Urge Congress to support BDS and hold Israel accountable for violating human rights and international law!

American-Arab Anti-Discrimination Committee

https://salsa3.salsalabs.com/o/50434//p/dia/action/public/index.sjs?action\_KEY=14326

Take Action Now: Urge Congress to support BDS and hold Israel accountable for violating human rights and international law.

In 2014, Israel's Operation Protective Edge killed 2,220 Palestinians, including at least 1,492 civilians, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). [Defense for Children International Palestine reported](http://www.dci-palestine.org/operation_protective_edge_a_war_waged_on_gaza_s_children) that 535 children were killed as a direct result of Israel's attacks, many of which targeted civilian homes in clear violation of international humanitarian law. Israel's impunity continues to trigger attacks on Palestinian civilians and children, including the [arson committed by terrorist Israeli settlers](http://www.nytimes.com/2015/08/01/world/middleeast/west-bank-arson-palestinian-toddler.html?ref=middleeast&_r=0) in the West Bank on July 31, 2015. Israel must be held accountable for violating human rights and international law, or they will have no incentive not to continue their siege on Gaza and expanding illegal settlements in the West Bank.

BDS as a nonviolent movement to support human rights:

Thirty years ago, an international movement utilizing boycotts, divestment, and sanctions (BDS) rose in solidarity with those suffering under the brutal apartheid regime of South Africa. The historic acts of BDS activists from around the world isolated South Africa as a pariah state and heralded the end of apartheid.

For years, Palestinians have adopted non-violent measures aimed at bringing an end to Israeli occupation. Through the BDS movement, activists are seeking to create international pressure on Israel to abide by international law, and end the occupation of Palestine.

In 2005, the largest trade union federations and organizations in Palestinian society started BDS. The BDS movement calls for:

1. Ending Israel’s 1967 occupation,
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality,
3. Recognizing the right of Palestinian refugees to return to the homes and lands from which they were forcibly displaced and dispossessed in 1948.

The BDS Movement in the U.S. Currently:

The BDS movement has received a lot of momentum in recent years. In 2014, various American academic organizations including the American Studies Association instituted an academic boycott of Israeli universities and institutions, and US Churches including the Methodist and Presbyterian Churches divested from companies that profit from the Israeli occupation. [In 2015](http://muftah.org/u-s-churches-are-taking-action-for-palestine/?utm_content=buffera15cd&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer#.VbpHLflVikr), the Episcopal and Mennonite Churches also considered resolutions to divest from Israel, and the United Church of Christ passed a resolution to divest from the Israeli occupation.

Anti-BDS Legislation in Congress:

As the BDS Movement gains traction among progressive groups who value universal human rights, anti-Arab groups are taking the fight to Congress, where political expediency often trumps ideals such as human rights:

In 2014, Rep. Alan Grayson [Fl-9] introduced a bill, “To prohibit an institution of higher education that participates in a boycott of the Israeli government, economy, or academia from receiving funds from the U.S. federal government.”

*Update: This anti-BDS bill failed to pass in 2014; however ADC expects more anti-BDS legislation to be introduced in Congress as the BDS movement progresses.*

Constitutional Law on BDS as freedom of speech:

The Supreme Court of the United States has long held that the political boycott is an activity afforded the highest level of protection under the First Amendment.  Boycotts “to bring about political, social and economic change” are protected activity under the speech, assembly, association, and petition clauses of the First Amendment. (NAACP v. Claiborne Hardware Co., 458 US at 911-12, 1982).  Thus, to discriminate against an institution based on the institution’s views as expressed through political boycott would be an unconstitutional restriction on speech.

US Government position on BDS:

The BDS movement was considered at a Congressional Subcommittee hearing on National Security on July 28, 2015: [*Impact of the Boycott, Divestment, and Sanctions Movement*](https://oversight.house.gov/hearing/impact-of-the-boycott-divestment-and-sanctions-movement/)*.* Many members of the National Security Subcommittee oppose BDS categorically.

Anti-BDS language in "fast-track" Trade Promotion Authority bill:
While Congress has failed to pass anti-BDS legislation infringing on our 1st Amendment freedoms in the United States, they have succeeded in sneaking  anti-BDS language into a trade bill.  Sens. Ben Cardin, Sen. Rob Portman, Rep. Peter Roskam and Rep. Juan Vargas sponsored [anti-BDS provisions](http://www.timesofisrael.com/obama-signs-anti-bds-bill-into-law/) in the recently enacted "fast-track" Trade Promotion Authority legislation. The trade bill defines “persons doing business in Israel or in Israeli-controlled territories” as illegitimate targets for politically motivated boycott, divestment and sanction efforts by states and related actors.

The law also directs U.S. trade negotiators to discourage foreign partners from supporting the BDS Movement. As in [Zivotofsky case](http://www.adc.org/2015/07/the-status-of-jerusalem-post-zivotofsky-passport-case/) where Congress directed the State Department to issue US passports stating that Jerusalem is Israel, Congress is once again attempting to undermine US foreign policy by directing the Executive branch on the matter of Israel and Palestine. Fortunately, the [Obama Administration has stated that it will not enforce the anti-BDS provisions](http://jewishtimes.com/38392/anti-bds-section-of-trade-bill-in-danger-of-non-enforcement/) in the bill.

State Department spokesperson John Kirby said: “*By conflating Israel and ‘Israeli-controlled territories,’ a provision of the Trade Promotion Authority legislation runs counter to longstanding U.S. policy towards the occupied territories, including with regard to settlement activity*...*The U.S. government has never defended or supported Israeli settlements and activity associated with them and, by extension, does not pursue policies or activities that would legitimize them*.”

Congress needs to know that their constituents support BDS, and oppose any Congressional sign-on letter calling for the State Department to enforce anti-BDS provisions in the Trade Promotion Authority bill.

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