

JERUSALEM

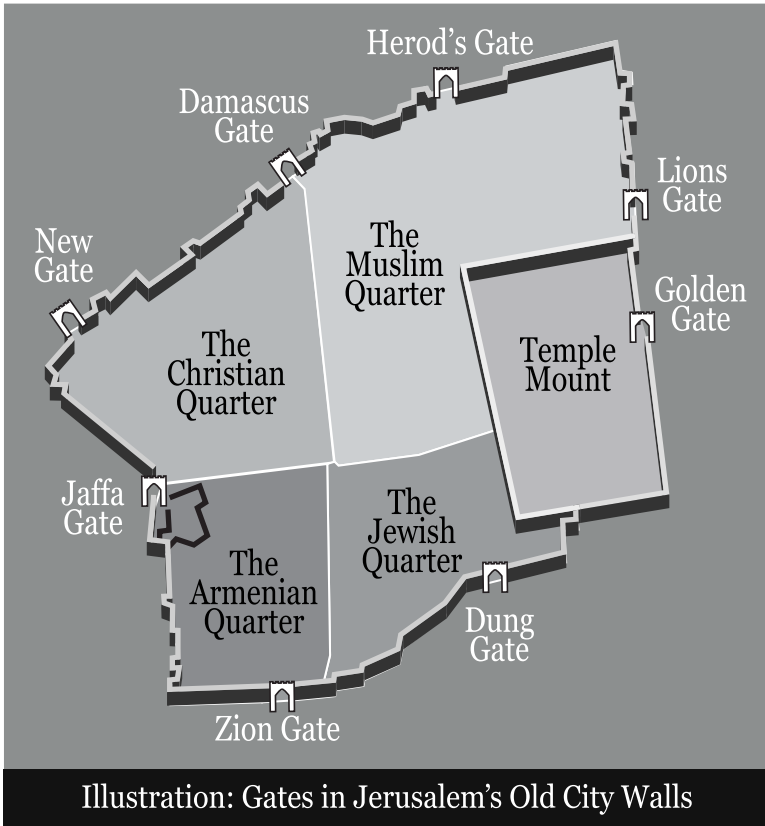
ONE NATION'S CAPITAL THROUGHOUT HISTORY



THE LEGAL ASPECTS OF JEWISH RIGHTS



— ELI E. HERTZ —



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Published by: Myths and Facts, Inc. PO Box 941, Forest Hills, NY 11375

Myths and Facts, Inc. is a tax-exempt organization under section 501(c) (3) of the Internal Revenue Code ("IRC") and all contributions to it are deductible as charitable contributions.

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Library of Congress Control Number: 2011900093

ISBN 10: 0-9741804-4-0

Printed in the United States of America

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All quotes included in this document are taken verbatim from the given source.

THE JEWS IN JERUSALEM

by

Edwin S. Wallace, former U.S. Consul, Constantinople

Published by Cosmopolitan Magazine – 1898



AT THE WALL OF WAILING

Excerpts

“It is hardly exact to call Palestine “the Land,” or Jerusalem “the City, of the Jews” to-day. But Palestine is the land of Judaism and its chief city is beyond doubt the world’s capital of this particular form of religious belief.

“In this City of the Jews, where the Jewish population outnumbers all others three to one, the Jew has few rights that the Mohammedan or average Christian is bound to respect.”



Model of Jerusalem's Second Temple

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Introduction

Jerusalem and the Jewish people are so intertwined that telling the history of one is telling the history of the other. For more than 3,000 years, Jerusalem has played a central role in the history of the Jews, culturally, politically, and spiritually, a role first documented in the Scriptures. All through the 2,000 years of the diaspora, Jews have called Jerusalem their ancestral home. This sharply contrasts the relationship between Jerusalem and those who inflate Islam's links to the city.

The Arab rulers who controlled Jerusalem through the 1950s and 1960s demonstrated no religious tolerance in a city that gave birth to two major Western religions. That changed after the Six-Day War in 1967, when Israel regained control of the whole city. Symbolically, one of Israel's first steps was to officially recognize and respect all religious interests in Jerusalem. But the war for control of Jerusalem and its religious sites continues.

Palestinian Arab terrorism has targeted Jerusalem particularly in an attempt to gain control of the city from Israel. The result is that they have turned Jerusalem, the City of Peace, into a bloody battleground and have thus forfeited their claim to share in the city's destiny.

It is my hope that more people will be motivated to actively engage in the defense of the legal stances of modern Zionism regarding Jerusalem as the eternal capital of the Jewish people. Additionally, I hope that this pamphlet will encourage the reader to study this subject more thoroughly.

Eli E. Hertz

Jerusalem's Jewish Link: Historic, Religious, Political

Jerusalem, wrote historian Martin Gilbert, is not a 'mere' city. "It holds the central spiritual and physical place in the history of the Jews as a people."¹

For more than 3,000 years, the Jewish people have looked to Jerusalem as their spiritual, political, and historical capital, even when they did not physically rule over the city. Throughout its long history, Jerusalem has served, and still serves, as the political capital of only one nation – the one belonging to the Jews. Its prominence in Jewish history began in 1004 BCE, when King David declared the city the capital of the first Jewish kingdom. David's successor and son, King Solomon, built the First Temple there, according to the Bible, as a holy place to worship the Almighty. Unfortunately, history would not be kind to the Jewish people. Four hundred and ten years after King Solomon completed construction of Jerusalem, the Babylonians (early ancestors to today's Iraqis) seized and destroyed the city, forcing the Jews into exile.²

Fifty years later, the Jews, or Israelites as they were called, were permitted to return after Persia (present-day Iran) conquered Babylon. The Jews' first order of business was to reclaim Jerusalem as their capital and rebuild the Holy Temple, recorded in history as the Second Temple.

Jerusalem was more than the Jewish kingdom's political capital – it was a spiritual beacon. During the First and Second Temple periods, Jews throughout the kingdom would travel to Jerusalem three times yearly for the pilgrimages of the Jewish holy days of Sukkot, Passover, and Shavuot, until the Roman Empire destroyed the Second Temple in 70 CE and ended Jewish sovereignty over Jerusalem for nearly 2,000 years. Despite that fate, Jews never relinquished their bond to Jerusalem or, for that matter, to Eretz Yisrael, the Land of Israel.

No matter where Jews lived throughout the world for those two millennia, their thoughts and prayers were directed toward

Jerusalem. Even today, whether in Israel, the United States or elsewhere, Jewish ritual practice, holiday celebration and lifecycle events include recognition of Jerusalem as a core element of the Jewish experience. Consider that:

- Jews in prayer always turn toward Jerusalem.
- Arks (the sacred chests) that hold Torah scrolls in synagogues throughout the world face Jerusalem.³
- Jews end Passover Seders each year with the words: “Next year in Jerusalem.” The same words are pronounced at the end of Yom Kippur, the most solemn day of the Jewish year.
- A three-week moratorium on weddings in the summer recalls the breaching of the walls of Jerusalem by the Babylonian army in 586 BCE. That period culminates in a special day of mourning – Tisha B’Av (the 9th day of the Hebrew month Av) – commemorating the destruction of both the First and Second Temples.
- Jewish wedding ceremonies – joyous occasions – are marked by sorrow over the loss of Jerusalem. The groom recites a biblical verse from the Babylonian Exile: “If I forget thee, O Jerusalem, let my right hand forget her cunning,”⁴ and breaks a glass in commemoration of the destruction of the Temples.

Even body language, often said to tell volumes about a person, reflects the importance of Jerusalem to Jews as a people and, arguably, the lower priority the city holds for Muslims:

- When Jews pray they face Jerusalem; in Jerusalem Israelis pray facing the Temple Mount.
- When Muslims pray, they face Mecca; in Jerusalem Muslims pray with their backs to the city.
- Even at burial, a Muslim face, is turned toward Mecca.

Finally, consider the number of times “Jerusalem” is mentioned in the two religions' holy books:

- The Old Testament mentions “Jerusalem” 349 times. “Zion,” another name for “Jerusalem,” is mentioned 108 times.⁵
- The Quran never mentions Jerusalem – not even once.

Even when others controlled Jerusalem, Jews maintained a physical presence in the city, despite being persecuted and impoverished. Before the advent of modern Zionism in the 1880s, Jews were moved by a form of religious Zionism to live in the Holy Land, settling particularly in four holy cities: Safed, Tiberias, Hebron, and most importantly – Jerusalem. Consequently, Jews constituted a majority of the city’s population for generations. In 1898, “In this City of the Jews, where the Jewish population outnumbers all others three to one ... ” Jews constituted 75 percent⁶ of the Old City population in what the former UN Secretary-General Kofi Annan called “East Jerusalem.” In 1914, when the Ottoman Turks ruled the city, 45,000 Jews made up a majority of the 65,000 residents. And at the time of Israeli statehood in 1948, 100,000 Jews lived in the city, compared to only 65,000 Arabs.⁷ Prior to unification, Jordanian-controlled “East Jerusalem” was a mere 6 square kilometers, compared to 38 square kilometers on the “Jewish side.”

Islam’s Tenuous Connection to Jerusalem

Despite 1,300 years of Muslim Arab rule, Jerusalem was never the capital of an Arab entity. Oddly, the PLO’s National Covenant, written in 1964, never mentioned Jerusalem. Only after Israel regained control of the entire city did the PLO “update” its Covenant to include Jerusalem.

Overall, the role of Jerusalem in Islam is best understood as the outcome of political pressure impacting on religious belief.

Mohammed, who founded Islam in 622 CE, was born and raised in present-day Saudi Arabia; he never set foot in Jerusalem. His connection to the city came years after his death when the

Dome of the Rock shrine and the al-Aqsa mosque were built in 688 and 691, respectively, their construction spurred by political and religious rivalries. In 638 CE, the Caliph (or successor to Mohammed) Omar and his invading armies captured Jerusalem from the Byzantine Empire. One reason they wanted to erect a holy structure in Jerusalem was to proclaim Islam's supremacy over Christianity and its most important shrine, the Church of the Holy Sepulcher.⁸

More important was the power struggle within Islam itself. The Damascus-based Umayyad Caliphs who controlled Jerusalem wanted to establish an alternative holy site if their rivals blocked access to Mecca. That was important because the Hajj or pilgrimage to Mecca was (and remains today) one of the Five Pillars of Islam. As a result, they built what became known as the Dome of the Rock shrine and the adjacent mosque.⁹

To enhance the prestige of the "substitute Mecca," the Jerusalem mosque was named "al-Aqsa." It means "the furthest mosque" in Arabic, but has far broader implications, since it is the same phrase used in a key passage of the Quran called "The Night Journey." In that passage, Mohammed arrives at "al-Aqsa" on a winged steed accompanied by the Archangel Gabriel; from there they ascend into heaven for a divine meeting with Allah, after which Mohammed returns to Mecca. Naming the Jerusalem mosque "al-Aqsa" was an attempt to say the Dome of the Rock was the very spot from which Mohammed ascended to heaven, thus tying Jerusalem to divine revelation in Islamic belief. The problem however is, that Mohammed died in the year 632, nearly 50 years before the first construction of the "al-Aqsa" Mosque was completed.

Jerusalem never replaced the importance of Mecca in the Islamic world. When the Umayyad dynasty fell in 750, Jerusalem also fell into near obscurity for 350 years, until the Crusades. During those centuries, many Islamic sites in Jerusalem fell into disrepair and in 1016 the Dome of the Rock collapsed.¹⁰

Still, for 1,300 years, various Islamic dynasties (Syrian, Egyptian, and Turkish) continued to govern Jerusalem as part of their overall control of the Land of Israel, disrupted only by the Crusaders. What is amazing is that over that period, not one Islamic dynasty ever made Jerusalem its capital.¹¹ By the 19th century, Jerusalem had been so neglected by Islamic rulers that several prominent Western writers who visited Jerusalem were moved to write about it. French writer Gustav Flaubert, for example, found “ruins everywhere” during his visit in 1850 when it was part of the Turkish Empire (1516-1917). Seventeen years later Mark Twain wrote that Jerusalem had “become a pauper village.”¹²

Indeed, Jerusalem’s importance in the Islamic world only appears evident when non-Muslims (including the Crusaders, the British, and the Jews) control or capture the city.¹³ Only at those points in history did Islamic leaders claim Jerusalem as their third most holy city after Mecca and Medina.¹⁴ That was again the case in 1967, when Israel captured Jordanian-controlled East Jerusalem (and the Old City) during the 1967 Six-Day War.

Jordan’s Shameful Record

As recently as the mid-20th century, when Arabs last controlled parts of Jerusalem, they exhibited no respect for the Holy City.

In 1948, when Jordan took control of the eastern part of Jerusalem, including the Old City, it divided the city for the first time in its 3,000-year history. Under the 1949 armistice agreement with Israel, Jordan pledged to allow free access to all holy places but failed to honor that commitment. From 1948 until the Six-Day War in 1967, the part of Jerusalem controlled by the Jordanians, again became an isolated and underdeveloped provincial town, with its religious sites the target of religious intolerance.

The Old City was rendered void of Jews. Jewish sites such as the Mount of Olives were desecrated. Jordan destroyed more than 50 synagogues, and erased all evidence of a Jewish presence. In addition, all Jews were forced out of the Jewish Quarter of the Old City adjacent to the Western Wall, an area where Jews had lived for generations.¹⁵

For 19 years [1948-1967], Jews and Christians residing in Israel (and even Israeli Muslims) were barred from their holy places, despite Jordan's pledge to allow free access. Jews, for example, were unable to pray at the Western Wall; Christian Arabs living in Israel were denied access to churches and other religious sites in the Old City and nearby Bethlehem, also under Jordanian control.¹⁶ During Jordan's reign over eastern Jerusalem, its restrictive laws on Christian institutions led to a dramatic decline in the holy city's Christian population by more than half – from 25,000 to 11,000 – a pattern that characterized Christian Arabs in other Arab countries throughout the Middle East where religious freedom is not honored.¹⁷

It was only after the Six-Day War that the Jewish Quarter was rebuilt and free access to holy places was reestablished. It is worth noting that after Jordan annexed the West Bank in the 1950s, it too failed to make Jerusalem – a city that Arabs now claim as “the third most holy site of Islam” – its capital.

Reunited Jerusalem

Israel reunited Jerusalem as one city in 1967, after Jordan joined the Egyptian and Syrian war offensive and shelled the Jewish part of the city. One of Israel's first acts was to grant unprecedented freedom to all religions in the city. Israeli leaders vowed it would never again be divided.

Despite the disgraceful treatment of the Jewish Quarter and the Mount of Olives under the Jordanians and despite the Arabs' violation of their pledges to make all holy sites accessible to Jews and Christians, one of the first acts Israel undertook after reuniting the city was to guarantee and safeguard the rights of all citizens of Jerusalem. This included not only free access to holy sites for all faiths but also represented an unprecedented act of religious tolerance. Israel granted Muslim and Christian religious authorities responsibility for managing their respective holy sites, including Muslim administration of Judaism's holiest site, the Temple Mount. Eventually, however, the Waqf, which holds administrative responsibility over the Temple Mount, violated the trust with which it was invested to respect and protect the holiness of the Temple Mount for both Muslims and Jews.¹⁸

Jerusalem was Never an Arab City

Arab leaders continue to insist that Jerusalem is an Arab city. That myth is used to implement a strategy to wrest partial control of Jerusalem from Israel and to make Jerusalem the capital of a Palestinian state.

It is also part of a long-range strategy to destroy the Jewish state. This is one reason PLO Chairman Yasser Arafat rejected the unprecedented now-or-never Israeli proposal at peace talks in 2000 at Camp David. The proposal sought to solve the impasse over the status of Jerusalem by offering Arabs a share in the administration of parts of the city. Afterwards, Arafat revealed his real position in a post-summit statement that declared the PLO's demand for sovereignty over Jerusalem including the Church of the Holy Sepulcher, the Temple Mount mosques, the Armenian Quarter, "and Jerusalem in its entirety, entirety, entirety."¹⁹

The "Two Jerusalems" Myth

Palestinians have nurtured a myth that historically there were two Jerusalems – an Arab "East Jerusalem" and a Jewish "West Jerusalem."

Jerusalem was never an Arab city; Jews have held a majority in Jerusalem since 1870, and "east-west" is a geographic, not political designation. It is no different than claiming the Eastern shore of Maryland should be a separate political entity from the rest of the state.²⁰

In 1880, Jews constituted 52 percent of the Old City population in East Jerusalem and were still inhabiting 42 percent of the Old City in 1914. In 1948, there were 100,000 Jews in Jerusalem, with 65,000 Arabs. A joint Jordanian-Israeli census reported that 67.7 percent of the city's population in 1961 was Jewish. A 1967 aerial photo reveals the truth about the area called "East Jerusalem": It was no more than an overcrowded walled city with a few scattered neighborhoods surrounded by villages.²¹

Although uniting the city transformed all of Jerusalem into the largest city in Israel and a bustling metropolis, even moderate Palestinian leaders reject the idea of a united city. Their minimal demand for “just East Jerusalem” really means the Jewish holy sites (including the Jewish Quarter and the Western Wall), which Arabs have failed to protect, and the return of neighborhoods that house a significant percentage of Jerusalem’s present-day Jewish population. Most of that city is built on rock-strewn empty land around the city that was in the public domain for the past 44 years. With an overall population of nearly 763,800 today, separating “East Jerusalem” and “West Jerusalem” is as viable and acceptable as the notion of splitting Berlin into two cities again, or separating East Harlem from the rest of Manhattan.

Arab claims to Jerusalem, a Jewish city by all definitions, reflect the “what’s-mine-is-mine, what’s-yours-is-mine” mentality underlying Palestinian concepts of how to end the Arab-Israeli conflict. That concept is also expressed in the demand for the “Right of Return,”²² not just in Jerusalem – Israel’s capital, but inside the “Green Line” as well.

Destroying History

Arabs deny the bond between Jews and Jerusalem; they sabotage and destroy archaeological evidence, even at the holiest place in Judaism – the Temple Mount.

Arabs continually denied the legitimacy of the Jewish people’s connection to Jerusalem. Arafat and other Arab leaders insisted that there never were Jewish temples on the Temple Mount. They also claimed the Western Wall was really an Islamic holy site to which Muslims have historical rights. Putting rhetoric into action, Islamic clerics who manage the Temple Mount have demonstrated flagrant disrespect and contempt for the archaeological evidence of a Jewish presence.²³

Between 1999 and 2001, the Muslim Waqf removed and dumped more than 13,000 tons of what it termed rubble from the Mount and its substructure, including archaeological remains from the

First and Second Temple periods, which Israelis found at dumping sites. During construction of a new underground mosque in a subterranean hall believed to date back to the time of Herod, and the paving of an “open air” mosque elsewhere on the Temple Mount, the Waqf barred the Israel Antiquities Authority from supervising, or even observing, work. When archaeological finds from any period – Jewish or otherwise – are uncovered in the course of construction work, the Authority is mandated by law to supervise and observe everywhere in Israel – legislation that dates back to 1922 and documented in the international accord of the League of Nations – the “Mandate for Palestine.”²⁴

Such gross disregard for the pre-Islamic Jewish heritage of Jerusalem – particularly on Judaism’s holiest historic site – is a far more insidious form of the same Islamic intolerance that motivated the Taliban to demolish two gigantic pre-Islamic statues of Buddha carved into a cliff in Afghanistan.²⁵

The Holy Places and Jerusalem

Jerusalem, it seems, is at the physical center of the Arab-Israeli conflict. In fact, two distinct issues exist: The issue of Jerusalem and the issue of the Holy Places.

Judge Elihu Lauterpacht, a former judge ad hoc on the bench of the International Court of Justice and a renowned and respected scholar of international law at Cambridge University, has said:

“Not only are the two problems separate; they are also quite distinct in nature from one another. So far as the Holy Places are concerned, the question is for the most part one of assuring respect for the existing interests of the three religions and of providing the necessary guarantees of freedom of access, worship, and religious administration. Questions of this nature are only marginally an issue between Israel and her neighbors and their solution should not complicate the peace negotiations.

“As far as the City of Jerusalem itself is concerned, the question is one of establishing an effective administration

of the City which can protect the rights of the various elements of its permanent population – Christian, Arab and Jewish – and ensure the governmental stability and physical security which are essential requirements for the city of the Holy Places.”²⁶

Internationalization of Jerusalem

Judge Lauterpacht underscored in his investigation of the legal issues surrounding the status of Jerusalem and the Holy Places that the notion of internationalizing Jerusalem was not part of the original international mandate:

“Nothing was said in the Mandate about the internationalization of Jerusalem. Indeed Jerusalem as such is not mentioned, – though the Holy Places are. And this in itself is a fact of relevance now. For it shows that in 1922 there was no inclination to identify the question of the Holy Places with that of the internationalization of Jerusalem.”²⁷

Arab leaders, including Palestinians, have sought to justify their right to Jerusalem by distorting the meaning of United Nations resolutions that apply to the city. UN Resolution 181, for example, adopted by the General Assembly in 1947, *recommended* turning Jerusalem and its environs into an international city, or *corpus separatum*. However, Arab spokesmen conveniently ignore the fact that Resolution 181 was a non-binding recommendation.

Professor Julius Stone, one of the 20th century’s best-known authorities in Jurisprudence and international law, notes that Resolution 181 “lacked binding force” from the outset, since it required acceptance by all parties concerned:²⁸

“While the State of Israel did for her part express willingness to accept it, the other states concerned both rejected it and took up arms unlawfully against it.”

Judge Lauterpacht wrote in 1968 about the new conditions that had arisen since 1948 with regard to the original thoughts of internationalization of Jerusalem:

- “The Arab States rejected the Partition Plan and the proposal for the internationalization of Jerusalem.

- The Arab States physically opposed the implementation of the General Assembly Resolution. They sought by force of arms to expel the Jewish inhabitants of Jerusalem and to achieve sole occupation of the City.
- In the event, Jordan obtained control only of the Eastern part of the City, including the Walled City.
- While Jordan permitted reasonably free access to Christian Holy Places, it denied the Jews any access to the Jewish Holy Places. This was a fundamental departure from the tradition of freedom of religious worship in the Holy Land, which had evolved over centuries. It was also a clear violation of the undertaking given by Jordan in the Armistice Agreement concluded with Israel on 3rd April, 1949. Article VIII of this Agreement called for the establishment of a Special Committee of Israeli and Jordanian representatives to formulate agreed plans on certain matters which, in any case, shall include the following, on which agreement in principle already exists ... free access to the Holy Places and cultural institutions and use of the Cemetery on the Mount of Olives.²⁹
- The U.N. displayed no concern over the discrimination thus practiced against persons of the Jewish faith.
- The U.N. accepted as tolerable the unsupervised control of the Old City of Jerusalem by Jordanian forces – notwithstanding the fact that the presence of Jordanian forces west of the Jordan River was entirely lacking in any legal justification.
- During the period 1948-1952 the General Assembly gradually came to accept that the plan for the territorial internationalization of Jerusalem had been quite overtaken by events.”

“On 5th June, 1967, Jordan deliberately overthrew the Armistice Agreement by attacking the Israeli-held part of Jerusalem. There was no question of this Jordanian action being a reaction to any Israeli attack. It took place notwithstanding explicit Israeli assurances, conveyed to King Hussein through the U.N. Commander, that if Jordan did not attack Israel, Israel would not attack Jordan. Although the charge of aggression is freely made against Israel in relation to the Six-Day War the fact remains that the two attempts made in the General Assembly in June-July 1967 to secure the condemnation of Israel as an aggressor failed. A clear and striking majority of the members of the U.N. voted against the proposition that Israel was an aggressor.”³⁰

Today, Israel has reunited Jerusalem and provided unrestricted freedom of religion. Access of all faiths to the Holy Places in the unified City of Peace is assured. Judge Lauterpracht confirms this:

“Moslems have enjoyed, under Israeli control, the very freedom which Jews were denied during Jordanian occupation.”³¹

Lastly, it should be noted: If UN Resolution 181 was valid today (which it is not), then so would be the provision in Part III-D that stipulates that after 10 years, the city’s international status could be subject to a referendum of all Jerusalemites regarding a change in the status of the city – a decision that today, as in the past, would have been made by the city’s decisive Jewish majority.

The United Nations and Jerusalem

Originally, internationalization of Jerusalem was part of a much broader proposal that the Arab states rejected – both at the UN and “on the ground,” by

“a rejection underlined by armed invasion of Palestine by the forces of Egypt, Iraq, Lebanon, Syria, and Saudi Arabia ... aimed at destroying Israel.”

The outcome of consistent Arab aggression was best described by Professor, Judge Schwebel, former President of the International Court of Justice in the Hague:

“As between Israel, acting defensively in 1948 and 1967, on the one hand, and her Arab neighbors, acting aggressively in 1948 and 1967, on the other, Israel has better title in the territory of what was Palestine, including the *whole of Jerusalem*.”³² [italics by author]

UN Resolution 242

Resolution 242 was adopted after the 1967 Six-Day War, when Israel was attacked by, and captured territory from, Egypt, Jordan, and Syria. However, the resolution never mentions Jerusalem, nor does UN Resolution 242 call for a full withdrawal from territory captured but merely a withdrawal to “secure and recognized boundaries” that are to be negotiated by the parties concerned. Palestinian Arabs were not a party to the resolution.

Arthur Goldberg, the former U.S. Ambassador to the UN (in 1967) who helped draft the resolution, testified in regard to the omission of Jerusalem from Resolution 242:

“I never described Jerusalem as occupied territory. Resolution 242 in no way refers to Jerusalem and this omission was deliberate.”

In conclusion of the role the UN and international law may play in determining the future of Jerusalem, one may again quote Judge Lauterpacht:

“(i) The role of the U.N. in relation to the future of Jerusalem and the Holy Places is limited. In particular, the General Assembly has no power of disposition over Jerusalem and no right to lay down regulations for the Holy Places. The Security Council, of course, retains its power under Chapter VII of the Charter in relation to threats to the peace, breaches of the peace and act of aggression, but these powers do not extend to the adoption of any general position regarding the future of Jerusalem and the Holy Places.

(ii) Israel's governmental measures in relation to Jerusalem – both New and Old – are lawful and valid.

(iii) The future regulation of the Holy Places is a matter to be determined quite separately from the political administration of Jerusalem. Territorial internationalization of Jerusalem is dead – but the possibility of functional internationalization is not. The latter means, in effect, the recognition of the universal interest in the Holy Places situated in Jerusalem and the adoption of links between Israel and the world community to give formal expression to that interest.”

Palestinian Terror in the City of Peace

Palestinian Arabs have concentrated many of their terrorist attacks on Jews in Jerusalem, hoping to win the city by an onslaught of suicide bombers who seek to make life in the City of Peace unbearable. But this is not a new tactic. Arab strategy to turn Jerusalem into a battleground began in 1920.

Unfortunately, Arab leaders often turn to violence to gain what they were unable to achieve at the negotiating table. When talks broke down at Camp David in 2000, Palestinian Arab leaders unleashed the *al-Aqsa Intifada*, which amounted to a full-blown guerrilla war against Israel.

It began the day before Rosh Hashanah, the Jewish New Year, when Arab mobs hurled rocks from the Temple Mount onto Jewish worshipers praying at the Western Wall below. That rock attack turned into a steady campaign of terrorist attacks. As the priming powder for the Intifada, Palestinian leaders incited Palestinians and Muslims throughout the world with fables that falsely suggested that Jews began an assault on al-Aqsa when Ariel Sharon made a half-hour visit to the Temple Mount during tourist hours. The truth is that Palestinians' plans for warfare had begun immediately after Arafat walked out of the Camp David talks.³³

Why do Palestinians focus terrorist attacks on the City of Peace? Because Palestinians, despite their rhetoric, fully understand Jerusalem's symbolic and spiritual significance to the Jews.

Suicide attacks – on public buses and cafes, malls, and other crowded sites in the heart of the city – since the 1993 Oslo Accords, are designed to make life hell for Jewish Jerusalemites. Atrocities like the February and March 1996 bombings of two #18 buses that killed 26 people and the August 2001 bombing of a Sbarro pizzeria that killed 15 (including five members of one family), are part of an ongoing 120-year-old battle that Arabs have waged in opposition to Zionism.³⁴

In April 1920, a three-day rampage by religiously incited anti-Zionist Arab mobs left six dead and 200 injured in the Jewish Quarter. The attackers gutted synagogues and yeshivot and ransacked homes. Arabs planted time bombs in public places as far back as February 1947, when they blasted Ben-Yehuda Street, Jerusalem's main thoroughfare, leaving 50 dead.

This was all done before the establishment of the State of Israel. In the 1950s, Jordanians periodically shot at Jewish neighborhoods from the walls of the Old City. And after the city was united in 1967, Arabs renewed their battle for the city by planting bombs in cinemas and supermarkets.

The first terrorist attack in that renewed battle came with the 1968 bombing of Jerusalem's "Machane Yehuda," the open market, that left 12 dead. The plain facts about Palestinian Arabs behavior clearly demonstrate that they have forfeited any claim to the City of Peace.

This document uses extensive links via the Internet. If you experience a broken link, please note the 5 digit number (xxxxx) at the end of the URL and use it as a Keyword in the Search Box at www.MEfacts.com

Notes

- 1 "Jerusalem: A Tale of One City," *The New Republic*, Nov. 14, 1994. (11362) Martin Gilbert is an Honorary Fellow of Merton College Oxford and the biographer of Winston Churchill. He is the author of the "Jerusalem: Illustrated History Atlas" (Valentine Mitchell) and "Jerusalem: Rebirth of the City" (*Viking-Penguin*), at: www.mefacts.com/cache/html/wall-ruling_/11362.htm. (11340)
- 2 *Ibid.*
- 3 *Ibid.*
- 4 "If I forget thee, O Jerusalem, let my right hand wither, let my tongue cleave to my palate if I do not remember you, if I do not set Jerusalem above my highest joy." (137, 5-7).
- 5 See Ken Spiro, "Jerusalem: Jewish and Moslem Claims to the Holy City," at: www.aish.com/Israel/articles/Jerusalem_Jewish_and_Moslem_Claims_to_the_Holy_City.asp. (11341)
- 6 "The eighty thousand Jews in Palestine, fully one-half are living within the walls, or in the twenty-three colonies just outside the walls, of Jerusalem. This number – forty thousand Jews in Jerusalem – is not an estimate carelessly made. ..." Edwin S. Wallace, Former U.S. Consul "The Jews in Jerusalem" *Cosmopolitan magazine* (January 1898; original pages of article are in possession of the author).
- 7 "JERUSALEM - Whose City?" at: <http://christianactionforisrael.org/whosecity.html>. (10744)
- 8 "Dome of the Rock" at: www.sacredsites.com/1st30/domeof.html. (11342)
- 9 See Ken Spiro, "Jerusalem: Jewish and Moslem Claims to the Holy City," at: www.aish.com/Israel/articles/Jerusalem_Jewish_and_Moslem_Claims_to_the_Holy_City.asp. (11341)
- 10 Daniel Pipes, "If I Forget Thee: Does Jerusalem Really Matter to Islam," *The New Republic*, April 28, 1997, at: www.danielpipes.org/article/281. (10746)
- 11 See Ken Spiro, "Jerusalem: Jewish and Moslem Claims to the Holy City," at: www.aish.com/Israel/articles/Jerusalem_Jewish_and_Moslem_Claims_to_the_Holy_City.asp. (11341)
- 12 Daniel Pipes, "If I Forget Thee: Does Jerusalem Really Matter to Islam," *The New Republic*, April 28, 1997, www.danielpipes.org/article/281. (10746)
- 13 *Ibid.*

- 14 See Ken Spiro, "Jerusalem: Jewish and Moslem Claims to the Holy City," at: www.aish.com/Israel/articles/Jerusalem_Jewish_and_Moslem_Claims_to_the_Holy_City.asp. (11341)
- 15 Dore Gold, "Jerusalem in International Diplomacy," Jerusalem Center for Public Affairs, at www.jcpa.org/jcprg10.htm. (10747)
- 16 "Jerusalem: A Tale of One City," *The New Republic*, Nov. 14, 1994. (11362) Martin Gilbert is an Honorary Fellow of Merton College Oxford and the biographer of Winston Churchill. He is the author of the "Jerusalem: Illustrated History Atlas" (Vallentine Mitchell) and "Jerusalem: Rebirth of the City" (*Viking-Penguin*), at: www.mefacts.com/cache/html/wall-ruling_/11362.htm. (11340)
- 17 *Ibid.*
- 18 *Ibid.*
- 19 Dore Gold, "Jerusalem in International Diplomacy." See: www.jcpa.org/jcprg10.htm. (10747)
- 20 For these and more statistics, see "Jerusalem: The City's Development from a Historical Viewpoint," at: www.mfa.gov.il/MFA/MFAArchive/1990_1999/1998/7/Jerusalem-%20The%20City-s%20Development%20from%20a%20Historica. (10748)
- 21 Rami Yizrael, "The Jewish Quarter in Old Jerusalem in the War of Independence" (in Hebrew), Jerusalem: Ben Zvi Institute at: <http://ybz.org.il/?ArticleID=71>. (11343)
- 22 "The Right of Return" here refers to Arab demands that Israel allow all the Palestinians who fled in 1948 and left in 1967 – more than four million Arabs by their own estimates – to simply "overrun" Israel demographically.
- 23 According to Egyptian Minister of Waqfs (religious endowments) Mahmoud Hamdi Zakzouk: "Jews have no legitimate claim to Al-Buraq Wall," April 28, 2001. The Western Wall, it is claimed, was the "hitching post" where the Prophet tied his winged steed in "The Night Journey" before ascending into heaven. www.arabicnews.com/ansub/Daily/Day/010428/2001042829.html. (11344)
- 24 Mark Ami-El, "Destruction of the Temple Mount Antiquities," August 2002, Jerusalem Center for Public Affairs, August 1, 2002 at: www.jcpa.org/jl/vp483.htm. (11567)
- 25 Dore Gold, "Jerusalem in International Diplomacy." (10747)
- 26 Judge, Sir Elihu Lauterpacht "Jerusalem and the Holy Places." The Anglo-Israel Association, October 1968. Lauterpacht was Judge ad hoc of the International Court of Justice. He also published "Aspects of the Administration of International Justice." (1991) He is the Director, Research Centre for International Law at Cambridge University, and Member, Arbitration Panel, World Bank Centre for the Settlement of Investment Disputes.
- 27 *Ibid.*
- 28 Professor Julius Stone, "Israel and Palestine - Assault on the Law of Nations" (*Johns Hopkins University Press*, 1981). This work represented a detailed analysis of the central principles of international law governing the issues raised by the Arab-Israel conflict. Professor Stone was

recognized as one of the twentieth century's leading authorities on the Law of Nations and one of the world's best-known authorities in both Jurisprudence and International Law. His 26 major works include the authoritative texts "Legal Controls of International Conflict, Aggression and World Order." The "International Court and World Crisis" and "The Province and Function of Law."

- 29 All citizens of the State of Israel were denied access to the Holy Places under Jordan control.
- 30 Draft resolutions attempted to brand Israel as aggressor and illegal occupier as a result of the 1967 Six-Day War were all defeated by the UN General Assembly and the Security Council.
A/L.519, 19 June 1967, submitted by: the Union of Soviet Socialist Republics "Israel, in gross violation of the Charter of the United Nations and the universally accepted principles of international law, has committed a premeditated and previously prepared aggression against the United Arab Republic, Syria and Jordan ..." (emphasis added) at: <http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/2795fff6b58b212c052566cd006e0900!OpenDocument>. (10919)
A/L. 521, 26 June 1967, submitted by: Albania "Resolutely condemns the Government of Israel for its armed aggression against the United Arab Republic, the Syrian Arab Republic and Jordan, and for the continuance of the aggression by keeping under its occupation parts of the territory of these countries;" (emphasis added) at: www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1947-1974/28%20Draft%20Resolution%20by%20Albania%20at%20the%20Emergency%20Se. (10921)
A/L. 522/REV.3*, 3 July 1967, submitted by: Afghanistan, Burundi, Cambodia, Ceylon, Congo (Brazzaville),Cyprus, Guinea, India, Indonesia, Malaysia, Mali, Pakistan, Senegal, Somalia, United Republic of Tanzania, Yugoslavia and Zambia. "Calls upon Israel to withdraw immediately all its forces to the positions they held prior to 5 June 1967" at: <http://domino.un.org/unispal.nsf/0/76bf6a75b8482d15052566c6006560d4?OpenDocument>. (10918)
A/L.523/Rev.1, 4 July 1967, submitted by: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Trinidad and Tobago and Venezuela. "Israel to withdraw all its forces from all the territories (emphasis added) occupied by it as a result of the recent conflict;" at: <http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/510ef41fac855100052566cd00750ca4!OpenDocument>. (10920)
- 31 Judge, Sir Elihu Lauterpracht, "Jerusalem and the Holy Places," p. 11.
- 32 Professor, Judge Schwebel. *What Weight to Conquest?* in "Justice in International Law," *Cambridge University Press*, 1994.
- 33 "What started the "al-Aqsa" Intifada in September 2000?" at: www.palestinefacts.org/pf_1991to_now_alaqsa_start.php. (10751)
- 34 "Suicide bombing at the Sbarro pizzeria in Jerusalem, August 9, 2001," at: www.mfa.gov.il/mfa/mfaarchive/2000_2009/2000/10/Suicide%20bombing%20at%20the%20Sbarro%20pizzeria%20in%20Jerusalem. (10752)