

25 June 2018

Dear Senate Transportation, Commerce and Workforce Committee:

My name is Ethan Ackelsberg. I am a resident of Ohio senate district 15 in Columbus and a graduate student at Ohio State.

I urge you all to reject House Concurrent Resolution 10 for its fabrications, misrepresentations, and attacks on constitutionally protected speech. In my reading, the formula of the resolution is essentially as follows: the Boycott, Divestment, and Sanctions (BDS) movement is an affront to US foreign policy in the Middle East and runs contrary to US and Israeli “national interests”, so it must be condemned. But what exactly is the purpose of free speech if it is not allowed to be critical of government policy? This on its own is reason enough to oppose the resolution, as defenders of first amendment protections like the ACLU have done with similar resolutions and anti-boycott laws all over the country¹. However, as a Jewish supporter of the BDS movement who also cares deeply about combating antisemitism, I feel compelled to go further to dispel the falsehoods and counter the far-right talking points running throughout the resolution.

Lines 26-28 read:

WHEREAS, The international Boycott, Divestment, and Sanctions movement is one of the main vehicles for legitimizing anti-Semitism on campus...

No proof of this is offered, and for good reason: it is simply false. Nobody in their right mind would claim that support for the South African anti-apartheid movement or the US civil rights movement was anti-white. Or that opposition to India’s brutal decades-long occupation of Kashmir is born of anti-Hindu prejudice. Or that supporting the Sahrawi call for self-determination in Moroccan-occupied Western Sahara is an act of bigotry. Likewise, when we call for Israel to recognize basic human rights and end the occupation, this is not an act of antisemitism. On the contrary, the BDS movement and Palestine solidarity groups have a proven record of fighting antisemitism within our ranks. Several Palestinian activists have authored and signed on to statements when other high-profile activists have made antisemitic remarks in order to ostracize those individuals and isolate them for our movements². The organization Jewish Voice for Peace (JVP) published the essay collection *On Antisemitism* last year to provide activists with resources for confronting antisemitism alongside the struggle for a free Palestine. Furthermore, a study from Stanford University found that students at “hotspot” campuses in

¹ The ACLU blog has numerous posts on this. See, e.g., <https://www.aclu.org/blog/free-speech/rights-protectors/laws-targeting-israel-boycotts-fail-first-legal-test>; Palestine Legal also provides a well-documented summary of anti-BDS legislation and its unconstitutionality: <https://palestinelegal.org/righttoboycott>

² See, e.g. <https://electronicintifada.net/blogs/ali-abunimah/struggle-palestinian-rights-incompatible-any-form-racism-or-bigotry-statement>, <https://electronicintifada.net/blogs/ali-abunimah/palestinian-writers-activists-disavow-racism-anti-semitism-gilad-atzmon>, <https://electronicintifada.net/blogs/ali-abunimah/final-word-greta-berlin-and-free-gaza-controversy>

California, where there have been large BDS campaigns, generally feel safe and not under threat from antisemitism³.

Lines 38-43 read:

WHEREAS, The dramatic increase in Boycott, Divestment, and Sanctions campaign activities on college campuses around the country has resulted in increased animosity and intimidation against Jewish students, negatively impacting student programming of vital importance to all American students related to the State of Israel and politics in the Middle East

Perhaps the authors of this resolution have forgotten one of the central lessons of statistics: correlation does not imply causation. I have already addressed the spuriousness of the charges of antisemitism leveled against campus BDS activists, but there is more to respond to here, namely the claim that BDS is “negatively impacting student programming of vital importance to all American students related to the State of Israel and politics in the Middle East.” How can a resolution condemning speech critical of Israel purport to uphold the opportunity to have important discussions on Palestine/Israel? The real threat to student programming is the censorship of the Palestinian perspective. Numerous respected academics have been threatened and punished by administrators—and in the cases of Steven Salaita and Norman Finkelstein, pushed out of academic jobs—for presenting views critical of Israel. The University of California Berkeley suspended a student-run course called, “Palestine: A Settler Colonial Analysis” in the fall of 2016 for its critical portrayal of Palestine/Israel⁴. Palestine Legal has documented several other attacks on speech—in many cases restricting the limits of academic debate and opportunities—in their report, “The Palestine Exception to Free Speech”⁵.

The next section is so rife with nonsense that I will break it into further subsections to respond.

Lines 44-46 read:

WHEREAS, Leaders of the Boycott, Divestment, and Sanctions movement say their goal is to eliminate Israel as the home of the Jewish people...

This is an outright lie (or such a serious distortion that the truth is completely buried). The BDS

³ Ari Y. Kelman, et al., “Safe and on the Sidelines: Jewish Students and the Israel-Palestine Conflict on Campus.” <https://stanford.app.box.com/v/Safeandonthesidelinesreport>

⁴ <https://www.haaretz.com/world-news/americas/uc-berkeley-suspends-course-amid-accusations-of-anti-semitic-viewpoints-1.5437605>

⁵ <https://palestinelegal.org/the-palestine-exception/>

movement has very specific goals. They are: (1) ending Israel’s 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 194⁶. These are straightforward demands based in international law and basic democratic principles, not some genocidal plot, as the authors of the resolution seem to suggest. It is true that the third demand would likely create an Arab demographic majority in Israel and that together with the second demand, Israel would lose its exclusivist ethno-religious character and become a democracy of all of its people. This, however, is a good thing unless one believes that ethno-states are better than democracies. Such beliefs would put you in the company of actual genocidal, antisemitic figures like Richard Spencer, who has in fact pointed to Israel as a model for what a “white ethno-state” could look like in the US⁷.

This section continues, in lines 46-49:

... signs and messaging at anti-Israel rallies have adopted the Boycott, Divestment, and Sanctions movement's theme slogan, "Palestine forever, Israel Never Ever" meaning that the State of Israel would cease to exist...

This “theme slogan” is a total fabrication. The only match in the first several pages of a Google search of this phrase is from testimony submitted last fall quoting this resolution when it was up for vote in the House.

The resolution then goes on to suggest that the state of Israel has a legitimate claim not only to the territory within the Green Line, but also to “Jerusalem, Judea, and Samaria” (line 52). There is no interpretation of international law that could possibly justify such a claim. The Israeli settlements within the West Bank have been repeatedly condemned for violating international law⁸, and the authors show here that they have no interest in recognizing a “right to exist” for a Palestinian state. Where is the resolution condemning them for anti-Palestinian prejudice?

⁶ <https://bdsmovement.net/what-is-bds>

⁷ From the Southern Poverty Law Center profile on Richard Spencer: “Spencer also has termed his mission a ‘sort of white Zionism,’ that would inspire whites with the dream of such a homeland just as Zionism helped spur the establishment of Israel. A white ethno-state would be an *Altneuland*—an old, new country—he said, attributing the term to Theodor Herzl, a founding father of Zionism.” <https://www.splcenter.org/fighting-hate/extremist-files/individual/richard-bertrand-spencer-0>

⁸ See, e.g., a 2016 ruling by the UN security council: <https://www.un.org/press/en/2016/sc12657.doc.htm>; the Israeli human rights organization B’Tselem also has useful information on the settlements and their status under international law: <https://www.btselem.org/settlements>

Lines 63-67 read:

WHEREAS, The Boycott, Divestment, and Sanctions campaign's call for academic boycotts has been condemned by many of our nation's largest academic associations, over two hundred fifty university presidents, and many other leading scholars as a violation of the bedrock principle of academic freedom

This conveniently omits the numerous academic organizations that have supported the academic boycott of Israeli institutions, including the Association for Asian American Studies, the American Studies Association, the Native American and Indigenous Studies Organization, the Critical Ethnic Studies Association, the Peace and Justice Studies Association, the National Association of Chicano and Chicana Studies, the National Women's Studies Association, and the Doctoral Students' Council at the City University of New York⁹. Are we to elevate academic freedom for Israelis above the basic rights of Palestinians? And what of academic freedom for the Palestinians whose schools are demolished and universities shut down by the Israeli occupation? Where are the condemnations there? They are, of course, absent from the resolution because this is not actually about academic freedom. The resolution's support for restricting speech critical of Israel—as I discussed above and is extensively documented in the Palestine Legal report—is proof enough. But the use of academic boycotts is also not without precedent. During the apartheid era in South Africa, the UN called for academic boycotts to pressure the South African state to end its exclusionary policies and practices.

In the wake of brutal killings of Palestinians by the Israel Defense Forces for demanding recognition of the Right of Return, the need for critical dialogue and action on Palestine/Israel is as urgent as ever. The Constitution protects our right to boycott institutions and divest from companies that are bolstering the occupation as part of that process. This resolution is a dramatic step in the wrong direction based on false premises and outright lies. I call on each and every one of you to vote against this resolution and any future measures intended to silence or otherwise suppress activism in support of freedom, justice, and equality for the Palestinian people.

Sincerely,

Ethan Ackelsberg

⁹ The US Campaign for Palestinian Rights keeps an updated list of successful BDS campaigns, including endorsements of the academic boycott: <https://uscpr.org/campaign/bds/bdswins/>