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July 22, 2023

Via Email

Prime Minister Benjamin Netanyahu
c/o Embassy of Israel
Washington, DC 20008

Dear Prime Minister Netanyahu:

I write neither in my capacity as President of the New York Chapter of the National Association of Jewish Legislators nor as a member of its Board of National Directors. I write as a Jewish state legislator who believes that Israel, like America, is an aspirational nation and that Israel and America are the “last best hope[s] of earth.” I am also privileged to serve as the Chair of the New York State Assembly Judiciary Committee.

Israel is at a breaking point. The package of bills that the Knesset intends to pass will eviscerate judicial review of governmental decisions. With a unicameral legislature, no constitution, and less powerful local governments, Israel’s judiciary is the only monitor preventing the government from doing whatever it pleases. Democracies cannot exist without “checks and balances.” The Israeli judiciary embodies the only system of “checks and balances” that can restrain and inhibit absolute governmental power.

Dominated by some of the most extremist ministers in Israel's history, the current government promotes a legislative agenda that undermines human rights and liberal values. The only barrier is the authority of the Supreme Court, precisely what the so-called reforms are calculated to obviate.

If enacted, the government will be empowered to:

- Control and politicize the appointments of judges to the Supreme Court;
- Ignore the legal advice of the government's legal counsel;
- Limit the reasons for the court to adjudicate government and parliament decisions;
- Overrule court decisions and re-pass any court rejected legislation; and more.

If adopted, any government will have the power to function as a dictatorship. Just some of the declared pieces of proposed legislation:

- Removing the mandatory military recruitment of ultra-Orthodox Jews and declaring Jewish religious studies as a national high value.
- Constructing new Israeli settlements and declaring existing ones as official Israeli towns and villages.
- Firing officials who oppose government actions and appointing unqualified political supporters to high-ranking positions.
- Infringing on the rights of minority and underprivileged communities, including LGBTQ individuals, Arabs, women, and others.

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The large and patriotic demonstrations, as well as repeated political polls, show that an impressive majority of Israelis oppose these draconian measures. The Israelis believe that any changes to the fundamental structure of the government should only be made after careful public discussion and with broad consensus, neither of which have occurred. Most Israelis see this ‘reform’ as a mere power grab and a catastrophic threat to Israeli democracy.

The immediate result of the prospect of this primitive program includes but is not limited to:

1. Economic downturn, including weakening of the NIS (Shekel), a drop in investments and in new start-ups;
2. Letters and petitions from elite military unit members, threatening to stop volunteering for military training;
3. Avoidance/cancellation of diplomatic meetings with Israeli officials in the U.S and other countries;
4. Recurring major protests that disrupt vital infrastructure and highways in Israel;
5. Social tensions and polarization, pumped up by radical politicians; and
6. Emboldening and empowering Israel’s enemies who consider it weak at this time of crisis.

Israel now confronts profound challenges to its security and to its future as a liberal democracy. The wide protests in which millions have participated in Israel and in major locations such as Washington D.C, New York City and other American venues are an attempt to make the government abandon this self-destructive policy. Instead of being instances of civil disobedience, these demonstrations are actually inspiring examples of true civil obedience.

It is democracy itself that is now at stake. Citizens of no nation will enjoy economic freedom in the absence of fundamental personal rights.

I urge that you fight to maintain Israeli democracy.

Sincerely,



Charles Lavine