they may have hoped, that is certainly not Israel’s fault. More importantly, it is not evidence that Israel is a racist or apartheid state.

As both a member of the United States House of Representatives and presumably as a caring and concerned granddaughter, Rep. Tlaib should have been well aware of the above facts prior to her interview on January 19, 2021. So, it is relevant to ask, why would she have said what she said? Why would she have made such hateful, misleading and downright false statements? She had to have known when she used the terms “racist” and “apartheid” to describe the State of Israel, her incendiary words were false and anti-Semitic pursuant to IHRA’s working definition.¹⁹ Maybe that was part of the point.

The IHRA working definition, along with its guideline and eleven examples of anti-Semitism, was adopted by thirty-one member states of the International Holocaust Remembrance Alliance at its plenary in Bucharest on May 26, 2016.²⁰ The United States was one of the members who adopted this non-binding working definition. President Trump adopted it in an Executive Order to use when evaluating claims of anti-Semitic discrimination under Title VI.²¹ Nonetheless, there are those who are opposed to this working definition.²² They fear its adoption will have a chilling effect on political speech, especially political speech critical of Israel. However, the definition specifically exempts “criticism of Israel similar to that leveled against any other country.”²³ Only when the speech targets Israel “as a Jewish collectivity” or denies to Jews “their right to self-determination, e.g., by claiming that the existence of a state of Israel is a racist endeavor,” would such “political” speech be considered anti-Semitic.²⁴ The definition states, in relevant part, “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews, frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for ‘why things go wrong,’” and “employs sinister stereotypes and negative character traits.” Based on the above, Rep. Tlaib’s statement falls well within this general definition. Rep. Tlaib used the terms “racist” and “apartheid” to describe the State of Israel three times in her statement. She also blamed Israel collectively, frequently using the word “they” when referring to Israel, for the problems the PA is having in vaccinating its populace. Rep Tlaib stated “they” do not care whether people like her grandmother live and “they” deny her grandmother access to vaccines. Her comment “they have the power to distribute that vaccine” also violates the following example provided by the definition: “[m]aking mendacious, dehumanizing, demonizing, or stereotypical allegations about ... the power of Jews as a collective.”

Unfortunately, this is not the first time Rep. Tlaib has said such things. She has a long history of making such anti-Israel and anti-Semitic statements and actions. Here are just a few examples of her statements and actions, considered anti-Semitic under the IHRA working definition:

- She tweeted that the creation of the State of Israel was “the ethnic cleansing of indigenous Palestine.”²⁵
- She is known to be a supporter of the Boycott, Divestment and Sanctions Movement (“BDS”). It is most critical to recognize the goal of BDS is the elimination of the State of Israel as a Jewish state.²⁶
- She lent her support to an effort by faculty at Pitzer College in California to suspend its study abroad program at the University of Haifa,²⁷ thus boycotting an Israeli academic institution.

- She participated in a panel titled “Dismantling anti-Semitism, Winning Justice.” Every member of the panel supported the BDS movement and one had even called for “a free Palestine from the river to the sea.”²⁸
- After it became public President Biden was going to nominate Anthony Blinken, a Jewish American, for Secretary of State, Rep. Tlaib tweeted, in part, “[s]o long as he doesn’t suppress my First Amendment right to speak out against Netanyahu’s racist and inhumane policies.”²⁹

Given what we know of Rep. Tlaib’s opposition to the existence of the State of Israel, could it be her statements are expressly made to challenge the IHRA definition? It seems as if she is attempting to test the boundaries of the definition to determine to what degree she can continue to engage in hate speech without being held accountable. Of course, if she is called on it, we might expect her to double down on her comments by claiming the IHRA definition, for all its specificity, is in fact promoted by those who want to keep Palestinians oppressed and to suppress political speech. This could devolve into a public controversy which many might prefer to avoid. However, if we fail to engage in this battle now, demanding anti-Semitism like this is not accepted and normalized, we will end up facing a more dangerous situation further down the road. We cannot allow anti-Semitism to become politically correct again. We must send a message anti-Semitic speech and actions, whether aimed against Jews as individuals or as a group, or against the State of Israel as a nation, must not be tolerated. We must demand our representatives in Congress move to censure Rep. Tlaib. She is testing and crossing boundaries. We must emphatically tell her “NO.”

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¹ See full transcript provided on the Democracy Now website at

http://www.democracynow.org/2021/1/19/rashida_tlaib_palestine_Covid_19_pandemic

² https://www.washingtonpost.com/world/meet-rashida-tlaibs-grandma-who-wouldnt-be-proud-of-a-granddaughter-like-that/2019/08/16/f90b055e-bf97-11e9-a8b0-7ed8a0d5dc5d_story.html

³ https://en.wikipedia.org/wiki/Beit_Ur_al-Fauqa

⁴ <https://en.wikipedia.org/wiki/Ramallah>

⁵ https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20PS_930913_DeclarationPrinciplesnterimSelf-Government%28Oslo%20Accords%29.pdf

⁶ Ibid.

⁷ See Protocol Concerning Civil Affairs Annex 3, Article IV, Appendix 1, Article 17, which can be found at <https://www.iewishvirtuallibrary.org/oslo-ii-annex-i-3#app-17>

⁸ Ibid, paragraphs 2 and 6.

⁹ Benari, E. (2021, January 19). PA to receive Russian COVID vaccine on Tuesday. Arutz Sheva7, www.israelnationalnews.com/News/News.aspx/295157

¹⁰ Joffe, T. (2021, January 21), Rashida Tlaib says Israel ‘racist’ denying COVID vaccine to Palestinians, The Jerusalem Post, www.ipost.com/israel-news/rashida-tlaib-says-israel-racist-denying-covid-vaccine-to-palestinians-656202; see also COVID-19 Emergency Situation Report 1, OCHA (March 24, 2020), www.ochaopt.org/content/covid-19-emergency-situation-report-1; see also UN Watch (2021, January 29) Agenda Item 7: Country Claims & UN Watch Responses, pp 43-44, unwatch.org/agenda-Item-7-Country-Claims-and-UN-Watch-Responses.

¹¹ See UN Watch (2021, January 29), COVID-19: UN envoy hails strong Israel-Palestine cooperation, UN News (March 28, 2020),

<https://news.un.org/en/story/2020/03/1060572>

¹² See UN Watch (2021, January 29)

¹³ Ibid, statement made by Palestinian Civil Affairs Minister Hussein al-Sheikh.

¹⁴ Joffe, T. (2021, January 21), Rashida Tlaib says Israel ‘racist’ denying COVID vaccine to Palestinians, The Jerusalem Post, www.ipost.com/israel-news/rashida-tlaib-says-israel-racist-denying-covid-vaccine-to-palestinians-656202

¹⁵ Shindman, P. (2021, January 20), Congresswoman Tlaib: ‘Israel is a racist state’ World Israel News, worldisraelnews.com/congresswoman-tlaib-israel-is-a-racist-state; see also Harris, D. (2021, January 27) Israel and COVID Vaccines: A Reality Check, The Algemeiner, <https://www.algemeiner.com/2021/01/27/israel-and-covid-vaccines-a-reality-check/>

¹⁶ Arutz Sheva Staff (2020, December 13), PA to Receive Russian Coronavirus Vaccine. ArutzSheva7, www.israelnationalnews.com/News/News.aspx/292976; see also Arutz Sheva Staff (2020, December 27), PA to receive first COVID-19 vaccines within two

weeks. Arutz Sheva 7, www.israelnationalnews.com/News/News.aspx/293794 and Benari, E. (2021, January 19), PA to receive Russian COVID vaccine on Tuesday. Arutz Sheva 7, www.israelnationalnews.com/News/News.aspx/295157

¹⁷ Halevy, D. (2021, January 9), Vaccine to arrive in first quarter. Arutz Sheva 7, www.israelnationalnews.com/News/News.aspx/294557

¹⁸ Benari, E. (2021, January 19), PA to receive Russian COVID vaccine on Tuesday. Arutz Sheva 7, www.israelnationalnews.com/News/News.aspx/295157

¹⁹ UN Watch. (2021, January 29), Agenda Item 7: Country Claims & UN Watch Responses, pp 6-10. [Unwatch.org/agenda-item-7-country-claims-and-un-watch-responses](http://unwatch.org/agenda-item-7-country-claims-and-un-watch-responses).

²⁰ See <https://www.state.gov/defining-anti-semitism/>

²¹ <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>

²² For example, see Sharon, J. (2021, January 13), Progressive Jewish groups oppose codification of IHRA antisemitism definition. The Jerusalem Post, <https://www.jpost.com/judaism/progressive-jewish-groups-oppose-codification-of-ihra-antisemitism-definition-655293>

²³ See <https://www.state.gov/defining-anti-semitism/>

²⁴ Ibid.

²⁵ Sull, A. (2020, May 21), Congresswoman Tlaib: Creation of Israel was an 'ethnic cleansing of Palestine.' World Israel News, www.worldisraelnews.com/congresswoman-tlaib-creation-of-israel-was-an-ethnic-cleansing-of-palestine

²⁶ (2020, June 1) BDS cofounder says goal of movement is end of Israel. Jewish News Syndicate, www.ins.org/bds-founder-says-movements-goal-will-lead-to-the-end-of-israel; see also Christians United for Israel at cufi.org/issue/bds-co-founder-says-goal-of-movement-is-end-of-israel/

²⁷ World Israel News Staff (2019, March 14), Rashida Tlaib joins boycott campaign against University of Haifa. World Israel News, www.worldisraelnews.com/rashida-tlaib-joins-boycott-campaign-against-university-of-haifa

²⁸ Ibid.

²⁹ Fishman, S. (2020, November 11), Rashida Tlaib under fire for snark about Biden's pick for secretary of state. Israel HaYom, www.israelhavom.com/2020/11/24/rashida-tlaib-under-fire-for-snark-about-bidens-pick-for-secretary-of-state/