

**THE JENNIFER LASZLO MIZRAHI TELECONFERENCE WITH
THE ISRAEL PROJECT
ON WEDNESDAY JANUARY 28, 2009
AT 1:30 P.M. CENTRAL TIME**

OPERATOR: This the Jennifer Laszlo Mizrahi teleconference with The Israel Project on Wednesday, January 28th, 2009 at 1:30 p.m. Central Time.

Good afternoon and thank you for holding. Please be aware that each of your lines is in a listen-only mode. At the conclusion of today's presentation, we will open the floor for questions. At that time, I will give instructions on how to ask a question. I would now like to turn the conference over to Jennifer Packer. Ma'am, you may begin.

JENNIFER PACKER: Thank you, Operator. Hello and welcome, my name is Jennifer Packer; I'm the senior advisor for media at The Israel Project. Thank you for joining us today on this important call. We are very fortunate to have with us today professor and author Alan Dershowitz, Lanny Davis, former advisor to President Clinton, and Professor Ken Stein, the first Director of the Carter Center. A little bit about each of our distinguished speakers.

Professor Alan Dershowitz, a prolific author and attorney, has been called "the nation's most peripatetic civil liberties lawyer" and one of its "most distinguished defenders of individual rights," as well as "the best-known criminal lawyer in the world." He is also the Felix Frankfurter Professor of Law at Harvard Law School and Professor Dershowitz is the author of 27 fiction and non-fiction works with a worldwide audience. His most recent title is *The Case For Peace*.

Lanny Davis, an attorney and author, was Special Counsel to President Clinton from 1996 to 1998, and was spokesperson for the President on matters concerning the campaign finance investigations and other legal issues. Mr. Davis was a member of President Bush's

five-member Privacy and Civil Liberties Oversight Board from 2006 to 2007, overseeing classified counter-terrorism programs. Now a Washington, DC attorney, Mr. Davis is also a weekly columnist and frequent political analyst on the most major broadcast and TV cable shows and an (inaudible) contributor for the country's most influential newspapers.

He is the author of several books on national politics and media coverage, including a Clinton White House memoir: *Truth to Tell: Notes From My White House Education*. Mr. Davis is also an unpaid spokesperson and advisor to The Israel Project.

Professor Ken Stein is the William E. William E. Schatten Professor of Contemporary Middle East History, Political Science and Israeli Studies at Emory University. Since coming to Emory in 1977, he founded and developed the International Studies Center, was the first Director of the Carter Center, and established in 1998, the Institute for the Study of Modern Israel. He's also the President of the Center for Israel Education, a non-profit organization. He is the author of numerous books and publications, including *Heroic Diplomacy: Sadat, Kissinger, Carter, Begin and the Quest for Arab-Israeli Peace*.

I will now turn to Mr. Davis. Mr. Davis.

MR. DAVIS: Hello everyone. I will just provide a couple of introductory comments and then I will first be introducing Professor Dershowitz and then Professor Stein.

This is Lanny Davis and my overall comment is that we are not just responding to the book that President Carter wrote or his recent television appearances but we are responding to what we believe to be at least a somewhat imbalanced presentation of what happened in Gaza over the last several weeks that, at least in most of the media, we believe left out some important facts. And our hope is after this call and after we take questions that some of the facts that have not been as adequately reported as we would like to see these facts reported might have an impact on future reporting of people on this telephone call.

We have a great deal of respect for former President Carter in many ways, we just respectfully disagree with the imbalance of his presentation in that he sometimes will omit mentioning important facts that would give both the reader and the viewer, in the case of television interviews, a better picture of -- a more accurate and complete picture of what happened in Gaza.

So I would like to first start with the issue of intent and address that omitted fact that seems, at least in what I have seen in President Carter's book and the television interview, I have not finished his book, and I believe Professor Stein will address the book, but at least in his interviews, and in media reporting, a very important omitted fact, is the issue of intent.

There seems to be no dispute that Hamas intentionally launches rockets to kill civilians. They in fact publicly boast that the rockets are aimed at Israeli civilians. That is by definition, under any Convention that one wants to look at, a war crime. So the issue of intent is not in dispute as far as I can tell.

Whereas the Israeli defense forces, when they defend themselves from these terrorist rockets, and I'm using the word "terrorist" very specifically, as defined, as intending to kill civilians, the Israeli defense forces if and when -- and of course there have been tragic occurrences of the defense forces killing Palestinian civilians -- do not do so intentionally, and that distinction is one that I don't hear being made sufficiently in the media.

Moreover, we also know indisputably that Hamas hides behind and uses as shields civilians when they shoot their rockets. We know that they've located their launchers at or near U.N. compounds, and specifically the UNRA compound where there was a tragic accident by the Israeli defense forces in an (inaudible) shell that killed civilian children and teachers in a school compound. We know without any dispute that there were Hamas rocket launchers in the vicinity of that compound yet we had spokespeople from UNRA

accusing Israel of war crimes, or asking at least for an investigation of war crimes, never mentioning that Hamas had located its rocket launchers in the vicinity of that school.

So the fact of intent that Hamas is intentionally killing civilians and intentionally launching its missiles, hiding behind civilians, which is also a defined war crime in most of the Treaties that have applied war crime law, is not adequately reported. While the Israeli army, and we'll talk in a little while about the steps that the Israeli army takes to avoid civilians, including text messages, telephone calls, calling off attacks when it specifically sees civilians who have been pushed up onto rooftops by Hamas, we have instances where attacks were called off, and other ways of mitigating civilian casualties. We believe that that has been inadequately reported and certainly not sufficiently addressed in President Carter's interviews.

Now I'd like to introduce Professor Dershowitz who will talk about issues relating to the so-called blockade that Hamas claims is the reason why it launches its missiles, intentionally killing civilians, the issue of proportionality and excess, which we're often reading in the newspapers that Israeli defense forces are accused of, and certain other issues that Professor Dershowitz will address.

PROFESSOR ALAN DERSHOWITZ: Thank you so much. I think the first issue that I want to talk about is the tactic that Hamas has perfected and that Hezbollah before it perfected and that is now being used against the United States and Afghanistan as well, and that's the tactic of provoking Israeli responses by playing Russian roulette with the lives of its children.

When I was in Sderot, when President Barack Obama was in Sderot, we saw how life becomes unlivable under rocket attacks when a million Israelis are subject to random rocket attacks. Rockets hit civilian areas, they hit schools, they hit kindergartens, recently two hit kindergartens, fortunately, the principals had dismissed them, and they know that

that ultimately a democracy will have to respond to this kind of provocation, indeed that's why they do it. They want Israel to respond and Hamas wants Israel to kill Palestinian babies and women and children and that's why they create human shields. Don't believe me on this listen to a Hamas member of parliament, Fathi Hamad, you can see him on YouTube, he says:

“That's why we have formed human shields of the women, the children, the elderly and the (inaudible). It is as if we were saying to the Zionist enemy: we desire death like you desire life.”

It's impossible to fight an enemy that wants you to kill his children and women so that he can show the dead bodies to the news media. Hamas itself has a name for this they call it “the CNN Strategy.” This is not to in any way demean the CNN, it does its job, it shows the dead babies, but what I think the media often misses is the tactic; the strategy behind it.

If, for example, somebody were to rob a bank in an American town and take hostages and fire from behind the hostages and start killing civilians and the policeman in an effort to stop the killing shot at the killer who had taken the hostage and by accident killed the hostage everybody would know who to blame for the killing of that hostage. It would be first degree murder on the part of the hostage-taker; the policeman would be completely innocent.

But when you see dead babies and when you see dead women, you often think not with your mind, not with your analytic skills, but with your heart and your gut, and it's understandable and Hamas understands that, which brings us to the issue of proportionality. What proportionality means in international law is simply this. When you have a legitimate military target you must do everything to attack the military target and not cause death or injury unrelated to the military target. Now, the military target obviously that Israel is aiming at, are rockets and terrorists who fire the rockets. Indeed, they haven't even yet succeeded;

there are still potential sources of rockets and those are all good military targets. Israel is entitled to take out those military targets as Barack Obama said when he was in Sderot, "If it was my children, I would do anything I had to to stop the rockets and I think that Israel will do the same thing."

And when Hamas put civilian shields, human shields, around the targets and more people die as the result of that, you don't count numbers to assess proportionality, again going back to what Lanny said, you count intention. And the intention of the Israeli defense forces is to minimize civilian casualties.

If, for no other reason, assume for a moment hypothetically an amoral Israel. Why would an amoral Israel want to kill civilians, they benefit not at all. As one Western diplomat said about Hamas and Hezbollah terrorists, they have understood the arithmetic of death: When they kill a civilian they win and when Israel kills a civilian they win.

As Golda Meir put it many years ago, "We can perhaps forgive you for killing our children but we can never forgive you for making us kill your children." And Hamas makes Israel kill Palestinian children in order to make this point.

Now what they claim of course is that they had to do it, they had no choice because there was this blockade. Well, you have to look back, as President Carter never does, at the history of the blockade. You know, when Israel left Gaza it left it with greenhouses and with fertile fields and with built-up areas that could easily have been turned into a paradise and there was no blockade at that point. The blockade began obviously when Hamas took over in Gaza, first by winning the election and then by a coup, military coup in Gaza, and started firing rockets at Israel; 6,000 rockets. That's when Israel imposed a small blockade, a relatively minor blockade.

Let me read to you from *The Times*:

“Gazans argue out of necessity. Israel imposed an economic blockade with Hamas’ takeover, limiting the flow of goods (now listen to these words from *The Times*) limiting the flow of goods - particularly snacks like chocolate and chips, and sodas - and tripling prices.

Yes, there was a blockade. The blockade was designed to do two things. One, to make sure that rockets weren’t sent in to be able to attack Israeli children, and second to put pressure on the people of Gaza who were responsible for having elected a Gaza government. But that blockade was a minor one, there was no humanitarian crisis. In fact when Palestinians from Gaza broke through and went to Al Arish in Egypt they immediately returned because they saw life was much better in Gaza than it was in many parts of Egypt. There were paved roads, there was gas, there was electricity, there were cars, unlike in many, many parts of Egypt and many other parts of the Arab world.

Then the third phase of course is during a war. During a war there’s going to be a humanitarian crisis but it was a humanitarian crisis cause by Hamas’ failure to abide by the ceasefire and its sending rockets down to kill Israeli civilians.

So what my hope is that the media look more deeply at the cycle and the causes and the tactic used by Hamas and not just look at the dead bodies that are being held up.

And by the way, Hamas doesn’t show all the dead bodies. When one of their rockets misfired, fell short and killed two Palestinian girls, nine and 11, I think, Hamas had a blackout, a censorship. They wouldn’t allow the media to see the pictures of those two dead girls because they had been killed directly by Hamas rockets rather than indirectly by Hamas using them as human shields. So I think understanding the complexity of this is essential to conveying the truth.

MR. DAVIS: Thank you, Alan. And I'd now like to introduce to you Ken Stein, who has had direct experience working with former President Carter and served as Director of the Carter Center. Ken.

KEN STEIN: Thanks, Lanny. Thank you, Alan. I'd like to point out some things about Carter's interviews most recently and his brand new book, which comes two years after the previous one.

This book, like the previous one, *Palestine: Peace Not Apartheid* is not a study in historical accuracy nor can one say that Carter has failed to understand the intent and the ambiguity of ingenuity.

Carter is a master wordsmith. He understands the economy of words. He understands how they are used. He understands their ambiguity. He understands verbal acrobatics. And like *Palestine: Peace Not Apartheid* the book, this particular book, is not exactly represented by his oral interviews that he's been giving on television or he's been giving on radio.

He talks to audiences according to what he thinks the audiences want to hear. And one of the most egregious errors is that Carter tries to whitewash Hamas; he tries to make Hamas a legitimate spokesman for the Palestinian people. What Carter fails to do or fails to elaborate is that Hamas' very presence in Gaza is illegal; that the fact is that it took over in a coup d'état which was identified by the Palestinian authority of Mahmoud Abbas as a coup in June of 2007.

Carter, both in the book and last night on *Fresh Air*, made a very -- told a very interesting story. He said, "Hamas has agreed to accept any peace agreement between the leader of the PLO and Israel provided it's subsequently approved by Palestinians in a referendum or by a democratically elected government."

Now, he says that in his book. He says it in his book on page 137, that Hamas has agreed to accept any peace agreement between the leader of the PLO and is approved by Palestinians. Now that means all Palestinians, I would assume. But last night, very cleverly on *Fresh Air*, he said that the agreement should be agreed upon by Palestinians in the West Bank and Gaza. Now that seems a lot more doable than if you were to allow Palestinians who live in refugee camps to vote on a referendum, assuming it was even democratic.

So Carter is saying two different things to two different audiences and when he's interviewed by the media rarely is the follow-up of: Well, Mr. President, you said this there but now you're saying this here.

Carter, I think, represents pretty much what Bert Lance said. Bert Lance said this in the *American Experience*, the Public Broadcasting biography of Carter, and Lance said, if I'm quoting:

"Carter is a moderate to the moderates, a conservative to the conservatives and a liberal to the liberals. Carter knows to whom he's speaking; he knows what's culpable; and he knows what is not."

The second major point I'd like to make is that the book is full of omissions and twists and again, inaccuracies. Carter glosses over the facts of history. He, last night in doing a rendition of the Iran hostage crisis, he made it appear on *Fresh Air* that no force, no violence was ever used. He said quite emphatically no hostages died and he said no Iranians died. But he didn't say no Americans died because he knows that there was a failed rescue mission. So he tells history the way he wants to tell it.

On page 45 of this current book he says, quote, "70,000 Israeli troops were deployed to confront mostly young people in 1987." 70,000 Israelis? Is he telling me that something like three-quarters of the standing Israeli army was facing off against Palestinian stone-throwers? I don't think so.

I think what you find in Carter's book, again, is inaccuracy, history the way Carter wants it, and he wants to present to the American people, and to anyone who listens, that I, Jimmy Carter, know; I -- they told me.

Now why is it when he says " Hamas leaders told me," how come they don't tell the rest of the world? How come they don't tell Sarkozy? How come they don't tell Bush? How come they don't tell Obama? How come they don't tell our Ambassador? How come we don't learn about these things? But it's only through Carter's eyes, through Carter's ears and Carter's rendition. And I think therefore it's very similar to the book *Palestine: Peace Not Apartheid*; it's the world according to as I see it.

Again, let me go back to the very beginning. He's very good at verbal acrobatics; he understands the ingenuity of ambiguity.

MR. DAVIS: Okay, I think we're now ready to take any questions that anybody on the call might have. We are asking only journalists from news organizations to start with the questions and then after we're done with taking questions from journalists if we have time we would be glad to answer anybody else's questions, but please let's start with the journalists who work for news organizations.

OPERATOR: At this time we will open the floor for questions. If you would like to ask a question please press the star key, followed by the one key, on your touch-tone phone now. Questions will be taken in the order they are received. If at any time you would like to remove yourself from the questioning queue, please press star, two. And once again, to ask a question that's star, one.

Once again, if you'd like to ask a question that's star, one on your touch-tone phone now.

PROFESSOR ALAN DERSHOWITZ: While we're waiting for questions may I add one point to what was previously said?

JENNIFER PACKER: Yes, please do.

PROFESSOR ALAN DERSHOWITZ: I think another point that has to be made, in addition to what Professor Stein said, is that when former President Carter appears on television he always appears alone. Although he wrote his first book, and presumably his second book saying that he wanted to provoke a debate, as you probably all know he's refused a debate. When Brandeis University invited him to debate or discuss the book with me or other knowledgeable people about the area, he's not done that. And he takes advantage of the fact that he's often on television with commentators who just don't know the issue as well as other people might know the issue and I would think it would be a very useful thing for Jimmy Carter to be open to debate.

I offered to come down to the Carter Center at my own expense and sit down and have a conversation with him in front of an audience and he's refused to allow that. Indeed, the Carter Center has even refused to allow me to speak and present an alternative point of view to Carter's even without former President Carter on the stage. So I think a debate would be a very good thing.

KEN STEIN: And Alan let me just add. When he gives his public presentations to universities, he does it according to his rules of engagement. His rules of engagement are that questions must be submitted on the 3 x 5 card; they must be filtered through a dean, a president or a provost and there is no follow-up. So just because a question is asked

doesn't mean it's -- the question is answered by Carter and therefore you really don't get into discussion about the issues and you can't hold him accountable for what he says, and indeed there are several specific questions that President Carter has refused to answer even though he's been asked at virtually every university that he's been at. Namely he said after the fact that he thought it was the right thing for Yasser Arafat to turn down the two-state solution, turn down statehood, turn down the Clinton-Barack offer; and what we don't know, we do know that President Carter was advising Yasser Arafat at many points in his relationship with the United States, and we don't know whether President Carter gave Yasser Arafat that same advice before the fact as he did after the fact, namely that it would be suicidal for any Palestinian leader to accept a peace treaty with Israel based on the Camp David and Taba Accord. He's refused to answer that question.

LANNY DAVIS: Are there any questions? This is Lanny Davis. I'll serve as a moderator, be able to answer your question, or ask Professor Dershowitz or Professor Stein to answer.

OPERATOR: Our first question comes from Susan Benash with Independent.

MALE SPEAKER: Yes. I'm Susan Benash's husband, and I'm the one that wants to ask a question.

LANNY DAVIS: Are you from a news organization?

MALE SPEAKER: No, I'm not.

LANNY DAVIS: I'm sorry. We're only starting with individuals from news organizations as I indicated. So why don't you come back to us after we've answered questions from reporters?

MALE SPEAKER: I didn't hear anyone from the news organization. I didn't think there were any questions.

LANNY DAVIS: Well that's fair enough. Well why don't you ask your question as long as you're on and we'll go. If there are any other reporters on we'd like to get your questions answered first because you're probably on deadline. That's the only reason, but go ahead, sir.

OPERATOR: Okay, sir. We've moved onto the next question. That's with Robert Ledeen with UMDNJ.

ROBERT LEDEEN: Yes, hello. The distortions of Jimmy Carter are well known, and the questions that many of us have is what is his motivation. I wonder if any of you can address that, and a particular question. Is his center, I think it's in Atlanta (inaudible). Is it funded by any of the countries or groups that are hating and desiring to destroy Israel?

LANNY DAVIS: Let me jump in as the moderator. We do not answer questions about people's motivations. We are not psychiatrists nor do we impugn people's motives. We assume that President Carter is sincere, but we just disagree with him, and we're here to talk about his omissions of fact or his statements of facts that are not correct, but –

ROBERT LEDEEN: Well I simply said that I wonder, but my direct question is who is funding his center.

LANNY DAVIS: Again, Professor Stein, please answer –

KEN STEIN: Well I can tell you this. When I was executive director of the center we took money from very wealthy Jews in Atlanta. We took money from the Japanese. We took money from the Europeans. We took money from the Saudis. We took money from just about anyone in order to build a center. We took money from the Rockefeller Foundation, the Koret Foundation, and in the early program no one ever directed me to do something that was particularly pro-Israeli or pro-Zionist or anti-Israeli or anti-Zionist. We were told really to just go out and do some academic work to bring in people who would represent all points of view. Now that was in the '80s. Once we got to the middle of the '90s things changed at the Carter Center, and I would argue that if you ask academic interns who've been at the Carter Center now for the last four or five years, those who come from all over the world to work as interns, they will tell you that in any presentation that Carter gives about the Middle East they are not allowed to confront him on an issue if they disagree with Carter's view of how the Middle East works and operates. I've actually had Carter Center interns at my dinner table who have gone on record telling me that the Carter Center is not any more a place where you go to try and resolve differences. It's a place where you go and try and put the burden of the responsibility on Israel. Whether that comes from funding I do not know. Whether that's because Carter has turned a corner and gone in a different direction that much I can say. I know he's not the man he was when I was working with him in the early '80s.

ALAN DERSHOWITZ: I can add one thing to that, and that is several years ago Sheikh Zayed Bin Sultan Al Nahyan gave a \$3 million contribution to the Harvard Divinity School, which was sorely in need of money; and of course Harvard checked him out and discovered that he was a Holocaust denier, conspiracy theorist, and an anti-Semite who claimed that, quote, "Zionist and not nazis killed the Jews of Europe." Harvard of course returned the money immediately. President Carter received a large grant from Zayed. Not only did he accept it, but upon receiving the money he gave a speech and he said the following. "This award has special significance for me because it is named for my personal friend Sheikh Zayed Bin Sultan Al Nahyan, a Holocaust denier and a man who confronts these conspiracy theories." Again I agree with Lanny, I can't get into the heart and soul of any person, but I think the facts speak for themselves.

ROBERT LEDEEN: Yes. Thank you.

LANNY DAVIS: We have any other questions from reporters from news organizations, please.

OPERATOR: Our next question comes from Nathan Goottman with The Forward.

NATHAN GOOTTMAN: Thank you. Hi. This is Nathan Goottman from The Forward. I have two questions, and my first question is do you think that Carter can play any constructive role in the Middle East? In the past he tried to speak, or he said he tried to speak with the Hamas leaders in Damascus about releasing Gilad Shalit. Do you think in the future he might be seen as a possible mediator on this issue? And the second question is that in regarding President Obama and his ties with Jimmy Carter in Palestine I believe it

was this week on the Daily Show actually that he believed that Obama was, promote peace in the Middle East. Do you have any indication as to whether Carter is advising Obama or whether Obama is speaking to Carter on these issues?

ALAN DERSHOWITZ: Well I know for sure that he is not advising him. We've heard very, very directly from President Obama that he's not accepting advice either from Jimmy Carter or from his Former Secretary of State Bergenski (sp?). He said that during the campaign as clearly as possible. One has to note also that I think for the first time in American history a former president did not speak at the Democratic Convention, and that president was Jimmy Carter and the convention was, a convention that nominated Barack Obama. Yes, I think Jimmy Carter could play. If he could help release an Israeli prisoner, sure by all means, the same way that Jesse Jackson has tried to do that; but he cannot play any role in negotiations generally about the peace process. He's disqualified himself from doing that by taking a strident side. The Israeli government would have no faith or trust in him, but if he can help resolve issues involving prisoners or if he can talk to Hamas, God bless him, let him do it, of course.

KEN STEIN: Nathan, let me just say this. Last night on Larry King he said the year before the ceasefire went into affect last June the 19th, which I went over and helped to negotiate, there had been one. Now Carter was in the Middle East in April and he was in the Middle East in December, but Carter last night on Larry King would be more than willing to have the general public understand that he was personally responsible and engaged arranging for the ceasefire on June 19th, which is not the case. Now he may have had phone calls. He may have had discussions with Hamas leaders or members of the PLO, but he certainly didn't go over there. That's taking credit for something that you didn't do, and that's also his way of

telling history. It's the history according to the way I see it and the way I want it interpreted, not according to what happened.

ALAN DERSHOWITZ: I was with Jimmy Carter in Israel on the day of the election that elected Hamas to office, and it was a legitimate election. I observed the election, so did Jimmy Carter observe the election. He predicted to me the day before the election that there was nothing to worry about; Hamas would be resoundingly defeated at the polls. Of course his prediction doesn't appear in his writings because he turned out to be wrong, but Hamas did win the election, and you know many people misinterpret that by saying Hamas won the election therefore they're not just a terrorist group. That's the point. The point is they won an election. Therefore every rocket sent from Hamas is an act of the government of Gaza, and an armed attack under Charter Article 51 of the United Nations; and the people of Gaza bear more responsibility obviously than they would if just some gang of hoodlums was sending rockets over the border. Not that that justifies any kind of deliberate civilian deaths, and there have been no deliberate civilian deaths by Israel; but when people vote for somebody as the Germans voted for Adolph Hitler in 1933 and he was the legitimate leader of Germany, the people who vote for war instead of peace bear accountability and responsibility, and tend to suffer more than when people are captive of a tyrant who simply was imposed upon them; and people forget that the people of Gaza voted overwhelmingly for Hamas, and they have paid a very heavy price for that; and one hopes that any peace process with the West Bank will create a West Bank of peace and prosperity and educational opportunity, much like West Berlin, and then the people of Palestine could see that making peace and giving up dreams of destroying Israel pay a tremendous peace dividend and remaining with Hamas does not pay that kind of dividend, and results in the kind of life that many are tragically living in the Gaza today.

KEN STEIN: Nathan, I can't speak for Alan or for Lanny, but I've always been in favor of a two-state solution where there was a Jewish state alongside an Arab state. The problem with Carter's writings and the problems with his articulation, he doesn't come right out and say there should be an Arab state alongside a Jewish state. He'll say a Palestinian state alongside Israel, but he's reluctant to go further than that because he knows it's contrary to the wishes of Hamas and Hamas' charter.

ALAN DERSHOWITZ: And by the way, it's contradictory to what he said when he met with Golda Meir between the time he was governor and ran for President when he said to Golda Meir Israel will never survive unless it becomes more religious, unless it focuses on God, that through our history the Jewish people have suffered when they haven't accepted God, kind of preaching to the secular prime minister of an independent state and telling them to become more religious and in fact more Jewish. I suspect he was talking about more Jewish. I don't think he was talking about accepting his God; but now he doesn't like to use the term Jewish state because that's contradictory to the Hamas charter.

LANNY DAVIS: Do we have another question from a journalist, please?

OPERATOR: Our next question comes from Andrew Silow-Carroll in New Jersey Jewish News.

ANDREW SILOW-CARROLL: Hi. It's Andrew Silow-Carroll from New Jersey Jewish News. I've seen Carter interviewed twice now on this book, and just in his message that Israel and Palestine will be side by side with Israel's right to exist recognized by its

neighbors, Israel withdrawing to its 1967 borders, and then he'll say that's basically the policy of you Kadimah and the Israeli government. I'm trying to gauge what, and I understood how the first book was provocative starting with its title and much of its, some of the distortions in the content; but what's prompting your upset at this moment with this book? How is the plan that he is putting forward seem more troublesome or mischievous than kind of the inevitable two-state solution that everyone is talking about including the Obama government and the Israeli government?

LANNY DAVIS: This is Lanny Davis. Before I think Professor Stein knows the book better than I do because I haven't had a chance to read it, I do want to say why we wanted this press conference right now. President Carter is beginning a book tour. I think he said last night even at his age, which I certainly respect greatly, he's got dozens and dozens of television appearances; and based on just the Larry King interview alone it seemed to me that the omission of important facts in the answers to his questions needed to be challenged immediately so that from this point on every time he answers a question incompletely or inaccurately we can make a public record so that people know what he's doing. So for example, in the entire interview with Larry King last night he never once said that Hamas is an announced terrorist organization that aims rockets intentionally to kill civilians. He never once said that Hamas has announced that it intends to destroy Israel and won't recognize it as a state. He went off on a tangent, in my opinion, by mentioning the possibility of a referendum; but we have yet to hear Hamas say that they would recognize the state of Israel as a state that has a right to exist; and he never once said that Hamas intentionally uses civilians behind which they launch their rockets. Because we know with an absolute certainty that those rockets are launched next to hospitals, next to schools, in civilian areas intentionally because Hamas has said publicly that when a civilian dies in Israeli response

and it's a Palestinian civilian then that civilian will be a martyr. Very much from my perspective the difference between celebrating death as an instrument of warfare, which is the definition of Al-Qaeda or terrorism, versus celebrating life and trying to avoid the death of civilians, which is what we know is the case for Israel.

KEN STEIN: Let me make it, let me make a, let me give you a very specific answer. Carter talks about a two-state solution. Throughout the book Carter's talking about different kinds of results and different kinds of participants, and he makes different kinds of references to different kinds of agreements and negotiations. For example he called Camp David a peace treaty. He calls Oslo a peace treaty. We know that they are accords. Later on in the book he calls them accords. So there's no consistency. What Carter does on page 141 and 142 is typical of what Carter wants to do. Carter wants to be a negotiator. So what Carter has done on pages 141 and 142, he wants to say that if Hamas does X, Y, and Z Hamas should be part of the negotiating process. The international community has made it quite clear that Hamas has to recognize all previous Palestinian-Israeli agreements, has to renounce terrorism, has to accept Israel; but what Carter does on page 141 and 142, he parses that requirement made by the Quartet, and lays out what he thinks should be best for Hamas. If you put Hamas under the tent, you put Hamas in the tent, you make Hamas part of the negotiation what happens is you don't go anywhere in negotiation because Hamas is only interested in a 50-year truce with Israel. Let us remember that insurgencies don't need to succeed. All they need to do is interact with their opposition. Hamas' goal is to negotiate but not to reach a conclusion. Hamas' goal is to postpone reaching a conclusion, and it wants legitimacy in order to do that. Carter –

ALAN DERSHOWITZ: I find myself –

KEN STEIN: And Carter gives it, Carter gives it –

ALAN DERSHOWITZ: Excuse me. I find myself in a strange situation because I find myself completely agreeing with Jimmy Carter's results, the two-state solution, yes, negotiating the two-state solution, yes. I also happen to agree with him that President Obama sending George Mitchell as a negotiator is a good thing. I also think that the settlements on the West Bank have to end. So I don't find myself in disagreement very much with Jimmy Carter's end game. I find myself in very, very considerable disagreement with how he proposes to get there; and I think my most strident criticism of Jimmy Carter, my most serious criticism, I think he's become a barrier to peace because by supporting essentially Hamas and by not exposing the Hamas tactic and by letting Hamas be victorious (sp?) when it uses this tactic of provoking Israel into responding, hiding behind civilians, then the media attacking Israel and Jimmy Carter becoming part of that, I think he makes peace much, much, much more difficult to achieve. So my disagreements with Carter are not about the end game. I wish it were as inevitable as some of my colleagues. I think it is. I don't think it's that inevitable anymore, but my real criticism of Carter is that he makes it much harder for peace to be achieved by siding with Hamas and against Israel and becoming part of that chorus of condemnation every time Israel responds in self defense, and thereby encouraging Hamas to continue to send rockets, which by the way in his first book he refused to categorize as terrorism at all. He then had to apologize for that.

KEN STEIN: There's nothing really that I would disagree in terms of what Alan just said. I think Alan was spot on right.

LANNY DAVIS: Are there any other questions from journalists? And then we're open to ending our time. We have about two more minutes. So if there are any other questions from journalists, please, and we can then take one or two questions from non-journalists.

OPERATOR: Our next question comes from Mark Finkelstein with the Jewish Federation of Des Moines.

MARK FINKELSTEIN: Yes, hi. Mark Finkelstein. Hello. Mr. Dershowitz you've mentioned in explaining about the blockade that one of the reasons was to put pressure on the Palestinian people who elected a terrorist government. Our adversaries will claim that's collective punishment and use it against us. What do you think?

ALAN DERSHOWITZ: Well no, it's not collective punishment. In democracies people are accountable for the actions of their leaders. It was not collective punishment for the United States and Great Britain to insist on unconditional surrender of Germany. It was not collective punishment for the United States to insist on unconditional surrender of Japan. People pay consequences when they vote for warfare, and in this case of course what Hamas says is there's no collective punishment. Hamas says, and again I remind you of the quote I gave from Fathi Hamad, for the Palestinian people death has become an industry. He claims to be talking to the Palestinian people, which women excel, and that's why women and children. Now there's no question when a child dies, and we have to distinguish between women and children. Women are terrorists. Many women have been used as terrorists. Many women have been used as voluntary human shields. Once you become a human shield you're a combatant whether you're a man or a woman or you're 17 years old or you're 15 years old, but not when you're five years old; and that's why Israel goes to such

great efforts to try to prevent that; and what Israel is doing is not punishing. What it's doing is it's imposing a blockade to prevent blockage from coming in.

Remember too that when Germany came to power there were efforts to try to have sanctions against Nazi Germany in the 1930s. Was that collective punishment? In my book about terrorism I talk about a continuum of collectivity of punishment, and you know if you deliberately hurt somebody or kill somebody, that's collective punishment; but if you do what happened in East Berlin when life was more difficult to the East Berliners and better for West Berlin because the world should see that being part of a free Western democracy as West Berlin was is better than being subject to the tyranny of communism. Sure. People pay consequences for sides that they're on, and particularly when they elect as they did Hamas and the way they accept Hamas there are going to be consequences. That's not collective punishment. That's the reality of life.

LANNY DAVIS: All right. I think we're about done with our time. I thank you all very much for your participation, and the remaining questions or comments can be sent by e-mail to Jennifer, J-E-N-N-I-F-E-R, P as in Peter, at theirrealproject, that's one word, one, no spaces, theirrealproject.org, O-R-G.

ALAN DERSHOWITZ: May I add one point about collective punishment that I had forgotten? Namely if you want to talk about collective punishment it's efforts by Canadian academics, by British academics, by French academics to impose boycotts against all Israeli academics, that's collective punishment, and those who complained about Israel are the ones, the first ones to engage in collective punishment. Hamas believes in destroying all the Jewish people. That's collective punishment. Hamas aims rockets at Jewish children. That's collective punishment, and it doesn't compare at all to Israel perhaps depriving some

people in the Gaza of, again to quote the New York Times, snacks like chocolate chips and sodas. That's not collective punishment.

LANNY DAVIS: All right. Thank you all very much, and I appreciate your participation in this conference call. Thank you.

ALAN DERSHOWITZ: Thank you.