

Juan Cole and Judicial Opinions



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by Gary Fouse

“It is every individual’s obligation to confront the current siege in Gaza”

-US District Court Judge Jeffrey S. White

University of Michigan comedian Juan Cole has picked out a ruling by a federal judge in the Northern District of California in which the judge dismisses a complaint brought by a group of US-based Palestinians that sought the court to order President Biden to “end support for the genocide of Palestinians in Gaza” by Israelis, or some such rot. However, in dismissing the case, US District Court Judge Jeffrey S. White (who is based in Oakland of all places) goes on a propagandist rant against Israel’s war against Hamas while conceding the obvious: That the court has no jurisdiction to

dictate Biden's foreign policy, a decision he could have given in ten words or less. Cole's analysis, which is currently appearing in his curiously-named blog, *Informed Comment*, can be accessed [here](#).

In quoting large segments from White's ruling as to the actions of Israel in Gaza and the Biden administration's "support" for Israel, Cole gets it right in one respect: It is truly remarkable but in a negative sense.

On the surface, it seems hard to pigeonhole White as a leftist, activist judge. He was nominated to the federal bench by President George W. Bush. However, to insert all that irrelevant language into his ruling strikes me as activism even if he failed to give the Palestinian activist groups the ruling they wanted. What the judge should have stated was that notwithstanding the merits or lack thereof of the matter at hand, the court had no jurisdiction. Dismissed, period, full stop. To throw in all his personal opinions about Israel's war vis-a-vis Hamas and/or the Palestinian people was pure political theatre, unprofessional at best, and unethical at worst. But even an extremist judge would know that he/she could never get away with ordering a president to cease supporting an ally at war. Any such ruling would have been quickly reversed, much to the judge's chagrin. One wonders how Judge White would propose enforcing "every individual's obligation to confront the current siege in Gaza."

For Cole to pick out and embrace the political grandstanding of this judge is hardly a surprise. Cole is a professor whose specialty is Middle East history, but he apparently fancies himself as a polymath. His principal cause is that of the Palestinians and as such, he is a longtime critic of Israel—even in the face of the horrific October 7 attack by Hamas. When it comes to the subject of Islam, Cole's writings are downright hagiographic—witness the title of his "opus" work, "Muhammad: Prophet of Peace Amid the Clash of Empires", as described in this hagiographic [book review](#) by [Eleni Zaras](#) in

the staunchly anti-Israel Washington Report on Middle East Affairs.

It seems Cole would be perfectly happy that a federal judge somewhere could order a president to cease giving aid to an allied country under attack. What if some federal judge somewhere could order a president to **attack** a particular country, like Israel, Canada, or France, for example? Ridiculous? Of course, but so is the idea that a judge could order a president to cease support to Israel. This case should have been summarily laughed out of court, not given the dignity of a judge's personal political opinions.