

# Why Trump is Right on Jerusalem

by Kenneth Lasson



In April of this year, when Russia declared its recognition of West Jerusalem as Israel's capital, the announcement was met with deafening silence by the Arab world. Why, then, the roars of protestations at the same simple acknowledgment by the United States?

Threats by Turkey and other countries in the Arab League to sever diplomatic relations with the U.S. over the issue prove once again that in our time the world has made the Middle East safe for hypocrisy.

Is there any reason to believe that acquiescing to Arab demands will lead to peace? Not if you look at the facts over the past half-century during which time the Palestinians have stated with remarkable consistency that they will never recognize Israel as a sovereign state, much less Jerusalem as its capital.

If we are looking toward our own best interests, there are good diplomatic and constitutional reasons to countenance Jerusalem as Israel's capital. First and foremost is historical reality and common sense. As law professor Eugene

Kontorovich, an expert on international law and policy, pointed out last month in testimony before Congress, "One of the main reasons for the failure to reach a peace deal is the unspoken assumption that protracted and repeated Palestinian rejectionism costs them nothing diplomatically, while creating constraints for Israel."

Every country in the world has had the right to designate the capital of its choice, with Israel the lone exception. Congress recognized this anomaly over two decades ago, when it passed the Jerusalem Embassy Act in 1995. (The vote was 93-5 in the Senate and 374-37 in the House.) The Act noted that. "Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and most of its ministries and cultural institutions"—and that since the reunification of the city in 1967, religious freedom has been guaranteed to every faith.

But the law was never implemented—because presidents Clinton, Bush and Obama all came to view it as a congressional infringement on the executive branch's constitutional authority over foreign policy, and consistently exercised a built-in presidential-waiver clause based on their perception of national-security interests.

It's now eminently clear that all three of the past pre-Trump administrations missed the forest of Middle East reality for the trees of diplomatic denial and intransigence.

The root of the State Department's long-standing heavy-handed reluctance to offend Arab populations in the region is a willful ignorance of history and reality. In 1948, president Harry Truman ignored State's strong objections and enabled the US to become one of the first countries to recognize Israel. Even though Israel won all of Jerusalem in the 1967 war, even though no Israeli government nor popular referendum would ever allow another city to be designated its capital, even though the Arab-Palestinian peace process countenances no other place for that purpose—in the view of the State Department,

Jerusalem remains no-man's land.

Though some of President Donald Trump's closest advisors have likewise urged him to hold off, there has long been bipartisan support for the move. Elliott Abrams, a former Middle East adviser to Bush, said recently that Trump should follow through on his promise because, even if east Jerusalem were eventually ceded to the Palestinians as the capital of their own state, no conceivable settlement would deny west Jerusalem to Israel. "There is simply no reason not to put a US Embassy there."

Moscow's surprising recognition of Jerusalem was largely ignored by the foreign-policy establishment because it disproves their predictions of chaos. On the other hand, the Palestinians have found that their threats of dire consequences have worked in the past—in effect allowing U.S. foreign policy to be taken hostage.

Two years ago in a challenge to the State Department's policy not to put "Jerusalem, Israel" on U.S. passports for American citizens born there, the Supreme Court ruled that the president has the exclusive power to recognize foreign nations, which includes the power to determine what a passport says. "Recognition is a matter on which the nation must speak with one voice," said the Court. "That voice is the president's."

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