

Anti-Semitism: State Anti-BDS Legislation

State	Date	Summary
Tennessee	April 21, 2015	The Tennessee General Assembly formally condemned the BDS movement in a 123-1 vote with the passing of SJR-170, becoming the first state in the country to do so. Although the legislation does not order Tennessee public institutions to divest from entities involved in the BDS movement, it refers to BDS as, "one of the main vehicles for spreading anti-Semitism and advocating the elimination of the Jewish state." The legislation also stated that BDS is, "deeply damaging to the causes of peace, justice, equality, democracy and human rights for all the peoples in the Middle East."
South Carolina	June 4, 2015	South Carolina's state legislature passed legislation banning the state from entering into contracts with companies that participate in certain kinds of boycotts. Unlike the Illinois measure, South Carolina's H-3583 bill is in no way limited to companies that boycott Israeli firms. Rather, the legislation refers to companies that boycott "a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade." This legislation was signed by South Carolina Governor Nikki Haley on June 4, 2015.
Illinois	July 23, 2015	The Illinois state legislature unanimously passed landmark anti-BDS legislation on May 18, 2015, and Illinois Governor Bruce Rauner became the first state leader to sign anti-BDS legislation into law on July 23, 2015. The bill, SB-1761, targets taxpayer funded public pension funds that invest in companies which have adopted a BDS stance towards Israel. Per the legislation, companies that boycott Israel in Illinois were added to restricted company lists which undergo periodic review and are sent around to managers at all taxpayer funded public pension funds. The passage of this bill was hailed as the first state-based, concrete action taken against the BDS movement in the United States. The legislation was approved by the Governor on July 23, 2015.
Alabama	February 16, 2016	Alabama Governor Robert Bentley signed SJR-6 into law on February 16, 2016, after it had been unanimously passed by the state legislature the previous week. The legislation states that the activities of the BDS movement in Alabama are, "harmful to the State's relationships with Alabama's Jewish citizens," and expresses unconditional support for Israel's right to exist as a Jewish state. The legislation goes on to, "unequivocally denounce and reject the international Boycott, Divestment, and Sanctions Movement and any furtherance of this movement in this state." Governor Bentley signed the anti-discrimination bill SB81 on May 10, 2016, which prevents Alabama government entities from contracting with companies engaged in Israel boycotts.

Colorado	February 26, 2016	The Colorado House of Representatives passed HB-16-284 on February 26, 2015. The legislation orders the state Public Employee Retirement Association (PERA) to identify all companies that participate in the BDS movement and add their names to a list of restricted companies. The bill then requires PERA to send notice to the company alerting them of their status, and if the company does not stop supporting BDS activities within 180 days of notification the legislation requires PERA to divest from that company. This list of restricted companies is to be reviewed on an annual basis. The legislation was signed into law by Colorado Governor John Hickenlooper on March 18, 2016.
Indiana	March 1, 2016	In a 47-3 vote, the Indiana State Senate approved anti-BDS legislation on March 1, 2016. The House had approved the legislation in January. The bill, HB-1378, requires mandatory state divestment from any company that participates in, "the promotion of activities to boycott, divest from, or sanction Israel." The language in the bill targets settlements as well, including "territories controlled by the Jewish State of Israel," in the anti-BDS measure. As of December 2016 the legislation had still not been approved by Indiana Governor Mike Pence.
Florida	March 10, 2016	<p>Florida's State Legislature passed SB-86 on February 24, 2016, with bipartisan support, sending a message that they benefit from their relations with Israel and do not support the BDS movement, companies associated with it, or it's agenda. In early March the Florida Senate passed an adjusted version of the bill calling for the repeal of U.S. Customs and Border Protection's "West Bank country of origin marking requirements," which prevent West Bank products being labelled as "Made in Israel."</p> <p>On March 10, 2016, the Florida House of Representatives passed HB-527, directing the State Board of Administration create a list of companies that engage in boycotts of Israel, and instructing all government entities to divest from companies listed. On the same date, Florida governor Rick Scott signed SB-86.</p> <p>Florida Governor Rick Scott signed HB-545 into law in a ceremony at the Orlando Torah Academy on March 30, 2018. The anti-BDS bill prevents companies that engage in boycotts of Israel from bidding on local or state government contracts.</p>
Virginia	March 10, 2016	Both Virginia Houses of Delegates passed identical resolutions condemning the actions of the BDS movement in early March 2016. The legislation voices support for a negotiated 2-state solution, and states that Virginia "oppose[s] all attempts to economically and politically isolate Israel within the international arena, including promotion of economic, cultural, and academic boycotts." Virginia lawmakers referred to the BDS movement as "inherently antithetical and deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East." Virginia's Jewish community issued a statement thanking the legislators for passing the resolution.
Arizona	March 18, 2016	On March 14, 2016, Arizona's House of Representatives passed legislation prohibiting state investment in companies that participate in the BDS movement, and requiring all entities contracting with the state to certify that they are not involved in boycotts of Israel. The legislation, HB-2617, passed the House with a

		42-16-2 vote, after having passed the Senate the previous week. The legislation was signed into law by Arizona Governor Doug Ducey on March 18, 2016.
Georgia	April 26, 2016	Georgia's SB-327 was approved by the State Senate on February 26, 2016, in a 45-6 vote. The bill prohibits the state, "including all of its subdivisions and instrumentalities," from entering into contracts or agreements with companies involved with the BDS movement. This legislation passed the State House of Representatives on March 24, 2016, and was sent to the Governor to sign. Governor Nathan Deal signed the legislation on April 26, 2016.
Iowa	May 10, 2016	<p>On February 24, 2016, the Iowa House of Representatives voted to block the state from investing in or contracting with companies that support the BDS movement. The legislation, SB-3087, was approved with a 70-24 vote, and 6 abstentions.</p> <p>The Iowa State Senate approved SF-2281 in a 38-9 vote on April 27, 2016. The bill makes it illegal for a public entity in the state of Iowa to invest or enter into a contract worth over \$1,000 with a company that boycotts Israel. The State Senate also approved a resolution with a voice-vote expressing support for Israel as well as a 2-state solution to the Israeli-Palestinian conflict.</p> <p>Iowa HF-2331 was signed into law by Governor Terry Branstad on May 10, 2016, after being approved in April 2016 by the State Senate and February 2016 by the State House of Representatives.</p>
New York	June 5, 2016	<p>An anti-BDS resolution was passed with a near-unanimous vote in the New York State Assembly on June 22, 2015. The resolution denounced the BDS movement, stating, "this legislative body is concerned that the international Boycott, Divestment, and Sanctions movement and its agenda are damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East." The legislation reiterated the close ties that New York shares with the Jewish state as well.</p> <p>The New York State Senate approved a bill that prohibits the state and state entities from doing business with companies that support the BDS movement on January 20, 2016. The bill, S-6378A, is currently on the docket for the State Assembly to vote on. This legislation would prohibit state contracting with or investments in companies or individuals that engage in boycott, divestment, or sanctioning activities against Israel.</p> <p>WESPAC Foundation, a group that financially supports the BDS movement by supporting Students for Justice in Palestine (SJP), is based in White Plains, New York. SJP, the main iteration of the BDS movement on U.S. college campuses, raises money through donations to WESPAC and is not required by law to disclose their funding to the IRS because they are not registered as a charitable organization. The Palestine Freedom Project also receives funding through WESPAC, as does the Cultures of Resistance Network Foundation.</p> <p>On June 5, 2016, New York Governor Andrew Cuomo issued an executive order requiring state agencies to divest from organizations and companies that participate in Israel boycotts. Cuomo described BDS as an "economic attack" on Israel during a speech at Manhattan's Harvard Club, and stated that "If you boycott against Israel, New York will boycott you." The Governor chose to issue an executive order instead of bringing the issue to the state</p>

		legislature because passing legislation can be "a tedious affair," and he wanted to take "immediate action," against the BDS movement. Under the order, the Commissioner of the Office of General Services of New York was commanded to put together a list of businesses and groups involved in the BDS movement, based on "credible information available to the public." The executive order was signed just before the Governor marched in New York City's 2016 Celebrate Israel Parade.
New Jersey	August 16, 2016	New Jersey Governor Chris Christie signed S-1923 into law on August 16, 2016, requiring the state's public worker pension funds to divest from companies that engage in Israel boycotts. The measure enjoyed wide bipartisan support in the State Senate and Assembly in May and June, where it passed with votes of 39-0, and 70-3, respectively.
California	September 24, 2016	California Assembly Bill 2844 was signed into law by Governor Jerry Brown on September 24, 2016. The law requires those who enter into contracts with state agencies to certify that they are not involved in activities that violate the Unruh Civil Rights act, including support for the BDS movement and its programs.
Pennsylvania	November 4, 2016	Governor Tom Wolf of Pennsylvania signed HB2107 into law on November 4, 2016. The bill, sponsored by Representative Matthew Baker, prohibits the government of the state of Pennsylvania from contracting with any entity that engages in BDS activities.
Ohio	December 19, 2016	Ohio HB-476 was introduced to the state legislature on February 24, 2016. The legislation, if approved, would ban "state agents" from entering into or renewing contracts with companies, unless it is contractually declared that the company is not boycotting or disinvesting from Israel. The bill was signed into law by Ohio Governor John Kasich on December 19, 2016.
Michigan	January 10, 2017	Michigan Governor Rick Snyder signed his state's anti-BDS legislation on January 10, 2017, making Michigan the first state to stand against the BDS movement that year. The bills, HB 5821 and 5822, were passed by the state House and Senate during the previous month. Michigan state agencies, according to the legislation, "may not enter into a contract with a person to acquire or dispose of supplies, services, or information technology unless the contract includes a representation that the person is not currently engaged in, and an agreement that the person will not engage in, the boycott of a person based in or doing business with a strategic partner."
Texas	May 2, 2017	Texas Governor Greg Abbott signed HB89, "an act relating to state contracts with and investments in companies that boycott Israel", on May 2, 2017. The bill prohibits the State of Texas from contracting or entering into business with companies or entities involved in the BDS movement against Israel. The law ensures that public funds will not go to companies that participate in BDS.
Minnesota	May 3, 2017	Minnesota Governor Mark Dayton signed his state's anti-BDS legislation into law on May 3, 2017, after it had passed the State House and Senate with respective votes of 98 - 28 and 57 - 8. The Minnesota legislation prohibits state dealings with entities that participate in boycotts of Israel.

Nevada	June 2, 2017	After it unanimously passed the Nevada State Legislature a week earlier and the State Senate the month before, Nevada Governor Brian Sandoval signed Nevada's very own anti-BDS legislation on June 2, 2017. With the signing of the bill, Nevada became the 20th state to pass laws prohibiting state institutions and government bodies from doing business with those who unfairly boycott Israel. Governor Sandoval had travelled to Israel with a delegation of Nevada businessmen in 2013, to encourage investment and business cooperation with his state.
Kansas	June 16, 2017	Kansas Governor Sam Brownback signed HB 2409 into law on June 16, 2017, prohibiting state agencies from contracting with entities that engage in Israel boycotts. The legislation passed both the Kansas Senate and House during the previous week, in respective votes of 39-3 and 99-13.
North Carolina	July 31, 2017	After passing the State House of Representatives by a vote of 96-19, and the State Senate in a 45-3 vote, North Carolina Governor Roy Cooper signed his state's anti-BDS legislation into law on July 31, 2017. The legislation requires complete divestment from, and prohibits state agencies from contracting with, companies that engage in BDS campaigns against Israel.
Maryland	October 23, 2017	Maryland Governor Larry Hogan signed executive order 01.01.2017.25 into law on October 23, 2017, which prohibits all executive branch agencies from contracting with any entity, unless that entity certifies that they will not engage in a boycott of Israel for the duration of said contract. Hogan stated that all future contract requests for state bids must include language that the applicant has not refused to do business with any person or entity based on their Israeli origin. The order also calls for all current state contracts to be evaluated and possibly terminated if they exist with companies that engage in the boycott of Israel.
Wisconsin	October 27, 2017	Wisconsin Governor Scott Walker signed Executive Order #261 into law on October 27, 2017, prohibiting state agencies from entering into contracts with entities that participate in Israel boycotts. The Executive Order also stipulates that any state agencies reserve the right to terminate existing contracts with entities that are found to be in violation of the order. Walker signed Assembly Bill 553 into law on April 3, 2018, which prevents "state agencies and governmental units" from adopting rules, policies, or procedures, that engage in a boycott of Israel.
Louisiana	May 22, 2018	Louisiana Governor John Edwards issued an executive order on May 22, 2018, prohibiting the Louisiana state government from entering into contracts to do business with entities that boycott Israel. The order directs the state's Commissioner of Administration to terminate any existing state contracts with companies that engage in boycotts of Israel. The prohibition will not be applied to companies that have contracts with the state that total less than \$100,000 or that have fewer than five employees.
Kentucky	November 15, 2018	Kentucky Gov. Matt Bevin signed an executive order banning the award of state contracts to companies that participate in campaigns to boycott Israel. The order states the "Commonwealth of Kentucky unequivocally rejects the BDS movement and stands firmly with Israel." Specifically, the order states that a governmental body "may not enter into a contract" unless it "includes a representation by the contractor that the contractor is not currently engaged, and will not



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BDS Q&A

What is BDS?+

BDS stands for the movement to boycott, divest from and sanction Israel.

The movement takes much of its inspiration and rhetoric from the successful boycotts of the 1980's and early 1990's that forced the South African government to abandon its system of racial apartheid. This is why the BDS movement tries so hard – despite so many facts to the contrary – to draw a parallel between Israel and South Africa.

BDS leaders also try very hard to portray themselves as peace activists who are using non-violent means to force Israel to withdraw from the West Bank and make way for a Palestinian State.

But a visit to the BDS website (www.BDSmovement.net) quickly reveals that BDS has far a more radical goal: eliminating Israel as a Jewish state. This is not an exaggeration. This is

something BDS leaders readily admit.¹

Israel's conflict with her Arab neighbors is complex. The Israeli people themselves are deeply divided on the best path forward. There is room for disagreement and debate on many of the issues at the core of this conflict.

The problem with the BDS movement is not that it criticizes Israel. The problem with the BDS movement is that it criticizes only Israel. BDS insists on blaming the entire conflict on only one side – Israel. Such simplistic scapegoating won't bring peace; it will only fuel extremism.

¹ See Ali Mustafa, "Boycotts work: An interview with Omar Barghouti," The Electronic Intifada, May 31, 2009.

Media Resources

Video by Alan Dershowitz on BDS



 BDS: Anti-Palestinian, Anti-Semitic, Anti-Peace

Who Founded BDS?+

The leading force behind the BDS movement is a Palestinian activist named Omar Barghouti. Barghouti was born in Qatar but moved to Israel in 1994. He has lived there as a permanent resident ever since.

Barghouti's life in Israel would probably surprise most BDSers. Although he demands that the rest of the world boycott Israeli universities, he actually attends one. Barghouti is currently working on his PhD at Tel Aviv University, the same school from which he earned his master's degree.

But Barghouti is far more than a hypocrite – he's an extremist: Barghouti doesn't deny that he supports the destruction of Israel. He acknowledges it.

He's stated that:

- Barghouti opposes a two-state solution to the Israeli-Palestinian conflict.²
- Barghouti demands a one-state solution that would include the return to Israel of all of the descendants of all of the Palestinian refugees.³ Everyone understands that this Palestinian "right of return" would open Israel's borders to a massive immigration that would quickly overwhelm its Jewish majority and transform it from the one-and-only Jewish state into the twenty-second Arab state.
- "I know that you cannot reconcile the right of return for refugees with a two-state solution. This is the big white elephant in the room and people are ignoring it – a return of refugees would end Israel's existence as a Jewish state."⁴
- When Palestinian President Mahmoud Abbas recognized that Jews also have rights to the land of Israel, Barghouti joined others in accusing him of a "grave betrayal" of the "collective rights of the Palestinian people."⁵
- He's also called for the "dismantling" of the Palestinian Authority since its leaders are far too moderate for his taste.⁶

The only way there will be peace between Israel and the Palestinians is if moderates on both sides are empowered to recognize the rights of the other side and make painful compromises. Barghouti seeks neither recognition of Israel nor peace with Israel. Barghouti – like the BDS movement he founded – demands nothing less than the destruction of Israel.

² See Ali Mustafa, "Boycotts work: An interview with Omar Barghouti," The Electronic Intifada, May 31, 2009 and Maurice Ostroff, "BDS opposes the two state solution of the Arab-Israeli conflict," The Jerusalem Post, May 12, 2013.

³ See Ali Mustafa, "Boycotts work: An interview with Omar Barghouti," The Electronic Intifada, May 31, 2009 and Maurice Ostroff, "BDS opposes the two state solution of the Arab-Israeli conflict," The Jerusalem Post, May 12, 2013.

⁴ See Ali Mustafa, "Boycotts work: An interview with Omar Barghouti," The Electronic Intifada, May 31, 2009.

⁵ Don't deny our rights: an open letter to Mahmoud Abbas," July 29, 2010 as printed at The Electronic Intifada.

⁶ Omar Barghouti, "Dissolve the Palestinian Authority," Counterpunch, October 5, 2009.

Media Resources

 Prominent BDS activist bios

Who Funds BDS?

We have no clear answers to this question. Many of the groups supporting BDS lack the transparency typically associated with American non-profit organizations.

But research by the Foundation for Defense of Democracies (FDD) shines light on a troubling financial connection. In recent Congressional testimony, FDD Vice President Jonathan Schanzer highlighted an organization called AMP – American Muslims for Palestine – that is one of the leading supporters of the BDS campaign in America. Schanzer noted the following:

At 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. ⁷

Hamas is a terrorist organization⁸ that is openly dedicated to Israel's destruction.⁹ Hamas has proudly claimed credit for suicide bombings that have killed hundreds of innocent Israeli Jews and Arabs. Hamas has also claimed credit for firing thousands of rockets and missiles into Israel cities and towns.

These connections between Hamas and BDS should be a flashing red light for anyone truly interested in peace.

⁷ Jonathan Schanzer, "Israel Imperiled: Threat to the Jewish State," testimony at a joint hearing before the House Foreign Affairs Committee Subcommittee on Terrorism, Nonproliferation, and Trade and the Subcommittee on the Middle East and North Africa, April 19, 2016.

⁸ See U.S. State Department list of Foreign Terrorist Organizations (<http://www.state.gov/j/ct/rls/other/des/123085.htm>)

⁹ See the Hamas Covenant (http://avalon.law.yale.edu/20th_century/hamas.asp), "Israel will exist and will continue to exist until Islam will obliterate it..."

Media Resources

 Schanzer Transcript

Webcast of Schanzer speech

Joint Subcommittee Hearing: Israel Imperiled: Threats to t...



What does BDS want?—

The BDS movement is quite clear about its goals. The official BDS website bdsmovement.net includes a list of four demands. The BDSers state that they will continue their efforts against Israel until Israel agrees to the following:

- “Ending its occupation and colonization of all Arab lands and dismantling the Wall;
- “Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
- “Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.”¹⁰

These demands may sound benign to those unfamiliar with this conflict. But together they form a dark agenda demanding nothing less than the destruction of Israel. Let's take them one by one:

“Demand #1: Ending its occupation and colonization of all Arab lands.”

Many of Israel's critics – including BDS founder Omar Barghouti – refer to all of Israel as “occupied” and “colonized” Arab land. When they call for an end to Israel's “occupation of Arab lands,” what they're really calling for is the destruction of Israel. ¹¹

But even if the BDS movement limited its demand to an Israeli withdrawal from the West Bank, this demand remains deeply flawed because it blames only one side – Israel – for the failure to achieve peace. In so doing, BDS ignores the following key facts:

- Israel has repeatedly offered to withdraw from almost all of the West Bank to create a Palestinian state – most recently in 2000, 2001 and 2008. The Palestinians have rejected each of these offers.
- When Israel began a phased withdrawal from the West Bank in the mid-1990's, Palestinian terrorists – many of them backed by the Palestinian Authority -- responded with a wave of violent suicide bombings that killed over 1,000 Israeli civilians. These withdrawals did not produce peace, but more violence.
- When Israel withdrew all of its soldiers and civilians from Gaza in 2005, rocket fire from Gaza into Israel dramatically increased. Again, withdrawal was not met with peace but with more terror.

If Israel's critics wanted to be fair, they would recognize that the Palestinian leadership has played a significant role in fueling this conflict. But BDS has no interest in being fair or objective. BDS prefers to blame Israel and only Israel.

“Demand #2: Dismantling the Wall.”

Israel built the security fence – what the BDSers call “the wall” -- in order to stop a bloody wave of suicide bombings that killed over 1,000 Israelis – Israeli Jews, Israeli Christian and Israeli Muslims.

Before this wave of terror, the border between Israel and the West Bank was wide open. People from either side could walk or drive across the border at will. Yet there was no debate in Israel about closing this border until West Bank Palestinians began crossing it to blow up Israeli civilians. Then Israel needed to do what any other country would do: protect her citizens.

The security fence has worked. Between 2000 and 2006, there were 4,000 terrorist attacks in Israel, resulting in the deaths of 1,639 Israelis. From 2007 through 2015 (after the major portions of the fence were completed) there were only 32 suicide-bomb attacks in which only 20 Israelis died. ¹²

If the security fence is saving Israeli lives, why are the BDSers so intent on tearing it down? And while they're condemning Israel's response to terror, why is it that they can't bring themselves to condemn the terror that necessitated this fence in the first place?

“Demand #3: Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.”

Good news BDSers! Your demand has been met! Israel already does this!

Israel's Arab citizens are full citizens in every sense of the word. They vote. They attend every major Israeli university. They are treated in every major Israel hospital. They serve in the Israeli Parliament and on Israel's judiciary. And when Israeli Arabs choose to criticize their government they're not arrested; they're often celebrated.

The fact that Israeli Arabs are full citizens of Israel means that they are the freest Arabs in the entire Middle East. This is no exaggeration. In what Arab country are Arabs as free to vote and to participate in their government? More importantly, in what Arab country are Arabs as free to criticize their government?

If the BDSers were truly interested in Arab human and civil rights, then they might devote at least some of their time to criticizing the many Arab countries that deny their citizens these fundamental rights. But BDS doesn't seem to have much interest in Arab human and civil rights unless they can somehow blame Israel for the absence of these rights.

“Demand #4: Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties.”

By demanding the return of the Palestinian refugees, BDS is calling for the destruction of Israel as a Jewish state. BDS founder Omar Barghouti was honest enough to admit this fact when he stated that:

“I know that you cannot reconcile the right of return for refugees with a two-state solution. This is the big white elephant in the room and people are ignoring it – a return of refugees would end Israel's existence as a Jewish state.”¹³

The BDSers define "Palestinian refugees" to include not only those people who fled the 1948 Arab invasion of Israel, but all of their descendants as well. No other refugee population in history has ever been defined so broadly. By this definition, the Palestinian refugee population is actually growing from year to year instead of shrinking. And by this definition, there are currently over 5 million Palestinian refugees.

The return of over 5 million Palestinian "refugees" to Israel would quickly transform Israel's Jewish majority into a minority. This would effectively turn the one and only Jewish state into the 22nd Arab state.

No other refugee population in modern history has ever demanded such a right of return for themselves, let alone for their descendants.

The case of the Jewish refugees from Arab lands provides an illustrative contrast. Israel's 1948 victory outraged Muslims throughout the Middle East. In the months and years that followed, some Arab governments expelled their Jewish populations. In other countries, mob violence drove the Jews from their ancient communities. Eventually over 800,000 Jews fled their homes in the Arab world and Iran. Most of them left behind significant land, property and wealth for which they were never compensated.

These Jewish refugees are no longer called refugees. They are called citizens. They are citizens of Israel, France, the United States, etc. Instead of clinging to the past, they moved on and built new lives.

In fact, the same can be said for every other major refugee population of the post-World War II era. All of these refugees have resettled in new countries. None of them claim a right of return to their old homes for them or their grandchildren. To cite just a few examples:

- After World War II, approximately 14 million ethnic Germans were forced from their communities in Poland, Czechoslovakia and elsewhere. They did not return to their old countries. They built new lives in Germany.
- After the 1947 partition of India, approximately 7 million Muslims fled or were forced from their homes in India. They did not return to India. They built new lives in Pakistan.

- After the 1947 partition of India, approximately 7 million Hindus fled or were forced from their homes in Pakistan. They did not return to Pakistan. They built new lives in India.

The BDSers never talk about the Jewish refugees from Arab lands. They rarely if ever speak about the over four million Arab refugees from the ongoing Syrian civil war. But that's not surprising. BDS is only interested in Arab suffering to the extent that this suffering can be blamed on Israel.

Media Resources

 Occupation & Colonization Myths
  CAMERA on Campus: Security Fence
 
 Jewish Virtual Library: Security Fence
  Israel voting rights
  Hasbara Fellowships:
 Human Rights
  Why are there still Palestinian Refugees?
  Jewish Virtual
 Library: Refugee Histroy

10. <https://bdsmovement.net/call>

11. Elsewhere on the same website, the BDSers repeat this demand but limit it to ending the occupation of "all Arab lands occupied in June 1967," i.e. the West Bank and Gaza. The fact that the BDSers can and have used this critical qualifier -- "occupied in June 1967" -- in one place creates the very strong impression that they are intentionally refusing to use it elsewhere.

12. Danny Tirza quoted in Ken Klukowski, "Israel's Security Fence Saves Lives, Builder Tells America," Breitbart, October 20, 2015.

13. See Ali Mustafa, "Boycotts work: An interview with Omar Barghouti," The Electronic Intifada, May 31, 2009.

Is BDS Racist?—

Yes, it is. And since racism against the Jewish people is also known as anti-Semitism, the BDS movement is also anti-Semitic.

Let's be clear. It is not anti-Semitic to criticize Israel. Most Israelis do it daily.

But it is anti-Semitic to criticize only Israel and never any other country or entity.

The BDS movement criticizes one nation and one nation only – Israel.

BDS blames Israel and only Israel for the Arab-Israeli conflict. The BDS movement simply refuses to acknowledge any Arab aggression, misdeed or blame.

BDS also blames Israel and only Israel for Arab suffering. BDS ignores the fact that Israeli Arabs enjoy a much higher standard of living than most other Arabs in the region. BDS also ignores the fact that Israeli Arabs enjoy far greater human and civil rights than almost all other Arabs in the region. Yet you will search in vain for the last time BDS recommended sanctions against – or even criticized -- an Arab regime.

Simply put, the BDS movement has no interest in Arab suffering – or human suffering – that can't be blamed on Israel

A political movement that blamed Hispanics and only Hispanics for America's ills would rightly be called racist. A human rights movement that blamed black African countries and only black African countries for the world's troubles would rightly be called racist as well.

Blaming Jews is no different. When you blame only the Jewish state for a complex conflict and region-wide Arab suffering, you're not just wrong. You're racist.

Media Resources

 BDS and anti-Jewish hostility on campus

WIKIPEDIA

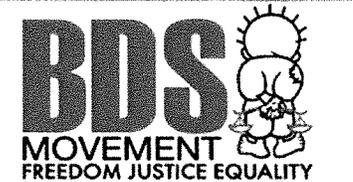
Boycott, Divestment and Sanctions

The **Boycott, Divestment and Sanctions movement** (also known as **BDS**) is a global campaign promoting various forms of boycott against Israel until it meets what the campaign describes as Israel's "obligations under international law",^[1] defined as withdrawal from the occupied territories, removal of the separation barrier in the West Bank, full equality for Arab-Palestinian citizens of Israel, and "respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties".^[1] The campaign is organized and coordinated by the Palestinian BDS National Committee.^[2]

Protests and conferences in support of the campaign have been held in a number of countries. Supporters of BDS compare the movement with the 20th century anti-apartheid movement and view their actions similar to the boycotts of South Africa during its apartheid era, comparing the situation in Israel to apartheid.^{[3][4][5]}

Critics of BDS reject its charge that Israel is an apartheid state, asserting that in Israel (outside of the West Bank) "Jews and Arabs mix freely and increasingly live in the same neighborhoods...there is no imposed segregation."^[6] Critics have also argued that the BDS movement is antisemitic^{[7][8]} in the form its opposition to Zionism takes,^{[9][10]} drawing analogies to the Nazi boycott of Jewish businesses^{[11][12][13]} and accusing it of promoting the delegitimization of Israel.^{[14][15]}

Boycott, Divestment and Sanctions



Formation	9 July 2005
Type	Non-profit organization
Purpose	Boycotts, political activism
Website	bdsmovement.net (https://bdsmovement.net/)



A BDS demonstration outside the School of Oriental and African Studies in London, April 2017.

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Background

One of the objectives stated at the founding of the Arab League in 1945 was to "frustrate further Jewish development in Palestine by means of boycott against Zionist products". A central boycott office was established to coordinate this effort. After the establishment of Israel in 1948, the boycott of Jewish products from Palestine was transformed into the boycott of Israeli products and services. The boycott was conducted on a primary level (as a direct boycott of Israeli products), a secondary level (though direct pressure on states and institutions not to deal with Israel), and a tertiary level (to prevent companies from uninvolved third-party states from dealing with companies that had relationships with Israel).^[16]

Zachor Legal Institute founder, Marc Greendorfer argued in the *Roger Williams University Law Review* that the BDS movement originated in the Arab League's boycott of Israel in name, in function, in tasks, in methodology and in goals.^[17] Historian Alex Joffe agreed and added the General Union of Palestinian Students, Muslim Brotherhood activities within the United States, and the Palestine Solidarity Campaign as historical antecedents. Accordingly, Joffe wrote, unresolved issues originating in the Cold War relationship between pan-Islamism and Communism are driving historical forces behind the BDS movement.^[18]

During the Second Intifada, Palestinians began developing international solidarity and support that could be used to apply pressure on Israel through non-violent means.^{[19][20]} In 2002, organizations in Europe, Australia, the United States, and the Palestinian territories called for a boycott of Israeli institutions, including a boycott of academic and cultural institutions.^[21] Palestinian academics and intellectuals also called for a boycott in October 2003.^[21] In 2004, an attempt to coordinate the boycotts gained momentum following the start of the construction of the Israeli West Bank barrier.^[19] In April 2004, the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) was founded.^[22] One of the founders was Omar Barghouti.^{[23][24]}

There is disagreement over exactly when and how the BDS movement began. According to the BDS movement's website, on 9 July 2005, the first anniversary of the advisory opinion by the International Court of Justice in which the West Bank barrier was declared a violation of international law, a broad spectrum of over 170 Palestinian non-governmental organizations initiated a campaign for a boycott, divestment and international sanctions against Israel until it complied with international law and universal principles of human rights.^[25] A number of scholars with differing perspectives concerning the Arab-Israeli conflict, from the right-wing Jerusalem Center for Public Affairs to the left-wing historian Ilan Pappé, dispute the BDS movement's account of its origins. Some of them have asserted that the BDS movement has been active since at least 2001, that some of the Palestinian NGOs referenced in BDS literature do not exist, and that a significant percentage of the NGOs that do exist come from countries outside of Israel or the Palestinian territories.^[26]

At the first Palestinian BDS conference, held in Ramallah in November 2007, the BDS National Committee was established as the Palestinian coordinating body for the BDS campaign worldwide.^[25] The movement's main example and source of inspiration is the international boycott of South Africa by anti-apartheid activists.^[27]

Goals of the campaign

The BDS campaign urges various forms of non-violent punitive measures against Israel until it complies with the precepts of international law.^[28] These measures should bring about:^[28]

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall;
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

The BDS campaign is organised and coordinated by the Palestinian BDS National Committee.^[2] The committee cites a body of UN resolutions and specifically echoes the anti-apartheid campaigns against white minority rule in apartheid era South Africa;^[29] the BDS campaign calls for "various forms of boycott against Israel until it meets its obligations under international law".^[1]

Methods

The BDS Movement advocates the boycott, divestment, and sanctioning of Israel. It has found the most success in university settings where Israel may be judged in the court of public opinion.^[30] The campaign has organized demonstrations and protests targeting companies that have contracts with the Israeli military or with companies in Israeli settlements.^{[31][32][33]} Actions may also target prominent individuals who openly support settlements businesses.^[24]

At the grassroots level, social media, petitions, articles, and on-campus events pressure individuals to cancel their participation in events in Israel or in Israeli settlements, such as concerts or academic events.^[34] These activities are intended to link Israel to negatively-charged words such as "apartheid" and "racism."^[26] At the same time, Israelis are pressured not to take part in activities outside Israel or the Occupied territories.^[35] Participants in events are sometimes demanded to declare solidarity with the Palestinian cause.^[36] Israeli Apartheid Week (IAW) is a series of such events normally held in February or March.^[37] Since IAW began in Toronto in 2005, it has since spread to at least 55 cities around the world including locations in Canada, France, Germany, India, Italy, Austria, Jordan, Japan, Korea, Brazil, Botswana, Malaysia, the United Kingdom, the United States, South Africa, Mexico, Norway, Australia, and Palestine.^{[38][39][40][41][42][43]}

Its opponents argue that at official university levels, the BDS movement inundates university organizations and departments with various and recurring anti-Israel resolutions, often without notice or time for open debate. They say that BDS supporters bring outsiders to influence opinion or to vote on university resolutions even when this is unauthorized.^[44] Whether or not a resolution passes is not as important as keeping the debate alive at official university levels. The goal is to influence future policy makers to find fault with Israel.^[30]



BDS protest in Melbourne, Australia against Israel's Gaza Blockade and attack on humanitarian flotilla in 2010.

Financial ties

The BDS movement is diverse enough that no single organization controls the entire movement. However, studies have shown a pattern of financial ties between various organizations that support BDS and militant organizations in the Middle East such as the Muslim Brotherhood and the Popular Front for the Liberation of Palestine. One BDS-affiliated organization, the US Campaign for the Academic and Cultural Boycott of Israel, receives fiscal sponsorship from Al-Awda, an organization dedicated to promoting antisemitic conspiracy theories and support for United States designated terrorist organizations.^{[26][45][46][47]}

According to Jonathan Schanzer, vice president of research at the Foundation for Defense of Democracies and a former terrorism finance analyst for the U.S. Treasury Department, there are links between American supporters of Hamas and the BDS campaign. In April 2016, Schanzer testified before the U.S. House Subcommittee on Terrorism, Nonproliferation, and Trade that "in the case of three organizations that were designated, shut down, or held civilly liable for providing material support to the terrorist organization Hamas, a significant contingent of their former leadership appears to have pivoted to leadership positions within the American BDS campaign."^{[48][49]}

Academic boycotts

Universities have been primary targets with the BDS movement, according to English professor Cary Nelson, "because faculty and students can become passionate about justice, sometimes without adequate knowledge about the facts and consequences. ... [U]niversities also offer the potential for small numbers of BDS activists to leverage institutional status and reputation for a more significant cultural and political impact."^[50]

The campaign for academic boycotts of Israel has been led by the Palestinian Campaign for the Academic and Cultural Boycott of Israel, which has been endorsed by nearly 60 Palestinian academic, cultural and other civil society federations, unions, and organizations, including the Federation of Unions of Palestinian Universities' Professors and Employees and the Palestinian NGO Network (PNGO) in the West Bank.^[51] Sari Nusseibeh, former president of Al-Quds University, opposed a boycott of Israeli universities in 2014. A handful of Palestinian scholars oppose cutting academic ties and have differing views on what practical results the boycott on Israel will have.^[52]

Academics in a number of countries have signed on to support the campaign.^{[53][54][55][56]} In December 2013, the American Studies Association (ASA) joined the boycott of all Israeli academic institutions.^{[57][58]} Israel is the only nation ever boycotted by the ASA in the 52 years since the organization's founding.

As of March 2018, resolutions to endorse BDS had not had any effect on college investment decisions, according to Nelson. The effect they do have, he says, is the promotion of anti-Israel (and sometimes antisemitic) sentiment within student bodies, faculty, and academic departments.^[59]

After previously agreeing to write a letter of recommendation for a student, a University of Michigan professor declined to write the letter after discovering the student was planning to study in Israel. After critics called a letter to the student anti-semitic, the professor said he supports BDS for human rights reasons and rejects antisemitism. Guidelines from a Palestinian organization associated with BDS says faculty "should not accept to write recommendations for students hoping to pursue studies in Israel".^{[60][61]} 58 civil rights, religious, and education advocacy organizations called for the university to sanction the professor.^[62] University officials ended the controversy by disciplining the professor^[63] and issuing a public statement that

read in part, "Withholding letters of recommendation based on personal views does not meet our university's expectations for supporting the academic aspirations of our students. Conduct that violates this expectation and harms students will not be tolerated and will be addressed with serious consequences. Such actions interfere with our students' opportunities, violate their academic freedom and betray our university's educational mission."^[64]

Business boycotts

Effects of business boycotts on Palestinian employment

Opponents of BDS argue that BDS destroys employment for Palestinians. They argue that companies in settlements are beneficial for Palestinians. They claim that they offer employment with high wages compared with Palestinian factories and that the Palestinians are happy with their jobs and do not feel exploited.^[24] Proponents of BDS allege that in 2011 many Palestinians worked in settlements without permits and earn less than the Israeli minimum wage or even less than half the minimum wage.^[65] In the former SodaStream factory in Ma'ale Adumim, for example, for entry-level employees there was not much difference in the salaries between SodaStream and Palestinian factories. The majority of Palestinian employees at SodaStream had renewable seasonal contracts that last only three months each. According to a study conducted by Al Quds University, 82% of Palestinians working in Israeli settlements stated they would like to quit these jobs if alternative employment were available in the West Bank.^[66] Omar Barghouti said that the fact that "tens of thousands" of Palestinians work in settlements is the direct result of Israeli policy. For decades, Israel has been "systematically destroying Palestinian industry and agriculture, confiscating our most fertile lands and richest water reserves, and imposing extreme restrictions of movement preventing many from reaching their workplaces".^[24] According to Who Profits, all of the Palestinian trade unions and labor unions and almost all Palestinian civil society organizations, including political parties, support the BDS call for boycott, divestment and sanctions.^[65]

Examples of business boycotts

In 2013, Luxembourg's state pension fund, FDC, "excluded from [its] authorised investment universe" eight major Israeli firms, including Bank Hapoalim, Bank Leumi, and AFI Group. FDC also excluded American firm Motorola Solutions.^{[67][68]} Norway's YMCA-YWCA joined the boycott in 2014, announcing that it will support "[a] broad economic boycott of goods and services from Israel and Israeli settlements".^{[69][70]} In February 2016, Crepes & Waffles terminated its security transport contracts with British company G4S.^[71]

Cultural boycotts

The organizers of the week long Rototom Sunsplash music festival held in Spain in 2015, cancelled the scheduled appearance of Jewish American rapper Matisyahu after he refused to sign a statement supporting a Palestinian state. Matisyahu stated that it was "appalling and offensive" that he was singled out as the "one publicly Jewish-American artist".^[36] After criticism from Spain's daily paper El País^[72] and the Spanish government as well as Jewish organisations,^[73] the organisers apologised to Matisyahu re-inviting him to perform. They stated that "it made a mistake, due to the boycott and the campaign of pressure, coercion and threats employed by the BDS País Valencià."^[74]

In December 2017, New Zealand popstar Lorde cancelled the 5 June 2018 concert of her Melodrama World Tour in Tel Aviv after being urged by fans to boycott Israel, supporting the ongoing cultural boycott on the nation.^[75]

Impact of BDS

The effectiveness of the movement has been questioned. Many reports from both in and outside of Israel indicated that the movement had made very little impact on the Israeli economy, and suggested that it was unlikely to for the foreseeable future.^{[76][77][78][79][80]} Indeed, since the BDS movement began, the Israeli economy has almost doubled and foreign investment has tripled.^[26] The most significant impact of the BDS movement is the social cost it puts upon Jews living outside of Israel.^[81]

In June 2015, an analysis carried out by the Rand Corporation concluded that a successful Boycott, Divestment and Sanctions campaign against Israel, if it could be maintained for 10 years, could potentially cost the Israeli economy \$47 billion – this figure, which was not published in the report, was reportedly determined by using a model examining previous attempts to boycott countries. However, the Rand Corporation also noted that "evidence on the effectiveness of sanctions is mixed, making an assessment of the potential economic effects of the BDS movement problematic".^{[82][83]}

A poll carried out in 2016 indicated that 58 percent of Palestinians, in the West Bank and Gaza, think the BDS has had a positive impact with 14 percent believing it to be negative.^[64]

Responses

Reactions by Palestinian authorities

During a visit to South Africa in 2013, President Mahmoud Abbas stunned reporters and Palestinian activists by stating that the Palestinians do not support a general boycott of Israel. He supported, however, a boycott of settlement products. Omar Barghouti told Electronic Intifada that Abbas's statement conflicted with the mission of BDS.^[85]

At the 25th African Union assembly in the South Africa in June 2015, President Abbas urged the African countries to boycott goods produced by settlement companies in the West Bank.^[85]

Reactions by Israeli authorities

In March 2016 the Israeli Intelligence and Atomic Energy Minister Yisrael Katz argued that Israel should employ "targeted civil eliminations" against leaders of the BDS movement. The expression puns on the Hebrew word for targeted assassinations.^[86]

In June 2016, Haaretz reported that Israeli Strategic Affairs Minister was going to establish a "dirty tricks" unit to "establish, hire or tempt nonprofit organizations or groups not associated with Israel, in order to disseminate" negative information about BDS supporters.^[87] The news came on the heels of a report that Israel's efforts to fight the BDS movement have been ineffectual, in part because the responsibility had been transferred to the Strategic Affairs Ministry from the Foreign Ministry. "Despite receiving expanded authority in 2013 to run the government's campaign against the delegitimization and boycott efforts against Israel, the Strategic Affairs Ministry did not make full use of its budget and had no significant achievements in this area," Haaretz quotes the report as saying. "In 2015, it still did not carry out its work plans."^[88]

On 7 January 2018, Israel's Ministry of Strategic Affairs published a list of 20 specific non-government organizations whose officials would be banned from entering the country, including the BDS national committee, BDS France, BDS South Africa, BDS Italy, BDS Chile, and BDS Kampagne.^{[89][90][91]}

Responses by other governments

Canada

In 2016, a non-binding motion was passed in the Legislative Assembly of Ontario that "calls on the legislature to stand against any movement that promotes hate, prejudice and racism" and "reject the 'differential treatment' of Israel by the BDS movement". The motion was supported by the two largest parties, the governing centrist Ontario Liberal Party and the opposition centre-right Progressive Conservative Party of Ontario, with only the social democratic Ontario New Democratic Party opposed.^[92]



Legislative Assembly of Ontario

France

In France, the 2003 Lellouche law outlaws discrimination based on a variety of immutable characteristics, including national origin.^{[93][94]} That law and hate speech laws have been applied against BDS activities.^[95]

Germany

In December 2017, Munich passed a bill banning boycotts of Israel, becoming the first German city to deny space and public funds for the BDS campaign. Charlotte Knobloch, a Holocaust survivor and chairwoman of the Munich Jewish community who campaigned for the legislation, said that "Munich sent a signal against antisemitism".^[96] In September 2018, the North Rhine-Westphalia parliament, Germany's most populous state, banned the BDS and declared it antisemitic, while barring public institutions from hosting and supporting BDS groups.^[97]

Ireland

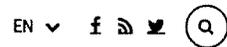
Dublin's City Council passed two resolutions on 9 April 2018 endorsing the BDS movement that included a motion to boycott Hewlett Packard (HP) goods, for its complicity concerning Israeli occupation.^{[98][99]} In doing so, it became the first European capital to endorse BDS.^[100]

South Africa

In 2012, South African African National Congress party gave its support to the BDS movement stating it was "unapologetic in its view that the Palestinians are the victims and the oppressed in the conflict with Israel."^[101] In January 2018, it notified Israel that blacklisting individuals who support BDS has only served to strengthen the ANC's support for the Palestinian people.^{[102][103]}

Spain

In 2018, Navarre, a state in northern Spain, was the first to endorse the Boycott, Divestment, and Sanctions movement. It passed a motion that requested Spain "suspend its ties with Israel until the country ceases its policy of criminal repression of the Palestinian population."^[104]



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WHAT IS BDS?

OVERVIEW

Boycott, Divestment, Sanctions (BDS) is a Palestinian-led movement for freedom, justice and equality. BDS upholds the simple principle that Palestinians are entitled to the same rights as the rest of humanity.

Israel is occupying and colonising Palestinian land, discriminating against Palestinian citizens of Israel and denying Palestinian refugees the right to return to their homes. Inspired by the South African anti-apartheid movement, the BDS call urges action to pressure Israel to comply with international law.

BDS is now a vibrant global movement made up of unions, academic associations, churches and grassroots movements across the world. Eleven years since its launch, BDS is having a major impact and is effectively challenging international support for Israeli apartheid and settler-colonialism.

Ongoing injustice

For nearly seventy years, Israel has denied Palestinians their fundamental rights and has refused to comply with international law.

Israel maintains a regime of of settler colonialism, apartheid and occupation (/colonialism-and-apartheid) over the Palestinian people. This is only possible because of international support. Governments fail to hold Israel to account, while corporations and institutions across the world help Israel to oppress Palestinians.

Because those in power refuse to act to stop this injustice, Palestinian civil society has called for a global citizens' response of solidarity with the Palestinian struggle for freedom, justice and equality.

What are Boycotts, Divestment and Sanctions?

BOYCOTTS involve withdrawing support for Israel and Israeli and international companies that are involved in the violation of Palestinian human rights, as well as complicit Israeli sporting, cultural and academic institutions.

DIVESTMENT campaigns urge banks, local councils, churches, pension funds and universities to withdraw investments from all Israeli companies and from international companies involved in violating Palestinian rights.

SANCTIONS campaigns pressure governments to fulfil their legal obligation to hold Israel to account including by ending military trade, free-trade agreements and expelling Israel from international forums such as the UN and FIFA.

The call for Boycott, Divestment and Sanctions

In 2005, Palestinian civil society organisations called (<http://www.bdsmovement.net/call>) for boycotts, divestment and sanctions (BDS) as a form of non-violent pressure on Israel.

The BDS movement was launched by 170 Palestinian unions, political parties, refugee networks, women's organisations, professional associations, popular resistance committees and other Palestinian civil society bodies.

Inspired by the South African anti-apartheid movement, the Palestinian BDS call urges nonviolent pressure on Israel until it complies with international law by meeting three demands:

Ending its occupation and colonization of all Arab lands and dismantling the Wall

International law recognises the West Bank including East Jerusalem, Gaza and the Syrian Golan Heights as occupied by Israel. As part of its military occupation, Israel steals land and forces Palestinians into ghettos, surrounded by checkpoints, settlements and

regularly carries out large-scale assaults on Gaza that are widely condemned as constituting war crimes and crimes against humanity.



Qalandiya Checkpoint in the West Bank in 2009 (Anne Paq/Activestills)



Protest against the 2014 attack on Gaza in Haifa, Israel (Oren Ziv/Activestills).

Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality

One-fifth of Israel's citizens are Palestinians who remained inside the armistice lines after 1948. They are subjected to a system of racial discrimination enshrined in more than 50 laws that impact every aspect of their lives. The Israeli government continues to forcibly displace Palestinian communities in Israel from their land. Israeli leaders routinely and openly incite racial violence against them.

Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194

Since its violent establishment in 1948 through the ethnic cleansing of more than half of the indigenous people of Palestine, Israel has set out to control as much land and uproot as many Palestinians as it can. As a result of this systematic forced displacement, there are now more than 7.25 million Palestinian refugees. They are denied their right to return to their homes simply because they are not Jewish.



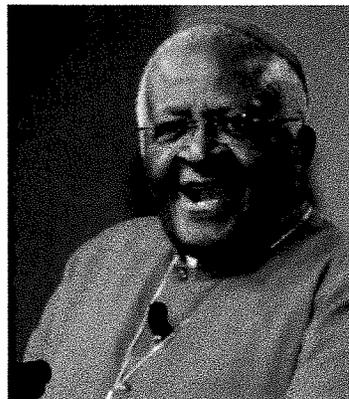
Palestinian refugees in Lebanon marching for their right to return (Matthew Cassel/Activestills).

BDS is an **inclusive, anti-racist** human rights movement that is **opposed** on principle to all forms of **discrimination**, including **anti-semitism** and **Islamophobia**.

A global movement

The BDS movement is supported by unions, churches, NGOs and movements representing millions across every continent and there are vibrant BDS campaigns in communities across the world. Progressive Jewish groups play an important role in the movement.

Public figures including Archbishop Desmond Tutu, Naomi Klein, Roger Waters, Angela Davis and Judith Butler back BDS. The slider below features just a small selection of the movement's supporters.



"Just as we said during apartheid that it was inappropriate for international artists to perform in South Africa in a society founded on discriminatory laws and racial exclusivity, so it would be wrong for Cape Town Opera to perform in Israel."

Archbishop Desmond Tutu



Growing Impact

Thanks to strategic campaigning, the impact of the BDS movement is increasing substantially. Examples of direct and indirect BDS impacts include:



BDS campaigns intensify in the Arab World

With G4S losing dozens of contracts with UN agencies and private companies in Jordan and Lebanon and investments in Kuwait, Medjoul Dates boycott adopted by wholesale markets in Morocco, and active campaigns in Egypt and Gulf states, the BDS campaign is intensifying in the Arab World.



BDS aims to end international support for Israeli violations of international law by forcing companies, institutions and governments to change their policies. As Israeli companies and institutions become isolated, Israel will find it more difficult to oppress Palestinians.

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Where BDS goes, antisemitism follows

BDS's antisemitic strategy aims to delegitimize only the Jewish state and put it to different standards from the rest of the world.

By [Assaf Weiss](#)
 March 26, 2018 09:58

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H.R.2856 - Combating BDS Act of 2017

115th Congress (2017-2018)

Sponsor: [Rep. McHenry, Patrick T. \[R-NC-10\]](#) (Introduced 06/08/2017)

Committees: House - Financial Services

Latest Action: House - 06/08/2017 Referred to the House Committee on Financial Services. ([All Actions](#))

Tracker: Introduced

Summary(1) **Text(1)** Actions(2) Titles(2) Amendments(0) Cosponsors(141) Committees(1) Related Bills(1)

There is one version of the bill.

Text available as: XML/HTML | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF](#) (PDF provides a complete and accurate display of this text.) ?

Shown Here:

Introduced in House (06/08/2017)

115TH CONGRESS
1ST SESSION

H. R. 2856

To provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Mr. MCHENRY (for himself, Mr. VARGAS, Mr. ROYCE of California, Mr. GOTTHEIMER, Mr. EMMER, Mr. SHERMAN, Mr. ROSKAM, and Mr. SCHNEIDER) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel, and for other purposes.

CONGRESS.GOV

H.R.4514 - Combating BDS Act of 2016

114th Congress (2015-2016)

Sponsor: [Rep. Dold, Robert J. \[R-IL-10\]](#) (Introduced 02/10/2016)

Committees: House - Financial Services

Latest Action: House - 02/10/2016 Referred to the House Committee on Financial Services. ([All Actions](#))

Tracker: Introduced

Summary(1) Text(1) Actions(3) Titles(2) Amendments(0) Cosponsors(167) Committees(1) Related Bills(2)

There is one summary for H.R.4514. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Introduced in House (02/10/2016)

Combating BDS Act of 2016

This bill authorizes a state or local government to adopt and enforce measures to divest its assets from, or prohibit investment of its assets in: (1) an entity that such government determines, using credible information available to the public, engages in a commerce or investment-related boycott, divestment, or sanctions activity targeting Israel; or (2) an entity that owns or controls, is owned or controlled by, or is under common ownership or control with, such an entity. Such government shall provide written notice to such an entity before applying such a measure.

Such a measure by a state or local government is not preempted by any federal law or regulation. The bill applies to measures adopted by a state or local government before, on, or after the date of this Act's enactment.

The bill amends the Investment Company Act of 1940 to prohibit any person from bringing any civil, criminal, or administrative action against any registered investment company, or any officer or employee thereof, based solely upon such company divesting from, or avoiding investing in, securities issued by persons that such company determines, using credible information available to the public, engage in commerce or investment-related boycotts, divestments, or sanctions activities targeting Israel.

A large, stylized handwritten signature in black ink, consisting of several sweeping, interconnected loops and lines, positioned in the lower right quadrant of the page.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combating BDS Act of 2017”.

SEC. 2. NONPREEMPTION OF MEASURES BY STATE AND LOCAL GOVERNMENTS TO DIVEST FROM ENTITIES THAT ENGAGE IN BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITIES TARGETING ISRAEL.

(a) **STATE AND LOCAL MEASURES.**—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (b) to divest the assets of the State or local government from, prohibit investment of the assets of the State or local government in, or restrict contracting by the State or local government for goods and services with—

- (1) an entity that the State or local government determines, using credible information available to the public, knowingly engages in any commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel;
- (2) a successor entity or subunit of an entity described in paragraph (1); or
- (3) an entity that owns or controls, is owned or controlled by, or is under common ownership or control with, an entity described in paragraph (1).

(b) **REQUIREMENTS.**—A State or local government that seeks to adopt or enforce a measure under subsection (a) shall meet the following requirements:

(1) **NOTICE.**—The State or local government shall provide written notice to each entity to which a measure under subsection (a) is to be applied.

(2) **TIMING.**—The measure shall apply to an entity not earlier than the date that is 90 days after the date on which written notice is provided to the entity under paragraph (1).

(3) **OPPORTUNITY FOR COMMENT.**—The State or local government shall provide an opportunity to comment in writing to each entity to which a measure is to be applied. If the entity demonstrates to the State or local government that the entity has not engaged in any commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel, the measure shall not apply to the entity.

(4) **SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.**—It is the sense of Congress that a State or local government should not adopt a measure under subsection (a) with respect to an entity unless the State or local government has made every effort to avoid erroneously targeting the entity and has verified that the entity engages in any commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel.

(c) **NOTICE TO DEPARTMENT OF JUSTICE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 30 days after adopting a measure described in subsection (a), the State or local government that adopted the measure shall submit written notice to the Attorney General describing the measure.

(2) EXISTING MEASURES.—With respect to measures described in subsection (a) adopted before the date of the enactment of this Act, the State or local government that adopted the measure shall submit written notice to the Attorney General describing the measure not later than 30 days after the date of the enactment of this Act.

(d) NONPREEMPTION.—A measure of a State or local government that is consistent with subsection (a) is not preempted by any Federal law.

(e) EFFECTIVE DATE.—This section applies to any measure adopted by a State or local government before, on, or after the date of the enactment of this Act.

(f) PRIOR ENACTED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, and except as provided in paragraph (2), a State or local government may enforce a measure described in subsection (a) adopted by the State or local government before the date of the enactment of this Act without regard to the requirements of subsection (b).

(2) APPLICATION OF NOTICE AND OPPORTUNITY FOR COMMENT.—A measure described in paragraph (1) shall be subject to the requirements of subsection (b) on and after the date that is 2 years after the date of the enactment of this Act.

(g) DEFINITIONS AND RULES OF CONSTRUCTION.—

(1) DEFINITIONS.—In this section:

(A) ASSETS.—

(i) IN GENERAL.—Except as provided in clause (ii), the term “assets” means any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(ii) EXCEPTION.—The term “assets” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(B) BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITY TARGETING ISRAEL.—The term “boycott, divestment, or sanctions activity targeting Israel” means any activity that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business as described in section 102(b)(20)(B) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201(b)(20)(B)).

(C) ENTITY.—The term “entity” includes—

(i) any corporation, company, business association, partnership, or trust; and

(ii) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))).

(D) INVESTMENT.—The term “investment” includes—

(i) a commitment or contribution of funds or property;

- (ii) a loan or other extension of credit; and
- (iii) the entry into or renewal of a contract for goods or services.

(E) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(F) STATE OR LOCAL GOVERNMENT.—The term “State or local government” includes—

- (i) any State and any agency or instrumentality thereof;
- (ii) any local government within a State and any agency or instrumentality thereof; and
- (iii) any other governmental instrumentality of a State or locality.

(2) RULES OF CONSTRUCTION.—

(A) AUTHORITY OF STATES.—Nothing in this section shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the “McCarran-Ferguson Act”).

(B) POLICY OF THE UNITED STATES.—Nothing in this section shall be construed to alter the established policy of the United States concerning final status issues associated with the Arab-Israeli conflict, including border delineation, that can only be resolved through direct negotiations between the parties.

(C) SCOPE OF NONPREEMPTION.—Nothing in this section shall be construed as establishing a basis for preempting or implying preemption of State measures relating to actions to boycott, divest from, or sanction Israel that are outside the scope of subsection (a).

SEC. 3. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(1)) is amended—

- (1) in subparagraph (A), by striking “; or” and inserting a semicolon;
- (2) in subparagraph (B), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(C) engage in any boycott, divestment, or sanctions activity targeting Israel described in section 2 of the Combating BDS Act of 2017”..”.