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2011 FEB 25 PM 12:55

OFFICE OF GENERAL
COUNSEL

February 24, 2011

Christopher Hughey
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463

*Re: Advisory Opinion Request from the American Israel Public Affairs
Committee Concerning the Posting of Candidate Position Papers*

Dear Mr. Hughey:

This letter requests an Advisory Opinion, pursuant to 2 U.S.C. § 437f(a)(1), for the American Israel Public Affairs Committee ("AIPAC"), a non-profit 501(c)(4) incorporated entity, concerning the application of the Federal Election Campaign Act, as amended ("the Act"), and Commission regulations to the operation of a members only website that provides information on candidates for federal office.

I. Background on AIPAC

As previously determined by the Commission itself, under 11 C.F.R. § 114(e)(1), AIPAC is a membership organization of nearly 100,000 individuals dedicated to maintaining and improving the enduring bonds between the United States and Israel. In addition to educating its members about matters affecting the U.S.-Israel relationship, AIPAC also encourages its members to be involved in all facets of the political process. Although AIPAC does not rate or endorse candidates, it generically encourages its members to volunteer for campaigns, make political contributions, and educate candidates on the importance of the U.S.-Israel relationship.

In addition, AIPAC provides information to its members so that each member may make his or her individual choice as to which candidate they may wish to support for federal office. To enable its members to make informed choices, AIPAC provides, through a members' only website, information about the federal races. This information may include a summary of the political history of the district or state, FEC data concerning the amount of money raised by the candidates, public polling data, recent stories about the race, the voting record of the incumbent on issues affecting the U.S.-Israel relationship and a list of the announced candidates for office. The voting record and voting record legend are presented in a way that members can determine at a glance whether the incumbent has supported or opposed legislation affecting the U.S.-Israel

relationship. Attached as Exhibit A hereto are two representative samples of House races from the last election cycle.

While incumbent federal office holders may have a voting record on issues related to the U.S.-Israel relationship that AIPAC members are encouraged to review, non-incumbent candidates often have no public record on this issue other than a position paper they may have drafted in connection with their campaign.¹ Accordingly, as an elemental part of their individual involvement in political campaigns, and in an effort to provide AIPAC members with comprehensive information about candidates for federal office, all candidates for federal office are encouraged by AIPAC members or AIPAC employees to submit position papers on the U.S.-Israel relationship. This "encouragement" is communicated to a candidate by an AIPAC member who may have an interest in the federal election (i.e. lives in the candidate's district or state, or is friend, colleague or supporter of the candidate), or may be requested by an AIPAC employee in connection with a meeting a candidate may request for the purpose of discussing the candidate's views on the U.S.-Israel relationship.

In order to give AIPAC members the full range of information about each of the candidate's (both incumbent and non-incumbent) views on the U.S.-Israel relationship, as well as to provide candidates with equal access to AIPAC members, AIPAC desires to post, on a members' only portion of its website, all candidate position papers on issues relevant to the U.S.-Israel relationship. Thus where a candidate is listed as an announced candidate and has written a position paper, it would be AIPAC's intent to post an unedited copy of the candidate's position paper as part of the information relevant to that race. Information pertaining to non-incumbent candidates will be linked to "announced" candidates. A click on an announced candidate's name will link to the candidate's position paper, or prior voting record (see fn. 1).

Notably, the submission of a position paper is not a prerequisite to a rating or endorsement from AIPAC, as AIPAC does not rate or endorse any candidate for federal office. Rather, a position paper is requested for the purpose of AIPAC members being able to have unvarnished access to the views of the candidate. Attached hereto as Exhibit B are four sample position papers submitted by candidates from the last election cycle. Two are from candidates for the House and two are from candidates for the Senate.

In order to give AIPAC members full access to the foreign policy views of all candidates for federal office, AIPAC desires to post, on a members only portion of its website, all candidate position papers on issues relevant to the U.S.-Israel relationship. Accordingly, AIPAC seeks confirmation that AIPAC's posting of a candidate position paper crafted by a candidate's campaign on a members' only portion of AIPAC's website

¹ To the extent a candidate has a voting record on issues affecting the U.S.-Israel relationship (e.g. candidate is a former Member of Congress, or is an incumbent Congressman running for a Senate seat), that voting record will be made available to AIPAC members.

is an activity exempt from the definition of “contribution” or “expenditure” under the Act.

II. Federal Election Law Issues

As an incorporated entity, AIPAC is aware that the Act prohibits a corporation from making any “contribution or expenditure” in connection with a federal election. 2 U.S.C. § 441b(a); 11 C.F.R. 114.2(b). Although the parameters of this expenditure limitations has been substantially changed by the Supreme Court’s decision in *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010) the term “contribution or expenditure” is defined to include “any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value . . . to any candidate . . . or committee . . .” in connection with any federal election. 11 C.F.R. 114.1(a)(1); 2 U.S.C. § 441b(b)(2).

A. Internal Communications to Members

Notable exceptions to the definition of “contribution or expenditure” include internal communications to members of a membership organization on any subject, including the express advocacy of a clearly identified candidate for federal office (2 U.S.C. § 441b(b)(2)(A)), as well as the distribution of voter guides to the general public that do not contain express advocacy. *See also*, 11 C.F.R. 114.3(a); *Clifton v. FEC*, 114 F.3d 1309 (1st Cir. 1997).

Although the regulations clearly permit AIPAC to do so, as a point of clarity, AIPAC does not rate or endorse candidates, nor does its members’ only website expressly advocate the election or defeat of any candidate for federal office. Additionally, AIPAC does not prepare voting guides for its members, or the general public. Rather, AIPAC maintains a record of votes taken by Members of Congress that are relevant to the U.S.-Israel relationship. These voting records are available for review by AIPAC members only.

In contrast to incumbents, non-Member candidates for Congress may have no voting record that can be reviewed by AIPAC members interested in their candidacy. Under such circumstances, the candidate is encouraged by AIPAC staff or an AIPAC member to draft a position paper on issues of importance to the U.S.-Israel relationship. These position papers, prepared by the candidate, contain no expressions of advocacy for the candidate or the candidate’s campaign. Rather, the position papers solely set forth the candidate’s views in the candidate’s own words on issues affecting the U.S.-Israel relationship. To aid AIPAC members in making their own assessments of a candidate’s views on these issues, AIPAC desires to post, without charge, and without edits, the candidate position paper on a “members’ only” portion of the AIPAC website.

B. The Web Posting of Issue Papers That Contain No Express Advocacy Should Not Be Considered the Dissemination of Campaign Materials Requiring Any Reporting by AIPAC.

Although Commission regulations permit an incorporated membership organization to communicate with its members on any subject, communications that expressly advocate a candidate's election or defeat still require the organization to report disbursements for such communications. 11 C.F.R. 114.3(b). Embedded within this regulation is the admonishment that such communications should not be "the republication or reproduction, in whole or in part, of . . . any written . . . materials prepared by the candidate." 11 C.F.R. 114.3(c)(1)(ii). However, the regulation goes on to specify that the organization may use brief quotations from speeches or other materials of a candidate that demonstrate the candidate's position to make clear that the organization is expressing its "own views."

The purpose of this regulation was obviously meant to limit the potential of the internal communications exemption to become a conduit for the wholesale republication dissemination of a candidate's campaign materials, such as posters, mailings and bumper stickers. However, as the regulation is crafted, AIPAC is concerned that by posting a position paper whose entire content is focused on issues relevant to the U.S.-Israel relationship, and is absent any express advocacy, AIPAC may still be required to report the costs associated with the posting of such position papers.

As a threshold matter, AIPAC does not and has no desire to distribute any "campaign materials." Nor does AIPAC desire to express its own views on any candidate's position on the U.S.-Israel relationship. To the contrary, AIPAC desires to have candidates express their own, unvarnished and unedited, written positions on the U.S.-Israel relationship and further desires to provide AIPAC members with access to such written positions by permitting candidates to post their views on a "members' only" portion of AIPAC's website. The position papers will address the issues only and will not be posted if they contain any express advocacy of a candidate's election or defeat.²

As noted in the FEC's Explanation and Justification on Internet Communications, 71 FR 18600 (April 12, 2006), "republication on the Internet is fundamentally different from republication in other contexts, such as if an individual were to pay to reprint a candidate's campaign literature." As such, the Commission recognized that where an individual republished campaign materials or linked to a campaign website without any compensation, such republication should not cause such person to have made a contribution to a campaign that would trigger any reporting requirements. *Id.* No less is true of a non-profit organization that wishes to post a candidate's position paper on a

² In addition, the posting of a candidate position paper on a member's only portion of AIPAC's website will not constitute a "public communication," under the Act. 11 C.F.R. 100.26. There will be no charge for the posting and no general public political advertising.

The Honorable Christopher Huhney
February 24, 2011
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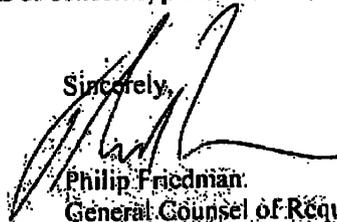
members' only website detailing issues of concern to the membership organization. Moreover, the Commission cannot construe its regulation to prohibit an organization, even one that is incorporated, from informing its members on issues of vital concern to the organization. It is inconceivable that Congress meant to make it an impermissible corporate contribution for members of a membership organization to review an unedited version of a candidate's position paper, or to otherwise require the corporation to report the costs associated with the web posting of the candidate's position on the issues. When the posting of such a position paper is also done in the absolute absence of any express advocacy, the viability of the regulation as it relates to an issue paper is all the more attenuated. In short, to prohibit such access, or otherwise construe such posting as an impermissible corporate contribution on the basis of 11 CFR § 114.3(e)(1)(i), or to even require that the costs associated with such activity be reported, neither complies with the spirit of the regulation, nor the fact that the materials posted do not implicate contributions or expenditures by AIPAC.

III. Conclusion

For all the above reasons, we respectfully request that the FEC advise AIPAC that its proposed activities are permissible under the FECA.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



Philip Friedman
General Counsel of Requester,
American Israel Public Affairs Committee

EXHIBIT

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House Races

Michigan - 9th District

[Add to My Watched Races](#)



Rep. Gary Peters (D)

Status: Vulnerable

Elected: 2008; 1st Term

Last Election: 52%

Key Committee(s): N/A

EDIT THIS RACE

2010 ANNOUNCED CANDIDATES

Former state Rep./Army vet Andrew Raczkowski (R)

RECENT STORIES

MI-09: Voters to Decide who will be Supreme in Motown Race
October 28, 2010

MI-09: Poll Previews Peters' Predicament
September 24, 2010

MI-09: Hail to the (Primary) Victor!
August 06, 2010

INCUMBENT VOTING RECORD

Rep. Gary Peters Edit | Delete (D)

Bill	Vote
Foreign Aid	
Voted FOR foreign aid	
Iran	
'10 Iran Legislation	+
'10 Jackson/Pence Letter	+
'08 IREA	C+
'09 IRPSA	C+
Other	
'10 Hoyer/Cantor Letter	+
'10 Poe/Peters Stille Letter	+
'09 Goldstone	C+
'09 Sherman-Royce Letter	+
'09 Hoyer-Cantor Letter	+
'09 H. Res. 34	C+

First-term Rep. Gary Peters (D) faces a tough challenge from former state Rep./Army veteran Andrew Raczkowski (R) in this suburban Detroit district. The Ninth Congressional District is the most affluent in the Wolverine State, and has not been as adversely affected by the economic downturn as other Michigan districts. Republican Rep. Joe Knollinberg held this seat for eight terms before being ousted by Peters in 2008, as Obama carried the district by thirteen points. In 2004, President Bush won the district, but only by two points. Republicans are hoping this moderate district — which has been trending Democratic since the early 1990's due to cultural issues — will return to Republican hands this cycle. They point to Peters' votes supporting the congressional Democratic agenda and a mid-September poll that gave Raczkowski a four-point edge to demonstrate that this is a possible pickup. However, a more recent October poll shows Peters with a five point edge, but still below the 50 percent mark. Democrats think the district's recent Democratic tendencies will remain true in November, but Peters will need to sustain his momentum through Election Day if he wants to keep his grip on the keys of this Motor City district.

Rep. Peters has an established voting record on issues affecting the U.S.-Israel relationship. Raczkowski has written a position paper on the U.S.-Israel relationship.

FEC Data

9/30	Raised this Cycle	Raised this Quarter	Cash On Hand
Peters	\$2,077,382	\$558,885	\$805,093
Raczkowski	\$1,405,781	\$610,999	\$383,584

Polling Data

	8/13	10/17#	10/26*	10/28*
Peters	41%	48%	43%	48%
Raczkowski	45%	43%	48%	41%
Undecided/Other	14%	9%	9%	11%

Voting Record Legend

Rossmann Group/Team TelCom; 300 LVs; +4-5.7%
 #Detroit Free Press poll by EPIC-MRA; 400 LVs; +4-4.9%
 *Great Lakes Strategies Group (R) for Patriot Fund (R); 700 LVs; +4-3.7%
 *Greenberg Quinlan Rosner Research (D) for Peters; 402 LVs; +4-4.9%

House Races

Washington - 8th District

[Add to My Watched Races](#)



Rep. Dave Reichert (R)

Status: Vulnerable
 Elected: 2004; 3rd Term
 Last Election: 53%
 Key Committee(s): N/A

EDIT THIS RACE

2010 ANNOUNCED CANDIDATES

Former Microsoft executive Suzan DelBene (D)

RECENT STORIES

WA-08: A Little of Polls in this Seattle Race
 October 18, 2010

WA-08: Seattle Race Continues to Brew
 October 05, 2010

INCUMBENT VOTING RECORD

Rep. Dave Reichert Edit | Delete (R)

Bill	Vote
Foreign Aid	
Consistently votes FOR foreign aid	
Iran	
'10 Iran Legislation	+
'10 Jackson/Pearce Letter	C+
'08 IRPSA	C+
'08 IEA	C-
Other	
'10 Ince/Peters Florida Letter	+
'10 Hoyer/Cantor Letter	+
'08 H. Res. 94	C+
'08 Hoyer-Cantor Letter	+
'08 Sherman-Royce Letter	+
'08 Goldstone	C+
'08 Recognizing Israel at 60	C+
'08 H. Res. 661	C+
'07 Waxler/Gallagher /Actorman/Pearce Letter	+
'07 FACTS, H.R. 884	+
'08 PATA, H.R. 4881	C+
'08 Solidarity Resolution	+
'08 H.Res. 575	+
'08 Pryor-Mendoza and McConnell-Durbin Letter	+
'08 Stunt/Hoyer Resolution	+

Voting Record Legend

In his 2008 rematch with former Microsoft executive Darcy Burner (D), three-term Rep. Dave Reichert (R) captured 53 percent of the vote in his suburban Seattle district. Two years earlier, he beat the same opponent with just 51 percent in one of the nation's closest contests. Although this district has never sent a Democrat to Congress, Reichert's close calls and President Obama's 57 percent victory here clearly reflect its competitiveness. This year, Reichert faces Democratic opposition from another former Microsoft executive, Susan DelBene (D), whom her party contends can finally wrest this seat away from the incumbent. Her cash-on-hand lead as of the end of June reinforces this contention. GOPers, meanwhile, believe Reichert's ability to maintain his seat in a district that has voted for both Sen. Kerry and President Obama coupled with his record of public service will help this former King County Sheriff round-up the necessary votes to secure a fourth term. Look for another close contest in November in this Evergreen State race.

Rep. Reichert has an established voting record on issues affecting the U.S.-Israel relationship. DelBene has met with AIPAC and authored a position paper on the U.S.-Israel relationship.

FEC Data

6/30	Raised this Cycle	Raised this Quarter	Cash On Hand
Reichert	\$1,797,897	\$409,060	\$988,208
DelBene	\$1,653,445	\$378,250	\$1,037,725

Polling Data

	9/2	9/29	10/5*	10/10-	10/20
Reichert	54%	52%	48%	49%	52%
DelBene	41%	45%	44%	48%	45%
Undecided	5%	4%	8%	5%	3%

KING-TV by Survey USA: 8/7 LVE; +/-3.8% (9/29 poll: 879 LVE; +/-4.1%; 10/20 poll: 638 LVE; +/-3.9%)

*Fairbank, Mastin, Maulin, Metz & Assoc. (D) for DelBene: 400 LVE; +/-4.9%

--Daily Kos (D) by Public Policy Polling (D): 1,038 LVE; +/-3%

RECENT MEMOS >

RECENT ACTION ALERTS >

RECENT INSIDER EMAILS >

Washington - 8th District

Rep. Dave Reichert (R)

Status: Vulnerable
Elected: 2004; 4th Term
Last Election: 54%
Key Committee(s): N/A



Remove from My Watched Races >

EDIT THIS RACE

RECENT STORIES

- WA-08: A Late of Polls in His Seattle Race: October 19, 2010
- WA-08: Seattle Race Continues to Brew: October 05, 2010

Voting Record Legend

- * Supported pro-Israel position or signed a letter
- Voted against pro-Israel position
- C Co-sponsored
- DNC: Did not co-sponsor a resolution or legislation
- DNS Did not sign a letter
- DNV Did not vote or was absent for vote
- P Voted present rather than supporting or voting against pro-Israel position

[Viewing Record Legend](#)

EXHIBIT

(B)

Chris Coons
Democratic Senate Candidate – Delaware
Position on the U.S. – Israeli Relationship

The Special Strategic Relationship between the U.S. and Israel

The United States and Israel share a unique and critically important relationship – one rooted in a set of common values and strategic interests. Since the founding of the State of Israel nearly 60 years ago, when the U.S. became the first country to recognize and support Israel, our nations have worked together closely. Our common belief in democracy, religious freedom, and human rights only strengthened the closeness of our friendship and support over the years. Our two nations regularly work together in the economic, technological and security arenas, serving the interests of both nations.

Our shared values and interests lie at the heart of the special U.S./Israel relationship. Both the U.S. and Israel had to fight and sacrifice to achieve freedom and statehood. We share a strong faith in fairness, individual liberty, and the rule of law. We are also countries that seek peace and prosperity, and recognize that security and stability in the Middle East are important components in achieving many of our shared aspirations.

The U.S. has no stronger or more reliable ally in the Middle East than Israel. The U.S. and Israel, with other partners and allies in the region and around the world, must work together to guard against the threats posed by religious fanaticism, rogue countries (Iran and Syria), and terrorism (Hamas, Hezbollah, al Qaeda, and others). The U.S. needs to continue to assure Israel has all of the tools it needs to defend itself from terrorism and hostile states, as Israel remains the one true democratic success in the Middle East. I reject the Goldstone Report's conclusions that equate Operation Cast Lead, the Israeli response to years of continued rocket attacks from Gaza, with the terror attacks that triggered the response, and believe efforts to delegitimize Israel on the international stage runs counter to the cause of peace.

I will always be a staunch supporter of the special relationship between the U.S. and Israel, and, if elected, will seek to ensure its strength and foster its growth. I am committed to a safe and secure Israel and a more stable Middle East. We cannot ensure that America will be safe, strong, and secure otherwise.

Learning About Israel from a Hillside Vantage Point

In 1988, I visited Israel and Egypt for 2 weeks, staying with a college friend who worked with the *World Jewish Agency* and was engaged to a JDF soldier whose parents were kibbutzim. His grandmother cofounded the Kibbutz in the 1920s and fought in 1947. We visited Yad Vashem, Jerusalem, and a refugee camp.

Standing on a hill outside of Jerusalem with Hannah's fiancée, while he pointed to where Jordanian rockets came from when he was a child, and our profoundly moving visit to Yad Vashem still resonate with me. Visiting Israel made clear how fragile Israel's security was and is today – how determined its enemies are – and how complicated the peace process is.

Threats to Israeli Security

The Middle East remains in ongoing turmoil on several fronts and, given its location, size and history, threats to Israel's security remain significant and varied.

Iran

Few possibilities pose as significant a threat to Israel, the Middle East region, the United States, and the rest of the World as a "nuclear Iran." Iran's instability and support of terrorist organizations poses threats to those close to its borders and to all other nations, regardless of distance. In the aftermath of its 2009 elections, Iran has shown, yet again, that it continually flouts democratic principles and human rights.

I support existing sanctions against Iran and would impose additional sanctions that would prohibit U.S. companies and their foreign subsidiaries from conducting business or investing in Iran, in addition to UN sanctions. Because Iran is heavily dependent on imported energy sources, I support the legislation passed the Senate and House in the last few months to prohibit the re-importation of gasoline and other refined petroleum products to Iran. I hope that this legislation will move out of conference committee quickly so President Obama can sign it into law and the sanctions can take effect soon. I also support efforts to hold the Iranian government responsible for its actions, and to encourage open democracy in Iran.

The U.S. must do everything it can to prevent Iran from further developing nuclear weapons. Iran's sponsorship of international terrorism and its hostility toward Israel and the U.S. underscore the need for an engaged, focused, tough, and effective international diplomatic approach, under strong leadership from the United States. The IAEA's recent public report, which suggests that Iran is actively seeking nuclear weapons, only reinforces the critical moment we face with regard to Iran and its ability to significantly threaten Israel, the U.S. and other nations directly and through support to Hezbollah, Hamas and other global terrorist organizations.

Syria

Syria's history of aggression towards its neighbor, Israel, and its long standing position as a base of operations for terrorist organizations operating across the Middle East and beyond make it a critical threat to Israel.

Syria has long supported the terrorist activities of Hezbollah and Hamas, providing a home based for leadership, a route for arms support from Iran, and a welcoming base for activities that undermine the democratic government in Lebanon. Rearming Hezbollah would be a violation of United Nations Security Council Resolution 1701, which forbids foreign countries from providing arms to Hezbollah.

I support an engaged and tough diplomatic strategy to keep Syrian nuclear ambitions in check. This strategy must be comprised of both incentives and sanctions. I support existing sanctions and would consider additional sanctions in regard to Syria and any other rogue player in the Middle East that harbors and supports terrorists or threatens the peace and security of the region, including that of Israel and its people.

Foreign Aid and Strategic Cooperation

I believe that the United States' foreign policy must recognize the link between security and development, fair trade, and human rights. I will strongly support our foreign assistance commitments to Israel, as well as foreign aid. American financial support, which is often reinvested in U.S. businesses, is crucial to ensuring a strong and stable Israel, and helps achieve economic, social, and political stability in the region.

I also support the network of joint strategic initiatives the U.S. and Israel have established, including joint anti-terrorism strategies and intelligence gathering. The American commitment to Israel remain unshakable. As Senator, I will support cooperative efforts and look for other opportunities to further the national interests of both nations.

Roadmap for Peace – A Two-State Solution for Israel and Palestinian Territories

I believe that Israel's security will be best served by resolution of the long-standing conflict with the Palestinians through a two-state solution, which establishes a stable, economically-independent, and demilitarized Palestinian state, alongside a safe and secure Israel (with Jerusalem as its Capital). Advancing toward this vision will take serious, engaged commitment by both parties, constant attention to Israel's security concerns, substantial international investment in the Palestinian economy, and concerted International cooperation. Leadership by the United States can continue to assist the process, but, in the end, the conflict can only be resolved by the parties themselves.

While the United States and Israel will not always agree on every issue, our nations have a tradition of resolving our differences directly and outside of the court of public opinion. I strongly support mutual efforts to remain loyal to that practice, as it limits the ability of those opposed to us to exploit public statements to promote destabilizing and destructive agendas.

In charting a course to a lasting peace between Israel and the Palestinians, the U.S. should support pragmatic Palestinian leaders who are committed to meaningful negotiations and a peaceful resolution to the conflict. Having worked with relief organizations in other parts of the world, I support efforts to send aid directly to the Palestinian people. Providing life-sustaining assistance directly to Palestinian families is good for both the Palestinian people and for Israel.

We must continue the current U.S. policy and law that no aid or support shall be provided to Hamas until and unless it recognizes Israel's right to exist, renounces violence, and commits to accept previous agreements. I support the established Roadmap for Peace and will support reasonable and fair efforts to advance the peace process in the Middle East, leading to a two-state solution. However, I will not support asking Israel, or any nation, to negotiate with terrorists and risk its safety or values in the process.

Israel, like all other countries, has the right and the obligation to defend its citizens. After suffering over 1,000 dead and 7,000 wounded from suicide bombings and other terrorist attacks, Israel responded by erecting a defensive barrier. This barrier has been successful in significantly reducing the number of terrorist bombings inside Israel; I support the security barrier.

Conclusion

I look forward to serving as a strong leader on issues critical to the strategic relationship between the United States and Israel. Our shared regional and global concerns, as well as our shared faith in democracy, religious freedom, and human rights give our nations many areas to work closely together. My visit to Israel reminded me that efforts to find a peaceful future in the Middle East are both simple and complex. I hope that as Senator I can help ensure that our nations work together closely to build a safe and secure world for our children.



**The United States and Israel: Shared Ideals for Democracy, Prosperity and Security
By Marco Rubio (R-FL)
Candidate for U.S. Senate**

A Special Relationship Based on Shared Ideals

Since the re-establishment of the modern State of Israel in 1948, the United States has shared a special relationship with the Jewish state. Both nations were created and have endured as symbols of democracy and pluralism. Additionally, our societies place immeasurable value on human life and dignity, while promoting humanitarianism, personal freedom and technological innovation.

In contrast, many nations are plagued by authoritarianism and intolerance, while the fundamental rights of their citizens are constrained by oppressive regimes. Although such governments exist throughout the world, freedom is especially suffocated in the region surrounding Israel.

Based on our unwavering and mutual commitment to human rights and the democratic process, the United States and Israel stand together, devoted to our common interests of deterring war through military strength, responding to and defeating terrorism, and achieving a just and lasting peace for Israel and its neighbors. The United States must always support Israel, granting it the tools as well as the necessary latitude to make its own decisions for the security and welfare of its citizens.

Living in a democracy, Israel's Arabs enjoy fundamental human rights and liberties that are limited or virtually non-existent in majority-ruled Arab countries. This humanitarian perspective is applied during military conflict as well.

Even as Israel faces enemies who use their own citizens (including women and children) as human shields, the Israeli Defense Forces (IDF) has repeatedly upheld high ethical standards by taking precautionary measures. These include dropping warning leaflets from aircraft and making thousands of calls to urge Arab civilians to evacuate certain areas prior to military engagement. The IDF also takes great lengths to avoid civilian targets in a zone where they are likely.

Israel stands alone among a sea of hostile, oppressive regimes that demonize the Jewish State and use the Palestinian people as a veneer to mask their own repeated political and economic failures. In contrast, Israel's remarkable accomplishments in the short period since its establishment are testaments to what can be achieved in a cohesive, free and democratic society.

As a U.S. Senator, I will work to initiate, support and vote for legislation that embodies these concepts.

Strategic Necessity

I have long recognized that preserving the close relationship between the United States and Israel is not only a moral imperative, but also a strategic necessity. Israel has proven itself as a steadfast and reliable ally and the United States' primary "friend" in a region where oppressive regimes are entrenched in power and where terrorist organizations freely operate. Not only is Israel our front-line partner in the war against the same extreme jihadist ideology that threatens us and people of all

faiths around the world, but Israel also assists in our war against terror by providing us with invaluable tools it has developed during its decades of confronting these threats.

Conversely, were Israel to be weakened, the entire region would be dangerously destabilized. Strategic gains by Iran, Hamas and Hezbollah, among others, would come at Israel's expense, further destabilize the region and embolden terrorist groups worldwide. Accordingly, in its critical role as our unwavering and front-line partner in the global war on terror, Israel deserves not only the support but also the appreciation of the American people.

As U.S. Senator, I will work to initiate, support and vote for legislation that reflects our collaboration and appreciation.

Foreign Aid

Foreign aid is an indispensable tool for furthering American interests abroad and supporting strategically critical allies like Israel. A robust, performance-based foreign aid budget reflects our humanitarian and democratic values and is an essential means of enhancing our national security and strengthening commercial relationships abroad. It is an essential component of U.S. national security strategy that helps supplement our defense budget.

Generally, foreign aid promotes economic development and political stability in areas where radical opponents of peace exploit economic deprivation and use terror in an attempt to destroy the prospects for reconciliation. Foreign aid programs help keep threats offshore by supporting international efforts to curb proliferation of weapons of mass destruction, stop narcotics trafficking, fight terrorism and thwart other criminal activities.

With Tehran's ongoing efforts to intimidate the Middle East and spread its influence, the growing instability in Pakistan, and Russia's recent announcement of its intent to sell state-of-the-art MiG-29 fighter aircraft to Syria, U.S. military aid to Israel is more critical than ever for the latter to maintain its military advantage. The upshot is a diminished risk of overt conflict, which reduces the need for a U.S. military presence in the region.

Among related initiatives, the United States should continue to assist in the funding, development and deployment of the Arrow Missile System, facilitate and provide assistance for the purchase of next-generation F-35 Joint Strike Fighters and, in general, offer whatever weaponry and equipment is available and required for Israel to defend itself against its enemies, particularly the Iranian nuclear or ICBM threat.

As U.S. Senator, I will work to initiate, support and vote for legislation implementing the latest U.S.-Israeli Memorandum of Understanding, calling for \$30 billion in assistance to be provided to Israel during the next decade, as well any increases that may be needed should the circumstances of Israel's military and economic situation change.

A Nuclear Iran and Other Regional Threats

The threat of a nuclear Iran is well-documented and the subject of constant debate and concern in the international community. The United States and the entire international community cannot tolerate the proliferation of weapons of mass destruction in the hands of rogue nations that sponsor terrorism, disrupt oil supplies and promote the spread of Islamic radicalism.

Iran has been dragging out nuclear talks as it continues its illicit enrichment of uranium. Tehran's latest efforts to stall negotiations by refusing to agree to the international offer to process its low-enriched uranium (LEU) and to already serious doubts about Iran's intentions and are consistent with a long pattern of Iranian stall tactics. We should not be fooled by Iran's efforts to use the negotiations over this matter to again distract from the main requirement of the international community – the long-overdue suspension of its uranium enrichment, which is mandated by five U.N. Security Council resolutions.

If Iran is allowed to continue enriching uranium domestically, it could replace its current stockpile of LEU in less than a year by using its declared enrichment facility in Natanz. If Iran has undisclosed nuclear facilities beyond the recently revealed secret site at a military base near Qom, this timeline could be significantly shortened.

According to a confidential IAEA analysis reported by the *New York Times*, the agency believes that Iran's nuclear program has sought to develop a "nuclear payload to be delivered using the Shahah-3 missile system," Iran's medium-range missile, which could be used to strike the Middle East and even parts of Europe.

Reports indicate Iran has also made major advances in its medium-range ballistic missile technology, the most advanced of which represents a technological leap in Iran's ability to target U.S. military bases in the region, our European allies and Israel.

Finally, Iran poses other security threats to many countries. Its outspoken, Holocaust-denying leader, Mahmoud Ahmadinejad, has been expanding his sphere of influence by spreading anti-U.S. and Israel rhetoric and forging alliances with unsavory regimes in Venezuela and Cuba, among others. At the same time, his regime has been actively funding terrorist activities and hardware for Hamas and Hezbollah in Lebanon, Syria, Gaza and the West Bank – all intended to target Israeli civilians.

Given Iran's stalling tactics, Congress should proceed immediately with tough, bipartisan sanctions to pressure Tehran to end its illicit behavior. In light of Iran's inability to produce sufficient gasoline and other refined petroleum products, we should continue to focus on that vulnerability using legislation currently in progress, while continuing to expand our sanctions to any and all other areas of relevance.

The U.S. and willing allies should step up our efforts by pursuing strong economic sanctions against foreign companies that transport, finance, broker or in any way facilitate the export of refined petroleum products, including gasoline and diesel fuel, to Iran. Although it has massive oil reserves, Iran has limited refining capabilities and must import approximately 30-40 percent of its gasoline, making this sanction both a financial and psychological blow to the regime.

As Speaker of the Florida House, I supported landmark legislation to require Florida's pension funds to divest from companies doing business with Iran and Sudan, making ours the first state to do so. In doing so, we set a strong example for how individual states can play a part in applying economic pressure on Iran that can ultimately help curb the regime's nuclear pursuits. Building on this effort, I believe Congress should swiftly approve the "Iran Refined Petroleum Sanctions Act of 2009."

As U.S. Senator, I will work to initiate, support and vote for legislation aimed at pressuring Iran to curtail its nuclear and ICBM weaponry programs including, but not limited to, the Senate's

Comprehensive Iran Sanctions, Accountability and Divestment Act as well as any Senate equivalent of the House of Representatives Iran Refined Petroleum Sanctions Act.

Israel's Right to Exist and Our Role in the Peace Process

Since the 1970s, Israel has offered and returned vast swaths of land obtained during the Six Day War of 1967, including its 2005 unilateral withdrawal from Gaza. Israel has built infrastructure for and supplied power to Arab neighborhoods, while seeking a peaceful end to hostilities with the Palestinians. However, instead of progress, what has resulted over the years are lengthy periods of terrorism marked by homicide bombers and thousands of rockets fired into Israeli civilian areas, collectively leading to more than a thousand Israeli deaths and even more injured.

Perhaps the largest immediate obstacle to the peace process is Hamas. According to its organizational charter, Hamas explicitly calls for the destruction of the State of Israel. Hamas will not recognize the Jewish state nor disavow terrorism as a means to its end, which is why – among other reasons – the international community must reject any aid to any unity government that may be forged between Fatah and Hamas. Further, any peace agreement with regard to the West Bank must ensure the security of the Israeli population – including those living in neighborhoods settled following the Six Day War – from terrorism. To date, the Palestinian Authority has been either unable or unwilling to do so.

The U.S. must also do its part to ensure that the international community is clear about the role of Jewish settlements established in the West Bank after the Six Day War. While the Arab world has tried to make them the issue *du jour* central to the regional conflict, it is being used as a smokescreen.

Also, there are additional obstacles to peace that must be addressed on the Arab side. The anti-Jew indoctrination and incitement by the Palestinian media, in mosques and in textbooks read by school children must be halted. The U.S. must also do a more effective job of policing the use of alleged “humanitarian aid” to Palestinians to ensure that such funds are not used to promote any of these hateful and murderous activities. Local leaders must stop encouraging young Palestinians to become explosive-toting martyrs. Among other principles, these must be prerequisites to the formation of a demilitarized Palestinian state, if it is to be established.

As a U.S. Senator, I would have signed the Bayh-Risch letter to President Obama, calling on him to urge the leaders of our Arab allies to be more aggressive in their pursuit of peace through normalization of relations with Israel by those countries.

Additionally, peace talks with any Palestinian government that includes Hamas must be based on these preconditions: (1) stop terrorism in all forms; (2) recognize the State of Israel and its right to exist as a Jewish state; and (3) agree to abide by past agreements signed by previously recognized leaders of the Palestinian people.

The United States and Israel have long shared the goal of establishing peace between Israel and all of its Arab neighbors, including the Palestinians, with the U.S. often engaging in diplomatic efforts to facilitate negotiations based on several core principles, all of which remain critical to any future success in Israeli-Arab talks. These include: (1) the implicit recognition that no third party can impose an agreement on the Israelis and Arabs; (2) ongoing close coordination between the United States and Israel throughout the process; (3) the insistence of face-to-face negotiations between the Israeli and Arab sides; (4) encouraging other Arab parties to normalize relations with Israel and

backing those Palestinian interests committed to peace with Israel; and (5) continuing to support basic policies that protect the character and security of the Jewish state.

Finally, the city of Jerusalem must remain the undisputed and historical capital of the State of Israel, and must remain under complete and unified Israeli control. Jerusalem must not be divided, nor be administered by the U.N. or any other international body. Since 1967, Israel has continued to guarantee freedom of access to religious sites for Jews, Christians and Muslims, unlike East Jerusalem's status from 1948 to 1967 while under Arab control.

Similarly, as a show of our affirmation of Jerusalem's role in Israel's history and current-day politics, the U.S. Embassy should be moved to Jerusalem.

As U.S. Senator, I plan to support the continuation of the principles and role of the United States described above.

United Nations "Goldstone Report"

The 2009 report by the U.N.-appointed Goldstone Commission, which condemned Israel's actions during Operation Cast Lead in Gaza, is a highly flawed and biased document loaded with unsubstantiated claims.

According to Israel's President Shimon Peres, the report "blatantly failed to distinguish between the aggressor and a state exercising its right for self-defense." The report focuses on alleged Israeli misdeeds, equating Israel's defensive measures that thwarted attacks against its citizens with the very terrorism that forced Israel's actions. Rather than illuminating the real causes of the Gaza conflict – namely, eight years of unrelenting rocket attacks from Hamas on Israeli civilians – the commission merely rubber-stamped the Council's predetermined conclusion that Israel had committed "war crimes."

In general, the United Nations has demonstrated a clear and dangerous anti-Israeli bias in many of its recent resolutions and determinations.

As U.S. Senator, I will work to initiate, support and vote for legislation similar to H.R. 867, calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the "Report of the United Nations Fact Finding Mission on the Gaza Conflict." I will also pursue any future legislation of a similar nature, as necessary. I believe that the U.N. must revert to its original principles which, at their core, are based on a paramount level of multinational objectivity, which is clearly lacking at this point in history.

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TERRI SEWELL

FOR CONGRESS

US and Israel: Allies for Democracy and Peace

Terri Sewell

Candidate for Alabama's 7th Congressional District

In Congress, I will be a strong and passionate advocate for maintaining and strengthening the vital US-Israel relationship. No alliance in the Middle East is more important to the security and stability of the region than the relationship between the United States and Israel. Israel stands as the only democracy in the Middle East and shares the same values of the United States including fair and competitive elections, freedom of the press, and freedom of religious expression. Israel stands in stark contrast to many of the other regimes in the region and shows us that in the face of terror, and even existential threats, a free people may maintain its democracy and liberty.

My commitment to promoting a strong US-Israel partnership stems directly from my own life experiences. During my visit to Israel in graduate school, I witnessed first hand the daily threat of terrorism and its impact on a society and a state and, therefore, understand the importance of an active national self-defense. As the congresswoman for Alabama's 7th district, I will bring that same sensibility, knowledge and understanding to bear when promoting strong diplomatic ties with Israel.

US Aid to Israel

Israel is the United States' most significant and strategic ally in the Middle East and the fate of our two nations is irrevocably intertwined. Because of this, a secure and strong Israel is beneficial to the United States and aid to Israel is an investment in our own security. Consequently, it is important to continue our mutually beneficial diplomatic, economic and military relationship with Israel. Apart from the moral imperative of helping a fellow democracy, we benefit directly from our commitment to foreign aid for Israel, through the sharing of military resources and knowledge, including missile defense, joint-training exercises and anti-terror experience.

The US commits on average \$2.775 billion in military aid yearly in order to help Israel stand up against its uniquely dangerous and numerous threats. The United States grants about the same amount of aid to Arab countries, some of whom are still hostile to the State of Israel. I believe that aid to Israel may need to be increased in the coming years if the challenges the United States faces in the region, which today are at an unprecedented level, ranging from Iran's continued development of nuclear capabilities to Hamas' violent takeover of Gaza, do not abate. The United States needs, more than ever, a strong partner that it can rely on in times of crisis. Moreover, I believe that Israel's future is directly dependant on this aid and I am committed to maintaining and working to increase the levels of support for the Israeli people.

Peace Process

I support Israeli Prime Minister Benjamin Netanyahu's recent call for a two state solution to the Israel-Palestinian conflict, with an independent and demilitarized Palestinian state which recognizes Israel as the state of the Jewish people. It is not in the interest of the United States to have a militarized, irredentist Palestinian state which will immediately become a source of instability in the region. A demilitarized Palestinian state is necessary for any true peace and is important to ensure that both people can live side-by-side without the threat of violence. Peace in the region will ultimately also depend on direct negotiations between all of the Arab nations and Israel as well as mutual respect and recognition.

I support an immediate resumption of peace talks and I encourage the leading Arab nations to take up Prime Minister Netanyahu's offer and invite him to travel to their capitals to negotiate an end to the Arab-Israeli conflict.

In addition, I support the notion that Israel is the historic homeland of the Jewish people, a fact the United Nations itself recognized in 1948 and which the United States has affirmed on many occasions. Like any other country, I believe that Israel has the absolute right to choose the location of its capital and that Jerusalem must remain united and be recognized as the capital of Israel.

Iran's Nuclear Threat

Eliminating Iran's nuclear capability must be a top priority for the United States and the international community. Iran can not be trusted with nuclear weapons, and Iran's recent threats to Israeli and American security must be taken seriously. As a Member of Congress, I would support the Iran Refined Petroleum Sanctions Act of 2009 (H.R. 2194). This critical legislation will strengthen American diplomatic efforts to end Iran's uranium enrichment program.

The recent controversy over the elections in Iran has again exposed the Iranian regime as a brutal oppressive force. Diplomatic efforts to control nuclear proliferation into Iran cannot be open-ended and must require that Iran suspend enrichment and reprocessing activities, and must also be accompanied by tough sanctions. In Congress, I will be committed to making sure all possible measures are taken to stop Iran's nuclear expansion. I would not limit our options in preventing this nuclear threat, including the use of military force.

TIM GRIFFIN

FOR UNITED STATES CONGRESS

POSITION PAPER ON U.S.-ISRAEL RELATIONS

Tim Griffin, Republican Nominee for U.S. Congress (AR-2)

July 6, 2010

Israel is America's key strategic partner in the Middle East and the U.S.-Israel alliance is a cornerstone of American foreign policy. As a member of Congress, I will participate actively in the bipartisan pro-Israel coalition based on my longstanding support for the U.S.-Israel partnership.

PRESERVING THE SPECIAL U.S.-ISRAEL RELATIONSHIP

The United States and Israel have a unique, 62-year-old relationship, starting with President Truman's recognition of Israel just 11 minutes after its founding. The bipartisan bond has survived through Democratic and Republican administrations, as well as Labor and Likud rule, because it's based not on partisan politics, but eternal principles: free and representative government, the rule of law, human rights, freedom of speech and religion, and free and fair markets. Moreover, we share a vision for the world. As a veteran, I know peace comes through strength—and Middle East peace can only come when Israel's adversaries realize that our alliance is unbreakable.

Our longstanding relationship is the foundation for all other U.S.-Israel activities. In Congress, I will fight to preserve and strengthen this relationship. I strongly applaud the recent bipartisan Poo-Peters letter supporting Israel's right to defend itself against the Hamas-backed blockade-runners, and I would've eagerly signed that letter. Likewise, I strongly support the Hoyer-Cantor letter earlier this year reaffirming the "unbreakable bond that exists between our country and the State of Israel."

SUPPORTING FOREIGN AID TO ISRAEL

American aid to Israel is the strongest demonstration of our unique relationship. Israel benefits greatly from this annual aid package, as does America. With aid, we show the world our commitment to Israel. Aid allows Israel to maintain a military advantage over its larger and more populous Arab rivals and Iran. And the aid package creates American jobs because Israel reinvests most of it in our aerospace and defense industry.

For these reasons, I strongly support the 10-year Memorandum of Understanding signed in 2007 that calls for \$30 billion in security assistance to Israel. We must continue the path set by Presidents Bush and Obama and the Congress in fully implementing this agreement through the annual State Department-Foreign Operations Appropriations Bill. I look forward to implementing the agreement annually as a member of Congress. Finally, I support the bill's features that guarantee early and full access of this aid to Israel.

PREVENTING A NUCLEAR IRAN

Iran is the most ominous threat in our world. A nuclear Iran would imperil both America and Israel. Iran's nuclear designs cannot be doubted but must be stopped by any means necessary. Not only would a nuclear Iran threaten every Israeli and American in the region, but it would also trigger a disastrous regional arms race. Worse still, Iran is the leading state sponsor of terrorism and could easily transfer nuclear technology to its terrorist surrogates. Neither America nor Israel can tolerate this kind of threat.

I strongly support the Comprehensive Iran Sanctions, Accountability, and Divestment Act recently passed by Congress. This legislation contains several key measures to counteract Iran's nuclear ambitions: energy and financial sanctions, divestment authority for state and local governments, stronger trade embargoes, limits on technology transfers, and support for human rights. I applaud this historic legislation and I look forward to ensuring its full implementation in Congress.

We must also be prepared if these measures don't fully deter Iran. I believe that we must keep the military option on the table and be prepared to use force to halt Iran's nuclear program if necessary. Moreover, we must support Israel if its leadership concludes that they must take military action against Iran.

FIGHTING HAMAS AND HEZBOLLAH

Hamas in Gaza and Hizballah in Lebanon imperil Israel and American interests in the region. Iran, with the help of Syria, continues to arm both terrorist organizations with guns, rockets, mortars, and bombs. And Iran continues to undermine the lawful blockade of Gaza, which is essential to protecting Israel and undermining the tyrannical rule of Hamas. These activities are mortal threats to Israel and its citizens.

As a veteran, I know we must defeat these brutal terrorists. I will always defend Israel's right to self-defense. Israel operates with unmatched care and restraint under international law and the laws of war, whereas our terrorist enemies cruelly violate all laws and norms. As an Army JAG serving in Congress, I will speak up and defend Israel not only against terrorists, but also against its biased critics.

SUPPORTING ISRAEL IN THE PEACE PROCESS

Israel has always sought to live in peace with its neighbors and this commitment is memorialized in countless dates when Israel took difficult steps for peace: 1947, 1967, 1978, 1993, 1994, 2000, 2005, and many more.

I admire Israel's commitment to peace in the face of unrelenting attacks and I will continue to support Israel in the peace process. First and foremost, I believe that no third party, including America, can impose a peace agreement upon Israel and its neighbors. America can of course help facilitate negotiations among the parties, but only by cooperating with Israel, never trying to pressure her. We must always stress that the U.S.-Israel alliance transcends the peace process and can't be threatened by occasional (and private) disagreements.

DEFENDING ISRAEL'S INTERNATIONAL LEGITIMACY

Much of the world targets Israel with attacks on its legitimacy and right to exist. Unfortunately, the United Nations is often the forum for these attacks. While the UN has improved, it still has much to do. First, Israel must not be singled out for illegitimate international inquiries, as with the odious Goldstone Report and current efforts to "investigate" its lawful blockade of Gaza and its restrained enforcement of that blockade against terrorist sympathizers in May. Second, the Human Rights Council must be reigned in: this playground for dictators has targeted Israel in 27 of its 34 censures in less than four years of its existence. Third, Israel deserves full membership in all activities of the Western Europe and Others Group.

I will always defend Israel's legitimacy against these policies and practices. I believe the U.S. should veto all anti-Israel resolutions and insist (under penalty of withdrawn funding) on UN reform.