



DEFEAT BDS

A GUIDE FOR ADVOCACY AND
SUPPORTING LEGISLATION

A PROJECT OF
THE ISRAEL ALLIES FOUNDATION



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ULTIMATELY, THE
WELLBEING OF ISRAEL,
AMERICA AND FREEDOM
ITSELF DEPEND UPON
THE ACTIONS OF THEIR
EVERYDAY SUPPORTERS.

”

INTRODUCTION

In May of 2015, South Carolina became the first state in America to adopt modernized legislation regulating against the problem of commercial discrimination and boycotts of Israel. The bill passed unanimously, and was the result of nearly two years of legal research, policy development and educational resourcing by the Israel Allies Foundation (IAF) and its experts. Shortly thereafter, another bill regulating against commercial discrimination and boycotts of Israel was adopted by the state of Illinois after an intensive push by the pro-Israel community there.

The door has now been opened to confronting the problem of commercial discrimination and boycotts of Israel legislatively, and many states will soon follow suit by considering bills that combine the key elements of the South Carolina and Illinois laws that have succeeded thus far. These bills should accomplish one or both of the following regulatory effects: (1) requires parties contracting with the state government to certify that they do not participate in commercial discrimination or boycotts against Israel on the basis of national origin discrimination; and/or (2) prohibits the investment of state funds in companies that boycott Israel.

The Defeat BDS campaign is a public service project of the Israel Allies Foundation, developed in collaboration with many other expert organizations. The Campaign serves as a central hub where advocates can learn and organize in support of public policy initiatives that defeat the BDS Movement's efforts in their own states. The Campaign's purpose is to enable supporting organizations and community members to rally around our common message, and quickly mobilize when opportunities for real advocacy occur. We encourage advocates to receive our action alerts by signing up at www.DefeatBDS.org. We'll keep you updated on community matters and public policy initiatives, and provide you with quick and easy ways to take real action. Free electronic copies of this guide are available on the site.

Public policy will play a significant role in defeating the BDS Movement's effort to promote commercial discrimination and boycotts of Israel. More important, however, is the effort that must be exerted to win the underlying war of delegitimization and demonization being waged. Given the often-hateful nature of BDS and its destructive goals, dialog is not the answer. The ugly rhetoric and wild falsehoods that prevail throughout the BDS Movement demand that the pro-Israel community waste no time and effort trying to reason with such committed enemies. We must simply work to defeat them.

In valuing our own rights, the pro-Israel community absolutely respects the BDS Movement's First Amendment right to express its own views. Indeed, we oppose any attempt to suppress those important protections. What we are fighting for are the hearts and minds of the many uninformed people who have yet to develop an understanding of Israel and the threats she faces. It is no longer enough for us to simply tout the truth when confronted by anti-Israel propaganda. Those of us who support Israel must make our message the loudest and most-persistently heard in this struggle. Israel's detractors have used dishonesty and hatred to rally their supporters against the Jewish State. To win, we must therefore relentlessly expose the illegitimacy of the BDS Movement's rhetoric before the eyes of the world.

The goal of defeating BDS demands moral clarity. Given the massive amount of documentation that is publicly available, no one should be hesitant to call out the anti-Semitism of the BDS Movement or ignore its true aim of working toward Israel's destruction. To be clear, legitimate criticism of Israel does exist and is certainly necessary; however, the often dishonest and downright prejudiced arena of the BDS Movement is not where such conversation can legitimately take place.

Ultimately, the wellbeing of Israel, America and Freedom itself rests in our hands. Collectively, we will defeat the BDS movement through the effective use of "men, money and discipline." Our efforts will likewise leave the next generation better prepared to face new challenges in this new century. Everyone has a meaningful contribution to make. We encourage you to answer this call with your best possible effort.

In Solidarity,

The Defeat BDS Campaign

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DEFINITELY, MOST DEFINITELY
WE OPPOSE A JEWISH STATE
IN ANY PART OF PALESTINE.
NO PALESTINIAN, RATIONAL
PALESTINIAN, NOT A SELL-OUT
PALESTINIAN, WILL EVER ACCEPT
A JEWISH STATE IN PALESTINE.

Omar Barghouti, Co-founder of the BDS Movement

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UNDERSTANDING THE BDS MOVEMENT

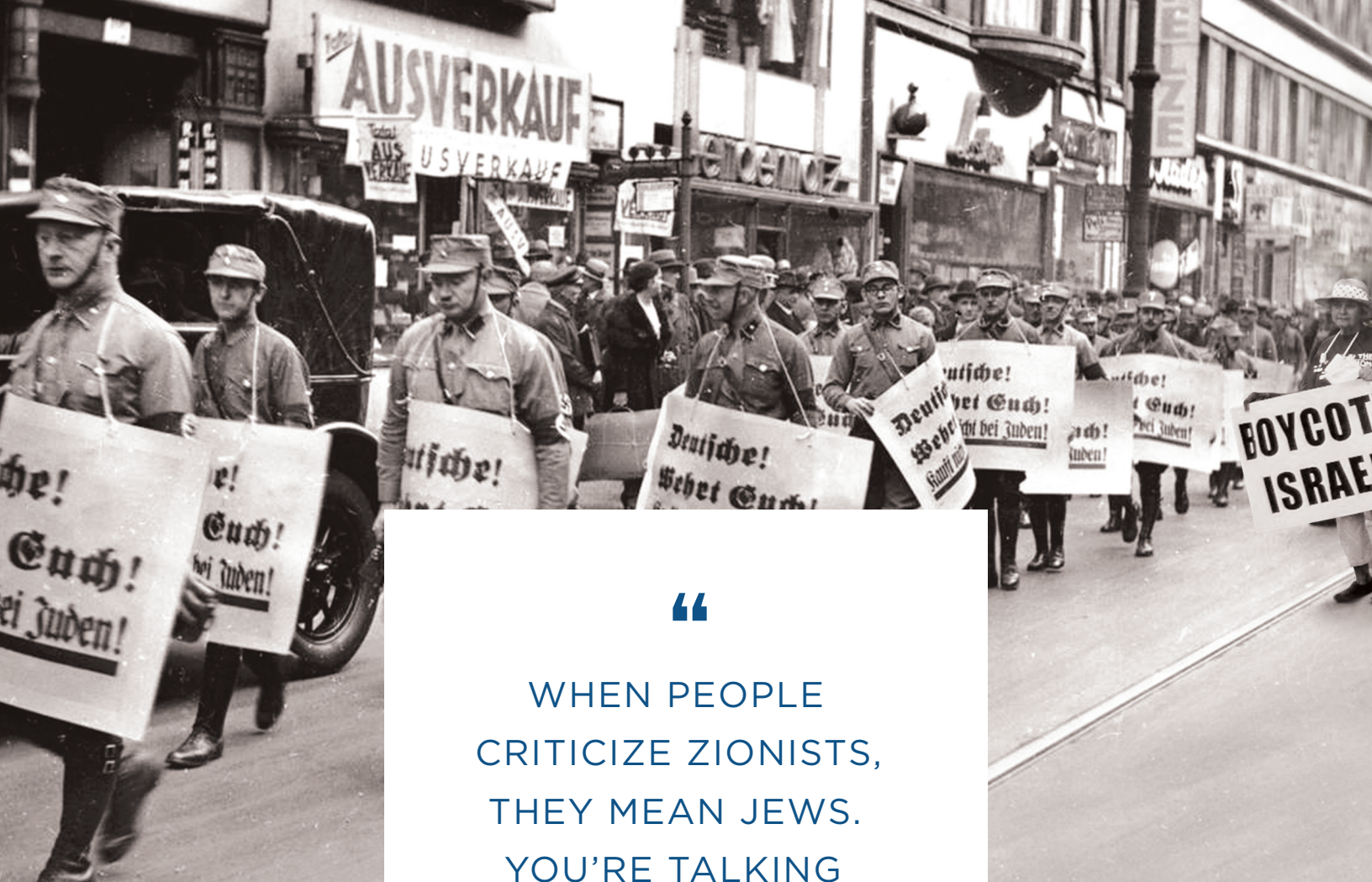
A concerted campaign is being waged against the world's one and only Jewish country—attacking virtually every aspect of its historic, legal, political, economic and cultural life—with the aim of undermining the sovereignty, security and legitimacy of Israel's very existence.

The Boycott, Divestment and Sanctions Movement (BDS) is the formal name given to the economic and political warfare components of that campaign. More specifically, BDS refers to the tactics employed to discriminate against Israelis, Jews, or their trade partners and supporters. BDS promotes commercial discrimination against Israel on the basis of national origin.

The 'BDS Movement' was organized in the early 2000's by non-governmental organizations affiliated with the Palestinian Authority, helping to continue the decades-old Arab League Boycott, and in order to further increase

undue international pressure upon Israel. In the course of promoting discrimination against Israel, the BDS Movement frequently uses misrepresentations of fact and law, while seeking to stigmatize Israel through ad hominem comparisons with apartheid-era South Africa and Nazi Germany. In doing so, it often makes use of classic anti-Semitic tropes regarding Jewish money and control, along with blood libels, and grossly distorted propaganda regarding Zionism, Israel's Jewish national character and government policies. When used systematically, these tactics help to facilitate the development of anti-Israel/Jewish perspectives.

Given the matter-of-fact way in which the BDS Movement often promotes false information, and its denial of the Jewish state's legitimate right to exist, it is clear that its primary aim is to evoke pro-Palestinian sympathies and negative anti-Israel/Jewish misunderstandings among unsuspecting audiences who otherwise know little about the Arab-Israeli conflict.



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WHEN PEOPLE
CRITICIZE ZIONISTS,
THEY MEAN JEWS.
YOU'RE TALKING
ANTI-SEMITISM

Rev. Dr. Martin Luther King, Jr.

”



THE BDS MOVEMENT IS ANTI-SEMITIC

THE TRUTH ABOUT THE BDS MOVEMENT

The anti-Semitic hatred found within the BDS movement, as well as its desire for Israel's destruction, have been called out by many expert groups.¹ Ironically, even hostile critics of Israel, such as Norman Finkelstein, have been forced to admit the truth about the BDS Movement's nature and goals.² Presently, polling data continues to expose the disturbing resurgence of anti-Semitism in many countries around the world. Not surprisingly, anti-Israel demonstrations contain elements of anti-Jewish bigotry almost without exception. The BDS Movement unquestionably plays a role in this dynamic.

ANTI-ZIONISM IS ANTI-SEMITISM

In November 2005, the U.S. Commission on Civil Rights recognized that anti-Israel and anti-Zionist sentiment can cross the line into anti-Semitism, and in their words "should be distinguished from legitimate discourse regarding foreign policy." The Commission clearly stated: "Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism." The Commission specifically called on governmental institutions to publicly speak out and "set a moral example by denouncing anti-Semitic and other hate speech, while safeguarding all rights protected under the 1st Amendment and under basic principles of academic freedom."

¹<http://blog.adl.org/international/norman-finkelstein-throws-wrench-in-anti-israel-movements-claim-to-a-rights-based-agenda>

²<http://www.adl.org/press-center/press-releases/anti-semitism-international/adl-global-100-poll.html>

³<http://www.state.gov/j/drl/rls/fs/2010/122352.htm>

"WIPE OFF THE MAP"— "FROM THE RIVER TO THE SEA"

The vast majority of "pro-Palestinian" or "anti-Israel/Zionist" activists would have difficulty explaining how many of their views differ in any meaningful way from those of openly-identified anti-Semites. In considering their similarity, one need look no further than Mahmoud Ahmadinejad, the former president of Iran, who is generally considered to be among the premier anti-Semites of this era. His regular use of the terms "Zionists" and "Occupiers" as a thinly-veiled code word for "Jews" fooled no one as he unabashedly misrepresented historical truths and spoke brazenly of erasing the Jewish nation from the map...or "from the river to the sea" as BDS proponents often express the same concept.

CROSSING THE LINE

In March 2008, the U.S. State Department issued a detailed report on anti-Semitism globally, recognizing that anti-Zionist sentiment and criticism of Israel can cross the line into anti-Jewish bigotry. Whether intended or not, such expressed sentiment and criticism can have the effect of promoting prejudice against Jews. This type of anti-Semitism is no less hurtful or harmful than more overt forms of anti-Jewish bigotry, and government institutions have the moral and legal obligation to address it when it occurs. The accepted standard of determination used by the U.S. State Department and other key institutions is the 3D Test of Anti-Semitism that follows in the next section.³

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SINGLING OUT ISRAEL
FOR OPPROBRIUM
AND INTERNATIONAL
SANCTION—OUT OF
ALL PROPORTION TO
ANY OTHER PARTY IN
THE MIDDLE EAST—IS
ANTI-SEMITIC, AND
NOT SAYING SO IS
DISHONEST.

Thomas Friedman, *Op-Ed Contributor,*
New York Times

”

THE 3D TEST OF ANTI- SEMITISM: THE U.S. STATE DEPARTMENT STANDARD

The 3D Test of Anti-Semitism is a set of criteria defining the threshold between legitimate criticism of the State of Israel and illegitimate criticism that is of an anti-Semitic nature. The three Ds stand for Delegitimization, Demonization and Double Standards—each of which can indicate anti-Semitism.

The BDS Movement uses the 3D’s persistently and systematically. The 3D Test was first offered in 2004 by famed Soviet dissident, Natan Sharansky, in response to concerning anti-Israel/Jewish developments surrounding the formation of the BDS Movement. The 3D Test is particularly helpful in its application to non-classical anti-Semitism (i.e. anti-Semitism that is expressed more subtly and is thus not as readily identifiable). By providing certainty regarding where criticism of Israel crosses the line, the 3D Test helps to protect free speech and preserve the legitimacy of rigorous debate. In today’s environment, it is critical that Israel advocates learn to articulate the 3D Test clearly and apply it with accuracy.



D1 DELEGITIMIZATION

KEY POINT » Delegitimization of Israel refers to the denial of the Jewish People's right to self-determination and self-defense in their own national state, and/or the denial of Israel's right to exist.

Such delegitimization is evidenced though the suggestion that Zionism, or even the existence of a Jewish state, is an inherently racist endeavor. This false claim is used to discriminate against Jews by denying their basic right to self-determination, as established and recognized in many points of International Law. The unfair treatment of Israel and the Jewish people in this regard is unique and wildly disproportionate in comparison to that of other nations.

D2 DOUBLE STANDARDS

KEY POINT » "Double standards" refers to the imposition of a different set of principals, expectations and demands upon Israel where the treatment (or non-treatment) of other states in similar situations and circumstances is materially different.

The singling out of a different moral standard for Jews and Israel, as compared to the rest of the world, is a common method used to legitimize efforts to discriminate against them and can therefore be appropriately understood as anti-Semitism. Furthermore, denying Israel equality before the law in the international arena and in forums such as the United Nations (UN) harms the integrity of those institutions and their function.



D3 DEMONIZATION

KEY POINT » Demonization refers to the portrayal of Israel and Jews as evil, malicious or lacking in morality.

As an example, the U.S. State Department's 2008 report noted that demonizing Israel and/or Israelis "as barbaric, unprincipled, selfish, inhumane, etc. is anti-Semitic and has the effect of causing audiences to associate those bad attributes with Jews in general." Generally included in this category is the use of blood libels, which often comprise the dominant theme of the BDS Movement's messaging. Other examples include dehumanizing or stereotypical allegations about Jews, such as myths regarding the collective power of Jews - especially but not exclusively, the conspiracy theories about Jewish domination or control of the media, economy, government or other societal institutions.



THE NEED FOR GOOD POLICY: DEFENDING STATE ECONOMIC INTERESTS AND PUBLIC POLICY PROTECTIONS FROM DISCRIMINATION

BDS PROMOTES DISCRIMINATION AND UNDERMINES PUBLIC POLICY

KEY POINT » Boycotts of entities and individuals of specific countries often amount to ethnic, religious, racial and/or nationality discrimination, which directly contradicts the public policy of the state and the values of its people.

Ignoring discriminatory practices and boycotts by companies doing business with the state would consequently make the state and its taxpayer funds de facto partners in these discriminatory practices and/or boycotts. This conflicts with the ethical standards of the state government and its citizens. Legislation Policy is needed to ensure that the people and government of the state will not unknowingly become party to discriminatory business practices or boycotts, particularly against our ally, Israel. Furthermore, such legislation will provide this provides the private sector with a clear business rationale for avoiding discriminatory practices and boycotts in the first place, should they come under pressure.

BDS HARMS THE STATE'S ECONOMIC AND EMPLOYMENT INTERESTS

KEY POINT » Efforts to inflict economic harm upon the state's trading partners and the state's businesses tends to weaken the state's ability to conduct trade, and harms vital economic and employment interests of the state.

States conduct hundreds of millions of dollars a year in exports and commerce with entities and individuals doing business in Israel. Israel is particularly known for its dynamic and innovative approach in many important business sectors that are directly linked to states' industries and economies. Thousands of jobs depend up on this trade. The important economic benefits that states receive from their international trade are materially harmed by discriminatory parties who participate in efforts to boycott and otherwise commercially harm entities and individuals from countries with whom states conduct business.

BDS COMPANIES ARE UNFIT FOR INVESTMENT

KEY POINT » The discriminatory practices promoted by the BDS Movement impair companies' ethical and commercial soundness, making them inherently unstable and unfit for investment.

To strictly limit investment considerations to the potential for profit would irresponsibly ignore important risk factors that must be taken into account. Given that the practice of national origin discrimination has been roundly rejected in numerous points of law, and more importantly by societies as a whole, both in the U.S. and internationally, businesses that engage in boycotts on such grounds are themselves at risk of being commercially rejected by other parts of the private sector.



THE FEDERAL GOVERNMENT OPPOSES BOYCOTTS OF ISRAEL AND NATIONAL ORIGIN DISCRIMINATION

KEY POINT » The U.S. government has emphatically rejected boycotts based on national origin and interferences with foreign trade policy in general. Congress has legislated against boycotts of Israel for four decades, and Federal courts have ruled that economic boycotts are not protected free speech.

In particular, the Export Administration Act of 1977 and the Ribicoff Amendment to the Tax Reform Act of 1976 were both explicitly designed to combat the Arab League's boycott of Israel, which extends to secondary and tertiary boycotts of firms doing business with Israel. Federal court decisions applying the statutes have ruled that they do not violate the First Amendment because economic boycotts are not protected speech, but are instead a form of commercial activity. The United States Government continues to monitor these efforts through the Department of Commerce Office of Anti-boycott Compliance (OAC).

BDS HARMS THE BASIC RIGHTS AND FREEDOMS THAT AMERICA REPRESENTS

KEY POINT » The use of falsehoods and distortions to slander Israel's citizens and government ultimately delegitimizes the freedoms and rights that they truly stand for and defend.

Israel is the only democratic country in the Middle East. Israel is the only country in its region that maintains a climate of respect for civil liberties, offers a significant independent civic life, and safeguards important basic rights such as freedom of speech, freedom of religion and freedom of the press. Indeed, Israel's respect for civil liberties and basic rights like freedom of speech, religion and the press, mirrors the founding principles of the United States; just as Americans appreciate their freedoms and fight to maintain them, Israelis feel similarly and go to great lengths to preserve them. Israel is not the only democracy to be attacked in this regard. Boycott attempts against Denmark are another recent example of assaults against a country on the basis of its protection of exercised free speech and free press rights.

BDS HARMS THE LEGITIMACY OF INTERNATIONAL LAW AND HUMAN RIGHTS

KEY POINT » The BDS Movement's frequent misrepresentation that it is based on "Human Rights" and "International Law," while denying Israel's right to exist, helps expose its true aim of harming Israel.

The BDS Movement seeks to avoid the fact that Israel is a state fully recognized under international law that often goes above and beyond international standards of states' responsibilities and obligations. In fact, no country has gone to greater lengths than Israel to humanely protect civilians as it is forced to confront the threat of terrorism. The hypocrisy and dishonesty of the BDS Movement becomes fully apparent in considering its constant pointing toward international law to justify its anti-Israel agenda while ignoring the fact that international law established Israel as a Jewish state. In misrepresenting concepts of human rights and international law the BDS Movement actively harms their integrity and legitimacy.

BDS HARMS THE PALESTINIAN-ARABS

KEY POINT » The direct harm that the BDS Movement brings upon Palestinian-Arab employment and economic opportunities makes clear that the Movement's only goal is to hurt Israel.

Thousands of Palestinian-Arabs have lost jobs and economic opportunity as a result of BDS because of the pressure the Movement looks to place upon their employers and business partners. Many more face the same risk of job loss. A recent example of this effect is the loss of nearly 600 Palestinian-Arab jobs at the Israeli-owned Soda Stream manufacturing plant in September 2015, after it was relocated to avoid further BDS pressure. Palestinian-Arab workers were being paid the same as Israelis, earning wages four or five times higher than the average for jobs in the Palestinian-Arab economic sector, and receiving job training at one of the most technologically advanced factories in the region.

BDS HARMS EFFORTS TO PROMOTE PEACE

KEY POINT » In reality, BDS damages the important goal of promoting peace between Palestinian-Arabs and Israelis by working against social normalization, economic cooperation and shared opportunity.

Furthermore, the BDS Movement actively encourages intransigence and the rejection of peace negotiations by leaders of the Palestinian-Arab community.

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COMPARED TO MOST PREVIOUS ANTI-JEWISH OUTBREAKS, THIS NEW ANTI-SEMITISM IS OFTEN LESS DIRECTED AGAINST INDIVIDUAL JEWS. IT ATTACKS PRIMARILY THE COLLECTIVE JEWS, THE STATE OF ISRAEL, AND THEN SUCH ATTACKS START A CHAIN REACTION OF ASSAULTS ON INDIVIDUAL JEWS AND JEWISH INSTITUTIONS. [...] IN THE PAST THE MOST DANGEROUS ANTI-SEMITES WERE THOSE WHO WANTED TO MAKE THE WORLD JUDENREIN, FREE OF JEWS. TODAY, THE MOST DANGEROUS ANTI-SEMITES MIGHT BE THOSE WHO WANT TO MAKE THE WORLD JUDENSTAATREIN, FREE OF A JEWISH STATE.

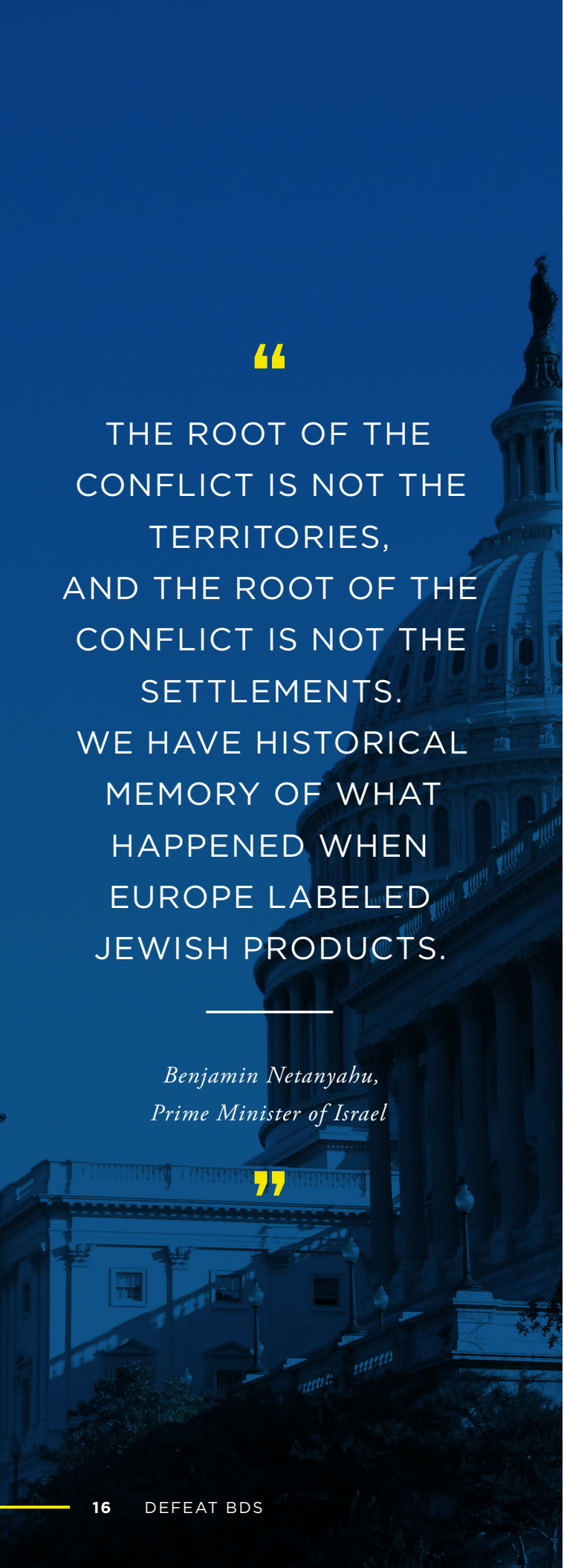
Per Ahlmark, Former Deputy Prime Minister of Sweden

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STATE BY STATE EXPORTS TO ISRAEL

Many of the individual U.S. states enjoy hundreds of millions of dollars in annual bilateral trade and commerce with Israeli partners or others who do business in Israel. This trade encompasses important economic sectors such as defense, technology R&D, and health sciences. State laws should protect the interests of the state's citizens by: (1) defending the state's economy from financial or contractual engagement with parties who would at the same inflict economic harm upon Israeli and other state businesses based on national origin discrimination; and (2) Ensuring that state taxpayer funds are not subjected to contracts or investments with parties who would at the same time undermine important public policy protections against national origin discrimination.

STATE	EXPORTS TO ISRAEL (2014)	TOTAL EXPORTS TO ISRAEL (1996–2014)	STATE	EXPORTS TO ISRAEL (2014)	TOTAL EXPORTS TO ISRAEL (1996–2014)
ALABAMA	\$50,336,219	\$907,208,338	MONTANA	\$1,528,087	\$36,130,626
ALASKA	\$287,540	\$17,427,279	NORTH CAROLINA	\$121,816,637	\$1,846,509,323
ARIZONA	\$236,152,594	\$2,484,973,919	NORTH DAKOTA	\$5,959,506	\$56,087,587
ARKANSAS	\$34,375,646	\$447,688,268	NEBRASKA	\$27,574,583	\$345,913,199
CALIFORNIA	\$2,320,318,173	\$26,705,826,959	NEVADA	\$116,563,187	\$1,290,122,893
COLORADO	\$37,027,961	\$639,033,364	NEW HAMPSHIRE	\$43,907,209	\$584,006,874
CONNECTICUT	\$102,433,929	\$1,958,961,344	NEW JERSEY	\$742,069,673	\$14,297,998,484
WASHINGTON, D.C.	\$734,692	\$147,380,412	NEW MEXICO	\$811,517,188	\$3,898,059,898
DELAWARE	\$11,556,312	\$242,046,877	NEW YORK	\$6,364,732,273	\$66,925,943,742
FLORIDA	\$231,086,861	\$3,332,412,474	OHIO	\$241,098,437	\$4,065,709,267
GEORGIA	\$251,021,136	\$2,801,689,491	OKLAHOMA	\$90,611,321	\$455,966,009
HAWAII	\$868,932	\$7,307,010	OREGON	\$196,450,988	\$1,883,489,263
IOWA	\$40,106,706	\$557,778,382	PENNSYLVANIA	\$175,746,464	\$3,132,607,363
IDAHO	\$14,856,574	\$340,391,528	RHODE ISLAND	\$8,630,024	\$120,477,687
ILLINOIS	\$199,513,231	\$4,290,094,265	SOUTH CAROLINA	\$123,669,915	\$832,870,998
INDIANA	\$94,210,443	\$813,786,967	SOUTH DAKOTA	\$17,505,963	\$116,321,300
KANSAS	\$50,786,329	\$853,252,959	TENNESSEE	\$57,328,366	\$819,131,887
KENTUCKY	\$72,107,134	\$745,406,720	TEXAS	\$529,977,162	\$12,868,170,426
LOUISIANA	\$292,514,363	\$5,122,704,788	UTAH	\$59,289,280	\$711,111,380
MAINE	\$10,049,818	\$238,898,940	VIRGINIA	\$75,468,926	\$1,958,590,730
MARYLAND	\$102,285,597	\$983,470,116	VERMONT	\$9,872,374	\$128,136,492
MASSACHUSETTS	\$198,460,667	\$3,602,136,480	WASHINGTON	\$211,875,309	\$3,160,808,137
MICHIGAN	\$158,658,512	\$1,719,662,701	WISCONSIN	\$89,971,245	\$1,181,629,593
MINNESOTA	\$91,489,974	\$1,316,645,561	WEST VIRGINIA	\$5,452,380	\$152,873,950
MISSISSIPPI	\$34,222,236	\$346,961,788	WYOMING	\$2,083,286	\$14,409,869
MISSOURI	\$67,728,635	\$1,091,683,832			



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THE ROOT OF THE
CONFLICT IS NOT THE
TERRITORIES,
AND THE ROOT OF THE
CONFLICT IS NOT THE
SETTLEMENTS.
WE HAVE HISTORICAL
MEMORY OF WHAT
HAPPENED WHEN
EUROPE LABELED
JEWISH PRODUCTS.

”

*Benjamin Netanyahu,
Prime Minister of Israel*

KEY POINTS ABOUT LEGISLATION AND PUBLIC POLICY

Laws, such as those passed by South Carolina, Illinois, and Florida, provide two important benefits to their state:

01 They defend the state's economy from financial or contractual engagement with parties who would at the same inflict economic harm upon Israeli and other state businesses based on national origin discrimination;

02 They ensure that state taxpayer funds are not subjected to contracts or investments with parties who would at the same time undermine important public policy protections against national origin discrimination.

SPEECH IS UNAFFECTED—REGULATING COMMERCIAL ACTIVITY AND FREEDOM OF CONTRACT

Legislation like that passed in South Carolina and Illinois does not raise any 1st Amendment concerns because it does not in any way regulate, penalize, or infringe on anyone's private speech or conduct. Private parties who wish to boycott Israel can continue to do so freely. It is

within the discretion of state legislatures, however, to exercise the state's own right to choose the companies in which it will invest and with whom it will contract. Exercising such discretion with taxpayer funds is an important part of reinforcing economic interests, public policy and the basic ethical standards of government.

BDS IS NEVER LEGITIMATE— EVEN LIMITED BOYCOTTS ARE REJECTED BY CONGRESS

Both parties in Congress have firmly rejected boycotts that aim to make distinctions between Israel's non-annexed territories (Judea and Samaria) and areas governed by Israel's civil authority, which are generally demarcated by the "Green Line." The Green Line is not a legal border, and the Palestinian-Arabs were not part of its drawing. It is a truce line that was established based on the armistice agreement between Israel and Jordan in 1949 after the Arab world's rejection of a UN proposed two-state solution and Jordan's conquering and illegal occupation of the regions of Judea and Samaria (later dubbed the "West Bank" while under Jordanian control until 1967). It is important to note that no attempts were made to boycott or sanction Jordan during its illegal occupation of the region.

In June of 2015 Congress passed the Trade Promotion Authority bill, which rejects the BDS Movement's efforts, specifically including attempts to target just Israel's non-annexed territories (Judea and Samaria). This was a further reinforcement of the General Agreement on Tariffs and Trade (GATT), which specifies that any territory under a country's control is a part of that country for the purposes of trade. GATT has governed international trade between 161 countries for 67 years, and distinguishing between Israel and Judea and Samaria for the purposes of trade is a clear violation of its terms. The Trade Promotion Authority Bill was signed by President Obama and is now a part of U.S. law.

Unanimous Bi-Partisan Support

South Carolina (H 3583) and Illinois (SB 1761/ HB 4011) were the first two states to pass legislation defending their economic and public policy interests from discrimination such as that promoted by the BDS Movement. Those bills received unanimous bi-partisan support in their passage in 2015. Florida's SB-86 also passed unanimously in the senate.

NATIONAL ORIGIN DISCRIMINATION IN A COMMERCIAL CONTEXT

Generally speaking, national origin discrimination in the context of commercial activity is the boycotting, exclusion or denial of opportunity based on an individual or party's affiliation with a country, culture, or specific ethnic group bearing common characteristics. Important protections from national origin discrimination have long been provided in numerous points of federal and state law and related public policy. Nevertheless, there remains a need to expand upon this progress in the law.

THE ROLE OF PRODUCT LABELING

Recent moves by the European Union and the Obama Administration to single out Israeli products for special labeling requirements are a predicate for the expansion of boycott efforts. Though some suggest that the moves are merely directed at informing consumer choice with regard to products made in Israel's territories, the truth is that such suggestions are mere pretense for the initial legitimization of partial boycotts. The recent attempt by Iceland's capitol city, Reykjavik, to institute a wholesale boycott of all Israeli products clearly proves that Israel's detractors in fact make no distinction as to the point of origin of Israeli products. Beyond this, Europe's specific history of launching anti-Semitic boycotts through product labeling efforts sheds significant light upon the nature of what is presently being witnessed, and is particularly relevant given the shocking increase of anti-Jewish bigotry throughout the continent.

CAMPUS

The problem of BDS and anti-Semitism on college campuses undoubtedly remains a significant concern. Unfortunately, the political culture among academic leadership, by and large, is one that too often tolerates the problem of anti-Israel/Jewish activity on campus. Working together with legislators, pro-Israel activists who can articulate the standards and information included in this guide must educate administrations on the myths and facts that surround Israel, as well as administrators' legal and ethical responsibilities to fight anti-Semitism. Importantly, administrations must be confronted by the fact that when lies and hatred appear on campus there is miles of moral distance between simply saying "we don't condone" and clearly stating "we condemn."



RESPONDING TO COMMON BDS LIES

THE MYTH OF OCCUPATION

KEY POINT » Israel's general region has been known as 'Judea' since time immemorial because it has served as the constant home and capital of the Jews for over 3,000 years. The Jewish State of Israel is not an occupier in the Land of Israel.

"Occupation" is a legal term whose definition does not apply to Israel under the law. Nevertheless, the term is intentionally misused against Israel in order to shape negative perceptions of her history and legitimacy, while perpetuating a sense of Palestinian-Arab victimhood. In this context, "occupier" is nothing more than a polite way of suggesting that the Jewish State of Israel is a thief, having colonized territory belonging to the Arabs, which must be restored to its rightful owners. The term also gives Israel's enemies a way to try to explain away terrorism as merely "resistance to occupation."

Given the negative connotation of the term "occupier," the BDS Movement uses the word as often as possible in its messaging. As the Myth and Facts Guide points out: "Occupation typically refers to foreign control of an area that was under the previous sovereignty of another state. In the case of Judea and Samaria [the West Bank], there was no legitimate [legal] sovereign because the territory had been illegally occupied by Jordan from 1948 to 1967. Only two countries—Britain and Pakistan—recognized Jordan's action. [It is important to note that] the Palestinian-Arabs never demanded an end to Jordanian occupation and the creation of a Palestinian state."

BLOOD LIBELS

KEY POINT » The use of blood libels, especially those involving children, is among the most demonizing propaganda employed by Palestinian-Arab society and the BDS Movement.

The use of such anti-Semitic falsehoods to incite violence against Jews bears a long and tragic history tracing back thousands of years to such infamous cases as William of Norwich. Fabricated stories blaming Israel for the murder and suffering of innocent children, and the targeting of schools, are spread without limit or shame. Unfortunately, agenda-driven journalists and media outlets often disregard professional standards of honesty and objectivity in favor of further spreading such demonizing propaganda. Prominent examples of blood libels involving children include:

2000

The Mohammed Al-Durrah affair in 2000, used as the pretext for the launching of the “Second Intifada” war. The video footage at the center of the blood libel was later proven in a French court to be unverifiable and likely to have been staged by an anti-Israel “journalist”;

2012

The death of 4 year old Mohammad Sadallah, who was killed by Hamas during the launching of rocket attacks against Israel in 2012. The child’s body was emotionally presented to the visiting Prime Minister of Egypt in front of international media in an effort to sensationalize the lie that an Israeli strike had caused his death; and recently,

2015

The false accusation by Palestinian Authority President Mahmoud Abbas that Israel had summarily executed 13 year old Ahmad Manasra in order to further incite Palestinian-Arab violence in Jerusalem. In reality, the boy was alive and receiving medical treatment at an Israeli hospital after having carried out a vicious stabbing attack against two Israelis.



THE MYTH OF JEWISH CONTROL AND SUBVERSION

KEY POINT » The use of false accusations of conspiracy and disloyalty against Jews, thereby justifying anti-Semitic attacks upon them, bears a long and sad history.

The modern political form of such attacks stem from the late 19th century Protocols of the Learned Elders of Zion, a false document attributed to a cabal of European Jewish leaders in order to incite mass violence against thousands of poor Jewish communities. The Protocol Myth received widespread U.S. exposure during the 1920’s and 1930’s in media outlets owned by Henry Ford, helping to likewise shape the identity of American anti-Jewish bigotry around the notion of Jewish subversion.

Not surprisingly, today’s version of the Protocol Myth uses support for Israel as a point to continue accusing Jews of conspiracy (“The Israel Lobby”) and disloyalty (“Israel-Firsters”). This often appears in the claim that “The Israel Lobby” or “AIPAC” is manipulating American foreign policy against our country’s interests in favor of Israel’s. Insinuations regarding the illegitimate use of money and other forms of control to corrupt politics are also very common.



COMPARING ISRAEL WITH APARTHEID

KEY POINT » Even before the State of Israel was established, Jewish leaders consciously sought to avoid the situation that prevailed in South Africa. Today, within Israel, Jews are a majority, but its minorities are full citizens who enjoy equal rights and are represented in all branches of government. Arabs are represented in the Knesset, and have served in the Cabinet, high-level foreign ministry posts and on the Supreme Court.

Under South African apartheid, skin color determined every aspect of your life from birth until death. Black South Africans could not vote and were not citizens of the country in which they formed the overwhelming majority of the population. Laws dictated where they could live, work, go to school and travel. And, in South Africa, the government killed blacks who protested against its policies. By contrast, Israel allows freedom of movement, assembly and speech regardless of skin color or religious beliefs. Some of the government’s harshest critics are Israeli Arabs who are members of the Knesset.

HOW YOU CAN ENGAGE

The problem of BDS and anti-Semitism on college campuses, unfortunately, extends far beyond what policy alone can be expected to remedy. Unfortunately, the social politics of those involved in academic leadership, by and large, is one that too often tolerates the problem of anti-Israel/Jewish activity on campus. Working together with legislators, pro-Israel activists who can articulate the standards and information included in this guide must educate administrations on the myths and facts that surround Israel, as well as administrators' legal and ethical responsibilities to fight anti-Semitism. Importantly, administrations must be confronted by the fact that when lies and hatred appear on campus there is miles of moral distance between simply saying "we don't condone" and clearly stating "we condemn." Students are urged to contact campus authorities for immediate assistance with any incidents involving discrimination or threats, and notify studentsupport@DefeatBDS.org.



USE THE MYTHS AND FACTS GUIDE

Credible pro-Israel advocates must be armed with honest and accurate information. "Myths & Facts: A Guide to the Arab-Israeli Conflict" is an essential resource when educating or debating others. It offers concise and credible answers, with citations, to the most common inaccuracies and falsehoods used by the BDS Movement. It is available for free online at www.jewishvirtuallibrary.org.



MAKE CAREFUL USE OF LANGUAGE

Language has been weaponized in the effort to harm Israel, by using it to manipulate popular perceptions against her. Consequently, we have witnessed the effect of fabricated terms such as "West Bank," "East Jerusalem" and "illegal settlements." Unfortunately, even many of Israel's supporters make casual use of problematic language. This must change if the delegitimization and demonization of Israel is to end.

We suggest making a conscious effort with one's own choice of language. For example, instead of saying "West Bank," at least make reference to the region's proper name, Judea and Samaria, so that audiences are made aware of the Jewish People's connection to their ancestral homeland. Likewise, instead of saying "East Jerusalem" say "eastern Jerusalem" so that audiences appreciate

the indivisibility of Israel's capital. Most importantly, the term "occupation" must be forcefully rejected whenever it appears, so that all become aware that the Land of Israel is home to the Jewish People, and that they are not colonialists or invaders.



BUY ISRAELI PRODUCTS

Because private boycotts ultimately cannot be prevented, it is important that every opportunity be used to deny the BDS Movement any success in harming Israel's trade and economy. Increasing sales of Israeli products ensures that BDS efforts are frustrated. Make a point of having Israeli food products on the table at your synagogue or church functions, and especially in your home. Visit www.BuyIsraeliGoods.com for a selection of products. You can also contact Stand With Us via a form on the site to request guidance on how to host an Israeli product expo in your community.



STUDENTS/FACULTY—KNOW YOUR RIGHTS!

Harassment and Discrimination are always unacceptable. Support your friends and loved ones on campus by directing them to Stand With Us' helpful information guide: <https://www.standwithus.com/booklets/KnowYourRights>.



SAMPLE PHONE SCRIPT

"I am calling to urge the senator/representative to support the passage of anti-boycott policy because taxpayer dollars should not be used to support discrimination against Israel."

The state has an excellent track record of working to support Israel, and enjoys many millions of dollars in bilateral trade with businesses located or doing business in Israel. We must protect our state's economic interests from discriminatory boycott efforts that aim to harm our trade with Israel. Ignoring national origin discrimination in our state's conduct of business would undermine our public policy and social values.

"My community is paying close attention and stands ready to applaud the senator/representative's support of anti-boycott policy that protects trade with our ally, Israel."



SAMPLE LETTER/EMAIL

Dear Senator/Representative:

As a concerned citizen who cares deeply about our state, I urge you to support anti-BDS policy that prevents our taxpayer dollars from being used to support discrimination against Israel.

As you know, our state has an excellent track record of working to support Israel, and enjoys many millions of dollars in bilateral trade with businesses located or doing business in Israel. We must protect our state's economic interests from discriminatory boycott efforts that aim to harm our trade with Israel. Ignoring national origin discrimination in our state's conduct of business would also undermine our public policy and social values.

Simply put, my community is paying close attention and stands ready to applaud your support of policy that protects trade with our ally, Israel.

Respectfully,



GET OUR ACTION ALERTS!

Download the Defeat BDS App or sign up online at www.DefeatBDS.org to learn more. We'll keep you updated on legislation and public policy initiatives in your state, and provide you with quick and easy ways to take real action.

AN OVERVIEW OF KEY POINTS SUPPORTING LEGISLATION

1. POLICY OBJECTIVE OF LEGISLATION

- (1) To defend the state's economy from parties seeking to inflict economic harm upon Israel, one of our state's key trading partners. Parties seeking to inflict economic harm against Israel weaken the state's ability to conduct trade, and harm the vital economic interests of our state;
- (2) To ensure that state taxpayer funds are not party to contracts or investments that undermine important public policy protections against discrimination.

2. RATIONALE FOR SUPPORT OF LEGISLATION

States enjoy hundreds of millions of dollars in annual economic trade with Israeli entities, in addition to business done with many other partners who likewise have commercial interests in Israel. This trade encompasses many of the state's most important economic sectors, such as defense, technology research and development, and health sciences. In light of increasing efforts to target Israel and her international trade partners for commercial discrimination, the state's economic interests must be defended against attempts to weaken the state's ability to conduct trade with Israel.

Boycotts of entities and individuals on the basis of national origin, particularly Israel, often amount to ethnic, religious, racial and/or nationality discrimination, which directly contradicts state public policy and the values of its citizens. Exercising discretion with taxpayer funds is an important part of reinforcing public policy and the basic ethical standards of government.

3. FUNCTION OF LEGISLATION

The Legislation is NON-PARTISAN and passed UNANIMOUSLY in both South Carolina and Illinois.

- The Legislation protects the financial interests of the state's citizens by ensuring that state investment funds and contracts with the private sector are shielded from the economic damage and instability caused by companies that engage in discriminatory boycotts against Israel.
- The Legislation protects the social interests of the state's citizens by ensuring that taxpayer dollars, through the state government, will not be party to contracts and investments that undermine the state's public policy protections against discrimination.

4. IMPORTANT POINTS SUPPORTING LEGISLATION

- **Free Speech Rights are Unaffected.**
The Legislation does not violate any First Amendment rights. The legislation exercises the state's freedom to choose the companies in which it will invest and with whom it will contract. It does not penalize or infringe on anyone's right to free expression.
- **Consistent with Federal Law.**
The U.S. government has emphatically rejected boycotts based on national origin and interferences with foreign trade policy in general. Congress has legislated against boycotts of Israel for four decades, and Federal courts have ruled that economic boycotts are not protected free speech.
- **Boycotts Undermine Peace Efforts.**
Commercial discrimination and boycotts against Israel damage the important goal of promoting peace between Palestinian-Arabs and Israelis, in particular by working against social normalization, economic cooperation and shared opportunity.



GET OUR ACTION ALERTS!

www.DefeatBDS.org

We'll keep you updated on legislative matters and public policy initiatives in your state, and provide you with quick and easy ways to take real action.



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