A year later, Senate letter against ICC drops to 57 signatures

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By [Marc Rod](https://jewishinsider.com/authors/marc-rod/)

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Fifty-seven senators have signed onto a [letter](https://www.portman.senate.gov/sites/default/files/2021-03/Portman%20and%20Cardin%20ICC%20Letter.pdf) written by Sens. Rob Portman (R-OH) and Ben Cardin (D-MD) criticizing the International Criminal Court’s decision to launch a formal investigation of Israel. A larger group of 69 senators signed onto a similar letter in May 2020 — a supermajority of the Senate, Portman [boasted at the time](https://www.portman.senate.gov/newsroom/press-releases/portman-cardin-lead-bipartisan-senate-call-secretary-pompeo-defend-israel).

The final version of the letter, which was sent to Secretary of State Tony Blinken on March 11 after the ICC announced it would officially investigate Israel for war crimes, praised the secretary for denouncing the decision and expressed concern over the ICC’s actions.

“We believe that the United States should stand in full force against the ICC’s Pre-Trial Chamber’s decision,” the letter reads. “We also urge you to work with like-minded international partners to steer the ICC away from further actions that could damage the Court’s credibility by giving the appearance of political bias. We ask that you give this matter your full attention and that you continue to defend Israel against discriminatory attacks in all international fora.”

The [initial draft of the letter](https://jewishinsider.com/2021/03/senate-letter-international-criminal-court-portman-cardin/) obtained by *Jewish Insider*on March 1, before the ICC’s pre-trial chamber decided to proceed with an investigation of Israel, urged Blinken to “issue a more forceful condemnation of the Court’s actions,” a call that is missing from the final version.

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Fourteen current senators — 11 Republicans and three Democrats — who signed the 2020 letter did not sign the letter sent earlier this month: Senate Majority Leader Chuck Schumer (D-NY), Senate Minority Leader Mitch McConnell (R-KY), and Sens. Kevin Cramer (R-ND), Richard Burr (R-NC), Roy Blunt (R-MO), Thom Tillis (R-NC), Steve Daines (R-MT), Joni Ernst (R-IA), Ron Johnson (R-WI), Jim Inhofe (R-OK), Ted Cruz (R-TX), Lindsey Graham (R-SC), Kirsten Gillibrand (D-NY) and Catherine Cortez Masto (D-NV).

Five Republicans who did not sign last year’s letter joined this one, as did four new senators — two Democrats and two Republicans.

A source familiar with the situation told JI that every senator on both sides of the aisle was contacted about the letter — Republicans by Portman’s office and Democrats by Cardin. But spokespeople for Graham and Tillis said they were never contacted.

“[Sen. Tillis] was happy to sign it last year, and would have been happy to sign it again as he staunchly opposes the ICC’s unfair and unwarranted treatment of Israel,” Tillis spokesperson Daniel Keylin said.

In a statement to JI, Jessica Skaggs, a spokesperson for Cruz, described the senator as “a leader in countering the ICC’s overreach and politicized attacks on Israel.” Skaggs added that Cruz is “considering how to respond to the ICC’s newest campaign.”

[*The Daily Beast* reported](https://www.thedailybeast.com/sen-ted-cruz-hatches-plan-to-curtail-the-international-criminal-courts-power) in early March that Cruz is working on a resolution calling on the United Nations Security Council to block the ICC from bringing charges against individuals from non-ICC member states. The resolution would also condemn the ICC for investigating Americans and Israelis.

Cardin and Portman’s offices did not provide comment for this story.