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Banned from the Only Democracy in the Middle East: Targeted Exclusion at Israel's External Border Crossings

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Chapter 1: Introduction

He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable.
–Giorgio Agamben[1]

I. Israel: State of Inclusion; State of Exclusion

On July 5, 2015, I was traveling from Amman, Jordan to Jerusalem. I got on a bus at Abdali Station in Amman at 7 a.m. We arrived around 8:30 a.m. at the King Hussein/Allenby Bridge border crossing that is the gateway to Jerusalem and the West Bank. At the border I underwent eight hours of waiting and questioning until I was finally presented with a "Decision Concerning Denial of Entry According to the Entry into Israel Law, 5712-1952" in which I was denied entry to Israel for "prevention of illegal immigration considerations." The exact implications of this denial are unclear, even within the text of the law officially published on September 5, 1952.[2] However, one thing was made overwhelmingly clear: I was banned from the country for five years.

This event did not occur in a vacuum. Internationally, states have tightened border security in light of an ever-growing refugee population from the Eastern Mediterranean; nations such as Hungary have attempted to ban all refugees from crossing their borders.[3] The 2015 Paris attacks have led to even tighter border practices and increased information sharing between nations in the face of terror groups like Daesh.[4] Israelis themselves have faced border woes as

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[1] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press, 1998), 28.
[2] "Israel: Law No. 5712-1952, Entry into Israel Law," *Refworld*, accessed October 7, 2015, http://www.refworld.org/docid/3ae6b4ec0.html. Unofficial Translation.
[3] "Refugee Crisis: Hungary Rejects All Asylum Requests Made at Border – as It Happened." *Guardian*, accessed December 6, 2015, http://www.theguardian.com/world/live/2015/sep/15/refugee-crisis-hungary-launches-border-crackdown-live-updates.
[4] "Pentagon Promises to Boost Intelligence Sharing with France after Paris Attacks." *Washington Post*, accessed December 6, 2015, https://www.washingtonpost.com/news/checkpoint/wp/2015/11/16/pentagon-promises-to-boost-intelligence-sharing-with-france-after-paris-attacks/.

Israeli passport holders increasingly have been denied visas to a number of countries including the US.[5] Further, Israeli passport holders or individuals with Israeli stamps in their passports have been banned from traveling to a number of nations.[6] In light of this climate, this personal event poses an intriguing juncture for a further exploration of Israeli border practices, especially in the context of banning US citizens.

Israel presents itself as an inclusive state. The state has opened its doors to millions of Jews around the world to whom it has granted the "right of return," the opportunity for all self-identifying Jews to move to Israel, at great benefit, and receive automatic citizenship. The nation has reached out to American Jews as a prime target for this prospect through connections with synagogues, Jewish day schools and regional trips. It also has attempted to be inclusive of other communities: Tel Aviv for example has one of the biggest gay pride parades in the world; a number of Christian communities believe Israel is where the final coming of Christ will occur; young travelers find themselves at home in Bohemian communities where artists live together in communal bliss. As it stands today, US citizens are not required to have a visa to enter Israel.

Israel also exists as an exclusionary state. Millions of Palestinians currently live in diaspora in surrounding Arab countries, Latin America and beyond; 2.5 million Palestinians live

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[5] Aron Heller, "80% Increase in US Rejections of Israeli Visa Requests," *Times of Israel*, accessed December 6, 2015, http://www.timesofisrael.com/israel-us-at-odds-over-visa-waiver-program/.

[6] It is well know that Israelis are denied entry to specific countries, however there is not a comprehensive list of countries that deny Israeli citizens entry on Israel's consular website. As it stands, according to Timatic (https://www.timaticweb.com/), the database that contains information used by airlines to determine whether a passenger can be carried, currently sixteen countries forbid admission to Israeli passport holders: Algeria, Bangladesh, Brunei, Indonesia, Iran, Iraq (besides Iraqi Kurdistan), Lebanon, Libya, Malaysia (must obtain clearance form the Ministry of Home Affairs), Oman, Pakistan (must obtain clearance from the Ministry of Internal Security), Saudi Arabia, Sudan, Syria, United Arab Emirates (allowed for transit) and Yemen. In addition, reports have shown that Iran, Kuwait, Lebanon, Libya, Saudi Arabia, Sudan, Syria and Yemen do not allow people to enter with evidence of travel to Israel. Wikipedia offers the most comprehensive and up to date account of this on their "Israeli Passport" page (https://en.wikipedia.org/wiki/Israeli_passport). In addition, the Israeli government forbids Israeli citizens to enter Iran, Pakistan, Libya, Lebanon, Saudi Arabia, Syria or Yemen without special permission as they are considered enemy states. However, this is a different topic to address as these countries specifically ban Israeli passports and do not deny or ban individuals based on specific identities or actions by an individual.

in the West Bank and 1.7 million Palestinians live in the Gaza Strip.[7] According to the United

Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) there are

5 million Palestinian refugees, just accounting for those who lived in Palestine from June 1946

until May 1948 who were uprooted by the 1948 conflict.[8] One third of these refugees live in

camps in which residents have no right to own or buy land. Refugees are systematically

disallowed access to movement into Israel proper by a complex system of checkpoints and

permits. Further, they are denied access to their own land in the occupied Palestinian territories,

as the "separation wall" built in 2003 has ceded much Palestinian land into Israel proper.[9]

Certain migrant populations who are escaping from violence in their home countries, like those

from Eritrea, are regularly detained and turned away from the country's borders.[10] These two

concurrently existing states of inclusion and exclusion serve as a backdrop in front of which

potentially thousands of US citizens have been denied or banned from entry at the external

Israeli border crossings.[11]

    States are responsible for deciding how they will administrate, inscribe and express their

borders. There are no international laws or guidelines that confer how an entity should

administer entry and exit. Indeed, nations are not required to provide legal justification or

otherwise for denying individuals from their border, as they hold the sovereign discretion to do

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[7] Nir Hasson, "Demographic Debate Continues How Many Palestinians Actually Live in the West Bank?" *Haaretz*, June 30, 2013, http://www.haaretz.com/israel-news/.premium-1.532703.

[8] "Palestine Refugees," *UNRWA*, accessed November 6, 2015, http://www.unrwa.org/palestine-refugees.

[9] This paper will use "Israel proper" and the "occupied Palestinian territories" or the "occupied territories" to differentiate the two landmasses separated by the 1949 armistice line. Israel proper is defined as the land that extends from the green line to the Mediterranean Sea (excluding Gaza). The occupied Palestinian territories consist of East Jerusalem, the West Bank and Gaza.

[10] Ben Sales, "As Europe Takes in Migrants, Israel Tries to Keep Them out," *Times of Israel*, accessed November 6, 2015, http://www.timesofisrael.com/as-europe-takes-in-migrants-israel-tries-to-keep-them-out/.

[11] This study uses the term "external Israeli border crossings" as there are many border crossings contained within the region of Israel Proper, East Jerusalem, the West Bank and Gaza in the from of checkpoints, internal borders and walls. This study is focused on those border-crossing points administered by Israeli officials used to enter this region by foreign nationals.

so. In this way, states have much space to determine how their borders will operate. Thus, it stands to ask the question: why do Israeli officials deny or ban US citizens at their external border crossings and why do they do so in the manner that they do?

Although much research and organizing exists surrounding the Palestinian border experience, little research has been done to determine why Israel denies US citizens access into the "only democracy in the Middle East." Despite seemingly discriminatory practices at the border directed towards US citizens, there has been no formal academic work conducted on the subject in order to catalogue instances of denial and empirically to determine whether there is a relationship between identity and denial.[12] This study is the first of its kind, which examines the phenomenon of the denying and banning of US citizens from the external Israeli border crossings.[13] It draws upon the cases of 110 US citizens who have been banned or denied from the external Israeli border crossings from 1987-2015. This study finds that denial is often associated with Palestinian Americans, Arab Americans, Muslim Americans, Black Americans and Americans who personally identify as activists or are considered by border officials to be so.[14] It argues that Israel's actions at their border crossings have become increasingly standardized over time through practices of "stealth authoritarianism" that create the veneer of due process in the

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[12] Several groups have attempted to catalogue these occurrences more anecdotally, although some documentation has been since taken down. The Arab American Institute still has documentation of this phenomenon posted in 2013. See http://www.aaiusa.org/snapshots-american-citizens-discriminated-against-at-israeli-border.

[13] According to the Israeli Ministry of Foreign Affairs, Israel has 23 external border crossing points: six airports, eight land crossings, five ports, three marinas and one pipeline. Excluding water crossings, nine of these crossings are open to internationals. These are the borders that I will be referring to in the remainder of this study as the "external Israeli border crossings."

[14] According to the Chicago Manual of Style, 16th Edition: "Whether terms such as *African American*, *Italian American*, *Chinese American*, and the like should be spelled open or hyphenated has been the subject of considerable controversy, the hyphen being regarded by some as suggestive of bias. Chicago doubts that hyphenation represents bias, but since the hyphen does not aid comprehension in such terms as those mentioned above, it may be omitted unless a particular publisher requires it." Thus, this particular study does not utilize a hyphen. The Style Manual also states, "Common designations of ethnic groups by color are usually lowercased unless a particular publisher or author prefers otherwise." This author chooses to capitalize Black for consistency.

execution of a denial or ban and lead to difficulties pursuing redress. Finally, this study puts forth how this practice fits within the broader context of Israeli policies regarding the subjugation of Palestinians living in the occupied Palestinian territories and Israel proper as well as individuals suspected of being activists working towards Palestinian liberation. Ultimately, this study hopes to lay a multi-disciplinary groundwork for understanding the implications of the denial and banning of US citizens at the external Israeli border crossings for those who wish to pursue the topic in the future.

In the following chapter, I examine Israel's border procedures in a broader context in support of my argument that Israel's border policies are built to exclude certain groups from entering Israel proper and the occupied Palestinian territories. First, I will introduce background on the phenomenon of US citizens being denied and banned at the external Israeli border crossings including a discussion of the US-Israeli relationship. Next, I explore the idea of Israel as an ethnocracy through the legalizing of "Jewishness." Following that, I contextualize Israeli border practices historically and theoretically by looking at the history of its borders, theories of sovereignty, and the concept of border "inscription." Finally, I will present several potential explanations for Israel's present border manifestation in light of denial and banning of American citizens at the external Israeli border crossings, followed by the methods and limitations of this study.

II. Background on the Phenomenon

IIa. The Banning of US Citizens from Israel's External Borders

Many look to Israel's external border crossings as a model for successful control of incoming populations in light of security threats. Daniel Wagner, the CEO of Country Risk

Solutions, lauds Ben Gurion Airport's approach to airport security. According to the author, the airport focuses on what former Ben Gurion director of security calls the "human factor." This methodology emphasizes the fact that terrorist attacks are carried out by people and that through technology and clearly delineated processes, any potential threat can be countered.[15] Since 2002, researcher Braverman found that Israel has been replacing the borders of old, which were manned by low-level soldiers and police, with permanent structures and professional officers in hope of eliminating discriminatory practices. Critics, Braverman notes, are skeptical of whether these practices would be able adequately to quell discrimination adequatelyat the border.[16] Despite structural changes and new practices, many point to flagrant discrimination at external Israeli border crossings.

Although Israel's border practices are a model to some, many speculate that Israeli border officials target Palestinian, Arab and Muslim individuals for denial at external Israeli border crossings. Reports of denial and banning of individuals regularly reference Palestinian identity as one of the chief reasons for an individual's denial. This is supported by recent reports of the denial of five Palestinian Americans at the external Israeli border crossings in 2015. Karen Natan from the Immigration Authority at Ben Gurion Airport explained the logic behind one denial, stating that Palestinians (referring to US citizens of Palestinian descent) must use the Palestinian border crossing (at King Hussein Bridge/Allenby Bridge). She stated, "All Palestinians know that, and they know they can't come to Israel by way of Ben Gurion Airport."[17] She expanded that in order to be treated as an American, Palestinian Americans would need to contact the

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[15] Daniel Wagner, "What Israeli Airport Security Can Teach the World," *Huffington Post*, March 17, 2014, http://www.huffingtonpost.com/daniel-wagner/what-israeli-airport-secu_b_4978149.html.

[16] Irus Braverman, "Civilized Borders: A Study of Israel's New Crossing Administration," *Antipode* 43, no. 2 (March 2011): 264–95, doi:10.1111/j.1467-8330.2010.00773.x.

[17] Daoud Kuttab, "American Palestinians Speak out about Denied Entry to Israel," *Al-Monitor*, August 5, 2015, http://www.al-monitor.com/pulse/originals/2015/08/palestine-israel-west-bank-americans-detained-ben-gurion.html.

Palestinian Authority and "cancel their Palestinian I.D.," a feat that is nonsensical to US citizens, as most were never issued an I.D. in the first place.[18]

Palestinian Americans are not the only US citizens who are seemingly targeted at the border crossings. Non-white Jews are also denied entrance at the external Israeli border crossings. According to the *Jerusalem Post*, in July 2015, two American Jews, Idit Malka and her son Kahxin, were denied entry to Israel proper while on their way to a relative's wedding. The two were held in detention for two days at Ben Gurion Airport before being put on a flight back home to Florida. Idit recalls her time at the border as a security officer screamed, 'Eretz Yisrael isn't a country for 'cushim' [a racial slur for dark-skinned]."[19] This event relates to wider issues of racism within Israeli society. Ethiopian Jews, Yemeni Jews and other non-Ashkenazic Jews face many issues when immigrating to Israel, including Israelis' reluctance to recognize their Jewishness as well as stigmatization due to the color of their skin.[20]

Officials at Israeli border crossings have also been known to deny entry to US citizens who they suspect of activism. Noam Chomsky, the notorious linguist and social justice advocate, was held at the King Hussein/Allenby Bridge crossing for three hours and turned back to Jordan without an explanation when attempting to cross to the West Bank. In response to this event, Kadima Member of Knesset Otniel Schneller exclaimed, "It's good that Israel did not allow one of its accusers to enter its territory. I recommend [Chomsky] try one of the tunnels connecting Gaza and Egypt."[21] Most recently, according to newspaper *Haaretz*, right-wing members of Knesset have proposed a bill that bars supporters of the Boycott, Divest, Sanction (BDS)

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[18] Daoud Kuttab, "American Palestinians Speak out about Denied Entry to Israel."
[19] David Brinn, "Two American Jews Held for Two Days an Ben-Gurion, Denied Entry to Israel," *Jerusalem Post*, July 13, 2015, http://www.jpost.com/landedpages/printarticle.aspx?id=408826#.
[20] Nelly Elias and Adriana Kemp, "The New Second Generation: Non-Jewish Olim, Black Jews and Children of Migrant Workers in Israel," *Israel Studies* 15, no. 1 (Spring 2010): 81.
[21] Amira Hass, "Noam Chomsky Denied Entry Into Israel and West Bank," *Haaretz*, May 16, 2010, http://www.haaretz.com/news/israel/noam-chomsky-denied-entry-into-israel-and-west-bank-1.290701.

movement from entering the country, essentially writing the targeting of activists into legislative form.[22]

The practice of US citizens being denied and banned at the external Israeli border crossings becomes even more paradoxical when examined in light of the US and Israel's historically close relationship, including agreements the countries have signed specifically addressing subjects such as exchange of tourism.

IIb. The US and Israel's Close Relationship

The denial and banning of US citizens at the external Israeli border crossings seems wholly counterintuitive, as Israel has had historically close ties with the US. Israel is the largest recipient of US foreign aid and has received $124.3 billion US dollars to date in order to bolster both civic and military growth. Further, the US has repeatedly renewed its commitment to maintaining the safety of the Israeli state.[23]

In their piece *The Israel Lobby and US Foreign Policy,* Mearsheimer and Walt discuss American Jews' strong connection to Israel and the relationship's effect on American politics. The pair illuminates how policy-makers regularly ignore human rights transgressions in Israel proper and the occupied Palestinian territories in order to ensure political gain through support of the state of Israel. In particular, the US Congress has long upheld a commitment to Israel in order to please pro-Israel constituencies. Mearsheimer and Walt expand on the unprecedented level of power the American Israel Public Affairs Committee (AIPAC) holds over Congress. In a 1977 poll by *Fortune Magazine* in which respondents were asked to list the most powerful and influential lobbies in Washington, AIPAC came in second, only following the American

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[22] Allison Kaplan Sommer, "Hard-Line MK Plans Bill to Bar Pro-Boycott Foreigners From Israel," *Haaretz*, June 9, 2015, http://www.haaretz.com/news/israel/.premium-1.660383.
[23] Sharp, Jeremy. *US Foreign Aid to Israeli* https://www.fas.org/sgp/crs/mideast/RL33222.pdf

Association of Retired People (AARP). The authors expose, "AIPAC's success is due to its ability to reward legislators and congressional candidates who support its agenda and to punish those who challenge it."[24]

AIPAC often turns to letter writing campaigns and media pressure to endorse candidates it sanctions, and public shaming and cutting of funds from those who do not agree with AIPAC's platform.[25] In the *New Yorker* exposé, "Friends of Israel," former congressman Brian Baird is quoted revealing, "Any member of Congress knows that AIPAC is associated indirectly with significant amounts of campaign spending if you're with them, and significant amounts against you if you're not with them."[26] Thus it is essential for members of Congress to adopt policies that fall along AIPAC lines. It is clear that the US has a strong commitment to supporting Israel rhetorically, and it is in this context that Israel's practice of denying and banning American passport holders at its external border crossings is so puzzling. Denials also occur in the context of two agreements the US and Israel signed specifically to foster the exchange of tourists over borders.

The 1951 Treaty of Friendship, Commerce and Navigation was the first agreement to support freedom of mutual travel between US and Israeli citizens. Article II confers that citizens of both nations reserve the right "to travel therein freely, and to reside at places of their choice" and "to enjoy liberty of conscience."[27] The Israel-United States 1986 Memorandum on Tourism more explicitly lays down a framework for mutual exchange of tourists in which the two states "[a]ffirm the importance of tourism consultations in progress within the framework of the

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[24] John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy*, 1st edition (New York: Farrar, Straus and Giroux, 2008).
[25] Ibid.
[26] Connie Bruck, "Friends of Israel," *New Yorker*, September 1, 2014, http://www.newyorker.com/magazine/2014/09/01/friends-israel.
[27] "TAC Program - Making Trade Agreements Work for You!" accessed March 21, 2016, http://tcc.export.gov/Trade_Agreements/All_Trade_Agreements/exp_005440.asp.

Declaration on Trade in Services, and express their resolve to analyze the ways and means to remove obstacles to the flow of tourism, and to explore practical measures to produce more open trade in bilateral tourism" and "[i]ssue a welcome to each other's nationals to visit the country of the other."[28]

In addition to these agreements, the US is one of the many nations with whom Israel has a visa exemption agreement. This means that US nationals, alongside citizens from nations such as Denmark and Brazil, are exempt from applying for a tourist visa and do not need to pay a visa fee. This is in contrast to the 27 nations that require visas, visa fees and confirmation from Jerusalem to permit entrance through Israel's external border crossings.[29]

It is clear that Israel has put effort into encouraging the exchange of US and Israeli tourists. However, even in years directly prior to the 1986 Memorandum, US citizens were reportedly denied and banned at the external Israeli border crossings. These denials stand in contrast with bilateral treaties and agreements. In order to understand Israeli border practices more fully, we must first examine the concept of Israel as an "ethnocracy."

III. The Legalizing of Jewishness: Israel as an Ethnocracy

IIIa. Defining "Who is a Jew?"

The realities of Israel's external border policing strengthen the perspective of Israel as an "ethnocracy." Although Israeli officials maintain that they freely give citizenship to many Palestinians in Israel proper and the West Bank, it is not citizenship, but instead ethnicity, that

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[28] *Israel-United States Memorandum on Tourism*, 1986, http://mfa.gov.il/Style%20Library/AmanotPdf/006219.pdf.
[29] This list includes perceived-Arab nations, nations with Arabic speaker and nations with high rates of Islam. This includes: Afghanistan, Algeria, Bahrain, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, South Sudan, Sudan, Syria, Tunisia, United Arab Emirates, Yemen (27 nations). ("Visa to Israel," accessed November 28, 2015, http://www.israelemb.org/washington/ConsularServices/Pages/Visa-Information.aspx.)

determines legal rights. On paper, Israel is a parliamentary democracy, but in practice Israel is what Dr. Lisa Hajjar calls an "ethnocracy." She quotes Oren Yiftachel who defines ethnocracy as "a regime built on two key principles: First, ethnicity, and not citizenship, is the main logic around which state resources are allocated; and second, the interests of a dominant ethnic group shape most public policies. The combination of these two principles typically creates an ethnoclass type of stratification and segregation."[30]

Israel has countless times defined itself as the land of the Jewish people. This is based in the nation's founding Zionist ethos. The Israeli state was created as a settler-colonial state resulting from English colonial aspirations and the desires of Zionism, a movement of Jewish nationalism that sought to create a national homeland for Jews.[31] The movement considered a variety of sites as the location for the Jewish state, including Uganda, but settled on Palestine because of biblical ties to the land.[32]

The Zionist movement began in 1882 when the first wave of European Jews migrated to Palestine.[33] From the beginning of the project, the founders recognized that the creation of a Jewish state in Palestine would lead to the displacement of the more than 689,272 residents living in the area at that time, discounting a small population of around 60,000 Jews.[34] In his 1895 *Diaries,* Theodor Herzl, one of the fathers of Zionism, states, "We shall spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country. Both the process of expropriation and the

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[30] Lisa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza* (Berkeley, CA, USA: University of California Press, 2004), 31.

[31] "Primer on Palestine, Israel and the Arab-Israeli Conflict," *Middle East Research and Information Project*, accessed November 5, 2015, http://www.merip.org/primer-palestine-israel-arab-israeli-conflict-new?ip_login_no_cache=2f03126b2ae9ba9c4d3d65d9647ca931.

[32] Edward W. Said, *The Question of Palestine* (Knopf Doubleday Publishing Group, 2015), 17.

[33] "Primer on Palestine, Israel and the Arab-Israeli Conflict."

[34] Said, *The Question of Palestine*, 17.

removal of the poor must be carried out discreetly and circumspectly."[35] Rights in a Zionist state would thus be determined by adherence to Jewish identity.

Determining who is and who is not Jewish was a major undertaking of the Israeli state project, as Jewishness confers the majority of rights in Israel. This is a debate political and legal anthropologist Dr. Virginia Domínguez refers to as the "Who is a Jew?" question. In 1958 a committee was formed specifically to answer this question: Who is a Jew? The committee was formed at a time when Israel was struggling to create an inclusive Jewish state, balancing a robust population of international Jews with the concerns of the Orthodox rabbinate.[36]

Within the Orthodox community, only those who were born of a Jewish mother or who converted to Judaism within the Orthodox framework are to be counted as Jews in order to keep the Jewish people "non-diluted."[37] However, this classification excludes many Reform and Conservative Jews, the largest population of which resides in the United States. Many argued that the exclusion of this sector of American Jewry would lead to the weakening of American political, financial and moral support of Israel. The 1958 committee adopted the stance that a Jew is a person who declares himself or herself as a Jew; in 1960 for the purpose of civil law this definition was narrowed to defining a Jew as one that has a Jewish mother.[38]

In practice, those within Israel often conflate national identity and religious identity. Indeed, it is the concept of secular—or non-religious—Judaism as the basis for nationality that shapes much of Israel's policies today.[39] Domínguez puts forth the example of Binyamin Shalit: an agnostic man with a Jewish mother who married a non-Jewish Englishwoman. Shalit

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[35] Said, *The Question of Palestine*, 13.
[36] Virginia R. Domínguez, *People as Subject, People as Object: Selfhood and Peoplehood in Contemporary Israel* (Univ of Wisconsin Press, 1989), 170.
[37] Ibid., 70.
[38] Ibid., 70.
[39] Shlomo Sand and Yael Lotan, *The Invention of the Jewish People* (Verso, 2010), 305.

petitioned to have his and his children's identity cards changed to read, "nationality Jewish, religion none."[40] This request was honored in the High Court, much to the dismay of the Rabbinate and its Ultra-Orthodox supporters.[41] With that ruling, the high court upheld "Jewish" as an acceptable secular identifier that thus points to its power beyond communicating religious beliefs.

IIIb. Jewishness within the Law

The spirit of Israel's laws indicates that the state's objective is to serve Jews rather than Israelis.[42] In a 1985 amendment to Israeli Basic Law, the Knesset stated in clause 7a that a party could not run for Israeli Parliament if it supported the "negation of the existence of the State of Israel as the state of the Jewish people."[43] In 1988 Justice Meir Shamgar, president of the Supreme Court declared, "the existence of the state of Israel as the state of the Jewish people does not conflict with its democratic character, just as the Frenchness of France does not conflict with its democratic character."[44] In conferring rights, the definition of Jewish often narrows from the 1960 definition, as even within the Jewish population, there is prioritization of certain groups.[45] "Jewish" typically refers to a homogenous group of Ashkenazic Jews, that is Jews of French, German and Eastern European descent, despite a large population of Sephardic Jews, Jews of Asian and North African origin, such as the Indian Jews of Bene Israel, whose Jewishness was placed in constant question upon arrival in Israel.[46] A key example of

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[40] Domínguez, *People as Subject, People as Object*, 171.
[41] Ibid., 171.
[42] Sand and Lotan, *The Invention of the Jewish People*, ix.
[43] Ibid., 293.
[44] Ibid., 294.
[45] Saree Makdisi, *Palestine Inside Out: An Everyday Occupation* (W. W. Norton & Company, 2008), 149.
[46] Elias and Kemp, "The New Second Generation," 81.

stratification of Israel's Jewish inhabitants is the lack of civil marriage, as marriage and divorce are handled solely by the Orthodox rabbinate.[47]

Israel's prioritization of Jews extends past the nation's borders, as the nation offers citizenship to anyone who falls within loose bounds of Jewishness. The Law of Return 5710-1950 states, "Every Jew has the right to come to this country as an oleh," with *oleh* translated as a "Jew immigrating into Israel." The practice in which a Jew "returns" to Israel is known as *Aliyah*. The "right to return" is extended to all who identify as Jewish, barring those who have engaged in activity directed against the Jewish people or those who are likely to endanger public health or the security of the state. In a final amendment passed by Golda Meir, Israel's Prime Minister from 1969 to 1974, the right to return was extended to the child, grandchild, or spouse of "a Jew," defined as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."[48] Those making *Aliyah* are eligible for a free one-way flight (luggage included), six months of financial assistance, a year of free health insurance, language lessons, rental assistance, free university study and a number of tax breaks.[49]

In legalizing "Jewishness," Israel is able to stratify who receives certain rights and who does not. Given Israel's identity as an "ethnocracy," it is warranted to explore further this phenomenon and to gauge whether or not there is a pattern in the denial of individuals on the basis of identity groups. In addition to understanding why Israel denies and bans US citizens, it is also necessary to determine how this is achieved. Such denial can be understood through Israel's relationship with its borders, the framework of border "inscription" and ideas of sovereignty.

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[47] Makdisi, *Palestine Inside Out*, 149.
[48] "Law of Return 5710-1950," accessed October 30, 2015, http://www.mfa.gov.il/mfa/mfa-archive/1950-1959/pages/law%20of%20return%205710-1950.aspx.
[49] "Aliyah Benefits," *The Jewish Agency,* accessed October 30, 2015, http://www.jewishagency.org/aliyah-benefits/program/8231.

IV. Israeli Border Practices within the History of its Border, Theories of Sovereignty and the Concept of Border "Inscription"

IVa. The Creation of Israel's "Borders"

Part of the reason border enforcement is so politically charged in Israel is due to the constant flux in its boundaries. This is why this study refers to Israel's "external border crossings" for clarity. Since the 1949 UN Partition Plan, Israel has repeatedly drawn and redrawn its borders.[50] Between the years of 1947 and 1967, the outline of Israel fluctuated as internal and external powers struggled to identify the bounds of the new Jewish state. On November 29, 1947 the United Nations voted to create two states within Palestine: one Arab and one Jewish. From the start, the plan was contested as, "[t]he Partition Plan recommended giving over more than half of Palestine to the one-third of its inhabitants who were by then Jewish, and who owned less than 7 percent of the total land area. Even in the 5,500 square miles proposed for the Jewish state, Jews legally owned only about 600 square miles. The proposed Jewish state would have had almost equal Jewish and Arab population."[51] Palestinians rejected this partition plan as a gross overstepping of power, and in 1948, the first Arab-Israeli war began. In 1949 the war ended with the signing of an armistice agreement, and Palestine was bordered into three parts by armistice lines known as the "green line:" Israel proper, the West Bank and Gaza. Israel received 77 percent of the territory; Jordan took control of East Jerusalem and the West Bank, and Egypt took control of the Gaza Strip. The 1947 Palestinian Arab state envisioned was never realized.[52]

Despite the armistice, conflict continued and in June 1967 war broke out again, in what was called by Israeli forces a preemptive strike against Egypt and Syria. Israeli forces defeated the Egyptian, Syrian and Jordanian armies and captured the West Bank from Jordan, the Gaza

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[50] Makdisi, *Palestine Inside Out*, 246.
[51] Ibid., 246.
[52] "Primer on Palestine, Israel and the Arab-Israeli Conflict."

Strip and the Sinai Peninsula from Egypt, and the Golan Heights from Syria. After the six-day war, the UN Security Council adopted Resolution 242, noting the "inadmissibility of the acquisition of territory by force" and called for Israel to return the "territories" back to their original state.[53] The French and the English versions of the resolution had different definitions of "territories," which allowed Israel to continue to stake claim in some of the occupied territory including East Jerusalem.[54]

Currently, Israel interprets its external borders loosely in reference to the 1949 green line, although the shape of the since-established "separation wall" seems to pose otherwise due to its wandering path. Dr. Yael Berda, Assistant Professor of Sociology and Anthropology at Hebrew University of Jerusalem explains, "The thing you need to understand is Israel never had actual borders. And what that means is that the people that are exercising sovereignty are doing so through their discretion, so the bureaucracy is kind of claiming its right to authority through its decisions."[55] Dr. Adriana Kemp of Tel Aviv University expands, "Similar to the vast majority of nation-states there is no precise fit between the Israeli state and nation, and the state's borders sit uneasily on the model outlined so neatly by socio-political theory that endows borders and belonging with an essential nature of their own."[56] There are many ways that a nation may choose, express, or inscribe their borders, rooted mainly in ideas of sovereignty and the state.

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[53] "Primer on Palestine, Israel and the Arab-Israeli Conflict." For many years Palestinians rejected Resolution 242 as it did not call for the rights of self-determination of the Palestinians as well as did not mention the right of return of Palestinian refugees. It instead called for recognition of every state in the area, which Palestinians interpreted as having to recognize the state of Israel without reciprocal identification of Palestinian national rights.
[54] Ibid.
[55] Interview with Yael Berda. Recorded 1/3/16.
[56] Adriana Kemp, "Dangerous Populations: State Territoriality and the Constitution of National Minorities," in *Boundaries and Belonging* (Cambridge University Press, 2004), 74, http://dx.doi.org/10.1017/CBO9780511510304.005.

IVb. Exclusion through Border Inscription

Political philosopher Dr. Christopher McMahon notes that with the collapse of the idea that governments get their authority from god, nations have turned to other ways to claim authority. Nations often draw their authority from the idea of ownership, or loosely what many understand as sovereignty. He argues that central to ownership is the right to include and exclude individuals and groups from contact with an item or land. This ownership does not create a moral obligation for one to behave in a certain way towards an object in a certain space, but it gives the owner discretion to prohibit use of space if the interaction is not to the owner's liking.[57] In light of McMahon's understanding of authority come ideas of sovereignty resulting in border "inscription."[58]

Within Western academic paradigms, the origins of the nation state system, or the "Westphalian" state, can be traced back to the 1648 Peace of Westphalia (consisting of the treaties of Münster and Osnabrück), which ended the Thirty Years War.[59] At this time, an emperor, a clergyman, or a feudal lord ruled most European polities. In the Western narrative,

[57] Christopher McMahon, *Authority and Democracy: A General Theory of Government and Management* (Princeton University Press, 1994), 4.

[58] Noel Parker and Rebecca Adler-Nissen, "Picking and Choosing the 'Sovereign' Border: A Theory of Changing State Bordering Practices," *Geopolitics* 17, no. 4 (October 2012): 786, doi:10.1080/14650045.2012.660582.

[59] Many argue that the Peace of Westphalia was in no way a pivotal event and is used to distract from the overwhelming religious roots from which modern-day concepts of sovereignty have stemmed from. In Hudson's reading of the Peace of Westphalia, sovereignty historically was in no mean predominantly secular. He traces the origins of sovereignty back to Jean Bodin, who is often attributed to first theorizing the idea of "sovereignty" as perpetual power over the republic. Bodin's conception of sovereignty accepted that rule was subject to God and natural law. In this context, Hudson challenges the Treaty of Westphalia as wholly secular. In that time religious bodies such as the Catholic Church still had massive swaths of territorial power. However, he does hold that the Treaty provided a different paradigm by which states could interact with each other outside of theological conceptions, despite the inherent religious roots of rule. (Gross, "The Peace of Westphalia, 1648-1948," 26-29.) Krasner further challenges the conventional view that the Peace of Westphalia marked a clear breaking point with the past. The Roman Empire, for example, was not formally abolished until 1806, with the papacy still very much a power today. In addition, he argues the current national state is not a departure from the previous forms of power that had existed for decades. In his view, the treaty instead is used to simply retroactively justify the current arrangement of world powers. Thus, he uses his analysis to challenge the Peace of Westphalia as a historical defense for currently accepted principles of control and sovereignty. (Trudy Jacobsen, *Re-Envisioning Sovereignty* (Abingdon, Oxon, GBR: Ashgate Publishing Group, 2008), 24, http://site.ebrary.com/lib/alltitles/docDetail.action?docID=10218502.)

after the Peace of Westphalia the Holy Roman Empire had difficulty enforcing its political

hegemony while concurrently Spain recognized the independence of the Netherlands, the

German states were gaining autonomy and Austria was unable to seize control of central Europe.

It is commonly stated that these treaties marked the end of the Roman Catholic Church's

monopoly on spiritual and political power.[60] Thus, the Peace of Westphalia is thought to have

ended the war and created the option for a new system in which power was shared by a

multiplicity of states, each within its own territory free from any authority above the sovereign

state and with the freedom to determine the nature of its borders as it pleases.[61]

Krasner challenges the notion of the treaty as the creation of a unified nation-state

system. He notes that it is misleading to utilize the term "Westphalian System" as there is no

clear agreement on the scope of authority that can be used by sovereign states. In the present day,

the reality of movement of goods, people, and ideas over borders shows variations among states

in both regulated and unregulated streams of movement. States struggle to prevent less concrete

ideas from crossing their borders as well as more concrete items, such as billions of dollars of

illicit substances that cross the United State's border every year.[62] Despite sovereign actors' non-

conformity in scope of authority, there still through sovereignty comes the idea of "jurisdiction"

of protection through which states may decide who belongs inside and outside and what rights

they receive.[63] These rights are often determined by who lives within the bounds of a *border*.

Parker and Alder-Nissen discuss the "puzzling persistence of the border" as despite recent

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[60] Jason Farr, "Point: The Westphalia Legacy and the Modern Nation-State," *International Social Science Review* 80, no. 3/4 (June 2005): 156–158.

[61] Gross, "The Peace of Westphalia, 1648-1948," 29.

[62] Judith Goldstein, *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Cornell University Press, 1993), 236–237.

[63] Jayan Nayar, "On the Elusive Subject of Sovereignty," *Alternatives: Global, Local, Political* 39, no. 2 (May 2014): 126, doi:10.1177/0304375414566154.

theories of globalization and regional integration, borders still persist increasingly as tools of political means.[64]

There are a number of actors who in the light of Foucault's biopolitics have sought to challenge and redefine the concept of sovereignty and the state's power in ordering, bordering, inclusion and exclusion. Within the context of a newly globalized world, Bigo identifies the "ban-opticon *dispotif*," a form of "govermentality of unease" characterized by "practices of exceptionalism, acts of profiling and containing foreigners, and a normative imperative of mobility."[65] He notes that a post 9/11 atmosphere has led to the redefining of social and cultural struggles as security threats and the use of the "authority" of statistics to justify targeting certain populations. In this context emerges the ban-opticon, a combination of Foucault's panopticon and Jean Luc Nancy and Giorgio Agamben's "ban."[66]

Central to the theory of the ban-opticon is the surveillance of an unwelcome minority group. This leads to the "targeting of 'abnormals'" in surveillance practices.[67] Dr. Jayan Nayar of Warwick University expands on this idea, defining a global biopolitical regime of "(b)ordered bodies-within(/out)-territory" based on "the incommensurable rationalities of *license, containments* and *bans*."[68] In this system, those who are in charge participate in the "politics of bordering," determining who and what belong within borders and who can be kept out.[69] In these states, citizenship and rights are merely a function to provide internal legitimization and ordering. This has led to resurgence, as Bigo notes, of violent statism, in which state violence and terror is justified through "ban-opticons" in which the government through naming (and

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[64] Parker and Adler-Nissen, "Picking and Choosing the 'Sovereign' Border," 773.

[65] Didier Bigo, "Globalized (in)Security: The Field and the Ban-Opticon," in *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11* (London, UK: Routledge, 2008), 5–49, http://www.people.fas.harvard.edu/~ces/conferences/muslims/Bigo.pdf. 6.

[66] Ibid., 34.

[67] Ibid., 39.

[68] Nayar, "On the Elusive Subject of Sovereignty," 4.

[69] Ibid., 4.

unnaming) constructs practices of "illegalization" and bordering.[70] If the ban-opticon *dispotif* utilizes practices of "illegalization" to determine who can be kept in and who can be kept out, the most extreme tactic of this "govermentality of unease" is the *ban*. With the ban, one becomes permanently, or semi-permanently, disallowed from navigating borders as they are so inscribed. The banned subject is written out of the narrative of the sovereign state and occupies the space of the "abnormal" and chiefly, the unwelcome.[71]

Concretely, the process in which states determine who and what is allowed into a nation's border is referred to by Parker and Alder-Nissen as "inscription" through "'picking and choosing' sovereign borders."[72] The theorists posit that when a state is founded the question stands not if the nation will establish borders, as borders for states are a precondition for being an actor, but how.[73] States are able to "pick" from multiple planes to inscribe their borders in and formulate them in a way that is 'read' by actors internally and externally.[74] State actors inscribe borders on territorial, economic, coercive, legal, linguistic, cultural and knowledge planes, which are not "aggregated" but result in a single border with different levels of enforcement.[75]

Variation in inscription has led to a vast variety of border manifestations. There are tight borders that require visas for months in advanced and there are porous borders, most notably the Schengen Zone of 26 countries,[76] in which citizens can move freely over all borders without

[70] Parker and Adler-Nissen, "Picking and Choosing the 'Sovereign' Border," 738.
[71] Agamben, *Homo Sacer*, 28.
[72] Parker and Adler-Nissen, "Picking and Choosing the 'Sovereign' Border," 786.
[73] Ibid., 780.
[74] Ibid., 781.
[75] Ibid., 781.
[76] The countries in the Schengen Zone as of April 2016 are: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Liechtenstein. See http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm.

passports or border checks.[77] Free trade agreements allow for economic zones with looser

borders that eliminate tariffs or taxes when trading goods. The border in this sense is a place of

lawlessness that is often regulated by incongruent laws. Border controls are given discretion over

borders and in determining who can be perceived as a security risk, who belongs inside and who

belongs out (including certain plants, animals and goods).

Despite various theories regarding borders, border policies and border inscription, there is

little scholarship on the inscription of the external Israeli border in reference to the crossing of

foreign nationals. Most scholarship focuses on the internal borders, such as the border separating

Israel proper and the West Bank (as well as parts of the West Bank from itself) and internal

checkpoints in the occupied Palestinian territories. Given the idea of Israel as an ethnocracy and

ideas of border inscription, this study proposes several explanations for the exclusion of US

citizens at the external Israeli border.

V. Potential Explanatory Factors for Israel's Border Practices

Taking into account what theorists have said about the nature of the Israeli state project,

as well as what is known regarding the denial of American citizens at the external Israeli border

crossings, it stands to ask why Israeli border officials have been active in the denying and

banning of US citizens. It also stands to examine why Israel chooses to craft bans and denials of

American citizens in the way it does. There are several explanations and factors that could

contribute to the phenomenon. This study focuses on the targeting of individuals of specific

identity groups at the external Israeli border. In addition, it considers the potential for greater

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geopolitical "tit-for-tat" in denial and banning. It finally examines how denials and bans are inscribed and the possible reasons for this construction.

Va. Targeting of Identity Groups at the External Israeli Border Crossings

First and foremost, Israeli border officials could deny individuals simply in order to target identity groups for exclusion at the external Israeli border crossings. As border officials often have incomplete information regarding an individual at the time of a ban or denial, identity in this case may refer to perceived identity as by border officials. These identity groups as I define them are Palestinian Americans (those who have previously lived in Palestine, those who have family who have lived in Palestine, those who identify as part of the Palestinian diaspora, or those who are identified by news media or border officials as Palestinian American), Arab Americans (those who were born in an Arab country, those who have family that have lived in an Arab country, those who speak Arabic as a first language, those who identify as Arab, or those who are identified by news media or border officials as Arab American), Muslim Americans (those who identify as Muslim or those who are identified by news media or border officials as Muslim American), Black Americans (those who self-identify or are identified by news media or border officials as Black Americans) and those involved in Palestinian liberation or peace activism (as personally identified or identified by the news media or border officials). Activists were defined as any individuals involved in activism that could be perceived as "peace" activism (organizations with peace in their title, mission statement or activities) and/or Palestinian liberation activism (any actions that seeks to support groups or individuals who identify as Palestinians in any capacity).

Because I am unable to interview or survey every individual who has been documented as denied from the external Israeli border,[78] identity as a Palestinian American, Arab American, Muslim American or Black American was conferred either if the individual personally identified as belonging in one of those identity groups, if the news media identified individuals as part of one or more of those identity groups or if any sort of public information confirmed this information (public statements, group membership, etc.). Identity as an activist was determined if one personally identified as an activist, if one was named by news media as an activist or if one has publically participated with organization that supports peacebuilding and/or Palestinian liberation causes, in the past, present or future. Although this method of identification is not the purest way to ascertain information about an individual, it in some ways mimics border officials' conjecture that informs snap judgments regarding identity that may overall have an effect on denial.

Using this explanation, we can expect to see a positive relationship between identification as a Palestinian American, Arab American, Muslim American, Black American or as a US activist with denials and bans at the external border. In addition, we can expect to see a positive relationship between peace activism/Palestinian liberation activism and denial. If this relationship exists, we would observe that questions asked at the border are crafted to elucidate these aspects of identity. If there were no relationship between identity group and denial, we would see border questioning that does not attempt to elucidate these aspects of identity. In addition, there would be no apparent association between these specific group identities and denial. I examine this explanation further through interviews with denied and banned individuals regarding their experience with questions regarding identity at external Israeli border crossings to determine prevalent question and themes. In addition, I interview a former Israeli attorney, an

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[78] Although this would be a great idea for future research.

Israeli NGO worker and a US official on the topic. Finally, I examine policy makers' statements as well as border law and policy in order to determine if identity groups are mentioned in creation or enforcement.

Vb. Geopolitical Rivalry with the US

Deeper geopolitical rivalries could affect Israel's policies and practices in regards to denials and bans at their external border crossings. This would indicate that denials and bans reveal the geopolitical tit-for-tat in which each state actor follows a course of action consistent with the opposing state actors' previous action. If a state's actions are provocative, the other nation will respond in retaliation; if actions are benign there will be subsequent cooperation. If this were true there would be similar numbers and patterns of Israeli visa denials from the US as numbers and patterns of US citizens being denied and banned at the external Israeli border crossings. If not, there would be little similarity between the two counties' entry data. I compare US and Israeli immigration data, looking at visa denials of Israeli citizens from the US versus bans and denials of US citizens at the external Israeli border crossings. In light of missing immigration data, I will supplement with examination of current events in comparison to the denial of individuals from the external Israeli border crossings. If this indeed is geopolitical tit-for-tat one may see, through examining immigration data and news coverage, an increase in the denials and bans of US citizens when Israeli citizens face more barriers in entering the US.

Vc. The Use of Stealth Authoritarian Practices

Israeli border denials and bans may be crafted intentionally to present the veneer of law and maintain Israel's reputation as a "democracy" through practices of "stealth authoritarianism." Constitutional law professor Dr. Ozan Verol defines stealth authoritarianism

as practices with which "democratic" regimes are able to perpetuate power through deceptively legal mechanisms.[79] In this way, Israel could be working to project a democratic image to maintain connections with the US and other allies via the invocation of policies with semblance to law that are applied in a way that is not congruent with the "crime" at hand. If this were true, Israeli border security would rely on the law in order to justify denials and bans in a way that confers autonomy and power to those administering laws. In addition, laws surrounding bans and denials would be either vague or absent in order to facilitate broad application. If this explanation does not hold, border laws would be clear, succinct and easily available. In order to examine this explanation, I explore how individuals are communicated a ban or denial at the external Israeli borders through examination of news sources and individual interviews. I further examine the text of the laws governing Israel's external border crossings to explore whether they present any clarity in light of this practice. I finally interview an anonymous US official and Dr. Yael Berda, Assistant Professor of Sociology and Anthropology at Hebrew University of Jerusalem, and former attorney who has litigated many cases of denial, to gain inside insight on the phenomenon. If this hypothesis is true I expect officials to defend the border denial and bans through reference of "laws" regulating the external Israeli border crossings.

It is important to note that the above explanations are not mutually exclusive. As Parker and Alder-Nissen relate, borders are inscribed on a variety of opposing and interacting planes that manifest themselves in a related but often disjointed performance.[80] These explanations simply attempt to separate out what key components exist in Israeli border policy in regards to denial and bans of US citizens.

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[79] Ozan O. Varol, "Stealth Authoritarianism," *Iowa Law Review* 100, no. 4 (May 2015): 1673–1742.
[80] Parker and Adler-Nissen, "Picking and Choosing the 'Sovereign' Border," 786.

VI. Methods

This study uses primary source data including newspaper articles and legal texts in order to examine the process of denying and banning individuals from Israel's external border crossings. This includes examining and recording newspaper and scholarly articles that directly or indirectly refer to this practice as well as speeches, decisions or articles by policy makers (including Superior Court members, members of Knesset, members of the Ministry of Interior and border security officers) who reference bans and denials in practice. This also includes a preliminary examination of Entry into Israel Law, 5712-1952 and of immigration data on US denial of Israeli visas and Israeli denial and banning of US citizens.

In addition, this study utilizes interviews in order further to examine the application of these laws, in particular to US passport holders. US passport holders were chosen in order to maintain homogeneity across interviewees. They were also chosen for the added depth of interest regarding the US's relationship with Israel. Interviewees consist of individuals found through my own personal network on my Facebook page as well as on Facebook groups that include individuals with regional interests. I also contacted individuals to whom I have been referred to via friends and acquaintances. This study also includes an interview of an anonymous US official and Dr. Yael Berda regarding their opinions on the denial and banning of US citizens as well an interview of an anonymous NGO worker based in Jerusalem. I contacted these individuals via email and interviewed them in person, on the phone or via Skype. Subjects participated in interviews ranging from a half hour to an hour and a half. Oral consent was ascertained for both their interview and recording; when individuals did not consent to recording, I wrote physical notes that did not indicate the direct identity of the participant. I did not use consent forms so as not to have a record of those interviewed; each interviewee was immediately assigned a

pseudonym. Identity was further coded for anonymity when necessary. Participants were notified that they could stop the interview at any point. Given the political nature of my research, all participants were clearly notified of the topic of my research and the potential risks of participating. All questions in interviews pertained to demographics, the process of crossing the border, and current opinions towards Israel and activism.

During the interviewing process, I held sole access to my data, which was collected using MP3 files and written notes. All information was stored on a password-protected cloud storage account and was further encrypted. No names were ever connected to interview transcripts and introductions occurred before beginning recording.

VII. Limitations

It should be acknowledged that these cases represent 110 of possible thousands of cases of US citizens that are denied or banned at the external Israeli border crossings each year. Through an examination of news sources, it is clear that the numbers of those denied are far higher than the number of individual cases reported. According to the Interior Ministry, from March 2002 to June 2002, 200 people were denied and 120 expelled from Israel.[81] A more robust estimate by the Solidarity for Palestinian Human Rights and Solidarity International reported that in 2002, 3,000 foreigners were denied entry into Israel.[82] In 2006, the Arab American Institute estimated that 120,000 Arab Americans either encountered problems or were denied or banned at the external Israeli border crossings.[83] In 2010, ACRI reported that dozens of people were

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[81] Haim Shapiro, "Political Activists Denied Entry by Interior Ministry," *Jerusalem Post*, June 28, 2002, LexisNexis Academic.

[82] André Picard, "Montreal Protester Fights Israel Ejection; Detained after Landing at Ben Gurion; Activist Who Works for Palestinian Causes; Elects to Challenge Deportation Order," *Globe and Mail (Canada)*, December 16, 2002.

[83] "Arab Americans Barred from Entry into Israel and Palestine Asked to Contact State Department," *Arab American Institute*, accessed February 29, 2016, http://www.aaiusa.org/arab-americans-barred-from-entry-into-israel-and-palestine-asked-to-contact.

refused entry to Israel every week without clear reasoning.[84] Thus, it is clear that the sample I found via news sources and interviews may not overall be representative of those who were denied entry at the border in number.

This study was also limited by a lack of time, resources and language knowledge. Given more of each, I would have been able to uncover more incidents through reaching a larger audience to interview and more newspaper reports in other languages. In addition, most Israeli court documents are solely written in Hebrew. With increased language knowledge, I could have delved deeper into the legal implications of denial and bans in the context of the Israeli legal system. Further, my study may have benefited from a less personal sampling method as I mainly interviewed individuals contacted through people I was acquainted too. This led to the majority of those interviewed to be student-aged and often those who studied Arabic, like myself. In addition, as I conducted and coded the interviews myself, my personal standpoints on this topic may have had the potential to color my results. Finally, this study only focused on those who have been denied or banned at the external border. However, it did not examine the experiences of those who have not been denied or banned during entry. This additional information may have resulted in a richer empirical analysis in ascertaining who is permitted entry into the state of Israel and ultimately who is marked for inclusion into the Israeli state.

VIII. Thesis Structure

The following chapters will discuss why as a state with sovereign discretion, Israel, chooses to inscribe its border in their current fashion in the denial of US citizens. In Chapter 2, I introduce the scope of the phenomenon of denials and bans at the external Israeli border crossings including demographics of the phenomenon. In Chapter 3, I analyze why specific

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[84] Ron Friedman, "Interior Ministry Uncertain Why Chomsky Was Banned from Entering West Bank. ACRI Calls Case Only One of Many in Which Left-Wingers Are Denied Entrance," *Jerusalem Post*, May 18, 2010.

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individuals are denied and banned at the external Israeli border crossings. I present data that demonstrates that border practices target Palestinian Americans, Arab Americans, Muslim Americans, Black Americans and US activists for exclusion. I also discuss the potential for greater geopolitical tit-for-tat in light of US denial of Israeli visa requests. In Chapter 4, I examine the "how" of this phenomenon, maintaining that these practices may be characterized as "stealth authoritarianism." I begin the chapter with an overview of stealth authoritarianism as a theory. I then examine the role of discretion and selective enforcement in Israeli border administration. I continue with a look at increased standardization as a tool of stealth authoritarianism and I conclude examining the effects of this model on pursuing routes of redress. Finally in Chapter 5, I discuss the potential theoretical and practical implications of this practice and put forth my recommendations for Israeli border policy in the future.

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Chapter 2: The Scope of the Phenomenon

AAI believes that firsthand accounts from Arab Americans about difficulties in entering the region—believed to be as many as 120,000—will help prompt the State Department to recognize the widespread, discriminatory and adverse effects of the policy and advocate for its change. AAI is also actively working with the Consulate General in order to assist Arab Americans who have been detained, turned away or harassed upon entry. AAI is deeply troubled by this policy, which bars groups of Americans from traveling through the region simply because of their Palestinian ethnicity, and calls upon Secretary of State Condoleezza Rice to address the situation while she meets this week with Middle Eastern leaders to work towards a peaceful solution to ongoing conflict in the region.
–The Arab American Institute[85]

I. An Unexamined Phenomenon

Although there are few or no accounts in academic journals or books regarding bans and denials at the external Israeli border crossings, there are ample news reports and articles to supplement. News sources ranging from smaller local publications to regional news sources to large periodicals such as the *New York Times* have all reported on the phenomenon. Many times small local newspapers will report on a denial if the person denied was native to its area of coverage. In addition, often the articles lead to op-eds, which either support the Israeli border patrol's security tactics or alternatively criticize how border practices are emblematic of the multiple tactics utilized in the Israeli occupation of the West Bank and Gaza. With the advent of the Internet, many of those who were denied at the border wrote first-person narrative accounts, which were published on a variety of online platforms. In addition, frequently travelers post blog posts to share their border experience.

In order to examine the history of this phenomenon further, I conducted a LexisNexis search of the keywords "denied entry Israel" and supplemented with further searches on LexisNexis and Google to find relevant articles and blog posts about the event. In total, I found

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[85] "Arab Americans Barred from Entry into Israel and Palestine Asked to Contact State Department."

241 independent articles and posts about denial of entry to foreign nationals to Israel proper and the West Bank. On a smaller scale, I found 123 articles about the denial of US citizens or policy changes that affected US citizens. In this case an independent article was any news report or blog post that mentioned an occurrence of denial or banning of a US citizen from one of the external Israeli border crossings. Duplicate articles in different periodicals as well as op-eds were counted independently as one article. Often articles were buried in websites dedicated to news solely on conflict in the region. In addition, in several cases the BBC News Monitor translated articles from regional news sources. The dates recorded for the most part demarcate the actual day on which the denial or ban occurred. However, in cases where no clear date of denial was given, I used the date of the news article as a point of reference.

An overview of news and Internet sources from a total of 241 articles found that there were a total of 509 specifically reported foreign nationals who were denied or banned from external Israeli border crossings from 1987 until 2015. This number only included those to whom the articles referred and did not include general numbers cited by individuals or rights group (e.g. a statement like "according to ACRI there have been more than 300 denials in the past year" was not counted in the tally of denials.) However, statements such as "according to the Ministry of the Interior, two American citizens were denied" did confer numbers that were counted.

This chapter aims to give an overview of the phenomenon of foreign nationals being denied or banned at the external Israeli border crossings, focusing in particular on US citizens. It aims to address the history of the phenomenon including who was denied, at what border and when. This chapter first conducts a preliminary examination of news reports and online testimony regarding the banning and denial of US passport-holders at the external Israeli border

crossings. It then gives an overview of interviews with seven US citizens who were banned or denied at the border, including demographic information and basic narratives of individuals denied, in order to give a voice to this pervasive phenomenon.

I additionally found 44 articles surrounding individuals being denied entrance into Gaza. However, this practice warrants independent inquiry into policies of containment in Gaza. This chapter focuses on US citizens crossing at the nine aforementioned external crossing points administered by the Ministry of the Interior and also records any notable denials of foreign nationals that denote trends or patterns. The only recorded denials were at Ben Gurion Airport, Allenby Bridge, the Sheikh Hussein/Jordan River Crossing and the Yitzhak Rabin/Arava crossing between Aqaba and Eilat. It also should be noted that I did not record occurrences that were in response to citizenship or visa requests. This study focuses solely on interactions that involve person-to-person interaction at one of the nine external Israeli border crossings in order to maintain consistency. Thus, in summary, this chapter aims to elucidate the base-level facts regarding who was denied, at what point of entry, in what year, and for what stated reason.

II. Demographics: Who, Where, When and Why?

In order to understand the scope of this phenomenon, it is first necessary to look at who has been denied in the past 28 years, where, when and why. The following section catalogues both information garnered from news sources and interviews to inform basic demographic details.

IIa. Who? Nationalities of those Denied

Of those who were banned or denied, individuals varied in nation of origin, meaning what passport they presented at the border. In addition, some articles were unclear as to how

many individuals of each nationality were denied, with more vague statements such as "mainly Europeans" or "individuals from a variety of countries."[86] After reviewing both news sources and interviews, I recorded the nationality of each person denied, when discoverable. It should be noted that I only reviewed majority English-language publications, and thus my results are heavily Anglophone-centric. Looking at reports that noted nationality, we can determine the nationality of 216 individuals who were denied entry, leaving 293 undetermined. Within these 293 whose nationality was not specifically reported were those who participated in the Peace Cycle, who were simply referred to as "from 10 different countries including Australia and the US" [87] In addition, news reports of those who participated in the three "Welcome to Palestine" fly-ins, did not record the nationality of each individual denied.[88] Finally, the 293 unreported included a delegation of 12 members from Bangladesh, Malaysia, Cuba, and Indonesia whose distribution of nationalities was not specified.[89]

In all, the US held the highest number of those rejected at 110, or 51% of all those whose nationality was communicated, followed by Italy, Ireland, Scotland and the U.K. Thus, as the US has by far the highest rejection rate, it makes further sense to focus solely on the United States in this analysis.

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[86] Yaakov Lappin and Tovah Lazaroff, "Hundreds of Police to Await pro-Palestinian 'Flytilla' at Airport. Activists 'Want Israelis and Palestinians to Live in Peace with Equal Rights,' Says Event's French Delegation Head," *Jerusalem Post*, April 12, 2012.

[87] Kate Thomas, "Israeli Military Stops Cycling Peace Activists from Entering Jenin," *Independent (London)*, September 9, 2006.

[88] "Israel Hopes to Expel Activists within 72 Hours," *Daily News Egypt*, July 10, 2011, LexisNexis Academic; "45 Deported after Palestinian 'Flytilla,'" *National Post (f/k/a The Financial Post) (Canada)*, April 16, 2012, LexisNexis Academic; "International pro-Palestine Activists Denied Entry to West Bank," *The Jordan Times*, August 26, 2012, LexisNexis Academic.

[89] Khaled Abu Toameh and Herb Keinon, "PA Cancels Ramallah Conference of Non-Aligned Movement. Move Follows Israel barring Entry of Officials from Five Countries with Which It Has No Diplomatic Ties," *Jerusalem Post*, August 6, 2012.

Country	Number Denied	Percent of Reported
US	110	50.93
Italy	36	16.67
Ireland	27	12.50
Scotland	12	5.56
UK	8	3.70
Turkey	7	3.24
Australia	3	1.39
Canada	3	1.39
Finland	2	0.93
South Africa	2	0.93
Denmark	1	0.46
El Salvador	1	0.46
Netherlands	1	0.46
New Zealand	1	0.46
Spain	1	0.46
Ukraine	1	0.46
Total:	216	100.00

Chart 1. Reported Nationalities of Those Denied/Banned

Event/Individuals	Number Denied
First "Welcome to Palestine" Event (Excluding 2 US Citizens)[90]	116
Third "Welcome to Palestine" Event (Excluding 3 US Citizens)[91]	97
Second "Welcome to Palestine" Event[92]	45
Peace cycle-10 countries (eg. Austria and UK)[93]	23
Individuals from Bangladesh, Malaysia, Cuba, Indonesia[94]	12
Total:	293

Chart 2. Events/locations from which nationality was not specified

[90] "Israel Hopes to Expel Activists within 72 Hours."

[91] "International pro-Palestine Activists Denied Entry to West Bank."

[92] Reuters, "45 Deported after Palestinian 'Flytilla.'"

[93] By Kate Thomas, "Israeli Military Stops Cycling Peace Activists from Entering Jenin."

[94] Khaled Abu Toameh and Herb Keinon, "PA Cancels Ramallah Conference of Non-Aligned Movement. Move Follows Israel barring Entry of Officials from Five Countries with Which It Has No Diplomatic Ties."

IIb. Where Individuals were Denied

Of the denials of US citizens, most occurred predominantly at Ben Gurion Airport with 58% of individuals (64) denied at the airport followed by 7% at the King Hussein Allenby Bridge Crossing and 27% (30) at an unspecified location.

Location	Number denied	Percent
Ben Gurion International Airport	64	58.18
King Hussein/Allenby Bridge	8	7.27
Both Ben Gurion and King Hussein/Allenby Bridge	4	3.63
Yitzhak Rabin/Arava Crossing	2	1.18
Both Sheikh Hussein/Jordan River Crossing and King Hussein/Allenby Bridge	2	1.18
Unspecified	30	27.27
Total:	110	100.00

Chart 3. Location of Denial/Ban

IIc. When Individuals were Denied

In the following analysis it will be important to determine when individuals were denied in order to compare the dates of denial against other time-related factors such as political events. From 1987 to 2015, the majority of the 110 US citizens reported denied were denied in 1987 followed by 2002 and 2007, and then again in 2015.
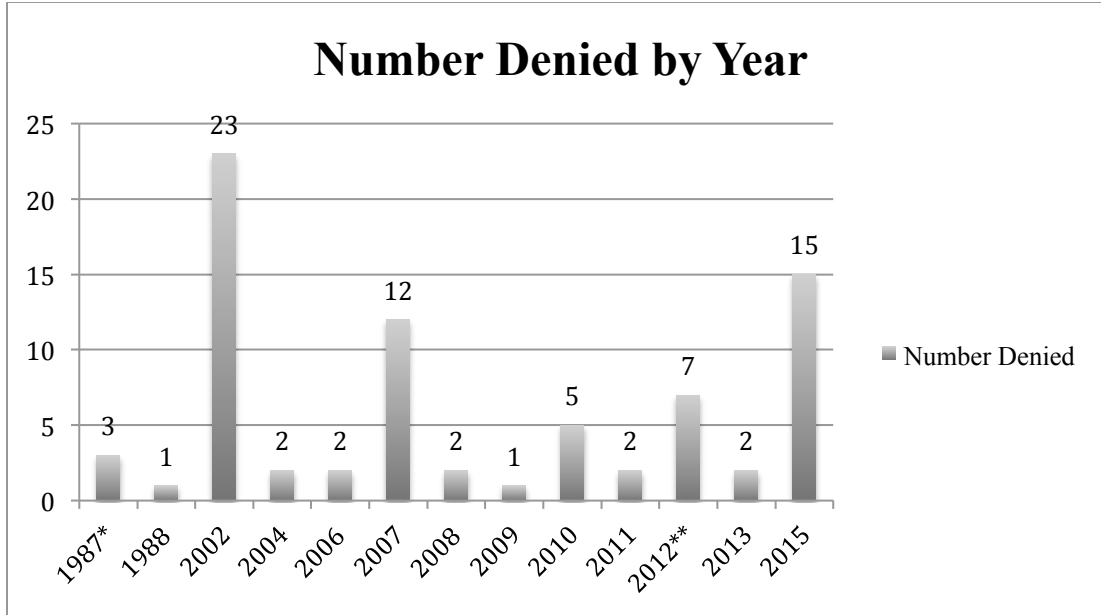
Chart 4. Years of denial of US Citizens

*It should be noted that the number is so high in 1987 due to an article in the Washington Post that simply cited that "30 other Palestinians" had been denied that year with no other identifying characteristics. No other year possesses such data.[95] In addition, of the remaining six, five of the six denied were from one family.
**One family

IId. Why?: Possible Reasons for Denial

It is impossible to record exactly the reason as to why an individual was denied from the external Israeli border crossings. Individuals were denied for a variety of reasons that differed on paper, verbally and in specific court rulings that provided reasons for denial.

On the surface, reasoning for a denial can be gleamed from news accounts, personal accounts, and court rulings that provide a stated reason for why one was denied. In the years 1987 to 2015, of the 110 US citizens denied entry from the border, 80 accounts provided reasons (or lack thereof) for denial.[96] Popular reasons for denial ranged from general security concerns[97]

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[95] "Some Arab-American Tourists Charge Harassment by Israel; Fairfax Family Turned Back at Airport," *Washington Post*, July 16, 1987, LexisNexis Academic.
[96] This excludes the 30 Palestinian Americans cited in 1987 who were denied or banned with no further information given.
[97] AP, "Israel Refuses to Admit US Muslim Group," *The Jerusalem Post*, June 17, 2002.

to "secret evidence"[98] to possession, either knowingly or unknowingly, of a Palestinian I.D. [99] Some were never given a clear reason for their denial,[100] and others were told they were being denied for lying to officials,[101] non-cooperation,[102] intention to disturb the peace,[103] or visa issues.[104]

Of those 80 individuals given reasons why they were denied, seven specifically had court rulings that delineated why they were denied (or refused to reveal why). Starting in 2015, reports indicated that those turned away from the border were presented with a paper citing specific reason why they were denied. These reasons were typically "prevention of illegal immigration considerations" and "public security or public safety or public order considerations". However, in interviews and news stories individuals remarked that the reason for denial cited on paper was rarely the reason verbally communicated to them by border officials. After an overview of the 80 cases, it is impossible to give a succinct set of data representing the overall reasons for denial of individuals at the external Israeli border crossings, as there are many conflicting reasons and singular circumstances leading to one's denial. It is difficult to pinpoint the exact reason as to why individuals were denied or banned, as many times there are several reasons given in several forms by various individuals. This study aims to address this issue by examining overarching themes and patterns that characterize border experiences.

[98] Tovah Lazaroff, "US Activist Released from Detention," *The Jerusalem Post*, July 27, 2004.
[99] James Zogby, "America Must Tell Israel to Meet Its Obligations," *The National*, August 15, 2015, LexisNexis Academic.
[100] "Top ISM Leader Denied Entry into Israel," *The Jerusalem Post*, June 7, 2006, LexisNexis Academic.
[101] Josh Wood, "American Journalist Enters Second Week of Israeli Detention," *The Daily Star (Lebanon)*, January 20, 2010, LexisNexis Academic.
[102] "Denied Entry by Israel, American Teacher Prepares to Say Goodbye to Palestinian Students," *Mondoweiss*, February 28, 2013, http://mondoweiss.net/2013/02/denied-entry-to-her-school-by-israel-american-teacher-schedules-skype-call-with-90-students-to-say-goodbye-saturday/.
[103] AP, "US-Born PLO Adviser Refused Entry to Israel," *The Jerusalem Post*, July 5, 2002, sec. NEWS, LexisNexis Academic.
[104] Interview #1. Recorded 11/3/15.

In order to give a voice to the highly diverse circumstances of those denied or banned at the external Israeli border, seven individuals were interviewed about their experience.

III. Overview of Interviewees

This study was in part informed by long-form interviews with seven US citizens denied or banned at one of the nine external Israeli border crossings. Six of the interviewees were female and one was male. Three interviewees were students, one a recent college graduate, one an NGO worker, one an ISM activist, and one a schoolteacher in Iraq. All except one interviewee, Jamie Spector, were denied or banned in 2015. Each interview was conducted on Skype or in person and was recorded with the permission of the interviewee.

Each interview was on average 36 minutes ranging from 14 minutes to 55 minutes. Each interviewee had vivid recall of their experience at the border and was able to communicate the event in great detail.

Although each interview communicates something about the construction of the Israeli state through inscribing borders, they also each convey a distinct sense of emotion and violation. Each individual expressed having a negative experience at the external border that affected her or him even at the time of the interview. Individuals each had a unique story that colored their experience and warrants a full description. The identity of each interviewee has been obscured as to protect the safety and privacy of each interviewee. Interviewees thus will be referred to as "Interviewee #1-#7," barring Jamie Spector who gave permission for her name to be used. The following will include a brief profile of those who were interviewed to give a voice to their story.

Interview	Date	Location	Gender	Employment	Reason for Denial on Paper	Reason for Denial Given Verbally by Border Official
1	7/5/15	King Hussein/ Allenby Bridge	F	Just graduated college	Signed paper, cannot remember what it said	Lying at the border and not having a volunteer visa
2	6/29/15	King Hussein/ Allenby Bridge	F	Teacher at an Iraqi School	Prevention of illegal immigration considerations /Public security or public safety or public order considerations	None specific given.
3	6/27/15	Ben Gurion	F	Student	None	Lying to officials about itinerary
4	8/2/15	Eilat	M	Student	Prevention of illegal immigration considerations	Lying to officials about not eating in the past 36 hours and about his itinerary; "you know why"
5	6/10/15 and 10/5/15	King Hussein/ Allenby Bridge/S heikh Hussein	F	NGO worker	Prevention of illegal immigration considerations	None specifically given. The second time she was at the Sheikh Hussein crossing and told because she had been denied at the King Hussein/Allenby Bridge border she had to cross at the King Hussein/Allenby Bridge crossing and was denied there a second time.
Jamie Spector	7/10/04	Ben Gurion	F	ISM leader	National security/classified reasons	None specific given.
7	12/18/15	King Hussein/ Allenby Bridge	F	Student	Immigration issues involving mental health and drug issues	Mental health concerns related to suicide and drug concerns

Chart 5. Interviewees

Interviewee #1: "…they questioned me because I am this little Jewish girl and for some reason speaks Arabic and likes to travel in Arab countries…"[105]

    Interviewee #1 was a Jewish girl who had just graduated college in the past year who at

the time of her denial was traveling throughout the region before starting work in the US that

fall. She was staying in Bethlehem with a well-respected Palestinian head of a peace

organization that had previously been incarcerated for ten years for stabbing an Israeli soldier.

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[105] Interview #1. Recorded 11/3/15.

While there, she volunteered in Nihilin at an educational farm dedicated to non-violence and peacebuilding. She was traveling through the King Hussein/Allenby Bridge when she was stopped by the border police and questioned for a span of four and a half hours. She had accidentally said she had been traveling alone when in reality she was traveling with the Palestinian man she was staying with and quickly called him over to show that she was with him. Because of this mistake she was told that she was denied entry for lying to officials and not having the proper volunteer visa. She signed a piece of paper acknowledging she was denied, although she does not remember the exact wording of her denial. She attempted to go to the Israeli Embassy to settle the situation. However, she was told there was nothing the embassy could do, as they did not handle border affairs. In addition, she contacted a friend who had actively aided individuals, including many Palestinians, in gaining entry into Israel. However, when her name was searched, her friend immediately told her that there was no route for redress in her case.

Interviewee #1 had family members who give regularly to AIPAC and other organizations that support Israel. She believed that as a Jew she had the right at any time to seek entrance to Israel. However, this appeared not to be the case.

Interviewee #2: "This was all because I was volunteering in a refugee camp and I have an Arabic last name, oh and I had a stamp in my passport from Lebanon from 2006."[106]

Interviewee #2 was a schoolteacher in Iraq from the American Mid-West that was denied entry in August of 2015**.** She had two years prior visited the area to volunteer at a refugee camp located near Bethlehem. During her first visit in 2013, when she was a schoolteacher in South Korea, friends told her that she should not reveal she was traveling to the West Bank to volunteer, so during entry she simply stated she was planning to travel in the region. However,

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[106] Interview #2. Recorded 11/6/15.

when she exited, she was unable to give an adequate story for why she was in the region for so long and was intimidated by the border officials, who told her "if you lie we can get you fired from your job in South Korea." In fear of losing her job, she admitted to border officials that she had been volunteering in the West Bank. Following her admission, she was strip searched and placed on her plane next to an air marshal who was tasked with ensuring she return directly back to South Korea. This past summer 2015, when she wished to visit Israel from Jordan, she was stopped at King Hussein/Allenby Bridge for four hours and denied entry. She was given a paper to sign that stated she was being denied because of "public security or public safety or public order considerations" and "illegal immigration considerations." She stated that she assumed that she was denied because her travel documents still held her Lebanese ex-husband's name who was both Muslim and of Palestinian descent, because she had volunteered in Bethlehem previously and because she had been in Lebanon immediately prior to the 2006 Israel-Lebanon war.

Interviewee #3: "I wrote down the day that I had gone to Ramallah and my passport was scanned and I messed it up by a day so they said that I lied to them. I wasn't there on the day that I said I was there. So because of this, I'm not allowed in the country any more, I'm not allowed in Israel."[107]

Interviewee #3 was a student who was traveling in the region on a trip with a peacebuilding organization that brings together Palestinian and Israeli youth alongside American youth to engage in dialogue. She was on a two-and-a-half-week-long trip with the organization to the region in which a group of Palestinian, American and Israeli students spent time in Israel proper and the West Bank in order to explore the region and the conflict. When she first arrived at Ben Gurion Airport, the border officials saw that she had a stamp in her passport from Morocco. She was told that because she had been in an Arab country in the past 24 months that

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[107] Interview #3. Recorded 11/15/15.

she was on a list. They told her that she was forbidden from traveling to "conflict areas" and that restrictions would be enforced. She traveled the next two-and-a-half weeks with little incident. However, she left the program a day early to travel to Europe to visit friends. When she was traveling back out of Ben Gurion, she was stopped after she told officials that she had traveled to the West Bank. She was placed alone in detention for two hours. The border police then questioned her, asking her to outline her itinerary for the past few weeks. When reciting her itinerary, she told them the wrong day for her trip to Ramallah. Because she mistook the date, she was told that she would not be allowed back into Israel for a certain amount of time and permanently be placed on a list for lying to officials.

Interviewee #4: "If you keep lying to me you're going back to Jordan, you're never going to come into my country. I don't care about your diplomats, I don't care about your plane tickets, I don't care about your baggage, you're never coming in, you're never coming back."[108]

Interviewee #4 was an American college student who was studying at an Arabic learning institute with campuses in Jerusalem and the West Bank. When first entering Israel proper, he was detained at Ben Gurion for four hours and questioned. However, he was eventually allowed to enter. Weeks later, the interviewee was traveling though the Aqaba-Eilat border after a 3-day trip to Petra with a Palestinian American friend. On the way back the two were stopped and questioned. Half way through their time at the border, another student in their program also arrived. The interviewee was strip searched, had all of his items searched and had his personal diary read for two and a half hours. He also had his phone searched for Arab contacts and caused frustration in one of the border police because he did not have the Facebook app. He also caused frustration, as he was unable to provide a physical plane ticket that said he was leaving on Thursday, although he did have his travel itinerary from the airline on his phone with him. After

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[108] Interview #4. Recorded 12/3/15.

five hours of questioning and waiting in the heat, he fainted and told the police that he hadn't eaten all day and hardly at all in the past 36 hours.

He was denied entry after 6 hours, although the two others he was detained with were let through. He was told he was being denied because he had lied about not eating in the past 36 hours (as he had had dinner) as well as lied about his itinerary, which he had listed geographically not chronologically and thus did not match up with what was written in his diary. He signed a piece of paper that stated he was being denied for "illegal immigration considerations" and took a flight from Jordan a few days later. He immediately emailed the American Embassy and the American Consulate in Jerusalem, both of which told him there was nothing they could do.

Interviewee #5: "I wanted to do a girls' football project in refugee camps in Bethlehem and I'd been to Palestine before and had crossed the border maybe six or seven times so I think that I just popped up on their radar as someone that's in the activist profile."[109]

Interviewee #5 was a recent college graduate who was working in Jordan at an NGO. She was denied from the border twice. She first was denied when she wanted to participate in a girls' football project in a Palestinian refugee camp near Jerusalem. She attempted to cross through the King Hussein/Allenby Bridge crossing and was held for 11 hours, questioned and turned away. She said that she was traveling purely for tourism; however, the border police Googled her and found evidence of her working with Palestinians and asked her if she was planning to do that work instead of traveling. She then weeks later successfully crossed through the Sheikh Hussein crossing in the north successfully, after presenting documentation for her project. However, about a month later she was again denied, crossing through the Sheikh Hussein crossing to Tel Aviv in order to go take the LSAT. The border police told her she needed to go to the King Hussein/Allenby Bridge crossing, as that was where she was denied entry originally. She was

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[109] Interview #5. Recorded 12/14/15.

denied entry only after two or three hours at King Hussein/Allenby Bridge. Her phone was searched including her Whatsapp contacts; she did not have a Facebook at the time and had previously deleted all of her contacts. Both times she was presented with a paper to sign saying she was denied for "illegal immigration considerations."

Interviewee #6: Jamie Spector "Its kind of crazy that you're accused of something that you don't know what it is and they won't tell you, and you can't really defend yourself against it."[110]

In summer of 2004, Jamie Spector, an American Jew, was traveling with two artist friends not associated with the International Solidarity Movement (ISM). She had plans to travel throughout Israel proper with her friends. She then planned to join ISM in the West Bank to participate in non-violent actions against the Apartheid Wall, which had just been deemed illegal under international law by the International Court of Justice. At the border she was immediately pulled aside, searched and questioned about her involvement with ISM, which she initially denied. After six or seven hours of waiting and being questioned in Ben Gurion, she was told she was denied on security grounds that could not be disclosed. She elected to challenge the decision and was detained for two and a half weeks. Within that time she brought her case to the Tel Aviv District Court where she was provided with no translator. She was ultimately rejected entry on secret evidence that was in the state's lawyer's briefcase that was neither revealed to the court nor the litigants. Unlike some ISM activists, Spector did not challenge the decision, sure that she would lose the case, and she boarded a plane willingly back to the US. She states that she was neither banned nor deported, simply denied entry.

Interviewee #7: "Because of this self harm we're afraid that you might be a liability to the state of Israel." [111]

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[110] Interview with Jamie Spector. Recorded 1/16/16.
[111] Interview #7. Recorded 2/2/16.

Interviewee #7 was a student studying abroad in Jordan for a semester. She was traveling at the end of her program with her five other friends to see Jerusalem and Bethlehem. When she arrived at the King Hussein/Allenby Bridge border crossing, she believed officials randomly chose her to be searched and interrogated. She first felt she raised flags because her plane ticket home had just been cancelled and she had yet to schedule a new flight. In addition, from information on her phone, the border police discovered that she was an Arabic student, that she had smoked marijuana once in Amman, that she had two weeks before engaged in self harm superficially cutting her wrists and that she was dating an Iraqi refugee in Amman. She first was interrogated by a police officer in Arabic because the border police insisted that she spoke Arabic, although she did not understand the interrogation. She then was strip searched and interrogated about her prescription drugs including her sleeping pills. They then interrogated her about her Iraqi boyfriend including questions regarding if he was Muslim, what he did in Jordan, where he lived and why he left Iraq. They finally interrogated her about her self-harm and, not able to differentiate between suicide and self-harm, stated that officals were afraid she was a threat to the state (although the interviewee's therapist, doctor and parents knew about the incident). She was finally denied when she was presented with a photo of her at a protest in support of a local food vendor who was facing threats after serving Palestinian food. The border officers assumed from the photo that she was involved with Students for Justice in Palestine, which she nominally was. She signed a paper that she was specifically being sent away because of immigration concerns including mental health and drug concerns. She took the bus back to Jordan.

All of these cases prevent unique cases of denial that provide insight into the construction of the external Israeli borders. The following chapter will examine the overall patterns seen in

the aforementioned seven cases, from the other 103 cases mentioned in the news media, by

attorneys and by US and Israeli officials.

Chapter 3: Targeted Exclusion

I very much felt on a personal level that they were demeaning, that they did not respect me as a human being, and that they were looking for a reason to incriminate me. I felt that their questions were heated. They asked me at least three or four times, "Why Arabic? Why do you study Arabic?" as if I needed to justify why I study what I study. That question came up a lot…It almost felt like they wanted me to make an enemy of them They wanted me to say I do not like Israel so they could send me away.
—*Interviewee #7*[112]

After an overview of news sources, personal accounts and interviews, it appears that there is an association between identity group and denial and banning at the external Israeli border crossings. As stated in the first chapter, there are several potential reasons why Israeli officials inscribe their external border in the way that they do. It appears that the first and foremost reason for the current construction of Israeli border practices is the exclusion of Palestinian Americans, Arab Americans, Muslim Americans, Black Americans and US citizens considered to be activists from entering Israel proper and the occupied Palestinian territories at the external Israeli border crossings. On a secondary level, geopolitical tit-for-tat may have an influence on the exclusion of individuals at the border crossings, but because of limited data, the results are inconclusive.

The following chapter primarily examines the influence identity has on the denial and banning of individuals at the external Israeli border crossings. First, I briefly define "identity group" as it is being used in this study. Next, I examine the data that informs this study. Following, I examine the groups that are primarily targeted by these policies and explicated why these groups may be targeted. Finally, I examine the potential for geopolitical tit-for-tat to influence the denial of US citizens.

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[112] Interview #7. Recorded 2/2/16.

I. Defining "Identity Group" in the Context of this Study

This study relies on the term "identity group" to delineate the certain sectors of US citizens that are being denied and banned at the external Israeli border crossings. In this study Palestinian Americans, Arab Americans, Muslim Americans, Jewish Americans, Christian Americans and Black Americans are defined as those who were either identified in an article as belonging to that identity group or self-identified as such in an interview, article or personal recount. "Arab American" consists of all Palestinian Americans as well as those who identified as or who were identified as Arab Americans. The identity of "activist" is more complex to define, as often those who are denied on suspicion of "activism" often do not self-identify as activists. However, for the sake of this study an "activist" is identified as one who has participated in Palestinian liberation advocacy or peace programming including volunteering in the West Bank, previously or currently, being a part of organizations or student groups that identify as "peacebuilding" or "Palestinian liberation" organizations and those who show up as an "activist" upon a Google search. In addition, one individual, Jared Malsin, a journalist who is self-identified as "neutral," but who worked the majority of his time in the West Bank has been categorized as an "activist" as that is the characterization the Israeli border authorizes seemed to confer.

In examining the data collected from interviews as well as the news media and online sources, it is first most important to greater examine the exclusion of different identity groups and how they are specifically targeted for exclusion. Because I was only surveying those who had been previously denied or banned from the external Israeli border crossings, I was unable to conduct a chi-square test in order to test the influence that each factor had on the likelihood for denial and bans. However, through simple data analysis with R, I was able to find the frequency

and percent of denial of each individual identity group as well as cross tabulate between different identity groups and identity as an "activist".

II. The Targeted Exclusion of Identity Groups at the External Israeli Border Crossings

After examining news reports and interviews of the 110 US citizens who were denied or banned from the external Israeli border crossings, many patterns emerged suggesting who border officials selected to be denied or banned. "NA" refers to data that was not discoverable through review of news-media resources, interviews or Internet searches.

Of those people who were denied at the external Israeli border crossings, over half (55%) identified as or were identified by news sources as Palestinian Americans. When combined with those who identified as or were identified by sources as Arab American, 57% of those denied were Arab American.

Palestinian	Frequency	Percent
Yes	61	55.45
No	24	21.82
NA	25	22.73
Total:	110	100.00

Arab	Frequency	Percent
Yes	63	57.27
No	22	20.00
NA	25	22.73
Total:	110	100.00

Chart 6. Palestinian and Arab Americans denied

In addition, of those denied, religion seemed to have an influence on denial. I was able to find the religion of 65 individuals who were denied or banned. Those who identified as Muslim made up 38% of all those denied. Additionally, 11% were identified as Christian, 10% were identified as Jewish and 42% had no specified religion due to lack of data.

Religion	Frequency	Percent
Muslim	42	38.18
Christian	11	10.00
Jewish	12	10.91
NA	45	40.91
Total:	110	100.00

Chart 7. Religion of Those Denied/Banned

Muslim	Frequency	Percent
Yes	42	38.18
No	23	20.91
NA	45	40.91
Total:	110	100.00

Jewish	Frequency	Percent
Yes	11	10.00
No	54	49.09
NA	45	40.91
Total:	110	100.00

Christian	Frequency	Percent
Yes	12	10.91
No	53	48.18
NA	45	40.91
Total:	110	100.00

Chart 8. Frequencies of Religious denied

Of those who were denied 48% (or 53 individuals) were identified as activists in reports

or through online searches or were involved in Palestinian liberation or peace activism. This

included individuals on a trip with a group that identifies as an activism or advocacy group (eg.

American Muslims for Jerusalem, participants in all 3 "Welcome to Palestine" events, ISM

members), those who were affiliated with a group dedicated to activism and/or participated in

demonstrations or protests in the past and those who self-identified as activists in their

interviews.

Activist	Frequency	Percent
Yes	53	48.18
No	25	22.73
NA	32	29.09
Total:	110	100.00

Chart 9. Activists Denied at the Border

After running the frequencies for Palestinian, Arab, Black, Muslim, Christian, Jewish

Americans and US activists, I further ran cross tabulations in R in order to determine how the

relationship between two variables potentially influenced an outcome of denial or ban.

	Activist		
Jewish	Yes	No	Total
Yes	8	2	10
No	31	22	53
Total:	39	24	63

Chart 10: Cross Tabulation of US Activists and Jewish Americans

This chart compares the number of Jewish American individuals who were denied or

banned at the external Israeli border crossings to the number of US activists denied or banned.

Note that there is 31 non-Jewish activists denied from the border. This is not surprising being

that we would assume non-Jewish activists would have a high probability of being denied from

the border. In addition, there are 8 people denied that are both Jewish and Activists, and only 2

who are Jewish and non-activists (with one Jewish individual missing from the data, Noam

Chomsky's daughter as it is unclear as to if she was an activist at the time of her denial). This

suggests that being Jewish alone may not be an influential factor in denial. However, of the 11

total Jewish individuals denied at the border, 8 is a high number of Jewish activists and suggests

that being an activist can supersede the supposed benefits of being Jewish at the border and result

in a potential denial or ban.

	Activist		
Muslim	Yes	No	Total
Yes	20	22	42
No	19	2	21
Total:	39	24	63

Chart 11: Cross Tabulation of US Activists and Muslim Americans

This above chart compares the number of US activists denied and banned at the external Israeli border crossings to the number of Muslim Americans. Only 2 people who were denied were not Muslim and not activists. This is to be expected, as it appears that both being Muslim and being an activist has an effect on the potential denial or ban of an individual. However, the highest number in the cross table, being 22, is Muslims denied who were not activists, suggesting that purely being Muslim is enough of a reason for a denial or ban.

	Activist		
Christian	Yes	No	Total
Yes	11	0	11
No	28	24	52
Total:	39	24	63

Chart 12: Cross Tabulation of US Activists and Christian Americans

This chart represents a comparison of Christian Americans and US activists denied at the external Israeli border crossings. Notice that there are zero people who are Christians and activists. This is interesting and should be noted because it is very rare in data to get a true zero. In addition to this, 28 people who are denied and not Christian are activists. Thus, in this sample, no Christians who were denied were non-activists suggesting that Christianity alone does not lead to denial; it only does when paired with activism.

	Activist		
Palestinian	Yes	No	Total
Yes	10	20	30
No	18	5	23
Total:	28	25	53

Chart 13: Cross Tabulation of US Activist and Palestinian Americans

The above chart cross tabulates those who are identified as Palestinians and those who are identified as activists who were denied or banned at the external Israeli border crossings. There are 20 individuals who are Palestinian and non-activists who were denied or banned at the border. This suggests that Palestinians, regardless of being activists or not, are still heavily being denied from the border.

	Activist		
Arab	Yes	No	Total
Yes	10	22	32
No	18	3	21
Total:	28	25	53

Chart 14: Cross Tabulation of US Activists and Arab/Palestinian Americans

This chart shows the denial of those identified as Arabs as compared to activists who were denied. This chart shows that there were 10 people denied who are both activists and Arab, while there were 22 people who are Arab while not activists. We can assume that in this study population there are more people who are either activists or Arab and denied than both, indicating that both factors may be independently influential in the banning or denying of an individual.

	Activist		
Black	Yes	No	Total
Yes	0	3	3
No	28	22	50
Total:	28	25	53

Chart 15: Cross Tabulation of US Activists and Arab/Palestinian Americans

The above table compares the number of US activists and the number of Black

Americans denied or banned at the external Israeli border. Yet again there is a 0 in the data

indicating that within this sample there were zero activists who are Black that were denied or banned at the border. In addition, the overall denial of Black individuals is very low at 3. Many articles referenced the denial or banning of Black Americans at the external Israeli border crossings as a pervasive practice, despite there being only 3 individuals (Marvin Vaugh, Idit Malka and her son Kahxin Malka) who were explicitly named in the news as denied. As seen in the data, none of these individuals were activists, leaving Black identity as the influencer of a denial or a ban. Given the history of Israeli border policy as recorded in the news media and scholarly works, Black Americans represent a large group targeted for exclusion and will be included in the following analysis.

It should be noted that there were no Palestinian Americans interviewed for this study. Many Palestinian Americans expressed concern that in being interviewed they may face retaliation in attempting to further access Israel proper or the occupied Palestinian territories either personally or on the part of their family or friends, even in an anonymous context.

This data overall may suggest that regardless of being an activist or not, Palestinian, Arab and Muslim individuals are being stopped and either denied at the border or banned from entering Israel. This small study also suggests that activists have a high chance of being targeted and not permitted through border crossings regardless of religious identity or identity as Palestinian, Arab, or Black Americans. The following section further explores the conditions surrounding the denial of the following groups targeted at the border: Palestinian Americans, Arab Americans, Black Americans and US activists.

III. Palestinian Americans and Arab Americans Denied from the External Israeli Border Crossings

Many of the stories of individuals denied or banned at the external Israeli border crossings as reported in the news media show targeted and deliberate policies of excluding Palestinian Americans from Israel proper and the occupied Palestinian territories. As previously noted, Palestinian Americans accounted for 55% of all individuals denied or banned at the external Israeli border. A 2011 suit filed by The Association for Civil Rights in Israel (ACRI) against the Israel Airports Authority, the General Security Service and the Ministry of Transportation put forth claims of rampant discrimination at the Israeli border due to perceived Arab identity after a multitude of reports they received about discrimination at Israeli airports. (*HCJ 4797/07*).[113] Aryeh Shaham, the Israeli Airport Authority's legal adviser refuted that there is discrimination against Palestinians or Arabs at Israel's external border crossings. He reported that there is no profiling at the airport stating, "The inspection is not done according to population groups."[114] In the final 2014 decision, the court decided not to make a ruling on the matter, citing that any change to current security practices at the Israeli border would be a threat to national security.[115] In this way, the Israeli courts tacitly acknowledged the validity of ACRI's claims through inaction.

In another way, Israeli border officials make their discriminatory practices clear at the external borders through their actions. In examining individual cases of denial at the border, one may see how the practice has developed over time in a way that has become increasingly standardized and legalized. In addition, one can see that often denials increased in times of

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[113] HCJ 4797/07: ACRI v. The Airport Authority, General Security Service, Minister of Transport (High Court of Justice 2014).
[114] Josef Federman, "Stern Security at Ben-Gurion Airport Questioned," *Times of Israel*, March 8, 2014, http://www.timesofisrael.com/stern-security-at-ben-gurion-airport-questioned/.
[115] "Association for Civil Rights in Israel (ACRI)ACRI Files Additional Response in Racial Profiling Petition," accessed September 29, 2015, http://www.acri.org.il/en/2012/03/25/additional-response-in-profiling-petition/.

conflict perceived as related to Palestinians. Finally, one can ultimately see how practices have disproportionately targeted Palestinian Americans and Arab Americans for targeted exclusion.

In 1987, the first incident recorded of the denial of a specific US individual at the external Israeli border was that of Nawal Hamad who was traveling with her four children to visit her parents. According to Israeli officials, Hamad was chosen for questioning because she was making anti-Semitic remarks including those about the holocaust; Hamad denied all such claims. However, at the time, "racist remarks" were illegal in Israel and thus warranted deportation. Hamad's Palestinian identity was not referenced in her denial. However, at that time the denial of Palestinians from the external Israeli border crossings was pervasive. That year the *Washington Post* reported that as of June 1987 at least 30 other Palestinian Americans were reportedly denied from the Israeli external borders as Americans of Palestinian origin.[116]

1987 coincidentally marked the beginning of the first Palestinian intifada. Although the intifada officially began in December of 1987 and the denials were recorded in June 1987, 1987 was still a time of turmoil in the region. Violence in the West Bank and Gaza increased throughout 1986 and 1987 as a result of an entire generation of Palestinian youth who had grown up under Israeli occupation. Although the resistance was unorganized, Palestinian frustration led to a full fledged uprising which resulted in the intifada, or "shaking off." In the next year, 150 Palestinians were killed, 11,500 were wounded (with almost two-thirds being under fifteen years old) and many were arrested. Universities, colleges and schools were closed, houses were demolished and curfews were put in place. At the time, Israel's reaction seemed to be a publicity

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[116] "Some Arab-American Tourists Charge Harassment by Israel; Fairfax Family Turned Back at Airport."

faux-pas in Israel and in the US. That year thirty thousand Israeli demonstrators marched to protest the severity of the state's actions.[117]

From the years 1987-1991 Israeli forces killed over 1,000 Palestinians, 200 of which were under the age of 16. Internal violence also led to the death of 250 Palestinians at the hands of other Palestinians who were suspected of collaboration with the occupation authorities. As a result of the first intifada, Palestinians increasingly became codified as suspect; during that time, Israel instituted a secret targeted killing policy in the occupied territories of Palestinians.[118] In light of these policies, it seems possible that the denial of majority Palestinian Americans in 1987-1988 could in part be due to an increase of suspicion towards Palestinian individuals of any nationality in light of the increased violence of the Intifada.

In 1988, the president and co-founder of the Arab-American Anti-Discrimination Committee, Abdeen Jabara, was barred from entering Israel proper for no explicitly stated reason.[119] Following, the phenomenon was not heavily reported on in the next two decades.

Reports of denial of US citizens is absent until 2002, in the midst of the second Palestinian Intifada, which culminated in a suicide bombing in Netanya on March 27, 2002 over Passover. The attack killed 30 Israelis. In response, the Israeli army launched operation Defensive Shield, a full-scale invasion of the West Bank in which armored Caterpillar bulldozers razed areas of the Jenin refugee camp and Israeli forces imposed all-day curfews in seven of the West Bank's eight major towns.[120] According to the Interior Ministry, at that time from March 2002, up until June 2002, 200 people were denied entry and 120 expelled from Israel. [121] A more

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[117] Ian J. Bickerton and Carla L. Klausner, *A Concise History of the Arab-Israeli Conflict* (Prentice Hall, 2005), 228–231.
[118] "Primer on Palestine, Israel and the Arab-Israeli Conflict."
[119] "A Leading U.S. Arab Is Denied Entry to Israel," *The New York Times*, December 17, 1988, LexisNexis Academic.
[120] "Primer on Palestine, Israel and the Arab-Israeli Conflict."
[121] Haim Shapiro, "Political Activists Denied Entry by Interior Ministry."

robust estimate by the Solidarity for Palestinian Human Rights and Solidarity International

reported that in 2002 3,000 foreigners were denied entry into Israel.[122] These events also seem to

correlate with the denial of US citizens as found in reports by the news media as all 23 denials

followed the March 2002 start of Operation Defensive Shield. One group denied consisted of

unspecified numbers of Egyptian, Pakistani and Afghan Americans who were ultimately denied

in fear that they supported the PLO.[123] Also in 2002 Michael Tarazi, an American-born legal

adviser to the Palestinian Liberation Organization, was denied entry at Ben Gurion, where he had

been returning to Ramallah, his main place of work. The Interior Ministry claimed he "intended

to disturb the peace."[124]

By the end of 2002, there seemed to be little standardization of how Palestinian

Americans were denied from the external borders or why. Some were detained, some were

immediately sent away. Some were given a reason for being turned away, while some were

simply told they were turned away because of "serious security concerns."[125]

2006 marked an increase in interest in Palestinian Americans being denied entry to Israel

proper and the West Bank, especially at Ben Gurion Airport, as well as the beginning of

standardization of denial. In June, a report by *Al Quds*, a Palestinian language daily newspaper

based in Jerusalem, reported that dozens of Palestinians with dual citizenship had been denied

entry into Israel proper and the occupied Palestinian territories each day, although they held US

passports, and US diplomats did nothing to assist.[126] In September 2006, the *Jerusalem Post*

reported that according to a US diplomatic official source, up to a dozen Americans trying to

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[122] Picard, "Montreal Protester Fights Israel Ejection; Detained after Landing at Ben Gurion; Activist Who Works for Palestinian Causes; Elects to Challenge Deportation Order."
[123] AP, "Israel Refuses to Admit US Muslim Group."
[124] AP, "US-Born PLO Adviser Refused Entry to Israel."
[125] Ibid.
[126] "Israel Said Denying Visas to Dual Palestinian-US Citizens," *BBC Monitoring Middle East*, June 6, 2006, LexisNexis Academic.

reach Palestine were barred from entering Israel proper and the West Bank. Muhammad Husseini of the American Citizen Services department at the US Consulate reported the US government inquired about the subject to no avail. At that time, according to Sabine Haddad of the Interior Ministry's Population Registry, the ministry was simply enforcing an existing policy, requiring a visitor's permit from the IDF to visit the occupied Palestinian territories (as most Palestinian Americans wished to do on their trips, especially to visit family). At that time such permits did exist but were extremely difficult to obtain.[127]

The next year, 2007, marked the beginning of a new apparent border policy that designated all Palestinian Americans as Palestinian citizens subject to the rules and regulations applicable to Palestinians living in Israel proper and the West Bank. This new policy affected Steven and Wedad Yacoub and their 10 children in August 2007. The family when returning from visiting family in the West Bank was questioned at Ben Gurion, told they were designated Palestinian citizens and were not allowed to board their flight. The parents, both of whom were naturalized US citizens, were told that they could bring home their 3 youngest children and must leave the other seven behind. The family was told by Israeli border officials that they could travel through the King Hussein/Allenby Bridge border if they signed a paper indicating that they renounce their Palestinian heritage and any future citizenship.[128]

The standardization of entry and denial of Palestinians with foreign citizenship continued in 2009 when the *Globe and Mail* reported that American citizens with Palestinian-sounding names were being required to enter through external Israeli border crossings via the King Hussein/Allenby Bridge and given stamps that read "Palestinian Authority Only" which

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[127] "Rights Groups Say Israel Keeping US Citizens from Visiting Their Relatives in Territories. US Consulate Official: Dozens Being Barred Entry to Israel Daily," *Jerusalem Post*, September 7, 2006, LexisNexis Academic.
[128] Cary McMullen, "Lakeland Family Separated By Rules at Airport in Israel; 7 Children, Declared Palestinians, Must Stay; Political Nightmare," *Ledger (Lakeland, FL)*, September 6, 2007.

prevented them from entering Israel proper, including East Jerusalem. The stamps raised eyebrows even in conservative Israeli communities. Sabine Haddad held that the stamps were warranted, as there was a ban on all Palestinians entering Israel regardless of other nationalities.[129]

The next year in 2010, the Ministry of the Interior enforced the apparent policies put into place in 2007 to continue to standardize and legalize the targeting of Palestinians at the external Israeli border crossings. That year Abeer Afana, a Wayne State University student of Palestinian descent was detained at Ben Gurion Airport after attempting to enter Israel proper on her American passport for a study abroad program focused on conflict and cooperation between Israelis and Palestinians. Interior Ministry spokesperson Sabine Haddad justified the position referring back to the policy that began in 2007, stating that Afana was required to enter through the King Hussein/Allenby Bridge, as she is Palestinian with a Palestinian identity number, despite the fact that she was born in the US. She stated, "Anyone with an active Palestinian identity number...has to go through Allenby. It was not a denial of entry in principle." She stated the rule had been in effect for "many years."[130]

2012 marked increased assaults on the Gaza Strip and a spike of denials, as once again border officials turned to deny Palestinian Americans in light of conflict. That year 4 of 7 denied identified as or were identified by sources as Palestinian American.[131] In September 2012, American student Yara Karmalawy was denied entry at the Sheikh Hussein Crossing while traveling with a group of 30 peers on a student diplomatic trip with the University of California

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[129] Paul Koring, "Israel Targets Palestinian-Canadians; U.S. Criticizes Travel Restrictions on Americans of Palestinian Origin, but Canada Silent so Far on Similar Crackdown on Its Citizens," *Globe and Mail (Canada)*, August 21, 2009.

[130] "Groups Protest Israel's Decision to Deny Entry of Michigan Student of Palestinian Descent," *Carleton Place*, May 27, 2010.

[131] "Primer on Palestine, Israel and the Arab-Israeli Conflict | Middle East Research and Information Project."

school system. When she reached the border she was pulled aside and questioned about her background (her father was Egyptian and her mother was Palestinian). She was told at the border that she had a Palestinian I.D. through her mother, even though she was not born in Palestine and had never visited. She took a three-hour taxi to King Hussein/Allenby Bridge where she was again denied entry because she supposedly possessed a Palestinian I.D. because her mother was Palestinian. Her passport was stamped with the 9 digits of her mother's Palestinian ID. She was eventually allowed access only to the West Bank, but never Israel proper.[132]

By 2015, the 7 out of 8 of the denials of Palestinians were based upon individuals holding a Palestinian I.D (either knowingly or unknowingly), which required them to travel through the King Hussein/Allenby Bridge Crossing. For example, in July 2015, George Khoury, 70-year-old Palestinian American and deacon in the Archdiocese of San Francisco was making a Holy Land pilgrimage when he was denied entry. Khoury was held overnight at Ben Gurion and told that he needed to obtain a Palestinian I.D. and travel through the King Hussein/Allenby Bridge border. When he rebutted that he held an American passport he was told, "No, no, you belong with the Palestinian people. This is our Israel, this is for the Jews. No Palestinian should come to Israel. You should have gone through the Allenby Bridge."[133] Khoury's daughter wrote a letter of complaint to the US embassy in Tel Aviv and received a response that said, "Unfortunately, the US government cannot assist US citizens in gaining entry into Israel...Should your father wish to travel again in the future, we advise him to contact the nearest Israeli embassy or consulate for guidance."[134] US officials directed her to their "travel advisory" that states, "regardless of whether they hold US citizenship, Israeli authorities consider anyone who has

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[132] "Palestinian-American Student Denied Entry to Israel after Being Told, 'There Is No Such Thing as Palestine,'" *Mondoweiss*, accessed September 30, 2015, http://mondoweiss.net/2013/11/palestinian-american-palestine.
[133] James Zogby, "America Must Tell Israel to Meet Its Obligations."
[134] Ibid.

parents or grandparents who were born or lived in the West Bank or Gaza to have a claim to a PA ID".[135] Two days later on July 23, 2015, Habib Joudeh a 62-year-old American citizen of Palestinian descent was going to a family wedding in the West Bank. He and his sons were held for six hours at Ben Gurion, interrogated, were told that they needed a Palestinian I.D. to cross through the King Hussein/Allenby Bridge and denied entry based on "prevention of illegal immigration considerations."[136]

The increased standardization of policy by Israeli border officials to deny or ban Palestinian individuals suggests intentionality in the selection of those who are chosen. As time progresses, it becomes easier for border officials to select those for denial or banning through more targeted policies. The existence of this phenomenon is also strengthened by the US's acknowledgement of border practices that target Palestinian individuals at the external Israeli border crossings.

IIIa. US Acknowledgement of the Phenomenon

Throughout the history of this phenomenon, the US State Department has acknowledged the fact that Israeli border officials systematically deny Palestinians from entry. According to a US official who wishes to remain anonymous, the US government is well aware that, "Israeli security procedures are opaque, but without a doubt they 'profile' Palestinian Americans."[137]

Since 2010, the State Department website included a disclaimer stating that Israeli officials will "consider as Palestinian anyone who has a Palestinian identification number, was born in the West Bank or Gaza, or was born in the United States but has parents or grandparents who were born or lived in the West Bank or Gaza" and that those individuals "may be barred

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[135] Ibid.
[136] James Zogby, "America Must Tell Israel to Meet Its Obligations."
[137] Anonymous Interview with U.S. Official. 2/5/2016.

from entering or exiting Israel, the West Bank or Gaza."[138] In 2013, the US Department of

State's (DOS) website stated in a similar manner, "US citizens are advised that all persons

applying for entry to Israel, the West Bank, or Gaza...may be denied entry or exit without

explanation." The DOS continued that, "Any such US citizen might be required by the

government of Israel to travel to Israel using a Palestinian Authority passport [even if they do not

want one or have one]. Without the PA passport, such US citizens might be barred

from entry...or may face serious delays at points of entry."[139]

Currently the US Department of State Bureau of Consular Affairs website, which was last

updated December 16, 2015, reads:

> Individuals registered in the Palestinian Authority population registry, who Israeli
> authorities believe may have a claim to a Palestinian ID, are denied entry into Israel or
> Jerusalem, regardless of other nationality or place of residence. These individuals
> seeking to visit the West Bank are required to enter from Jordan through the
> Allenby/King Hussein Bridge.[140]

The pattern of increased formalization of denial does not only apply to Palestinian

Americans but also to that of Arab Americans and Muslim Americans as well. The State

Department continues:

> Some US citizens of Arab or Muslim heritage not on the Palestinian Population Registry
> or otherwise prohibited from entering Israel have experienced significant difficulties and
> unequal and hostile treatment at Israel's borders and checkpoints. US citizens of Arab or
> Muslim origin visiting the West Bank, including those not on the Palestinian Population
> Registry, have experienced restrictions by Israeli authorities from visiting Jerusalem or
> Israel.[141]

The State Department further acknowledges "unequal and hostile" treatment at the border

in their DOS Travel Advisory in 2013 noting that "US citizens whom Israeli authorities suspect

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[138] "Groups Protest Israel's Decision to Deny Entry of Michigan Student of Palestinian Descent."
[139] "Groups Say US Visa Waiver for Israelis Should Be Reciprocal," *Palestine News & Information Agency (WAFA)*, May 18, 2013, LexisNexis Academic.
[140] "Israel, The West Bank and Gaza Travel Warning," accessed February 26, 2016, https://travel.state.gov/content/passports/en/alertswarnings/israel-travel-warning.html.
[141] Ibid.

of being Arab, Middle Eastern, or Muslim origin...may face additional, often time-consuming, and probing questioning by immigration and border authorities, or may be denied entry."[142] This targeting was made clear in a case involving Najwa Doughman and Sasha Al-Sarabi, two friends who were visiting Israel proper and the occupied territories for vacation in 2012. The two were questioned and detained at Ben Gurion before being denied entry and sent back to the US

In an article by the two women in *Mondoweiss*, Doughman related that she was asked if she "felt more Arab or more American…" with border officials asserting, "[s]urely you must feel a little more Arab, you've lived in many Middle Eastern countries."[143] After border officials searched through Doughman's email and found emails from friends advising her to remove anything from the Internet that exposed her Palestinian identity, ridiculed her while reading the emails out loud and took the two to a detention facility where they stayed over night and put on a flight 8 o'clock the next morning. When contacted, the US Embassy said there was nothing they could do.[144] Targeting of Palestinians and Arabs does not stop at those who hold that specific identity but also extends to those who know individuals of Palestinian or Arab descent, sometimes even in a very loose capacity.

IIIb. Guilt by Association

Although no one interviewed was of Palestinian or Arab descent, interviewees were all asked questions regarding their association with Palestinians, Arabs or the Arabic language when stopped at the border. In addition, individuals were questioned if they had previously been in an

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[142] "Groups Say US Visa Waiver for Israelis Should Be Reciprocal."
[143] James J. Zogby, "Bordering on the Ridiculous," *Gulf Daily News*, June 18, 2012, LexisNexis Academic.
[144] "'Do You Feel More Arab or More American?' Two Women's Story of Being Detained and Interrogated at Ben Gurion," *Mondoweiss*, June 2, 2012, http://mondoweiss.net/2012/06/do-you-feel-more-arab-or-more-american-two-arab-american-womens-story-of-being-detained-and-interrogated-at-ben-gurion.

Arab country. All of these individuals, barring Jamie Spector, were denied and interviewed in

2015. Cases in 2015 that were reported in news sources, noted a similar phenomenon.

Many interviewees related that border officials took their phones and searched them for

individuals with names they believed sounded Palestinian or Arab. Interviewee #4 remarked, "in

the airport they had gone through all my contacts and had picked out Arabic names."[145]

Interviewee #5 recounted a similar experience. She stated, "…they went through my phone. I

deleted all my contacts, but I didn't delete all my Whatsapp contacts so they went through all my

Whatsapp contacts and they asked me about all the Arab names and how I knew them and who

they were. And I was just like, I don't know, I don't know."[146] Interviewee #7 remarked that

border officials when looking through her phone seemed particularly interested in her

relationship with her Iraqi boyfriend. They said, "You're dating an Iraqi? You're dating a

refugee?" after confirming, the interviewee conferred in distress that they asked her *everything*

about him. She remarked, "So they had a problem with him but they didn't push it too far."[147]

News articles also referenced association with Arabs as a possible reason for suspicion.

In April 2015, Laura Arena, a Brooklyn-based graphic designer and artist was denied entry to

Israel proper and the West Bank at the Yitzhak Rabin border crossing while she was traveling to

aid a disabled artist, Echlas al Azzeh, who lives in the Aza refugee camp near Bethlehem. In her

time she planned to aid al Azzeh with her art, document the stories of refugees in the camp and

meet with curators and artists to organize an artist journal called *Vector*. At the border, she was

detained and interrogated for six hours total after a border official noticed that she had been in

Israel for five weeks in 2010. She was extensively questioned about her relationship to a curator

at al Hoasch gallery in East Jerusalem whose contact information was in her phone and with

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[145] Interview #4. Recorded 12/3/15.
[146] Interview #5. Recorded 12/14/15.
[147] Interview #7. Recorded 2/2/16.

whom she was friends on Facebook. Arena did not know the individual or anything about her, and had recently been given her contact information prior to her trip. However, she was told she was denied entry to Israel because she had lied about her phone number, although at the time she did not have a working phone, that she had no proof of a flight, which she did, and that she lied about her relationship with the women she did not know. She stated, "[the conversation] became focused on why do I communicate with Arabs, what do I plan to do in Palestine? Where am I really traveling? Why do I have Arab names on my phone? They questioned if I ever volunteered before and told me over and over again it is illegal to volunteer in Israel."[148]

Interviewee #3 remarked that when she first entered Ben Gurion Airport, she felt as though she was flagged because of a stamp from Morocco in her passport. She said in her interview:

> …when I first got into the country they had seen that I had been to Morocco in the past 24 months and so they questioned me and then they told me that I always had to have my passport on me at all times and I was on some sort of list now that I had been to the region in the past two years and that was that. I mean their warning was in very broken English, but they were threatening me basically. They were like, "you need to be careful, you are going to be a person subject to search." And they were like, "don't go to any conflict regions, just stay in Israel." They told me where I could go and where I could not go.[149]

When she returned back through the airport, border officials questioned her for six hours until she was told she was banned from Israel for a certain amount of time and would permanently be on a list due to lying to officials.[150]

Interviewee #2 remarked similarly that she believed that visiting an Arab country, in this case a country that had been in conflict with Israel prior, was one of the reasons why she was denied entry. She stated:

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[148] Hrag Vartanian, "The Story of an American Artist Who Was Denied Entry into Israel," *Hyperallergic*, April 9, 2015, http://hyperallergic.com/196515/the-story-of-an-american-artist-who-was-denied-entry-into-israel/.
[149] Interview #3. Recorded 11/15/15.
[150] Ibid.

I had a stamp in my passport from Lebanon from 2006 which I'm not sure if you're aware, there was a war in 2006, it was Hezbollah and Israel were fighting each other and I remember when it happened I was in Beirut and three days after I left Beirut, Israel bombed the Beirut Airport. And I had been there for three months…I had been to Lebanon, I'm a security risk.[151]

It should also be noted that five of the seven of the interviewees had studied or were presently studying Arabic. This fact came into play in several individuals' experiences at the border. In particular, in the case of Interviewee #7 that fact was used in part as an intimidation tactic. She stated in her interview:

…by that point they knew that I studied Arabic, they knew basically everything about me very quickly. And upon seeing that I was studying Arabic, that my Facebook name is also in Arabic, she said, "you speak Arabic" and I said "I mean I study Arabic, I don't 'speak' Arabic," and I don't know if she was just jerking my chain, I don't know why this was necessary, but they brought in a police officer who only spoke Arabic. And this police officer began to interrogate me in Arabic and I was very scared and flustered and I obviously didn't know what he was saying and I was like, "please stop, I don't know what's going on, I don't speak this good Arabic," and they were just like, "I thought you studied Arabic," and I said, "I do study Arabic, I just don't, I don't understand Arabic well enough that I can be interrogated by the police in Arabic."[152]

It is clear through news sources and interviews with those denied and a US official that Palestinian identity, Arab identity, and association with either of the two, including studying the Arabic language or traveling to an Arab country, is associated with individuals who were denied entry to Israeli proper and the occupied Palestinian territories. This ties into ideas of Israel as an ethnocracy that creates "objective enemies" of Palestinian individuals through border inscription.

IIIc. The Palestinian as the "Objective Enemy"

It is clear that Palestinian and Arab US citizens are denied entry at the external Israeli border crossings. However, the question still stands as to why border officials target Palestinian and Arab Americans for exclusion. Much of the targeting stems from the maintenance of what

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[151] Interview #2. Recorded 11/6/15.
[152] Interview #7. Recorded 2/2/16.

some may call an ethnocracy in which ethnicity is the driving force for the conference of rights.[153] In Israel's case this means the maintenance of Israel as the "land of the Jewish people" to which a so-called ethnic minority (or in the case of the Palestinians, a previous majority) serve as a threat.[154] In addition, the targeting of Palestinian and Arab individuals may stem from the idea of Israel as a "defensive democracy" in which the creation of laws and policy is predicated on the security of the hegemonic entity. This prioritization allows for the emergence of a defensive ethnocracy model in which protection of the Jewish identity is centered.[155] According to Navot, these principles can be used to justify limiting basic freedoms of the minority in order to secure the majority's safety.[156]

Navot points out the phenomenon of banning "terrorist parties" in Israel, as first seen by section 7 of the Knesset's basic law, as a point of understanding of Israel as a "defensive democracy." The definitions in the law are vague and do not succinctly identify what actions confer terrorism and support for terrorism. The same vague definitions were used again 1992 when the Knesset adopted the Parties Law, which allowed the Parties Registrar to refuse to register a party that was seen as "supporting terror." Navot concludes, "The explanation for this 'broad' definition is that the disqualification of a party is a 'preventive act', meaning that there is no need to wait for the party/candidate to put its goals into effect." [157] This reluctance to define the term "support for terror" is just one of the ways that Israel exist as a "defensive democracy" dedicated to "prevention."[158] Weinblum expands on this phenomenon citing an instant in which the President of the Supreme Court from 1965 until 1976 Shimon Agranat states:

[153] Hajjar, *Courting Conflict*, 31.
[154] "Primer on Palestine, Israel and the Arab-Israeli Conflict."
[155] Yoav Peled et al., *Democratic Citizenship and War* (Routledge, 2014), 68–70.
[156] Suzie Navot, "Fighting Terrorism in the Political Arena The Banning of Political Parties," *Party Politics* 14, no. 6 (November 1, 2008): 745–62, doi:10.1177/1354068808093409.
[157] Ibid. 753.
[158] Ibid. 753.

> Political science teaches us that in a democracy, the people rule because democracy is, first and foremost, a regime of agreement. The democratic process enables the selection of the people's common objectives and the means to achieve them through verbal inquiry and a free exchange of opinions […] Nonetheless, no free regime would lend its hand and recognition to an assembly that seeks to undermine that same regime.[159]

Weinblum concludes that Israel in, "the context of insecurity has systematically turned this democratic regime into a regime defending itself by limiting itself, that is, rights and liberties."[160]

A major part of the Israeli population accepts the subjugation of Palestinians and even encourages it on the very grounds of "defensive democracy." Itzhak Zamir explains:

> It is particularly difficult in Israel to reach a suitable balance between the interest of national security and that of human rights. The special conditions [that] prevail here foster an extreme approach, which tends to assign absolute priority to national security above all other interests and to disregard the need to strike a balance between them. This approach finds adherence both among the general public as well as in ruling circles.[161]

In her work "The 'Security Risk' as a Security Risk," Dr. Yael Berda, who worked on many cases involving the denial and ban of individuals at the external Israeli border crossings, makes the distinction that in "Israel's permanent state of emergency" the security threat becomes a "paradigm of thinking" and a "binary schema for seeing the Palestinian population" which designates most as a security threat.[162] Berda suggests that the General Security Service, the GSS, has become a larger, more bureaucratic organization, which has "shifted its mission from collecting relevant information on Palestinian activities to collecting *all* information." In this way, the GSS categorizes its decisions based upon the identity of an individual.[163]

Adriana Kemp further explores the identity of Palestinians as a "dangerous population" stating:

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[159] Sharon Weinblum, *Security and Defensive Democracy in Israel: A Critical Approach to Political Discourse* (Routledge, 2015), 42–43.
[160] Weinblum, *Security and Defensive Democracy in Israel, 62*.
[161] Hajjar, *Courting Conflict*, 32.
[162] Yael Berda, "The 'Security Risk' as a Security Risk: Notes on the Classification Practices of the Israeli Security Services," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, July 29, 2011), 45, http://papers.ssrn.com/abstract=2302642.
[163] Ibid., 49.

…the Israeli border—as a discursive construct of state law and administration—became instrumental in the constitution of the Palestinian minority as a "dangerous population" at once incorporated by the political body (as formal citizens and as subjects of state power) and excluded from it (as "alien" to the community of belonging)," which resulted from, "a coupling between the national goals of the dominant ethnic group and the constant preoccupation of the disciplinary state with population management and surveillance."[164]

However, Berda makes it clear that this designation of a "dangerous population" is not necessarily a "majority-minority" relationship but a sociological category that makes an enemy of any individual "hostile to the state."[165] In this case the "objective enemy" is not determined by the individual in question but by suspicion based on "membership in her ethnic/racial/social group."[166] Kemp supports this statement stating, "[T]he "border" function[s] as a heteronomous space in which the Palestinian citizens could be constituted as dangerous populations, simultaneously included in the house of power of governmentality and excluded from the ethnonational project of the nation."[167]

This classification as an "objective enemy" also applies to the treatment of US Muslims at the external Israeli border crossings.

IV. The Denial of Muslim Americans at the External Israeli Border Crossings

As reported, 38% of all individuals denied, or 42, either self-identified or were identified by news sources as Muslim. In addition, individuals reported that questions of whether or not one was Muslim often came up at the border.

Of those incidents reported by the news, two in particular concentrated on individuals of a Muslim background. On June 16 of 2002, Israeli officials barred entry to a group of 17 US Muslims of the American Muslims for Jerusalem group, trying to enter the country at the Ben

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[164] Kemp, "Dangerous Populations: State Territoriality and the Constitution of National Minorities," 74.
[165] Berda, "The 'Security Risk' as a Security Risk," 49.
[166] Ibid., 50.
[167] Kemp, "Dangerous Populations: State Territoriality and the Constitution of National Minorities," 97.

Gurion Airport, and put them on a midnight flight back to the US. The group was traveling to meet with Israeli and Palestinian peace activists in Israel proper and the West Bank. They were denied entry because of "serious security concerns."[168] Herzl Gedj of the Ministry of the Interior explained that the group was made up of radical Islamists that moved to the US from Egypt, Pakistan and Afghanistan, although did not give many more details regarding the denial. This event, also referred to in the previous section, occurred at start of operation Defensive Shield.[169] In this case, in light of the second intifada, the identity of a group as Muslim conferred the identity of "radical Islamist," PA sympathizer and security risk.

In December of that same year, authorities deported Americans Mohammed Osman Idris and Mohammed El Yacoubi from Ben Gurion Airport. The two reportedly possessed a farewell note in preparation for a suicide mission, which spoke of "Jihad" and "traveling to Allah." The two further raised suspicion as they had paid for their tickets in cash and had no substantial baggage, hotel reservations or itinerary. The two were deported to the US where they were investigated. Despite an extensive investigation by US officials, no ties to terrorism were found. El Yacoubi stated he was simply planning to celebrate the end of Ramadan in Jerusalem. The letter, which was from his brother, had mistranslated the word Jihad, which in this case meant, "struggle" not, "holy war" as assumed.[170]

In interviews it was also apparent that being Muslim or related to Muslim individuals was a reason for suspicion. Interviewee #2 remarked that her Muslim last name from a previous husband was part of the reason she believed she was denied entry. She stated in her interview, "…taking all of these things into consideration, the Muslim last name, that I had been to

[168] AP, "Israel Refuses to Admit US Muslim Group."
[169] AP, "Israel Refuses to Admit US Muslim Group."
[170] Brooke A. Masters, "Israel Blocked Entry Of Two N.Va. Men," *Washington Post*, March 27, 2002, https://www.washingtonpost.com/archive/politics/2002/03/27/israel-blocked-entry-of-two-nva-men/856414d1-c902-43c1-816f-19286a83ec1e/.

Lebanon, I'm a security risk."[171] Interviewee #7 also remarked that being Muslim seemed to be a

topic that the border officials were interested in. When they discovered, via her Facebook chat

that she was dating an Iraqi refugee they remarked, "Where is he from? Is he Muslim?"[172]

Interviewee #4 related that when looking through his contacts, officials picked out an individual

with the last name "Quran" as worthy of comment. When they found the contact information of

his acquaintance with the last name Quran, officials asked, "Oh, do you know this person from

Quran class?" to which he replied, "What? No I don't study the Quran and no, he's this guy I

met at this unity conference." The border officials again pressed the subject, "Oh, a conference,

what was the conference? A conference about the Quran?" To which he replied, "No his name is

[name] Quran." At this border officials replied, "Well Quran is not a last name."[173]

The US State Department also acknowledges the denial and banning of Muslims from the

external Israeli border crossings. The country specific information provided by the US

Department of State last updated September 2014 relays:

> Those with extensive travel to Muslim countries or US citizens whom Israeli authorities
> suspect of being of Arab, Middle Eastern, or Muslim origin may face additional
> questioning by immigration and border authorities. US citizens of similar background
> who are suspected of wishing to enter those areas deemed prohibited to them by the
> Ministry of Interior (MOI) may be required to sign an agreement stipulating that they will
> refrain from entering those areas.[174]

This targeting of Muslim individuals, like the targeting of Arab individuals, stems from the

conflation of Palestinian, Arab and Muslim identity.

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[171] Interview #2. Recorded 11/6/15.
[172] Interview #7. Recorded 2/2/16.
[173] Interview #4. Recorded 12/3/15.
[174] "Israel, the West Bank and Gaza," accessed February 1, 2016,
http://travel.state.gov/content/passports/en/country/israel.html.

IVa. The Threat of Islam: A Conflation of Identity

One of the greater questions that stands in light of this phenomenon is why exclude Muslims from entry into Israel? How does that identity group pose a threat to the state of Israel? Not all Muslims are Palestinian just as not all Palestinians are Muslim. This question also applies in the denial of Arab Americans. With Arab nations consisting of 22 independent nations, not all Arabs are Palestinian. In this confusion lies a conflation of identity that may lead to the targeting of Muslims at the external Israeli border crossings.

The conflation of Palestinian, Arab and Muslim identity has long been a practice amongst individuals, news media and nations. Ayish refers to this as "a conflation of Palestinians, Arabs and Muslims into one 'other' in popular culture."[175] She continues that for both Israel and the US, it is not necessary to distinguish between Palestinians as a "distinct nationality" as compared to Arabs or Muslims of different national and religious identity.[176] Ayish explains, this allows Palestinians to be tangentially implicated in any act of violence committed by an Arab or a Muslim.[177] Ayish referenced Mearscheimer and Walt, who have suggested that Israeli officials capitalized on fear generated in the US against Arabs and Muslims (often used interchangeably) in order to strengthen ties with the US and justify harsher treatment of Palestinians. In this case, this conflation could lead to the exclusion of Arabs and Muslims at the external Israeli borders because of assumed association with Palestinians.[178]

Dr. Khaled Beydoun, one of the US's leading experts on the legal construction of Arab and Muslim American identity, distinguishes between Arab Americans and Muslim Americans in light of the conflation of the two identities today, noting that at the time of publication (2013)

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[175] Ilham Nasser, Lawrence N. Berlin, and Shelley Wong, *Examining Education, Media, and Dialogue Under Occupation: The Case of Palestine and Israel* (Multilingual Matters, 2011), 98.
[176] Ibid., 98.
[177] Nasser, Berlin, and Wong, *Examining Education, Media, and Dialogue Under Occupation*, 99.
[178] Ibid., 99.

only one-fourth of all Arab Americans are Muslim.[179] Beydoun defines Arab Americans as individuals who originally derived their ancestry from the "Arab World" but now embodies a more "fluid and political construction" as an "Arab identity" in the face of Pan-Arabism and Diaspora identity. In 2013 around 3,665,789 Arabs lived in the US with 63% identifying as Christian.[180] On the other hand, Beydoun defines Muslim Americans as part of a "pan-racial community" or "Ummah" of 1.7 billion people. Although Islam claims its origin in the Arabian Peninsula, one of the main reasons for the conflation of identity, the religion has spread throughout Asia, Africa and Europe, leaving the vast majority of Muslims as non-Arabs.[181]

At no point have Arabs constructed the majority of Muslims in the US, as up to 15%-30% of North Americans slaves were Muslim, a group Beydoun calls the "forgotten African Muslim diaspora."[182] As it stands today, the US population of Muslims is the fastest growing religious group in the US, and the US boasts the most racially diverse Muslim community in the world.[183] However, individuals and border officials alike still tend to see the identity of Arab American and Muslim American as one in the same.

In his paper "Between Muslim and White: The Legal Construction of Arab American Identity," Beydoun explores the treatment of Arab petitioners during the Naturalization Era in the US in which both Islam and Christianity were treated as "ethno-racial identit[ies] with Christianity serving as a gateway to whiteness.[184] In the period between 1790-1952, all Arab immigrants, both Muslim and Christian, were perceived as Muslims, thus blocking many Christian-Arabs from citizenship until 1944, when *Ex parte Mohriez* lifted the bar on Muslim

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[179] Khaled Beydoun, "Between Muslim and White: The Legal Construction of Arab American Identity," 38, accessed March 20, 2016, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2529506.
[180] Beydoun, "Between Muslim and White: The Legal Construction of Arab American Identity," 39–40.
[181] Ibid., 40.
[182] Ibid., 41.
[183] Ibid.,41.
[184] Beydoun, "Between Muslim and White: The Legal Construction of Arab American Identity," 34.

petitioners for citizenship.[185] He claims that this conflation of identity was rooted in Said's

theory of Orientalism in which the Arab/Muslim conflation finds itself as part of the larger East-

West dichotomy.[186] This manifested itself in the view of the courts, in light of Arab

Naturalization cases, that Islam as a "pagan faith" would render Muslim individuals, and in their

view all Arabs, inassimilable into the American public.[187]

The exclusion of Muslims at the external Israeli border crossings is a practice that stems

from Israel as an ethnocracy. As noted, Muslim identity is often conflated with Arab and

Palestinian identity. Thus, in order to maintain the ethnocracy of Israel, the exclusion of Muslims

could be translated into the exclusion of Palestinians based in the state's propensity to conflate

national and religious identity.[188] Israel maintaining itself as a Jewish state however does not

only have an effect on non-Jews. The policing of Jewishness has also led to the denial and

banning of Black Americans, including Black American Jews.

V. The Denial of Black Americans

The denial of Black Americans at the external Israeli border crossings has a long history

based in the question of who and who not can be considered a Jew, and whose exclusion from

entry was legalized early in the history of Israel. The first occurrence of border denial of Black

Americans as catalogued on LexisNexis was the denial and deportation of members of the US-

based Black Hebrew sect.[189] A report from August 9, 1986 stated that starting in 1984, the

Ministry of Interior began a policy of denial and deportation of members of the Black Hebrew

sect. Authorities refused to release information regarding the dates of deportations or the number

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[185] Ibid., 34.
[186] Ibid., 43.
[187] Beydoun, "Between Muslim and White: The Legal Construction of Arab American Identity," 47.
[188] Sand and Lotan, *The Invention of the Jewish People*, 305. Quoting Moshe Neuman versus the president of the central electoral commission, decision (4) 177, 189.
[189] "Israel Starts Deporting Black Hebrew Members," *New York Times*, August 9, 1986, LexisNexis Academic.

of people involved.[190] Reports in 1987 began to record the phenomenon as the US State

Department expressed concern at what appeared to be an increasingly common occurence. Black

Americans were denied entry, or in some cases had their passport confiscated. Asher Naim, the

Minister of Information of the Israeli Embassy, stated that Black Americans were often turned

away as they were suspected of being part of the Black Hebrew Israelites, a group ruled not to be

Jews in 1972, thus excluding the from the Law of Return.[191] 1987-1988 marked the continued

recording of the denial of Black Americans and Palestinians from entering Israel proper and the

occupied Palestinian territories as in 1987 a reported 75 Black Americans and Palestinian

Americans were denied entry at the external Israeli border crossings. This led to the US State

Department lodging a formal complaint with the Israeli Embassy.[192] In 1987, Marvin Vaughn, a

black man from Cincinnati was deported despite claims that he was simply visiting for tourism.

Naim stated that he might have been mistaken for a Black Hebrew.[193]

Despite lack of substantial media coverage, this practice has continued in recent times. In

June 2015, Idit Malka, an American convert to Judaism, and her 10-year-old-son were detained

nearly 48 hours at Ben Gurion before being denied entry. The two had arrived to attend the

wedding of Malka's sister in Yeroham and to spend time with her five other siblings who lived

in Israel proper. Malka reported that upon her denial she was screamed at by an agent,

"Eretz Yisrael isn't a country for 'cushim' [a derogatory Hebrew word for dark-skinned]" to

which she did yell back, but was never violent towards officials.[194] Malka contacted her brother

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[190] Ibid.
[191] "State Dept. Concerned over Reports of Israel Denying Entry to U.S. Blacks, Palestinians; Israel Says," *Jewish Telegraphic Agency*, July 15, 1987, http://www.jta.org/1987/07/15/archive/state-dept-concerned-over-reports-of-isarel-denying-entry-to-u-s-blacks-palestinians-israel-says.
[192] "Va. Woman Sues Airline," *Washington Post*, October 28, 1987, LexisNexis Academic.
[193] "State Dept. Concerned over Reports of Israel Denying Entry to U.S. Blacks, Palestinians; Israel Says."
[194] David Brinn and Tamara Ungar, "American Jews Held for Two Days at Ben-Gurion Denied Entry to Israel. Idit Malka Denies Border Authority Claim That She and Her Son Were Planning on Joining Black Hebrew Community and Staying in Israel," *Jerusalem Post*, July 14, 2015.

in Israel proper who arranged an appeal with an on-call judge. The judge upheld the denial of entry.[195]

According to Sabine Haddad, the spokesperson for the Population, Immigration and Border Authority (PIBA), "If she had requested permission to come to Israel ahead of time, she would have been rejected and she could have prevented this from the beginning."[196] PIBA stated that the two were denied for suspicions of illegal immigration considerations, as the border police believed they belonged to the Black Hebrew community and were therefore a potential migration threat. The PIBA stated further her denial was because she "arrived at the airport without prior coordination with the Authority; changed the story of why she was visiting; and became violent and abusive when told her entry was being denied."[197] Idit reportedly underwent Conservative conversion in 2004 and applied for Israeli citizenship in 2006 upon arrival. She was never able to obtain citizenship and returned to the US in 2010. According to Nicole Maor of the Israel Religious Action Center (IRAC), Black American converts to Judaism often encounter problems upon entry into Israel as the Interior Ministry often questioned the validity of their conversion. Malka noted that as an American citizen she did not require prior coordination to visit Israel, especially as a Jew.[198]

Va. The Position of Non-White Jews

These two denials fall into a larger trend of denying Jews of color entrance into Israel as well as denying such individuals citizenship under the Law of Return.[199] It is commonly held

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[195] Haaretz, "Two Black Jewish Americans Reportedly Denied Entry to Israel," *Haaretz*, July 13, 2015, http://www.haaretz.com/israel-news/1.665858.

[196] "Two American Jews Held for Two Days at Ben-Gurion, Denied Entry to Israel," *Jerusalem Post*, accessed February 15, 2016, http://www.jpost.com/Israel-News/Two-American-Jews-held-for-two-days-at-Ben-Gurion-denied-entry-to-Israel-408826.

[197] Ibid.

[198] Ibid.

[199] Elias and Kemp, "The New Second Generation," 81.

that during the first peak of migration immediately following 1948, two major "geo-cultural" groups migrated to the land then inscribed as Israel.[200] These groups consisted of the Jews of European and American origin known as the *Ashkenazim* and Jews of Asian and North African origin known as the *Mizrahim.* From their arrival in Israel, these groups differed in education and economic measures such as college education and wage earnings. In 1975, one in four *Ashkenazim* had graduated college as opposed to one in twenty *Mizrahim.* Scholars have long used the classification of *Ashkenazim* and *Mizrahim* to emphasize the favoring of *Ashkenazim* Jews in Israeli society; it is fair to assume that such a sweeping division is unable to capture the intricacies of assimilation into Israeli society for a large portion of the population.[201] However, the pattern of favoring white, European Jews can be seen clearly in the long dialogue regarding Ethiopian Jews—Beta Israel or Falashas—that has occurred since the mid-1970s.[202] The immigration of Ethiopian Jews to Israel has occurred in three major waves: the 1980s with an estimated 8,000 immigrants, the 1990s with an estimated 20,000 immigrants and the third wave that as of 2010 was still occurring which led to debate about the inclusion of converted Falas Mura who are not considered Jews according to Halacha—Jewish religious law which in turn influences the Law of Return.[203]

In 1972, then-Chief Sephardic Rabbi Ovadia Yosef ruled that all Falashas were Jews. In 1975, an inter-ministerial committee recognized Falashas as Jews under the Law of Return and by 1977 the Labor government affirmed that decision. However, this led to suspicions that non-Jewish Ethiopians were taking advantage of this ruling to immigrate to Israel. In 1984, Yehuda Dominitz, the then-director of the Jewish Agency aliyah department, stated that he believed

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[200] Ibid., 76.
[201] Elias and Kemp, "The New Second Generation."
[202] Domínguez, *People as Subject, People as Object.*
[203] Elias and Kemp, "The New Second Generation."

Ethiopian Jews should undergo a symbolic conversion as it is not possible to determine whether they were born to non-Jewish mothers as "they were on their own, far from an other Jewish community."[204] The next year in 1985, five hundred Ethiopians demonstrated in Jerusalem in front of the Knesset with complaints against the Jewish Agency, the Chief Rabbinate and absorption authorities. They stated they felt like "near prisoners" in absorption centers and were being settled not in major cities but in far-off developments. Despite strides by different government agencies at inclusion, at that time Falashas were still required to undergo ritual conversion to become "full Jews."[205]

Studies of Ethiopian immigration found that there were four main obstacles that resulted in marginalization of Ethiopian Jews in Israeli society: failure of assimilation programs, reluctant acceptance of their Jewishness by the rabbinic authorities, modest possession of Western cultural and material capital and stigmatization due to skin color. The categorization of Ethiopian immigration as "immigration of distress" has led to Ethiopian immigrants being granted more resources than any other migrant group.[206] However, it has also left Ethiopians as one of the poorest and most marginalized groups of Jews in Israel. The average salary of an Ethiopian Jew is below the poverty level and most live in poor segregated neighborhoods.[207]

One of the main issues that Ethiopians face, in light of Israel's policing of "Jewishness," is whether or not Ethiopians are considered to be Jewish. This leads to the growing identity of Ethiopians, especially younger generations, as "Black" before "Israeli" and the adoption of Black

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[204] Domínguez, *People as Subject, People as Object*, 79.
[205] Ibid, 80.
[206] Elias and Kemp, "The New Second Generation," 81.
[207] Ibid.

Diaspora symbols. Kemp argues this "'ethnicization' of color" makes Ethiopians "visible" as Blacks, emphasizing the non-belonging of Ethiopians in the Jewish ethnocracy.[208]

The difficulty faced by Ethiopians in assimilating into Israeli society is mirrored in the difficulty of other African migrants arriving in Israel—both Jewish and non-Jewish. Recently, news sources have pointed to Israel's "new racism" towards migrants of African descent. In 2014, nearly 60,000 migrants from Eritrea and Sudan entered Israel since 2006, hoping for asylum. This led to the controversial Infiltration Law that allows migrants to be held indefinitely while awaiting voluntary repatriation, deportation or resolution of asylum requests.[209] By May 2015, Eritrean and Sudanese refugees arriving in Israel were told they would either have to face an indefinite stay in prison or were given $3,500 in cash and a one-way ticket home or to a third unnamed African country. Fear of a wave of Africans has led to Israel spending more than $350 million to build a 140-mile fence in 2013 along its border with Egypt.[210]

The influx of African refugees has also led to increased racism towards Ethiopian Jews. This led to protests in May 2015 after an incident in which security cameras caught two Israeli police officers assaulting an Ethiopian Israeli soldier in uniform, seemingly unprovoked. The incident led to increased attention on "years of neglect and racism" towards Ethiopian Israelis, which many say is institutionalized and ongoing.[211]

Other Black Jews are not as integrated into Israeli society and are often not conferred full recognition of Jewishness and thus often a lack of rights. Black Hebrews have few supporters for

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[208] Ibid., 82.

[209] "The Plight of African Migrants in Israel - Al Jazeera English," accessed March 16, 2016, http://www.aljazeera.com/programmes/insidestory/2014/01/plight-african-migrants-israel-201411081017590510.html.

[210] William Booth, "Israeli Government to Refugees: Go back to Africa or Go to Prison," *The Washington Post*, May 14, 2015, https://www.washingtonpost.com/world/middle_east/toughening-its-stance-toward-migrants-israel-pushes-africans-to-leave/2015/05/14/e1637bce-f350-11e4-bca5-21b51bbdf93e_story.html.

[211] Ruth Eglash, "Violence Erupts as Thousands of Ethiopian Israelis Protest Racism," *Washington Post*, May 3, 2015, https://www.washingtonpost.com/news/worldviews/wp/2015/05/03/thousands-of-ethiopian-israelis-protest-police-brutality/.

their claim to Jewishness. Domínguez calls the Black Hebrews the "weakest contenders for Jewishness."[212] The group, also know as the Black Hebrew Israelites, is made up of Black Americans who identify as Jewish through the belief that Judaism in its origins is an African religion and therefore not one for white individuals. They do not recognize the rabbinate's authority and thus refuse to undergo any sort of conversion. Many Black Hebrews, who are not permitted to enter Israel under the Law of Return, have entered Israel on a tourist visa and overstayed their visas illegally. According to Domínguez, this has led to immigration officers and guards at various points of entry being instructed to screen Black Americans in order to prevent a potential influx of Black Hebrews in disguise.[213]

It is this pattern of questioning the "Jewishness" of Black Jews, recent xenophobic sentiments, as well as fear of Black Hebrews illegally immigrating, all based in the want to maintain the dominant Ashkenazim Jewish ethnocracy, that may have led to the targeted exclusion of Black Americans at the external Israeli border crossings. Black American Jews are not the only Jews who have been excluded from Israel. Indeed, 11 individuals reported denied or banned were also Jewish.

Vb. The Exclusion of Jews from Israel

One thing it is important to note is that like in Idit Malka's case, being Jewish did not exclude individuals from being denied or banned. However, if an individual who was denied or banned was Jewish, the level of their "Jewishness" often came into question. Dr. Yael Berda, a former attorney involved in many cases of US citizens being denied from Israel, related that the first incident of a Jewish individual being denied or banned took place in 2004 with the denial of Jamie Spector. Her denial set a sort of precedent "and after that [Israeli border officials] denied

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[212] Domínguez, *People as Subject, People as Object*, 177.
[213] Domínguez, *People as Subject, People as Object*, 176.

many Jewish people entry." She noted that she believed it hadn't happened until that point because it "just didn't make any sense." She continued, "On the one hand she could have decided to make *Aliyah* at that moment. And what would they say then? Would they still deny her entry? Would they tell her to go home and then be eligible to give her actual citizenship? It is so strange. It is such a strange strange action. Because it doesn't make any sense with the fact that you're supposed to allow every Jew to come in."[214]

An overview of data shows that 11 Jewish individuals were denied entry, 8 of who were considered "activists." This denial was confusing for some, as they never expected their entry to be denied as a Jew. One individual in an interview stated that she did not think denial would be an option for her. She expanded, "I didn't do anything wrong. It's not a crime to visit the West Bank and there's a ton of Jewish leftists who are just kind of visiting. And Israel, for much as much it has some really shitty policies, does claim to be a democracy and an asylum for Jewish people so it really didn't occur to me for them to deny me entry."[215] The interviewee had lived in Israel for four months when she was 16 and was raised in a family that were regular donors to AIPAC. She stated of the situation:

> When I got back my dad had been initially like O.K. I'm angry. I'm getting in touch with the consulate. I'm this big AIPAC donor; why is this happening to me. You know he was just in that whole place of why is this happening to me kind of. But so he got in touch with the Consulate General in Philadelphia and the Consular General was like "ok we'll have to keep this quiet and fix it. Tell me everything that happened and what your passport says." So when I gave them a copy of my passport, that's when the consular general was like, "yeah, you have a five-year ban."[216]

She also made clear:

> I don't come at this from a point that I want bad things for Israel. I come from this from a point of I'm Jewish and you're calling this my homeland and if that's true and you're going to beg me for donations, even at high holiday services, then I think I deserve to

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[214] Interview with Yael Berda. Recorded 1/3/16.
[215] Interview #1. Recorded 11/3/15.
[216] Interview #1. Recorded 11/3/15.

know what's going on so I can be a better and more knowledgeable Jewish person about these issues, so I know what's actually going on and feel like I'm someone who is invested and can talk about these issues.[217]

Interviewee #1's position as an American Jew still did not exclude her from being denied or banned at the external Israeli border crossings in light of her perceived activism. The same went for Interviewee #3 who was returning through Ben Gurion after participating in a trip coordinated by a peacebuilding program.

Interviewee #3 found that at the border crossing, not only did her Jewishness not prevent her from being able to enter, but she felt her Jewishness was put in question. She stated:

> When I told them I was Jewish, they followed with a series of like twenty questions about the bat mitzvahs. They asked me if I had been bat mitzvahed. They asked me my Jewish heritage like where my grandparents were from. And then that got weird. They kind of were questioning my loyalty to Israel. They were like, "Oh if your Jewish than why were you in these areas" or "if you're Jewish then why were you x, y or z." Like they would ask me why I wasn't more affiliated; Why I didn't do this or that. You know what I mean? Like why I haven't been to more bat mitzvahs, stuff like that.[218]

Interviewee #3 furthers that being Jewish did not preclude an individual from being denied entry. In fact, the concept of "Jewishness" helped allow security officials to further bring her into question.

Of all the groups targeted for exclusion at the external border crossings, those who have been the most unabashedly and publicly targeted are activists, or those whom border officials suspect of involvement in activist activity.

VI. The Denial of US Activists

Activists are one of the main identity groups that were denied entry at the external Israeli border crossings. It is difficult to quantify who is and isn't considered an activist when at the border an individual's personal identification, identification by border officials and identification

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[217] Interview #1. Recorded 11/3/15.
[218] Interview #3. Recorded 11/15/15.

by the news media all identified people's actions differently. This study took all of these factors into account when identifying one as an "activist," defining an "activist" as one who has been involved in the past or present in peace programming or Palestinian liberation actions on any scale from attending a protest, to being part of a specific trip to writing a public op-ed on the topic in a way that would be discoverable by a third party with access to the internet. Given this definition, 48% of those denied were identified as activists. The denial of activists also warranted many statements by government officials and the standardization of rules and regulations over time, permitting the phenomenon to occur with more ease.

In May 2003, the IDF cracked down on foreign activists in Israel proper and the occupied Palestinian territories, in particular in regards to entrance to the Gaza Strip. In regulations imposed by OC Southern Command Maj.-Gen Doron Almog, all foreigners wishing to enter Gaza were to coordinate with the IDF's district coordinating office in order to visit and promise to not enter military zones or interfere with military activities. In addition, individuals signed a waiver upon entry absolving the army of injury or death. Almog stated the new regulations were put in place to, "allow a heightened supervision of foreign nationals entering the Gaza Strip based on recent incidents in which foreigners took advantage of their position to perpetrate terror attacks [the Mike's Place bombing]."[219] These regulations were closer to those regulations of Israelis who were barred from entering Palestinian-controlled areas in the West Bank since October 2000. In addition, that month security forces arrested several foreign activists volunteering with ISM and raided the organization's office.[220]

At that time, an IDF spokesperson stated, "The new steps will prevent the entry of those whose aim is to interfere with IDF operations in the area, including the area along the border

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[219] Margot Dudkevitch, "IDF Cracks down on Foreign Activists in Territories," *Jerusalem Post*, May 11, 2003.
[220] Ibid.

with Egypt—acts that endanger their lives and those of the soldiers—such as those who belong to the ISM organization."[221] Many other ISM members were detained and/or deported for "speaking with terrorists" and physically interfering with IDF activity in Tulkarm.[222]

In light of new policies, 2003 marked increased coverage of the denial and banning of international and US activists attempting to enter Israel proper and the West Bank. Freedom Summer Palestine 2003 was a campaign that began in June that ISM co-founders Adam Shapiro and Huwaida Arraf spearheaded. The campaign aimed to bring 1,000 international activists to the West Bank and Gaza Strip. The demonstration was meant to oppose Israeli policies through nonviolence in light of the recent denials and deportations of foreign activists. The previous summer the group had brought 500 activists to the region in a similar campaign. The two attributed the crackdown on activists to their success at highlighting unjust Israeli actions and then PM Ariel Sharon's attempt to derail the road map peace initiative. ISM ceded that although "policy" was a strong word to describe the denial of activists, it was clear that activists were being turned away. Arraf did note that in the past year about 1,000 ISM activists visited the region and only 24 had been denied entry.[223] However, as time continued, the denial of ISM members became more apparent.

Summer 2004 marks two complex cases of denial, which garnered a large amount of international press: that of Anne Petter, a young graphic designer from New York City, and that of Jamie Spector, a Jewish ISM activist based in the Bay Area. Petter had flown into Ben Gurion Airport to film a movie about a 79-year-old Holocaust survivor who was traveling across Israel proper and the West Bank on foot. When Petter arrived at Ben Gurion, she was immediately

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[221] Ibid.
[222] Ibid.
[223] Melissa Radler, "ISM Plans to Bring 1,000 Activists to Territories," *Jerusalem Post*, May 14, 2003, https://www.highbeam.com/doc/1P1-73905172.html.

detained and border officials discovered in questioning that in addition to filming, she planned to take part in demonstrations against the West Bank barrier with ISM.[224] Upon the discovery, she was immediately denied entry and ordered expelled.[225] Tova Ellison, a spokesperson for the Israel's Interior Ministry, stated that Petter was barred as she was a security risk but failed to state why. The *New York Times* reported she was denied because of her involvement with ISM, with whom she had also taken part in protests with the summer prior.[226] Her lawyer, Shamai Leibowitz, seconded this statement.[227] Petter herself speculated that the border authorities knew she was associated with ISM because she was on their mailing list.[228]

In 2004, Ann Petter was the first case in which a denied individual challenged the border authority's decision and took a case to court. As a formal measure of her challenge, she was taken into custody to await a trial.[229] After two weeks of detention, the Tel Aviv District Court originally ordered her expulsion based on "secret evidence" that officials refused to reveal to her or her attorney. After being ordered by the court to leave the country within 24 hours, the appeal was brought up to the Supreme Court.[230] The Supreme Court in turn returned the case to the District Court for a final ruling, ordering that the Shin Bet provide the court with the classified information it claimed to have against Petter. The Shin Bet revealed that Petter was a security risk because of her membership in ISM and her plans to disrupt the building of the separation wall.[231]

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[224] "ISM Peace Activist Detained in Tel Aviv," *Morning Star*, accessed January 21, 2016, LexisNexis Academic.
[225] Yaakov Katz, "Court Orders Expulsion of American Activist," *Jerusalem Post*, July 9, 2004.
[226] Greg Myre, "Barred by Israel as Security Risk, Pro-Palestinian American Refuses to Go," *New York Times*, July 1, 2004, http://www.nytimes.com/2004/07/01/world/barred-by-israel-as-security-risk-pro-palestinian-american-refuses-to-go.html.
[227] Ibid.
[228] Yaakov Katz, "Robinson-Peter: Detention Was Worth It," *Jerusalem Post*, July 22, 2004.
[229] Myre, "Barred by Israel as Security Risk, Pro-Palestinian American Refuses to Go."
[230] Yaakov Katz, "Court Orders Expulsion of American Activist."
[231] Yaakov Katz, "Court: US Activist May Enter Israel," *Jerusalem Post*, July 22, 2004.

After 33 days of detention Petter was finally allowed to enter Israel proper after Judge Oded Mudrik of the Tel Aviv District Court overturned its earlier ruling and ruled that the information in the hands of the Shin Bet was convincing but not sufficient to prevent her from entering. The judge called the state's report "embarrassing" and questioned whether the Interior Ministry had clear rules and regulations governing the denial of individuals from the border. Once Petter was released on bail, she was given restrictions and was not allowed to enter the occupied territories and was made to vow to remain one kilometer from the security fence. She was also told to pay a NIS 50,000 deposit to ensure she would not violate the restrictions.[232]

The next month, July 10, 2004, marked the denial of Jamie Spector, the first known American Jew to have been denied at the border. Spector arrived at Ben Gurion in order to protest the construction of the separation wall with ISM for their "Summer of Freedom". Tova Ellison, of the Ministry of the Interior, said that the officials acted in accordance with a security recommendation. It is assumed this security recommendation related to Spector's affiliation with ISM. At the time of Spector's denial there were up to 10 ISM members denied in the past month. Spector, like Petter, refused to leave when ordered and brought her case to court.[233] She was ultimately ordered denied as a result of her relationship with ISM as in the eyes of Judge Sara Dotan of the Tel Aviv District Court, ISM disrupted military operations and put soldiers at risk.[234]

The victory of Hamas in the January 2006 elections led to increased tensions in the region. In 2007, Fatah moved to carry out a coup against Hamas in the Gaza Strip after regaining power in the West Bank, due in part to $84 million in US military aid given to those loyal to

[232] Katz, "Court: US Activist May Enter Israel."
[233] "U.S. Jew Barred from Israel: Woman Belongs to pro-Palestinian Group," *Gazette (Montreal, Quebec)*, accessed January 21, 2016, LexisNexis Academic.
[234] Dan Waldman, "US Activist Loses Court Appeal," *Jerusalem Post*, July 25, 2004.

Mahmoud Abbas. Following the failure of Fatah to capture the Gaza Strip in September 2007, Israel declared Gaza as "hostile territory." In 2008-2009 Israel carried out assaults on the Gaza Strip, which in part backfired and led to increased international sympathy with the Palestinian cause.[235] These increased tensions may have led to the increased targeting of activists from 2006-2009. Indeed, from 2008-2009 three of three individuals denied were denied in part for their involvement in activism.

In June of 2006, another ISM activist and piano tuner from Northern California, Paul Larudee, was ordered deported at Ben Gurion Airport. Larudee was the head of all ISM activities in Northern California.[236] Larudee petitioned the court to discover why exactly he was denied entry. His lawyer Gaby Lasky presented the Tel Aviv Administrative Court with an infringement order asking for the reasons for his detainment, which were never given. However, according to security officials interviewed by the press, Larudee's name was on a Shin Bet list of foreign far-left activists suspected of "dangerous anti-Israel activity."[237] He was ordered deported and refused to leave Israel against his will. His lawyer Gaby Lasky obtained a temporary staying order against his deportation.[238] He was detained for 11 days until his June 15, 2006 court date.[239] At the trial, after opening statements from defense and prosecution lawyers, Judge Pilpel requested a private conference in the judge's chambers with secret service agents who presented her with "secret evidence" that warranted the denial of Larudee's entry. Judge Pilpel stated that there was no reason to discuss the defense after she had heard the information from the secret

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[235] "Primer on Palestine, Israel and the Arab-Israeli Conflict."
[236] "Top ISM Leader Denied Entry into Israel."
[237] Ibid.
[238] ISM Media Group, "Ha'aretz: 'Arrest of the Piano Tuner,'" *International Solidarity Movement*, June 12, 2006, http://palsolidarity.org/2006/06/haaretz-gallery-arrest-of-the-piano-tuner/.
[239] "Israel: American Piano Tuner Arrested," *Freemuse*, March 18, 2013, http://freemuse.org/archives/713.

services and would not present the reasoning for his denial to the court. [240] In response, Larudee

stated from his cell:

> Am I a security threat to Israel? Numerous ISM volunteers have been denied entry, for no more than the infamous 'secret security' reasons that no one is allowed to see. Case closed. What could the mysterious security reasons for my detention be? Perhaps there are clues. Let's assume that it has something to do with my participation in the International Solidarity Movement, which practices nonviolent resistance against Israeli violations of Palestinian human rights. First, let's acknowledge that Israeli authorities are no fans of the ISM. We support Palestinian nonviolent resistance to the occupation on a regular basis. This may be against Israeli regulations, but that is the nature of nonviolent civil disobedience, and our actions have spared lives, both Israeli and Palestinian.[241]

Given the plight of his fellow ISM members, Larudee's assertions seem to have held

weight. However, as of 2006 there was still no strict standardization of the denial of activists

from the border. As seen through the Petter, Spector and Larudee case, denial based on

involvement with activism was contestable in court and rested on the use of "secret evidence" in

order to implicate individuals. Despite similarities between the three cases, the court relied on

three separate tactics in order to implicate the three, resulting in one individual, Petter, gaining

entrance to Israel proper.

2007 was a lighter year than 2006 in terms of news coverage of denials. In early 2007

ISM did post on palsolidarity.org regarding ISM employees and volunteers being regularly

denied entry at the Israeli border.[242] Further, despite a lack of reported denials, 2007 did mark

new policies making it more difficult for foreign workers in the West Bank, who mostly fell into

the category of "activist," to renew their visas.

In 2007, the Foreign Ministry issued new regulations for allowing foreign passport

holders not listed in the Palestinian population registry into the West Bank. This was the first

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[240] ISM Media Group, "Israeli 'Justice': Paul Larudee Denied Entry to Palestine by Israel," *International Solidarity Movement*, June 17, 2006, http://palsolidarity.org/2006/06/israeli-justice/.

[241] ISM Media Group, "Israeli 'Justice': Paul Larudee Denied Entry to Palestine by Israel."

[242] "Travel Information & Tips," *Jerusalem Post*, June 17, 2007, LexisNexis Academic.

time the government issued a statement regarding its new policy to countries it had diplomatic

relations with. Typically, citizens of those nations could extend entry visas up to 27 months

without having to leave the West Bank. At this time, the Foreign Ministry halted their policy of

issuing visas for up to a year and discontinued allowing visa holders to extend their permits

without leaving the West Bank. With the new directives announced by the Foreign Ministry,

those seeking entry to the West Bank were issued three-month visas if they were not seen as

security threats. Despite the new guidelines many were confused and at least one or two cases a

day of foreign passport holders being denied visas to the West Bank surfaced daily.[243] These new

guidelines made the visa process particularly difficult for foreign nationals working in the West

Bank or Gaza.

Denial of activists was not reserved for those in civilian roles. In December of 2008, UN

special rapporteur for Palestine, Richard Falk, was refused entry on a fact-finding mission. He

arrived at Ben Gurion for his first visit since assuming his role to create a report on the

humanitarian situation in the occupied territories. The Foreign Ministry stated that because he

did not coordinate his trip with Israel, he was to be turned back. However, some individuals

stood suspicious of the actual reasoning for his denial as the week before, Falk had accused

Israel of committing crimes against humanity via their Gaza policies.[244]

In December 2009 into 2010, amid pressure from right-wing Israeli groups to crack down

on non-governmental organizations, Israel stopped issuing work permits to foreign aid workers

in the West Bank and East Jerusalem. Members of well-established groups such as Oxfam,

Medecins sans Frontieres and Save the Children were only issued tourist visas, leading to many

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[243] "Embassies Notified of Israel's New West Bank Entry Visa Policy," *BBC Monitoring Middle East - Political Supplied by BBC Worldwide Monitoring*, March 12, 2007, LexisNexis Academic.
[244] "Israel Denies Entry to UNHRC Envoy on His First Visit - Paper," *BBC Monitoring Middle East - Political Supplied by BBC Worldwide Monitoring*, December 15, 2008, LexisNexis Academic.

staff members being denied entry by Israeli border officials when attempting to access the West Bank. The Interior Ministry denied that visas had been stopped and stated aid organizations needed to apply to the PA or the IDF for permits if they worked most of their time in the West Bank or Gaza Strip.[245]

In light of these policies, in 2010 ACRI reported that dozens of people were refused entry to Israel every week without clear reasoning. Despite a court ruling that ordered the release of the guidelines for denial, the Interior Ministry refused to do so.[246] Indeed, in 2010 and 2011, six individuals were denied who were known for or speculated to be part of pro-Palestinian activism.[247]

The first denial of 2010 was Jared Malsin, an American Jewish journalist who worked as an editor at the Bethlehem-based Ma'an Palestinian news agency. He was denied entry and deported two days later on January 10th. Security agents said that Malsin appeared suspicious and they passed on these suspicions to the Interior Ministry. The Interior Ministry in turn denied Malsin entry. He was detained after he deplaned from a flight from Prague with his girlfriend who was immediately deported upon her arrival at Ben Gurion. He was interrogated about pro-Palestinian activities, although he insisted that as a journalist he remained inactive in activism, as that would be antithetical to his profession as an impartial journalist. His colleague George Hale remarked, "We are not activists in any way. That would reflect poorly on our impartiality. He is not known for being an activist. If he's at a protest, it's with a camera."[248] However, border officials still maintained his denial from the country. The Ma'an News Agency filed for an

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[245] James Hider, "Aid Workers 'Being Pushed out' of Palestinian Areas; Israel," *Times (London)*, January 21, 2010.
[246] Ron Friedman, "Interior Ministry Uncertain Why Chomsky Was Banned from Entering West Bank. ACRI Calls Case Only One of Many in Which Left-Wingers Are Denied Entrance."
[247] See Appendix A for list of individuals denied in those years.
[248] Yaakov Lappin, "American Editor for Ma'an News Agency Denied Entry into Israel," *Jerusalem Post*, January 14, 2010.

appeal while Malsin stayed in detention.[249] After a week Malsin gave up his appeal, no longer able to stand the restrictions in his detainment. His case cited a number of reasons for his expulsion including residing in Israel illegally, failure to cooperate and presenting false information, including the fact that most of his reporting was done in the West Bank and not Israel proper.[250]

May 16, 2010 marked the incident that received the most amount of press attention of any other denial, the denial of linguist Noam Chomsky and his daughter at the King Hussein/Allenby Bridge crossing. Chomsky was traveling to Birzeit University to give a lecture and reported he was detained for five hours and denied entry because "the government did not like the kinds of things I say and they did not like that I was only talking at Birzeit and not at an Israeli university too."[251] During his questioning, an official read to him the statement, "Israel does not like what you say" and he was asked why he didn't have an Israeli passport. He asked for a written explanation for the reason he was denied entry and was told that he could find the statement at the US Embassy.[252]

Interior Ministry Spokesperson Sabine Haddad stated that the border officials misunderstood Chomsky's request and initially thought he was meant to visit Israel proper, not the West Bank.[253] Sabine Haddad stated that because he wished to only enter the West Bank, his entry was the responsibility of the Office of the Coordinator of Government Activities in the Territories at the Defense Ministry (COGAT). She stated that the minute COGAT said they had

[249] Josh Wood, "American Journalist Enters Second Week of Israeli Detention."

[250] Yaakov Lappin, "American Editor of Ma'an Web Site Deported after Giving up Appeal against Entry Ban. According to Interior Ministry, Journalist Illegally Extended His Tourist Visa and Refused to Cooperate with Airport Officials," *Jerusalem Post*, January 21, 2010.

[251] "After Denied Entry to West Bank, Chomsky Likens Israel to 'Stalinist Regime', Hass Writes," LexisNexis Academic.

[252] Ibid.

[253] "Israel Refuses Entry to US Academic," *Aljazeera.net*, May 16, 2010, LexisNexis Academic.

no objections, Chomsky would have been permitted entry. However, the agency was never contacted.[254]

Malsin's and Chomsky's cases mark the last of cases in which activists were denied entry on ambiguous grounds. In the following years there was increased standardization of denial, including direct acknowledgment of denial of activists.

On June 26, 2011, Israeli officials formally recognized that participation in activism could result in a 10the -year ban from Israel. Israeli government press officer Oren Helman sent a letter to representatives of the foreign media that participation in an upcoming flotilla warranted a 10-year ban from the country.[255] He stated:

> As the Director of the Government Press Office, I would like to make it clear to you and to the media that you represent, that participation in the flotilla is an intentional violation of Israeli law and is liable to lead to participants being denied entry into the State of Israel for 10 years, to the impoundment of their equipment and to additional sanctions. I implore you to avoid taking part in this provocative and dangerous event, the purpose of which is to undermine Israel's right to defend itself and to knowingly violate Israeli law.[256]

Oren stated that the flotilla was meant to bring aid to Hamas, an "extremist Islamic terrorist organization," and was thus unacceptable. [257] The letter was not coordinated with the Foreign Ministry and some Foreign Ministry officials found that the letter's threatening tone was harmful to Israel's image. However, after deliberation, the Foreign Ministry agreed with Helman's assessment and made clear that all individuals on the flotilla, regardless of profession, would be regarded as individuals trying to enter Israel illegally. The regulations that govern illegal entry

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[254] "Israel: Chomsky Ban 'Big Mistake,'" *Aljazeera.net*, May 19, 2010, LexisNexis Academic.
[255] "Journalists Condemn 'Menacing Tone' of Israeli Warning over Flotilla Coverage," *BBC Worldwide Monitoring*, June 26, 2011, LexisNexis Academic.
[256] "Israel Warns Journalists against Boarding Gaza-Bound Aid Ship," *BBC Monitoring Middle East*, June 26, 2011, LexisNexis Academic.
[257] "Israel Warns Journalists against Boarding Gaza-Bound Aid Ship," *BBC Monitoring Middle East - Political Supplied by BBC Worldwide Monitoring*, June 26, 2011, LexisNexis Academic.

would give them three days to appeal and if they did not appeal they would be deported to their country of origin and subject to a 10-year travel ban.[258]

After negative media attention and criticism from one of his own aids, Prime Minister Netanyahu's office directed that a "special procedure" be drawn up for journalists and rescinded the official warning. However, the military still maintained that the flotilla of about 10 ships would be blocked. Vice Prime Minister Moshe Yaalon told Israel Radio that he and Netanyahu were "surprised" by Helman's "problematic" move.[259]

This announcement was followed by a so-called "flytilla" on July 9, 2011. That day ISM planned the first of three "Welcome to Palestine" events. More than 700 activists, mostly from Europe, planned to land in Ben Gurion in hopes of gaining (or not gaining) entry to Israel proper and the West Bank. The activists hoped to support the Palestinian struggle against the occupation of the West Bank and were invited by more than 40 Palestinian organizations. The Foreign Ministry stated in advanced that it planned to deny the group's entry; the group planned to hold a demonstration at the airport if this occurred.[260] In preparation for the event, Ben Gurion officials began to boost their presence at the main international arrivals area with regular and Special Patrol units. On the day of the event, full police deployment was in effect. The head of the Central Police District, Commander Bentsi Sao, stated the police were aware that the protest was to "create a media buzz aimed at embarrassing the State of Israel."[261] He also stated that anyone "disrupting the peace" or attacking officers would be arrested.[262] Prime Minister Netanyahu stated, "I've ordered all agencies to act with determination to prevent provocations, and also to

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[258] Herb Keinon, "Foreign Journalists Decry GPO Warning against Joining Flotilla. Letter to Media Outlets Threatens: 10-Year Ban from Israel for Those Caught on Board," *Jerusalem Post*, June 27, 2011.
[259] Joel Greenberg, "Israel Drops Threat against Journalists," *Washington Post*, June 28, 2011.
[260] Tovah Lazaroff, "700 pro-Palestinian Activists Plan to Land in Ben-Gurion on Friday. Foreign Ministry Plans to Prevent Group's Entry into Israel," *Jerusalem Post*, July 4, 2011.
[261] Yaakov Lappin, "Police Deploy at Airport in Anticipation of 'Aerial Flotilla'. PM Orders All Security Agencies to Avoid Friction. 'Welcome to Palestine' Denies Seeking Provocation," *Jerusalem Post*, July 7, 2011.
[262] Ibid.

try and prevent unnecessary confrontations. Every state has the right to prevent entry to provocateurs and to those who aim to disrupt public order."[263]

On the day of the event, several airlines barred 200 would-be protesters from boarding flights to Israel from Europe, as Israeli officials told airlines those individuals would not be permitted into Israel. The Israeli Immigration Authority sent airlines letters stating, "Failure to comply with this directive would result in a delay on the flight and their return on the same flight."[264] According to one individual turned away from his flight, Phillip Arnaud, Malev airlines showed him a list of 400 people barred from Israel.[265] Police and intelligent units had been tracking social networks to create a list of those organizing the protest. Two Americans that had planned to join a Gaza flotilla were deported from Ben Gurion. At the end of the weekend 118 activists were jailed and denied entry and were pending deportation.[266]

Israeli officials continued the unabashed denial of activists at the external border crossings on April 15, 2012, which marked the second "Welcome to Palestine" event, or "flytilla," during which in a final count an estimated 60 activists were barred entry.[267] Israeli Police dispatched hundreds of officers to Ben Gurion to meet what they projected to be 500-1000 activists trying to land in Israel on 20 flights. The activists chose one of Ben Gurion's busiest days, just after Passover and a week after Easter, to hold the fly-in. Thus, the police stated their

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[263] Ibid.

[264] Samuel Sockol, "Israel Denies Entry to Activists," *Washington Post*, July 9, 2011.

[265] "Israel, Europe Turn Back pro-Palestinian Activists." *Daily News Egypt*, accessed January 27, 2016, http://www.dailynewsegypt.com/2011/07/08/israel-europe-turn-back-pro-palestinian-activists/.

[266] "Israel Hopes to Expel Activists within 72 Hours."

[267] Herb Keinon, Tovah Lazaroff and Yaakov Lappin, "Israeli Authorities Pleased That 'Flytilla' Participants Fail to Disrupt Airport Routine. Most Activists Held at Points of Departure. PM Thanks Aharonovitch, Police Commanders for Avoiding Violence," *Jerusalem Post*, April 16, 2012.

primary concern was to keep the airport running smoothly.[268] Most of the activists who planned

to participate in the event were denied boarding.[269]

The Foreign Ministry had been active in the preceding weeks in discussions explaining

Israel's opposition to the fly-in and how activists would be denied visas—those without visas

would be flown back to their place of origin and the expense would fall upon the airline. Amnon

Shmueli, the head of the Immigration Authority at Ben Gurion sent airlines a list of the 1,200

suspected activists and a document that read, "Attached is a list of passengers that are

denied entry to Israel. In light of the above mentioned, you are ordered not to board them on your

flights. Failure to comply with this directive will result in sanctions against the airlines."[270] The

Prime Minister's Office drew up a letter, which was distributed to the activists stating:

> Dear activists,
> We appreciate your choosing to make Israel the object of your humanitarian concerns.
> We know there were many other worthy choices. You could have chosen to protest the
> Syrian regime's daily savagery against its own people, which has claimed thousands of
> lives [or] the Iranian regime's brutal crackdown on dissent and support of terrorism
> throughout the world [or] could have chosen to protest Hamas rule in Gaza, where terror
> organizations commit a double war crime by firing rockets at civilians and hiding behind
> civilians [but] you chose to protest against Israel, the Middle East's sole democracy,
> where women are equal, the press criticizes the government, human rights organizations
> can operate freely, religious freedom is protected for all and minorities do not live in
> fear…Have a nice flight.[271]

In a clear gesture against the entry of activists, it was reported that the Foreign Ministry

gave passengers not involved in the fly-in, but on the same planes as the activists, roses and a

letter welcoming them to Israel.[272]

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[268] Yaakov Lappin and Tovah Lazaroff , "Hundreds of Police to Await pro-Palestinian 'Flytilla' at Airport. Activists 'Want Israelis and Palestinians to Live in Peace with Equal Rights,' Says Event's French Delegation Head."

[269] Yaakov Lappin, Tovah Lazaroff, Herb Keinon and Jerusalem Post staff, "Israeli Letter to Fly-in Activists: It's Odd You Are Not Protesting against Syria, Iran, Hamas," *Jerusalem Post*, April 15, 2012.

[270] Lappin, Lazaroff, Keinon and Jerusalem Post staff, "Israeli Letter to Fly-in Activists: It's Odd You Are Not Protesting against Syria, Iran, Hamas."

[271] Ibid. See Appendix B for full text.

[272] Yaakov Lappin, "Israeli Authorities Pleased That 'Flytilla' Participants Fail to Disrupt Airport Routine. Most Activists Held at Points of Departure. PM Thanks Aharonovitch, Police Commanders for Avoiding Violence."

That August 2012 also marked the third "Welcome to Palestine" initiative in which 100 pro-Palestinian activists were denied entry to the West Bank at the King Hussein/Allenby Bridge. The activists were on two buses. The border guards took all passports and stamped "rejected" on each without questioning or inspecting baggage, and with no explanation. The second bus was not even allowed to reach the checkpoint and was turned back immediately. The activists had planned to spend a week with Palestinian families in Bethlehem and distribute schoolbags, pencils, notebooks and other supplies to children.[273] Some protestors attempted despite their denial to cross the land bridge, but were ordered back to Jordan. The buses were escorted back to Amman accompanied by Jordanian anti-riot police and other security personnel.[274]

The targeting of suspected activists was further written into acceptable border practices as in April 2013 the Shin Bet was given approval to demand that "suspicious" foreign travellers open their personal email accounts for inspection. Foreign travellers could refuse to co-operate but could be denied entry in light of that refusal. The attorney general's approval of the action followed a petition by the Association of Civil Rights in Israel (ACRI) based on reports of individuals being requested to disclose emails. Lila Margalit, an ACRI lawyer, said that "consent" given under the threat of deportation could not serve as a basis for an invasion of privacy.[275] In light of this breach of cyber privacy in 2013, according to *Haaretz* Military correspondent Amos Harel, "Israeli intelligence began to concentrate on monitoring the social networks of Islamic organization and foreign left-wing activists."[276] Harel is well connected as

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[273] "International pro-Palestine Activists Denied Entry to West Bank."
[274] "Israel Stops Activists from Entering West Bank," *Bismarck Tribune*, August 27, 2012.
[275] Harriet Sherwood, "Israel Tourists Face Email Inspections," *Guardian.com*, April 24, 2013, LexisNexis Academic.
[276] Asa Winstanley, "Spies 'monitoring' Palestine solidarity groups around world, says Israeli military correspondent," *Electronic Intifada*, (February 19, 2013), https://electronicintifada.net/blogs/asa-winstanley/spies-monitoring-palestine-solidarity-groups-around-world-says-israeli-military.

a Wikileaks email stated, "one of the most widely read and well connected journalists in Israel."[277]

In 2015 the Knesset made moves to further standardize the denial of activists at the border by attempting to write denial into law. According to newspaper *Haaretz*, right-wing members of Knesset have partially passed a bill that would not allow supporters of the Boycott, Divest, Sanction (BDS) movement from entering the country, essentially writing the targeting of activists into legislative form.[278] The bill, proposed by Yinon Magal, the Bayit Yehudi (Jewish Home) member of the Knesset, and cosponsored by members of the Knesset from the Zionist Union, Yesh Atid, Kulanu, United Torah Hudaism, Shas and Likud, proposed that those who call for the boycott of Israel will not be able to receive visa or residency permits in territories it claims as its own or occupies. Magal stated, "The absurd situation in which a person can be active in boycotting Israel and harming it abroad and then come to Israel and be accepted with open arms must be stopped. A country that wants to live cannot allow such a reality."[279] The proposed bill also applies to people from Jewish origins when applying to Israeli citizenship under the Law of Return. The bill did allow the Israeli Interior Minister to make exceptions.[280]

This bill was proposed in light of a *Haaretz* article that revealed that Israeli military intelligence manned a "delegitimization department" that "routinely gathers information on foreign, left wing organizations" that promote the boycott of Israel.[281] Israel's military intelligence also known by its Hebrew acronym "Aman" spies on "overseas organizations" affiliated with BDS. The delegitimization department was established as a response to the public

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[277] Ibid.
[278] Sommer, "Hard-Line MK Plans Bill to Bar Pro-Boycott Foreigners From Israel."
[279] Nasouh Nazzal Correspondent, "Israel Outlines Ban on Supporters of Boycott Campaign," *Gulf News (United Arab Emirates)*, September 14, 2015, LexisNexis Academic.
[280] Ibid.
[281] Asa Winstanley, "Israel reveals 'delegitimization department' to spy on boycott activists," *Electronic Intifada*, August 27, 2015, https://electronicintifada.net/blogs/asa-winstanley/israel-reveals-delegitimization-department-spy-boycott-activists.

relations crisis after the Mavi Marmara attack—an attack in which officials failed to detect an incoming flotilla headed for Gaza, which after clashes resulted in the death of nine Turkish nationals. Although the monitoring of BDS had been known in 2013, *Haaretz* revealed it occurred as far back as 2011. Disclosing such information to *Haaretz's* military correspondents was seen as Israel's way of letting BDS activists know that they are being watched. Since 2012, many BDS members have reported being called in for "friendly conversations" with the Shin Bet. The conversations' main aim was to let BDS members know that boycotts of Israel were one of the Shin Bet's main concerns.[282]

The bill has still not been ratified but serves as a key representation of the increased legalizing of denial of activists from entering Israel proper and the occupied Palestinian territories through the external Israeli border crossings.

The targeting of individuals involved in activism as well as the standardization of the denial process was made clear through interviews with interviewees denied. Six of seven individuals interviewed remarked that questions from border officials often centered around activism, in particular that which is deemed "pro-Palestinian." In addition, each was involved in some sort of Palestinian liberation or peace activism prior to or at the time of their denial. Of the seven, six (all individuals except Jamie Spector), were given a paper citing violation of Law of Entry, 5712-1952 as their reason for denial. This marks a clear switch from 2010 in which individuals were given disparate reasons for their denial, and a clear move to "legalize" the denial of activists.

Interviewee #1 was staying with the head of an organization that works with previous Palestinian combatants and IDF soldiers who agree to put their weapons down and work together and was volunteering nearby at an educational farm dedicated to peacebuilding and non-

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[282] Ibid.

violence. When she told border officials that she was volunteering with the organization, they asked, "Why aren't you volunteering in Israel, why do you need to volunteer in Bethlehem?"[283] She remarked that border officials seemed dumbfounded that she wanted to volunteer in the West Bank and not in Israel proper. She was told she was denied for not having a volunteer visa and for lying to officials, which she does not believe she did. She believed that her association with the organization she worked with contributed to her denial.[284] In addition, she noted in her interview that a joke she made at the border about being a "leftist" might have led to her denial. She states, "I made a joke at the border; I had said like oh I'm just a leftist. But I forget that that's a real thing to them, like people say death to the Arabs and the Leftists. So, I guess I did incriminate myself by saying that I'm someone who is a peace-loving hippie."[285]

Interviewee #2 had also volunteered in Bethlehem at a nearby refugee camp, a fact that she chose to hide from border officials when she first entered the country, as friends and acquaintances had told her that if she admitted to her plans to volunteer she would not be permitted entry. When exiting the country, threatened by border officials with the loss of her job, she admitted to volunteering at the refugee camp. She was put on her flight next to the air marshal who ensured she fully returned back to South Korea. Her second time attempting to enter the country she was interrogated, denied and given a peace of paper citing "prevention of illegal immigration considerations" and "public security or public safety or public order considerations." She stated, "[T]hey thought I was a risk to immigrate illegally to Israel. This was all because I was volunteering in a refugee camp."[286]

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[283] Interview #1. Recorded 11/3/15.
[284] Interview #1. Recorded 11/3/15.
[285] Interview #1. Recorded 11/3/15.
[286] Interview #2. Recorded 11/6/15.

Interviewee #3 did not face any direct questioning regarding activism but she was on a trip with an organization that promotes peacebuilding between Palestinian and Israeli youth at her time of denial.[287] Interviewee #5, like 1 and 2, had plans to volunteer in a refugee camp in Bethlehem. When she was questioned at the King Hussein/Allenby Bridge crossing, officials found articles that she had written that alerted officials to her potential to be involved in activism. She was asked, "Oh you're just going to Tel Aviv? What about all of this? Do you support BDS?"[288] She expanded that the majority of the questions that she was asked, both times that she was denied entry, focused on her previous activism. She stated, "They asked me about Amnesty International and they kept saying, "Have you ever done activism for Palestine? Do you support BDS?" I think they were trying to see if I supported BDS or if I had been to protests in the West Bank, because that's what they seemed concerned about."[289] Interviewee #6, Jamie Spector's case has been mostly explained in pages prior. However, the former Northern California ISM organizer emphasized in her interview that she was just one of many ISM members who had been denied entry that summer. She was also clear that although she did not first divulge her involvement with ISM, it was clear that border officials were aware of her involvement. She speculated that this was perhaps due to a 2002 raid of the main ISM office where her name may have been kept in files. She further speculated that they might have known of her involvement because of a Zionist activist who went under cover in one of her ISM trainings and recorded the identity of all participants (although she did not wish to give this individual too much credit).[290]

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[287] Interview #3. Recorded 11/15/15.
[288] Interview # 5. Recorded 12/14/15.
[289] Interview # 5. Recorded 12/14/15.
[290] Interview with Jamie Spector. Recorded 1/16/16.

Finally, was the case of Interviewee #7 who remarked that although many reasons for her denial are possible (unofficially her Iraqi refugee boyfriend, the fact she studied Arabic and officially a history of self-harm and an incident smoking marijuana in Amman) the moment she was sure that she was going to be denied entry was when officials showed her a photo of herself protesting at a local food vendor who had received threats after serving Palestinian food. During her interview she was asked to list all the demonstrations she had ever been to. In addition, border officials asked her if she was in Students for Justice in Palestine, denying her soon after she confirmed some involvement.[291]

The US Department of State also confirms this practice of denial. Israel's country specific information states, "US citizens suspected of being participants in planned political protest activities or of supporting NGOs that are critical of Israeli policies are also frequently denied entry."[292]

VIa. Activists as a Population for Targeted Exclusion

It is made clear by both the experiences of American activists and statements on behalf of Israeli officials that any suspicion of "activism" that could be seen as pro-Palestinian can lead to denial or banning at the external Israeli border crossings. In addition, it is the close tie to Palestinians that activists hold that allow border officials to exclude activists as "objective enemies." Negative experiences with activists in the past, especially of the International Solidarity Movement, may have led to the increased targeting and denial of US citizens identified as activists.

The array of what "activism" can be considered has led to large discretion when border officials deny individuals on the basis of "left" thought or Palestinian liberation activism.

[291] Interview #7. Recorded 2/2/16.
[292] "Israel, the West Bank and Gaza."

Distrust of activists is not only seen in border practices but within Israel proper. In an interview with an anonymous NGO worker based in Jerusalem, they stated:

> …now these days saying in the Israeli society, saying you work with Arabs, it's not a good idea. Saying that you're left in your opinion is not a good idea. Saying that you're an actress in not a good idea because in culture now, in Israeli society if you're an artist, you're considered to be left and left is not good and you are an enemy of the people.[293]

The Interior Ministry, Shin Bet and court system have no issue publicly denying entry to those that they view as "radical," "left" or "activists," especially when associated with the International Solidarity Movement (ISM). Haddad of the Interior Ministry, a number of judges, the Government Press Office, the Foreign Ministry, the Immigration Authority as well as PM Netanyahu himself all named "leftist activism" or identification of a "provocateur" as a justification for denial.[294] Like the targeting of Palestinian individuals, the denial of activists increasingly became sanctioned via statements by Israeli officials and the creation of policies by certain authorities permitting the outright targeting of activists.

Much of the Interior Ministry's deep distrust of activists and activism seems to stem from the International Solidarity Movement, which in the eyes of border officials is the marker of the Palestinian liberation movement and therefore a hotbed for "leftist" though. This was made clear in the case Najwa Doughman whose email was searched by border officials.[295] Doughman was told to log into her email by officials (threatening deportation if she did not comply) and officials searched "Israel," "Palestine," "West Bank," and "International Solidarity Movement," placing ISM next to "Palestine" as sufficient for possible alarm.[296] The Interior Ministry's deep distrust of the International Solidarity Movement seems to be based in the group's history of action and

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[293] Anonymous Interview. Recorded 6/7/2015.
[294] Yaakov Lappin, "Police Deploy at Airport in Anticipation of 'Aerial Flotilla'. PM Orders All Security Agencies to Avoid Friction. 'Welcome to Palestine' Denies Seeking Provocation."
[295] James J Zogby, "Bordering on the Ridiculous."
[296] "'Do You Feel More Arab or More American?'"

activism in the West Bank and Gaza. In addition, the organization's wide network and success in gaining media attention may also explain why denial of ISM members or affiliates was so prominent in the news media. Much of the ISM's notoriety came in 2003 with the death of a young activist, Rachel Corrie.

ISM has a long history of directly interfering with IDF operations that they deem as inhumane or illegal under international law. In March 2003, 23-year-old ISM activist Rachel Corrie was crushed to death by an IDF bulldozer when she attempted to prevent a house demolition in Rafah. The event immediately prompted criticism from her family as well as rights organizations like Human Rights Watch.[297] That same year in April 2003, ISM activist Tom Hurndell was critically wounded by IDF fire in Rafah as he attempted to lead Palestinian children from a building during a gun battle. Also in April, US citizen and ISM member Brian Avery was shot in the face by soldiers amidst gunfire between IDF and Palestinian gunmen.[298] On April 30, 2003, two British nationals took part in a suicide bombing of a Mike's Place pub in Tel Aviv. The two men had previously shared tea with members of ISM and although the group denied any connection, Israeli officials insisted upon the group's involvement with the individuals.[299] These events led to an increased fear of and opposition to foreign activist work, especially that which involved the ISM. The death of Rachel Corrie may have led to a "Rachel Corrie profile" that seems to apply to those I interviewed—students or recent graduates traveling alone that seem as though they may be involved in activism work. The previously innocuous identity of a young American woman traveling alone may now be perceived as a threat in light of Corrie's death.

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[297] Isabel Kershner, "Israeli Court Ruling on Protester's Death Is Criticized," *New York Times*, February 18, 2015, http://www.nytimes.com/2015/02/19/world/middleeast/israeli-court-ruling-on-rachel-corrie-protesters-death-is-criticized.html.
[298] Margot Dudkevitch, "IDF Cracks down on Foreign Activists in Territories."
[299] Ibid.

Berda puts this behavior in perspective and discusses the construction of the activist as a security threat which "relies on radical simplification of traits or tendencies" and creates a "standardization key or index, which includes criteria such as age, geographic area, and membership or participation in political and cultural organizations and family relations" as a way to create an individual as a security threat.[300] This leads not only to the classification of Palestinians an "objective enemy" but leads to the "criminalization of political membership, organization, or belief."[301]

As seen through news media articles, statements from officials and interviews of individuals, it is clear that much of the impetus to deny individuals at the external Israeli border crossings is motivated by perception of Palestinian, Arab, Muslim, Black and activist identity, and intersections of the five. Through observing the numbers and demographics of those denied, these groups are highly targeted and together make up the majority of those who are denied. The questions asked at borders are often crafted to ascertain information regarding membership in these identity groups. In addition, any sort of association with individuals from these groups is also often asked about and potentially flags individuals for denial or banning. Historical context may have an effect on why certain groups would be targeted at border crossings. In years of greater political tension, in the years of the intifadas, and in years where there had been significant mishaps with activists, there may have been greater incentive to deny or ban members from the groups affiliated with these events.

It should be noted that although these years do mark correlation between tumultuous events and the denial of individuals, causation is unclear. In particular, it may be that increased regional tension led to increased coverage of US-Israeli relations, thus resulting in the increased

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[300] Berda, "The 'Security Risk' as a Security Risk," 52.
[301] Ibid., 54.

reporting of denial of US citizens. In addition, as my information regarding how many US citizens have been denied or banned is incomplete, these correlations may prove completely coincidental upon greater statistical analysis. Finally, there should be slight consideration given to patterns of denial and banning in the US of Israeli citizens and if that had any potential to influence Israel's denial and banning of US citizens.

VII. The Potential for Geopolitical Tit-for-Tat

Given that the patterns of denial seem to ebb and flow in certain years, it is pertinent to examine briefly the potential for denial of Israeli citizens from the US to influence the denying or banning of US citizens at the external Israeli border crossings. In particular, it is important to examine whether times when US individuals were denied entry into Israel were times when Israeli citizens were denied entry to the U.S, thus leading to geopolitical tit-for-tat on the part of US and Israeli actors. Although it was possible to retrieve some information regarding visa acceptance of Israeli citizens into the US, this data, as well as my data, is incomplete. Therefore, this section focuses briefly on broader trends that may have influenced denial and bans of individuals from the external Israeli border crossings.

The US Department of State has published information regarding percentages of Israeli citizens denied B visas since 2006, with B-1 visas required for business, B-2 visas required for tourism, pleasure or visits and B-1/B-2 visas required for a combination of the two.[302] The department uses an adjusted refusal (ARR) rate in which applicants are only counted once a year by the prevailing outcome at the end of that year. In addition, the department notes that as a result of change in methodology, some countries saw an increase in reported refusal rates.

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[302] "Visitor Visa," accessed February 29, 2016, https://travel.state.gov/content/visas/en/visit/visitor.html.

However, this increase was expected to diminish in 2013 and be eliminated in 2014.[303] These rates are low compared to Israel's neighboring states' rates of refusal for 2015. In 2015 Jordanians faced a 37.59% refusal rate; Palestinians traveling on a Palestinian Authority Travel Document faced a 42.68% refusal rate; Egypt had a 33.57% rate of rejection; Lebanon had a 27.1% refusal rate and Syria had a 63.43% refusal rate.[304]

Year	Adjusted Refusal Rate
2006	4.2%
2007	2.5%
2008	3.0%
2009	5.1%
2010	6.4%
2011	6.9%
2012	5.4%
2013	8.6%
2014	8.2%
2015	3.85%

Chart 18: Denial of Israeli Citizens from Entrance to the US

As one can see, the US had a steady rise of denials of Israeli citizens since 2007, with denial reaching its peak at 8.6% in 2013. This increase is not affected by apparent changes in State Department measurement tactics, as the two years in which the increase was supposed to diminish were actually the years with the greatest rate of denials. With the lack of information pre-2006, it is difficult to ascertain if there is any base-level association between denials on behalf US and Israeli authorities. 2010 seems to show rising rates of denial of US citizens at the external Israeli borders, with 5 denied.[305] These denials happened at the same time as a slight increase of visas denied to Israeli citizens to the US (3.0% to 5.1%). At the same time in 2010, newspapers reported that President Obama directly had a hand in denying entry to Israeli nuclear

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[303] "Nonimmigrant Visa Statistics," accessed February 29, 2016, https://travel.state.gov/content/visas/en/law-and-policy/statistics/non-immigrant-visas.html.

[304] "Calculation of the Adjusted Visa Refusal Rate for Tourist and Business Travelers Under the Guidelines of the Visa Waiver Program," accessed February 29, 2016, https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/refusalratelanguage.pdf.

[305] See Chart 4.

scientists who worked at Israel's Nuclear Research Center. In addition, in 2010, many Israeli citizens were denied visas to enter the US for training in chemistry, nuclear engineering or physics.[306] It is unclear if these factors directly effected the denial of individuals. However, they may have had influence at the time.

Three years later, the US-Israeli visa waver program had the potential to influence the denial and banning of US citizens from 2013-2015. In March 2013, Senator Barbara Boxer, D-Calif, and Roy Blunt, R-Mo., introduced the US-Israel Strategic Partnership Act of 2013. Section 9 of this act would allow Israeli citizens to participate in the US visa waiver program, enabling Israeli citizens to visit the US for 90 days without first obtaining a tourist visa. The US has similar programs with other countries, which usually require that participating countries extend similar privileges to US citizens. However, this act had an exemption that would allow Israel to deny entrance to US citizens in the event of a national security risk. Representative Keith Ellison, D-Minn. expressed concerns about such a move in a *Congressional Quarterly* article that stated, "American citizens deserve to travel without fear of being turned away based on their race, religion, or countries they have visited. Denying law-abiding citizens does nothing to advance understanding between countries or the cause of peace."[307]

Boxer reassured the AP that the law would benefit US citizens by requiring the secretaries of state and homeland security to certify Israel is doing all it can to facilitate travel for Americans before it can enter the program. She stated, "This bipartisan bill would give the United States leverage to ensure that Israel welcomes Americans into the country." [308] However,

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[306] Akhtar Jamal, "US Denies Visas to Israeli N-Scientists," *Pakistan Observer*, April 14, 2010, LexisNexis Academic.

[307] Sandra Tamari, "Legalizing Discrimination against U.S. Travelers," *St. Louis Post-Dispatch (Missouri)*, May 2, 2013.

[308] "Congress, Administration Disagree on Israeli Visas," accessed January 29, 2016, http://www.huffingtonpost.com/huff-wires/20130715/us-us-israel-visas/?utm_hp_ref=style&ir=style.

many were not sure about this tactic. More than 400 groups joined together to oppose the legislation including the Friends Committee on National Legislation, Jewish Voices for Peace and the Arab American Institute.[309] Further, 15 Democrats and one Republican member of Congress wrote a letter to Israel's ambassador that June demanding equal treatment for Arab and Muslim Americans at the border.[310]

In light of these claims, Israeli Ambassador to the US Michael Oren stated that Americans were being accorded all rights upon arrival in Israel. In 2012, he stated, 142 Americans were denied entry to Israel, with about 626,000 permitted entry. He calculated that meant the refusal rate was at 0.023 percent, whereas American's refusal rate for Israelis seeking US visas was 5.4 percent. He also defended the differential treatment of American Palestinians due to "decade-old security regulations enacted during a spike in Israeli-Palestinian violence."[311] With increased scrutiny dedicated to the movement of US citizens moving over the Israeli Border, it seems entrance for Israeli citizens into the US became increasingly difficult.

In 2013, those in the Israeli security establishment faced more difficulties in obtaining visas to the US. That year, data assembled showed that 25 IDF officers and intelligence officers (Shin Bet and Mossad) were denied visas. This practice continued into 2014. According to Israeli intelligence, in March 2014, the US was not approving visas for IDF officers, intelligence officials and other employees. According to their own testimony, hundreds of people in Israeli defense industries were either denied entry visas to the US or only given a three-month visa. In addition, Israeli army officers staying in the US were issued a visa for only one year. In closed meetings, security officials found it hard to explain the policy in light of a working strategic

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[309] "Groups Say US Visa Waiver for Israelis Should Be Reciprocal."

[310] "Congress, Administration Disagree on Israeli Visas," accessed January 29, 2016, http://www.huffingtonpost.com/huff-wires/20130715/us-us-israel-visas/?utm_hp_ref=style&ir=style.

[311] "Congress, Administration Disagree on Israeli Visas," accessed January 29, 2016, http://www.huffingtonpost.com/huff-wires/20130715/us-us-israel-visas/?utm_hp_ref=style&ir=style.

security relationship between the US and Israel. Ironically, some of the security officials were going to the US to discuss US weapons exports to Israel, supplemented by American defense aid. Israeli officials theorized that the increased difficulties were due to sabotage by rival industries in the US or American fears of industrial espionage. Officials ruled out the possibility of revenge by Washington for negative remarks made by Defense Minister Moshe Ya'lon about US Secretary of State John Kerry, as the denials occurred before Ya'lon's remarks. They stated in their closed meeting, "The truth is that we have no real explanation for the phenomenon, but the bottom line is that the United States is doing all it can to make it difficult for our security officials to enter its territory."[312]

In 2014, the *Times of Israel* reported an 80% increase of denial of Israeli citizens to entry to the US, even in light of negotiations regarding the Visa Waiver Program. Jen Psaki of the US State Department stated that the US authorities "remain concerned with the unequal treatment that Palestinian Americans and other Americans of Middle Eastern origin experience at Israel's border and checkpoints, and reciprocity is the most basic condition of the Visa Waiver Program." Israel's Deputy Foreign Minister at the time Zeev Elkin rejected the notion that Arabs were unnecessarily targeted at the external Israeli border crossings and told the Associated Press that Israel would allow Palestinian Americans to begin entering the country through the airport, a move that was apparently never made, as in 2015 of the eight Palestinian Americans denied entry at the external Israeli border, seven were turned away from Ben Gurion airport and told that as Palestinians they were required to travel through King Hussein/Allenby Bridge.

As of 2015, the Visa Waiver Program has seemed to take the back seat in the news media, as there have been no updates regarding the status of the proceedings. In order for Israel

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[312] "USA Said Denying Visas to Israeli Intelligence, Army Officials," *BBC Monitoring Middle East*, March 6, 2014, LexisNexis Academic.

to qualify for the visa program, the US refusal rates of Israeli citizens must fall under 3%.[313]
Given the 2015 denial rate of 3.85%, Israel seems to have just missed the cutoff for qualification
for the program. This either indicates that the US is attempting to allow Israel to qualify for the
program or alternatively sending a message to Israel about the treatment of US citizens at the
external Israeli border crossings by bringing Israel just short of the rate they need to be accepted
to the visa program. An anonymous interview of a US official seems to confirm that the US has
taken a step back from the deal in light of still-rampant denial and banning of US citizens. They
stated that, "We (i.e. the US) have offered Israel visa waiver status (meaning that their citizens
could travel to the US without a visa) in exchange for them stopping discrimination against
Palestinian American citizens, but they did not take us up on our offer."[314]

Thus, given the comparison of rates of denial between the US and Israel it unclear if there
is a relationship between the US denial rates of Israeli citizens and the denial of US citizens from
the external Israeli border crossings. Neither data set is nearly full enough to reach any solid
conclusions. The US State Department data could be improved if it reached farther back to 1987
and was more clear as to when the method of counting individuals denied visas changed, thus
making clear what increases were a result of the data and what increases were a result of the
change in methods. My data could be improved through obtaining more comprehensive numbers
of those denied, not just from news reports and several interviews, but as reported by the
Ministry of the Interior (although such numbers do not seem to exist at the moment). Despite
lack of complete data, the possibility of geopolitical tit-for-tat does pose a compelling possibility
for future examination of the political influences on permission of entry into nations with closed
borders.

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[313] Heller, "80% Increase in US Rejections of Israeli Visa Requests."
[314] Anonymous interview with US official. 2/5/16.

Given the wide array of experiences with denial at the external border crossings and the laws and regulations governing such a practice for certain individuals, it is clear that to some degree identity as a Palestinian, Arab, Muslim or Black American as well as being suspected of Palestinian liberation or peacebuilding activism may lead to the denial or banning of an individual from the external Israeli border crossings. The targeting of these groups may be influenced by increased violence at the time of the denials or certain events that may mark membership in one of these groups as "suspicious." In addition, the rate of US denial of Israeli citizens may hold some sway on whether or not US citizens are denied from the Israeli border, although that data is inconclusive.

With the knowledge of why Israeli border officials may deny and ban US citizens at their external border crossings, one may begin to hypothesize why Israeli officials inscribe their borders vis-à-vis denial of individuals. The next chapter will attempt to reconcile the experiences of those at the external border with greater practical and theoretical questions of why Israel's border policy is structured the way it is, focusing on usage of increased standardization and practices of stealth authoritarianism.

Chapter 4: Inscribing Borders through Stealth Authoritarianism

So [Lawyer's] sister actually translated for me at court because they provided no translation. It was definitely an eye opening experience in that basically the attorney for the Israeli State came in and said I have evidence in this brief case that will prove that she is a security risk and a dangerous person but would not open his briefcase. He would not show us evidence that he had, would not let us speak to it directly. They were saying it's security reasons but you know, it's kind of crazy that you're accused of something but you don't know what it is and they won't tell you, and you can't really defend yourself against it.
—*Jamie Spector*[315]

As seen in the previous chapters, the law has been wielded as a tool of governmentally sanctioned exclusion allowing for the denying and banning of individuals from the external Israeli border crossings. The application of the law began broadly with inconsistent application, use of "secret evidence" and absence of written notification giving a reason for denial. However, with the information gathered from this study, it appears that starting in 2015, individuals began to receive paperwork presenting their reason for denial under the Entry into Israel Law, 5712–1952 citing either "prevention of illegal immigration considerations" or "public security or public safety or public order considerations." This piece of paper states:

> By virtue of the authority of the Minister of Interior pursuant to the Entry into Israel Law, 5712-1952 (hereinafter the Law), that was delegated to me pursuant to section 16 (A) of the Law, and following checks conducted pursuant to Section 9 to the Law, it was decided that the person whose details are specified below is not permitted to enter into Israel.[316]

It is difficult in this case to reconcile the denial of individuals as backed by the law, as the law invoked does not confer direct reasoning for the denial. In addition, often verbally individuals are told a reason for denial that conflicts with paperwork given at the border. The use of the law in the denying and banning of individuals from the external Israeli border crossing is supported by Varol's idea of "stealth authoritarianism" in which regimes with so-called "favorable democratic

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[315] Interview #6. Recorded 1/16/16.
[316] See Appendix B.

credentials" are able to perpetuate political power through reliance on legal and sub-constitutional mechanisms.

In order to examine the manifestation of stealth authoritarianism in regards to the inscription of the external Israeli border crossings, this chapter looks at two aspects of stealth authoritarianism. It first examines how discretion plays a part in the administration of the external Israeli border crossings through further exploring incidents of banning and denial. It then examines the increased standardization and utilization of the law in 2015 as a form of stealth authoritarianism that allows officials to pursue discriminatory practices. The chapter then examines how stealth authoritarianism limits routes for redress after an incident of banning or denial, including through increased acceptance by the US. It finally explores how these practices may influence US officials' reaction to the denial of its citizens. This chapter concludes that the maintenance of stealth authoritarian practices allows Israeli border officials to target individuals based on identity group, making denial easier for officials and making forms of redress less accessible to individuals who have been denied or banned.

It is not possible given time or resources to conduct here a full legal analysis of the Entry into Israel Law. However, this chapter hopes to make clear that within the text of the law commonly cited in denials, there is neither reference to "prevention of illegal immigration considerations" nor to "public security or public safety or public order considerations." In addition, there are no guidelines to determine the consequences of a denial and when a denial becomes a ban.

I. Background on Stealth Authoritarianism

As noted throughout this study, the law is often used in order to justify a move made by a border official. However, many times the ultimate reasoning for denial given to an individual

does not align with statements verbally communicated at the time of denial. This is partially due to the increased "legalizing" and standardization of denials and bans in a way that allows officials to create order in a realm that is otherwise ambiguously administered by the law. Such "legalizing" should not be conflated with the creation and maintenance of written and established laws that are applied equally to all individuals. Indeed, although the law has increasingly been used to justify denials and bans, the law is often applied differently on a case-by-case basis. Consequently, one could argue that this practice of "legalizing" falls into a set of practices Varol calls "stealth authoritarianism."

Authoritarianism as a term elicits images of leaders who have disregarded law in order to perpetuate individual power and rule. However, Varol argues that the post-Cold War crackdown on extra-legal practices has led to the use of "law and legal institutions that exist in democratic regimes for anti-democratic purposes" that "imbue them with the veneer of legitimacy, and render authoritarian practices much more difficult to detect and eliminate."[317] He states that this new practice is one called "stealth authoritarianism," in which instead of acting outside of the law to reach an ends, those in power utilize "seemingly legitimate and neutral" laws in order to consolidate power and "deflect attention from anti-democratic practices."[318] This framework is particularly relevant in light of the targeted exclusion of Palestinian Americans, Arab Americans, Muslim Americans, Black Americans and those perceived as US activists at the external Israeli border crossings.

Varol begins his explanation stating that literature on regimes has traditionally assumed that authoritarians rely on informal mechanisms of coercion to perpetuate power. However, in his piece he argues that regimes may utilize both extra-judicial and formally judicial processes to

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[317] Ozan O. Varol, "Stealth Authoritarianism," *Iowa Law Review* 100, no. 4 (May 2015): 1673–1742.
[318] Ibid., 1679.

meet a desired end. Varol focuses on contextualizing regime practices as opposed to regime types; in his eyes characterization as democratic, authoritarian, or hybrid regimes often defer attention from authoritarian practices at hand. In this way, stealth authoritarian practices may render a regime less democratic than before, but may exist in a regime popularly seen as democratic.[319] In his words, stealth authoritarianism refers to "the use of legal mechanisms that exist in regimes with favorable democratic credentials for anti-democratic ends."[320] The use of stealth authoritarianism in the Israeli border administration is seen through two practices: the maintenance of high level of discretion, which permits selective enforcement of laws; and the increased usage of the law as a tactic to "appear consistent with the normative expectations of international actors" and justify potentially discriminatory practices.[321]

II. Discretion and Selective Enforcement in Israeli Border Administration

Varol emphasizes that discretion and therefore the possibility of selective enforcement fuels the mechanics of stealth authoritarianism. In democracies this often manifests itself in vagueness or ambiguity that permits discretion in decision-making. Israel's laws themselves stand in the face of lack of clarity as the nation has yet to construct a constitution. Further, laws in place surrounding border procedures allow space for a great amount of discretion in the denial of individuals from external Israeli border crossings.

IIa. Israel's Constitution

Israel does not have a written constitution in light of the clash between those who believed that Israel needed a secular constitution and those who believed that Israel should use

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[319] See *Ozan O. Varol, "Stealth Authoritarianism," Iowa Law Review 100, no. 4 (May 2015)* for a more in depth analysis of democracy, authoritarianism and hybrid regimes.
[320] Varol, "Stealth Authoritarianism," 1684.
[321] Ibid., 1733.

Halacha—or Jewish religious law. The Israeli Proclamation of Independence claimed that a

constituent assembly should have prepared a constitution by October 1, 1948. However, in light

of the disagreement on its character, a constitution was never written. Some previously viewed

the Israeli Proclamation of Independence as a constitution, but in a series of decisions the

Supreme Court struck down the hope that the proclamation could be constitutional or supreme

law. On June 13, 1950, the Knesset adopted a resolution known as "the Harari proposal", which

assigned the Constitution, Law and Justice Committee to prepare a constitution for the state.[322]

Following, over the past 68 years, Israel has passed 13 basic laws and still has not drafted a

constitution. The superiority of these basic laws is still in question. Many claim that the laws are

on the same level as ordinary law, as basic laws are passed on an ordinary majority, which some

believe does not confer the laws superior status.[323] In addition, with basic laws possibly being

akin to ordinary laws, the structure of government and from where power to govern is conferred,

although partially illuminated in the basic laws, remains unclear.[324] This lack of clarity is also

seen in laws and chain of command in Israeli Border Administration.

IIb. Lack of Clarity in Israeli Border Administration

      In researching the phenomenon of US citizens being denied and banned at the external

Israeli border crossings, it is often unclear exactly which authority was responsible for making

decisions at the border. Often those who worked at the border crossings were referred to as

"border officials" or "authorities" without reference to what exact position they held within the

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[322] "The Knesset in the Government System," accessed March 21, 2016,
https://www.knesset.gov.il/description/eng/eng_mimshal_hoka.htm.

[323] "Basic Laws," accessed March 21, 2016, https://www.knesset.gov.il/description/eng/eng_mimshal_yesod.htm.

[324] This subject has not been widely examined in English-language academia and has been more the topic of
editorials and blog posts. For editorials written on this topic see: http://www.haaretz.com/a-danger-called-
constitution-1.296458; http://forward.com/opinion/155768/israel-needs-constitution-not-basic-law/;
http://www.economist.com/news/middle-east-and-africa/21635064-government-wants-controversial-law-would-
deny-equality-arabs-how.

Israeli governance system. Without knowing to which office authorities are answerable to, it is difficult to gauge the exact regulations that govern the borders as well as identify possible routes for redress in the case of denial.

What is clear is that within Israel proper, the Ministry of the Interior of the State is tasked with regulating all borders. The Ministry of the Interior sets Israeli national policy and implements it on a local level through physical planning, population registry, emergency services, elections and construction. In regards to border control, the Ministry of the Interior implements the Law of Return, 5710-1950, and the Entry into Israel Law, 5712-1952.

The Population Administration and the Border Checks Department under the Ministry control all matters related to borders. The Population Administration is responsible for determining the legal status of residents of Israel; this manifests itself in monitoring citizenship, immigration, and entry and exit at external border crossings. The administration also conducts border checks, manages the population registry, issues passports, maintains border check databases and provides primary source information for their and other government agencies. It oversees a variety of administration offices including the Registry and Passports Department, the Visas and Aliens Department, the Citizenship Department, the Populations Registry Department and the Border Checks Department. The laws under the administration's control include the Law of Return 5710-1950, the Entry to Israel Law 5712-1952, the Citizenship Law 5712-1952, the Passports Law 5712-1952, the Names Law 5716-1956, the Population Registry Law 5725-1965, the Possession and Presentation of Identity Cards Law 5743-1982 and the Emergency Regulations (Exit from the Country) 5708-1948.

The Border Checks Department, under the Population Administration, maintains the "border-crossing file." Since 1979, the file has been computerized and logs all movement in the

country by Israelis and "aliens," including movement over the Jordan River bridges and through

Rafah. It helps aid regulations and laws related to exit and entry.[325]

The Ministry of Foreign Affairs is responsible for implementing these laws "abroad" as

delegated by Official Announcements Gazette 255 of October 16, 1952 and Official

Announcements Gazette 2465 of October 7, 1978.[326]
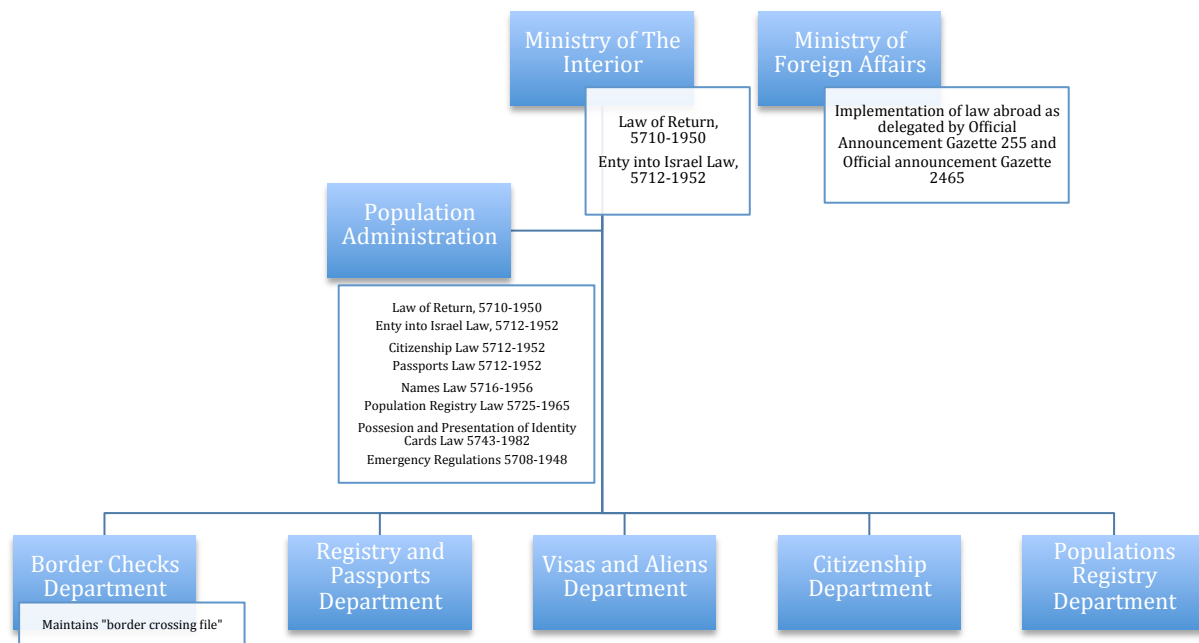
Chart 19: Ministries charged with managing Israel's external borders.

Despite what seems to be a clear chain of command in who manages entrance and exit at

the external Israeli border crossings, it is unclear who exactly administers the external border

crossings and what criteria are used to justify the denial or bans of individuals. Interviewees

recalled being interviewed by individuals who appeared to be border agents as well as

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[325] "Israeli Ministry of the Interior," accessed November 29, 2015,
http://www.jewishvirtuallibrary.org/jsource/Politics/interior.html.
[326] "Visa to Israel."

individuals who appeared to be IDF soldiers. Thus, there still lies confusion in who holds

discretion at the external Israeli border crossings.

The Ministry of the Interior and the Ministry of Foreign Affairs maintains a level of

autonomy in administering the border as stated on the Ministry of Foreign Affairs website:

> Information contained in this website is general and does not supersede the provisions of the laws of the State of Israel; The Ministry of Foreign Affairs reserves the right to modify the procedures from time to time; In any case of a discrepancy, the provisions of Israeli law and/or local law and/or procedures of the Ministry of Foreign Affairs take precedence over the information appearing in this website.[327]

The Minister of the Interior is given ample authority to change border policy as they see fit. The

Entry into Israel Law, 5712-1952, Section 6 states:

> The Minister of the Interior may
> (1) prescribe conditions for the grant of a visa and for the grant, extension or substitution of a permit of residence;
> (2) prescribe, in a visa or permit of residence, conditions upon the fulfillment of which the validity of such visa or permit shall depend. [328]

Thus, despite an apparent framework for the administration of the border, written into the

law are exceptions that allow the Ministry of the Interior and the Ministry of Foreign Affairs

wide discretions in their decisions in regards to border affairs.

Despite attempts to remove such discretion from the application of the law, actors have

not prevailed. In December 2007, the Jerusalem District Court handed down a decision to order

the Interior Ministry to publish all of their regulations, which as of yet has not occurred. The

court order was a result of ACRI and other human rights groups attempting to gain access to the

Interior Ministry's regulations, among them the criteria for accepting or rejecting entrance of

foreign nationals. District Judge Yehudit Tzur wrote:

> The facts of the case clearly show that for years, the respondent [the Interior Ministry] has been in breach of the law by not publishing the rules and regulations according to

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[327] "Visas," accessed March 18, 2016, http://mfa.gov.il/MFA/ConsularServices/Pages/Visas.aspx.
[328] "Refworld | Israel."

which it operates its various authorities. As can be noticed, this improper behavior has been going on for years, with the respondent disobeying both the written law and previous court rulings.[329]

At the end of her ruling she ordered the ministry to provide the plaintiffs with access to the regulations and for the ministry to place written, up-to-date copies of regulations in every population control bureau and to publish the regulations on the ministry's website, which never occurred. Three years later, Oded Feller of ACRI remarked in May 2010, "Believe me, I've turned every stone and dug through the website very thoroughly, and I have not been able to find the regulations that determine entrance refusal. It's still not on the records." [330] According to Sabine Haddad, spokesperson for the Ministry of Interior, all the regulations on the approval or denial of entrance to Israel were included in the Citizen and Entry into Israel Law, 5712-1952 and those were the laws the ministry would pursue, despite gaping holes in such law.[331]

Also in May 2010, following the Noam Chomsky affair, Gush Shalom (the Israeli Peace Bloc) considered an Israeli Supreme Court appeal against the Minister of the Interior demanding clear and transparent criteria for those who shall be denied entry into Israel. Adv. Gaby Lasky wrote the Interior Minister Eli Yisahs and demanded that there be clearer regulations in light of Chomsky's denial and those of others like Ivan Prado, a clown from Spain. In the letter Lasky says that according to Article 14 of the Entry into Israel Law, the Ministry of the Interior derives authority to "remove" people and allows the minister to make regulations to specify what categories of people are denied entry. However, the minister refrained, like his predecessors, from making regulations, leaving room for arbitrary decisions. Lasky quoted the Supreme Court in saying that the regulations are not an option for the minister to put forth but mandatory. The

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[329] "Who Shall Be Denied Entry into Israel , Gush Shalom Says."
[330] "Who Shall Be Denied Entry into Israel , Gush Shalom Says."
[331] Ron Friedman, "Interior Ministry Uncertain Why Chomsky Was Banned from Entering West Bank. ACRI Calls Case Only One of Many in Which Left-Wingers Are Denied Entrance."

regulations must be published in the Official Gazette and defined. However, this responsibility was always shirked.[332] This selective enforcement is in part allowed by what Berda refers to as "phantom sovereignty."[333]

IIc. Selective Enforcement and Phantom Sovereignty

Selective enforcement at the external Israeli border crossings is in part a result of a phenomenon Dr. Yael Berda calls phantom sovereignty. Berda explains that phantom sovereignty stems from British Mandate law, which allows discretion to a highly complex bureaucracy, "especially when it [comes] to identifying people and denying them entry." In this sense the Ministry of the Interior exercises sovereignty through their discretion "claiming its right to authority through its decisions."[334] Berda continues:

> …there is no law declaring Israel's borders; they make the border with their administrative decisions. And it's the Ministry of the Interior but it's also the General Secret Service…Nobody acts against a recommendation of the secret service. So what you have is the Ministry of the Interior and the secret service making decisions about who can enter and who cannot.[335]

Berda further explains the concept in her book *Bureaucracy of the Occupation.*[336] In the way Israel is currently administered, "you can't locate the source of authority because that's part of how it works. The idea is they gain sovereignty by making decisions, by having discretion on more and more issues or areas and there is no actual law."[337] Law in this sense is often used in order to maintain the ethnocracy of Israel in a "complex bureaucratic apparatus for identification, profiling and surveillance of the movements of the Palestinian population."[338] This Berda calls "security theology" in which "the ultimate belief, by agents in the Israeli security apparatus, [is]

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[332] "Who Shall Be Denied Entry into Israel, Gush Shalom Says."
[333] Yael Berda Interview. Recorded 1/3/16.
[334] Ibid.
[335] Ibid.
[336] Version in English expected to be out in the next year.
[337] Ibid.
[338] Berda, "The 'Security Risk' as a Security Risk."

that when it comes to Palestinians, the security apparatuses are not only well equipped to make classifications about entire populations and construct the elaborate profile of 'the terrorist,' they also have almost unlimited executive discretion in deciding the content of the category of 'security threat.'"[339] She makes a distinction between the "bureaucratic model of colonial administration" as opposed to the "classic Weberian model of bureaucracy", which is predicated on "*known* rules and regulations" as opposed to the unknown rules and regulation that govern day-to-day Palestinian life.[340]

The lack of any clear regulations as to who is eligible for denial at the external Israeli border crossings led to an evolution in which US citizens' denials have been increasingly standardized. By 2015 every individual was denied either with the citation of a policy, which delineated that all Palestinian Americans, whether they were aware or not, held Palestinian I.D. numbers and were required to enter and exit through the King Hussein/Allenby Bridge crossing and all others (except one) were given a piece of paper citing the Entry into Israel Law, 5712-1952.[341] This marks Israeli border inscription's tactic's shift to a more legalized regulation of denial and bans.

III. Increased Standardization as a Tool of Stealth Authoritarianism

Varol notes that regimes dependent on foreign investments are more likely to make large strides to employ stealth authoritarianism. With increased standardization of practices, actions taken by those in power "might be condoned as legitimate, as opposed to abusive, exercises of discretion."[342] As a nation dependent on foreign aid, especially from the US, Israel fits this

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[339] Berda, "The 'Security Risk' as a Security Risk," 45.
[340] Ibid., 45. Emphasis added.
[341] As previously stated, the apparent policy naming all Palestinian-Americans as Palestinians appeared to have began in 2007.
[342] Varol, "Stealth Authoritarianism," 1738.

model. Outside the usage of discretion in administration decisions lays the heavy reliance on law itself to confer legitimacy. These laws are different than "rule by law" regimes, which transparently utilize the law for specific ends such as regulation of the press. In this case, laws are subtly used in order to reach desired and discriminatory ends. In light of increased standardization of border regulations, Israeli officials' regulation of external Israeli border crossings is by all means a prime example of stealth authoritarianism in which "seemingly legitimate and neutral laws" are utilized to the regime's advantage.

The Entry to Israel Law 5712-1952 has increasingly been used to justify the denial and bans of US citizens from the external Israeli border crossings. As previously noted, the text of the Entry into Israel Law 5712-1952[343] does not explicitly list either, "prevention of illegal immigration considerations" or "public security or public safety or public order considerations" in its text.[344] In addition, many individuals reported that border officials told them different reasons verbally for their denial than what was apparently stated by the law. However, through administrative discretion and more prevalent use, the law has been increasingly accepted as a tool for denial and bans.

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[343] The text of the Entry into Israel Law, 5712-1952 is somewhat difficult to procure given that it is originally written in Hebrew. The law is referenced on the Knesset's website, referenced in the "The Citizenship and Entry into Israel Law (temporary provision) 5763 – 2003," however an English translation of the law is not provided. ("The Citizenship and Entry into Israel Law (temporary Provision) 5763 - 2003," accessed March 9, 2016, https://www.knesset.gov.il/laws/special/eng/citizenship_law.htm.) In addition, the law is listed by the United Nations Office of Drugs and Crime on their Sharing Electronic Resources and Laws on Crime (SHERLOC) page. However, the site does not specify which version of the law and what revisions the law includes. ("Article 12," 12, accessed March 9, 2016, https://www.unodc.org/cld/en/legislation/isr/law_no._5712-1952_entry_into_israel_law/article_12/article_12.html?) Thus, this study will utilize the UN Refugee Agency's translation, which includes Amendments up until 1985, as well as an amendment in 2006. (Amendment 13 refers to the proper procedure for the treatment and removal of unlawful residents. For the full text of the amendment see: http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=54f9b26d4.) However, it does not include amendments from 1994, 1995, and 1996 as there is no official translation of these amendments currently available. (I*srael: Law No. 5712-1952, Entry into Israel Law*, 5 September 1952, available at: http://www.refworld.org/docid/3ae6b4ec0.html [accessed 20 March 2016])
[344] "Refworld | Israel."

In examining my data, Entry to Israel Law 5712-1952 was first referenced in 2010 with

the denial of Noam Chomsky. In the event of the Chomsky's denial, Sabine Haddad referenced

the law, stating that all regulations governing the approval or denial of entrance to Israel were

included in the law's text. She referred specifically to a section that stated:

> Where a person comes to Israel and wishes to enter it, a border control officer may delay his entry until it has been ascertained whether he is permitted to enter, and he may indicate a place where such person shall stay until completion of such ascertainment or until his departure from Israel.
> (a) Where a person comes to Israel and it is found that he is not permitted to enter, the Minister of the Interior may remove him from Israel.
> (b) A frontier control officer may detain such a person, in such place and manner as the Minister of the Interior may prescribe, until his departure or removal from Israel. [345]

One year later, in face of the event of the first "fly-tilla" Chief Israeli Immigration Authority at

Ben Gurion Airport referenced the law stating:

> Due to statements of pro-Palestinian radicals to arrive on commercial flights from abroad to disrupt the order and confront security forces at friction points, it was decided to refuse their entry in accordance with our authority according to the Law of Entry to Israel 1952.[346]

Three years later, in 2015, there were fifteen US citizens denied at the external Israeli border

crossings for varying reasons, as seen through news reports and interviews, in which Entry to

Israel Law 5712-1952 was referenced in 12 cases. Of the 12 denied, nine were denied for

"prevention of illegal immigration considerations," one for "prevention of illegal immigration

considerations" and "public security or public safety or public order considerations," one for

immigration issues involving mental health and drug issues, and one who does not remember

what their paper specifically cited. Of the other three who were not given a piece of paper, one

was denied on her way out of Israel for apparently lying to officials about her itinerary, one was

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[345] "Refworld | Israel."
[346] "B-G Airport: 2 pro-Palestinian Activists Denied Entry," *Jerusalem Post*, accessed March 9, 2016, http://www.jpost.com/Diplomacy-and-Politics/B-G-Airport-2-pro-Palestinian-activists-denied-entry.

denied for non-compliance and one was told he needed a Palestinian I.D. and to cross at the King

Hussein/Allenby Bridge crossing. Three others in the case of Habib Joudeh were also told that

they needed a Palestinian I.D. but were also denied on the basis of the Entry into Israel Law,

5712-1952.

Name	Date	Reason Given on Paper	Reason(s) given verbally by border official(s)	Plane ticket?	Location
Laura Arena	22-Jun-15	Prevention of illegal immigration considerations	Lying about her phone number, although at the time she did not have a working phone, that she had no proof of a flight, which she did, and that she lied about her relationship with a curator based in East Jerusalem whose contact information she had but did know personally.[347]	Yes	Eilat
Interviewee #5	10-Jun-15; 5-Oct-15	Prevention of illegal immigration considerations	None specifically given. The second time denied she was at the Sheikh Hussein crossing and told because she had been denied at the King Hussein/Allenby Bridge border she had to cross at the King Hussein/Allenby Bridge crossing and was denied there a second time.	Unknown	King Hussein/Allenby Bridge/Sheikh Hussein
Idit Malka (2)	12-Jun-15	Prevention of illegal immigration considerations	Suspicion of belonging to the Black Hebrew community; "arriv[ing] at the airport without prior coordination with the Authority;" lying about the story of why she was visiting and becoming violent and abusive when told her entry was being denied.[348]	Yes	Ben Gurion
Interviewee #3	27-Jun-15	None	Lying to officials about itinerary	Yes	Ben Gurion
Interviewee #2	29-Jun-15	Prevention of illegal immigration considerations /Public security or public safety or public order considerations	None specific given.	Unknown	King Hussein/Allenby Bridge
Interviewee #1	05-Jul-15	Signed paper, cannot remember what it said	Lying at the border and not having a tourist visa (did not remember what was written on her paper)	Unknown	King Hussein/Allenby Bridge
George Khoury	21-Jul-15	None	Told he needed a Palestinian I.D. and to cross at the King Hussein/Allenby Bridge crossing[349]	Unknown	Ben Gurion
Nardeen Kiswani	22-Jul-15	Prevention of illegal immigration considerations [350]	"Hostile behavior towards Israel" (refusal to grant access to her Facebook)[351]	Unknown	Ben Gurion and King Hussein/Allenby Bridge

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[347] "B-G Airport: 2 pro-Palestinian Activists Denied Entry."
[348] "Two American Jews Held for Two Days at Ben-Gurion, Denied Entry to Israel."
[349] James Zogby, "America Must Tell Israel to Meet Its Obligations."
[350] "I Was Denied Entry to My Homeland," accessed February 21, 2016, https://www.youtube.com/watch?v=8nPQ6-VStoc.

Habib Joudeh (3)	23-Jul-15	Prevention of illegal immigration considerations [352]	Told they needed a Palestinian I.D. and to cross at the King Hussein/Allenby Bridge crossing[353]	Unknown	Ben Gurion
Susan Abulhawa	28-Jul-15	None	Non-cooperation; lack of speed communicating family members in Jerusalem[354]	Unknown	King Hussein/Allenby Bridge
Interviewee #4	2-Aug-15	Prevention of illegal immigration considerations	Lying to officials about not eating in the past 36 hours and about his itinerary; "you know why"	Yes	Eilat
Interviewee #7	18-Dec-15	Immigration issues involving mental health and drug issues	Mental health concerns related to suicide and drug concerns	Ticket had just been canceled	King Hussein/Allenby Bridge

Chart 20: Individuals denied entry in 2015

Of the 10 individuals denied at least in part on the basis of "prevention illegal

immigration considerations," four (Laura Arena, Idit Malka and her son and Interviewee #4)

were able to procure a plane ticket providing evidence that they had a route home in the coming

days. One more had proof of a previous ticket that had just been canceled the previous day.

Interviewee #4 remarked that although he presented his travel itinerary from his airline several

times, officials did not hesitate to deny him for prevention of illegal immigration considerations.

Officials stated, "If you keep lying to me you're going back to Jordan, you're never going to

come into my country. I don't care about your diplomats, I don't care about your plane tickets, I

don't care about your baggage, you're never coming in, you're never coming back."[355]

Like in Interviewee #4's experience, of the 10 denied for "prevention of illegal

immigration considerations," only three individuals were verbally told that their denial was

based in any way in immigration concerns: Idit Malka and her son and Interviewee #7. Instead,

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[351] *"I Was Denied Entry to My Homeland."*
[352] James Zogby, "America Must Tell Israel to Meet Its Obligations."
[353] Ibid.
[354] "Leading American Writer Abulhawa Is Denied Entry to Palestine," *Mondoweiss*, July 30, 2015, http://mondoweiss.net/2015/07/leading-american-palestine/.
[355] Interview #4. Recorded 12/3/15.

denial seemed to be predicated for most on the telling of a "lie" to officials or non-compliance, as 8 of the 15 had non-compliance or lying referred to verbally as reason in part for their denial.

Interviewee #1 referred to this practice stating, "…they just said: 'You don't have a volunteer visa and you lied to us.' They said I lied because I initially said I was travelling alone and then I said I was traveling with [name], which is just ridiculous because if I was lying I would've stuck with the same story, I wouldn't be such a stupid liar that I gave them two stories."[356] Interviewee #2 noted that officials said to her, "if you lie to us, you'll lose your job in South Korea. We're with the secret service and intelligence."[357]

In two cases, individuals were asked to recite their itinerary and were accused of lying when they were not completely accurate. Interviewee #3 expands:

> So basically what happened was they asked me to tell them exactly the days that I had been in this place and this place and my whole itinerary down to where I had lunch one day. So I told them everything, like I really didn't lie about anything but then I had messed up the day. I wrote down the day that I had gone to Ramallah and my passport was scanned and I messed it up by a day so they said that I lied to them. I wasn't there on the day that I said I was there. So because of this…I'm not allowed in the country any more, I'm not allowed in Israel."[358]

Interviewee #4 was also accused of lying about his itinerary and stated:

> I [kept] asking, "What happened why won't you let me in?" and they were like, "Well, there are some things you said like you hadn't eaten but you had dinner last night." And I said, "Oh you know I didn't eat before then. It was just hyperbole," and they say, "There's just something in your story." And they pull out my journal and say, "You're not really adding up." And you know both times they interviewed me they took notes and I guess they cross referenced that with my journal to see if I had the order of my trips correct. I had given them the order of my trips in north to south geography because it was easier, because I had sort of spatially though about it. So I told them where I had been in Israel from north to south and they had been looking at it chronologically.[359]

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[356] Interview #1. Recorded 11/3/15.
[357] Interview #2. Recorded 11/6/15.
[358] Interview #3. Recorded 11/15/15.
[359] Interview #4. Recorded 12/3/15.

Thus, many times, a "lie" was created in order to justify denial outside the bounds of "prevention of illegal immigration considerations."

Interviewee #7 who was denied for concerns regarding immigration and mental health shared that although these were stated as the reasons for her denial, she knew she would be denied at another point in her interrogation. She expands:

> The last thing that happened with the interrogation process was they called me in—oh first they had me talk to some military officers too and I just said the same thing to them, that was very straight forward—and then I walk in and they ask me to list all the demonstrations I've ever been to. There's a lot so that's kind of hard so I'm just listing them off like, "Oh I've been in Black Lives Matter, Fight for Fifteen, Take Back the Night, Planned Parenthood demonstrations," and they said, "Are you in Students for Justice in Palestine?" and I go, "I mean I'm not an active member right now, but I have attended their meetings and I have friends in that group." I wasn't willing to say "yeah." Lo and behold, if you Google my name and Students for Justice in Palestine my face pops up because I was in a protest…And they brought up that picture and said, "You can't come in this country," and I said "OK." And I had to sign a piece of paper saying I was specifically sent away because I was a threat of immigration to Israel. They said specifically I was sent away because of health issues, they were afraid of drug issues, that was a concern of theirs, but I feel that Students for Justice in Palestine thing is what killed it because after they saw that picture, I was immediately sent away. And so they stamped my passport with a rejection stamp.[360]

Thus in Interviewee #7's experience, the reason why she was denied seemed separate from the reason given officially to her on paper. She summed up her experience stating that she felt border officials were "looking for a reason to incriminate her."[361]

As seen throughout the chronology of the phenomenon, borders policies had become increasingly institutionalized making it easier to target individuals of certain groups via discretion, making it more difficult to contest a denial or ban and creating a veneer of democracy for otherwise un-democratic practices through eliciting legal imagery. It is also clear that the legal reason elicited for the ban is not actually what individuals were denied for. Currently, this had led to difficulties in pursuing any level of redress after a denial or a ban.

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[360] Interview #7. Recorded 2/2/16.
[361] Interview #7. Recorded 2/2/16.

IV. The Effects of Stealth Authoritarianism: Difficulty in Redress

As there is great discretion in utilizing the law in order to justify denials and bans, large variances in discretion exist in the routes of redress permitted to individuals when attempting to question the grounds for a denial. Varol notes that stealth authoritarianism often results in the maintenance of judicial rituals as a means to "[bolster] democratic credentials" and "[allow] the incumbents to avoid accountability for controversial policies."[362] In this way a court's authority strengthens the actions of those administering law and policies conferring political accountability and sustainability of practices. Pursuing redress in courts regarding the denial and banning of US citizens previously elicited inconsistent results. In light of the increased standardization and legalization of denial, redress through the courts has become more difficult to pursue and has left individuals with no clear way to challenge a denial or ban. In this way, stealth authoritarianism maintains discriminatory policies that exclude identity groups through eliciting the law in a way that prevents redress.

As previously stated, in 2004 Ann Petter was the first case in which a denied individual challenged the border authorities' decision of denial and took her challenge to court. She was taken into custody to await a trial.[363] Her denial was originally based on "secret evidence" that officials refused to reveal to her or her attorney.[364] The Shin Bet revealed this "secret" information marked Petter as a security risk because of her membership in ISM and her plans to disrupt the building of the separation wall.[365] Judge Oded Mudrik ultimately ruled that the

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[362] Varol, "Stealth Authoritarianism," 1687.
[363] Myre, "Barred by Israel as Security Risk, Pro-Palestinian American Refuses to Go."
[364] Tovah Lazaroff, "US Activist Released from Detention."
[365] Yaakov Katz, "Court."

information in the hands of the Shin Bet was convincing but not sufficient to prevent her from

entering in an apparent successful use of the law to challenge border official's decisions. [366]

The next month on July 10, 2004, Jamie Spector, whose case was almost identical to

Petters', chose to challenge her denial of entry. According to Tova Ellison of the Ministry of the

Interior, Spector, like Petter, was denied in accordance with a security recommendation. Following

this denial, Spector, like Petter, refused to leave when ordered and brought her case to court.[367]

Unlike in Petter's case, the court did not see membership in ISM as too broad a reason for denial

of entry. Judge Sara Dotan of the Tel Aviv district court ruled that the activists of ISM should be

denied because their actions disrupt military operations and put soldiers at risk.[368] Berda,

Spector's lawyer, argued it was ridiculous that Spector was denied because of her political views

when she was able to obtain citizenship through the Law of Return. Tova Elision however

retorted that even the Law of Return "had its limits."[369] Spokesman Jarab Bernstein of the Israeli

consulate in San Francisco stated:

> Israel is a democratic country based on law and order, and like other
> countries, Israel retains its right to accept or deny entry into the country to foreign
> citizens based on certain regulations. Acting within these regulations, Israel has decided
> to deny entry to American citizen Jamie Spector. Israeli law affords her the right to
> appeal this decision, and she is currently in the process of doing so.[370]

Stealth authoritarianism can also be seen within the legal proceedings that Spector

experienced. In court, proceedings did not confer all rights that are expected under due process

of law. She stated, "I think it was about a week and a half before I got my first court date and I

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[366] Yaakov Katz, "Court."

[367] "U.S. Jew Barred from Israel."

[368] Dan Waldman, "US Activist Loses Court Appeal."

[369] Hilary Leila Krieger, "Authorities Deny Entry to Jewish ISM Activist," *The Jerusalem Post*, July 13, 2004.

[370] Dan Waldman, "US Activist Loses Court Appeal."

believe at the first court date I wasn't allowed to say anything; they provided no translation.

[Lawyer's] sister and came to translate for me."[371] She continued:

> It was definitely an eye opening experience in that basically the attorney for the Israeli State came in and said I have evidence in this brief case that will prove that she is a security risk and a dangerous person but would not open his briefcase. He would not show us evidence that he had, would not let us speak to it directly. They were saying it's security reasons but you know, it's kind of crazy that you're accused of something but you don't know what it is and they won't tell you, and you can't really defend yourself against it.[372]

Once she was denied, she stated she was still never given any direct reasoning for her denial. She said she received, "no paper, nothing in writing. I think they just stamped my passport you know, denied, and all they told me was that the government had seen me as a threat to security."[373] Stealth authoritarianism prevailed in a realm with no usage of the law in a legal proceeding. In other cases, the courts were used to demean one's character and deem one unfit for entry.

In 2010, Jared Malsin, an American Jewish journalist, attempted to challenge his denial, and received differing results. The Ma'an News Agency, where he was then employed, filed for an appeal while Malsin stayed in detention. Ma'an sought to receive clarification from the attorney general's office regarding allegations that Malsin "refused to cooperate" with interrogators at the airport. Court documents filed by his interrogators revealed that in addition to refusing to cooperate at the border, he was accused of lying to officials, giving unclear reasons for his visit and violating terms of previous Israeli visas. The court documents also noted that he authored stories "critical of the state of Israel." The documents finally suggested he was "exploiting the fact that he is Jewish" to gain entry. The conditions in his cell according to Ma'an were "deplorable" and he was denied access to his belongings.[374] He was allowed occasional

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[371] Interview #6. Recorded 1/16/16.
[372] Interview #6. Recorded 1/16/16.
[373] Interview #6. Recorded 1/16/16.
[374] Josh Wood, "American Journalist Enters Second Week of Israeli Detention."

visits by US consular officials and to a lesser extent by a lawyer.[375] After a week Malsin gave up

his appeal, no longer willing to stand the conditions in which he had been placed.[376] Malsin

stated, "They judged me to have anti-Israeli politics. It's outrageous that would even appear in a

legal argument, that a person's politics would be a relevant issue." [377] Sabine Haddad

acknowledged that Malsin did not find redress in court and states, "It's the minimal right of the

country to ask questions. We don't mind who he is. If he does not want to answer, he should

know he could be sent back."[378]

By 2013 the window for redress in court seemed to have closed. When Nour Joudah's

lawyer Emily Schaffer requested an emergency hearing on behalf of the teacher at the Friends

School of Ramallah, it was denied as according to the judge, Joudah had "taken matters into

[her] own hands" by not waiting for an appeal at the King Hussein/Allenby Bridge crossing. [379]

There are no more reports following Joudah in which individuals have successfully taken their

case to court, barring Idit Malka whose denial was quickly upheld by an on-call judge contacted

by family living in Israel proper.[380]

Individuals denied on the basis of Palestinian identity are not included in the potential to

pursue redress at all as Israeli officials confer the responsibility to "cancel a Palestinian I.D." to

the Palestinian Authority, even if an individual does not have a Palestinians identification card.

This procedure leaves no opening for legal redress, as Israeli officials refuse to view Palestinians

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[375] Josh Wood, "American Journalist Enters Second Week of Israeli Detention."
[376] Yaakov Lappin, "American Editor of Ma'an Web Site Deported after Giving up Appeal against Entry Ban. According to Interior Ministry, Journalist Illegally Extended His Tourist Visa and Refused to Cooperate with Airport Officials."
[377] Howard Schneider Sockol, "Israel Expels American Working in West Bank; Political Views Questioned; Journalist Was Employee of Palestinian News Agency," *Washington Post*, January 21, 2010.
[378] Ibid.
[379] "Denied Entry by Israel, American Teacher Prepares to Say Goodbye to Palestinian Students."
[380] Haaretz, "Two Black Jewish Americans Reportedly Denied Entry to Israel," *Haaretz*, July 13, 2015, http://www.haaretz.com/israel-news/1.665858.

as US citizens unless individuals willingly give up any future claims to a Palestinian identity.[381]

Stealth authoritarianism is maintained through the court system by affirming its decisions in

court as well as developing practices that elicit the law for denial but contain no clear route for

redress.

IVa. The Role of Confusion in Preventing Routes of Redress

Many individuals expressed confusion regarding legal procedures and the actual

implications of a denial or ban. This led to some individuals who may have pursued a route of

redress to settle without challenging the denial. It also left individuals confused as to the future

possibilities of return. The paper given to individuals does not present any options for contesting

the denial or ban. It states, "Should the abovementioned individual request to visit Israel in the

future, he/she will be required to submit a request in advance which will be examined in

accordance with the circumstances at the time."[382] In addition, the Ministry of the Interior only

has a website in Hebrew and Arabic, which seemingly does not list information as to how to

contest a ban.[383] Interviewee #5 stated her confusion stemming from procedures in general:

> I kind of got in a fight with this girl who was trying to get me to sign this paper. I don't remember if I signed it or not but she was like, "You have to sign this paper so that you know that you were rejected, and I was like, "well what happens if I don't sign it" and she said "that doesn't matter you just have to sign it" and I was like "can you please tell me what the consequences are if I do or don't sign it" and she was like "that's not my job" and I was like "what's your job?" I was a little upset. And I don't know if I signed it or not but the first time I remember I did.[384]

Others expressed confusion as to the length of a denial or ban. Interviewee #7 stated:

> They specifically didn't tell me how long I was being sent away. I'm assuming I'm on a list now, but I didn't ask for any details. I don't plan on traveling there any time soon. I think they would have indicated if I was not welcome long term. I think they would have

[381] Kuttab, "American Palestinians Speak out about Denied Entry to Israel - Al-Monitor."
[382] See Appendix B.
[383] See http://www.moin.gov.il/Pages/Default.aspx.
[384] Interview #5. Recorded 2/14/15.

said, you stay away for x amount of time…There was only one other person who was sent away. He was Canadian of Iraqi descent and he was banned for ten years but we have the same exact stamp so I'm wondering how they differentiate by looking at our passports that they know he's banned for ten years and that I'm "temporarily banned."[385]

Others when given more direct instructions still were highly confused as to what the ban meant.

Interviewee #3 said that when denied:

They said four to five years. I mean they said that I could not come back—that I was on a list for four to five years and then after that their phrasing was, "after that your name will be removed from the list." I think they have a certain system and when you're an American you're banned from the country but after a certain time you fall off the list or something like that. That's how they described it to me but I don't know.[386]

Many individuals also expressed frustration or confusion in how redress was to be pursued, especially in the light of the paper presented that cited Law of Entry, 5712-1952 as a reason for denial. Interviewee #1 went to the Israeli Embassy in Amman, Jordan to address the denial. However, there she was told that as denial was a matter of the Ministry of Interior, there was nothing the Embassy could do. Further, as previously noted, when she contacted the Consulate General in the US, she was told there was nothing she could do as well.[387] Interviewee #4 stated that he could find no help after he was denied as facilitated by US authorities. He stated, **"I** immediately emailed the US embassy and the consulate in Jerusalem and they get back to me by the time I'm back in the United States saying we can't help you." In addition when retrieving his items that were left in Jerusalem he stated, "Honestly, the consulate was not at all helpful in getting my things in any way, the U.S consulate."[388]

Some individuals did not think to pursue redress, as the rule of law conferred such legitimacy that individuals didn't think to question the allegations against them. In addition, at the time, many people were so shaken by their experience that the idea of engaging with any

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[385] Interview #7. Recorded 2/2/16.
[386] Interview #3. Recorded 11/15/15.
[387] Interview #1. Recorded 11/3/15.
[388] Interview #4. Recorded 12/3/15.

length of redressed seemed daunting. Interviewee #7 stated, **"Immediately after it happened and the hours following I felt very ashamed… A lot of people told me I should have gone to the American Embassy and explain to them what happened. I didn't do it because I was so upset and I wasn't sure what to say. I never went to anyone about what happened."**[389] In this way, individuals were discouraged from even seeking redress after their experiences, although it is unclear if they would find a proper route if they decided to pursue it.

The US did not offer much help in providing routes of redress and often reinforced the Israeli border authorities' decisions. As previously stated, many times stealth authoritarianism emerges when traditional authoritarian practices would negatively effect relations, especially with donor countries. This aspect of stealth authoritarianism is particularly highlighted by the US's lukewarm response to the denial and banning of its citizens.

IVb. The US's Role in Preventing Redress

Over time the US's reaction to the denial and banning of US citizens has declined and led to the creation of the US's own tactics of standardizations of acceptance of denials and bans. The vestige of stealth authoritarianism may have allowed Israel to maintain close relations with the US through the creation of a false sense of law and order in the denial and banning of US citizens from the external Israeli border crossings. This acceptance has further created barriers to redress put in place by US officials.

The US State Department and other US institutions have held differing opinions regarding the acceptability of Israeli border policy. As a trend, what at first was indignation at Israeli policies transformed into complacency with the policies on the part of the US State Department and consular officials. As previously noted, the State Department website clearly

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[389] Interview #7. Recorded 2/2/16.

delineates on their website, last updated September 11, 2014, that individuals may be denied entry on the basis of identity as Arab, Muslim, Palestinian or an activist. The website also delineates that for non-dual nationals, an onward or return ticket and proof of sufficient funds are required for entry. It states that travelers "normally" receive a free three-month tourist visa upon arrival. It finally states that anyone who has previously refused entry should consult the nearest Israeli embassy before attempting to return as such violations may lead to a 10-year bar to re-entry.[390]

The website's uncritical statement of these policies seems to confer a tacit acceptance of the policies as previously, disclosure of this information on the State Department website had served as a threat. Initially, in 1987, US officials were vocal and active in attempting to obtain redress for those denied entry. In 1987, in light of Palestinian Americans and US Blacks being denied at the border, the US State Department did push back against the phenomenon.[391] Seventy-five such incidents led to the State Department lodging a formal complaint with the Israeli Embassy.[392] At the time, State Department spokesman Charles Redman stated, "We've raised the issue with the government of Israel…stressing that all American citizens are entitled to equal treatment under the laws of foreign countries and that we oppose any discrimination against any of our citizens on the basis of race, religion or ethnic background." [393] This statement was in response to a *New York Times* article, which reported that Arab Americans and Black Americans face harassment at Israeli border crossings. Earlier that summer the State Department

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[390] "Israel, the West Bank and Gaza."
[391] "State Dept. Concerned over Reports of Israel Denying Entry to U.S. Blacks, Palestinians; Israel Says."
[392] "Va. Woman Sues Airline."
[393] "State Dept. Concerned over Reports of Israel Denying Entry to U.S. Blacks, Palestinians; Israel Says."

threatened to include a statement on their website that Arab Americans may have a more difficult time entering through external Israeli border crossings. [394]

In response to the 2006 denial of Palestinian Americans at the external Israeli border crossings, US officials still seemed engaged in publically challenging the phenomenon. Muhammad Husseini of the American Citizen Services department of the US Consulate said the US government was inquiring about the subject but to no avail.[395] This concern seemed to have disappeared in 2007, as policies gained the appearance of increased standardization and US officials began to turn a blind eye to the actions of the Israeli border patrol. When Wedad Yacoub and their 10 children who were returning from the West Bank were questioned at Ben Gurion, told they were designated Palestinian citizens and not allowed to board their flight, US officials told the family that their only option was to buy new tickets through Jordan, which would cost the family upwards of $16,000. The family put pressure on US government officials, including contacting then Secretary of State Condoleezza Rice, to address the issue. However, the US State Department said there was little they could do. According to State, Israeli officials were holding fast to the new policy, citing rising violence in the region. State indicated that they posted a travel notice about the new policy that July.[396]

The same day, Abeer Afana, a Wayne State University student of Palestinian descent was detained at Ben Gurion Airport after attempting to enter Israel proper on her American passport for a study abroad program. At the time she was referred to the State Department website which stated that Israel will "consider as Palestinian anyone who has a Palestinian identification number, was born in the West Bank or Gaza, or was born in the United States but has parents or

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[394] "State Dept. Concerned over Reports of Israel Denying Entry to U.S. Blacks, Palestinians; Israel Says."
[395] "Rights Groups Say Israel Keeping US Citizens from Visiting Their Relatives in Territories. US Consulate Official."
[396] Cary McMullen, "Lakeland Family Separated By Rules at Airport in Israel; 7 Children, Declared Palestinians, Must Stay; Political Nightmare."

grandparents who were born or lived in the West Bank or Gaza" and that those individuals "may be barred from entering or exiting Israel, the West Bank or Gaza."[397]

2009 did see a break in the support for Israeli border decisions. In August 2009, US officials, in particular President Obama, did decry Israeli border policies. The *Globe and Mail* reported that year that the Obama administration was addressing the crackdown on American and Canadian citizens with Palestinian-sounding names who were told they must enter via the King Hussein/Allenby Bridge and given stamps that read "Palestinian Authority only", which prevented them from entering Israel proper, including East Jerusalem. In a statement, Barak Obama said, "The United States expects that all American citizens to be treated equally, regardless of their national origin. We have let the Government of Israel know that these restrictions unfairly impact Palestinian and Arab American travellers and are not acceptable."[398] The US embassy in Israel also had a long warning on its website in regards to this new stamp. In light of American protest, Israel promised to review its policy.[399]

In 2011, the US State Department again supported Israel in their denial of US citizens. That year, the department issued a statement, maintaining that any US citizen who participated in a so-called flotilla would be subject to punishment under US law. The department released its own statement warning American citizens that participation in the flotilla could result in fines or imprisonment as it would violate "US civil and criminal statutes" via support for Hamas, which is considered by the US a terrorist organization.[400]

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[397] "Groups Protest Israel's Decision to Deny Entry of Michigan Student of Palestinian Descent."
[398] Koring, "Israel Targets Palestinian-Canadians; U.S. Criticizes Travel Restrictions on Americans of Palestinian Origin, but Canada Silent so Far on Similar Crackdown on Its Citizens."
[399] Ibid.
[400] "Israel Threatens to Ban Journalists Who Join Peace Flotilla for 10 Years," *National*, June 27, 2011, LexisNexis Academic.

In June 2012, US officials once again upheld Israeli policies in regards to the detention and deportation of Najwa Doughman and Sasha al-Sarabi. The US embassy when contacted told the two Palestinian Americans that there was nothing they could do to help rectify their denial.[401] The same month, Sandra Tamari was denied at the King Hussein/Allenby Bridge border crossing. She called US embassy and when they discovered that she had family in the West Bank she was referred to the department's travel advisory and told there was "nothing [they] could do."[402] They went further to say that if they did intercede, given Tamari's position as a Palestinian American, it would hurt her case.[403]

In July 2015 when 70-year-old Palestinian American Deacon George Khoury was denied entry, his daughter wrote a letter of complaint to the US Embassy in Tel Aviv. She received a response that said, "Unfortunately, the US government cannot assist US citizens in gaining entry into Israel...Should your father wish to travel again in the future, we advise him to contact the nearest Israeli embassy or consulate for guidance." US officials directed her, as they had with many others, to their "travel advisory" that states, "regardless of whether they hold US citizenship, Israeli authorities consider anyone who has parents or grandparents who were born or lived in the West Bank or Gaza to have a claim to a PA ID".[404]

Of the 6 interviewees that were denied entry in 2015, 4 reported that when they contacted US officials they were told there was nothing US officials could do.

Thus, the US in response to the increased standardization and legalization of the denial of US citizens appears to have mirrored Israeli border behavior. Although at first listing

[401] "'Do You Feel More Arab or More American?'"
[402] "Our Government Is Failing to Protect Our Rights," *Arab American Institute*, accessed March 22, 2016, http://www.aaiusa.org/our-government-is-failing-to-protect-our-rights.
[403] Ibid.
[404] James Zogby, "America Must Tell Israel to Meet Its Obligations."

discriminatory practices on their website was used as a threat, it was later used to justify denial, simply by listing what had previously served as precedent at the border.

However, it should still be noted that although this standardization and legalization has led to some tacit acceptance of policies, including regular referral to the State Department website as a way to justify a denial of US citizens, US officials have still raised concerns, in light of increased scrutiny of Israeli border policies at the time of the potential visa waiver program.

In August 2015, following a rash of denials of US citizens, the US Department of State when asked in a press conference about the denial of US citizens responded:

> We are aware of reports that US citizens were denied entry into Israel. We refer you to the Government of Israel for additional information on this case. The US Government seeks equal treatment and freedom to travel for all US citizens regardless of national origin or ethnicity. Specifically, the US Government remains concerned at the unequal treatment that Palestinian Americans and other Arab Americans receive at Israel's borders and checkpoints. We regularly raise with Israeli authorities concerns about the issue of equal treatment for all US citizens at ports of entry.[405]

However, following, the spokesperson still cited the State Department warning stating that Palestinian Americans would not be treated as US citizens at the border as a potential justification of denials.

The trend of increased standardizing and legalizing of border denials may have led to increased perception of democracy and legitimacy in the denial of US citizens at the external Israeli border crossings. It has also led to increased difficulties for US citizens to challenge denials or bans, as US officials provide no guidance or support. Stealth authoritarianism has not only permeated Israeli practices but influenced US practices as well, leaving those denied and banned with few options for redress. Thus, the US is complicit in holding up practices that target their own citizens for exclusion based on identity.

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[405] "Arizona: U.S. Citizens at Israeli Ports of Entry," *US Official News*, August 18, 2015, LexisNexis Academic.

V. Conclusion

After examining my data, it is clear Israeli border administrators manipulate the law in two ways that allow for stealth authoritarianism to prevail. First, they maintain a realm of exception in which the discretion of the Minister of the Interior and other actors permits the exclusion and targeting of specific individuals at the external border crossings. Further, as time has passed, stealth authoritarianism is maintained through the increased standardization of practices for the purpose of ease of exclusion through the conference of legitimacy. This has led to difficulties in challenging denials and bans, legally or otherwise, as practices have created the veneer of a democratic institution, despite processes in place to prevent or discourage redress.

The ambiguity regarding the duration of the ban itself also lends power to border officials. By not setting clear expectations for how long one may be banned after a denial, the border maintains a sense of fear and lawlessness that may prevent undesirable individuals from returning to the border for a longer period than if there were clearly delineated guidelines for a ban. Practices of stealth authoritarianism have also led to tacit acceptance of denial and banning of US citizens by US officials. Ultimately, the practice of stealth authoritarianism has left denied or banned travelers in a sort of legal limbo with no legal grounds or institutional support to challenge a denial.

Through the usage of the law, Israeli border officials have created a realm of indiscriminate authority with great potential of impunity when putting forth discriminatory decisions. This use of the law in new and creative ways has paved the way for Israeli officials to target Palestinian Americans, Arab Americans, Muslim Americans, and Black Americans and activists at the border with little potential for redress.

Chapter 5: Conclusion

...you could try and find out what's going on and they might just also just let it go. You would never really find out the why though. You won't find that out. I represented hundreds of people who were declared security threats. And especially for the cases that we won, not by having you know a judge declared that they were not a security threat but by the state attorney people just saying fine we've negotiated this down and they're not going to be denied entry. So, they won in that sense or they stopped moving, but they will never know if they were ever considered to be a security threat. They don't have to disclose that.
–Dr. Yael Berda[406]

In conclusion, this study shows Palestinian Americans, Arab Americans, Muslim Americans, Black Americans and US activists are targeted for exclusion at the external Israeli border crossings and disproportionately denied and banned. Further, this study found that even association with an individual from one of these identity groups could serve as ground for suspicion. This targeting may have been exacerbated in times of increased conflict in the region. Questions at the border often attempted to elucidate possible connections with the aforementioned identity groups. The way in which people are denied or banned has become increasingly standardized and legalized through practices of stealth authoritarianism. This allows perpetuation of discriminatory practices, leaving few routes of redress. Given the findings of this study, the question remains more broadly, how are these policies linked to greater systems of law, identity, and oppression in Israel?

This chapter concludes this study with a discussion of Israeli border policies in the broader context of law and sovereignty in Israel. First, it discusses centering Palestinian experiences in the context of this data. Next, it discusses wider discriminatory practices in Israel that target and subjugate Palestinians in Israel proper and the occupied territories through the law. It then discusses the wider implications of border regimes in an increasingly globalized

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[406] Yael Berda Interview. Recorded 1/3/16.

world. Finally, it puts forth recommendations for the future of Israeli border policies and policies of bordering and containment as a whole.

I. Results: Centering Palestinian Experiences in the Context of my Data

It is important to note that although this study focused on the denial and banning of US citizens at the external Israeli border crossings, it ultimately demonstrated the reality that Israeli policies, at the border and beyond, regularly target and subjugate Palestinians of any national background. The maintenance of an Israeli ethnocracy dedicated to being a "Jewish nation" has created an environment in which Palestinians are targeted at the external Israeli border crossings in an uncontestable manner. As seen through my data, over half (55%) of individuals denied or banned identified as or were identified by news sources as Palestinian Americans. 57% of those denied were identified as Arab American. Thirty-eight percent of all those denied were identified as Muslim and 48% were identified as activists. Qualitatively, data shows that Black Americans are also often denied entry at the border. My data also showed that being Jewish didn't necessarily preclude one from being denied, as 11 individuals denied were Jewish, and that being perceived as an activist could potentially override the assumed benefits of entrance while Jewish.

My data furthered that simply being Muslim or an activist both have the potential to influence the decision made regarding entry at the border crossings. Christianity did not have an influence on denial but did when combined with activism. My data shows that of those denied or banned there are more people who are either activists or Arab/Palestinian than both, suggesting that each are independently influential factors for denial or banning. Finally, although my data did not contain many Black Americans denied or banned at the external Israeli Border crossings, the Black Americans denied were not also activists, suggesting that being Black alone is enough for denial. However, there needs to be more records of specific incidents to complete this data.

Overall, the data shows that being Palestinian or someone that could conceivably be connected to Palestinians either through conflation of identity or association in the form of interpersonal relationships or activism was reason enough for one to be designated an "objective enemy" and denied entry. This may have increased in times in which violence in the region was high. This denial has become increasingly standardized and sanctioned in the court of law. Denial in this context goes beyond typical models of border exclusion that focus strictly on exclusion of identity groups, and rather embodies the denial of individuals based on association, which allows for high levels of monitoring not just of individuals, but of networks. The phenomenon is indicative of a number of Israeli practices that currently target Palestinians and their supporters for exclusion and subjugation.

II. Stealth Authoritarianism and Ethnocracy in Israeli Policies and Law

The exclusion of Palestinians at the external Israeli border crossings falls into a vast category of practices of exclusion that help maintain Israel's ethnocracy. Institutionalized discrimination is upheld by practices of "stealth authoritarianism" that allow for laws and courts to present the guise of equal treatment under law through utilizing the law and rhetoric surrounding democracy as a tool for subjugation. Israel has relied on these laws in order to craft an exclusive society. This study expands on the idea of an ethnocracy and puts forth how stealth authoritarianism may serve to execute and maintain these policies.

The creation of an "objective enemy" of Palestinians through practices of stealth authoritarianism has much greater and graver implications than simple denial and banning at the external border crossings. Berda explains that the categorization of prisoners as "security prisoners" is used both in military courts and in the case of Palestinians who are Israeli citizens tried in Israeli court. Berda paints the classification of "security prisoners" as a "colonial legacy

of Mandate Palestine." This stems from the emergency defense regulations of 1945, a set of

military decrees that allowed executive power to suspend the law, and therefore basic civil rights,

to restore security.[407]

The Israeli Prison Service (IPS) may use the categorization of "security prisoner" to

criminalize political attitudes or beliefs in tangent with an individual's identity. In most cases

such identification is determined on the basis of whether an offense was committed in

conjunction with security-related circumstances or for nationalistic reasons. If the person served

in any way a terrorist organization (as defined by the state) or a person interested in jeopardizing

state security, that person would be classified as a security prisoner. The nature of motive is

typically determined by information from the police or the GSS in reports not available to the

prisoner or their lawyer. In this situation, it is impossible to contest the reason for classification

and many times individuals are assumed to be security prisoners by default. This pattern of

motivational imputation thus encompasses actions that pose threat of bodily harm to individuals

on the basis of political offenses such as organizing an illegal political protest.[408]

The law has also been used through stealth authoritarianism to maintain ethnocracy

through means of targeting killing. Hajjar notes that military law in Israel has been in place since

the third day of the 1967 Six-Day War, showing Israel's propensity to create law in preparation

for war and occupation. [409] Weizman explains in "Legislative Attack" how the law, especially

military law, expands rather than limits violence and rights transgressions in Israel.[410] Akin to

this is what Jones refers to as legal targeting of those who are deemed acceptable to kill by Israeli

Defensive Forces (the IDF). Through extensive interviews with former Israeli military lawyers,

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[407] Berda, "The 'Security Risk' as a Security Risk," 47.
[408] Ibid., 46–47.
[409] Hajjar, *Courting Conflict*, 51-54.
[410] Eyal Weizman, "Legislative Attack," *Theory, Culture & Society* 27, no. 6 (November 1, 2010): 11–32, doi:10.1177/0263276410380937.

Jones, in the spirit of Dunlap's "lawfare" and Mbembe's "necropolitics" examines Israel's "targeting killing policy" in which through the creation of an "objective enemy," military lawyers approve what is considered "a lawful target" and thus permit the "lawful killing" of Palestinians engaged in actions deemed undesirable by the state.[411] In this way, stealth authoritarianism, through use of the law, may have much graver consequences than the simple denial of individuals from entry. In pursuit of the maintenance of an ethnocracy, stealth authoritarianism may result in the legitimization of killing.

Israeli policies have consistently utilized the law to reinforce Israel as an ethnocracy— that is favoring Jewish individuals over all others in the nation. Individuals have put forward a number of theories as the how these practices have manifested. I put forth that these theories all fall under the greater umbrella of stealth authoritarianism-enabled ethnocracy. Such a framework may lend greater clarity in connecting individual Israeli practices and characterizing them in a more standardized light.

Given how Israeli officials have sculpted the law and authority to be able to discriminate without any punitive action, it is relevant to examine the greater concept of Israel's role as a democracy. However, as Verol states, relying on labels for nations as a whole may not be productive as it ignores the practices that are tainting the nation. Through examining the practices at hand, it could be considered that by denying or banning individuals at border crossings, especially those considered to be activists or political dissidents, border officials achieve control of freedom of speech through proactive exclusion. In this case, individuals with dissenting political opinions are excluded from the public and political arena through the physical exclusion of individuals from the state. Thus, the label of "stealth authoritarianism" may

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[411] Craig A. Jones, "Frames of Law: Targeting Advice and Operational Law in the Israeli Military," *Environment and Planning D: Society and Space* 33, no. 4 (August 1, 2015): 677, doi:10.1177/0263775815598103.

bring attention to this targeted exclusion and pose an intriguing angle for future study: in light of apparent discriminatory practices, what effect do Israeli border policies have on freedom of speech and freedom of political expression within the state? It also stands to examine the construction of Israel's external border crossings in an increasingly globalizing world.

III. Border Regimes in an Increasingly Globalizing World

In the context of non-migration travel, Israel's border inscription is not extraordinary. Throughout my research I encountered individuals who have been denied entry from a number of different countries for security concerns or illegal immigration concerns. Berda makes it clear that population management is not specific to occupation bureaucracies but is specific to all regimes that maintain a secret police. Such a practice she says echoes what Arendt believes about the role of the secret service in transforming "suspect populations" into "objective enemies" through profiling. In this case objective enemies are "carriers of tendencies" that do not need to commit any crime to be targeted for exclusion.[412] Ronen Shamir suggests a theory of profiling that he classifies as a "global mobility regime in which crime, immigration and terrorism back up a new paradigm of suspicion." In this sense, Shamir suggests that a security regime "conflates the perceived threats of crime, immigration and terrorism."[413] Shamir moves to identify a system that "targets society as a whole and treats mobility per se as a suspect practice."[414] This is a new order in which stealth authoritarianism is allowed to flourish. Practices under the guise of security laws have often been used to exclude identity groups in nations such as the United States of America (US).

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[412] Berda, "The 'Security Risk' as a Security Risk," 47.
[413] Ibid., 47–48.
[414] Ibid., 48.

The US most notably holds many similar policies and practices to Israel in light of cold-war era and current policies of regulating inclusion and exclusion. Blacklisting in the United States is often based on constructed group labels that are written into law. Amidst cold war hysteria, Congress put into place the Internal Security Act of 1950, which prevented individuals who were believed to be communists from entering the country and, "required the deportation of any alien who at the time of entering the United States, or at any time thereafter, was a 'member' of the communist party."[415] This decision was upheld by *Galvan v. Press* in which the court maintained the constitutionality of exclusion through means of the act.[416]

Currently, instead of communists, the US government seeks out legally designated "terrorists". The Foreign Terrorist Organization (FTO) list, created in accordance with United States Code Title 8 Section 1182 forbids any member or associate of named terrorist organizations from entering the country.[417] Additionally, any support, training or services provided to these organizations is unlawful and subject to treatment by the law.[418] Famously, the late South African president Nelson Mandela was unable to obtain access to the US until 2008 when president George W. Bush removed the African National Congress from the State Department's list of FTOs.[419]

Reminiscent of the cold-war era, in *Reno v. American-Arab Antidiscrimination Committee*, the court ruled that immigrants in deportation proceedings could not advance claims

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[415] Wadie E. Said, "Humanitarian Law Project and the Supreme Court's Construction of Terrorism," *Brigham Young University Law Review* 2011, no. 5 (November 2011): 1468.
[416] Ibid.
[417] "U.S.C. Title 8 - ALIENS AND NATIONALITY," 8, accessed November 9, 2015, http://www.gpo.gov/fdsys/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapII-partII-sec1182.htm.
[418] Bureau of Public Affairs Department Of State. The Office of Website Management, "Foreign Terrorist Organizations," Other Release, *U.S. Department of State*, (May 8, 2009), http://www.state.gov/j/ct/rls/other/des/123085.htm.
[419] Bernd Debusmann, "America, Terrorists and Nelson Mandela," *Reuters Blogs*, accessed November 3, 2015, http://blogs.reuters.com/great-debate/2010/01/15/america-terrorists-and-nelson-mandela/.

that they were being targeted for unfavorable political views, specifically individuals deported because of their alleged affiliations with the Popular Front for the Liberation of Palestine, which is classified as a terrorist group.[420] This deepens the power of border authorities to determine who can and who cannot enter the United States, as many times loose association is used to merit the denial or deportation of individuals under law. Not legitimate fears but discrimination based on ethnicity, country of origin, or appearance determines whether or not individuals will be denied or expelled from the nation.

A new US program, Secure Flight, has led to thousands of travelers of Arab and Middle Eastern descent being added to "bloated" No Fly Lists compiled by the program. It has been found that those put on No Fly Lists have no guarantee that their names will be removed from the list in the case of a mistaken add, as there is no comprehensive redress process under the Secure Flight program.[421] Like Israeli border practices, these blacklists control movement within the US, who can go out, and who can come in, and who, in essence, is banned from joining the US narrative on the basis of generalizations and stereotypes sanctioned by law and policies.

Like in Israel, these new guidelines may affect those who study Arabic or who have traveled to an Arab nation, even when traveling domestically. In 2009, a Pomona College student named Nicholas George, a now Google programmer, was questioned, arrested and detained in a Philadelphia airport for five hours after airport officials saw that he had Arabic language flashcards that contained the words "bomb" and "to kill." He also held a book that was written by a Reagan aide that criticized US foreign policy in the Middle East. George was questioned about the flashcards, the book and the September 11 attacks. In addition, one Transportation Security Administration (TSA) agent remarked in his questioning that Osama Bin Laden spoke

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[420] Said, "Humanitarian Law Project and the Supreme Court's Construction of Terrorism," 1479.
[421] Yevgenia S. Kleiner, "Racial Profiling in the Name of National Security: Protecting Minority Travelers' Civil Liberties in the Age of Terrorism," *Boston College Third World Law Journal* 30, no. 1 (Winter 2010): 135.

Arabic. George missed his flight and couldn't fly out until the next day. Although in 2015 George received a $25,000 settlement, neither the city nor the Justice Department admits wrongdoing. George sums up the experience in a blog post, "TSA agents and the police felt they had the authority to detain and then arrest me, purely on ignorant assumptions about a language spoken by 295 million people worldwide. No one would tell me why I was being not just searched but arrested…And no one knew I was there."[422] A federal judge initially upheld George's right to sue the federal agents over denial of liberty and free speech rights before the appeals courts sided with the TSA agents.[423] This experience poses a larger question of how border security is handled globally in light of pervasive discriminatory practices and how stealth authoritarianism is allowed to pervade in the realm of border practices that may be explored in further studies.

IV. A Practical Border Model?

This study also brings into question the practicalities of a harsh border regime. It ultimately brings to light the possibility for border policies themselves to create potential for increased negative feelings towards Israel as a state. Interviewee #1, an American Jew, said of her experience:

> I think that in my life I'll always be somehow intertwined with Israel. I mean I grew up with Israeli friends and my family does bar mitzvahs and weddings in Israel. It's just that my community is so Zionist. I don't see myself escaping from being invited there. Honestly that's the thing I think about in the next five years. Before this year, I was there three times in three years so what's going to happen if there's another wedding or something I have to decline. I don't know, I don't know what's going to happen then. But I don't want to. I feel bitter and I feel sad because I had such as strong connection and such a positive feeling of being in that place and I loved so much about it, but just so much of me is thinking, well realistically, it takes so much time to get to Israel. There are

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[422] "Student Stopped at Philadelphia International Airport over Arabic Flashcards Wins $25K," *6abc Philadelphia*, accessed March 19, 2016, http://6abc.com/489506/.
[423] Ibid.

so many other places I could be invested in. Why if I'm not welcome should I try to go.[424]

Interviewee #3 was more adamant about her feelings and stated, "I think if anything it just made me feel more angry towards Israel."[425]

Individuals' experiences at the border also led to sympathy by others who were either uninformed about the Israeli state's practices or in support of them. Many of these individuals were Jews who found themselves questioning the practices of a state that purported to represent their voices. Interviewee #1 discussed the impact of her denial on her family. Her mother, who was previously very influenced by her "really really right wing" father began to be more open to other perspectives on Israel. She stated, "For my mother, I think she's kind of really taken my side. Not taken my side, but now she's much more open to view what I have to say not as some young, leftist, crazy thing. Now I think she doesn't want to engage in certain Israel conferences or whatever. Not that that makes me happy but I'm glad that it's getting to her now."[426]

Interviewee #3 reported:

> I mean when I tell people the details they're really surprised. The hardest part for me was coming back and a lot of my friends are Jews and they're pro-Israel…I had this experience that was very real and I'm more informed than a lot of people I know and coming home and being at a dinner party with my parents and their friends and our family friends' kids and being like, "I got my shit handed to me and this is what is going on" everyone was shocked.[427]

She remarked that this led many of her family friends to want to educate their selves further about the region and explore different perspectives than the dominant narrative

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[424] Interview #1. Recorded 11/3/15.
[425] Interview #3. Recorded 11/15/15.
[426] Interview #1. Recorded 11/3/15.
[427] Interview #3. Recorded 11/15/15.

surrounding Israel in their communities. She remarked a family friend, "read a book on it after I told him about it. I mean, he's educating himself, which is cool."[428]

Many individuals also found themselves more involved in activism after their experience. Interviewee #3 started a podcast and newsletter with friends and local Palestinians in her area to increase awareness around issues Palestinians face.[429] Interviewee #7 stated, "If anything it inspired me to be more active in Palestinian affairs. Now I want to go to every Students for Justice in Palestine meeting and protest on the streets and be very vocal because I feel so connected to the conflict."[430] In this sense, the Ministry of the Interior may be breeding more contempt for Israel as a state though their policies of exclusion.

V. Conclusion

The 110 individuals turned away from Israel's external border crossings were seemingly turned away on the basis of their identity as Palestinian Americans, Arab Americans, Muslim Americans, Black Americans or US activists. Discretion was given to border officials through the creation of space in which law could be used flexibly to justify the actions of the state. Border officials at the external Israeli border at this time more than ever have the power to inscribe borders in the way they please, in a world in which security has become increasingly the impetus for denial or banning of individuals. Policies have been able to keep officials distanced from algorithms that mark those as "objective enemies" and thus not take responsibility for enforcing discriminatory policies. Routes of redress have slowly disappeared as the excuse of "security reasons" has become increasingly accepted as a reason for denial without the need for challenging.

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[428] Interview #3. Recorded 11/15/15.
[429] Interview #3. Recorded 11/15/15.
[430] Interview #7. Recorded 2/2/16.

This study also expands upon the idea of Israel as "ethnocracy," as frequently individuals were targeted for exclusion due to identity as or association with Palestinian, Arab or Muslim individuals. In addition, individuals were targeted for exclusion because of association with organizations or individuals that focus on peacebuilding or Palestinian solidarity work. In this sense, solidarity itself is something that is characterized as a threat to the state of Israel. This creates a potential hybrid ethnocracy model that exists in Israeli border practices and beyond. In this model, activism overrides the issue of ethnicity and leads even to Jewish individuals being denied or banned at the external Israeli border crossings. Future research may wish to examine the role of an ethnocracy that targets not only groups based on ethnicity or physical appearance but those who can be marked as in solidarity with the Palestinian liberation cause. These tenets of ethnocracy were upheld by stealth authoritarianism in a way that maintained a veneer of democracy. This knowledge may serve as a tool in the future to address Israeli policies that are seemingly legal but also discriminatory and exclusionary.

This study only addresses the so-called "tip of the iceberg" of this phenomenon of denial of entry at the external Israeli border crossings. 110 appear to be just a fraction of the individuals denied and banned at the external Israeli border crossings. In addition, because this study did not address the experience of those who were not denied or banned from the border crossings, it is not possible from this particular set of data to determine whether specific factors have a statistically significant effect on the denial or banning of individuals. Because this study is the first of its kind, it may serve as an introduction to the phenomenon and some of its main characteristics and theoretical implications. In the future, individuals may want to survey a greater number and variety of individuals who have travelled to Israel in order to reach a wider and more inclusive sample. In addition, scholars could further examine Israeli law governing

entry and exit through examining court case-files referencing the Entry into Israel Law, 5712-1952 in order to more fully examine the law and its application over time. Finally, individuals may wish to talk more directly with Israeli officials in order to further explore the reasoning and implications behind denial and bans of US citizens.

Denying or banning individuals at the external Israeli border crossings may afford Israel more critics than less. These practices led to those previously uninformed about Israeli policies to view the state in an increasingly negative light. Further, these practices led individuals to feel more dedicated to Palestinian liberation activism as the experience of denial led many to feel connected to the oppressed Palestinian population in Israel proper, the West Bank, and Gaza. On a larger scale, Berda warns that by targeting non-violent activists, at the external borders as well as within Israel proper and the occupied Palestinian territories, and punishing them the same as violent actors, individuals may be motivated to turn to more violent means in their fight for liberation, as they seemingly have nothing to lose.[431]

It is time for clearer laws and regulations governing the external Israeli border crossings. There still stands a court order from 2007 calling for the provision of guidelines dictating who may be denied, with no response. There also must be clearer routes of redress to challenge these potentially discriminatory denials and bans. The practice must cease in the way it is currently manifested—the targeting and denial of individuals based on identity group is not a sustainable practice, as it may serve to breed contempt, and maintains Israel's ethnocracy by targeting Palestinian individuals and those perceived to be in solidarity with them. It is also time to examine more closely violence against Palestinians in Israel proper and the occupied territories and how the law is leveraged daily to justify the subjugation, expulsion, and killing of Palestinian individuals throughout the process of the creation of Israel as a "Jewish state." The

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[431] Berda, "The 'Security Risk' as a Security Risk," 55.

presence of stealth authoritarianism is a frightening reality, which has allowed Israeli officials on multiple levels to justify policies and laws that intentionally target Palestinian individuals for exclusion. There is no room in any present theoretical framework of statehood or sovereignty for a state in which equal rights are not conferred to all inhabitants independent of identity group. In this year of 2016, 69 years after the United Nations partition plan, it is time that Israel is held accountable for practices of stealth authoritarianism at its external border crossings and beyond.

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APPENDEX A: DATASET

Table 1: All individuals denied or banned 1987-2015

Name	Date	Number Denied
30 other Americans of Palestinian descent	1-Jan-87	30
Nawal Hamad	26-Jun-87	5
Marvin Vaugh	26-Jun-87	1
Abdeen Jabara	16-Dec-88	1
American Muslims for Jerusalem	16-Jun-02	20
Michael Tarazi	3-Jul-02	1
Mohammed Osman Idris and Mohammed El Yacoubi	13-Dec-02	2
Ann Petter	23-Jun-04	1
Jamie Spector	10-Jul-04	1
Pal Larudee	7-Jun-06	1
Janessa Gans	21-Dec-06	1
Steven and Wedad Yacoub	18-Aug-07	12
Norman Finkelstein	24-May-08	1
Richard Falk	14-Dec-08	1
Sean O'Neill	27-Sep-09	1
Faith Rowold	12-Jan-10	1
Jared Malsin	12-Jan-10	1
Abeer Afana	16-May-10	1
Noam Chomsky	16-May-10	2
First "Welcome to Palestine" Event	9-Jul-11	2
Najwa Doughman and Sasha Al-Sarabi	Jun-12	2
Sandra Tamari	18-Jun-12	1
Third "Welcome to Palestine" initiative	Aug-12	3

100 pro-Palestinian activist		
Yara Karmalawy	30-Sep-12	1
Nour Joudah	Jan-13	1
Adam Shapiro	Apr-13	1
Laura Arena	Mar-13	1
Idit Malka	12-Jun-15	2
Interviewee 2	29-Jun-15	1
Interviewee 1	05-Jul-15	1
George Khoury	21-Jul-15	1
Nardeen Kiswani	22-Jul-15	1
Habib Joudeh	23-Jul-15	3
Susan Abulhawa	28-Jul-15	1
Interviewee 4	2-Aug-15	1
Interviewee 7	18-Dec-15	1
Interviewee 5	10-Jun-15; 5-Oct-15	1
Interviewee 3	27-Jun-15	1

Table 2: Coded data

Name	Jewish	Muslim	Christian	Black	Palestinian	Arab	Activist
Americans of Palestinian descent_1				2	1	1	
Americans of Palestinian descent_2				2	1	1	
Americans of Palestinian descent_3				2	1	1	
Americans of Palestinian descent_4				2	1	1	
Americans of Palestinian descent_5				2	1	1	
Americans of Palestinian descent_6				2	1	1	
Americans of Palestinian descent_7				2	1	1	
Americans of Palestinian descent_8				2	1	1	
Americans of Palestinian descent_9				2	1	1	
Americans of Palestinian descent_10				2	1	1	
Americans of Palestinian descent_11				2	1	1	
Americans of Palestinian descent_12				2	1	1	
Americans of Palestinian descent_13				2	1	1	

Americans of Palestinian descent_14				2	1	1	
Americans of Palestinian descent_15				2	1	1	
Americans of Palestinian descent_16				2	1	1	
Americans of Palestinian descent_17				2	1	1	
Americans of Palestinian descent_18				2	1	1	
Americans of Palestinian descent_19				2	1	1	
Americans of Palestinian descent_20				2	1	1	
Americans of Palestinian descent_21				2	1	1	
Americans of Palestinian descent_22				2	1	1	
Americans of Palestinian descent_23				2	1	1	
Americans of Palestinian descent_24				2	1	1	
Americans of Palestinian descent_25				2	1	1	
Americans of Palestinian descent_26				2	1	1	
Americans of Palestinian descent_27				2	1	1	

Americans of Palestinian descent_28				2	1	1	
Americans of Palestinian descent_29				2	1	1	
Americans of Palestinian descent_30				2	1	1	
Nawal_Hamad_1	2	1	2	2	1	1	2
Nawal_Hamad_2	2	1	2	2	1	1	2
Nawal_Hamad_3	2	1	2	2	1	1	2
Nawal_Hamad_4	2	1	2	2	1	1	2
Nawal_Hamad_5	2	1	2	2	1	1	2
Marvin Vaugh				1	2	2	2
Abdeen Jabara				2	1	1	1
American Muslims for Jerusalem_1	2	2	1				1
American Muslims for Jerusalem_2	2	2	1				1
American Muslims for Jerusalem_3	2	2	1				1
American Muslims for Jerusalem_4	2	1	2				1
American Muslims for Jerusalem_5	2	1	2				1
American Muslims for Jerusalem_6	2	1	2				1

American Muslims for Jerusalem_7	2	1	2			1
American Muslims for Jerusalem_8	2	1	2			1
American Muslims for Jerusalem_9	2	1	2			1
American Muslims for Jerusalem_10	2	1	2			1
American Muslims for Jerusalem_11	2	1	2			1
American Muslims for Jerusalem_12	2	1	2			1
American Muslims for Jerusalem_13	2	1	2			1
American Muslims for Jerusalem_14	2	1	2			1
American Muslims for Jerusalem_15	2	1	2			1
American Muslims for Jerusalem_16	2	1	2			1
American Muslims for Jerusalem_17	2	1	2			1
American Muslims for Jerusalem_18	2	1	2			1
American Muslims for Jerusalem_19	2	1	2			1
American Muslims for Jerusalem_20	2	1	2			1

Michael Tarazi	2	2	1	2	1	1	1
Mohammed Osman Idris	2	1	2	2	2	1	2
Mohammed El Yacoubi	2	1	2	2	2	1	2
Ann Petter				2	2	2	1
Jamie Spector	1	2	2	2	2	2	1
Paul Larudee	2	2	1	2	2	2	1
Janessa Gans	2	2	1	2	2	2	1
Steven and Wedad Yacoub_1	2	1	2	2	1	1	2
Steven and Wedad Yacoub_2	2	1	2	2	1	1	2
Steven and Wedad Yacoub_3	2	1	2	2	1	1	2
Steven and Wedad Yacoub_4	2	1	2	2	1	1	2
Steven and Wedad Yacoub_5	2	1	2	2	1	1	2
Steven and Wedad Yacoub_6	2	1	2	2	1	1	2
Steven and Wedad Yacoub_7	2	1	2	2	1	1	2
Steven and Wedad Yacoub_8	2	1	2	2	1	1	2
Steven and Wedad Yacoub_9	2	1	2	2	1	1	2
Steven and Wedad Yacoub_10	2	1	2	2	1	1	2

Steven and Wedad Yacoub_11	2	1	2	2	1	1	2
Steven and Wedad Yacoub_12	2	1	2	2	1	1	2
Norman Finkelstein	1	2	2	2	2	2	1
Richard Falk	1	2	2	2	2	2	1
Sean O'Neill	2	2	1	2	2	2	1
Faith Rowold	2	2	1	2	2	2	1
Jared Malsin	1	2	2	2	2	2	1
Abeer Afana	2	1	2	2	1	1	1
Noam Chomsky	1	2	2	2	2	2	1
Noam Chomskys_Daughter	1	2	2	2	2	2	
1stWelcome_1							1
1stWelcome_2							1
Sasha Al-Sarabi				2	1	1	1
Najwa Doughman				2	1	1	1
Sandra Tamari				2	1	1	1
3rdWelcometoPalestine_1							1
3rdWelcometoPalestine_2							1
3rdWelcometoPalestine_3							1
Yara Karmalawy	2	1	2	2	1	1	1
Nour Joudah	2	2	1	2	1	1	
Adam Shapiro	1	2	2	2	2	2	1
Laura Arena	2	2	1	2	2	2	1
IditMalka_1	1	2	2	1	2	2	2
IditMalka_2	1	2	2	1	2	2	2
Interviewee 2				2	2	2	1

Interviewee 1	1	2	2	2	2	2	1
George Khoury	2	2	1	2	1	1	1
Nardeen Kiswani	2	1	2	2	1	1	1
HabibJoudeh_1	2	1	2	2	1	1	2
HabibJoudeh_2	2	1	2	2	1	1	2
HabibJoudeh_3	2	1	2	2	1	1	2
Susan Abulhawa				2	1	1	1
Interviewee 4				2	2	2	1
Interviewee 7				2	2	2	1
Interviewee 5	2	2	1	2	2	2	1
Interviewee 3	1	2	2	2	2	2	1

Key: 1=Yes; 2=No; 3=Data Unavailable/Missing

APPENDIX B: DOCUMENTS

Letter to airlines in light of the "Welcome to Palestine" Events:

Ministry of Interior

Population Immigration and Border Authority

Ben Gurion airport unit

11 אפריל 2012

מדינת ישראל   משרד הפנים

State Of Israel

רשות האוכלוסין

הגירה ומעברי הגבול אשכול נתב"ג

To all Airlines

Subject : <u>Denied entry</u>

1. Due to statements of pro-Palestinian radicals to arrive on commercial flights from abroad to disrupt the order and confront security forces at friction points, it was decided to deny their entry in accordance with our authority according to the Law of entry to Israel 1952.

2. Attached is a list of passengers that are denied entry to Israel. In light of the above mentioned, you are ordered not to board them on your flights to Israel.

3. Failure to comply with this directive will result in sanctions against the airlines.

4. This list is partial and at a later stage you will be advised of additional names.
   Most likely there will be additional activists, that their names we will not be able to advice of in advance, that their entry to Israel will be denied.

Amnon Shmueli
Chief of Israel Immigration Authority
Ben-Gurion Int'l Airport

מוקד מידע ארצי: 3450-*

כתובת: נמל התעופה בן גוריון טרמינל 3, ת.ד 206 לוד

<u>לכבוד – חברות התעופה</u>

הנדון : <u>מסורבי כניסה.</u>

1. לאור הצהרת פעילים פרו- פלסטינים רדיקליים להגיע בטיסות מסחריות מחו"ל על מנת להפר את הסדר ולהתעמת עם כוחות הביטחון בנתב"ג ובמוקדי חיכוך נוספים, הוחלט לאסור כניסתם בהתאם לסמכותנו ע"פ חוק הכניסה לישראל תשי"ב-1952 .

2. מצ"ב רשימת נוסעים שכניסתם למדינת ישראל נאסרה, לאור האמור הנכם נדרשים לא להעלותם לטיסות המגיעות למדינת ישראל.

3. אי קיום הנחייה זו עלול לגרור הפעלת סנקציות כנגד חברות התעופה.

4. רשימה זו היא חלקית בלבד ובהמשך יועברו אליכם שמות נוספים. קיימת סבירות גבוהה לכך כי תמנע כניסתם לישראל של פעילים נוספים שאת שמותיהם לא נוכל להעביר אליכם מראש.

בברכה
אמנון שמואלי
מנהל אשכול נתב"ג

מוקד מידע ארצי: 3450-*

כתובת: נמל התעופה בן גוריון טרמינל 3, ת.ד 206 לוד

Source: http://jfjfp.com/?p=29778

Second "Welcome to Palestine" Event Document:

April 15, 2012

Dear activist,

We appreciate your choosing to make Israel the object of your humanitarian concerns.
We know there were many other worthy choices.

You could have chosen to protest the Syrian regime's daily savagery against its own people, which has claimed thousands of lives.

You could have chosen to protest the Iranian regime's brutal crackdown on dissent and support of terrorism throughout the world.

You could have chosen to protest Hamas rule in Gaza, where terror organizations commit a double war crime by firing rockets at civilians and hiding behind civilians.

But instead you chose to protest against Israel, the Middle East's sole democracy, where women are equal, the press criticizes the government, human rights organizations can operate freely, religious freedom is protected for all and minorities do not live in fear.

We therefore suggest that you first solve the real problems of the region, and then come back and share with us your experience.

Have a nice flight.

Source: http://jfjfp.com/?p=29778

Denial Letter June 2015:

החלטה בדבר סירוב כניסה לפי חוק הכניסה לישראל, התשי"ב – 1952
Decision Concerning Denial of Entry According to the Entry into Israel Law, 5712-1952

בתוקף סמכותו של שר הפנים לפי חוק הכניסה לישראל, התשי"ב – 1952 (להלן: החוק), אשר הועברה אליי
בהתאם לסעיף 16(א) לחוק, ולאחר בירור שנערך בהתאם לסעיף 9 לחוק, הוחלט כי האדם שפרטיו רשומים להלן
אינו רשאי להיכנס לישראל:

By virtue of the authority of the Minister of Interior pursuant to the Entry into Israel Law, 5712-1952
(hereinafter: the Law), that was delegated to me pursuant to Section 16(A) of the Law, and following
checks conducted pursuant to Section 9 to the Law, it was decided that the person whose details are
specified below is not permitted to enter into Israel:

Reason for denial: סיבת הסירוב:

- Prevention of illegal immigration considerations   • שיקולי מניעת הגירה בלתי חוקית
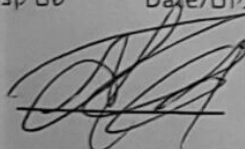- Public security or public safety or public order   • שיקולי בטחון הציבור או שלום הציבור או הסדר
  considerations   הציבורי

הנ"ל יורחק מישראל לפי סעיף 10(א) לחוק בהקדם האפשרי ועד אז יוחזק במקום שנקבע לכך.
כל אימת שהנ"ל יבקש לבקר בישראל בעתיד, יהיה עליו להגיש בקשה מראש והיא תיבחן בהתאם לנסיבות באותה
עת.

The abovementioned individual will be removed from Israel pursuant to Section 10(A) of the Law as
soon as possible and until that time will be held in a location designated for this purpose.

Should the abovementioned individual request to visit Israel in the future, he/she will be required to
submit a request in advance which will be examined in accordance with the circumstances at the
time.

מעבר אלנבי
Alenby Border Crossing   29/06/2015

דרור זרזר
Name of border control officer / שם קצין ביקורת הגבולות   Date/ביום   Issued in / ניתן ב

I hereby confirm by my signature that   אני מאשר בחתימתי כי נמסרה
the decision was delivered to me.   Signature: לידיי החלטה זו.   חתימה:

Source: Anonymous interviewee