

Call To Kill Terrorists' Families Is 'Desecration'

by Michele Steinberg

Jewish scholars in the United States have reacted with outspoken anguish to the proposal by former U.S. Justice Department official Nathan Lewin, that Israel and the United States begin assassinating the families of alleged suicide terrorists. Lewin, a prominent attorney now in private practice, made the proposal in the May 2002 issue of *Sh'ma*, an English-language journal.

Brandeis University Prof. Arthur Green, the former president of the Reconstructionist Rabbinical College, wrote that his "first desire upon reading Lewin's essay was to 'tear my garments as a sign of mourning on hearing the desecration of God's name,' " according to the newspaper *Forward* on June 7. Many other Jewish leaders have joined this denunciation of Lewin.

Who is Nathan Lewin, who has called for the "punishment of innocents," as the only way to provide a deterrent for suicide bombers, since they no longer fear capital punishment, and apparently fear life under occupation more than they fear death?

Lewin, once dubbed by *Washingtonian* magazine as the most powerful attorney in Washington, D.C., has friends in high places. He argues cases before the Supreme Court. His clients have included then-U.S. Attorney General Ed Meese, when Meese was being investigated by an Independent Counsel. Lewin also served the U.S. government for many years in top positions in the Justice Department and State Department: He was Special Assistant to the Assistant Attorney General, Criminal Division, Department of Justice 1962-63; Assistant to the Solicitor General, Department of Justice, 1963-67; Deputy Administrator of the Bureau of Security and Consular Affairs of the State Department, 1967-68; and ironically, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, 1968-69.

Why should Americans tolerate that such an advocate can continue to practice law before the Supreme Court of the United States?

Following Nazi Practice

In his article in *Sh'ma*, Lewin not only spells out how Israel and the United States should embark on killing the

close family members of alleged suicide bombers; he acknowledges that the “revenge killings” of families was a policy conducted by the Nazis. Lewin’s essay thus provides a glimpse into the ultimate destination of the nihilistic revenge that drives his argument: fascism.

Ironically, Lewin is correct when he admits that “capital punishment” does not function as a “deterrent.” But then, he claims that, according to the Torah, if capital punishment is no longer a deterrent, then the law must find a way to exact revenge that is more brutal and painful than death itself.

Lewin carefully notes that “studies of Palestinian suicide bombers . . . indicate that most were closely knit to their families—to parents, brothers, and sisters.” So, he suggests, “what if Israel and the United States announced, that henceforth,” the suicide bombers will be also taking the lives of their “parents, brothers, and sisters,” when they detonate those bombs?

Lewin says, “Terrorism will not be shut down until the individual terrorist is effectively deterred. Israel’s campaign of ‘targeted assassinations,’ has tried to prevent suicide bombing by swift nonjudicial execution of known organizers of such deadly attacks.” But this has not been effective. So, “what threat will effectively deter” the individual?

Israel and the United States, he says, “should, ‘by targeted assassinations,’ or other means, be free promptly to execute the immediate relatives of the suicide bombers. This consequence would, I believe, deter most suicide killers.”

Anticipating what he calls “anguished screams” of civil libertarians, and those who believe Israel is “a people following the ethical principles of the Torah,” Lewin writes: “Critics will cite the obscene Nazi policy of executing families and entire communities in retaliation for individual acts of resistance. How would the elimination of a suicide killer’s family differ from this indefensible Hitlerian practice?”

Lewin’s reply does *not* effectively answer his own question, because there isn’t a difference. For example, he says that the Nazis never claimed they wanted to deter other “perpetrators.” But this writer, having known partisans from the Italian Resistance, recalls how clearly they remembered an axiom of Hitler’s and Mussolini’s foot-soldiers: “Kill one, educate a hundred.” Clearly, the Nazis, like Lewin, recognized that killing and terrorizing families and communities *is* a deterrent, of sorts.

Lewin even claims that the Torah gives him the right to implement this fascist practice. He writes: “If executing some suicide-bomber families saves the lives of even an equal number of potential civilians, the exchange is, I believe, ethically permissible,” arguing that the Old Testament injunction to destroy the ancient tribe of Amalek serves as a precedent in Judaism for taking measures that are “ordinarily unacceptable,” in the face of mortal threat.

Dirty Networks

Lewin is a vice president of the Orthodox Union (OU), and honorary president of the International Association of Jewish Lawyers and Jurists. But those titles only tell a portion of the story of what he is about.

For more than two decades, Lewin has been known for his association with U.S.-based networks accused of spying for Israel. One of the first such allegations involved one Stephen D. Bryen, whose attorney was Lewin. In 1979, Bryen and Richard Perle, two leaders of the neo-conservative movement, were staffers in the U.S. Senate, and were accused of passing classified information to the Israeli Defense Ministry’s representative in Washington, D.C. Long before the case of convicted spy Jonathan Jay Pollard, who was arrested in 1985, documented the extent of Israeli spying on its “ally” the United States, Perle and Bryen were carrying out their own self-defined plan for U.S. “national security.”

The antics of Perle and Bryen against Saudi Arabia, Jordan, and other Arab countries that had friendly relations to the United States, is well documented in *The Armageddon Network*, by Michael P. Saba, a trade consultant, who witnessed an exchange between Bryen and his Israeli contacts, reported the incident to the FBI, and later wrote a book about the investigation.

Saba reports, “What you are about to read is first a spy story. . . . Moreover, this was not a minor security compromise. The Defense Intelligence Agency has officially determined, as the following pages will reveal, that the incident described has involved information the disclosure of which could adversely affect the essential national security interest of the United States. . . . That those involved in this affair are still ‘at large,’ and in fact currently hold senior positions in the Pentagon, is what distinguishes *The Armageddon Network* from the average nonfiction account of an espionage investigation.”

Saba chronicles the investigations by FBI agents in confirming the Bryen incident; but there was never any prosecution of Bryen or Perle. Saba reports that Lewin “was also a friend of Phil Heymann [Assistant Attorney General in charge of the Criminal Division,] who made many of the key decisions in the investigation. While some Department officials knew this, they said that they did ‘not appreciate the depth of their friendship.’ ”

Lewin went on to bigger and better cases, including a stint as the attorney for Reagan’s first Attorney General Ed Meese, who came under investigation by an Independent Counsel. Meese was never indicted, and when he left government, he joined the Heritage Foundation, the neo-conservative think-tank with which Perle and Bryen are also associated. Today, Perle and Bryen are leading members of the Jewish Institute for National Security Affairs (JINSA), where they blatantly advocate the concept of a “Clash of Civilizations” war against Islam.

Lewin, Bryen, Perle, and their associates in groups like

JINSA and the American Enterprise Institute (AEI), have never remotely supported the creation of an independent state of Palestine. Perle and Bryen have been deeply involved in the various Jewish right-wing and Christian Zionist plots to destroy the Islamic holy sites in Jerusalem on the al-Haram al-Sharif (Temple Mount).

Firestorm of Controversy

Lewin's proposal is so outrageous, that the Israeli government distanced itself from it, through its New York Consulate's media and public affairs officer, Ido Aharoni. But not so, some prominent U.S. Jewish figures, including Harvard Law School's Alan Dershowitz and the Anti-Defamation League's Abe Foxman. Dershowitz argued, according to *Forward*, that the plan represented "a legitimate, if flawed attempt to strike a balance between preventing terrorism and preserving democratic norms." Dershowitz's "counter-proposal": The same level of deterrence could be achieved by levelling the villages of suicide bombers, after residents had been given a chance to evacuate. Foxman "declined to take a stand on the actual proposal," but rejected the notion that Lewin "should be elbowed out of communal life." The chairman of the OU's Institute of Public Affairs, Richard Stone, defended Lewin: "He is not a Kahanist; he is not a nut."

Moderate Jewish intellectuals and leaders disagree. Reform Rabbi Eric Yoffie commented on Lewin's proposal: "The opinion is utterly reprehensible and totally contrary to the most fundamental principles of the Jewish religious tradition, and to everything the state of Israel has been about since its foundation. . . . Don't go down that road, because it is wrong, self-defeating, and dangerous for Israel."

Jeremy Burton, a member of the editorial board of *Sh'ma* itself, argued, according to *Forward*, that Lewin "should now be blackballed from organized Jewish life, just as the late Rabbi Meir Kahane was ostracized for calling for the mass deportation of Arabs from Israel."

Brandeis University's Prof. Arthur Green wrote, "I only wonder how long it will take [Lewin], by the force of this proof-text, to go all the way and suggest that the Palestinian nation as a whole has earned the fate of Amalek."

In the same edition of *Sh'ma* in which Lewin's article appeared, Professor Green wrote a companion essay, also on issue of stopping suicide terrorism. Green advocated doing the one thing that the Israeli government of Prime Minister Ariel Sharon has refused to do: "We need to restore hope." Green said that the fear of terrorism cannot reduce Israel to "becoming a barbaric Middle Eastern superstate. The Jewish tradition's most essential moral teaching, that every human being is the image of God, must not fall victim to the bleak times through which we are living."

Green is on the mark. Where are the American calls for Nathan Lewin to be blackballed and ostracized? Or has the United States already become that "barbaric superstate"?