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*Unholy Alliance: The Agenda Iran, Russia, and Jihadists
Share for Conquering the World*

JERUSALEM

A BIBLICAL AND HISTORICAL CASE
FOR THE JEWISH CAPITAL

JAY SEKULOW





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DEDICATED

To my Grandchildren

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INTRODUCTION

This book is about the history of Israel. I had no idea when I started writing it, though, that this would be one of the most important and historic years in Israel's long history. Soon after I completed the first draft of this book, something wonderful happened: President Donald J. Trump announced that the United States would move its embassy from Tel Aviv to Jerusalem and officially recognize Jerusalem as the capital of Israel. Of course, the Jerusalem Embassy Act of 1995, which easily passed the House and the Senate, called for both these things more than twenty years ago. However, Presidents Bill Clinton, George W. Bush, and Barack Obama all kicked the can down the road every time they had a chance to put the resolution into effect. Those delays came to an end in December 2017, when President Trump finally took action on this important piece of legislation.

I was personally and tremendously touched on many levels that day. I have the honor of serving as Counsel to the 45th President of the United States, and I was in Washington with the president on the very day he announced the historic recognition of Jerusalem as Israel's Capital. My entire family, including my grandchildren, were with me. We were able to spend time with the president, and I told him how proud we all were for what he had done. It was a day we will never forget. And now, as this book goes to print, the U.S. Embassy has been relocated to Jerusalem. We are truly living history.

The December 2017 decision should not have been a surprise. Just six months earlier, in June of that year, the U.S. Senate unanimously passed a resolution reaffirming the Act and calling on the President to abide by all its provisions. And yet, when President Trump did just

that, the world erupted into a panic. World leaders, the United Nations, news media, and even U.S. senators who had reaffirmed the Act months earlier now criticized and attacked the president. These criticisms were devoid of any factual basis, and the unbelievable cognitive dissonance of some legislators became painfully apparent. They showed themselves to be friends with Israel and supporters of her rights in theory but certainly not in practice. This kind of disagreement and duplicity shows why a book like this is absolutely necessary—now more than ever.

“This will kill the two-state plan,” they screamed from Europe. “This will result in violence,” they yelled from around the Middle East. “Oslo accords are dead,” proclaimed Mahmoud Abbas, leader of the Palestinian Authority.¹ And yet, for all this blustering, what actually happened? Thanks to God’s good grace, absolutely nothing. President Trump was right. Standing up for Israel’s rights—not to mention the United States’ right to have our embassy where we want it—did not lead to massive riots. As significant as the recognition of Israel has been for the Israeli people, it has effectively changed nothing for the rest of the world. Saudi Arabia, Turkey, and Jordan have all continued to develop and even expand inroads made unilaterally with Israel in terms of diplomatic and economic projects. Even now, the development of NEOM, a technologically advanced city on the coast of Saudi Arabia, may serve as one of the strongest bonds between countries in the area. On the other side of the Suez, Egypt and Israel have continued to work together on shared security concerns, such as those posed by Hamas in the Gaza Strip and ISIS in the Sinai. On the Friday following the announcement, Jews were able to pray at the Western Wall, Muslims continued to pray at the Al-Aqsa Mosque, and life continued as normal.

This begs the question: *If nothing really changed, why was this such a momentous occasion?* First, there is the history. All throughout Israel, archaeological digs have turned up artifacts showing connections between the land and the Jewish people. Just a few weeks before I sat down to write this preface, Israel discovered the seal of the prophet Isaiah in Jerusalem, right near the Temple Mount. It was Isaiah, of

course, who prophesied that the Jewish people would one day regain sovereignty over that very mountain and that the nations of the world would bear witness. To say the Temple Mount and its Western Wall have no historical significance to the Jews (a claim that has been repeated endlessly by Israel's detractors) is simply absurd—and it's way past time the world stopped trading in these absurdities.

Second, there is the practicality of the matter. For modern Israelis, there's no question that Jerusalem is the capital of Israel. It's a fact of life for them. But, if others need further convincing, just look at the objective facts:

- Legally, Jerusalem is home to the Supreme Court of Israel, its parliament (the Knesset), and the Office of the Prime Minister.
- Culturally, Israel's National Museum and Yad Vashem, the World Holocaust Remembrance Center, are in Jerusalem.
- From a census perspective, the bulk of Israel's population resides in Jerusalem. The *combined* populations of the next two largest cities—Tel Aviv and Haifa—amount to only *half* of Jerusalem's 1.2 million residents.
- Economically, Jerusalem is the economic capital of Israel. The population of Jerusalem swells every workday, as people travel from their homes in Tel Aviv to their jobs in Jerusalem. The government has invested \$2 billion USD into a high-speed rail system just to reduce traffic and decrease the travel time for these commuters.
- As a destination city, Jerusalem represents a huge source of tourism from around the world. In 2013 alone, 75% of Israel's tourists visited Jerusalem.²
- As far as industry, an entire industrial park devoted to international technology companies now sits in Har Hotzvim, providing further industrial power to an ever-growing Israeli technology sector. Jerusalem is currently transitioning into an even larger metropolis, with plans to build skyscrapers throughout the city

while still protecting its historical roots. Educationally, Jerusalem is home to domestic universities and to extension campuses of other overseas universities.

All this development took decades of hard work and careful planning—all centered in Israel’s unwavering commitment to Jerusalem as its eternal heart, soul, and capital.

Third, the United States’ acknowledgment of Jerusalem as Israel’s capital, though fundamentally right and good in and of itself, may do the exact opposite of what many detractors claim and ultimately move peace negotiations forward. The peace process has stalled and stagnated for decades. Without any shakeup in the process, there has been no incentive to reach a lasting resolution. To this end, the Palestinians have completely turned their backs on the peace process and have tried to force Israel into capitulating due to pressure from the international community. For whatever reason—and there are several—the Palestinian Authority has done everything they can do to avoid the negotiation table. Now, they are aware that procrastination has consequences. They know Israel’s rights will not be held hostage forever and that, if they don’t come to the table, the world will move forward without them.

The next round of negotiations will recognize what everyone already knows is true: Jerusalem is and will always be the eternal capital of the Jewish state and the Jewish people. In his announcement, President Trump made it abundantly clear. “This is nothing more, or less, than a recognition of reality. It is also the right thing to do. It’s something that has to be done....This decision is not intended, in any way, to reflect a departure from our strong commitment to facilitate a lasting peace agreement. We want an agreement that is a great deal for the Israelis and a great deal for the Palestinians.”³

It is a simple matter for the United States to recognize Jerusalem as Israel’s capital. But, as you’ll see in this book, Israel didn’t need the U.S.’s recognition. Jerusalem is and always has been the capital of Israel. No sovereign nation needs another nation’s permission to establish

its capital anywhere within its legal borders; Israel has the historical, biblical, and legal authority to place its capital wherever it wants. As we dive into the research and case law, it's my hope that you will understand once and for all why the headlines you see everyday matter in the world—and perhaps understand how and why much of the world is lying to you about what Israel is and what it wants in the Middle East.

With a lifetime of experience and advocacy behind me, and with my heart and mind firmly planted with the Jewish people, I humbly offer this examination into the rich history and legal underpinnings of Israel.

SECTION I

OPENING
ARGUMENTS

OPENING STATEMENT

“If I speak in heat, I speak in zeal. You ask what I wish: my answer is, a national existence, which we have not. You ask me what I wish: my answer is, the Land of Promise. You ask me what I wish: my answer is, Jerusalem. You ask me what I wish: my answer is, the Temple—all we have forfeited, all we have yearned after, all for which we have fought—our beautiful country, our holy creed, our simple manners, and our ancient customs.”¹

—BENJAMIN DISRAELI

Where's Jordan? Where is my son?

That was the singular, overwhelming thought racing through my mind as the echoes of the explosions and sirens rang in my ears. I was relatively safe in a command bunker in Ashkelon on the border of Gaza, where I had been meeting with key Israeli leaders. As chief counsel of the American Center for Law and Justice (ACLJ), I was in Israel discussing a response to the ridiculous claims that the Israeli self-defense measures against Hamas constituted “war crimes.” To get a good picture of what life looked like under the threat of Hamas, I had asked to visit the border of Gaza myself. I wanted to see what the people of Israel faced every day. I just didn’t expect to see it *quite* so up close and personal.

My son Jordan, an attorney who works with me at the ACLJ, was outside the command bunker when the warning sirens went off. The sirens back in 2008 only gave us a fourteen-second warning. Fourteen seconds to get to shelter. Fourteen seconds of terror, of not

knowing what was about to happen, and, worst of all, of wondering if my son was safe. The missile bombardment went on so long and the bombs were so massive that they could not let us leave the bunker for thirty minutes. As a lawyer championing the rights of Israel, I was outraged. As a parent fearing the safety of my child, I was terrified. I was there because I wanted to know what the Israeli people felt day in and day out, and now I knew. And I can never forget.

A Hamas rocket landed just seventy-five yards from my son. The trajectory of the rocket and the shape of its payload drove the blast away from his position. By the grace of God, Jordan was safe, but he watched the whole thing happen. He saw the earth explode less than a football field away from where he was standing. He felt the earth shake beneath a huge cloud of dust, dirt, and shrapnel.

Jordan and I were obviously shaken, but I'll never forget the demeanor of the Israeli officials and soldiers who were with us. This was—and continues to be—simply a part of their daily lives. They live in a constant state of war, facing an enemy who wants nothing less than their absolute and total destruction. Whereas you and I may get up and worry about a busy day or a demanding project at work, this entire population worries about making it through the day with their lives—and national sovereignty—intact. And, I'm ashamed to say, most of the world doesn't seem to care.

They live in a constant state of war, facing an enemy who wants nothing less than their absolute and total destruction.

THE NEW WAR ZONE

We at the ACLJ can't do much about the rockets flying over Israeli airspace, but we can wage war on the latest battleground in the fight for Israel. After decades of endless war, Israel's enemies are taking the battle to a new war zone, one that is potentially more dangerous than any other: the world's courtrooms.

LITIGATING ISRAEL'S RIGHT TO EXIST

The outcome of every trial I've been a part of in my thirty-seven years of law practice has come down to one thing: evidence. From local trial courts to the Supreme Court of the United States, it is all about the evidence. That's *real* law, though. The case against Israel is something else entirely.

On March 7, 2016, a two-hundred-page federal lawsuit hit my desk with a thud. After almost four decades as both a government lawyer and as the chief counsel of the ACLJ, I've seen a lot of lawsuits. I can usually judge their merits rather quickly by examining the evidence and the legitimacy of the plaintiffs. That's what made this particular complaint so troubling. There was a list of plaintiffs without real identification. The allegations in the complaint were certainly lengthy and dense, but they weren't "legal" in any true sense of the word. The more I read, the more confused I became about what was really going on here.

Then it dawned on me. This lawsuit wasn't about the law at all. I don't think it was even meant to be at its heart. What I was reading, what I was about to engage in, was a political exercise in the guise of a lawsuit. It was an attempt to litigate the very existence and legitimacy of the Jewish State of Israel.

It was an attempt to litigate the very existence and legitimacy of the Jewish State of Israel.

REPRESENTING WARRIORS

We represent the Gush Etzion Foundation, and I couldn't be prouder to be associated with an organization with such a fine heritage. Built on land acquired by the Jewish community in the 1920s and 1930s, Gush Etzion is a collection of Jewish settlements that has a famed history. This region, located in the Judean Hills less than ten miles from Jerusalem, played a pivotal role in the defense of Jerusalem during the 1948–1949 Israeli War of Independence, which we will discuss at length in this book.

On May 12, 1948, enemy Arab forces reached Gush Etzion on their destructive march to capture Jerusalem. The Arab armies knew that, if they could plow through Gush Etzion quickly, they could sack a relatively undefended Jerusalem with ease. But they could not have expected the resistance they'd face in the valiant defense at Gush Etzion. Soldiers and civilians alike did all they could to hold the line until the next day, when it became clear that they could fight no longer. But that daylong battle gave Israeli reinforcements just the time they needed to mount a final defense in Jerusalem.

Sadly, every Israeli soldier and remaining civilian resident who was not evacuated from Gush Etzion was massacred by the Arab forces that day. However, their sacrifice was not in vain. By holding off the Arab forces for that one critical day, the people of Gush Etzion helped save Jerusalem. Jewish reinforcements arrived and were prepared to turn back the enemy by the time the Arab forces were able to get through the line at Gush Etzion.

The day after Gush Etzion fell, Israel declared its independence. David Ben-Gurion, Israel's first prime minister, eulogized the defenders of Gush Etzion with the following words: "I can think of no battle in the annals of the Israel Defense Forces which was more magnificent, more tragic, or more heroic than the struggle for Gush Etzion. . . . If there exists a Jewish Jerusalem, our foremost thanks go to the defenders of Gush Etzion."²

A lot has changed in the seventy years since that battle, but one thing remains true today: The people of Gush Etzion, as represented by the Gush Etzion Foundation, are still prepared to go to war to defend the Jewish people of Israel. And this time, I was going with them.

MAKING THE CASE

As you will see throughout this book, Israel has many enemies and faces all manner of attacks every day. Those attacks come in the form of missiles flying overhead, boycotts, attempted sanctions, and an endless stream of legal battles. Even though Israel is a sovereign

nation fully recognized by the United Nations (UN), its opponents want nothing less than Israel's complete destruction.

I have had some unique experiences during my legal career. Over the last three decades, I have appeared before the Supreme Court of the United States, as well as before numerous courts of appeal, before the International Criminal Court (ICC) in The Hague, and in numerous congressional hearings. But this particular issue—defending the legitimacy of the Jewish State of Israel—led me into one of the most incredible experiences of my career: appearing before the General Assembly of the United Nations on May 31, 2016. I had talked to representatives from other nations before, but here, on this momentous day, I was talking to *all* of them. The pressure was on.

As we begin this discussion about Israel's very right to exist, I want to take you into the UN so you can understand where my passion for Israel comes from. It's literally in my blood and in the blood of my family. And that blood boils when I hear of pro-Israel students and professors being silenced or punished on college campuses across the United States. There is a wave of anti-Israel hysteria sweeping across college campuses right now, fueled by the Boycott, Divestment, and Sanctions (BDS) movement, whose goal is nothing short of the complete delegitimization of Israel's right to exist. That's what my speech to the UN was all about. In reading parts of that speech, you'll start to see why this issue is so important to me, and why it should become important to you as well.

I'll admit, walking into the General Assembly room at the United Nations building in New York City was intimidating. Presidents, kings, dictators, and tyrants have stood at that massive marble podium. The room looks enormous from that perspective, with what seems like an endless sea of seats filled with world leaders. But the audience for this session wasn't just those who were seated before me. The audience this day, in that setting, was the whole world.

After my formal introduction, I was escorted to the podium as a video was presented to the General Assembly. The video showcased the rampant discrimination that pro-Israel students and professors

were facing on college campuses across the country. At the end of the video, I began my first presentation to the United Nations. Below is a partial transcript of that speech:

Mr. Ambassador, Your Excellency, Justice Rubinstein, Justice Amin, Ambassador Lauder, friends: what you saw in that video, taking place on America's college campuses, is unacceptable.

It is unacceptable in a country governed by a constitution. It is unacceptable as a matter of law.

I'm before you today, and it's a humbling experience for me. My grandfather, Schmulik Sekulow, traveled from Russia in 1914 aboard a boat that took him past the Statue of Liberty. He came through Ellis Island and was a fruit peddler in Brooklyn, New York.

His grandson—me—I get to argue cases at the Supreme Court of the United States, at international tribunals, and now appear before you. It is humbling.

But the task that we have before us is great, and we have no time for delay. In one of my very first Supreme Court arguments, one of the legal journals said I was rude, aggressive, and obnoxious.

We won that case unanimously. After we won the case, that periodical said I remained undeterred during intense questioning. In 2009, we opened our permanent office in Jerusalem. One year later, I found myself before the International Criminal Court in The Hague—the ICC. The Palestinian Authority, much like the BDS movement of today, sought to utilize an international tribunal for one purpose and one purpose only—to delegitimize the Jewish State of Israel.

I argued the law, and the law was clear: the Palestinian Authority was not a state, and it had no business being before the ICC. And the case must be dismissed.

Two years later that law was established, and the court did dismiss that action. That's a victory, but the fact of the matter

is BDS is the flip side of that same coin. We call it *lawfare*—utilizing the legal system to delegitimize a people or a group. Now, this is an ongoing battle at the ACLJ.

[Part of our strategy is to] expose the true nature of the BDS movement for what it is, and make no mistake about it—it is not a civil rights movement. It is a movement with one aim and one aim only. It is a long-term project created by anti-Israel and anti-Jewish activists that is designed with one purpose: to delegitimize and destroy the State of Israel. To delegitimize the Jewish people. To delegitimize those non-Jewish people that stand with Israel.

This is the agenda. They cloak it in the garb of the civil rights movement. This is no civil rights movement; this is an unconstitutional and illegal advocacy taking place in the United State of America. Make no mistake, the goal is unambiguous. The intent is clear. It is to create an environment so hostile that those students of you that are here today would be afraid to say the words, “I am a Zionist. I am a Jew.”

Never, never, on the memory of our families, should we allow that to take place in the least in the United States of America.

In the past year, ACLJ lawyers have briefed 30 state legislators on passing laws specifically to protect students, businesses, and others from this Boycott, Divestment, and Sanctions scheme. We believe that this year we will see that legislation passed in a number of states.

I want to talk about the legal issues. You know, I make my living practicing law. I have represented a variety of groups around the globe. We have offices in Strasbourg, France, Jerusalem, two in Africa, in Moscow. But in the United States of America, we are seeing right now a marked upswing on college campuses and universities concerning this BDS targeting.

And it comes in multiple forms. It is sometimes aimed at a student, who merely speaks out—exercises his or her free speech right. One of those students, from Loyola University,

is with us today. She's brave. She's a hero. She stood up for her people and she did it in her college, and she was the one brought up on charges.

Now hear me: she exercised free speech rights, was non-disruptive, was being harassed by the BDS proponents of Loyola University in Chicago. She spoke out for her rights, and [as a result] she was being prosecuted by the college. That student, Talia Neiman, is here today. I'd like her to stand up please for a moment.

We had the privilege and honor to work with her, to put the College—the University—on notice that you better read your own rules. You better read your own regulations. You better read your own accrediting agencies' principles because it does not allow targeted discrimination because someone is Jewish or pro-Israel. And that fact, by the way, got Loyola to back down. That's some good news.

But let me take it a step further: it is not just students. There are professors. We are handling a number of those right now. Some of those professors are Israeli, most of them are Americans. Most of them—but not all of them—are Jewish. They have stood up for their rights as well. . . .

Friends, there's a website that our coalition partners put together. EndBDS.com. For the students that are here: as you can tell, you're not alone. Between us and our partners, there are hundreds, I will say thousands, of lawyers here in the United States and around the globe willing to defend—*desiring* to defend—[who are] winning these cases if we fight back.

I said we win these cases when we fight back. The truth is, we *must* win—we have no other option. This is our time and this is our moment.

I remember smiling when I read the part about being called “rude, aggressive, and obnoxious” and “undeterred” in defense of my clients. Depending on your perspective, I imagine all of those are true of me at some time or another. As it pertains to this debate, if

you fall on the side of the anti-Israel Boycott, Divestment, and Sanctions camp, you're definitely going to find me rude, aggressive, obnoxious, and undeterred. That's because I believe that whole movement is built on a stack of lies, and I'm going to call them out one by one.

I believe that whole movement is built on a stack of lies, and I'm going to call them out one by one.

My team at the ACLJ and I are not ashamed to stand with Israel and its right to exist. We are fighting for Israel, and we're fighting with everything we've got. We won't back down. As I told you at the start of this book, Hamas even dropped a bomb on my son, but it didn't stop us. You know what we did when the dust settled that day in Gaza? Jordan and I walked to the blast zone and picked up pieces of the rocket that almost killed him. I had those pieces set into a pair of cuff links, and I wore those cuff links the day I presented my case to the United Nations. I wear them as a reminder of the terror Israeli citizens live with every day and of the persecution Jewish and pro-Israel Americans face here in the United States.

Hamas even dropped a bomb on my son, but it didn't stop us.

A BATTLE WE MUST WIN

Litigating the legality of Israel in a federal court in Washington, DC, is not really litigation. It is lawfare, an attempt to use judicial systems as a weapon. It is warfare with briefs instead of bullets, with arguments instead of armaments. The aim—the destruction of the Jewish State—is the same, but the enemies' tactics have changed. They've brought the battle into the court of law, but make no mistake: Israel is under attack today in courtrooms around the world.

They've brought the battle into the court of law, but make no mistake: Israel is under attack today in courtrooms around the world.

In the federal lawsuit I'm working on with the Gush Etzion Foundation, the allegations in the complaint harkened back to the history of the Israeli-Palestinian conflict. In a court of law, I am limited in the length of the brief by a word and page count; not so in this book. Here, I want to answer the complaint more fully and present the law and evidence in support of the legitimacy of the Jewish State.

I don't hesitate to say the *Jewish* State of Israel. That is precisely what it is—uniquely Jewish and Democratic. Then-outgoing Secretary

Secretary of State John Kerry said of Israel in December 2016, "Israel can be either Jewish or Democratic. It cannot be both." I respectfully—and vehemently—disagree.

of State John Kerry said of Israel in December 2016, "Israel can be either Jewish or Democratic. It cannot be both."³ I respectfully—and vehemently—disagree. But don't just take my word for it. Trust the evidence.

This book will concisely, accurately, and beyond the shadow of a doubt establish the legal and historical right for Israel to exist as a Jewish State. I will use biblical history, extra-biblical history, archaeology, and international law to make my case. You'll see clearly why the Jewish people lay claim to the land, that there has been an enduring Jewish presence in Palestine (Israel) for almost four millennia, why Jerusalem should be considered their eternal capital, and how modern Israeli law is built upon the bedrock principle of human rights. And as we go, I will also give you a clear picture of the enemy we're fighting and what's at stake for the Jewish people—and the world—if we fail. We—you and I—cannot allow that to happen.

Let me be clear up front as we begin this tour through history and international law together. It is my intention to make this an *exhaustive* resource, to settle the matter of Israel's right to exist as a Jewish state once and for all using every critical piece of history, every piece of archaeological evidence, every biblical record, and every legal principle available. As you read, you'll see that I really haven't left any stones unturned. That means you may come across some pages that you'll need to read and then read again as you process the vast amount of information presented here. That's okay. Do it. Fight

through it. This is a critical issue on the world stage, and every fact I'm entering into evidence here further establishes the firm foundation on which the Jewish State of Israel stands today.

In this book, inasmuch as I am able, I will argue the evidence and facts of the case with the same "aggressive" attitude that I take with me into the Supreme Court. I have no choice. As I told the UN General Assembly, this is a war we *must* win.

We have no other option.

This is our time. This is our moment.

Let's get started.