



# War by Other Means

## A History of Anti-Israel Boycotts, From the Arab League to BDS

David May  
January 2020



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The top image depicts protesters during a pro-Palestinian demonstration in Paris on August 2, 2014. The bottom image depicts Arab soldiers marching during Israel's 1948 War of Independence. (Photos by Dominique Faget / AFP via Getty Images; John Phillips / The LIFE Picture Collection via Getty Images)

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## Introduction

The Boycott, Divestment, and Sanctions campaign, or BDS, is the most recent iteration of a century-old effort to attack the legitimacy and economic viability of the Jewish state and its precursors. Arabs initiated boycotts of Jewish businesses in the Holy Land in the early 20<sup>th</sup> century, with the goal of preventing the establishment of a Jewish state. The Arab League declared a comprehensive boycott in 1945, first to reinforce these efforts, then to reverse the outcome of Israel's War of Independence. In other words, these countries sought the annihilation of the Jewish state.

In pursuit of its boycott, the Arab League sought to leverage the disparity between the size and wealth of its members' oil-rich markets and the diminutive Israeli economy. The former represented a tantalizing prospect for companies large and small. To access them, however, the Arab League insisted that companies not trade with Israel or even with other companies that did. The boycott forced numerous major corporations to avoid or cut ties with the Jewish state.

American anti-boycott measures and inconsistent enforcement by Arab League member states convinced many companies to reject the boycott. The Arab League boycott lost further steam during the Palestinian-Israeli peace process in the 1990s, which saw the Palestinian Authority officially accept economic relations with Israel. When the peace process unraveled, however, non-governmental organizations (NGOs) revived the boycott.

Western activists and NGOs helped develop the campaign's infrastructure, including the July 2005 "Call for Boycott, Divestment, and Sanctions Against Israel," from which the campaign takes its name. BDS has borrowed heavily from the anti-apartheid campaign that brought down the South African regime in the

1990s. The attempt to conflate Israel and apartheid South Africa is libelous and disingenuous, as Israel grants equal rights to all its citizens, Arab and Jewish alike. Nevertheless, BDS has found receptive audiences on college campuses and among certain NGOs and church groups.

While BDS pressure campaigns have convinced some sizable firms to break off relations with Israel or cancel significant projects, Israel's emergence as a global technology leader has frustrated the campaign. Israel enjoys significant investment by major multinationals, such as Google, IBM, and Intel. In macroeconomic terms, Israel continues to grow at an impressive rate, while inflation remains low. With its per capita income approaching that of Italy and South Korea, Israel has cemented its place in the top tier of global economies.<sup>1</sup>

Focusing only on the negligible economic impact of BDS, however, ignores the campaign's goal of seeking to turn Israel into a pariah state. BDS magnifies, exaggerates, and distorts perceived Israeli abuses, while shrugging off egregious human rights violations elsewhere around the world. This fact is not lost on those pressured by the campaign. During a July 2019 Belfast City Council debate on sending a trade mission to Israel, a councilor noted "an element of hypocrisy" in boycotting Israel but not human rights violators such as China. "I'm pretty sure the million Muslims who are in a concentration camp in China would make similar requests, but they can't," the councilor remarked.<sup>2</sup>

The 2005 BDS charter lists a series of demands that obfuscates more than it clarifies. Activists employ the language of human rights, social justice, and compromise to appeal to audiences who are concerned for Palestinians but may not want to endorse a project whose goal is Israel's annihilation.

Yet a number of BDS leaders have been quite candid about their goal. Omar Barghouti, one of the founders

1. U.S. Central Intelligence Agency, "The World Factbook, Country Comparison: GDP Per Capita," accessed December 6, 2019. (<https://www.cia.gov/library/publications/the-world-factbook/fields/211rank.html>)

2. David May, "Belfast's power vacuum leads to Titanic BDS troubles," *The Times of Israel* (Israel), July 25, 2019. (<https://blogs.timesofisrael.com/belfasts-power-vacuum-leads-to-titanic-bds-troubles/>)

of the BDS campaign, has stated that “accepting Israel as a ‘Jewish state’ on our land is impossible” and that the only solution is “euthanasia” for Israel.<sup>3</sup> Ahmed Moor, co-editor of *After Zionism*, has said: “BDS does mean the end of the Jewish state.”<sup>4</sup>

This monograph explores the history, strategy, tactics, ideology, and actors behind the economic warfare campaign targeting Israel. It concludes with policy recommendations for the U.S. government to consider.

## The Rise and Fall of the Arab Boycott

At the turn of the 20<sup>th</sup> century, Jews began to flee Europe to escape persecution that would eventually escalate into genocide. Many of them sought refuge in the ancient homeland of the Jewish nation – which the Romans had re-named “Palestine,” and which Great Britain was authorized to administer under a mandate from the League of Nations. Many Arabs, both in Palestine and in neighboring countries founded following the collapse of the Ottoman Empire, opposed Jewish immigration despite the fact that the territory was sparsely populated.

During the Fifth Palestine Arab Congress in 1922, Arab leaders encouraged an official boycott of Jewish businesses, as they would at subsequent conferences. Palestinian groups launched attacks against Jewish

businesses and immigration in 1929 and again from 1936-1939 during what later became known as the “Great Revolt.”<sup>5</sup> In 1938, Jews in Germany also became the targets of pogroms, violent attacks on Jews and Jewish-owned businesses, known as *Kristallnacht* (“The Night of Broken Glass”) for the smashing of glass windows.<sup>6</sup> In 2019, the German parliament passed a resolution charging that the BDS campaign had revived the Nazi motto “Don’t buy from Jews.”<sup>7</sup>

On December 2, 1945, three years before Israel’s founding, the newly founded League of Arab States sought to address “the Zionist danger” by enacting a general boycott of the Jewish presence in Palestine.<sup>8</sup> After the creation of the State of Israel in 1948, the Arab League intensified its efforts, launching a three-pronged campaign. The primary boycott forbade Arab states, including their businesses and citizens, from trading with Israel. This campaign expanded in 1950, adding a secondary boycott that banned Arab countries from engaging with companies that did business with Israel.<sup>9</sup> The League even created a blacklist for companies caught doing business with Israel. Finally, a tertiary boycott forbade commerce with companies that engaged with corporations on the blacklist. To oversee implementation of the boycott, the Arab League created a Central Boycott Office in Damascus, Syria, in 1951. Egypt’s embargo on Israeli maritime trade passing through the Suez Canal and the Gulf of Aqaba proved the most effective element of the

3. Omar Barghouti, “Relative Humanity: The Fundamental Obstacle to a One-State Solution in Historic Palestine,” *The Electronic Intifada*, January 6, 2004. (<https://electronicintifada.net/content/relative-humanity-fundamental-obstacle-one-state-solution-historic-palestine-12/4939>)

4. Ahmed Moor, “BDS is a long term project with radically transformative potential,” *MondoWeiss*, April 22, 2010. (<https://mondoweiss.net/2010/04/bds-is-a-long-term-project-with-radically-transformative-potential/>)

5. Terence Prittie and Walter Henry Nelson, *The Economic War Against the Jews* (London: Secker & Warburg, 1978), page 9.

6. “Kristallnacht,” *The United States Holocaust Memorial Museum*, accessed December 19, 2019. (<https://www.ushmm.org/collections/bibliography/kristallnacht>)

7. Katrin Bennhold, “German Parliament Deems B.D.S. Movement Anti-Semitic,” *The New York Times*, May 17, 2019. (<https://www.nytimes.com/2019/05/17/world/europe/germany-bds-anti-semitic.html>)

8. Terence Prittie and Walter Henry Nelson, *The Economic War Against the Jews* (London: Secker & Warburg, 1978), page 10; Muhammad Khalil, *The Arab States and the Arab League: A Documentary Record*, Vol. I: Constitutional Developments (Beirut: Khayats, 1962), page 161. The Arab League was established on March 22, 1945.

9. Israeli Ministry of Foreign Affairs, “Egyptian Decree Regarding Navigation in the Suez Canal,” February 6, 1950. (<http://www.israel.org/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/1%20Egyptian%20Decree%20Regarding%20Navigation%20in%20the%20Suez.aspx>)

boycott prior to 1979, when Egypt and Israel signed a peace treaty.<sup>10</sup>

International corporations varied in their responses to the boycott. While Japanese companies including Bridgestone, Fuji-Telecommunications, Hitachi, Kawasaki, and Toshiba adhered to the boycott, Sony and Subaru continued their operations in Israel.<sup>11</sup> In 1966, the Arab League blacklisted the American firm RCA Records for granting a license to the Israeli record company Hed Artzi. RCA consequently lost 90 percent of its business in the Arab world.<sup>12</sup> In July 1964, the Central Boycott Office threatened to exclude Chase Manhattan Bank for facilitating Israel's bond issues in the United States, but Chase withstood the pressure and went on to operate in both Israel and the Arab world.<sup>13</sup> American Express and French automaker Renault vacillated between compliance and non-compliance with the boycott.<sup>14</sup>

Angered that the Arab world was trying to dictate how America did business, the U.S. Congress eventually stepped in. Members especially resented the Arab League's demand that companies doing business in the Middle East not employ Jews.<sup>15</sup> Notably, in December 1963, Arab League pressure forced the resignation of Lord Mancroft, a Jewish director of the Norwich Union Insurance Society of England. A Damascus-based spokesperson for the boycott warned of consequences for "companies which had Jewish money." Congress passed various resolutions that opposed the boycott but lacked specific

penalties. Several state legislatures and municipalities also passed laws prohibiting compliance with the Arab League boycott.<sup>16</sup> A 1965 amendment to the Export Control Act went a step further, declaring it to be U.S. policy to oppose anti-Israel boycotts and requiring companies to report boycott requests to the U.S. Department of Commerce's Office of Export Control. Successive administrations opposed more forceful anti-boycott legislation.<sup>17</sup>

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The Arab League boycott reached its zenith with the 1973 Arab oil embargo, initiated after Washington sent military equipment to Israel that helped turn the tide of the Yom Kippur War. Afterwards, several oil-rich Arab states refused to sell oil to the United States, Israel, or other countries perceived to be friendly to the Jewish state. Though the embargo lasted only five months, it caused a global financial crisis.<sup>18</sup>

The embargo left Washington little choice but to fight back. In January 1976, the U.S. Department of Justice filed a civil action against Bechtel Corporation for violating the Sherman Antitrust Act by taking part in the Arab League boycott.<sup>19</sup> Bechtel agreed

10. Aaron J. Sarna, *Boycott and Blacklist* (New Jersey: Rowman & Littlefield, 1986), pages 11-14.

11. Gil Feiler, *From Boycott to Economic Cooperation* (London: Frank Cass Publishers, 1998), page 249.

12. *Ibid.*, page 154.

13. Eric Pace, "Boycott Of R.C.A. Is Voted By Arabs; Ban Will Affect Imports of All Subsidiaries' Products No Notice of Ban Received," *The New York Times*, November 27, 1966. (<https://timesmachine.nytimes.com/timesmachine/1966/11/27/296397452.html?pageNumber=13>)

14. Aaron J. Sarna, *Boycott and Blacklist*, (New Jersey: Rowman & Littlefield, 1986), pages 15-17.

15. *Ibid.*, page 22.

16. *Ibid.*, page 105.

17. *Ibid.*, pages 86-87.

18. Terence Prittie and Walter Henry Nelson, *The Economic War Against the Jews* (London: Secker & Warburg, 1978), pages 19-20.

19. Nancy Turck, "The Middle East: The Arab Boycott of Israel," *Foreign Affairs*, April 1977. (<https://www.foreignaffairs.com/articles/middle-east/1977-04-01/middle-east-arab-boycott-israel>)

to settle in 1977.<sup>20</sup> In May 1976, the Securities and Exchange Commission filed a complaint against General Tire and Rubber Company for violating federal securities law by failing to disclose payments the firm had made to be removed from the Arab League blacklist.<sup>21</sup> The company settled the lawsuit and acknowledged that it paid \$150,000 to end its exclusion from Arab countries.<sup>22</sup>

The Arab League boycott became a major issue during the 1976 presidential campaign, with challenger Jimmy Carter complaining that incumbent President Gerald Ford was not doing enough to counter it. True to his pledge, President Carter supported measures such as the Ribicoff Amendment to the Tax Reform Act of 1976 and the Export Administration Act (EAA) of 1977, which penalized American companies complying with the boycott.<sup>23</sup> The EAA created the Office of Antiboycott Compliance within the Commerce Department's Bureau of Industry and Security to oversee the U.S. response to boycott attempts. After the EAA lapsed in 2001, its anti-boycott and other provisions were kept in force for 17 years by an executive order issued pursuant to the president's authorities under the International

Emergency Economic Powers Act. In 2018, Congress passed, and President Donald Trump signed into law, the Export Control Reform Act, which contains anti-boycott provisions nearly identical to those contained in the EAA.<sup>24</sup>

The Commerce Department has levied fines on companies for complying with the Arab League boycott. In 1983, Citibank agreed to pay a fine of \$323,000, while Sara Lee and Safeway settled in 1988 for \$725,000 and \$995,000, respectively.<sup>25</sup> The Commerce Department continued anti-boycott enforcement in the 1990s, with settlements of \$1.4 million by L'Oreal and \$6 million by Baxter International.<sup>26</sup>

The Arab League campaign ultimately petered out because each member state determined the extent of its own participation and because the League had no enforcement mechanism. Moreover, the boycott included many loopholes that allowed businesses to sell both to Arab countries and to Israel. And when the boycott did succeed, it prompted resentment among the affected countries.<sup>27</sup>

20. William H. Jones, "Bechtel Settles Suit with Pledge to Stop Arab Boycott Role," *The Washington Post*, January 11, 1977. ([https://www.washingtonpost.com/archive/business/1977/01/11/bechtel-settles-suit-with-pledge-to-stop-arab-boycott-role/65d6df9e-9a50-45ae-929e-b12d83cedbcb/?utm\\_term=.0adbeaa0a047](https://www.washingtonpost.com/archive/business/1977/01/11/bechtel-settles-suit-with-pledge-to-stop-arab-boycott-role/65d6df9e-9a50-45ae-929e-b12d83cedbcb/?utm_term=.0adbeaa0a047))

21. Aaron J. Sarna, *Boycott and Blacklist* (New Jersey: Rowman & Littlefield, 1986), page 91.

22. Robert D. Hershey, "S.E.C. Sues General Tire; Company Agrees to Settle," *The New York Times*, May 11, 1976. (<https://www.nytimes.com/1976/05/11/archives/sec-sues-general-tire-company-agrees-to-settle-sec-sues-general.html>)

23. Aaron J. Sarna, *Boycott and Blacklist* (New Jersey: Rowman & Littlefield, 1986), pages 97-98; Melissa Redmiles, U.S. Department of the Treasury, *Internal Revenue Service*, "International Boycott Reports, 2003 and 2004," accessed December 6, 2019. (<https://www.irs.gov/pub/irs-soi/03-04boycott.pdf>)

24. John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232, 132 Stat. 1636, codified as amended at 50 U.S.C. §4816. (<https://www.congress.gov/bill/115th-congress/house-bill/5515/text>)

25. "Citibank Penalized on Boycott," *Associated Press*, September 13, 1983. (<https://www.nytimes.com/1983/09/13/business/citibank-penalized-on-boycott.html>); "Sarah Lee Corp. to Pay \$725,000 for Illegally Aiding Israel Boycott," *Associated Press*, August 12, 1988. (<https://www.apnews.com/330e4e497b2a365ba79d14d6e52a0208>); Oswald Johnston, "Safeway to Pay \$995,000 Boycott Penalty: Firm Was Accused of Complying With Arab Anti-Israel Policy," *Los Angeles Times*, March 15, 1988. (<https://www.latimes.com/archives/la-xpm-1988-03-15-mn-996-story.html>)

26. Keith Bradsher, "International Business; L'Oreal to Pay \$1.4 Million in Boycott," *The New York Times*, August 30, 1995. (<https://www.nytimes.com/1995/08/30/business/international-business-l-oreal-to-pay-1.4-million-in-boycott.html>); Sharon Walsh, "Baxter International Settles Boycott Case," *The Washington Post*, March 26, 1993. ([https://www.washingtonpost.com/archive/business/1993/03/26/baxter-international-settles-boycott-case/6ff488eb-b040-41b9-9d89-b5cebe06c5be/?utm\\_term=.19d5632a6832](https://www.washingtonpost.com/archive/business/1993/03/26/baxter-international-settles-boycott-case/6ff488eb-b040-41b9-9d89-b5cebe06c5be/?utm_term=.19d5632a6832))

27. Dan S. Chill, *The Arab Boycott: Economic Aggression and World Reaction* (New York: Praeger Publishers, 1976), page 27; Terence Prittie and Walter Henry Nelson, *The Economic War Against the Jews* (London: Secker & Warburg, 1978), pages 36-37.

The overall impact of the Arab League boycott is exceptionally difficult to assess. It is hard to discern which companies left the Israeli market for legitimate economic reasons unrelated to the boycott pressure. It is even harder to gauge which companies avoided the Jewish state altogether because of the boycott. In the end, the boycott clearly failed to prevent the growth of Israel's economy, which registered double-digit annual growth over many years. The value of Israeli exports rose at a similar rate, although they could not keep pace with Israel's imports. One historian of the boycott concludes, "All one can say with any certainty is that in the absence of the boycott, Israel's balance of trade problems would probably not have been so severe."<sup>28</sup>

Ultimately, the optimism surrounding Arab-Israeli peace ventures proved to be the boycott's undoing. In 1980, shortly after signing the Camp David peace agreement with Israel, Egypt left the boycott. As one of the most powerful Arab states and the one responsible for enforcing restrictions on Israeli commerce in the Suez Canal, Egypt's departure represented a major blow to the boycott.<sup>29</sup> In 1994, after the signing of the Oslo Accords, several Arab Gulf states stopped enforcing secondary and tertiary boycotts. In 1995, Jordan and the Palestinian Authority left the boycott as a consequence of U.S.-brokered peace with Israel.<sup>30</sup> As the United States pursued additional peace agreements, Israel expanded commercial and diplomatic ties with Arab countries. Today, Israel's quiet engagement with countries such as Saudi Arabia, Bahrain, and the United Arab Emirates has all but killed the Arab League boycott.

## BDS Origins, 2001-2004

The onset of the Second Intifada in 2000, combined with the collapse of the Palestinian-Israeli peace process, quickly shattered prospects for regional peace. The Arab League made some attempts to reinstate the boycott, but its efforts were half-hearted and ineffectual.<sup>31</sup> However, the retreat of Arab governments left the field open to activists and NGOs determined to take their place.<sup>32</sup>

Just six years earlier, the apartheid regime in South Africa collapsed under pressure from a global movement initially spearheaded by civil society organizations. The pro-Palestinian activist community sought to portray Israel as the moral equivalent of apartheid South Africa, despite the stark disparities.

The anti-apartheid movement, which began in England in the 1950s, turned South Africa into an international pariah, especially through athletic and cultural boycotts. In 1964, the Olympics banned South Africa from the Tokyo Games for its system of racial discrimination. In 1977, students at Hampshire College in Massachusetts forced the school to divest from South Africa. Meanwhile, the United Nations imposed a mandatory arms embargo on the country.<sup>33</sup>

The movement reached its peak in the mid-1980s, when academics, performing artists, student activists, church groups, and trade unions mobilized against apartheid. By 1988, 155 colleges had partially or fully divested from South Africa. Two hundred

28. Gil Feiler, *From Boycott to Economic Cooperation* (London: Frank Cass Publishers, 1998), page 270.

29. Christopher S. Wren, "Egypt to Obstruct Arab League's Shift," *The New York Times*, April 8, 1979. (<https://www.nytimes.com/1979/04/08/archives/egypt-to-obstruct-arab-leagues-shift-blacks-removal-of-archives-and.html>)

30. Orly Halpern, "Arab Boycott Largely Reduced To 'Lip Service,'" *The Jerusalem Post* (Israel), February 28, 2006. (<https://www.jpost.com/Middle-East/Arab-boycott-largely-reduced-to-lip-service>)

31. Eugene Kontorovich, "The Arab League Boycott and WTO Accession: Can Foreign Policy Excuse Discriminatory Sanctions?" *Chicago Journal of International Law*, September 1, 2003. (<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1214&context=cjil>); "Arab summit, 2001," *al-bab*, accessed December 6, 2019. (<https://al-bab.com/documents-section/arab-summit-2001>)

32. The Council of Foreign Ministers, "Resolution on Islamic Office for the Boycott of Israel," June 18-19, 2014. (<https://www.oic-oci.org/docdown/?docID=320&refID=24>)

33. "Non-mandatory UN arms embargo on South Africa," *Stockholm International Peace Research Institute*, October 29, 2012. ([https://www.sipri.org/databases/embargoes/un\\_arms\\_embargoes/south-africa-non-mandatory/non-mandatory-un-arms-embargo-on-south-africa](https://www.sipri.org/databases/embargoes/un_arms_embargoes/south-africa-non-mandatory/non-mandatory-un-arms-embargo-on-south-africa))

American companies cut ties with the regime, causing a \$1 billion loss in direct investment.<sup>34</sup> Congress sanctioned South Africa through the Comprehensive Anti-Apartheid Act of 1986, and other countries passed similar legislation.

The pressure worked. South Africa suffered from capital flight, causing a significant decline in the country's currency.<sup>35</sup> Many banks deemed it too risky to lend to the apartheid government. In 1990, the regime began negotiating its own demise, culminating in the election of Nelson Mandela in 1994.

During the Cold War, Arab governments and the Soviet bloc worked persistently to equate Israeli conduct with apartheid. The high-water mark of their success was a 1975 UN General Assembly (UNGA) resolution declaring, "Zionism is a form of racism," and condemning "the unholy alliance between South African racism and Zionism."<sup>36</sup> This accusation has found new life through the BDS campaign.

The argument is a tenuous one. Whereas South Africa built the apartheid system to implement and enforce theories of white superiority, there is legal equality in Israel for citizens of all races. Under apartheid, South Africa had a litany of laws that segregated residence, occupation, and behavior along racial lines.<sup>37</sup> These measures have no analog in the Jewish state. Arab citizens of Israel work unencumbered in any profession they choose, including in the Israeli

parliament and on Israel's Supreme Court, and do not have laws governing where they can eat, live, or travel. Arab and Jewish citizens of Israel fall under Israeli civilian law, while Palestinians in the West Bank fall under military law. As BDS supporter Noura Erakat concedes, "The two cases are far from identical," but "the apartheid framework is effective, especially in the symbolic realm."<sup>38</sup>

**“Under apartheid, South Africa had a litany of laws that segregated residence, occupation, and behavior along racial lines. These measures have no analog in the Jewish state.”**

BDS advocates falsely claim that Israel's treatment of Palestinians amounts to apartheid under the definitions laid out in international law, such as in the anti-apartheid treaty of 1973 or in the Rome Statute of the International Criminal Court.<sup>39</sup> However, the definition of apartheid fails to support this argument. Israel has not adopted restrictive measures on racial grounds. The restrictions it enforces are designed solely to prevent guerrilla violence and terrorism. While Israel's checkpoints, security screenings, and West Bank separation barrier may be controversial in some circles, these measures are necessary to prevent Palestinian suicide bombings and other attacks.

After the launch of the Second Intifada, activists endorsing sanctions against Israel began to invoke apartheid.

34. Gregory Gethard, "Protest Divestment and the End of Apartheid," *Investopedia*, June 25, 2019. (<https://www.investopedia.com/articles/economics/08/protest-divestment-south-africa.asp>)

35. Richard Knight, "Sanctions, Disinvestment, and U.S. Corporations in South Africa," *RichardKnight.com*, accessed December 6, 2019. (<http://richardknight.homestead.com/files/uscorporations.htm>)

36. United Nations General Assembly, Resolution 3379, November 10, 1975. ([https://undocs.org/en/A/RES/3379\(XXX\)](https://undocs.org/en/A/RES/3379(XXX))); See: Gil Troy, *Moynihan's Moment* (Oxford: Oxford University Press, 2013), pages 1-19; Jeffrey Herf, *Undeclared Wars with Israel* (Cambridge: Cambridge University Press, 2016), pages 288-316.

37. "Group Areas Act of 1950," *South African History Online*, August 27, 2019. (<https://www.sahistory.org.za/article/group-areas-act-1950>)

38. "BDS in the USA, 2001-2010," *Middle East Research and Information Project*, summer 2010. (<https://merip.org/2010/05/bds-in-the-usa-2001-2010/>)

39. Benjamin Pogrud, *Drawing Fire* (Lanham, Maryland: Rowman & Littlefield, 2014), pages 197-199.

<sup>40</sup> At the UN-sponsored World Conference Against Racism in Durban, South Africa, in September 2001, an NGO Forum called for “complete and total isolation of Israel as an apartheid state, as in the case of South Africa, which means the imposition of mandatory and comprehensive sanctions and embargoes, [and] the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel.”<sup>41</sup> This declaration would become a touchstone for activists and NGOs seeking to delegitimize Israel. The declaration alarmed Israel and its supporters because it marked a resurgence of equating Zionism with racism. In addition, participants at the NGO Forum distributed pro-Nazi and overtly anti-Semitic literature, stoking fears of a resurgence of anti-Semitism.<sup>42</sup>

The United Nations organized other NGO conferences that supported boycotts of Israel. A July 2001 symposium in Madrid called for a boycott of Israeli settlement goods, while an April 2002 meeting in Cyprus called for “arms embargoes and sanctions on trade, sports and cultural links” against Israel.<sup>43</sup>

The early years of the Second Intifada witnessed the emergence of key forerunners of the BDS campaign. A little-known American academic and activist named



↑ International Solidarity Movement (ISM) protesters act as human shields for Palestinian militants during a standoff with Israel Defense Forces soldiers in Bethlehem during the Second Intifada. (Photo By Justin Sullivan/Getty Images)

Phyllis Bennis helped found the U.S. Campaign to End the Israeli Occupation in 2001, now known as the U.S. Campaign for Palestinian Rights (USCPR). Since its inception, USCPR has advocated for economic measures against Israel, including divestment and boycotts.<sup>44</sup> Also in 2001, a group of Americans and Palestinians founded the International Solidarity Movement (ISM).<sup>45</sup> ISM presents itself as a Palestinian-founded and -led group that promotes non-violent resistance against Israel,

<sup>40</sup>. Richard Verrier, “Muslims Vow Boycott of Disney,” *Orlando Sentinel*, September 21, 1999. (<https://www.orlandosentinel.com/news/os-xpm-1999-09-21-9909200345-story.html>); Julia Goldman, “Some Arab American Groups Issue call for Boycott of Everything Disney,” *Jewish Telegraphic Agency*, September 22, 1999. (<https://www.jta.org/1999/09/22/lifestyle/some-arab-american-groups-issue-call-for-boycott-of-everything-disney>); Jenny Strasburg, “Ban on Israeli goods has shoppers in uproar / Some demand Rainbow co-op end boycott,” *SFGate*, December 5, 2002. (<https://www.sfgate.com/business/article/Ban-on-Israeli-goods-has-shoppers-in-uproar-2712896.php>)

<sup>41</sup>. Tom Lantos, “The Durban Debacle: An Insider’s View of the World Racism Conference at Durban,” *The Fletcher Forum of World Affairs*, vol. 26, no. 1, winter/spring 2002. ([http://www.humanrightsvoces.org/assets/attachments/articles/568\\_durban\\_debacle.pdf](http://www.humanrightsvoces.org/assets/attachments/articles/568_durban_debacle.pdf)); “World Conference Against Racism: NGO Forum Declaration,” *International Progress Organization*, September 3, 2001. (<https://www.i-p-o.org/racism-ngo-decl.htm>)

<sup>42</sup>. Harris Schoenberg, “Demonization in Durban: The World Conference Against Racism,” *City, University of London*, October 8, 2001. (<http://www.staff.city.ac.uk/p.willetts/NGOS/WCAR/SCHOENBG.PDF>); “Durban Watch, Photos from the 2001 UN World Conference Against Racism, Durban, South Africa,” *Human Rights Voices*, accessed December 6, 2019. (<http://www.humanrightsvoces.org/EYEontheUN/antisemitism/durban/?l=36&p=350>)

<sup>43</sup>. United Nations, “NGO Meeting in Solidarity with the Palestinian People (Madrid July 2001),” July 19, 2001. (<https://www.un.org/unispal/document/ngo-meeting-in-solidarity-with-the-palestinian-people-madrid-july-2001-report-dpr-publication-2/>); United Nations, “NGO Meeting in Solidarity with the Palestinian People (Nicosia, April 2002),” April 18, 2002. (<https://unispal.org/DPA/DPR/unispal.nsf/0/2697DBCCE56C7D70A85256BC9004C3103>)

<sup>44</sup>. “Annual Steering Committee Report, July 2003-June 2004,” *US Campaign to End the Israeli Occupation*, June 2004. (<https://web.archive.org/web/20040906225423/http://www.endtheoccupation.org/article.php?id=365>)

<sup>45</sup>. “The International Solidarity Movement,” *The Meir Amit Intelligence and Terrorism Information Center*, January 10, 2011, page 2. ([https://www.terrorism-info.org.il/Data/pdf/PDF\\_10\\_278\\_2.pdf](https://www.terrorism-info.org.il/Data/pdf/PDF_10_278_2.pdf))

including protests and civil disturbances. However, ISM has rhetorically and physically supported terrorism and violence against Israel, condoning attacks on Israeli civilians and serving as human shields for terrorists.<sup>46</sup> ISM now serves as a hub for promoting BDS.

2001 also marked the debut of the UK-based Palestine Solidarity Campaign's Boycott Israeli Goods drive.<sup>47</sup> The following year, a little-known group called Students for Justice in Palestine (SJP) organized the inaugural Palestine Solidarity Movement conference.<sup>48</sup> SJP has since become the most active campus group advocating the boycott of Israel.

This nascent campaign took a major step forward in April 2002, when British scholars and artists launched an academic boycott of Israel with a letter in *The Guardian* invoking the anti-apartheid movement.<sup>49</sup> The boycott prompted some academics to sever ties with their Israeli counterparts and with Israeli educational institutions.<sup>50</sup> This British academic boycott would serve as a model

for the Palestinian academic and cultural boycott launched in 2004.

Alongside these early efforts came an appeal by Hamas and Hezbollah leaders at a January 2002 conference in Beirut, where they called on Muslim scholars to promote a boycott of Israel.<sup>51</sup> It is still unclear whether the terrorist groups actually coordinated with the boycotters.

## The BDS Call

Though Westerners previously convened other boycott conferences, Palestinian activist Omar Barghouti emerged as the most visible spokesperson for the BDS campaign.<sup>52</sup> In April 2004, Barghouti and others launched the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) in Ramallah, West Bank. Three months later, PACBI issued a call for an academic and cultural boycott of Israel.<sup>53</sup> Like the 2001 NGO Forum in Durban, PACBI drew inspiration from the "struggle

46. "The International Solidarity Movement (ISM) is a network founded by extreme American leftists and part of the campaign to delegitimize Israel," *The Meir Amit Intelligence and Terrorism Information Center*, December 7, 2010. (<https://www.terrorism-info.org.il/en/17984/>); David Bernstein, "Is the International Solidarity Movement 'Pro-Terrorist'? A Response to Huwaida Arraf," *The Washington Post*, April 21, 2015. (<https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/04/21/is-the-international-solidarity-movement-pro-terrorist-a-response-to-huwaida-arraf/>)

47. Dan Diker, "Unmasking BDS: Radical Roots, Extremist Ends," *Jerusalem Center for Public Affairs*, 2016, page 25. (<http://jcpa.org/unmasking-bds/>)

48. "National Student Conference of the Palestine Solidarity Movement," *The San Francisco Bay Area Independent Media Center*, February 2002. (<https://www.indybay.org/newsitems/2002/02/10/1159281.php>)

49. Hilary Rose and Steven Rose, "The choice is to do nothing or try to bring about change," *The Guardian* (UK), July 14, 2002. (<https://www.theguardian.com/world/2002/jul/15/comment.stevenrose>); "More pressure for Mideast peace," *The Guardian* (UK), April 5, 2002. (<https://www.theguardian.com/world/2002/apr/06/israel.guardianletters>); M. Shahid Alam, "The Academic Boycott of Israel," *Counterpunch*, July 29, 2002. (<https://www.counterpunch.org/2002/07/29/the-academic-boycott-of-israel/>)

50. Andy Beckett, "It's water on stone - in the end the stone wears out," *The Guardian* (UK), December 12, 2002. (<https://www.theguardian.com/education/2002/dec/12/highereducation.uk>)

51. Leor Halevi, "The Consumer Jihad: Boycott Fatwas and Nonviolent Resistance on the World Wide Web," *International Journal of Middle East Studies*, February, 2012. ([https://www.jstor.org/stable/41474980?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/41474980?seq=1#page_scan_tab_contents))

52. Anti-globalization conferences in Beirut and Brazil in late 2004 and early 2005, respectively, endorsed boycotts of Israel. "Where Next for the Global Anti-War and Anti-Globalization Movements?" *Focus on the Global South*, September 17, 2004. (<https://focusweb.org/pdf/Beirut-Communique-en.pdf>); "Global Anti-War Movement Calls for Boycott, Divestment, and Sanctions vis-à-vis Israel to End Occupation and Apartheid Policies," *Badil Resource Center for Palestinian Residency and Refugee Rights*, February 10, 2005. (<http://www.badil.org/en/publication/press-releases/19-2005/1631-press-374-05.html>)

53. Palestinian Campaign for the Academic and Cultural Boycott of Israel, Statement, "Call for an Academic and Cultural Boycott of Israel," July 6, 2004. (<https://bdsmovement.net/pacbi/pacbi-call>)

to abolish apartheid in South Africa through diverse forms of boycott.”<sup>54</sup>

On July 9, 2004, three days after the PACBI announcement, the International Court of Justice (ICJ) issued an advisory ruling that Israel’s West Bank separation barrier – built during the Second Intifada to prevent terrorist attacks – was “contrary to international law.”<sup>55</sup> Boycott activists sensed the tide of public opinion had turned further against Israel. Barghouti thus planned the announcement of the “BDS call” to coincide with the one-year anniversary of the ICJ advisory opinion.

The BDS call is the official statement of the campaign’s objectives. Its publication on July 9, 2005, marked the official launch of the BDS campaign. The call, which appears in nine languages on the official BDS website, claims to have been endorsed by roughly 170 Palestinian civil society groups. The BDS call makes three demands of Israel:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall [Israel’s separation barrier].
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.<sup>56</sup>

The first organization listed as signatory of the BDS call was the Council of National and Islamic Forces in Palestine (PNIF). PNIF includes several U.S.-designated terrorist groups, including Hamas, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine, and Palestinian Islamic Jihad.<sup>57</sup> The BDS National Committee (BNC), established in 2007 to help steer and promote the campaign, lists PNIF first under its member organizations.<sup>58</sup> USCPR serves as the BNC’s fiscal sponsor.<sup>59</sup>

BDS groups and strategies began appearing after the publication of the call. Some activists – particularly in England, where established anti-Israel networks already existed – initiated boycott and divestment campaigns.

## What Does BDS Want?

The language in the BDS call is remarkably flexible. Read casually, the call can be interpreted as an appeal to respect international law and human rights. If one examines its precise meaning, however, the intent becomes clear: The call seeks to annul the Jewish character of the Jewish state.

BDS describes itself as a “movement for freedom, justice, and equality” that “pressure[s] Israel to comply with international law.”<sup>60</sup> But as one of the foremost critics of BDS writes, “This is a deception.” Rather, BDS seeks to “delegitimize and isolate Israel internationally with the strategic objective of causing its implosion.”

54. “Academic Boycott,” *US Campaign for the Academic and Cultural Boycott of Israel*, accessed December 6, 2019. (<https://usacbi.org/academic-boycott/>)

55. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, page 136. (<https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>)

56. “Palestinian Civil Society Call for BDS,” *BDS*, July 9, 2005. (<https://bdsmovement.net/call>)

57. David Halbfinger, “Is BDS Anti-Semitic? A Closer Look at the Boycott Israel Campaign,” *The New York Times*, July 27, 2019. (<https://www.nytimes.com/2019/07/27/world/middleeast/bds-israel-boycott-antisemitic.html>); Armin Rosen and Liel Leibovitz, “BDS Umbrella Group Linked to Palestinian Terrorist Organizations,” *Tablet*, June 1, 2018. (<https://www.tabletmag.com/scroll/263409/bds-umbrella-group-linked-to-palestinian-terrorist-organizations>)

58. “Palestinian BDS National Committee,” *BDS*, accessed December 6, 2019. (<https://bdsmovement.net/bnc>)

59. Armin Rosen and Liel Leibovitz, “BDS Umbrella Group Linked to Palestinian Terrorist Organizations,” *Tablet*, June 1, 2018. (<https://www.tabletmag.com/scroll/263409/bds-umbrella-group-linked-to-palestinian-terrorist-organizations>)

60. “What is BDS,” *BDS*, accessed December 6, 2019. (<https://bdsmovement.net/what-is-bds>)

Like Hamas, the ultimate goal of BDS is “to destroy the nation-state of the Jewish people.”<sup>61</sup> A critic of both Israel and BDS agrees that BDS obfuscates its real intentions, which he summarizes as: “We want to abolish Israel and this is our strategy for doing it.”<sup>62</sup>

To explain the glaring contradiction between these assessments and BDS’s stated aims, one must carefully parse the language of the three demands made by the BDS call, as well as their interpretation by campaign leaders. It is also necessary to explore the campaign’s views of key concepts such as Zionism, colonialism, and apartheid.

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The first demand of the BDS call demands Israel end “its occupation and colonization of all Arab lands.” In his book *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights*, Omar Barghouti modifies the text of this demand by appending the words “[occupied in 1967]” to the phrase “all Arab lands.”<sup>63</sup> This highlights BDS’s tactical flexibility: It maneuvers between applying its campaign to Israel as a whole or to only the territories that changed hands during the Six-Day War, depending on what resonates with a given audience.

The call’s reference to the “colonization” of Arab lands is significant because the campaign considers the entirety of Israel to be a colonial enterprise. The call itself references hundreds of biased and one-sided UN resolutions passed since 1948 condemning Israel’s “colonial and discriminatory policies.” The campaign also emphasizes opposition to “settler colonialism,” which Israel has allegedly practiced “during and since its foundation in 1948.”<sup>64</sup>

The description of the Jewish state as a settler-colonial enterprise rests on the premise that Palestinians are an indigenous people, whereas Jewish Israelis are not, despite thousands of years of continuous Jewish life on the land. Barghouti thus seeks to portray the conflict as a clash between the “inalienable rights [of] indigenous Palestinians” and the “acquired rights of Israeli Jews as colonial settlers” [Emphasis in original].<sup>65</sup> This implies that the Jewish people have no right to a state in the land of Israel.

Moreover, while Arab citizens of Israel are already entitled to the same individual rights and liberties as Jewish citizens, the second point in the call demands recognition of their “full equality.” The meaning of this slogan becomes apparent upon examination of the BDS campaign’s definition of apartheid. The campaign posits that Israel in its entirety is an apartheid state because, “Immediately after 1948, Israeli lawmakers began to adopt a series of laws that would guarantee Jewish Israeli supremacy.”<sup>66</sup> They are referring to the Law of Return, adopted in 1950, which grants citizenship “to every Jew who has expressed his desire to settle in Israel.”<sup>67</sup> The law reflects the Zionist view

61. Dan Diker, “Unmasking BDS: Radical Roots, Extremist Ends,” *Jerusalem Center for Public Affairs*, 2016, pages 7-10. (<http://jcpa.org/unmasking-bds/>)

62. Michael Harris, untitled post on the online publishing platform *Medium*, March 11, 2017. (<https://medium.com/@drmikeh49/for-those-who-are-not-familiar-with-the-acronym-bds-stands-for-the-boycott-divestment-and-fece052b511f>)

63. Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket Books, 2011), page 6.

64. “Settler Colonialism,” *BDS*, accessed December 6, 2019. (<https://bdsmovement.net/colonialism-and-apartheid/settler-colonialism>)

65. Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket Books, 2011), page 178.

66. “Colonialism and Apartheid,” *BDS*, accessed December 6, 2019. (<https://bdsmovement.net/colonialism-and-apartheid/israel-and-the-crime-of-apartheid>)

67. “About Us,” *The Jewish Agency for Israel*, accessed December 6, 2019. (<http://archive.jewishagency.org/inside-jewish-agency/content/4916>)

dating back to the 19<sup>th</sup> century that a justification for the establishment of a Jewish state is its potential to serve as a refuge from persecution. Accordingly, the Law of Return enabled millions of Jews from Europe, the Soviet Union, the Arab world, Ethiopia, and elsewhere to find refuge in Israel.<sup>68</sup>

Beyond its objection to specific Israeli laws, the BDS campaign considers Zionism itself to be a form of racism, much like the now-infamous “Zionism is a form of racism” UNGA resolution. According to the campaign, mainstream Zionism is an extension of “the racist ideology of late 19<sup>th</sup> century European colonialism.” Activists allege that the State of Israel was founded through a “plan of ethnic cleansing.”<sup>69</sup> In his book, Barghouti cites a position paper from the BNC claiming that Zionism transformed the biblical notion of Jews as a chosen people “into an aggressive and racist, political colonial program.”<sup>70</sup>

This background helps explain Barghouti’s unequivocal statement that the BDS campaign “oppose[s] a Jewish State in any part of Palestine.” He adds, “No Palestinian, no rational Palestinian, not a sell-out Palestinian, will

ever accept a Jewish state in Palestine.”<sup>71</sup> These words belie the notion that BDS is a movement for human rights rather than an effort to destroy the Jewish state.<sup>72</sup> Barghouti defends his statement by insisting that he is equally opposed to Muslim and Christian states and supports equal rights for Jewish Israelis.<sup>73</sup> Yet he chooses not to wage economic warfare against any Christian or Muslim states. Furthermore, Barghouti openly favors “euthanasia” for Israel – a clinical yet chillingly clear way of saying his goal is to end Israel’s life.<sup>74</sup> Other BDS proponents, such as Ahmed Moor, co-editor of the anti-Israel polemic *After Zionism*, have declared unequivocally: “BDS does mean the end of the Jewish state.”<sup>75</sup>

The BDS call’s third and final demand has led to the gravest concern among Israelis that the campaign seeks their country’s destruction. This demand endorses “the rights of Palestinians to return to their homes and properties” inside Israel’s 1949 border, known as the Green Line. According to the BDS website, there are now more than 7.25 million Palestinian refugees, compared to 6.7 million Jews and 1.9 million Arabs

68. Many states, including Germany, Greece, and Ghana, have analogous laws that grant citizenship on the basis of ethnicity, which casts serious doubt on the BDS claim that Israel’s Law of Return is inherently racist or a form of apartheid. See: “Greek Citizenship Code,” *Global Citizenship Observatory*, accessed November 1, 2019. ([http://eudo-citizenship.eu/NationalDB/docs/GRE%20Citizenship%20Code%20\(as%20of%202010,%20English\).pdf](http://eudo-citizenship.eu/NationalDB/docs/GRE%20Citizenship%20Code%20(as%20of%202010,%20English).pdf)); “Restoration of German Citizenship,” *German Missions in the United States*, accessed November 1, 2019. (<https://www.germany.info/us-en/service/03-Citizenship/restoration-of-german-citizenship/925120>); “Ghana Offers African-Americans & Caribbean people the Right of Return & the Right of Abode in 2019,” *Institute of the Black World 21<sup>st</sup> Century*, accessed November 1, 2019. (<https://ibw21.org/video-audio/ghana-offers-african-americans-caribbean-people-the-right-of-return-the-right-of-abode-in-2019/>)

69. “Colonialism and Apartheid,” *BDS*, accessed December 6, 2019. (<https://bdsmovement.net/colonialism-and-apartheid/israel-and-the-crime-of-apartheid>)

70. Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket Books, 2011), page 272.

71. “Omar Barghouti – Strategies for change,” *Vimeo*, September 23, 2013. (<https://vimeo.com/75201955>); Omar Barghouti, “Why Americans Should Support BDS,” *The Nation*, July 29, 2019. (<https://www.thenation.com/article/bds-house-resolution-trump-squad-omar-aoc/>)

72. Ari Ingel, “The Deceptive Language of Omar Barghouti,” *The Times of Israel* (Israel), August 1, 2019. (<https://blogs.timesofisrael.com/the-deceptive-language-of-omar-barghouti/>)

73. Omar Barghouti, “Why Americans Should Support BDS,” *The Nation*, July 29, 2019. (<https://www.thenation.com/article/bds-house-resolution-trump-squad-omar-aoc/>)

74. “Historic Palestine,” *The Electronic Intifada*, January 6, 2004. (<https://electronicintifada.net/content/relative-humanity-fundamental-obstacle-one-state-solution-historic-palestine-12/4939>)

75. Ahmed Moor, “BDS is a long term project with radically transformative potential,” *Mondo Weiss*, April 22, 2010. (<https://mondoweiss.net/2010/04/bds-is-a-long-term-project-with-radically-transformative-potential/>)

who are Israeli citizens.<sup>76</sup> In his book, Barghouti insists on an unrestricted right of return for all Palestinians claiming refugee status, including for the millions of descendants of the original refugees of Israel’s War of Independence. If realized, such a right would usher in the demographic destruction of Israel, replacing it with a 22<sup>nd</sup> Arab state. Barghouti dismisses this concern as a defense of Israel’s “colonial, ethnocentric, apartheid state.”<sup>77</sup> He likewise ignores the fact that over half of Israel’s Jewish population descends from Jewish refugees fleeing oppression in Arab and Muslim countries.

Other advocates of BDS admit that an unrestricted “right of return” would pose an existential threat to Israel. Indeed, they support such a right partly for that reason. As one Israeli scholar and BDS advocate writes, “Given the demographics, this would amount to the demise of Israel as a Jewish state; for most Israeli Jews, it is anathema.”<sup>78</sup>

## The BDS NGO Network

BDS employs a coalition-based approach that relies on a network of sympathetic NGOs to implement initiatives endorsed by the campaign’s coordinating body, the BNC. The BNC maintains BDS’s official website and serves as the leading voice of the campaign, but the BNC has almost no institutional presence in the countries where most BDS activism takes place.

Many organizations within the BDS network focus mainly on Palestinian issues or on broader Arab and Muslim concerns. Others identify as anti-war, left-wing, or social-justice groups.

## Funding

Several foundations serve as fiscal sponsors for BDS groups. Fiscal sponsors are charities that collect tax-exempt contributions on behalf of non-exempt organizations.<sup>79</sup> These BDS groups also receive contributions through private foundations and donor-advised funds, charitable giving vehicles that allow a person to transfer money to a public charity that then disburses those funds as it sees fit. Such funds allow individuals to anonymize their contributions, as only the transfer to the main fund is recorded.<sup>80</sup>

The private foundation Rockefeller Brothers Fund (RBF) has an endowment of nearly \$1 billion and dispenses around \$33 million annually.<sup>81</sup> The foundation has donated roughly \$1 million to pro-BDS groups since 2013.<sup>82</sup> RBF has also given more than \$3.7 million to J Street, which describes itself as pro-Israel and pro-peace, but which has protected the BDS campaign in some cases.<sup>83</sup> Nicholas Burns, a career diplomat who served in both Republican and Democratic administrations, “resigned from the [RBF] board ... due to the RBF’s funding of organizations

76. “Colonialism and Apartheid, the Right of Return,” *BDS*, accessed December 9, 2019. (<https://bdsmovement.net/colonialism-and-apartheid/right-of-return>); “Israel’s population tops 9 million, including 45% of world Jewry,” *The Times of Israel* (Israel), May 6, 2019. (<https://www.timesofisrael.com/israels-population-tops-9-million-including-45-of-world-jewry/>)

77. Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket Books, 2011), pages 144-146.

78. Neve Gordon, “Time to Boycott Israel,” *The Guardian* (UK), August 21, 2009. (<https://www.theguardian.com/commentisfree/2009/aug/21/israel-international-boycott>)

79. “Fiscal Sponsorship for Nonprofits,” *National Council of Nonprofits*, accessed December 6, 2019. (<https://www.councilofnonprofits.org/tools-resources/fiscal-sponsorship-nonprofits>)

80. Helaine Olen, “Is the New Way to Give a Better Way to Give,” *The Atlantic*, December 13, 2017. (<https://www.theatlantic.com/business/archive/2017/12/donor-advised-funds-deduction-charity/548324/>)

81. Armin Rosen, “The Rockefeller Brothers Fund and BDS,” *Tablet*, May 24, 2017. (<https://www.tabletmag.com/jewish-news-and-politics/235453/rockefeller-brothers-fund-gets-behind-bds>)

82. *Ibid.*

83. “Tell Congress: Oppose Anti-BDS Legislation That Helps The Settlements And Harms Free Speech,” *J Street*, accessed December 6, 2019. (<https://act.jstreet.org/sign/tell-congress-oppose-anti-bds-legislation-helps-settlements-and-harms-free-speech/>)



⬆️ An FBI flier from April 1970 depicts Bernadine Dohrn, then a leader of the Weather Underground terrorist organization and one of the FBI's 10 Most Wanted fugitives. She is now the vice chairwoman of Human Rights Watch's children's rights division and a BDS activist. (Photo by Bettmann Archive/Getty Images)

that support BDS,” which he views “as fundamentally anti-Israeli.”<sup>84</sup>

RBF has channeled some of its funding to pro-BDS groups through the Tides Center, a subsidiary of the San Francisco-based public charity Tides. Tides has disbursed money to pro-BDS groups such as Jewish Voice for Peace, Queers Against Israeli Apartheid, CODEPINK, Palestine Legal, US CPR, Adalah-NY, Al-Awda, and the U.S. Campaign for the Academic and Cultural Boycott of Israel (USACBI).<sup>85</sup>

Westchester Peace Action Committee (WESPAC) Foundation, an activist foundation based in White Plains, New York, supports a variety of social justice causes but devotes much of its attention to anti-Israel activism.<sup>86</sup> WESPAC Foundation serves as a fiscal conduit for several pro-BDS groups, accepting and redirecting donations for National SJP, the U.S. Palestinian Community Network, Adalah-NY, and the Palestine Freedom Project.<sup>87</sup> WESPAC also provides SJP with bookkeeping services.<sup>88</sup>

George Soros' Open Society Foundations has also contributed to pro-BDS organizations, including the Center for Constitutional Rights, the Palestinian Centre for Human Rights, Al-Mezan, Al-Haq, and the Institute for Policy Studies.<sup>89</sup>

## Research

Human Rights Watch (HRW) is one of several groups whose research reflects BDS priorities and informs BDS initiatives. Since 2015, HRW has pressured the UN secretary-general to place Israel on a blacklist of violators of children's rights in armed conflict, a list that includes the Islamic State and Boko Haram.<sup>90</sup> Bernadine Dohrn, the vice chairwoman of HRW's children's rights advisory committee,<sup>91</sup> is a former leader of the domestic terrorist group Weather

84. Armin Rosen, “The Rockefeller Brothers Fund and BDS,” *Tablet*, May 24, 2017. (<https://www.tabletmag.com/jewish-news-and-politics/235453/rockefeller-brothers-fund-gets-behind-bds>)

85. “Partner Directory,” *Tides*, accessed December 6, 2019. (<https://www.tides.org/impact-partners/explore-our-partners/>)

86. “About WESPAC,” *Wespac Foundation*, accessed December 6, 2019. (<https://wespac.org/category/s5-static-info/c37-about/>)

87. Mitchell Bard, “BDS Money Trail Suggests Opaque Funding Network,” *The New York Jewish Week*, October 14, 2015. (<https://jewishweek.timesofisrael.com/bds-money-trail-suggests-opaque-funding-network/>); Dan Diker, *Students for Justice in Palestine Unmasked* (Jerusalem: Jerusalem Center for Public Affairs, 2017). ([http://jcpa.org/wp-content/uploads/2017/11/SJP\\_Unmasked\\_Final\\_edited.pdf](http://jcpa.org/wp-content/uploads/2017/11/SJP_Unmasked_Final_edited.pdf))

88. Ira Stoll, “‘Mysterious’ Westchester Foundation Collecting the Cash for This Weekend’s National Campus BDS Convention,” *The Algemeiner*, November 3, 2016. (<https://www.algemeiner.com/2016/11/03/mysterious-westchester-foundation-collects-cash-for-this-weekends-national-campus-bds-convention/>)

89. “Awarded Grants,” *Open Society Foundations*, accessed December 6, 2019. (<https://www.opensocietyfoundations.org/grants/past>)

90. Human Rights Watch, Letter, “Ensure Consistency in Children and Armed Conflict Report,” *Human Rights Watch*, April 27, 2015. (<https://www.hrw.org/news/2015/06/04/ensure-consistency-children-and-armed-conflict-report>)

91. “Children’s Rights Division,” *Human Rights Watch*, accessed December 6, 2019. (<https://www.hrw.org/about/people/advisory-committee/childrens-rights-division>)

Underground.<sup>92</sup> Once listed among the FBI’s Ten Most Wanted, Dohrn is now a BDS activist.<sup>93</sup>

In January 2016, HRW advanced its pro-BDS advocacy with a report titled “Occupation, Inc.” Arguing that businesses operating in Israeli settlements contribute to human rights abuses, the report urged these companies to boycott the settlements.<sup>94</sup> HRW then released a pair of reports in 2017 and 2018 calling on banks to boycott Israeli settlements.<sup>95</sup> HRW also began pressing Airbnb, the online property rental service, to delist properties located in Israeli settlements. At the same time, HRW was preparing a report on Airbnb’s settlement-based listings that described them as contributing to human rights violations. Seeking to avoid bad press, Airbnb announced one day before HRW released its report that the company would remove all settlement listings, though the company later reversed its decision.<sup>96</sup>

Other U.S.-based groups, including the American Friends Service Committee, the Center for Constitutional Rights, and Palestine Legal, have also produced reports intended to inform and shape BDS actions.<sup>97</sup> Organizations such as the Institute

for Middle East Understanding help disseminate pro-BDS information to the press. BDS activists use these reports, which accuse Israel of a wide array of alleged transgressions, to support the call for boycotts, divestment, and sanctions. Non-U.S. groups that produce reports hostile to Israel include Amnesty International, Adalah, Al-Haq, and Defense for Children International – Palestine.<sup>98</sup> Several of these pro-BDS organizations, particularly Al-Haq, have strong ties to the PFLP terrorist organization. For example, an Israeli judge described Al-Haq’s director, Shawan Jabarin, as “Doctor Jekyll and Mister Hyde” because Jabarin heads an NGO while working on behalf of the PFLP.<sup>99</sup>

## Organizing

Al-Awda, founded in 2000, was an early organizer of rallies and boycott campaigns, with local chapters across the country.<sup>100</sup> Al-Awda’s email distribution lists have distributed anti-Israel materials, calls for organizing, and even communiques from the PFLP.<sup>101</sup> Meanwhile, USACBI galvanizes support for the boycott in academic and cultural circles. Palestine

92. Nathaniel Sheppard Jr., “Chicago Home of a Friend Was Refuge for Miss Dohrn; Charges Dropped in 1979 A Private Neighborhood Neighbors Were Unaware,” *The New York Times*, December 5, 1980. (<https://www.nytimes.com/1980/12/05/archives/chicago-home-of-a-friend-was-refuge-for-miss-dohrn-charges-dropped.html>)

93. Federal Bureau of Investigation, “314. Bernardine Rae Dohrn,” accessed December 4, 2019. ([https://www.fbi.gov/wanted/topten/top-ten-history/hires\\_images/FBI-314-BernardineRaeDohrn.jpg/view](https://www.fbi.gov/wanted/topten/top-ten-history/hires_images/FBI-314-BernardineRaeDohrn.jpg/view))

94. “Occupation, Inc.,” *Human Rights Watch*, January 19, 2016. (<https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>)

95. “Bankrolling Abuse,” *Human Rights Watch*, May 29, 2018. (<https://www.hrw.org/report/2018/05/29/bankrolling-abuse/israeli-banks-west-bank-settlements>)

96. Nazish Dholakia and Omar Shakir, “Interview: Airbnb Checks Out of West Bank Settlements,” *Human Rights Watch*, December 4, 2018. (<https://www.hrw.org/news/2018/12/04/interview-airbnb-checks-out-west-bank-settlements>); “Listings in Disputed Regions,” *Airbnb*, November 19, 2018. (<https://press.airbnb.com/listings-in-disputed-regions/>); “Bed and Breakfast on Stolen Land,” *Human Rights Watch*, November 20, 2018. (<https://www.hrw.org/report/2018/11/20/bed-and-breakfast-stolen-land/tourist-rental-listings-west-bank-settlements>)

97. “The Palestine Exception to Free Speech: A Movement Under Attack in the US,” *Center for Constitutional Rights*, September 30, 2015. (<https://ccrjustice.org/the-palestine-exception>)

98. “No Way to Treat a Child, Palestinian children in the Israeli military detention system,” *Defense for Children International Palestine*, April 14, 2016. ([https://www.dci-palestine.org/palestinian\\_children\\_in\\_the\\_israeli\\_military\\_detention\\_system](https://www.dci-palestine.org/palestinian_children_in_the_israeli_military_detention_system))

99. David May and Jonathan Schanzer, “Why has Human Rights Watch become an anti-Israel activist group?” *The Washington Examiner*, February 4, 2019. (<https://www.washingtonexaminer.com/opinion/op-eds/why-has-human-rights-watch-become-an-anti-israel-activist-group>)

100. “Al-Awda, The Palestine Right to Return Coalition Background and Ideology,” *Anti-Defamation League*, September 14, 2009. (<https://amchainitiative.org/wp-content/uploads/2013/05/Al-Awda-The-Palestine-Right-to-Return-Coalition-Background.pdf>)

101. “Anti-Semitism Ever Present on Al-Awda’s Anti-Israel Listserv,” *Anti-Defamation League*, August 9, 2012. (<https://www.adl.org/blog/anti-semitism-ever-present-on-al-awdas-anti-israel-listserve>)

Legal provides legal services for BDS activists and champions the contested notion that anti-boycott laws violate free speech. US CPR coordinates the actions of various BDS groups.

Far-left organizations with broad agendas have also promoted the boycott of Israel. CODEPINK, an anti-war organization founded following the 2003 invasion of Iraq, has led protests, harassed members of Congress and their staff, and supported various BDS initiatives. Groups such as Eyewitness Palestine (formerly Interfaith Peace Builders) and Dream Defenders have organized trips to Israel and the West Bank to inculcate activists with the pro-BDS narrative. The Center for Constitutional Rights and the National Lawyers Guild, two activist legal organizations, have supported BDS and attacked anti-boycott measures.<sup>102</sup>

## Jewish BDS Groups

Though small in number, Jewish BDS activists are among the campaign's most vocal defenders against the charge of anti-Semitism. One Israeli Jewish activist writes that the presence of Israelis within the campaign "helps to disarm the infamous accusation of anti-Semitism raised by the Israeli propaganda machine against everyone who dares to criticize the colonial policies of the Jewish State."<sup>103</sup>

Within Israel and the Jewish diaspora, support for BDS is a marginal position that has emerged mainly on the far left. According to the Anti-Defamation League, even Jewish endorsement of the demonization of Zionism or Israel amounts to anti-Semitism.<sup>104</sup>

Jewish Voice for Peace (JVP) is the most active and visible American Jewish group promoting BDS. Active since 2001, JVP's 2018 budget was \$3.5 million.<sup>105</sup> One of its best-known initiatives was lobbying the Durham, North Carolina, city council to halt its joint law enforcement training sessions with Israel.<sup>106</sup> JVP published a guide delineating its strategy and tactics for conducting local BDS campaigns, including drawing comparisons to the anti-apartheid movement.<sup>107</sup> Cecilie Surasky, who served as JVP's deputy director for 13 years, said, "Settler colonialism and white supremacy is the right, holistic frame with which to understand Israel and Palestine, as well as the U.S."<sup>108</sup>

A more recent addition to the BDS campaign is IfNotNow, a group of mostly young Jewish activists that criticized American Jewish institutions' support for Israel during the 2014 Gaza war, even as Hamas' rockets rained down on the Jewish state.<sup>109</sup> IfNotNow's activists use Jewish songs, prayer garments, and other means to identify outwardly as Jewish. While the group does not take an official stance on BDS, its co-founder Simone Zimmerman said she supports

**102.** "Israel: Boycott and Divest!" *National Lawyers Guild*, accessed December 6, 2019. (<https://www.nlg.org/wp-content/uploads/2016/03/Israel-Boycott-and-Divest-resolution-amended.pdf>); "Proposed Resolution to Boycott Airbnb," *National Lawyers Guild*, March 2016. ([https://www.nlg.org/wp-content/uploads/2016/03/Resolution-to-Boycott-AirBnb\\_Housing-Committee.pdf#page=1](https://www.nlg.org/wp-content/uploads/2016/03/Resolution-to-Boycott-AirBnb_Housing-Committee.pdf#page=1))

**103.** Michael Warschawski, "Yes to BDS! An Answer to Uri Avnery" in *The Case for Sanctions Against Israel*, Ed. Audrea Lim (London: Verso, 2012), page 193.

**104.** "Jewish Voice for Peace: Introduction," *Anti-Defamation League*, accessed December 6, 2019. (<https://www.adl.org/resources/backgrounders/jewish-voice-for-peace>)

**105.** "Annual Report 5779," *Jewish Voice for Peace*, 2019. (<http://report.jewishvoiceforpeace.org/>)

**106.** "Jewish Voice for Peace: JVP BDS Campaigns," *Anti-Defamation League*, accessed December 6, 2019. (<https://www.adl.org/resources/backgrounders/jewish-voice-for-peace#jvp-bds-campaigns>)

**107.** "Organizing against State Level Anti-BDS Legislation: The Massachusetts Experience," *BDS Legislation*, accessed December 6, 2019. (<https://drive.google.com/file/d/0B9CMGXSL9AzWSzRMallPNm9LUHp2U2xZdTZEXzQxRGZtNy1j/view>)

**108.** Cecilie Surasky, "Settler Colonialism, White Supremacy, and the 'Special Relationship' Between The U.S. And Israel," *Jewish Voice for Peace*, March 20, 2015. (<https://jewishvoiceforpeace.org/settler-colonialism-white-supremacy-and-the-special-relationship-between-the-u-s-and-israel/>)

**109.** Abraham Riesman, "The Jewish Revolt," *NY Magazine*, July 12, 2018. (<http://nymag.com/intelligencer/2018/07/ifnotnow-birthright-ramah-bds-israel.html>)

“economic and diplomatic action and pressure against the occupation.”<sup>110</sup>

An outlier within the pro-BDS camp is Neturei Karta, which believes that an autonomous Jewish state violates Jewish religious law. Neturei Karta activists have traveled to Hamas-controlled Gaza, Iran, and elsewhere to align with groups committed to Israel’s destruction.<sup>111</sup> Despite the group’s small size, anti-Israel activists wield images of this group as supposed proof that religious Jews support BDS.<sup>112</sup>

J Street has played a complicated role in the BDS campaign. On the one hand, it intervened with liberal groups to oppose certain BDS measures.<sup>113</sup> However, J Street states on its website that it does not oppose BDS initiatives against Israeli settlements.<sup>114</sup> Further clouding the picture is J Street’s opposition to congressional initiatives to combat BDS. Likewise, J Street U, the group’s campus affiliate, often refuses to challenge BDS initiatives.<sup>115</sup>

## African-American Support for BDS

During the American civil rights era, Jews and blacks locked arms to protest racial injustice, a relationship captured in the iconic image of Martin Luther King Jr. marching arm-in-arm with prominent theologian Rabbi Abraham Joshua Heschel.<sup>116</sup> Black leaders also spoke out on Israel’s behalf. In 1967, King reportedly condemned anti-Zionism as anti-Semitic, saying, “When people criticize Zionists, they mean Jews.”<sup>117</sup> In 1975, when the UNGA declared Zionism to be “a form of racism,” 200 black leaders signed a statement rejecting the charge, including King’s widow, Coretta Scott King.<sup>118</sup>

Yet the civil rights era also saw the emergence of anti-Israel sentiment among some African-American leaders in the 1960s and 1970s.<sup>119</sup> In September 1964, Malcolm X penned an article titled “Zionist Logic,” arguing that Zionism was a new form of imperialism and

**110.** Daniella Cheslow, “Former Sanders Staffer Simone Zimmerman ‘Outraged’ At Israel Travel Ban,” *Fast Forward*, March 15, 2017. (<https://forward.com/fast-forward/366100/watch-former-sanders-staffer-simone-zimmerman-outraged-at-israel-travel-ban/>)

**111.** “Neturei Karta Rabbis Visit Iran And Express Support For Iranian President Ahmadinejad,” *Middle East Media Research Institute*, March 7, 2006. (<https://www.memri.org/tv/neturei-karta-rabbis-visit-iran-and-express-support-iranian-president-ahmadinejad>); “Neturei Karta Reps Meet Haniyeh In Gaza,” Associated Press, July 17, 2009. (<https://www.jpost.com/Middle-East/Neturei-Karta-reps-meet-Haniyeh-in-Gaza>)

**112.** “Anti-Zionist Orthodox Jews express solidarity with Rep. Ilhan Omar,” *Daily Sabah* (Turkey), July 3, 2019. (<https://www.dailysabah.com/americas/2019/03/07/anti-zionist-orthodox-jews-express-solidarity-with-rep-ilhan-omar>)

**113.** Avigayil Halpern, “On Campus, J Street Now Middle Of The Road,” *The New York Jewish Week*, November 27, 2018. (<https://jewishweek.timesofisrael.com/on-campus-j-street-now-middle-of-the-road/>); Tracy Frydberg, “How ‘controversial’ J Street U keeps liberal Jewish students in the fold,” *The Times of Israel* (Israel), April 29, 2018. (<https://www.timesofisrael.com/how-controversial-j-street-u-keeps-liberal-jewish-students-in-the-fold/>); Allison Kaplan Sommer, “J Street Withdraws Support for Rashida Tlaib Over Refusal to Endorse Two-state Solution,” *Haaretz* (Israel), August 17, 2018. (<https://www.haaretz.com/jewish/.premium-j-street-withdraws-support-for-rashida-tlaib-1.6387971>)

**114.** “Boycott, Divestment and Sanctions (BDS),” *J Street*, accessed December 6, 2019. ([https://jstreet.org/policy/boycott-divestment-and-sanctions-bds/#.W\\_7kXFVKiM8](https://jstreet.org/policy/boycott-divestment-and-sanctions-bds/#.W_7kXFVKiM8))

**115.** Noah Pollak, “J Street Chapters Aiding BDS Campaigns on Campuses,” *The Washington Free Beacon*, June 4, 2018. (<https://freebeacon.com/culture/j-street-chapters-aiding-bds-campaigns/>)

**116.** “Heschel, Abraham Joshua,” *The Martin Luther King, Jr. Research and Education Institute*, accessed November 4, 2019. (<https://kinginstitute.stanford.edu/encyclopedia/heschel-abraham-joshua>)

**117.** Martin Kramer, “In the words of Martin Luther King...” *Sandbox*, March 12, 2012. (<http://martinkramer.org/sandbox/2012/03/in-the-words-of-martin-luther-king/>)

**118.** Gil Troy, *Moynihan’s Moment* (Oxford: Oxford University Press, 2013), page 7.

**119.** Samer Abboud, “Black Activists and the Palestinians,” *Medium*, February 23, 2018. (<https://medium.com/hindsights/black-palestinian-solidarity-contemporary-struggles-historical-roots-d975a9567aeb>)

colonialism.<sup>120</sup> The Black Panthers, the Nation of Islam, and other radical groups embraced Palestinian activism and opposition to Israel.<sup>121</sup> Some pointed to commercial and military ties between Israel and apartheid South Africa, charging Israeli complicity. Strong ties between the Palestine Liberation Organization (PLO) and the anti-apartheid movement reinforced efforts to box Israel into an apartheid framework. In February 1990, PLO Chairman Yasser Arafat was one of the first people to greet Nelson Mandela following the latter's release after 27 years of incarceration. Mandela told Arafat that the PLO leader was "fighting against a unique form of colonialism."<sup>122</sup> Another anti-apartheid leader, Bishop Desmond Tutu, embraced Palestinian activism and, in 2002, began supporting divestment from Israel.<sup>123</sup>

The convergence of black and Palestinian activism accelerated rapidly in August 2014, when protests against alleged police brutality in Ferguson, Missouri, coincided with the bloody war in Gaza between Israel and Hamas.<sup>124</sup> BDS activists sought to attract supporters by equating American racial tensions with the concurrent conflict in Gaza, even though the latter was triggered by Hamas rockets. Some Palestinian-American activists

joined the Ferguson protests and advised protesters on how to mitigate the effects of tear gas, strengthening the bond between the two movements.

The pro-BDS group Dream Defenders, which has exploited the intersection of African-American and BDS activism, illustrates the alarming tendency of some pro-BDS organizations to work alongside individuals linked to terrorism and anti-Semitism. Dream Defenders was founded in 2012 after the shooting death of unarmed African-American teen Trayvon Martin. In March 2016, Dream Defenders published a curriculum extolling the virtues of the PFLP terrorist group.<sup>125</sup> A 2015 Dream Defenders trip to Israel and the West Bank included figures such as Temple University professor Marc Lamont Hill and future Women's March coordinator Carmen Perez. In 2019, the Women's March replaced Perez and two other board members for praising Louis Farrakhan, the anti-Semitic leader of the Nation of Islam, and attending his events.<sup>126</sup> Since his trip with Dream Defenders, Hill has accused Israel of apartheid and advocated for BDS at the United Nations, where he called for "a free Palestine from the river to the sea," a slogan wielded by Hamas and others who seek the annihilation of the Jewish state.<sup>127</sup>

120. Daniel Swindell, "How Palestinian Activists Manipulate the African American Community," *The Times of Israel* (Israel), March 27, 2018. (<https://blogs.timesofisrael.com/how-palestinian-activists-manipulate-the-african-american-community/>)

121. Greg Thomas, "The Black Panther Party – For Palestine," *Samidoun*, September 30, 2016. (<https://samidoun.net/2016/09/the-black-panther-party-for-palestine-by-greg-thomas/>)

122. "Mandela Angers Australian Jews with Fresh Anti-Israel Rhetoric," *Jewish Telegraphic Agency*, October 25, 1990. (<https://www.jta.org/1990/10/25/archive/mandela-angers-australian-jews-with-fresh-anti-israel-rhetoric>)

123. Desmond Tutu, "Of Occupation and Apartheid: Do I Divest?" *Counterpunch*, October 17, 2002. (<https://web.archive.org/web/20030220031438/https://www.counterpunch.org/tutu1017.html>)

124. "Ferguson riots: Ruling sparks night of violence," *BBC News* (UK), November 25, 2014. (<https://www.bbc.com/news/world-us-canada-30190224>)

125. "Blacked Out History Rebellion Curriculum Toolkit," *Dream Defenders*, accessed December 6, 2019. ([https://d3n8a8pro7vhmx.cloudfront.net/dreamdefenders/pages/188/attachments/original/1457123378/Final\\_BOHM\\_Curriculum\\_1234.pdf?1457123378https://www.scribd.com/doc/302090495/BOHM-Rebellion-Curriculum](https://d3n8a8pro7vhmx.cloudfront.net/dreamdefenders/pages/188/attachments/original/1457123378/Final_BOHM_Curriculum_1234.pdf?1457123378https://www.scribd.com/doc/302090495/BOHM-Rebellion-Curriculum))

126. Marisa J. Lang, "Women's March replaces three original leaders, after anti-Semitism accusations, with 16 board members," *The Washington Post*, September 16, 2019. (<https://www.washingtonpost.com/dc-md-va/2019/09/16/womens-march-cutting-ties-with-three-original-board-members-accused-anti-semitism/>); Petra Marquardt-Bigman, "The feminist Farrakhan fans who organized the Women's March," *The Times of Israel* (Israel), May 14, 2017. (<https://blogs.timesofisrael.com/the-feminist-farrakhan-fans-who-organized-the-womens-march/>); Leah McSweeney and Jacob Siegel, "Is the Women's March Melting Down?" *Tablet*, December 10, 2018. (<https://www.tabletmag.com/jewish-news-and-politics/276694/is-the-womens-march-melting-down>)

127. @marclamonhill, "but I wasn't asking you. I was asking him. Israel is very much, by definition, an apartheid state." *Twitter*, June 7, 2016. (<https://twitter.com/marclamonhill/status/740220620093456384>); "Program," *US Campaign for Palestinian Rights*, 2018. (<https://uscpr.org/conference2018/program/>); Gary Willig, "CNN Pundit: Palestine from the river to the sea," *Israel National News* (Israel), November 28, 2018. (<https://www.israelnationalnews.com/News/News.aspx/255411>)

Dream Defenders staff have also promoted the pro-BDS characterization of the Palestinian-Israeli within prominent African-American forums. In August 2016, the Movement for Black Lives, a group associated with Black Lives Matter, released a platform describing Israel's policy toward the Palestinians as "genocide," calling Israel an "apartheid state," and urging support for BDS.<sup>128</sup> Then-director of strategy for Dream Defenders Rachel Gilmer co-authored the platform.<sup>129</sup> The Jewish Federations of North America responded, "We are dismayed by the acceptance of a platform that vilifies Israel, diverting attention from urgent, unresolved problems that African-Americans and other people of color continue to face in the United States."<sup>130</sup>

## BDS Commercial Boycotts

The BDS campaign has focused on three types of targets: commercial enterprises, academic institutions, and prominent cultural figures and organizations.

Commercial boycotts have targeted both Israeli companies and multinational firms that operate in or trade with Israel. Consumer goods, such as Sabra hummus and Ahava cosmetics, are popular targets because of their visibility. The boycotts also tend to target companies linked to the West Bank or the Israeli

Defense Forces (IDF), enabling activists to frame the boycotts as responses to specific Israeli actions rather than an effort to target the entire Jewish state, even when the Jewish state is often the intended target.

BDS commercial boycotts have a mixed record of success. If anything, the campaign's commercial boycotts tend to generate negative publicity for Israel rather than significant economic pressure.

One company in the crosshairs has been Caterpillar, a publicly traded, U.S.-based firm that produces bulldozers and other heavy machinery. American activist Rachel Corrie was killed in Gaza in 2003 when she stood in the way of an Israeli military bulldozer built by Caterpillar.<sup>131</sup> An Israeli judge ruled Corrie's death an accident because the bulldozer operator could not see her.<sup>132</sup> Nevertheless, protesters gathered outside Caterpillar's headquarters in Illinois, wrote to its CEO, and pressured local dealerships to push Caterpillar to boycott Israel.<sup>133</sup> HRW also wrote a report and encouraged the company to stop selling bulldozers to Israel.<sup>134</sup> JVP, StopCat of Chicago, Stop U.S. Tax-Funded Aid to Israel Now!, the U.S. Campaign to End the Occupation (now the USCPR), and the Rachel Corrie Foundation have organized boycotts and protests against Caterpillar.<sup>135</sup> Some JVP members even bought Caterpillar shares so they could submit

**128.** "Black Lives Matter Endorses BDS: Israel Is 'Apartheid State,'" *Haaretz* (Israel), August 4, 2016. (<https://www.haaretz.com/israel-news/black-lives-matter-endorses-bds-israel-is-apartheid-state-1.5420685>)

**129.** Sam Kestenbaum, "How Did Black Lives Matter Come To Charge Israel With 'Genocide?'" *The Forward*, August 9, 2016. (<https://forward.com/news/347142/how-did-genocide-charge-against-israel-end-up-in-black-lives-matter-groups/>)

**130.** The Jewish Federations of North America, Statement, "JFNA Statement on Black Lives Matter," August 5, 2016. (<https://jewishheartnj.org/blog/jfna-statement-on-blm>)

**131.** Jack Khoury, "Israeli Court: U.S. Activist Rachel Corrie's Death Was an Accident," *Haaretz* (Israel), August 28, 2012. (<https://www.haaretz.com/court-rachel-corrie-death-an-accident-1.5292203>)

**132.** Joel Greenberg, "Israeli court rules military not at fault in U.S. activist Rachel Corrie's death," *The Washington Post*, August 28, 2012. ([https://www.washingtonpost.com/world/middle\\_east/israeli-court-rules-military-not-at-fault-in-activist-rachel-corries-death/2012/08/28/35d3ccbc-f116-11e1-892d-bc92fee603a7\\_story.html](https://www.washingtonpost.com/world/middle_east/israeli-court-rules-military-not-at-fault-in-activist-rachel-corries-death/2012/08/28/35d3ccbc-f116-11e1-892d-bc92fee603a7_story.html))

**133.** Suzanne Morrison, "The Boycott, Divestment, and Sanctions Movement: Activism Across Borders for Palestinian Justice," *The London School of Economics and Political Science*, October 2015, pages 91-93. ([http://etheses.lse.ac.uk/3350/1/Morrison\\_The\\_Boycott\\_Divestment.pdf](http://etheses.lse.ac.uk/3350/1/Morrison_The_Boycott_Divestment.pdf))

**134.** "Human Rights Watch Letter to Caterpillar, Inc.," *Human Rights Watch*, October 28, 2004. (<https://www.hrw.org/news/2004/10/28/human-rights-watch-letter-caterpillar-inc>); "Razing Rafah; Mass Demolitions in the Gaza Strip," *Human Rights Watch*, October 17, 2004. (<https://www.hrw.org/report/2004/10/17/razing-rafah/mass-home-demolitions-gaza-strip>)

**135.** Suzanne Morrison, "The Boycott, Divestment and Sanctions Movement: Activism across Borders for Palestinian Justice," *The London School of Economics and Political Science*, October 2015. ([http://etheses.lse.ac.uk/3350/1/Morrison\\_The\\_Boycott\\_Divestment.pdf](http://etheses.lse.ac.uk/3350/1/Morrison_The_Boycott_Divestment.pdf))

resolutions at shareholder meetings.<sup>136</sup> Boycotters took credit when the Teachers Insurance and Annuity Association of America-College Retirement Equities Fund (TIAA) removed Caterpillar from its Social Choice Fund in 2012, a divestment of \$72 million, after Caterpillar fell out of the MSCI Social Index, which includes companies with high measures of social responsibility.<sup>137</sup> Notably, TIAA and MSCI cited reasons unrelated to BDS.<sup>138</sup>

Sabra hummus has been another major target of BDS, particularly on college campuses, due in part to the chickpea spread's prevalence in American stores. Sabra has Israeli roots and is half-owned by Israel's Strauss Group, but it is actually based in the United States.<sup>139</sup> Various BDS groups launched a campaign in 2010 against Sabra, pointing to Strauss' website, on which the company claimed it had delivered hummus to the IDF's Golani Brigade.<sup>140</sup> Several student groups, including SJP, launched petitions to remove Sabra from stores and university campuses.<sup>141</sup> While student votes against Sabra have passed, university administrations have not enforced them.<sup>142</sup> Sabra today enjoys a 25 percent share of the American dip and spread market

and produces more than 60 percent of the hummus consumed in the United States.<sup>143</sup>

Another BDS target is Ahava, an Israeli cosmetics company that markets beauty products made from minerals found in the Dead Sea. Pro-BDS activists object to Ahava's operation of a factory on the shores of the Dead Sea, in the Israeli West Bank settlement of Mitspe Shalem. NGOs such as Oxfam, Who Profits, and Al-Haq have led this boycott effort, including by issuing reports. In 2009, CODEPINK launched a campaign called "Stolen Beauty" to protest the sale of Ahava products.<sup>144</sup> Protesters, some bikini-clad, have staged demonstrations in department stores that carry Ahava products, and have even physically blocked access to Ahava's store in London. Following these protests, the landlord for Ahava's London store did not renew the company's lease, and several department store chains stopped carrying its products.<sup>145</sup> In 2016, Ahava announced plans for a factory within Israel's pre-1967 borders, but it is unclear whether this factory would replace or supplement the company's plant in the West Bank.<sup>146</sup>

136. Ibid.

137. "Caterpillar Bulldozed off Investment List," *Haaretz* (Israel), June 27, 2012. (<https://www.timesofisrael.com/caterpillar-inc-bulldozed-off-investment-list-because-of-idf/>)

138. "General Q&A," *MSCI*, October 2012. (<https://www.msci.com/documents/10199/5b738421-3227-413b-8945-3b5f45cc76f1>)

139. Yoram Gabison, "The Dip that Roared: How Hummus Conquered the U.S.," *Haaretz* (Israel), 2014. (<https://www.haaretz.com/israel-news/business/.premium-how-hummus-took-the-u-s-1.5252596>)

140. Tamar Lewin, "New Subject of Debate in Mideast: Hummus," *The New York Times*, December 3, 2010. (<https://www.nytimes.com/2010/12/04/education/04hummus.html>)

141. Aru Shiney-Ajay and Killian McGinnis, "More than Hummus: Renewing the Call to Boycott Sabra," *Voices*, March 27, 2018. (<https://voices.swarthmore.edu/content-1/2018/3/27/more-than-hummus-renewing-the-call-to-boycott-sabra>)

142. "California Students Approve Resolution to Remove Sabra Hummus from Campus," *The Jerusalem Post* (Israel), September, 2017. (<https://www.jpost.com/International/California-students-approve-resolution-to-remove-Sabra-hummus-from-campus-480703>)

143. Strauss Group, Press Release, "Another Stellar Year of Growth and Rising Profit Margins," March 13, 2019. (<https://www.prnewswire.com/il/news-releases/another-stellar-year-of-growth-and-rising-profit-margins-strauss-group-announces-revenues-of-nis-8-6-billion-and-nis-489-million-net-profit-for-20181-300811499.html>)

144. "Stolen Beauty: The Struggle for a Just Peace in the Middle East Coming to a Store Near You," *CODEPINK*, July 21, 2019. ([https://www.codepink.org/stolen\\_beauty\\_the\\_struggle\\_for\\_a\\_just\\_peace\\_in\\_the\\_middle\\_east\\_coming\\_to\\_a\\_store\\_near\\_you](https://www.codepink.org/stolen_beauty_the_struggle_for_a_just_peace_in_the_middle_east_coming_to_a_store_near_you)); "Endorsers List," *Stolen Beauty*, accessed November 12, 2019. ([https://web.archive.org/web/20170201174648/http://www.stolenbeauty.org/endorsers\\_list](https://web.archive.org/web/20170201174648/http://www.stolenbeauty.org/endorsers_list))

145. Yaniv Halily, "AHAVA closes London store over threats," *Ynet* (Israel), September 22, 2011. (<https://www.ynetnews.com/articles/0,7340,L-4125530,00.html>)

146. "Ahava cosmetics giant opens plant inside Israel's Green Line," *Jewish Telegraphic Agency*, March 11, 2016. (<https://www.jta.org/2016/03/11/news-opinion/israel-middle-east/cosmetics-giant-ahava-opens-plant-on-israeli-side-of-green-line>)

Like Ahava, SodaStream produced retail goods in the West Bank, specifically personal soda makers. Activists have called for a boycott of SodaStream since at least 2011.<sup>147</sup> At its West Bank facility, the company employed both Israeli and Palestinian workers, men and women, in an attempt to demonstrate the benefits and possibilities of peaceful coexistence. The firm offered its Palestinian employees wages and benefits well above the West Bank average.<sup>148</sup> Nevertheless, BDS activists protested outside department stores that carried SodaStream products. In 2015, SodaStream moved its production to a factory in Israel's Negev, where it employs Jews and Bedouin Arabs. The company denies the move resulted from BDS pressure.<sup>149</sup>

Even after SodaStream closed its West Bank plant, causing many Palestinians to lose their jobs, BDS activists maintained their boycott, accusing SodaStream of taking advantage of its Bedouin workers. This criticism ignored the Bedouin mayor of nearby Rahat, who called SodaStream “a symbol of hope and cooperation.”<sup>150</sup> Oxfam forced Scarlett Johansson, who

starred in some SodaStream commercials, to choose between working with the Israeli firm and continuing to serve as an Oxfam celebrity ambassador. Johansson chose the Israeli company. She later said she had no regrets about leaving Oxfam, adding that the boycotters had no “solution to the closing of that factory and leaving all those people destitute.”<sup>151</sup> In 2018, PepsiCo bought Sodastream for over \$3 billion.<sup>152</sup>

One BDS effort that posed a challenge for Israel was the campaign against the French telecom company Orange. The British research organization Corporate Watch released a report in 2011 calling for a boycott of Orange because it operated in Israel.<sup>153</sup> BDS groups objected to support for Israeli soldiers by Orange's Israeli affiliate, which included waiving fees for military personnel and participating in Israel's Adopt-A-Soldier project.<sup>154</sup> In 2015, after the organization BDS Egypt launched a boycott of Orange's Egypt affiliate, Orange's CEO said, “Believe me I would cancel the contract [in Israel] tomorrow if I could.”<sup>155</sup> In January 2016, Orange parted ways with its Israeli partner.<sup>156</sup>

147. Stephanie Westbrook, “Swedish chain kicks out drink machines made in Israeli settlements,” *The Electronic Intifada*, August 29, 2011. (<https://electronicintifada.net/content/swedish-chain-kicks-out-drink-machines-made-israeli-settlements/10327>)

148. Clifford D. May, “Jobless and desperate Palestinians,” *The Washington Times*, October 27, 2015. (<https://www.washingtontimes.com/news/2015/oct/27/clifford-may-jobless-and-desperate-palestinians/>)

149. Ian Black, “SodaStream to move factory out of West Bank Israeli settlement,” *The Guardian* (UK), October 29, 2014. (<https://www.theguardian.com/business/2014/oct/29/sodastream-move-factory-west-bank-israel-slash-forecast>)

150. “SodaStream is Still Subject to Boycott,” *BDS*, August 22, 2018. (<https://bdsmovement.net/news/%E2%80%9Ccodastream-still-subject-boycott%E2%80%9D>); Clifford D. May, “Jobless and desperate Palestinians,” *The Washington Times*, October 27, 2015. (<https://www.washingtontimes.com/news/2015/oct/27/clifford-may-jobless-and-desperate-palestinians/>)

151. Loulla-Ma Eleftheriou-Smith, “Scarlett Johansson has no regrets for quitting Oxfam for SodaStream ad campaign,” *The Independent* (UK), March 16, 2014. (<https://www.independent.co.uk/news/people/scarlet-johansson-has-no-regrets-quitting-oxfam-for-sodastream-ad-campaign-9195715.html>)

152. Abha Bhattarai, “Is Soda over? Pepsi to buy seltzer-maker Soda Stream,” *The Washington Post*, August 20, 2018. ([https://www.washingtonpost.com/business/2018/08/20/is-soda-over-pepsi-buys-seltzer-maker-sodastream-billion/?utm\\_term=.199f1fde4fb2](https://www.washingtonpost.com/business/2018/08/20/is-soda-over-pepsi-buys-seltzer-maker-sodastream-billion/?utm_term=.199f1fde4fb2))

153. Tom Anderson, Georgia Clough, Therezia Cooper, Jack Curry, and Pete Jones, *Targeting Israeli Apartheid* (Nottingham: Russel Press, 2012). (<https://corporateoccupation.files.wordpress.com/2012/01/targeting-israeli-apartheid-a-boycott-divestment-and-sanctions-handbook.pdf>)

154. Ali Abunimah, “How Orange Telecom supported Israel's massacre in Gaza,” *The Electronic Intifada*, April 8, 2015. (<https://electronicintifada.net/blogs/ali-abunimah/how-orange-telecom-supported-israels-massacre-gaza>)

155. Emir Nade and Menna Zaki, “It is our intention to terminate contract with Israel: Orange Chief Executive,” *Daily News Egypt* (Egypt), June 3, 2015. (<https://dailynewsegyp.com/2015/06/03/it-is-our-intention-to-terminate-contract-with-israel-orange-chief-executive/>)

156. “Orange telecom chief now says: We Love Israel,” *The Times of Israel* (Israel), June 5, 2015. (<https://www.timesofisrael.com/orange-telecom-chief-we-love-israel/>); Jack Moore, “Orange to End Partnership with Israeli Company as BDS Claims another scalp,” *Newsweek*, January 6, 2016. (<https://www.newsweek.com/orange-ends-partnership-israeli-company-bds-claims-another-scalp-412202>)

In the aggregate, commercial boycotts have generated ample publicity but have largely failed to put meaningful pressure on the Israeli economy.<sup>157</sup>

## Academic Boycotts

Academic boycotts of Israel have faced an uphill battle on most American campuses. These boycotts have encountered resistance because they seek to punish Israeli institutions based on their identity rather than in response to specific conduct. In addition, academic culture tends to favor dialogue, whereas academic boycotts seek to prevent it.

Advocates of the academic boycott, such as Omar Barghouti, blur the distinction between identity and conduct by asserting that every Israeli academic institution is complicit “in perpetuating Israel’s occupation, racial discrimination, and denial of refugee rights.”<sup>158</sup> His definition of complicity is so broad that it becomes meaningless. One BDS activist even argued that scholarships for IDF combat veterans are a form of anti-Palestinian discrimination.<sup>159</sup>

In 2004, Barghouti helped launch PACBI.<sup>160</sup> PACBI’s American counterpart, USACBI, was founded in 2009.<sup>161</sup> USACBI won its first endorsement in April 2013, when the Association for Asian American Studies expressed support for a boycott.<sup>162</sup> USACBI later won the support of some small academic organizations, including a number focused on ethnic studies.<sup>163</sup>

The academic boycott’s potential for further growth seems limited.<sup>164</sup> The only mid-sized academic organization to endorse the boycott is the American Studies Association (ASA). Some ASA members began advocating for a boycott as early as 2006. After fits and starts, by 2012, pro-boycott members had convinced a caucus within the association to submit a boycott resolution to the ASA national council. The ASA watered down the resolution’s language before passing it in December 2013. Out of the 5,000 members of the ASA, 820 voted in favor, while 420 opposed it.<sup>165</sup> In response, eight schools dropped their institutional affiliation with the ASA, and two announced they would not implement the boycott.<sup>166</sup> As University of Maryland President Wallace Loh said, “To restrict the free flow of people and ideas with some universities

**157.** Orde F. Kittrie, *Lawfare: Law as a Weapon of War* (New York: Oxford University Press, 2016), page 241.

**158.** Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket Books, 2011), pages 94-95.

**159.** Nada Elia, “The Brain of the Monster” in *The Case for Sanctions Against Israel*, Ed. Audrea Lim (London: Verso, 2012), pages 54-55.

**160.** A law professor at the University of Illinois called for a boycott of Israel in November 2000, years before the official academic boycott. Francis Boyle, “Stopping Zionist Genocide Against the Palestinians: The Boycott, Divestment, And Sanctions (BDS) Campaign,” *Countercurrents.org*, April 6, 2018. (<https://countercurrents.org/2018/04/stopping-zionist-genocide-against-the-palestinians-the-boycott-divestment-and-sanctions-bds-campaign>)

**161.** “Academic Boycott,” *US Campaign for the Academic and Cultural Boycott of Israel*, accessed December 6, 2019. (<https://usacbi.org/academic-boycott/>)

**162.** Elizabeth Redden, “A First for the Israel Boycott?” *Inside Higher Ed*, April 24, 2013. (<https://www.insidehighered.com/news/2013/04/24/asian-american-studies-association-endorses-boycott-israeli-universities>)

**163.** “Academic Associations Endorsing Boycott and Resolutions,” *US Campaign for the Academic and Cultural Boycott of Israel*, accessed December 6, 2019. (<https://usacbi.org/academic-associations-endorsing-boycott/>)

**164.** From the Q&A portion of the book talk: “Boycott! The Academy and Justice for Palestine,” held at the Palestine Center in Washington, DC, on March 27, 2019.

**165.** Raphael Ahren, “American Studies Association Endorses Israel Boycott,” *The Times of Israel* (Israel), December 4, 2013. (<https://www.timesofisrael.com/american-studies-association-endorses-israel-boycott/>)

**166.** Sharon Ann Musher, “The Closing of the American Studies Association’s Mind” in *The Case Against Academic Boycotts of Israel*, Ed. Cary Nelson and Gabriel Noah Brahm (Chicago: MLA Members for Scholars’ Rights, 2015), page 117.

because of their national identity is unwise, unnecessary, and irreconcilable with our core academic values.”<sup>167</sup>

In the six years since the ASA decision, the boycott campaign has achieved no comparable success. In 2007, more than 450 college and university presidents signed a statement opposing academic boycotts, followed by a 2014 letter that received 250 signatures. Likewise, hundreds of universities have released their own statements condemning academic boycotts.<sup>168</sup>

Academic associations have also rejected anti-Israel boycotts. The 47,000-strong American Association of University Professors wrote to the ASA to condemn its decision to boycott Israel.<sup>169</sup> The Modern Language Association, American Public Health Association, and American Library Association, each of which represents tens of thousands of academics, all rejected motions to boycott Israel. Despite pressure from JVP, Friends of Sabeel North America, and other pro-BDS groups, the American Anthropological Association rejected a boycott in 2016.<sup>170</sup>

Attempts by individual academics to boycott Israel have sparked controversy. In September 2018, University of

Michigan professor John Cheney-Lippold rescinded his offer to write a letter of recommendation for a student after he discovered it was for a program in Israel.<sup>171</sup> The university ultimately disciplined Cheney-Lippold by canceling his sabbatical and denying him a merit raise, noting that his “conduct has fallen far short of the University’s and College’s expectations for how ... faculty interact with and treat students.”<sup>172</sup>

## Campus BDS

The first campus BDS campaign began at Michigan’s Wayne State University in 2002, leading to a successful student body resolution in 2003.<sup>173</sup> In 2009, Hampshire College in Amherst, Massachusetts, became the first and only academic institution to divest its Israeli holdings.<sup>174</sup> Current campus BDS efforts have generated publicity but little in the way of tangible results. Students at roughly 70 institutions have voted to divest from Israel, but university administrators have ignored or denounced such efforts. Unfortunately, the rise in campus BDS activism has corresponded to an increase in anti-Semitic incidents.

167. “UMD Leadership Opposes Boycott of Israeli Academic Institutions,” *UMD Right Now*, December 23, 2013. (<https://umdrighnow.umd.edu/news/statement-umd-president-and-provost-opposing-boycott-israeli-academic-institutions>)

168. “University Statements Rejecting Divestment and the Academic Boycott of Israel,” *Jewish Virtual Library*, accessed December 6, 2019. (<https://www.jewishvirtuallibrary.org/university-statements-rejecting-bds>)

169. The American Association of University Professors, Statement, “ASA Statement on Vote to Endorse Academic Boycott of Israel,” January 2015. ([https://www.aaup.org/sites/default/files/AAUPStatementASAVote\\_0.pdf](https://www.aaup.org/sites/default/files/AAUPStatementASAVote_0.pdf))

170. “AAA Votes Down Academic Boycott Resolution,” *American Anthropological Association*, June 7, 2016. (<https://www.americananthro.org/StayInformed/NewsDetail.aspx?ItemNumber=14768>)

171. Isaac Stanley Becker, “A Michigan Professor Supported a Students Study Abroad Application Until He Realized Israel was her Destination,” *The Washington Post*, September 20, 2018. (<https://www.washingtonpost.com/news/morning-mix/wp/2018/09/20/a-michigan-professor-supported-a-students-study-abroad-application-until-he-realized-israel-was-her-destination/>)

172. Kim Kozlowski, “UM disciplines prof. over Israel letter controversy,” *The Detroit News*, October 9, 2018. (<https://www.detroitnews.com/story/news/local/michigan/2018/10/09/university-michigan-disciplines-professor-over-israel-letter-controversy/1580969002/>)

173. “Resolution on Response to Divestiture Request,” Wayne State University Board of Governors, April 30, 2003. (<https://web.archive.org/web/20140817000321/https://bog.wayne.edu/meetings/2003/04-30/board0403-divestiture.pdf>)

174. “US Campus Victories in the Boycott, Divestment & Sanctions Movement,” *National Students for Justice in Palestine*, accessed December 6, 2019. (<https://www.nationalsjp.org/bds-victories.html>); “Hampshire College first in US to divest from Israel,” *The Electronic Intifada*, February 12, 2009. (<https://electronicintifada.net/content/hampshire-college-first-us-divest-israel/932>); Hanna Inber Win, “Hampshire College Divests from Israel,” *The Huffington Post*, March 15, 2009. ([https://www.huffpost.com/entry/hampshire-college-divests\\_n\\_166528?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce\\_referrer\\_sig=AQAAAAMPfGbUB9Lg1mCc4rNmmizDKz0ItqcuyyrhdRIs8WHBRANCgKO\\_b96Sr57eSl2OME4o5Z2StkVCeEc-oW-4CJw2Be60hy6\\_GUnZ6TfK6xvwDA0odA3jwWuYVemmmTHV5rMS7P5WUaBRNOrCLWIULanBxsE6ROgne2RQcg9fJqJeYs](https://www.huffpost.com/entry/hampshire-college-divests_n_166528?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce_referrer_sig=AQAAAAMPfGbUB9Lg1mCc4rNmmizDKz0ItqcuyyrhdRIs8WHBRANCgKO_b96Sr57eSl2OME4o5Z2StkVCeEc-oW-4CJw2Be60hy6_GUnZ6TfK6xvwDA0odA3jwWuYVemmmTHV5rMS7P5WUaBRNOrCLWIULanBxsE6ROgne2RQcg9fJqJeYs))

University of California-Berkeley Professor Hatem Bazian co-founded SJP in 1992.<sup>175</sup> Today, the National SJP website boasts around 200 chapters nationwide.<sup>176</sup> The group became increasingly active around 2002, when it organized the first and second Palestine Solidarity Movement conferences.<sup>177</sup> That same year, 79 SJP members at Berkeley were arrested for disrupting a Holocaust Memorial event.<sup>178</sup>

SJP was incubated by American Muslims for Palestine (AMP), another group founded and chaired by Bazian. AMP has shared personnel and donors with several Hamas fronts.<sup>179</sup> As Jonathan Schanzer of the Foundation for Defense of Democracies testified before Congress in 2016, “[A]t least seven individuals who work for or on behalf of AMP have worked for or on behalf of organizations previously shut down or held civilly liable in the United States for providing financial support to Hamas: the Holy Land Foundation, the Islamic Association for Palestine, and KindHearts.”<sup>180</sup> In 2014 alone, AMP and its fiscal sponsor, the Americans for Justice in Palestine Educational Foundation, provided at least \$100,000 to SJP chapters and the SJP national umbrella group.<sup>181</sup>

Pro-BDS groups with missions similar to SJP, such as Students Against Israeli Apartheid and the Palestine Solidarity Committee, operate on some campuses where SJP is not active. Several other anti-Israel



↑ Demonstrators in New York stage a “die-in” on July 30, 2014, to protest Israeli military action in the Hamas-ruled Gaza Strip amid Israel’s ongoing conflict with the terrorist group. (Photo by Tony Savino/Corbis via Getty Images)

groups maintain campus affiliates that promote BDS, including JVP, CODEPINK, and the Council on American-Islamic Relations.<sup>182</sup>

By sponsoring events, demonstrations, and lectures, BDS groups relentlessly paint Israel as an illegitimate entity akin to South Africa’s defunct apartheid regime, despite the obvious differences. One high-profile campus BDS event is the annual Israel Apartheid Week, which began in 2005 at the University of Toronto and has spread to hundreds of campuses across several continents.<sup>183</sup> Many campus BDS demonstrations become combative, with pro-BDS students shouting

175. Kristen Szremski, “Israel lobby empowers Palestinian solidarity,” *Al-Jazeera* (Qatar), October 15, 2011. (<https://www.aljazeera.com/indepth/opinion/2011/10/20111015122150127325.html>)

176. “About Us,” *National Students for Justice in Palestine*, accessed December 6, 2019. (<https://www.nationalsjp.org/about-nsjp.html>); Josh Moody, “A Guide to the Changing Number of U.S. Universities,” *U.S. News & World Report*, February 15, 2019. (<https://www.usnews.com/education/best-colleges/articles/2019-02-15/how-many-universities-are-in-the-us-and-why-that-number-is-changing>)

177. “Campus Anti-Semitism: The Palestine Solidarity Movement,” *Jewish Virtual Library*, accessed December 6, 2019. (<https://www.jewishvirtuallibrary.org/palestine-solidarity-movement>); “Palestine Solidarity Movement: Backgrounder,” *Anti-Defamation League*, October 6, 2004. (<https://web.archive.org/web/20041011153041/https://www.adl.org/israel/psm.asp>)

178. Dan Diker and Jamie Berk, “Students for Justice in Palestine Unmasked,” *Jerusalem Center for Public Affairs*, 2017, pages 26-27. ([http://jcpa.org/wp-content/uploads/2017/11/SJP\\_Unmasked\\_Final\\_edited.pdf](http://jcpa.org/wp-content/uploads/2017/11/SJP_Unmasked_Final_edited.pdf))

179. Ibid.

180. Jonathan Schanzer, “Israel Imperiled: Threats to the Jewish State,” *Testimony before House Foreign Affairs Committee*, April 19, 2016. (<https://docs.house.gov/meetings/FA/FA18/20160419/104817/HHRG-114-FA18-Wstate-SchanzerJ-20160419.pdf>)

181. Ibid.

182. “Profile: Students for Justice in Palestine,” *Anti-Defamation League*, 2014. (<https://web.archive.org/web/20170705030314/https://www.adl.org/sites/default/files/documents/assets/pdf/israel-international/sjp-2015-backgrounder.pdf>)

183. “Israeli Apartheid Week Launches in Cities around the World,” *BDS*, March 3, 2009. (<https://bdsmovement.net/news/israeli-apartheid-week-launches-cities-around-world>)

down pro-Israel speakers and disrupting their events. Other BDS tactics include: the erection of an “apartheid wall” (meant to represent Israel’s security barrier), distributing mock eviction notices, putting up fake checkpoints, and staging “die-ins” and other theatrics.<sup>184</sup> These tactics emulate anti-apartheid efforts from the 1980s, including the construction of shantytowns on campuses to symbolize the suffering of black South Africans.

Campus BDS activists, often directed by SJP, also lobby student governments to support BDS measures.<sup>185</sup> BDS activists often run for student government to guarantee support for boycott and divestment measures. They also seek to build “intersectional” coalitions by aligning with other left wing or minority groups (as discussed above). According to a leaked campus divestment manual from 2018, divestment activists were instructed to show support for allies by attending their events and signing their petitions, because “solidarity is always a two-way street.” The manual also encouraged pro-BDS students to initially keep their divestment goals hidden from allies to ease them into hardline positions.<sup>186</sup>

In addition to AMP and National SJP, outside help for BDS campaigns has come from the Campus

Palestine Support Network, including: the American Friends Service Committee, Palestine Legal, USACBI, USCPR, and JVP.<sup>187</sup> Palestine Legal even reviews BDS resolutions on behalf of students to test their vulnerability and has published a student handbook to instruct pro-BDS students on best practices.<sup>188</sup> Other member organizations assist with community mobilization, technology, campus connections, BDS speakers, and pro-divestment materials.<sup>189</sup>

As early as 2002, Harvard University President Lawrence Summers asserted that anti-Israel divestment campaigns were “anti-Semitic in their effect, if not their intent.”<sup>190</sup> A 2016 Brandeis University study concluded, “One of the strongest predictors of perceiving a hostile climate toward Israel and Jews is the presence of an active SJP group on campus.”<sup>191</sup> According to a 2016 report by the Amcha Initiative, a non-profit dedicated to investigating and combating anti-Semitism in American higher education institutions, “The consideration of anti-Israel divestment resolutions in student government or by the student body was strongly linked to a surge in anti-Semitic activity.”<sup>192</sup> In one egregious case at University of California-Davis in 2015, a swastika was found painted on a Jewish fraternity house shortly after a student vote on BDS.<sup>193</sup>

**184.** Some BDS tactics are borrowed directly from anti-apartheid protests. See: Courtland Milloy, “Shantytown Protests on the Campus,” *The Washington Post*, May 6, 1986. (<https://www.washingtonpost.com/archive/local/1986/05/06/shantytown-protests-on-the-campus/eee4b159-74fa-485f-8007-1e10d7cea919/>)

**185.** Nashiha Alam and Agatha Palma, *SJP Divestment Handbook* (Publisher Unknown: 2018). (<http://sjpleaks.com/wp-content/uploads/2018/01/SJP-Divestment-Handbook.pdf>)

**186.** Ibid.

**187.** “Student Handbook: Overview,” *Palestine Legal*, May 7, 2015. (<https://palestinelegal.org/legal-student-handbook>)

**188.** Nashiha Alam and Agatha Palma, *SJP Divestment Handbook* (Publisher Unknown: 2018). (<http://sjpleaks.com/wp-content/uploads/2018/01/SJP-Divestment-Handbook.pdf>); “Student Handbook: Overview,” *Palestine Legal*, May 7, 2015. (<https://palestinelegal.org/legal-student-handbook>)

**189.** “BDS Flyer,” *US Campaign for Palestinian Rights*, accessed December 6, 2019. (<https://web.archive.org/web/20170619014048/http://uscpr.org/archive/downloads/CampusBDSFlyerNSJP.pdf>)

**190.** “Response to Common Inaccuracy: Israel Critics are Anti-Semites,” *Anti-Defamation League*, accessed December 6, 2019. (<https://www.adl.org/resources/fact-sheets/response-to-common-inaccuracy-israel-critics-are-anti-semites>)

**191.** Leonard Saxe, Graham Wright, Shahar Hecht, Michelle Shain, Theodore Sasson, and Fern Chertok, “Hotspots of Antisemitism and Anti-Israel Sentiment on US Campuses,” *Steinhardt Social Research Institute at Brandeis University*, 2006. (<https://www.brandeis.edu/ssri/pdfs/campusstudies/AntisemitismCampuses102016.pdf>)

**192.** “Report on Anti-Semitic Activity During the First Half of 2016,” *AMCHA Initiative*, 2016. (<https://www.amchainitiative.org/wp-content/uploads/2016/07/Report-on-Antisemitic-Activity-During-the-First-Half-of-2016.pdf>)

**193.** “Pro-BDS Students at California Campus Shout Allahu Akbar’ at Israel Supporters,” *Haaretz* (Israel), February 4, 2015. (<https://www.haaretz.com/jewish/pro-bds-students-shout-allahu-akbar-at-israel-backers-1.5301811>)

## Cultural Boycotts of Israel

By embroiling famous performers in public controversies, the BDS cultural boycott campaign has brought attention to its cause. BDS has attempted to emulate the performing arts community's boycott of apartheid South Africa.<sup>194</sup> Yet like other BDS efforts, the cultural campaign has had a minimal impact, failing to prevent bands such as the Rolling Stones from playing for Israeli audiences.

Roger Waters, the former front man for Pink Floyd, has been a major force for BDS's cultural boycott of Israel. Waters' foray into BDS began in 2006 after an open letter from activists in *The Guardian* urged him to cancel his performance in Israel.<sup>195</sup> Waters moved his concert to an Arab-Israeli town instead of its original Tel Aviv venue. Since then, Waters has been vociferous in his support for boycotting Israel, pressuring artists not to perform there. During a concert in 2013, his crew released an inflatable pig with a Jewish star, dollar signs, and other offensive symbols, eliciting widespread condemnations.<sup>196</sup> That same year, Waters claimed that the "Jewish

lobby" was preventing artists from joining the boycott.<sup>197</sup> His actions have caused him to lose corporate sponsorships.<sup>198</sup>

Pressure from Waters and other activists has prompted a handful of popular artists to cancel performances in Israel, including Lorde, Lana Del Rey, Lauryn Hill, and Elvis Costello. Lorde and Lana Del Rey initially resisted BDS pressure before canceling their shows.<sup>199</sup> Many lesser-known artists have also succumbed to pressure not to perform in Israel.<sup>200</sup>

**“In June 2019, Sarah McTernan, Ireland’s Eurovision entrant, revealed that she endured verbal abuse and threats to her safety for competing in Tel Aviv.”**

Several artists supported the boycott of the 2019 Eurovision song contest, which Israel hosted as the previous year's winner.<sup>201</sup> Some pressure against Eurovision veered toward outright harassment. In June 2019, Sarah McTernan, Ireland's Eurovision entrant, revealed that she endured verbal abuse and threats

194. Dan Solomon, "Steven Van Zandt Tells The Story Of 'Sun City' And Fighting Apartheid In South Africa," *Fast Company*, December 13, 2013. (<https://www.fastcompany.com/3023454/steven-van-zandt-tells-the-story-of-sun-city-and-fighting-apartheid-in-south-africa>)

195. Steven Rose, "An open letter to Roger Waters," *The Guardian* (UK), March 19, 2006. (<https://www.theguardian.com/commentisfree/2006/mar/19/anopenlettertopinkfloyds>); "Open Letter to Roger Waters," *Palestinian Campaign for the Academic & Cultural Boycott of Israel*, March 7, 2006. ([http://wasns.org/media/pacbi\\_open\\_letter.php.htm](http://wasns.org/media/pacbi_open_letter.php.htm))

196. "Roger Waters Defends Use of Pig And Star Of David, Denies He's Anti-Semitic," *The Jerusalem Post* (Israel), August 4, 2012. (<https://www.jpost.com/Arts-and-Culture/Arts/Roger-Waters-defends-use-of-pig-and-Star-of-David-denies-hes-anti-Semitic-322033>)

197. Frank Barat, "An Interview with Roger Waters," *Counterpunch*, December 6, 2013. (<https://www.counterpunch.org/2013/12/06/an-interview-with-pink-floyds-roger-waters/>)

198. "American Express Cuts Funding For Roger Waters Tour After Anti-Israel Statements," *The Jerusalem Post* (Israel), October 28, 2016. (<https://www.jpost.com/Diaspora/American-express-cuts-funding-for-Roger-Waters-tour-after-anti-Israel-statements-471098>); "German public broadcasters drop Roger Waters over BDS Support," *Middle East Eye* (UK), November 28, 2017. (<https://www.middleeasteye.net/news/german-public-broadcasters-drop-roger-waters-over-bds-support-1428402007>)

199. Nadeem Muaddi, "Lorde cancels Israel concert amid calls for cultural boycott," *CNN*, December 27, 2017. (<https://www.m.cnn.com/2017/12/25/entertainment/lorde-concert-israel/index.html>); Chris Johnston, "Lana Del Rey pulls out of Israeli festival after backlash," *The Guardian* (UK), August 31, 2018. (<https://www.theguardian.com/music/2018/aug/31/lana-del-rey-pulls-out-of-israeli-festival-after-backlash>)

200. Shira Makin, "These Are All the Artists Who Have Pulled Out of Israel's Meteor Festival Amid BDS Pressure," *Haaretz* (Israel), September 2, 2018. (<https://www.haaretz.com/israel-news/.premium-all-the-artists-who-have-pulled-out-of-israel-s-meteor-festival-1.6436242>)

201. "Prominent DJs Back Israel Boycott Over 'Brutal Oppression of the Palestinian People,'" *Haaretz* (Israel), September 13, 2018. (<https://www.haaretz.com/israel-news/prominent-djs-back-israel-boycott-over-brutal-oppression-of-the-palestinian-people-1.6469507>)

to her safety for competing in Tel Aviv.<sup>202</sup> Eurovision 2019 proceeded smoothly despite the BDS pressure.

While some artists have joined the boycott, many more have bucked it. Prominent performers such as Madonna, the Red Hot Chili Peppers, Justin Bieber, Justin Timberlake, Lady Gaga, and the Rolling Stones have performed in Israel. Others, such as Nick Cave and Radiohead lead singer Thom Yorke, have even publicly condemned BDS harassment. “Just to throw the word ‘apartheid’ around and think that’s enough. It’s f\*\*\*ing weird,” Yorke said, “It’s such an extraordinary waste of energy.”<sup>203</sup>

## Church-Led Boycotts

Strong support for Israel by the U.S. government and American people is driven in part by Christian Zionism, particularly among evangelicals, who comprise a quarter of the American population. In 2018, nearly 2.5 million Christians visited Israel, accounting for 61 percent of the country’s tourists.<sup>204</sup> However, some of America’s mainline Protestant churches have been havens for BDS activists. Many of these denominations drew from their experience supporting the boycott of apartheid South Africa. Given the sizable pension and investment funds of some churches, their susceptibility to BDS can have significant economic and political

implications. Church members’ engagement in the issue stems largely from trips organized by the Ecumenical Accompaniment Programme in Palestine and Israel, designed to inculcate pro-Palestinian activism and anti-Zionism.<sup>205</sup>

The Presbyterian Church (USA), or PC(USA), a mainline protestant denomination with around 1.4 million members, initiated the first church-led selective divestment campaign in 2004.<sup>206</sup> In 2005, the PC(USA) joined the boycott of Caterpillar.<sup>207</sup> From that point until 2012, church BDS advocates made little headway, although there was a steady trickle of anti-Israel resolutions at church gatherings.

Church BDS advocates in the United States also began to draw support from their Palestinian counterparts. In December 2009, a group of Palestinian Christians issued the so-called Kairos Palestine document, which invoked a 24-year old statement opposing South African apartheid to call for a boycott of Israel.<sup>208</sup> The Kairos Palestine organization has several overseas sister groups, including Kairos USA. One Kairos leader, Reverend Naim Ateek, founded the Sabeel Ecumenical Liberation Theology Center in the West Bank, which inculcates Christian pilgrims with a pro-BDS narrative. Sabeel’s American affiliate, Friends of Sabeel North America, has been a driver of church-led BDS in the United States.

**202.** Ken Sweeney, “Terrified Eurovision star Sarah McTernan reveals she received sinister threats and abusive messages after song contest,” *The Irish Sun* (Ireland), June 1, 2019. (<https://www.thesun.ie/news/4161638/horrified-eurovision-star-sarah-mcternan-reveals-she-got-terrifying-threats-and-abusive-messages-after-song-contest/>)

**203.** Itay Stern, “Nick Cave: BDS is the Reason for my Trip to Israel,” *Haaretz* (Israel), November 19, 2017. (<https://www.haaretz.com/israel-news/nick-cave-bds-is-the-reason-for-my-trip-to-israel-1.5466640>); “Thom Yorke Breaks Silence on Israel Controversy,” *Rolling Stone*, June 2, 2017. (<https://www.rollingstone.com/music/music-news/thom-yorke-breaks-silence-on-israel-controversy-126675/>)

**204.** “Israel saw record-breaking 4 million tourists in 2018, says tourism ministry,” *The Times of Israel* (Israel), December 29, 2018. (<https://www.timesofisrael.com/israel-saw-record-breaking-4-million-tourists-in-2018-says-tourism-ministry/>)

**205.** “The World Council of Churches’ Training Camp for Anti-Israel Advocacy,” *NGO Monitor*, January 14, 2019. (<https://www.ngo-monitor.org/reports/eappi-the-world-council-of-churches-training-camp-for-anti-israel-advocacy/>); “Ecumenical Accompaniment Programme in Palestine and Israel,” *NGO Monitor*, January 16, 2019. ([https://www.ngo-monitor.org/ngos/ecumenical\\_accompaniment\\_programme\\_in\\_palestine\\_and\\_israel\\_eappi/](https://www.ngo-monitor.org/ngos/ecumenical_accompaniment_programme_in_palestine_and_israel_eappi/))

**206.** Alan Cooperman, “Israel Divestiture Spurs Clash,” *The Washington Post*, September 29, 2004. (<http://www.washingtonpost.com/wp-dyn/articles/A58039-2004Sep28.html>)

**207.** “Activist groups and Corrie family call for International Day of Action against Caterpillar on April 13,” *The Electronic Intifada*, April 11, 2005. (<https://electronicintifada.net/content/activist-groups-and-corrie-family-call-international-day-action-against-caterpillar-april-13>)

**208.** “A moment of truth: A word of faith, hope and love from the heart of Palestinian suffering,” *Kairos Palestine*, accessed November 12, 2019. (<https://web.archive.org/web/20190208125440/http://kairos-palestine.ps/index.php/about-us/kairos-palestine-document>)

In 2010, Bethlehem Bible College in the West Bank launched the Christ at the Checkpoint (CATC) conference, a biennial gathering characterized by overt hostility toward Israel.<sup>209</sup> CATC, Sabeel, and others seek to draw parallels between Jesus and the Palestinians, while presenting Palestinians as the true inheritors of the biblical tradition.

Church boycotts gained momentum in 2012, when the PC(USA) and the United Methodist Church, which has nearly seven million adherents in the United States, endorsed settlement boycotts, though they rejected divestment calls.<sup>210</sup> In 2014, both denominations supported targeted divestment resolutions against companies operating in the West Bank.<sup>211</sup>

The United Church of Christ, a mainline protestant denomination with nearly one million members, voted in June 2015 to join the boycott of Israeli settlements.<sup>212</sup> Although a majority of delegates also voted to classify

Israel's treatment of Palestinians as apartheid, they fell short of the two-thirds supermajority necessary for approval.<sup>213</sup> In 2016, the United Methodist Church Pension Board chose to divest its \$21 billion pension fund from Israel based on the findings of a corporate social responsibility firm.<sup>214</sup> The Mennonite church, which has 79,000 members and controls a \$3 billion investment fund, voted in 2017 to divest from companies involved with Israel, despite having rejected divestment two years earlier.<sup>215</sup>

In 2016, the Evangelical Lutheran Church, with support from its pro-boycott faction, Isaiah 58, adopted resolutions creating an investment screening mechanism and calling on the United States to halt aid to Israel until it evacuates the West Bank.<sup>216</sup> While the Episcopal Church's House of Bishops overwhelmingly opposed a boycott motion in 2015, in 2018 the church established a similar human rights screening mechanism for investments in Israeli companies.<sup>217</sup>

**209.** David Parsons, "Behind the 'Christ at the Checkpoint Conference,'" *International Christian Embassy Jerusalem*, March 4, 2012. (<https://int.icej.org/news/press-statements/behind-christ-checkpoint-conference>); Dexter Van Zile, "Three Things you Need to Know about Christ at the Checkpoint," *Camera*, October 11, 2018. (<https://www.camera.org/article/three-things-you-need-to-know-about-christ-at-the-checkpoint/>)

**210.** "The GA Call to Boycott: Who, What, When, Where, Why," *Israel Palestine Mission Network*, April 22, 2013. ([http://new.israelpalestinemissionnetwork.org/ipmndocuments/Boycott101\\_WhoWhatWhereWhen.pdf](http://new.israelpalestinemissionnetwork.org/ipmndocuments/Boycott101_WhoWhatWhereWhen.pdf)); Natasha Mozgovaya, "Methodist Church Says No to Israel Divestment Initiative," *Haaretz* (Israel), May 3, 2012. (<https://www.haaretz.com/1.5219071>)

**211.** Bethany Daily, "By slim margin, Assembly approves divestment from three companies doing business in Israel/Palestine," *Presbyterian Church (USA)*, June 21, 2014. (<https://www.pcusa.org/news/2014/6/21/slim-margin-assembly-approves-divestment-three/>); Laurie Goodstein, "Methodist Church Pension Board Links Divestment to Firm's Role in Israeli Prisons," *The New York Times*, June 15, 2014. (<https://www.nytimes.com/2014/06/16/us/methodist-church-group-links-divestment-move-to-israel-and-a-firms-prison-role.html>)

**212.** Amanda Holpuch, "US churches vote on joining BDS movement targeting Israel," *The Guardian* (UK), July 1, 2015. (<https://www.theguardian.com/world/2015/jul/01/us-churches-vote-on-joining-bds-movement-targeting-israel>)

**213.** Rick Gladstone, "United Church of Christ Approves Divestment to Aid Palestinians," *The New York Times*, June 30, 2015. (<https://www.nytimes.com/2015/07/01/us/united-church-of-christ-to-divest-israel-to-aid-palestinians.html>)

**214.** "The Role of Antisemitism in the Presbyterian Church's Decision to Support Divestment," *NGO Monitor*, June 2014. ([http://ngo-monitor.org/data/images/File/NGOM\\_IPMN\\_June\\_2014.pdf](http://ngo-monitor.org/data/images/File/NGOM_IPMN_June_2014.pdf)); Julie Hammerman, "Internal protest at Methodist pension after Israel divestment," *The Jerusalem Post* (Israel), March 9, 2016. (<https://www.jpost.com/printarticle.aspx?id=447417>)

**215.** Rick Gladstone, "Mennonites and Episcopalians Say No, for Now, to Israel Divestment," *The New York Times*, July 2, 2015. (<https://www.nytimes.com/2015/07/03/us/mennonites-delay-vote-on-israel-divestment-until-2017.html>); "Mennonite Church USA votes to divest from companies benefiting from Israeli occupation," *Jewish Telegraphic Agency*, July 6, 2017. (<https://www.jta.org/2017/07/06/united-states/mennonite-church-usa-votes-to-divest-from-companies-benefiting-from-israeli-occupation>)

**216.** "Evangelical Lutheran Church in America: Stop US aid to Israel if settlements allowed to stay," *Jewish Telegraphic Agency*, August 14, 2016. (<https://www.jta.org/2016/08/14/united-states/evangelical-lutheran-church-in-america-stop-us-aid-to-israel-if-settlements-allowed-to-stay>)

**217.** Mathew Davies, "Bishops overwhelmingly oppose divestment in Israel, Palestine," *The Episcopal Church*, July 2, 2015. (<https://www.episcopalchurch.org/library/article/bishops-overwhelmingly-oppose-divestment-israel-palestine>); "US Episcopal Church Adopts Boycott of Israel," *The Palestine Chronicle*, July 18, 2018. (<http://www.palestinechronicle.com/us-episcopal-church-adopts-boycott-of-israel/>)

While BDS activists have claimed several victories in this space, many churches have actually preferred hollow statements and eschewed resolutions that would trigger specific actions. Notably, a 2019 report claimed that the United Church of Christ continued to hold investments in companies from which it claimed to divest in 2014.<sup>218</sup>

## Trade Unions

Israel's dominant *Histadrut* labor federation has upheld the long-standing Israeli tradition of union organizing, protecting workers' rights, and strong ties to international labor organizations. Perhaps because of this, American trade unions have continually rejected BDS initiatives. For almost a decade after the publication of the 2005 BDS call, no significant union endorsed the campaign. That changed in 2014, but national labor leaders overturned pro-BDS decisions by local and state unions.

Not long after the publication of the BDS call, American Jewish labor activists moved to prevent the campaign from establishing a beachhead in U.S. trade unions. In 2007, Stuart Appelbaum, the president of the Jewish Labor Committee (JLC) in Manhattan as

well as of the Retail, Wholesale and Department Store Union, mobilized the principal American labor unions to reject boycotts of the Jewish state. "The backers of the boycott campaign have pulled out the stops to brand Israel as the embodiment of evil in the Middle East," said Appelbaum. He added, "Though they claim they are concerned with the problems facing Palestinians, their efforts only bolster the extremists who refuse to accept Israel's right to exist."<sup>219</sup> AFL-CIO president Richard Trumka condemned boycotts of Israel at a JLC event in 2009.<sup>220</sup>

Campus activists won their first significant union endorsement in 2014. The United Auto Workers (UAW) 2865, representing 13,000 University of California teaching assistants and student workers, joined the BDS campaign and urged their universities and UAW International to divest from Israel.<sup>221</sup> The UAW International Executive Board nullified the vote a year later, arguing that it violated its constitution and would harm members.<sup>222</sup> The board also nullified pro-BDS resolutions passed at New York University and University of Massachusetts-Amherst in 2016.<sup>223</sup>

In 2015, the Connecticut branch of the AFL-CIO, representing around 200,000 workers, endorsed BDS after some members went on a tour of Israel led by

**218.** Dexter Van Zile, "Did the United Church of Christ Really Divest from Israel-Related Companies?" *Committee for Accuracy in Middle East Reporting*, January 17, 2019. (<https://www.camera.org/article/did-the-united-church-of-christ-really-divest-from-israel-related-companies/>)

**219.** "German Unions Follow U.S. Labor to Oppose Boycott Against Israel," *Jewish Labor Committee*, September 7, 2007. ([http://www.jewishlaborcommittee.org/2007/09/german\\_unions\\_follow\\_us\\_labor.html](http://www.jewishlaborcommittee.org/2007/09/german_unions_follow_us_labor.html))

**220.** "AFL-CIO President Richard Trumka Speaks Out Against Calls to Boycott Israel," *Jewish Labor Committee*, accessed December 6, 2019. ([http://www.jewishlaborcommittee.org/2009/10/aflcio\\_president\\_richard\\_trumk\\_1.html](http://www.jewishlaborcommittee.org/2009/10/aflcio_president_richard_trumk_1.html))

**221.** "Historic: UAW 2865, UC Student-Worker Union, Becomes First Major U.S. Labor Union to Support Divestment from Israel by Membership Vote," *UC Student-Workers Union Local 2865*, accessed November 12, 2019. (<https://web.archive.org/web/20160226011001/http://uaw2865.org/historic-uaw-2865-uc-student-worker-union-becomes-first-major-u-s-labor-union-to-support-divestment-from-israel-by-membership-vote/>); Cary Nelson, "BDS and Organized Labor," Cary Nelson, *Dreams Deferred*, Ed. Cary Nelson (Chicago: MLA Members for Scholars' Rights, 2016), page 75.

**222.** Nora Barrows-Friedman, "Union members fight nullification of Israel boycott resolution," *The Electronic Intifada*, January 15, 2016. (<https://electronicintifada.net/blogs/nora-barrows-friedman/union-members-fight-nullification-israel-boycott-resolution>); "UAW strikes down BDS resolution approved by local branch," *Jewish Telegraphic Agency*, December 17, 2015. (<https://www.jta.org/2015/12/17/united-states/uaw-strikes-down-bds-resolution-approved-by-local-branch>)

**223.** United Auto Workers Rejects NYU Graduate Student Union Vote Backing Israel Boycott," *Haaretz* (Israel), June 29, 2016. (<https://www.haaretz.com/world-news/americas/united-auto-workers-rejects-nyu-grad-student-union-vote-backing-bds-1.5403474>); Colleen Flaherty, "UAW Nullifies California Grad Students' BDS Vote," *Inside Higher Ed*, December 18, 2015. (<https://www.insidehighered.com/quicktakes/2015/12/18/uaw-nullifies-california-grad-students-bds-vote>)

anti-Israel activists.<sup>224</sup> However, the AFL-CIO's national leadership invalidated the decision because it contravened the organization's national policy.

The one union to stand firmly behind BDS is the United Electrical Workers (UEW), which represents 35,000 members.<sup>225</sup> The union's politics are far from mainstream: For example, UEW has called on the United States to "[c]ease all harassment of the democratically-elected government of Venezuela," referring to the repressive, Russian- and Cuban-backed dictatorship of Nicolás Maduro.<sup>226</sup>

At times, BDS activists have attempted to impose their politics on union workers. In 2010, boycotters in Oakland, California, held a demonstration to prevent dockworkers from unloading an Israeli ship.<sup>227</sup> In 2014, the Arab Resource and Organizing Center launched a "Block the Boat" campaign to prevent ships belonging to ZIM Integrated Shipping Services, an Israeli-based firm, from unloading cargo in the United States. The campaign caused friction with the International Longshore and Warehouse Union, which represents more than 35,000 dockworkers on the West Coast.<sup>228</sup> The union said it took no position on the boycott, but it criticized the unsafe conditions caused by the protest.<sup>229</sup> Activists organized protests at other West

Coast ports to block Israeli ships, though ultimately none of them succeeded.<sup>230</sup>

## BDS and the Palestinian Authority

The Palestinian Authority (PA) leadership welcomes the BDS campaign's efforts to delegitimize Israel and portray it as bearing sole responsibility for the persistence of the Palestinian-Israeli conflict. At the same time, political and economic agreements between the PA and Israel, such as the 1994 Paris Protocol, prohibit the PA from officially favoring boycotts, divestment, or sanctions against Israel.<sup>231</sup> Nevertheless, senior Palestinian leaders have said they support the BDS campaign.

In 2010, PA President Mahmoud Abbas ratified a law banning Israeli products from the West Bank and Golan in PA-controlled areas, with fines and even jail time for violators.<sup>232</sup> PA officials went door to door promoting the law. In a May 2011 interview, Nabil Shaath, Abbas' top foreign affairs adviser, said that their Fatah party meets with and supports BDS groups.<sup>233</sup> Years later, in an October 2016 interview with *The Arab Weekly*, Shaath said, "The Palestinians can still defeat Israel" with the

224. Ledger Editorial Board, "Connecticut Labor Must Nullify Boycott 2.0," *Connecticut Jewish Ledger*, February 24, 2016. (<http://www.jewishledger.com/2016/02/connecticut-labor-must-nullify-boycott-2-0/>)

225. United Electrical, Press Release, "UE Endorses BDS Movement for Peace and Justice in Israel and Palestine," September 1, 2015. (<https://www.ueunion.org/political-action/2015/BDS>)

226. "For Jobs, Peace and a Pro-Worker Foreign Policy," United Electrical, Radio & Machine Workers of America, accessed November 13, 2019. (<https://www.ueunion.org/ue-policy/for-peace-jobs-and-a-pro-worker-foreign-policy>)

227. "Activists prevent Israeli ship from unloading at US port," *The Electronic Intifada*, June 21, 2010. (<https://electronicintifada.net/content/activists-prevent-israeli-ship-unloading-us-port/8886>)

228. "Basic Information," *Union Facts*, accessed December 6, 2019. ([https://www.unionfacts.com/union/Longshore\\_%26\\_Warehouse](https://www.unionfacts.com/union/Longshore_%26_Warehouse))

229. "Volatile atmosphere at Gaza demonstration prevents Longshoremen from entering Port of Oakland terminal," *Longshore & Shipping News*, August 18, 2014. (<https://web.archive.org/web/20140822181034/http://www.longshoreshippingnews.com/2014/08/volatile-atmosphere-at-gaza-demonstration-prevents-longshoremen-from-entering-port-of-oakland-terminal/>)

230. "Protesters Fail to Block Zim Ship in Tacoma," *The Maritime Executive*, August 25, 2014. (<https://www.maritime-executive.com/article/Protesters-Fail-to-Block-Zim-Ship-in-Tacoma-2014-08-25>)

231. Agreement on the Gaza Strip and the Jericho Area, Paris, April 29, 1994. (<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/gaza-jericho-agreement-annex-iv-economic-protoco.aspx>)

232. Mel Frykberg, "Mideast: Palestinian Economic boycott Hits Israeli Settlers," *Inter Press Service* (Italy), May 20, 2010. (<http://www.ipsnews.net/2010/05/mideast-palestinian-economic-boycott-hits-israeli-settlers/>); Jihan Abdalla, "Empowerment Through Boycott," *The Jerusalem Post* (Israel), June 5, 2010. (<http://www.jpost.com/Jerusalem-Report/Empowerment-through-Boycott>)

233. Amira Hass, "More Up Our Sleeves," *Haaretz* (Israel), May 16, 2011. (<https://www.haaretz.com/1.5012726>)

help of a consumer boycott.<sup>234</sup> Notably, Shaath's son is the head of the organization BDS Egypt.<sup>235</sup>

Yet Abbas provoked the ire of BDS activists when he failed to endorse a full boycott while visiting South Africa in 2013. "No, we do not support the boycott of Israel," Abbas said. "But we ask everyone to boycott the products of the settlements," he said, adding, "We have relations with Israel, we have mutual recognition of Israel."<sup>236</sup> However, the PLO embassy in South Africa issued a joint statement with BDS South Africa seeking to dispel the notion that Abbas opposed the boycott.<sup>237</sup> Abbas later repeated his call to boycott Israeli products from the West Bank at the African Union assembly in 2015, at the UNGA in 2017, and on other occasions.<sup>238</sup>

Despite Abbas' statements, the PLO Central Council has endorsed BDS on several occasions. In February 2018, the Council declared that it would "adopt the BDS movement and call on world countries to impose sanctions on Israel," criticizing Israel as an "apartheid regime."<sup>239</sup> In March 2015, the Council affirmed the "continuation of boycotting Israeli goods as a form of

popular resistance" and called upon the international community to "boycott Israeli goods."<sup>240</sup>

There are also proponents of BDS within Abbas' inner circle, including his Fatah deputy, Mahmoud al-Aloul.<sup>241</sup> In 2015, then-PLO Executive Committee member al-Aloul warned Palestinian retailers to stop selling goods produced by six of Israel's largest companies.<sup>242</sup> Al-Aloul stated, "It's the first among several steps to boycott all Israeli goods that reach the Palestinian market."

According to a March 2017 audio recording, al-Aloul said, "We have relations with BDS, our people work there and we have delegates there. We cooperate with BDS on all levels, and not only with the BDS, but every group whose aim is to boycott Israel, we are with. Every group working to lay siege on Israel and isolate it from the world, we are with it." In a separate recording from August 2017, when asked whether the PA supports BDS, al-Aloul replied, "Yes, of course."<sup>243</sup>

One prominent BDS-style campaign run by Palestinian leaders is an effort to freeze Israel out of international soccer competitions. This effort harkens back to the

**234.** Amr Emam, "Palestinians should wake up from 'peace dreams', Shaath says," *The Arab Weekly* (UK), October 23, 2016. (<https://thearabweekly.com/palestinians-should-wake-peace-dreams-shaath-says>)

**235.** "Despite appeal by Abbas, Egypt keeps Palestinian official's son in jail," *Al-Monitor*, September 9, 2019. (<https://www.al-monitor.com/pulse/originals/2019/09/egypt-arrests-ramy-shaath-media-pressure-after-talks-failed.html>)

**236.** Yoel Goldman, "Abbas: Don't Boycott Israel," *The Times of Israel* (Israel), December 13, 2013. (<https://www.timesofisrael.com/abbas-we-do-not-support-the-boycott-of-israel/>)

**237.** BDS, Press Release, "Joint Media Statement: Embassy of the State of Palestine to South Africa and BDS South Africa," December 20, 2013. (<https://bdsmovement.net/news/joint-media-statement-embassy-state-palestine-south-africa-and-bds-south-africa>)

**238.** Adiv Sterman, "Abbas urges Africans to label, boycott settlement goods," *The Times of Israel* (Israel), June 15, 2015. (<https://www.timesofisrael.com/abbas-urges-africans-to-label-boycott-settlement-goods/>); "FULL TEXT: Palestinian President Mahmoud Abbas' Address to UN General Assembly," *Haaretz* (Israel), September 20, 2017. (<https://www.haaretz.com/middle-east-news/palestinians/full-text-abbas-address-to-un-general-assembly-1.5452564>)

**239.** "UPDATE: PLO Central Council decides to suspend Oslo agreement," *Wafa* (West Bank), January 15, 2018. (<http://english.wafa.ps/page.aspx?id=zbyLEda96057575031azbyLEd>)

**240.** Palestinian Central Council, Statement, "Central Council Statement," March 5, 2015. (<https://uniteapps.un.org/dpa/dpr/unispal.nsf/xpDoc.xsp?documentId=7F9C2A1FF38F2E3185257E000060D6AA&action=openDocument>)

**241.** Grant Rumley and Evan Charney, "Meet Mahmoud Al-Aloul, Abbas' New Deputy," *Foundation for Defense of Democracies*, February 15, 2017. (<https://www.fdd.org/analysis/2017/02/15/meet-mahmoud-al-aloul-abbas-new-deputy/>)

**242.** Jack Khoury, "Palestinians Announce Boycott of Six Israeli Companies," *Haaretz* (Israel), February 9, 2015. (<https://www.haaretz.com/premium-pa-announces-boycott-of-6-israeli-companies-1.5303759>)

**243.** Rachel Frommer, "Palestinian Authority VP: Our People Are Working in Israel Boycott Movement," *The Washington Free Beacon*, October 24, 2017. (<https://freebeacon.com/culture/palestinian-authority-vp-people-working-israel-boycott-movement/>). While these quotes come from audio recordings that have not been verified independently, they are in line with al-Aloul's previous statements.

anti-apartheid movement's successful sports boycotts. The Palestine Football Agency, headed by senior PLO member Jibril Rajoub, has campaigned since at least 2013 to kick Israel out of FIFA, soccer's largest international governing body.<sup>244</sup> In August 2018, FIFA levied a fine and a 12-month suspension on Rajoub for his calls to burn jerseys and pictures of Argentinian star Lionel Messi ahead of a friendly match with Israel. The Palestinian pressure campaign succeeded in canceling the match.<sup>245</sup>

## U.S. Lawmakers Respond to BDS

U.S. legislation aimed at combating the Arab League boycott, codified in the Export Control Reform Act, remains in force. But non-state actors arguably fall outside the purview of the law, which prohibits U.S. companies from complying with boycotts of U.S. allies that are fostered by a foreign "country."<sup>246</sup> Questions have also been raised as to whether current laws cover boycotts focused solely on Israeli settlements in the West Bank (as opposed to boycotts of all of Israel). Thus, for the past several years, both the U.S. Congress and numerous state legislatures have pursued legislation designed to confront BDS, asserting that the campaign is inimical to U.S. national interests.

Congress began seeking federal anti-BDS legislation during the 113th Congress. In February 2014, Rep.

Peter Roskam (R-IL) introduced a bill that would prohibit federal aid from going to institutions of higher education that boycott Israeli institutions.<sup>247</sup> In 2015, U.S. legislators proposed several anti-BDS bills and amendments. The only one to pass was a bill that declared countering boycotts of Israel to be a U.S. trade priority.<sup>248</sup>

The 115<sup>th</sup> Congress considered, but did not pass, two major anti-BDS bills. The Israel Anti-Boycott Act (IABA) sought to extend existing anti-boycott provisions in U.S. law to cover explicitly boycotts initiated by international governmental organizations, such as the United Nations.<sup>249</sup> The IABA also referenced the Trade Priorities and Accountability Act of 2015 to clarify that boycotts against "Israeli-controlled territories," including the West Bank, would trigger anti-boycott laws.<sup>250</sup> A separate bill, the Combating BDS Act of 2017, would have clarified that state anti-boycott laws do not contradict federal law.<sup>251</sup> The IABA has not been reintroduced in the gridlocked 116<sup>th</sup> Congress, where the legislation is less likely to pass. A bill that includes the Combating BDS Act of 2019 passed the Senate in February 2019 but has not moved forward in the House.<sup>252</sup>

Nevertheless, U.S. legislators continue to condemn BDS. In January 2019, both the chairman and ranking member of the House Foreign Affairs Committee wrote a letter to Ireland's prime minister expressing concern about an Irish bill that would

<sup>244</sup>. Ali Sawafta, "Israel must ease travel for Palestinian players," *Reuters*, July 7, 2013. (<https://uk.reuters.com/article/uk-soccer-palestinians-israel/israel-must-ease-travel-for-palestinian-players-blatter-idUKBRE9660KS20130707>)

<sup>245</sup>. David May, "Palestinian Sports Intimidation Should be punished," *The Washington Examiner*, July 11, 2018. (<https://www.weeklystandard.com/david-may/palestinian-sports-intimidation-should-be-punished-after-jibril-rajoub-helps-torpedo-argentina-israel-soccer-friendly-in-jerusalem>)

<sup>246</sup>. Export Control Reform Act of 2018, H.R.5040, 115<sup>th</sup> Congress (2018). (<https://www.congress.gov/bill/115th-congress/house-bill/5040/text?format=txt>)

<sup>247</sup>. Protect Academic Freedom Act, H.R.4009, 113<sup>th</sup> Congress (2013). (<https://www.congress.gov/bill/113th-congress/house-bill/4009>)

<sup>248</sup>. Defending Public Safety Employees' Retirement Act, Pub. L. 114-26. 129 Stat. 319. (<https://bit.ly/2Mcb9N9>)

<sup>249</sup>. Israel Anti-Boycott Act, S.720, 115<sup>th</sup> Congress (2017). (<https://www.congress.gov/bill/115th-congress/senate-bill/720>)

<sup>250</sup>. Trade negotiating objectives, 19 U.S.C. §4201. ([http://uscode.house.gov/view.xhtml?req=\(title:19%20section:4201%20edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:19%20section:4201%20edition:prelim)))

<sup>251</sup>. Combating BDS Act of 2017, S.170, 115<sup>th</sup> Congress (2017). (<https://www.congress.gov/bill/115th-congress/senate-bill/170?q=%7B%22search%22%3A%5B%22bds%22%5D%7D&cs=1&r=1>)

<sup>252</sup>. Strengthening America's Security in the Middle East Act of 2019, S.1, 116<sup>th</sup> Congress (2019). (<https://www.congress.gov/bill/116th-congress/senate-bill/1?q=%7B%22search%22%3A%5B%22combating+bds+act+of+2019%22%5D%7D&cs=9&r=1>)

criminalize transactions with Israeli settlements.<sup>253</sup> The letter noted that “passage of this law could have broader consequences, such as making American companies choose between violating Irish law or US Export Administration Regulations.”<sup>254</sup>

Separately, former Speaker of the House Paul Ryan described BDS as an “insidious campaign of political and economic warfare designed to undermine Israel.”<sup>255</sup> Current Speaker Nancy Pelosi warned, “We must also be vigilant against bigoted or dangerous ideologies masquerading as policy, and that includes BDS.”<sup>256</sup> In July 2019, the House of Representatives passed a non-binding resolution declaring BDS “is not about promoting coexistence, civil rights, and political reconciliation but about questioning and undermining the very legitimacy of [Israel] and its people.”<sup>257</sup>

Individual states have been more forward-leaning with anti-BDS legislation. In April 2015, the Tennessee General Assembly became the first state legislature to pass an anti-BDS resolution.<sup>258</sup> In May 2015,

Illinois passed a bill that prohibited state pension funds from investing in companies engaged in BDS. In June 2015, South Carolina became the first state to ban its government from entering into contracts with companies boycotting entities with which the state “can enjoy open trade.”<sup>259</sup> In 2017, the governors of all 50 states and the mayor of Washington, DC, signed a letter opposing BDS.<sup>260</sup> As of 2019, 28 states have legislation or executive orders combatting BDS, whether by preventing state investment, barring state contracts, or otherwise prohibiting the use of state funds for companies boycotting Israel.

The American Civil Liberties Union (ACLU) has raised objections to these measures, citing free speech concerns, while claiming to take no position on BDS. The group argues that these measures are inconsistent with the First Amendment. However, U.S. courts have consistently upheld existing anti-boycott provisions of U.S. federal law, ruling against First Amendment challenges on the grounds that the provisions represent legitimate restrictions on commercial conduct.<sup>261</sup>

**253.** John Lee, “US Congressmen Write to Leo Varadkar Urging Him to Drop Legislation that Boycotts Israeli Trade,” *Extra.ie* (Ireland), February 24, 2019. (<https://extra.ie/2019/02/24/news/politics/us-congressmen-letter-leo-varadkar-israel-trade-boycott>); Ciaran Tierney, “US Congressmen Accused of Bullying Ireland Over Israeli Settlement Goods Boycott,” *Irish Central*, February 25, 2019, (<https://www.irishcentral.com/news/politics/us-congressmen-bullying-ireland-israeli-goods-boycott>)

**254.** *Ibid.*

**255.** Rebecca Shimoni Stoil, “At AIPAC, Paul Ryan talks tough on Iran, says US will no longer tolerate UN’s anti-Israel bias,” *The Times of Israel* (Israel), March 28, 2017. (<https://www.timesofisrael.com/at-aipac-paul-ryan-delivers-some-tough-talk-on-iran/>)

**256.** Cristina Marcos, “Omar hits back at Pelosi over BDS remarks,” *The Hill*, March 26, 2019. (<https://thehill.com/homenews/house/435841-omar-hits-back-at-pelosi-over-bds-remarks>)

**257.** Opposing efforts to delegitimize the State of Israel and the Global Boycott, Divestment, and Sanctions Movement targeting Israel, H.R. 246, 116<sup>th</sup> Congress (2019). (<https://www.govtrack.us/congress/bills/116/hres246/text>)

**258.** Sean Savage, “Tennessee General Assembly becomes first state legislature to condemn BDS,” *Jewish News Syndicate*, April 22, 2015. (<http://www.jewishledger.com/2015/04/tennessee-general-assembly-becomes-first-state-legislature-to-condemn-bds/>)

**259.** Michael Wilner, “South Carolina Becomes First US State to Take Action Against Anti-Israel Boycotts,” *The Jerusalem Post* (Israel), June 5, 2015. (<https://www.jpost.com/Diaspora/South-Carolina-becomes-first-US-state-to-take-action-against-anti-Israel-boycotts-405120>)

**260.** “All 50 Governors Sign Anti-BDS Statement,” *The Jerusalem Post* (Israel), May 18, 2017. (<https://www.jpost.com/Breaking-News/All-50-governors-sign-anti-BDS-statement-492079>)

**261.** Jonathan A. Greenblatt and Stuart Eizenstat, “It’s time to update America’s Important Anti-Boycott Law for Israel,” *The Washington Post*, September 12, 2017. ([https://www.washingtonpost.com/opinions/its-time-to-update-americas-important-anti-boycott-law-for-israel/2017/09/12/4a196a70-9728-11e7-b569-3360011663b4\\_story.html](https://www.washingtonpost.com/opinions/its-time-to-update-americas-important-anti-boycott-law-for-israel/2017/09/12/4a196a70-9728-11e7-b569-3360011663b4_story.html)); “U.S. Courts: Anti-Boycott Laws Don’t Violate Free Speech,” *The American Israel Public Affairs Committee*, September 2017. (<https://www.aipac.org/resources/aipac-publications/publication?pubpath=PolicyPolitics/Fact%20Sheets/BDS/2017/09/US%20Courts>); Marc Greendorfer, “The Inapplicability of First Amendment Protections to BDS Movement Boycotts,” *Cardozo Law Review*, August 2018. (<http://cardozolawreview.com/wp-content/uploads/2018/08/GREENDORFER.denovo.37.pdf>); Ben Kessler, “Publisher embroiled in legal battle with Arkansas over law banning Israel boycotts,” *NBC News*, March 2, 2019. (<https://www.nbcnews.com/news/us-news/publisher-embroiled-legal-battle-arkansas-over-law-banning-israel-boycotts-n977771>)

The ACLU has filed suits in Arizona, Kansas, Texas, and Arkansas opposing state-level anti-BDS laws, and the Council on American Islamic Relations filed its own lawsuit in Maryland.<sup>262</sup> The ACLU's legal battles have succeeded for now in halting enforcement of legislation in Arizona and Texas. Some states, such as Kansas, have since passed or proposed changes to their anti-BDS laws that would narrow their scope to address constitutionality concerns. A federal judge in Arkansas dismissed such claims.<sup>263</sup>

Municipal governments have also been thrust onto the BDS battlefield. In January 2018, the New Orleans city council passed but quickly rescinded a pro-BDS resolution that called for a human rights investment screening mechanism.<sup>264</sup> The resolution, drafted by the New Orleans Palestine Solidarity Committee, did not mention Israel specifically but clearly was intended to apply to it. In April 2019, the "Deadly Exchange" campaign waged by BDS activists persuaded the city council in Durham, North Carolina, to suspend exchanges between the city police and Israeli security forces.<sup>265</sup> Activists also took credit for similar cancellations by the Vermont State Police and the Northampton, Massachusetts, Police Department.<sup>266</sup> Los Angeles and Cambridge, Massachusetts, have rejected similar campaigns, and some cities have subsequently passed resolutions denouncing BDS.<sup>267</sup>

## Conclusion

Opponents of Israel have waged economic warfare in every phase of their conflict with the Jewish state. What began as a series of local protests and campaigns in the early 20<sup>th</sup> century became a global effort by the Arab League. The goal was Israel's annihilation. Yet Israel prospered and the boycott faded. That boycott's recession, coupled with the collapse of the Oslo peace process, yielded a more nimble and adaptable NGO-led boycott campaign at the turn of the 21<sup>st</sup> century. Seeking to present themselves as heirs to the anti-apartheid movement, these NGOs adopted the language of social

**“Seeking to present themselves as heirs to the anti-apartheid movement, these NGOs adopted the language of social justice and human rights to justify a campaign whose goals remain identical to those of the Arab League boycott.”**

justice and human rights to justify a campaign whose goals remain identical to those of the Arab League boycott: strangling the Jewish state economically and convincing international audiences that Israel is an extraordinary, if not unique, violator of human rights that should be despised and treated as a pariah.

<sup>262</sup>. “Protect Immigrants’ Rights,” *American Civil Liberties Union*, April 16, 2019. (<https://www.aclu.org/blog/free-speech/arizona-lawmakers-running-scared-after-anti-boycott-law-ruled-unconstitutional>); Ibrahim Hooper, “CAIR Says Maryland Governor’s Anti-BDS Order Violates First, 14th Amendments,” *Council on American-Islamic Relations*, January 9, 2019. ([https://www.cair.com/cair\\_says\\_maryland\\_governor\\_s\\_anti\\_bds\\_order\\_violates\\_first\\_14th\\_amendments](https://www.cair.com/cair_says_maryland_governor_s_anti_bds_order_violates_first_14th_amendments))

<sup>263</sup>. Isaac Stanley-Becker, “‘God is great’: For the third time, a federal judge blocks an Israel boycott ban on First Amendment grounds,” *The Washington Post*, April 26, 2019. (<https://www.washingtonpost.com/nation/2019/04/26/god-is-great-third-time-federal-judge-blocks-an-israel-boycott-ban-first-amendment-grounds/>)

<sup>264</sup>. Armin Rosen, “How New Orleans Almost Got Duped Into Endorsing BDS,” *Tablet*, January 26, 2018. (<https://www.tabletmag.com/scroll/254186/how-new-orleans-almost-got-duped-into-endorsing-bds>)

<sup>265</sup>. “About Deadly Exchange,” *Deadly Exchange*, accessed December 6, 2019. (<https://deadlyexchange.org/>)

<sup>266</sup>. Penny Schwartz, “New England Police Pull Out Of Israel Training Program,” *The New York Jewish Week*, December 11, 2018. (<https://jewishweek.timesofisrael.com/new-england-police-pull-out-of-israel-training-program/>)

<sup>267</sup>. Penny Schwartz, “Pro-Palestinian groups claim victory as New England police pull out of training program in Israel,” *Jewish Telegraphic Agency*, December 9, 2018. (<https://www.jta.org/2018/12/09/united-states/pro-palestinian-groups-claim-victory-as-new-england-police-pull-out-of-training-program-in-israel>); Penny Schwartz, “Boston-area city council turns away BDS resolution,” *Jewish Telegraphic Agency*, April 22, 2018. (<https://www.jta.org/2018/04/22/united-states/boston-area-council-turns-away-bds-resolution>); “LA City Council passes anti-BDS resolution,” *The Times of Israel* (Israel), June 14, 2013. (<http://www.timesofisrael.com/la-city-council-passes-anti-bds-resolution/>)

In this regard, the campaign has proven ineffective so far. Israel has transformed itself into a “start-up nation” with a thriving economy whose international connections have only grown deeper and more numerous. Freedom House, a leading monitor of international democracy, rates Israel as “Free,” assigning it the highest score of any Middle Eastern country.<sup>268</sup> Yet the BDS campaign continues to generate negative publicity for Israel as part of its broader agenda of delegitimizing the Jewish state.<sup>269</sup>

The ultimate outcome of this campaign is far from certain. If efforts to defame the sole Jewish nation-state prove successful over the long term, both economic and political consequences will inevitably follow. So long as the U.S.-Israel alliance remains strong, such an outcome is unlikely. The only certainty, however, is that pressure campaigns targeting Israel will continue into the foreseeable future. The Israelis and their allies should expect no permanent victories, only permanent battles.

## Policy Recommendations

The practice of boycotting Israel or its antecedents is more than a century old. But the United States, in support of its alliance with Israel, has an opportunity to blunt this most recent campaign in the following ways:

1. The United States should continue to pressure international organizations that receive U.S. contributions to reject BDS activity. The United States should continually reevaluate its financial contributions to international organizations that pursue activities in contravention of U.S. policy.
2. The United States should shield U.S. entities from requirements to report to international organizations on their business activities with Israel or Israeli entities. The BDS campaign seeks to use spurious reporting requirements to deter legitimate trade and commercial activity with the State of Israel.
3. The United States should build on the Trade Promotion Authority signed into law in 2015, which made rejection of politically motivated boycotts of Israel a “principal trade negotiating objective.”<sup>270</sup> This objective should extend to all U.S. trade deals negotiated in the future. The executive branch could leverage this authority to ensure countries seeking stronger economic ties with the United States reject BDS and other commercial boycotts.
4. All executive branch agencies, especially the U.S. Agency for International Development (USAID) and the departments of Defense, State, and Education, should determine whether non-profit organizations that receive U.S. government grants are engaging in politically motivated boycotts of Israel or Israeli companies. Previously, USAID has failed to evaluate properly whether grant recipients were engaging in BDS activity. The United States should also encourage its allies to determine whether they have made grants to organizations engaged in boycotts of Israel.
5. State and local governments should continue to pursue anti-BDS resolutions and laws to prevent public sector investments from benefiting entities that promote commercial boycotts of Israel. Many states have adopted laws that would prevent their pension funds for public employees from investing in companies that support politically motivated boycotts.
6. The departments of Commerce and Treasury should vigorously implement their authorities under current U.S. anti-boycott laws.
7. The U.S. government should forcefully oppose BDS actions against Israel, including those focused solely on the settlements as well as those advanced by foreign countries, local governments of foreign countries, the Palestinian Authority, or international governmental organizations (including the United Nations and European Union).

<sup>268</sup>. “Israel,” *Freedom House*, accessed November 20, 2019. (<https://freedomhouse.org/report/freedom-world/2019/israel>)

<sup>269</sup>. Dany Bahar and Natan Sachs, “How much does BDS threaten Israel’s economy?” *Brookings Institution*, January 26, 2018. (<https://www.brookings.edu/blog/order-from-chaos/2018/01/26/how-much-does-bds-threaten-israels-economy/>)

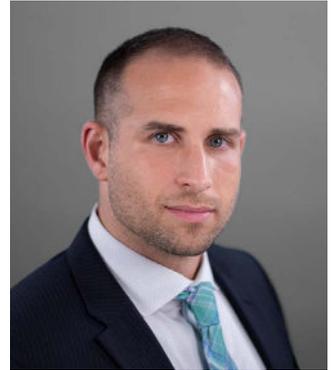
<sup>270</sup>. Defending Public Safety Employees’ Retirement Act, Pub. L. 114-26. 129 Stat. 319. 270. Defending Public Safety Employees’ Retirement Act, Pub. L. 114-26. 129 Stat. 319. 270. (<https://bit.ly/2Mcb9N9>)

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