HANDBOOK FOR PRO-ISRAEL ACTIVISTS

Combating Anti-Israel Divestment Resolutions on Campus

A Case Study

Compiled September 2010 by:

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PREAMBLE

During the Spring Semester, 2010, the University of California at Berkeley’s Student Senate spent weeks debating a resolution to divest from Israel. After the resolution passed, the Student Body President vetoed it. Eventually, after several Senate meetings, the Student Senate upheld the veto by just one vote. The divestment initiative at UC Berkeley was not an isolated incident rather it was a local manifestation of the global Boycott, Divestment, Sanctions (BDS) movement that uses boycotts, divestments, and sanctions as the central organizing principle in a protracted campaign to delegitimize Israel’s right to exist as a Jewish, democratic state. It is no coincidence that pro-BDS students at UC San Diego launched a similar divestment campaign at the same time as UC Berkeley using virtually identical language, and a similar attempt, thwarted in its early stages, took place at nearby Stanford University.

The following is a guide to help students and members of the broader community effectively combat divestment resolutions if they appear on campus. It is based on the strategies and tactics employed by the Jewish Community Relations Council (JCRC), Berkeley Hillel and the greater pro-Israel community to defeat a divestment resolution in the UC Berkeley Student Senate in March and April 2010. Furthermore, it suggests additional strategies and tactics based on our assessment of what was and was not successful, and incorporates strategies developed by The Reut Institute that resonate with our experience fighting Israel delegitimization in the Bay Area. We hope that the experience gained from the UC Berkeley divestment fight will be useful in combating similar attempts on other campuses.

TIP #1
Do not wait until you have an active divestment campaign on your campus to prepare both a responsive strategy that anticipates a potential divestment resolution and a proactive campaign that singles out BDS as the problem, not Israel.
BACKGROUND

Eight years ago in February, 2002, at UC Berkeley, Students for Justice in Palestine (SJP), with the assistance of off-campus Non-Governmental Organizations (NGOs), hosted the first National Student Conference of the Palestine Solidarity Movement. The conference’s goals were:

1. Divestment from Israel
2. End US aid to Israel
3. Support the “right to return” of all Palestinian refugees to their homes in “1948 Palestine.”

Judging from the comments made from the podium and the floor at workshops the major theme could be summed up in the following statement: “Israel and Zionism are irredeemably evil and must be destroyed.” The underlying premise of the conference participants was that Israel is a racist, apartheid, colonial, settler state and Zionism is racism. There was neither room for dialogue nor any sense that there could be a peace with Israel; only “peace” without Israel.

Following this conference, JCRC concluded that the divestment campaign this group of Palestinian students and their supporters were trying to launch had two major hurdles to overcome:

1. **Cultural:** The South African anti-apartheid campaign was successful because it resonated with the American psyche. Apartheid was too similar to the Jim Crow era, and it was easy to see. Most Americans, by contrast, know that Israel is a democracy and view the U.S. and Israel as having commonly shared values. This is in contrast to the perception of governments in the Arab and Muslim world, many of which are dictatorships.

2. **Political:** In the post-9/11 world, there is zero-tolerance among Americans for terrorism of any kind. The terrorist tactics used by the Palestinian groups is deeply frowned upon by most Americans. The more Palestinians used terror, the less patience Americans had for their cause.

**So, what has changed since 2002?**

SJJP and their allies have been chipping away at these cultural and political challenges. For example, former President Jimmy Carter published his book *Israel: Peace not Apartheid*, which granted legitimacy to the false comparison of Apartheid South Africa and Israel. In 2007, Carter spoke at UC Berkeley giving SJP a major morale boost and a higher profile. Further, seeping into the mainstream is an international movement whose goal is to delegitimize Israel using divestment (along with boycotts and sanctions) as its primary method of challenging Israel’s right to exist as a Jewish, democratic state. Divestment is promoted by its proponents as a “non-violent” form of resistance – an alternative to terrorist acts and other forms of violent “resistance.” This message is palatable and popular mostly in progressive circles.

The international BDS campaign did not officially commence until 2005, but its evolution – particularly the strategy of campus divestment - has roots in the 2002 conference at UC Berkeley (UCB). Many of the key players are still active in the BDS movement and have helped to shape it based on their experiences implementing what we now call the BDS strategy. For example, the three demands that are at the core of BDS were all discussed at the UC Berkeley conference and are similar to the conferences initial goals.
A closer look at BDS

In order to fully comprehend the BDS challenge we must take a closer look at the real goals of those who seek to bring the movement to the campuses. The following comprise the “demands” for international BDS by the Palestinian Campaign for the Academic & Cultural Boycott of Israel (PACBI):

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 194.

It is important to deconstruct these demands to better understand them:

1. “all Arab lands”
   a. This statement, which fails to define the parameters of “all Arab lands,” suggests the proponents are not arguing for Israel to retreat to its 1967 borders, but rather to invalidate the partition plan in 1948 thus eliminating Israel altogether.

2. “fundamental rights of the Arab-Palestinian citizens of Israel to full equality”
   a. Arab-Palestinian citizens of Israel, or Israeli-Arabs, already have the same civil rights as Jewish Israelis under Israeli law. Therefore, this statement suggests the proponents are asserting Palestinians national rights to self-determination throughout the State of Israel, thus eliminating the entire Jewish state.

3. “the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194”
   a. The demand for a “right to return” is a euphemism for undermining the State of Israel by demographic means. (This is universally understood by Palestinians. Palestinian philosophy professor Sari Nusseibeh said, “The refugees should be resettled in a future Palestinian state, not in a way that would undermine the existence of the state of Israel as a predominantly Jewish state. Otherwise, what does a two-state solution mean?”
   b. UN General Assembly Resolution 194 established a Conciliation Commission for Palestine and instructed it to "take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them."
   c. Unlike Security Council resolutions, General Assembly resolutions do not carry the weight of international law. Resolution 194 is a General Assembly resolution.
   d. Not until Paragraph 11, out of a total of 15 paragraphs, is the issue of refugees discussed.
   e. The resolution carries within itself a critical condition speaking of refugees “wishing to live at peace with their neighbors.” Resolution 194 does not support an unconditional return. Rather, it implies the notion that in order to return, the refugee must be willing to live at peace, something that is very difficult to test and would most likely lead to inter-communal conflict between Jews and Palestinians. **Full implementation of the demand for “right to return” is a prescription for continued bloody conflict, not peace.**

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f. UN General Assembly Resolution 194, which was passed near the end of the 1948 Arab-Israeli War, addresses ways to handle the refugee challenges created in that war.
g. The resolution does not use “rights language,” saying only that the refugees "should," (not “must”) be allowed to return to their homes. It neither affirms nor denies that this is a matter of right.
h. The resolution refers to the 1948 refugees, but an ambiguity in the language of the charter for the UN agency set up to care for the refugees (UNRWA) also includes descendants for the right to receive services provided by UNRWA. No other refugees in the world can pass on their refugee status to their descendants.
i. The issue of practicability, cited in the resolution, is considerably transformed by the vast growth of the “refugee” population, as the existing 1948 refugees today constitutes less than 10 percent of the original 1948 refugees.

The Reut Institute, an Israeli-based innovative policy group designed to provide real-time, long-term strategic decision-support to Israeli leaders and decision-makers has allocated significant resources to understanding the Israel delegitimization phenomenon, including the use of BDS as a primary tool. The following reflects their analysis:

- The Resistance Network, based in the Middle East rejects Israel’s right to exist on the basis of Islamist or Arab-nationalist ideology under the leadership of Iran, Hezbollah and Hamas.  
- The Delegitimization Network based primarily in the West, negates Israel’s right to exist based on a variety of political and philosophical arguments and is led by the radical left, Arab and Islamist groups and so-called post or anti-Zionist Jews and Israelis.
  - It is the delegitimization network that is behind divestment initiatives on college campuses.
  - They are highly successful at blurring the lines between legitimate criticism and delegitimization
  - Their goal is to turn Israel into a pariah state and they challenge the moral legitimacy of Israel’s authorities and existence.
  - They seek to constrain Israel’s military capabilities and advance a One-State solution
  - They leverage the Palestinian condition to advance their cause, yet they do not seek a resolution to the conflict or accept ideas such as “co-existence” or “peace” that embodies an acceptance of Israel’s existence.
  - The ultimate aim is to delegitimize Israel in order to precipitate its implosion, inspired by the collapses of countries such as the Soviet Union and apartheid South Africa.
- The Resistance Network and the Delegitimization Network have begun to collaborate creating a feed-back loop that accelerates each networks goal of delegitimizing Israel’s right to exist.

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3 Ibid
4 Ibid
EXPLANATION OF TERMINOLOGY

When combating divestment resolutions on campuses there are two key constituencies that need to be activated and managed: the on-campus community, and the off-campus community. While each sphere has a distinct role in organizing and mobilizing the response to the divestment initiative, they must work in partnership with one another in order to maximize both resources and impact.

**Campus convening body** is the on-campus organization tasked with coordinating all efforts to combat the divestment resolution. This role is most often filled by Hillel, working actively with pro-Israel student groups.

The campus convening body must guide the community stakeholders on what actions are needed from the greater Jewish and general community to combat campus divestment efforts. For example, do they want everyone sending emails and making phone calls to student senators or do they believe it makes more sense strategically to keep the advocacy in-house? This is a discussion that should take place among the community and campus professionals, students and lay leaders as soon as there is any indication of an attempted divestment effort.

**Community stakeholders** comprise the professional staff and lay leadership of organizations for which pro-Israel advocacy is part of their mission, and are actively engaged on campus. These organizations may be formal members of the organized Jewish Community (Federation, Anti-Defamation League, etc.), they may be grassroots efforts (SF Voice for Israel) or university alumni. (See “FOCUS ON: Stakeholders, UC Berkeley, Spring 2010” on page 10 for more examples)

**Lay Leaders** are members of the Jewish Community who actively volunteer their time (as opposed to professionals who are paid employees of various organizations)

**Israel’s Fundamental Delegitimization/Anti-Zionism** is the negation of Israel’s right to exist or of the right of the Jewish people to self-determination based on philosophical or political arguments.

**Double Standards** is applying a general principle of international or human rights to Israel, while ignoring similar or worse violation by other countries.

**Singling Out** is applying a unique standard to Israel, which is harsher than the common international practice as a basis for expressing frequent and disproportional criticism which deviates in scope and character from criticism of other countries.

**Demonization** is present Israel as being systematically, purposefully, and extensively cruel and inhumane, thus denying the moral legitimacy of its existence. Examples include association with Nazism or apartheid or accusations of blatant acts of evil.

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6 Ibid

7 Ibid

8 Ibid
STEP I: GET ORGANIZED

If you have the following elements in place before a divestment effort erupts on campus you will be best prepared to handle the crisis:

- Identification of pro-Israel student senators (student government reps) - current, former and future.

- A coalition of on-campus allies: students (Jewish and non-Jewish), professors, student senators (former and current), community members, administrators, religious leaders, etc. who support Israel as a Jewish, democratic State and are against divestment from Israel.

- Identification of University alumni to be contacted and put on “stand-by” in case they are needed to weigh in with different on-campus stakeholders (student senate, administration, development department). Alumni who are major donors to the university should be contacted first.

- A fully engaged Hillel Executive Director and Executive Board that is informed, in constant communication with one another, the students and the stakeholders in the community.

- A lead organization (such as Hillel) that is tasked with “convening” all on-campus allies and community stakeholders.

- Student activists who are fully aware of any potential anti-Israel activism on campus.
STEP 2: DO YOUR HOMEWORK

Once there is a live divestment resolution on campus the following steps are recommended:

The campus convening body should:

1. Touch base with the pro-Israel student senators and assess the needed response:
   - Who is supporting the bill? Who is against it? Who is “on the fence”?
     i. Successfully defeating the resolution often comes down to talking to the right
        people or behind-the-scenes outreach rather than making a compelling argument or
        trying to document the factual errors in the proposed resolution though such
        actions can also be important.
   - Once you have identified the senators who are against divestment the friendly senators will
     advise you regarding who to speak with, what messages are needed, etc.
   - Determine whether an “abstention” vote is as good as a “no” vote when a majority is
     needed to pass the resolution. Though the optimal outcome is a resounding “no” vote, it is
     sometimes easier to prove that the senator doesn’t know enough about the Israeli-
     Palestinian conflict to make an informed decision rather than trying to convince them to
     become Israel supporters.
   - DO NOT start working on your talking points until you know the concerns of those
     individuals who you will be addressing – the senators who can be persuaded to vote against
     the resolution.

2. Understand the student senate by-laws and the procedures for moving forward and passing a
   resolution as well as recourse options in the event the resolution passes:
   - What percentage of votes is required to pass the resolution? Does it require a simple
     majority or a 2/3 majority?
   - Is a presidential veto an option if divestment succeeds? If yes, what percentage of the vote
     is required to override the presidential veto? If no, are there other options for overturning
     the resolution?
   - What is the timeframe for implementing the resolution?
   - Have any procedural errors been made? Attempt to disqualify the resolution on those
     grounds if possible.

3. Provide as many educational moments as possible for students and student senators
   - One-on-one lobbying:
     o Senator to senator
     o Former senator to senator
     o Professor to senator
     o Hillel director to senator
     o Student to senator
   - Teach-ins or panels that offer the student senators the opportunity to ask difficult questions
     from people they respect or would consider “experts” (professors, clergy, Israeli Consul
     General, etc.).
   - Presentation of pro-Israel lectures or visuals (exhibits, etc.) that help create a supportive
     atmosphere on campus
• Put together information packets that respond to the concepts or assertions used in the resolution to provide a better contextual framework. This is also an opportunity to educate the senators about Israel delegitimization, the global BDS movement and its connection to the campus divestment resolution being discussed.
  o Assistance should be provided by community professionals

TIP #2:
Always remain calm and honest in your communications so that those who support divestment are seen as far less moderate and often disrespectful of student leaders’ time.

Look for warning signs: setting the scene for a divestment campaign

Around 6 AM on the second night of divestment hearings at UC Berkeley, sensing that the Presidential veto was going to be upheld, one the main proponents of the bill emotionally acknowledged that they had been working on the document for four years. This is notable for two reasons: 1) because the bill was supposedly in opposition to “war crimes” committed by Israel during Operation Cast Lead only one-and-a-half years earlier; and 2) because the two months of public debate on campus had been proceeded by FOUR YEARS of planning by members of Students for Justice in Palestine.

What were the warning signs present at UC Berkeley in the years leading up to the 2010 divestment effort?

1. Frequent, public anti-Israel programming
2. Israeli Apartheid Week is hosted annually by SJP
3. An increase in pro-Palestinian coalitions that include other ethnic and faith minorities (Native Americans, Latinos, African-Americans, LGBTQ, etc.)
4. Frequent indoctrination of an anti-Israel narrative in the classroom
5. Outspoken professors who continue the diatribe outside the classroom in public spheres (may also be a leader or signatory of the US Campaign for the Cultural and Academic Boycott of Israel)
6. Targeting of pro-Israel students in leadership positions
7. Hosting public lectures by major political figures and/or members of the progressive elite and sponsored by the University (i.e. Jimmy Carter, Desmond Tutu, Alice Walker, etc.)

If you notice some combination of these signs then start planning for a divestment initiative and Get Organized (see step 1)
STEP 3: ASK THE COMMUNITY FOR HELP

The Jewish community stakeholders should be asked to play a number of specific roles when divestment issues arise on campus:

- Consult with the campus professionals regarding strategy, messaging and communication.
- Contact any students they may know and/or work with on campus to update them on what the community is doing and to offer support.
- Provide talking points and substantive resources on the issues raised.
- Communicate the actions being taken to their respective organizations (whether local, national or international) so that everyone is on the same page and can direct questions, suggestions, concerns, etc. in a systematic way.
- Prepare joint statements, letters, press releases, etc. to communicate with people of influence on campus including members of the administration and student government.
- Line up speakers if off-campus speakers are going to participate in the debate.
- Utilize resources to approach people of significant influence to issue statements of opposition proactively and to counter any statements, letters, etc. that may be issued by people of major influence in favor of divestment
- Approach, in consultation with campus professionals, administrators on campus to discuss specific concerns relating to campus atmosphere, the stance of the administration, etc.

FOCUS ON: Stakeholders, UC Berkeley, Spring 2010

- JCRC prepared talking points that addressed the specific accusations in the resolution as well as the questions and concerns of the “swing votes”.
- JCRC regularly sent email updates to the iCAR team, as well as leaders at National Hillel, the Israel on Campus Coalition (ICC), the Jewish Council for Public Affairs (JCPA), the Jewish Federations of North America (JFNA) and the Israel Advocacy Initiative (IAI).
- iCAR co-wrote a letter to both the Chancellor of UC Berkeley and the Student Senators (21 total agencies signed the letter making clear that the organized Jewish community overwhelmingly opposed the divestment initiative).
- The Board of Rabbis wrote a letter signed by dozens of local rabbis and encouraged them to each write individual letters as well.
- Scholars for Peace in the Middle East (SPME) arranged for 6 Nobel Laureates to write to the student senators.
- JCRC, Berkeley Hillel and many other agencies sent out “Action Alerts” to recruit community members to address the student senate during public comment.
STEP 4: BE FULLY PREPARED TO IMPLEMENT KEY STRATEGIES

STRATEGY #1: Playing Effective Defense: Present A Coherent Set Of Counter-Arguments To Refute The Other Side’s Assertions

1. About the “DEFENSE” Strategy:

   For many years, and particularly since the collapse of the Oslo Peace Talks and the outbreak of the Second Intifada, Israel has focused its strategy on Hasborah, which literally translates as “explanation”. The reasoning behind this strategy suggested that if only people understood “x, y and z” they will understand Israel’s point-of-view. Outside of Israel we have adopted the same general strategy, regularly providing talking points and other intellectual arguments to counter the messages of those who wish to delegitimize Israel. However, this is a defensive strategy that requires us to constantly defend Israel’s actions and allows our opponents to control the conversation. While there is value in providing history and context, it is less likely to yield the desired results.

2. Analyze the resolution and break down the arguments
   - It should be possible to obtain a copy of the resolution prior to the vote depending on the senate/student government process at each school
   - Once a copy of the divestment resolution has been attained and you have completed the section called “Do Your Homework - Step 2), it is time for the community stakeholders to begin breaking down the arguments put forth in the resolution. This is information that will be provided to the campus community to aid in their response, whether in written letters to senators or verbal testimony at the divestment hearing.
   - Check the footnotes: what sources are being used? Have they relied solely on Wikipedia and the UNSC? Do their sources have academic credibility? Are they overwhelmingly biased?
     - It is entirely possible that the university does not have any holdings in the companies being considered for divestment. Furthermore, there are many middle-men involved with managing university assets and it is often impossible to know where the university is actually invested, especially at a private university.
     - You may also identify investment policies already in place to address the issues in the divestment resolution, for example not investing in companies that produce military equipment. If this is the case there is no need for the student body to consider a resolution specifically about Israel. Furthermore, when they do, it becomes clear that they are not fighting for “human rights” but rather fighting against Israel.
   - When analyzing the resolution, also look for what is NOT being said. The author’s and proponents of such bills are counting on the fact that the voting body (student senate) does not know the historical facts or the greater context of individual incidents and will not take the time to investigate.
   - Translate the analysis into talking points for Hillel staff and students. There are multiple forms this may take:
     - Short statements/talking points:
“Information and data from the United Nations is relied upon to support the author’s resolution, however, the UN is not an objective source on the conflict. For example, in the first three years since it was established in June 2006, the UNHRC convened more emergency “special sessions” on Israel than on the rest of the world combined and has passed 25 resolutions against individual states; 20 of these against Israel alone (or 80%).”

- Video “evidence” either created or found on YouTube (ex. Images of the soldiers being attacked by passengers on the MV Mavi Mara)

TIP #3:
REMEMBER! The goal is to defeat the resolution. That means the strategy is to convince the voting body (or as many as needed to defeat the resolution) that the resolution is inaccurate, unfair, unbalanced, divisive, etc. The goal is not to convert the people of influence or the voting body to become pro-Israel advocates.
Arguments, Counter-Arguments and Counter-Counter-Arguments

For a list of the most common arguments and talking points, see Appendix F. For more in-depth information visit Myths & Facts online at “www.jewishvirtuallibrary.org/jsource/myths/mftoc.html.”

See below for arguments and talking points that are either:
- General arguments to be made against divestment, in any arena
- Arguments specific to UC Berkeley’s divestment effort

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<tr>
<th>Our best arguments</th>
<th>How they will counter</th>
<th>Our counter to their counter</th>
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<td>The proposed resolution is divisive, as it pits one student community against another on an issue that is thousands of miles away. It would create hostility against the Jewish community at this university and in surrounding areas as it unfairly targets the Jewish State of Israel.</td>
<td>Unity is not served by remaining silent about our differences. We prefer to articulate them with civility and respect. Diversity is served by listening. This resolution isn’t divisive -- it is creating unity on campus. Look around and you will see over (40) student groups, from all faiths and ethnicities coming together to support the divestment resolution.</td>
<td>Israel delegitimization efforts and the entire BDS movement oppose dialogue, peace and reconciliation. In their own words: &quot;Under [the BDS] guidelines, all events and projects that bring Palestinians and/or Arabs and Israelis together...are strong candidates for boycott’ &quot;Guidelines for Applying the International Cultural Boycott of Israel,&quot; 20 July 2009”</td>
</tr>
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</table>
The proposed resolution has required and will continue to require extraordinary resources by student government on an international issue about which there is strong disagreement amongst students on campus while detracting from critical and relevant local issues.  

I am a Palestinian and I can’t visit my grandmother in Ramallah because Israel won’t let me enter the country (and other similar emotional stories) and because I am a student at this university it is relevant to the campus. 

As an American Jew with empathy for both sides of the conflict, I hear the pain of my fellow Palestinian students. At the same time, I am wondering if they hear the pain of Israeli victims of Palestinian suicide bombers and Qassam rockets? After all, over 1,000 Israeli civilians in the last decade have been murdered by such attacks. Student government should not be taking sides on this complex issue where justice belongs to both aggrieved parties.

The proposed resolution singles out Israel while the major human rights abuses of dozens of countries are ignored. 

We agree, there other countries that are guilty of human rights abuses. We will start with Israel and one by one divest from them all! 

This is a bogus argument. None of the proponents of the divestment bill have ever shown any interest in any other conflict zone in the rest of the world. The divestment proponents are serving one side of a dispute between two legitimate national movements half a world away.

The elephant in the room nobody is talking about is the extremist BDS movement, which is behind this divestment campaign. So let’s use the words of BDS supporters to identify why the proponents of this bill are targeting Israel:

“Ending the occupation doesn’t mean anything if it doesn’t
**Supporters of BDS seek the destruction of Israel. Despite their claims, they are anti-peace and anti-reconciliation.**

- Ahmed Moor, Pro-BDS journalist

| Divestment and boycott advocates ignore the complexity of the conflict, which they paint in black and white terms, as if this is a Hollywood western with a good guy versus bad guy plot. Human conflict is seldom so simplistic. Pro-divestment advocates are trying to turn this conflict into a zero-sum game, whereby only one side can win while the other side must lose. What Israelis and Palestinians need is a formula that allows for both sides to emerge from this conflict with a sense of having made significant gains. The black and white scenario only perpetuates conflict. Just look around this room, see and hear the anger and vitriolic hatred and you can see how the conflict is being exported to this campus. | Divestment opponents want you to believe that you are not smart enough to understand the Israeli-Palestinian conflict. But we know that you are capable of understanding that there is an oppressor – Israel - and an oppressed population – Palestine and if you support human rights you would support the oppressed. It’s actually quite simple. If the proponents of the resolution were serious about supporting human rights, they would focus on:  
- Building up the Palestinian economy  
- Increasing education, dialogue, and cooperation between the groups  
- Decreasing the influence of radical groups who promote violence  
- Fostering reconciliation between the two populations  
- Demand of Arab governments where Palestinian refugees reside to grant them citizenship, the right to work, the right to own and inherit property. |
<table>
<thead>
<tr>
<th>Their arguments</th>
<th>Our positions</th>
</tr>
</thead>
</table>
| Divestment is a non-violent, peaceful way to resist occupation and war crimes | Divestment is anti-peace.  
The BDS movement is not about criticizing specific Israeli government policies, but delegitimating the State of Israel toward the goal of isolating Israel to the point where it will cease to exist.  
The proponents of divestment do not speak of peace, reconciliation or coexistence between Israelis and Palestinians. They do not encourage constructive engagement or bridge building but rather they oppose the idea of two states for two peoples, and engage in demonization of one side while supporting zero-sum politics. |
| We stand firm in our defense of human rights | Supporters of divestment selectively defend human rights by ignoring the horrific human rights violations of regimes around the world. They particularly ignore the gross human rights violations of Arab and Muslim states, particularly those states that support various Palestinian militant and terrorist groups. |
| We condemn anti-Semitism, Islamophobia and all forms of racism | To single out Jewish self-determination – or Zionism – for condemnation is itself a form of anti-Jewish racism.  
When Martin Luther King, Jr. was approached by student at Harvard who attacked Zionism, he responded by saying: “When people criticize Zionists, they mean Jews. You’re talking anti-Semitism”.  
The claim that Arabs as "Semites" cannot possibly be anti-Semitic is a semantic distortion that ignores the reality of historic Arab discrimination and hostility toward Jews that led to the wholesale depopulation in the mid-20th century of ancient Middle Eastern Jewish communities that in most cases pre-dated Arab colonization of the region. The use by many Arab spokespeople and leaders of classic anti-Semitic stereotypes show that Arabs, like any other people, can indeed be anti-Semitic.⁹ |
| The Jewish community is evenly divided on the issue of whether or not Israel divestment is acceptable | The vast majority of the Jewish community opposes BDS. The majority of Jews recognize that BDS opposes resolving the conflict within the framework of a two-state solution with Israel and an independent state of Palestine, that BDS supports the so-called “one state” solution, which means the elimination of Israel.  
The overwhelming majority of the Jewish and general community |

supports Israel’s right to exist in security and peace, supports a peaceful resolution of the Israeli/Palestinian conflict including a two-state solution, and strongly opposes one-sided resolutions that unfairly single Israel out, while whitewashing Palestinian misdeeds.
STRATEGY #2: Play Offense: Make BDS the Issue, Not Israel

1. About the “OFFENSE” Strategy:

Divestment resolutions on campus are but one tool used by the global BDS movement to delegitimize Israel’s right to exist as a Jewish, democratic state. Therefore, we recommend changing the divestment conversation from being about Israel (and its perceived faults) to BDS and the proponents desire to eliminate Israel altogether. The following recommendations come directly from the Reut Institute:

- **Delegitimize the BDS Movement:** the BDS movement stands behind many of the attempts to isolate Israel, including divestment initiatives on college campuses in North America. Moreover, the movement has become one of the main and most sophisticated tools in the attempt to undermine the State of Israel’s legitimacy. *While the movement presents itself as presenting progressive liberal values, and this merely opposing Israeli policies, its leaders are often clear delegitimizers.*

- **Expose the Israel Delegitimization Network:** those involved with delegitimization efforts should be held accountable for their extremist positions against any peaceful resolution of the conflict or Israel’s very existence. This is critically important in order to drive a wedge between them and those who criticize Israeli policy.

<table>
<thead>
<tr>
<th>Our best arguments</th>
<th>How they may counter</th>
<th>Our counter to their counter</th>
</tr>
</thead>
<tbody>
<tr>
<td>BDS is anti-peace</td>
<td>BDS is a legitimate form of non-violent resistance. How can you call that “anti-peace”?</td>
<td>‘Non-violence’ and ‘peace’ are not synonymous. BDS supporters may be utilizing ‘non-violent’ tactics but they are not advocating for a peaceful two state resolution that recognizes the legitimate rights of both parties. In fact, they are advocating for a resolution that eliminates the state of Israel altogether. (see “In their own words: Pro-BDS”)</td>
</tr>
<tr>
<td>BDS is anti dialogue, collaboration</td>
<td>Dialogue is not possible between an oppressor (Israel) and the oppressed (Palestine) because there is an imbalance in power.</td>
<td>The boycott directly and indirectly minimizes the potential for Israelis and Palestinians to work with, interact with, and get to know each other so as to humanize</td>
</tr>
</tbody>
</table>

10 Ibid
| BDS is anti peace negotiations; BDS does not support a two-state solution; BDS is anti-coexistence | We oppose sham negotiations with this current government and their policies. If Israel meets the three demands of the BDS movement then the negotiations between two equal powers. | What is it about Israeli-Palestinian cooperation that threatens BDS? Moderates have been working towards a peaceful resolution of this conflict for years with the intention of creating two states. This allows the national aspirations of both peoples – Jewish and Palestinian – to be met, living as neighbors in peace and security. However, using a bait and switch strategy, BDS proponents demand a Palestinian ‘right-of-return’ which they know and hope will eliminate the state of Israel (see “In their own words: Pro-BDS”) which makes the two-state solution irrelevant. Essentially, they don’t want peace with Israel, they want peace without an Israel. |
| BDS is not asserting the civil rights of Israel’s Arab minority, rather by tying this issue to the Palestinian national movement, BDS is asserting NATIONAL rights for Israeli Arabs, a strategy designed to undermine Israel’s right to exist. | What is wrong with advocating for Palestinian rights in Israel? | Nothing is wrong with advocating for Israel to uphold its guarantee of civil rights for all of its citizens, including Arabs. However, asserting national rights is not the same. Stressing Palestinian or Arab NATIONAL rights in Israel shows the BDS goal of dismantling Israel and replacing it with a Palestinian dominated “one state” solution. This is a formula for perpetuating the conflict rather than finding a mutually acceptable peaceful solution. (See Ibbish in Appendix) |

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IN THEIR OWN WORDS: PRO-BDS

“If the occupation ends, let’s say, would that end your call for BDS? No, it wouldn’t.”

- Omar Barghouti, founding member of PACBI (Palestinian Academic & Cultural Boycott of Israel) and the BDS movement

“The Right-of-return “is the most basic fundamental right that we cannot negotiate away. This is something we cannot compromise on.”

- Omar Barghouti, founding member of PACBI and the BDS movement

“If the refugees were to return you would not have a two-state solution you’ll have a Palestine next to a Palestine rather than a Palestine next to an Israel.”

- Omar Barghouti, founding member of PACBI and the BDS movement

“BDS will help bring about the defeat of Zionist Israel and victory for Palestine”

- Ronnie Kasrils, BDS Activist

“Ending the occupation doesn’t mean anything if it doesn’t mean upending the Jewish state itself...BDS does mean the end of the Jewish state.”

- Ahmed Moor, Pro-BDS Author

“Those committed to the two-state solution on the “pro-Palestinian” side, like Ibish, have interpreted the call as a repudiation of the [Palestinian] state-building project in place since 1993 and a return to the liberation model. It was important, however, to the BDS drafters to represent the interests of all Palestinians, and not just those living within the elastic boundaries of a future Palestinian state. Hence the call’s second clause demands the full equality of Israel’s non-Jewish Palestinian citizens... Despite its best efforts to transcend political solutions, therefore, the BDS call has been read as an implicit endorsement of the one-state solution.”

- Noura Erakat, pro-BDS human rights attorney and adjunct professor of international human rights law at Georgetown University.
IN THEIR OWN WORDS: ANTI-BDS

“Our position is based upon the belief that it is through cooperation based on mutual respect, rather than boycotts or discrimination, that our common goals can be achieved ... Our disaffection with, and condemnation of, acts of academic boycotts is predicated on the principles of academic freedom, human rights and equality between nations and among individuals”

- Sari Nusseibeh, president of Al Quds University in eastern Jerusalem, and Menachem Magidor, president of Hebrew University in western Jerusalem

“The reason I don't believe the boycott is the way to go is that I believe peace must be built on the bridge between two civil societies...While some people believed that one way to deal with Israelis was ‘to bash them on their heads,’ the other way is to reach to their hearts, and it's the reaching out that's important.”

- Sari Nusseibeh, president of Al Quds University in east Jerusalem

“The right-of-return would extinguish Israel as a Jewish State and that’s not an option”

- President Barak Obama

“It is telling that proponents of the single state have never begun to explicate a strategy for achieving this result, beyond the slogan ‘boycott, divestment and sanctions’... The idea that a single democratic state can be achieved through boycotts and action centered around solidarity movements and grassroots organizations and activism seems to be yet another misunderstanding of the politics of the end of apartheid in South Africa and misapplication of the South African model to Israel/Palestine. The lack of any more serious strategic ideas about how to develop a single Israeli-Palestinian state is probably no accident, since the application of this idea to the real political world, including the factor of power, results in an instantaneous collapse of any notion that it can be achieved in the foreseeable future. It is therefore generous even to call one-state advocacy, at this stage at any rate, an “agenda.” It might be more accurately termed a slogan, or perhaps an idea about having an idea. It certainly is not a program or a strategy in any meaningful sense, not least because it has no answer whatsoever about how Israel and Jewish Israelis can possibly be persuaded to willingly and voluntarily agree to any such thing, or how it could be accomplished without their agreement.”

- Hussein Ibish

American Task Force on Palestine and author of What’s Wrong with the One-State Agenda? Why Ending the Occupation and Peace With Israel is Still the Palestinian National Goal (2009)
The following statements were released by TUFI, which was established to promote Israeli-Palestinian trade union co-operation and strengthen the links between the Israeli (Histadrut), Palestinian (Palestinian General Federation of Trade Unions) and British trade union movements:

“TUFI believes that it is right for unions around the world to be discussing the plight of the Palestinians and seeking ways to provide assistance to them, but that support for Palestinians should not be counterproductive to the situation on the ground and the ongoing peace process. Rather than divestment from Israel, we believe that investment of time, energy and material aid in the peace process is the way to meaningful progress towards achieving a lasting settlement.

Calling for boycotts of Israel is not the right approach for trade unions for a number of important reasons:

- The economic relationship between the Palestinian and Israeli economies is vitally important to the peace process: economic boycotts against Israel can only damage this.

- Both the Histadrut (Israeli TUC) and the PGFTU (Palestine General Federation of Trade Unions) do not want boycotts but want to continue working together for peace. It is our duty as trade unionists to support them; to show solidarity with their positive efforts rather than call for disruptive boycotts.

- Simplistic and non-constructive efforts in the form of misguided resolutions is not the right approach for trade unions to help, especially when there are a number of positive measures that can express practical solidarity without calling for a boycott.

- Advocates of the boycott of Israel repeatedly invoke the boycott of South Africa. The parallel they draw between Israel and apartheid South Africa is false and a misrepresentation of the facts.”

APPENDIX A: ORIGINAL UC BERKELEY DIVESTMENT RESOLUTION

A Bill In Support of UC DIVESTMENT FROM WAR CRIMES
Author: Emiliano Huet-Vaughn and Tom Pessah
Sponsored by: Senators Huda Adem, Jonathan Gaurano and Emily Carlton

1. WHEREAS, the ASUC notes the complexity of international relations in all cases, including the Middle East, and recognizes the inability of a body such as the ASUC to adjudicate matters of international law and human rights law, or to take sides on final status issues in the Israel/Palestinian conflict, this bill notes the following findings from the United Nations and leading human rights organizations; and

2. WHEREAS, the United Nations reports that the 2008-2009 Israeli bombing of the occupied Gaza Strip (Operation Cast Lead) targeted civilian infrastructure including schools, mosques, the education and justice ministries, the main university, hundreds of factories, livestock, prisons, courts, and police stations resulting in the deaths of 1,440 people and the injury of another 5,380 in three weeks - with nearly half of the casualties women and children - prompting leading human rights groups like Amnesty International, as well as the United Nation's Special Rapporteur on Situations of Human Rights in the Palestinian territories, to accuse Israel of war crimes in the conflict; and

3. WHEREAS, a subsequent, comprehensive United Nations investigation of Operation Cast Lead, led by esteemed South African judge Richard Goldstone, concluded “Israel committed actions amounting to war crimes, and possible crimes against humanity,” and, furthermore, that “the Gaza military operations were directed by Israel at the people of Gaza as a whole, in furtherance of an overall policy aimed at punishing the Gaza population, and in a deliberate policy of disproportionate force aimed at the civilian population. The destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a deliberate and systematic policy to make the daily process of living, and dignified living, more difficult for the civilian population. Israeli forces also humiliated, dehumanized and carried out an assault on the dignity of the people in Gaza, through the use of human shields, unlawful detentions, unacceptable conditions of detention, the vandalizing of houses, the treatment of people when their houses were entered, graffiti on the walls, obscenities and racist slogans. The Israeli operations were carefully planned in all their phases as a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability;” and,

4. WHEREAS, prior and subsequent to the bombing Israel has engaged in willful collective punishment of the whole of the Palestinian population, in the view of the human rights community, as exemplified by the ongoing 32 month blockade on Gaza, of which Physicians for Human Rights-Israel has written, “the prolonged siege imposed by the Israeli government on Gaza, the closing of its borders, the tightening of policies regarding permission to exit Gaza for medical purposes, and the severe shortage of medications and other medical supplies all severely damage the Palestinian health system and endanger the lives and health of thousands of Palestinian patients,” and of which the Red Cross has said “the whole strip is being strangled, economically speaking” making life in Gaza “a nightmare” for the civilian population, with essential supplies, including electricity, water, and fuel, being denied to the 1.5 million inhabitants 90% of whom depend on aid to survive; and
5. WHEREAS, 2010 marks the 43d year since passage of United Nations Security Council resolution 242 which calls for the “withdrawal of Israeli forces from territories occupied” in the 1967 war; and

6. WHEREAS, the United Nations recognizes a population of more than 4 million Palestinian refugees and their descendants, made homeless by the 1967 war and previous conflicts, who to this day live without normal citizenship status, their rights as refugees under United Nations General Assembly resolution 194 unrecognized; and

7. WHEREAS, within the occupied West Bank (including East Jerusalem), Israel continues a policy of settlement expansion that, in the judgement of the United Nations Security Council, Human Rights Watch, the International Committee of the Red Cross, and numerous other institutions concerned with enforcement of international law, constitutes a direct violation of Article 49, paragraph 6 of the 4th Geneva Convention which declares “an occupying power shall not deport or transfer parts of its own civilian population into territories it occupies.”; and

8. WHEREAS, Israel continues to build an eight meter high wall on occupied Palestinian land inside the West Bank, contravening the July 2004 ruling by the International Court of Justice (the highest legal body in the world, whose statutes all UN members are party to) and causing the forcible separation of Palestinian communities from one another, from their lands and from sources of work, health and education, and the further annexation of Palestinian land.; and

9. WHEREAS, since 1967 Israel has demolished over 18,000 Palestinian family homes, leaving some 70,000 Palestinian civilians traumatized and without shelter or compensation, and flouting Article 17 of the Universal Declaration of Human Rights which states that “no one shall be arbitrarily deprived of his property.”; and

10. WHEREAS, hundreds of kilometers of Jewish-settler-only roads, on which Palestinians under occupation are largely not permitted to drive, carve up the West Bank.; and

11. WHEREAS, hundreds of Israeli military checkpoints and roadblocks designed to corral the Palestinian Arab population pockmark the occupied West Bank, causing significant damage to Palestinian commerce and access to medical care and education and violating the letter and spirit of Article 13 of the Universal Declaration of Human Rights which states “everyone has the right to freedom of movement.”; and

12. WHEREAS, in July 2007 the Israeli Knesset in a 64-16 vote, put forward the Jewish National Fund Law which endorses the allocation of Jewish National Fund land (compromising 13% of Israel, much of it confiscated from Palestinian Arab inhabitants) exclusively to Jewish residents of Israel, legally excluding Palestinian citizens of Israel, who compose approximately 20% of the population.; and

13. WHEREAS, the current United Nations Special Rapporteur on Human Rights in the Palestinian Territories notes that Israeli law openly discriminates on the basis of religion, race, and nationality, with different laws regarding citizenship, housing, land ownership, and marriage applying depending on whether someone is classified in law as “Jewish” or “non-Jewish,” and the US State Department’s 2008 Human Right Report reports 'institutional, legal, and societal discrimination against Arabs' persists inside Israel.; and

14. WHEREAS, then-UN Special Rapporteur on Human Rights in the Palestinian Territories, South African law professor John Dugard, in a 2007 UN report concluded that “there is an apartheid regime” in the occupied Palestinian territories “worse than the one that existed in South Africa” and that “it is difficult to resist the conclusion that many of Israel's laws and practices violate the 1966 Convention on the Elimination of all forms of Racial Discrimination. House demolitions in the West Bank and East Jerusalem are carried out in a manner that discriminates against Palestinians. Throughout the West Bank, and particularly in Hebron, settlers are given preferential treatment over Palestinians in terms of movement (major roads are reserved exclusively for settlers), building rights and army
protection; and laws governing family re-unification unashamedly discriminate against Palestinians.";

15. WHEREAS, in 2005 more than 171 leading Palestinian civil society institutions, trade unions, organizations and professional associations, representing a broad cross section of Palestinian society, called on internationals to work more actively to support Palestinian rights and specifically that those outside Palestine “implement divestment initiatives against Israel” and disinvestment from Israel by international academic institutions.”; and

16. WHEREAS, UC Berkeley has a celebrated history of student activism and university engagement with national and international social justice movements, including a leading role in the international divestment campaign targeting apartheid South Africa, ; and

17. WHEREAS, our student body is motivated by concerns for human rights, respect for international law, and the fundamental principle of equality; and

18. WHEREAS, student research has revealed that, according to the most recent UC investment report, within the UC Retirement Program fund and the General Endowment Program fund there exist direct investments in American companies materially and militarily supporting Israel’s occupation of the Palestinian territories, including American companies General Electric and United Technologies; and

19. WHEREAS, General Electric holds engineering support and testing service contracts with the Israeli military and supplies Israel with the propulsion system for its Apache Assault Helicopter fleet, which, as documented by Amnesty International and Human Rights Watch, has been used in attacks on Palestinian and Lebanese civilians, including the January 4, 2009 killings of Palestinian medical aide workers ; and

20. WHEREAS, United Technologies supplies Israel with Blackhawk helicopters and with F-15 and F-16 aircraft engines and holds an ongoing fleet management contract for these engines, and, Amnesty International has documented Israel’s use of these aircraft in the bombing of the American School in Gaza, the killing of Palestinians civilians, and the destruction of hundreds of Palestinian homes; therefore, be it

RESOLVED, that the ASUC calls upon the UC Berkeley administration and the UC Regents to divest all funds from General Electric and United Technologies because of their military support of the occupation of the Palestinian territories; be it further

RESOLVED, that the ASUC calls upon the UC Berkeley administration and the UC Regents to further examine their retirement investment funds, endowment funds, and short-term investment pool for UC funds being invested in companies that a) provide military support for or weaponry to support the occupation of the Palestinian territories or b) facilitate the building or maintenance of the illegal wall or the demolition of Palestinian homes; be it further

RESOLVED, that if it is found that UC funds are being invested in any of the abovementioned ways, the UC Regents and UC Berkeley should divest all stocks, securities, or other obligations from such sources with the goal of maintaining the divestment, in the case of said companies, until they cease such practices. Moreover, the UC Regents must declare that it, or its investment managers, will not make further investments in any companies materially supporting or profiting from Israel’s occupation in the abovementioned ways; be it further
RESOLVED, that just as the ASUC condemns Israel’s war crimes it condemns the rocket attacks on civilians by Hamas – also recognized as war crimes by the Goldstone report - while noting the key distinction that the university already does not and may not under US law hold investments which directly support the Palestinian militant group, while it does hold investments in companies materially and militarily supporting Israel’s war crimes; be it further

RESOLVED, that this ASUC resolution not be interpreted as the taking of sides in the Palestinian/Israeli conflict, but instead as a principled expression of support for universal human rights and equality, and that it is an expression of opposition to Israeli state policies of occupation, racial discrimination, and war crimes, and not an attack on the Israeli people; be it further

RESOLVED, that the ASUC Senate engage in education campaigns to publicize the divestment efforts and the injustice of Israel’s occupation and its discriminatory policies against the Palestinians, and that furthermore, a task force of 5 senators be created to monitor and promote university progress in regards to the abovementioned ethical divestment goals.

Human Rights Watch “Israel’s Settlements Are on Shaky Ground” -
*International Committee of the Red Cross -
http://www.icrc.org/ihl.nsf/c525816bde96b7fd41256739003e636a/77068f12b8857c4dc12563c
d0051db0
*International Court of Justice - http://www.icj-
cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a
*Israeli Committee Against House Demolition -
http://www.icahd.org/eng/articles.asp?menu=6&submenu=2&article=402 and
*Peace Now Report on land theft -
*BT’Selem - http://www.btselem.org/English/Freedom%5Fof%5FMovement/
*McClatchy newspapers “Just going to work, Palestinians and Israelis travel different roads” -
*BT’Selem -
asp
*McClatchy newspapers “Just going to work, Palestinians and Israelis travel different roads” -
*ADALAH – The Legal Centre for Minority Rights in Israel - http://www.adalah.org/eng/jnf.php
In addition to the Jewish National Fund Law, these include, among others, Absentees' Property
Law and the Law of Return (1950); Citizenship Law (1952), World Zionist Organization – Jewish
Agency for the Land of Israel (Status) Law (1952), Jewish National Fund Law (1953), Covenant
Between the Government of Israel and the Zionist Executive also known as the Executive of the
Jewish Agency for the Land of Israel (1954); Basic Law: Israeli Lands, Israel Lands Law and the
Israel Lands Administration Law (1960), Covenant Between the Government of Israel and the
Jewish National Fund (1961), and the 2002 temporary law banning marriage between Israelis
and Palestinians of the occupied territories
*United Nations Report of the Special Rapporteur on the Situation of Human Rights in the
Palestinian Territories Occupied since 1967 –
http://www.unhchr.org/refworld/docid/48e5e2be2.html
*ADALAH - “Legal Violations of Arab Minorities in Israel” -
http://www.adalah.org/eng/publications/violations.htm
*US State Department 2008 Human Rights Report -
http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm
*Haaretz “UN agent: Apartheid regime in territories worse than S. Africa” -
http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=468456
*BBC “UN envoy hits Israel 'apartheid’” -
http://news.bbc.co.uk/1/hi/world/middle_east/6390755.stm
*Guardian “Occupied Gaza like Apartheid South Africa says UN report -
http://www.guardian.co.uk/israel/Story/0,,2019547,00.html
*Democracy Now - http://www.democracynow.org/2006/11/30/palestine_peace_not_apartheid_jimmy_carter
*Global BDS Movement- http://www.bdsmovement.net/?q=node/52
* http://berkeley.edu/about/hist/activism.shtml
* *The research has been conducted over the past year by a group of Berkeley students. A report of the findings is available from skamil@gmail.com
* Amnesty International – ‘Fueling Conflict: Foreign Arms Supplies to Israel/Gaza’
* Human Rights Watch – ‘Fatal Strikes: Attacks on Civilian Homes’
http://www.hrw.org/en/node/11265/section/5
* Amnesty International – ‘Fueling Conflict: Foreign Arms Supplies to Israel/Gaza’
*Israeli Air Force:
http://www.iaf.org.il/Templates/Aircraft/Aircraft.IN.aspx?lang=EN&lobbyID=69&folderID=82&docfolderID=211&docId=18321#pageNumber=5
http://palestineinformation.org/divestment.htm
APPENDIX B: AMENDED UC BERKELEY DIVESTMENT RESOLUTION

A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES
Authored By: Emiliano Huet-Vaughn and Tom Pessah
Sponsored By: Senators Gaurano, Carlton, Kwon, Oatfield

1. WHEREAS, the ASUC notes the complexity of international relations in all cases, including the Middle East, and recognizes the inability of a body such as the ASUC to adjudicate matters of international law and human rights law, or to take sides on final status issues on wars and occupations throughout the world. Yet, we do note the following findings from the United Nations and other leading human rights organizations regarding the Israel/Palestine conflict, and use it as a case study; and,

2. WHEREAS, prior and subsequent to the bombing the Israeli government has engaged in collective punishment of the whole of the Palestinian population, in the view of the human rights community, as exemplified by the ongoing 32 month blockade on Gaza, of which Physicians for Human Rights-Israel has written, “the prolonged siege imposed by the Israeli government on Gaza, the closing of its borders, the tightening of policies regarding permission to exit Gaza for medical purposes, and the severe shortage of medications and other medical supplies all severely damage the Palestinian health system and endanger the lives and health of thousands of Palestinian patients,” and of which the Red Cross has said “the whole strip is being strangled, economically speaking” making life in Gaza “a nightmare” for the civilian population, with essential supplies, including electricity, water, and fuel, being denied to the 1.5 million inhabitants 90% of whom depend on aid to survive; and

3. WHEREAS, within the occupied West Bank (including East Jerusalem), the Israeli government continues a policy of settlement expansion that, in the opinion of the United Nations Security Council, Human Rights Watch, the International Committee of the Red Cross, and numerous other organizations concerned with enforcement of international law, constitutes a direct violation of Article 49, paragraph 6 of the 4th Geneva Convention which declares “an occupying power shall not deport or transfer parts of its own civilian population into territories it occupies.”; and

4. WHEREAS, in the context of this bill, “occupation” refers to the current state of Palestinian life under Israeli’s military control in the West Bank and Gaza; a definition that is consistent to commonly-held international law; and

5. WHEREAS, student research has revealed that, according to the most recent UC investment report, within the UC Retirement Program fund and the General Endowment Program fund there exist direct investments in American companies materially and militarily supporting the Israeli
government’s occupation of the Palestinian territories, including American companies General Electric and United Technologies; and

6. WHEREAS, General Electric holds engineering support and testing service contracts with the Israeli military and supplies the Israeli government with the propulsion system for its Apache Assault Helicopter fleet, which, as documented by Amnesty International and Human Rights Watch, has been used in attacks on Palestinian and Lebanese civilians, including the January 4, 2009 killings of Palestinian medical aid workers; and

7. WHEREAS, United Technologies supplies the Israeli government with Blackhawk helicopters and with F-15 and F-16 aircraft engines and holds an ongoing fleet management contract for these engines, and, Amnesty International has documented the Israeli government’s use of these aircraft in the bombing of the American School in Gaza, the killing of Palestinians civilians, and the destruction of hundreds of Palestinian homes; therefore, be it

RESOLVED, that the ASUC will ensure that its assets, and will advocate that the UC assets, do not include holdings in General Electric and United Technologies because of their military support of the occupation of the Palestinian territories; be it further

RESOLVED, that the ASUC will further examine its assets and UC assets for funds being invested in companies that a) provide military support for or weaponry to support the occupation of the Palestinian territories or b) facilitate the building or maintenance of the illegal wall or the demolition of Palestinian homes, or c) facilitate the building, maintenance, or economic development of illegal Israeli settlements on occupied Palestinian territories; be it further

RESOLVED, that if it is found that ASUC and/or the UC funds are being invested in any of the abovementioned ways, the ASUC will divest, and will advocate that the UC divests, all stocks, securities, or other obligations from such sources with the goal of maintaining the divestment, in the case of said companies, until they cease such practices. Moreover, the ASUC will not make further investments, and will advocate that the UC not make further investments, in any companies materially supporting or profiting from Israel’s occupation in the abovementioned ways; be it further

RESOLVED, that this ASUC resolution not be interpreted as the taking of sides in the Palestinian/Israeli conflict, but instead as a principled expression of support for universal human rights and equality; be it further

RESOLVED, that the ASUC Senate engage in education campaigns to publicize the divestment efforts and violation of international human rights law, and that furthermore, a committee of 5 members, 2 senators selected by the senate body as a whole, 2 members of or students selected by the UC Berkeley Divestment Task Force, and the ASUC President or a representative
from his/her office, form at the end of this semester to monitor and promote university progress in regards to the above mentioned ethical divestment goals; be it finally

RESOLVED, that this Committee will recommend additional divestment policies to keep university investments out of companies aiding war crimes throughout the world, such as those taking place in Morocco, the Congo, and other places as determined by the resolutions of the United Nations and other leading international human rights organizations

*International Committee of the Red Cross - http://www.icrc.org/ihl.nsf/c525816bde96b7fd41256739003e636a/77068f12b8857c4dc12563cd0051bdb0
5 * *The research has been conducted over the past year by a group of Berkeley students. A report of the findings is available from ucbdivest@gmail.com
6 *

*Israeli Air Force:
http://palestineinformation.org/divestment.htm
APPENDIX C: PRESIDENTIAL VETO

ASUC Presidential Veto II, dated March 24th, 2010
Preamble to Presidential Veto of Senate Bill 118a, entitled “A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES,” a bill enacted in a meeting of the ASUC Senate on Wednesday, March 17th, 2010.

Whereas, It is the role of the ASUC to maintain the overall health and well being of our entire student body and campus community, and to balance all voices, perspectives, and views in the most fair, honest, ethical, and comprehensive way possible; and
Whereas, When issues of grave consequence that have significant ramifications for diverse members of our campus community and the world at large are being considered, there is no substitute for continued dialogue and open, thorough, and intense debate and deliberation; and
Whereas, As UC Berkeley students, we have a longstanding tradition of examining critical issues of our time thoroughly and honestly, appreciating the complexity and nuances of world affairs, along with a responsibility to place our discussions in a clear and accurate contextual and historical framework; and
Whereas, The goal of achieving responsible investment standards that rightfully insure that ASUC and University of California funds do not go to support weapons, war crimes, violations of human rights, and other similar materials and practices is undeniably noble and good, and the ASUC should continue to strive to achieve those standards in the most positive and effective way possible; and
Whereas, The mission of the ASUC and fundamental purpose of this bill should be to strive for peace, discourse, reconciliation, and responsible investment, and to achieve this, the ASUC must subsequently provide further context, understanding, and discussion; and
Whereas, The bill, as it currently stands, calls for divestment specifically from two companies materially supporting the Israeli government and the occupation of Palestinian territories; and
Whereas, While individuals and organizations have researched and developed various divestment strategies in the past, the ASUC Senate considered this bill for the first time on March 17th, 2010, and it should be noted that truly effective and meaningful divestment strategies of this magnitude are not built, considered, and voted upon in only one week’s time; and
Whereas, Significant policy decisions made in haste fail to allow adequate time for thorough analysis of complex issues and an understanding of the ramifications of the actions being considered; and
Whereas, The act of singling out Israel, a sovereign nation involved in an incredibly complex, intense, and historic conflict over land and borders, without providing adequate context, creates an array of questions and issues that compel the ASUC Senate to thoroughly examine and reconsider features of the bill:
1) Major divestment strategies deserve substantial scrutiny and deliberation, for example the consideration of testimony or evidence regarding: (a) the likely or probable impact of mandatory divestment on existing or future ASUC or UC Finances; (b) the likely or probable effect on the safety or security of human beings in Palestine and Israel; and (c) the overall effectiveness of a blanket divestment policy in achieving the aims of peace and security for any human being or group of people
2) Given that some ASUC Senators and others have compared the Israel/Palestine conflict with that of South African apartheid in the 1980s, it should be noted that a) the analogy itself is highly contested, and b) the divestment strategies employed against the apartheid government were not introduced and agreed upon after mere hours of discussion, but involved lengthy and serious deliberation and analysis.

3) To achieve and maintain campus unity and peace, the perception of the bill as a symbolic attack on a specific community of our fellow students and/or fears of the bill being used as a tool to delegitimize the state of Israel cannot be understated; and

Whereas, While the ASUC as a body has stated convincingly that it does not want ASUC and UC dollars going to fund weapons, war crimes, or human rights violations, this veto has to do with the mechanism by which the ASUC achieves its mission of building peace and goodwill in a way that avoids the shortcomings of the bill (a selective, one-sided focus on a specific country that lacks important historical context and understanding); and

Whereas, This veto does not condone, approve of, or deny specific actions taken by any party involved in the Israel/Palestine conflict, and its intended purpose is to communicate the idea that a dichotomous framework only fosters misunderstanding instead of providing a pathway to peaceful progress; and

Whereas, For the purposes of exploring potential options for responsible investment, the ASUC should reject calls for immediate divestment from specific countries or regions, and instead, should initially establish broad resolutions for ethical investment, and create a task force for responsible investing in line with the ASUC’s values; and

Whereas, We must insure that any decisions made by the ASUC are fair to all people concerned and all sides of an issue, and do not discriminate unfairly against anyone; and

Whereas, It is the overarching ethical and moral obligation of the ASUC student government to maintain a positive campus climate that seeks to promote peace, harmony, honesty, and academic freedom above all else;

Therefore, Pursuant to Article II, Section 2, Paragraph B of the Constitution of the ASUC, It is hereby ordered that:

Senate Bill 118a, a bill enacted in a meeting of the ASUC Senate on Wednesday, March 17th, 2010, and entitled “A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES,” is hereby vetoed effective as of this 24th Day of March, 2010.

Respectfully Submitted and Ordered:
DATED: March 24, 2010
BY:
Will Smelko,
President, Associated Students of the University of California 2009-2010
APPENDIX D: Letters sent to UC Berkeley Senators and Administrators:

- iCAR – Israel Campus Agency Roundtable of Northern California
- Northern California Board of Rabbis
- Elie Wiesel
- Nobel Prize Winners: Roald Hoffmann, Claude Cohen-Tannoudji, Steven Weinberg, Walter Kohn
- Richard Goldman, UC Berkeley Alumnus of the Year, 2010
- A.B. Yehoshua and Amos Oz
- Geneva Initiative – Israel
- South African Jewish Board of Deputies
- Professor Judea Pearl, UCLA; President, Daniel Pearl Foundation
- J-Street
- Anti-Defamation League, Central Pacific Region
April 12, 2010

Dear ASUC Senators,

We are a broad-based coalition representing a wide range of perspectives on the Israeli-Palestinian conflict, local and national Jewish community organizations that support and partner with students on college and university campuses throughout Northern California, including the University of California, Berkeley.

We are writing to you with deep respect and admiration for the commitment that the UC Berkeley student body, faculty and administration has always had for universal human rights and equal opportunity.

We are deeply troubled, however, to learn that the ASUC Student Senate has passed a dishonest bill, based on misleading and contested allegations, that unfairly targets the State of Israel while also marginalizing Jewish students on campus who support Israel.

While the bill states that it is “in support of ASUC divestment from war crimes,” it focuses solely on one country, Israel. Though it states that the “ASUC resolution should not be considered taking sides in the Palestinian/Israeli conflict,” the exclusive focus on Israel suggests otherwise. Furthermore, the bill’s call for the University Regents and the ASUC to divest exclusively from Israel contradicts the bill’s own claim by, in fact, explicitly taking sides.

The students associated with our coalition of organizations are deeply committed to securing human rights around the world. For this reason they have suggested that the ASUC Student Senate adopt a single, standard, socially responsible investment policy which would be applicable across the board. A single standard would allow students to fairly question the actions of anyone engaged in behavior that threatens and diminishes human dignity anywhere, without doing so under a pall of apparent lop-sided motives.

The Israeli-Palestinian conflict is complex and goes back decades. It is tempting to look exclusively at one side or the other to shoulder the blame, to judge one discrete incident without consideration of the larger picture, and to respond...
with full force. But one-sided reactions do not serve to improve complicated circumstances, rather they exacerbate them.

We believe that this complexity should be reflected in the dialogue on campus rather than singling out one side or another for condemnation and punishment. This open debate, conducted civilly, will lead to a healthier environment on the Berkeley campus for students with a range of political views.

Please vote to uphold the presidential veto of SR118a.

Respectfully,

American Jewish Committee
Anti-Defamation League
Berkeley Hillel
Chabad Jewish Student Center at UC Berkeley
Hasbara Fellowships
Hillel: the Foundation for Jewish Life on Campus
Israel Campus Coalition
Israel Peace Initiative
J Street U
Jewish Community Federation of San Francisco, the Peninsula, Marina and Sonoma Counties
Jewish Community Relations Council
Jewish Federation of the East Bay
Jewish National Fund
Jews Indigenous to the Middle East and North Africa
MASA Israel Journey
New Israel Fund
Scholars for Peace in the Middle East
StandWithUs/SF Voice for Israel
The David Project
USD/Hagshama World Zionist Organization
April 14, 2010

Dear ASUC Senators:

We write to you as rabbis -- CAL alumni, spiritual leaders of synagogues in the Bay Area and beyond, rabbis serving our diverse community -- to ask you to uphold President Smerko’s veto of Resolution 1.13a. The resolution lacked full reference to the important historical and legal contexts underlying the complexities of the Middle East conflict, and singled out Israel without a properly informed hearing and consideration of the multifaceted issues.

We applaud ASUC’s proud record of promoting and maintaining a positive and harmonious climate for all students at UC Berkeley. We are concerned however, that if the veto is not sustained, students who support Israel will be marginalized and will feel unsafe to express their views openly and honestly on campus.

We wholeheartedly support endeavors to promote a just and lasting peace for all peoples in the Middle East, but rather than divestment from one specific country, other approaches could be much more helpful and constructive toward that goal.

We thank you for your consideration.
Rabbi Avromi Apt
Jewish Study Network
Palo Alto, CA

Rabbi Melanie Aron
Congregation Shir Hadash
Los Gatos, CA

Rabbi Ryan Bauer,
Alumnus, U.C. Berkeley, 1990
Congregation Emanu-El*
San Francisco, CA

Rabbi Pamela Frydman Baugh
OHALAH: Association of Rabbis for Jewish Renewal*
San Francisco, CA

Rabbi Eve Ben-Ora
Parent of UC Santa Cruz student
JCC of San Francisco*
San Francisco, CA

Rabbi Allan Berkowitz
San Jose, CA

Rabbi ElizaBeth Beyer, R.N., M.S., J.D.
Professor, Health Care Ethics, University of Nevada,
Reno
Rabbi, Nevada Hillel*
Reno, NV

Rabbi Mark Bloom
Temple Beth Abraham*
Oakland, California

Shalom Bocner
Congregation Netivot Shalom*
Berkeley, CA

Rabbi David Booth
Kol Emeth*
Palo Alto, CA

Meredith Cahn, Rabbinical student
MPH, UC Berkeley, 1985
San Anselmo, CA

Rabbi Eli Cohen
Chabad of Santa Cruz, Jewish Renewal Community of Santa
Cruz*
Santa Cruz, CA

Rabbi Yonatan Cohen
Congregation Beth Israel*
Berkeley, CA

Rabbi Steve Chester
Temple Sinai*
Oakland, CA

Rabbi Menachem Creditor
Congregation Netivot Shalom*
Berkeley, CA

Rabbi Max Davis,
Congregation Beth Israel*
Berkeley, CA

Rabbi Diane Elliot, RSMT
Aquarian Minyan*
Richmond, CA

Rabbi Nat Essay
Alumnus, UCLA
Congregation Beth Jacob*
Redwood City, CA

Rabbi Joey Felsen
Jewish Study Network*
Palo Alto, CA

Rabbi M Fhima
 Pinsk Jewish Community
Belarus

Rabbi Avraham Flaks
Jewish Study Network*
Palo Alto, CA

Rabbi Gordon Froeman
Alumnus, U.C. Berkeley, B.A., Ph.D.
Congregation B’nai Shalom*
Walnut Creek, CA

Rabbi Jack Gabriol
Congregation Shir Shalom*
Sonoma, CA

Rabbi Dan Goldblatt
Guest Artist, U.C. Berkeley Drama Department, mid
1990’s
Beth Chaim Congregation*
Danville, CA
Rabbi Marvin Goodman
Executive Director, Board of Rabbis of Northern California*
San Francisco, CA

Rabbi Shaye Guttengberg
Jewish Study Network*
Palo Alto, CA

Rabbi Phillip Heilbrune,
St Kilda Hebrew Congregation*
Melbourne, Australia

Rabbi Daniel Isaacson
Jewish Family and Children's Services*
San Francisco, CA

Rabbi Doug Kahn
Alumnus, U.C. Berkeley, 1973
Jewish Community Relations Council
San Francisco, CA

Rabbi Yoel H. Kahn
Alumnus, U.C. Berkeley, 1980
Berkeley, CA

Rabbi Dov Kaplan,
Caesaras Hebrew Congregation*
Israel

Rabbi Avi Lebowitz
Jewish Study Network*
Palo Alto, CA

Rabbi Lisa (Rosenberg) Levenberg
Alumnus, U.C. Berkeley, 1996
Lifetime member of the UCB Alumni Association
Congregation Shir Hadash*
Los Gatos, CA

Rabbi Kennard Lipman
Ph.D., U.C. Berkeley, 1974
Berkeley, CA

Rabbi Richard Litvak
Temple Beth El*
Aptos, CA

Rabbi Jacqueline Mates-Muchin
Temple Sinal*
Oakland, CA

Rabbi Barry Marcus
UK Chief Rabbinical Cabinet*
London, UK

Rabbi Shlomo Marcus,
Rabbi's Jewish Centre*
Israel

Rabbi Laurie Matzkin, M.A.Ed
Congregation Kol Emeth*
Palo Alto, CA

Rabbi Larry Moldo
Congregation Beth Shalom*
Modesto, CA

Rabbi Leah Novick
Lecturer, UC Berkeley Graduate School of Public Policy, 1982-1990
Carmel, CA

Rabbi Laurence Perez
Director General, Yeshiva College*
Johannesburg, South Africa

Rabbi Bernice Robinson
Alumnus, U.C. Berkeley, 1955; Boalt Hall School of Law, 1958
Parent of U.C. Berkeley alumnus, 1991
San Rafael, CA

Rabbi Lionel Rosenfeld
Western Marble Arch Synagogue*
London, UK

Rabbi Eliezer Sandler
Brooklyn, New York

Rabbi Larry Seidman
Ph.D., UC Berkeley, 1966
Irvine, CA 92603

Pamela Simmons, Cantorial student
Alumnus, UCLA
Mother of 2 current UC Berkeley students
Los Angeles, CA

Rabbi Avi Stewart
Jewish Study Network*
Palo Alto, CA
Rabbi Leah Sudran  
Alumnus, U.C. Berkeley, 1972  
Petaluma, CA

Rabbi Avraham Tanzer  
Dean, Yeshiva College*  
Johannesburg, South Africa

Rabbi Mira Wasserman  
UC Berkeley Graduate student  
Palo Alto, CA

Rabbi Cheryl Weiner, PhD  
Adjunct Faculty (former), UCLA Extension School  
Emeryville, CA

Rabbi Ahner Weiss  
Westwood Village Synagogue*  
Los Angeles, CA

Rabbi Eric Weiss  
Alumnus, UC Santa Cruz  
Bay Area Jewish Healing Center  
San Francisco, CA  
Rabbi Mordechel Weiss  
Israel

Rabbi Bridget Wynne  
Alumnus, U.C. Berkeley, 1980  
Executive Director, Jewish Gateways*  
El Cerrito, CA
New York, April 13, 2010

Dear Berkeley students:

I hope you don’t mind my intervention in your Divestment debate:

I strongly urge you not to listen to those who preach hatred towards Israel and punishment of Israel.

Israel is not pre-Mandela South Africa. One may disagree with certain decisions of its government, but they do not constitute a policy of Apartheid.

I have witnessed Apartheid and fought it wherever I spoke throughout the world. I ask you to believe me: any such comparison is malicious and untrue.

In the days of Apartheid in South Africa, divestment was appropriate and totally just.

In the case of Israel, divestment would be inappropriate and totally unjust.

Elie Wiesel
Dear Members of the University of California- Berkeley Student Senate:

We, the undersigned Nobel Laureates, urge the members of the UC Berkeley student senate not to adopt an immoral resolution singling out the state of Israel, a liberal and democratic state seeking peace with the Palestinian people and neighboring Arab states, for condemnation and divestment.

We commend your idealism and desire to provide leadership to the university; but true moral leadership requires taking responsibility, accessing knowledge and making correct, not ideological and radicalized, choices. The resolution before you is wrong in many points of fact and it is unjust by intention: Israel is an imperfect democracy defending itself in a threat environment by Western standards of warfare and checking itself constantly by way of a fiercely independent judiciary committed to international standards of human rights.

A decision by the Berkeley Senate to single out Israel for condemnation, rather than any of the myriad real human rights offenders in the world – including the majority of contentious states surrounding Israel such as Iran, Libya, Syria, Saudia Arabia, Sudan, Hamas in Gaza and Hizollah in Lebanon is frankly a decision of the highest moral obtuseness, which we trust you will not pursue.

It is our hope that the UC-Berkeley Student Senate who represent future leadership in the world will find a more constructive and effective way – but primarily a moral and just way - to address the difficult and complex issues of Middle East peace rather than siding against one side in the conflict. In no way can your resolution advance peace, as it is an expression of the very radicalism and historical blindness that drives the conflict and blocks reconciliation.

We have faith in your ability to rise to the occasion and shed light instead of hatred on this most difficult issue. Please defeat this wrong resolution.

Roald Hoffmann
Nobel Prize-Chemistry, 1981
Cornell University

Claude Cohen-Tannoudji
Nobel Prize-Physics, 1997
College de France Paris
Dear Members of the ASUC-Berkeley Student Cen
t
I urge the members of the UC Berkeley student senate not to adopt an immoral resolution singling out the state of Israel, a liberal and democratic state seeking peace with the Palestinian people and neighboring Arab states, for condemnation and divestment.

I commend your idealism and desire to provide leadership to the university; but true moral leadership requires taking responsibility, accessing knowledge and making correct, not ideological and radicalized, choices. The resolution before you is wrong in many points of fact and it is unjust by intention: Israel is an imperfect democracy defending itself in a threat environment by Western standards of warfare and checking itself constantly by way of a fiercely independent judiciary committed to international standards of human rights.

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It is my hope that the UC-Berkeley Student Senate who represent future leadership in the world will find a more constructive and effective way – but primarily a moral and just way - to address the difficult and complex issues of Middle East peace rather than siding against one side in the conflict. In no way can your resolution advance peace, as it is an expression of the very radicalism and historical blindness that drives the conflict and blocks reconciliation.

I have faith in your ability to rise to the occasion and shed light instead of hatred on this most difficult issue. Please defeat this wrong resolution.

Steven Weinberg
University of Texas
Nobel Prize-Physics, 1979
Dear Addressees,

Yesterday, April 13, on becoming aware of the threatened boycott directed against the State of Israel, I sent a short message to ASUC.org, mentioning my Jewish identity, extensive collaboration with Middle Eastern Muslim colleagues, and support for the statement, opposing the boycott, by peace activist and literature Nobel laureate Elie Wiesel. Attachments 1 and 2

Today, I became aware of the full text of "A Bill in Support of UC Divestment from War Crimes" (attachment 3) which I urge students to reject because of its misleading one-sidedness, (e.g. ignoring the many months long bombardment of the Israeli civilian village of Sderot, which was the immediate cause of the unfortunate bombardment of Gaza) and as being counterproductive to the immensely difficult search for common ground and eventual peace.

I also became aware of the thoughtful analysis of Will Smelko, President of the Student Senate, which led him to veto this bill. Attachment 4

Please note that the great global humanists and peacemakers, Nelson Mandela and the Dalai Lama, have, to the best of my knowledge, never associated themselves with broad anti-Israeli positions.

Finally, as a 50 year long member of the University of California, who has been a leader, for more than 20 years in the struggle against the University’s involvement in the development of nuclear weapons, I reiterate my appeal to UC students to uphold our rarely broken tradition of thorough, open-minded discussion and analysis, and to vote in support of the carefully reasoned veto of the bill.

Walter Kohn
Research Professor of Physics and Chemistry
Nobel Laureate, Chemistry 1998
Department of Physics
University of California
Santa Barbara, CA 93106-9530
Letter from Richard Goldman. UC Berkeley Alumnus of the Year. 2010

April 13, 2010

Dear ASUC Senators,

With this letter, I commend President Will Smelko on his recent veto of the ASUC bill demanding that the campus divest from companies doing business with Israel. It is consistent with their duties for universities to provide forums to engage in civil debate about complex domestic and international issues. Grounded in the Free Speech Movement, Cal in particular has a great tradition of promoting open and thoughtful debate. However, singling out one country – Israel – for punitive actions does not constitute thoughtful discourse, especially when dozens of other countries with records far worse than Israel’s have not been the subject of such proposed censure by the ASUC. Indeed, the basic intent of this bill has been deliberately obfuscated by its promoters so that it is misleading and inherently unfair. Consequently, even more disturbing and harmful is that the passage of the divestment bill would contribute to an atmosphere of intolerance, exacerbate tensions, and create a sense of alienation for Jewish students along with others on campus. Please do not turn back the clock on generations of tolerance and inclusion at Cal. I strongly implore you to uphold the veto.

Sincerely,

Richard N. Goldman
Class of 1941
Cal Alumnus of the Year 2010

cc: ASUC President Will Smelko
Letter from A.B. Yehoshua and Amos Oz

Letter to the Berkeley Senate from Leading Israeli Authors A.B. Yehoshua and Amos Oz:

April 14, 2010

Dear Members of the Berkeley Senate,

We hope that our names are not unknown to you. We have been invited to lecture at Berkeley on many occasions, and have been graciously received by your faculty and students.

Since the Six-Day War in 1967, the two of us along with other authors, artists and intellectuals, have struggled incessantly to advance the notion that the territories captured by Israel during the Six Day War must not be annexed into the Jewish state; but rather returned in their entirety to Egypt, Syria, and of course to the Palestinians in exchange for full peace and appropriate security arrangements, in the spirit of UN Security Council Resolution 242, adopted unanimously by the international community.

In the ensuing years of war and upheavals, Israelis, Arabs, and particularly the Palestinians, often rejected this approach. However things have changed in Israel. Backed by only a minority of Israelis in 1967, the idea of return of territory in exchange for peace has earned wide support within Israel today, and has become the cornerstone of many Israeli political party platforms. This peace concept is supported today even by the current government of Israel, considered by many to be right-leaning.

Egypt and Jordan signed peace agreements with Israel on the basis of this UN resolution, and since 1993, the Israelis and the Palestinians have been engaged in difficult and complicated peace negotiations on the basis of two states for two peoples.

It is true that the path is not easy, and there have been many regrettable setbacks for which both sides must bear responsibility — but our fundamental direction remains clear. Therefore, instead of launching a divestment campaign against Israel, you need to work to encourage and support Israel and the Palestinians to continue moving towards two states for two peoples, a goal to which they have both formally committed themselves.

In today’s world, we are witness to waves of anti-Semitism and anti-Israel antipathy from right-wing racists and Holocaust deniers, who seek not peace to the Middle East, but rather to condemn Israel and the Jewish people no matter what. In addition, we are witness to absolutist threats to Israel’s existence from Iran and its allies who threaten to use nuclear weapons to achieve this aim.

It will be a tremendous misfortune if UC Berkeley, a liberal progressive community, joins with reactionary anti-Semitic forces by advancing hatred and sanctions against Israel. Moreover, sanctions by the left will only strengthen the hawkish extreme in Israel, and will weaken the peace efforts of the Israeli liberal camp.

Therefore we call on you to desist from any form of divestment against Israel, and to join us Israelis in advancing and keeping faith with the one real option for peace - the establishment of a Palestinian state in the 1967 borders living in peace and security alongside the State of Israel.

Sincerely,

A.B. Yehoshua                    Amos Oz
Tel Aviv, April 14th, 2010

Dear Members of the Berkeley Senate,

On behalf of Geneva Initiative - Israel, a non-governmental organization dedicated to promoting a peace agreement between Israel and the Palestinian people based on two states for two peoples, I would like to urge you to vote against ASUC resolution 118a which calls for divestment by UC Berkeley from US technology companies active in Israel's defense sector.

We believe, that it is more than legitimate to oppose the policies of one or both of the parties to the conflict, but it should be done in a constructive fashion. Actions aimed at punishing an entire society are morally questionable and likely to be counterproductive in that they strengthen radicals and weaken moderates.

As a leading organization in the Israeli peace camp we work tirelessly – together with our Palestinian partners – to identify the most effective means to bring about an end to the Israeli occupation and to the conflict in a way that will best serve the interests of both peoples. Thus, we believe in the need to help the sides recognize each other – not help one side demonize the other.

We therefore call upon you not to adopt this wrongly conceived resolution. It does not advance the cause of peace.

Respectfully,

[Signature]

Gadi Behrinsky
Director General
Geneva Initiative
A Message From Judea Pearl

VETO the Anti-Israel Divestment Bill

Dear Senate member,
I urge you to support President Smelko's VETO of the anti-Israel divestment bill.

As a president of the Daniel Pearl Foundation, an organization dedicated to peace, reconciliation and dialogue, I have had a long experience trying to communicate with the leaders of the pro-divestment campaign. It has been made clear to me that divestment is not the aim of this bill -- its purpose is to delegitimize Israel in the public eye.

As a president of the Daniel Pearl Foundation I should also confess to you that the proposed bill would be a knife in the back of all of us who are laboring tirelessly for peace and co-existence in the middle east.

I have been a faculty member at the University of California, Los Angeles for over forty (40) years, and I feel embarrassed at the thought that my own university would let anti-coexistence forces hijack the Senate arena for their destructive agenda.

Please help us by VETO-ing this bill.

Sincerely

Professor Judea Pearl
UCLA
President, Daniel Pearl Foundation
www.danielpearl.org
14th April 2010

Dear ASUC Senators:

We, the South African Jewish Board of Deputies, note with profound dismay Archbishop Desmond Tutu’s letter to you in support of Resolution 118a. We respectfully disagree with him.

We wish to point out however that we agree with leaders and liberators of our great county, President Nelson Mandela, President Thabo Mbeki, current President Jacob Zuma, and the ruling African National Congress, who reject the notion that divestment will contribute to peace in the region.

The South African Jewish Board of Deputies is the central representative institution of the South African Jewish community. Most our country’s religious congregations, Jewish societies and institutions, as well as our student bodies, are affiliated with it. We fully support a two state solution and the promotion of a just and lasting peace for all peoples in the Middle East.

We request that the ASUC upholds your president’s veto of Resolution 118a.

Thanking you for your consideration.

Zev Krenge

National Chairman, South African Jewish Board of Deputies.
April 13, 2010

Dear ASUC Senate Member:

J Street, the political home of the pro-Israel, pro-peace movement, writes to support the Presidential Veto of the UC Berkeley bill in support of divestment passed on Wednesday March 17.

Our position is rooted in our strong opposition to Israel’s occupation of the West Bank and the expansion and entrenchment of settlements there, as well as our belief that efforts to end the Israeli-Palestinian conflict must be focused on achieving a two-state solution because that is crucial to Israel’s future.

We determine our support for actions and advocacy campaigns related to Israel by whether they advance the possibility of achieving a two-state solution, under which the state of Israel – the democratic home of the Jewish people – and a sovereign, independent State of Palestine can live side-by-side in peace and security.

In this vein, we oppose, for instance, the global Boycott, Divestment, and Sanctions (BDS) movement (www.bdsmovement.net) which supports the right of return of Palestinian refugees to Israel and fails to draw a clear distinction between opposition to the post-1967 occupation and opposition to the existence of the state of Israel itself as the democratic home of the Jewish people. Even if it was not the intent of the students who drafted this bill, its passage is now being seized on by the global BDS movement as a victory in its broader campaign.

Our support for the President’s veto is rooted in our belief that the bill does not advance the cause of real peace and security for Palestinians and Israelis. Specifically, the bill fails to express support for Israel’s right to exist as a democratic home for the Jewish people and for a two-state resolution to the conflict.

Additionally, the bill makes reference only to aspects of the conflict for which Israel may bear responsibility and makes no acknowledgement of responsibility on the part of any other party for any aspect of either the conflict or its resolution. J Street believes that both sides bear a share of the responsibility for the conflict and for taking steps to end it.

Finally, we are deeply concerned with the atmosphere on campuses around this potentially divisive issue. This bill fails to endorse Israel’s legitimacy and right to exist as a Jewish, democratic home and endorses at least part of the agenda of the BDS Movement, which is
Letter from JStreet continued

overtly hostile to Israel itself. For these reasons, we believe this bill may produce an atmosphere in which Jewish or pro-Israel students may feel singled-out or marginalized.

We believe that many of these arguments are well stated in Student Body President Smelko's veto statement - particularly in his call for fairness to all sides of an issue and for the promotion of a campus atmosphere promoting open, honest debate that does not negatively impact campus harmony.

J Street urges campus activists to unite with us in a broad-based movement calling for American leadership to end the Israeli-Palestinian conflict through a two-state solution. We urge the Berkeley Senate to reconsider its passage of this bill and to take the opportunity of Wednesday's vote to uphold the President's veto.
Dear Associated Students of UC Berkeley (ASUC) Senators:

The Anti-Defamation League (ADL) is one of the nation's premier civil rights and human relations organizations. Our mission, unchanged since our founding in 1913, is "to fight the defamation of the Jewish people...and secure justice and fair treatment for all." We are wholeheartedly committed to fighting anti-Semitism and all forms of bigotry, exposing extremists, defending our democratic ideals, and protecting everyone's civil rights. We write to urge you to sustain ASUC President Will Smelko's veto of Senate Bill 118a, "A Bill in Support of UC DIVESTMENT FROM WAR CRIMES."

As you surely know, the Israeli-Palestinian conflict and peace process is multifaceted and emotionally fraught. It is tempting to try to reduce the conflict to a simplistic Good Guy / Bad Guy formulation. The issues, however, are manifold. Legions of peacemakers, scholars, and government leaders have been grappling with their intricacies for decades. Some progress has been made; but harder and more constructive work by the parties and their allies remains to be done.

In our experience, the peace process moves forward when the parties work together to bridge their differences and try to achieve mutual understanding. Extreme positions that demonize one side only harden hearts and minds. Our concern is that advocates of the bill before you have presented only one narrative of this conflict -- and only one solution for it, namely punitive action against Israel. These proponents ignore Israel's legitimate security concerns, its right to protect its people, and its policies and efforts to promote negotiations with the Palestinians and to improve their condition. Moreover, they ignore the complexities on the Palestinian side of the conflict -- the continued use of terror and the rejectionist and anti-Semitic policies of the Hamas government, to name but two.

This bill seeks to demonize Israel and designate it for pariah status through the sledgehammer of divestment. It does nothing to promote creative efforts to promote dialogue, peace and reconciliation between Israelis and Palestinians. ASUC should vote in favor of constructive efforts towards peace, not divisive campaigns to demonize and delegitimize.

For these reasons, we respectfully urge you to sustain President Smelko's veto of Senate Bill 118a.

Sincerely,

NANCY J. APPEL Associate Director (and UC Hastings graduate)
Anti-Defamation League | Central Pacific Region
APPENDIX E: Action Alerts:

Tell ASUC president Will Smelko that

**Divestment is Divisive**

**Background & Information:**

Last Wednesday, the UC Berkeley ASUC Student Senate the following resolution: **A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES**

- The bill is deceptive, suggesting that the ASUC is divesting from "war crimes" and not American countries doing business in Israel
- The bill hides behind "universal human rights and equality"
- The only country accused of committing war crimes in the bill is Israel
- The only country being divested from in the bill is Israel
- The bill acknowledges the ASUC Student Senate’s inability to adjudicate on international matters and then proceeds to do just that
- The bills claims to "not be taking sides" but by exclusively focusing on Israel, it does just that

**Action Items:**

1. Email ASUC President, Will Smelko at president@asuc.org and urge him to veto the resolution (the next Senate
meeting is Wednesday, March 31st and we want the Presidential Veto on the agenda.

2. Copy the senators at senate@asuc.org
3. Thank Senators Bhatt, Cohen, Gala and Stern for voting against this divisive resolution.

Uphold the Presidential Veto
Email the Senate NOW!
The Senators have received more emails in opposition to the veto than in support. You can help influence the outcome.

ACTION NEEDED:
1. Email the student senators and urge them to SUSTAIN the veto. Senate@asuc.org (keep your message positive)
2. Email President Will Smelko and THANK him for vetoing the resolution. President@asuc.org
3. Contact all current and former UC and UC Berkeley students you know and ask them to write to the Senate. Their voice will be the most influential.
4. Forward this "Action Alert" to everyone you know!

Next Wednesday night, the Student Senate will take up the question whether to override or sustain President Smelko's veto. ACT NOW!

Talking Points:
- The Israeli-Palestinian conflict is complex and the resolution lacks important historical context and understanding.
- The bill claims to "not be taking sides" but exclusively focuses on Israel; no single country should be singled out.
- The bill is deceptive, suggesting that the ASUC is divesting from "war crimes". However, it is actually divesting exclusively from American countries doing business in...
Israel

- It is the obligation of the ASUC student government to maintain a positive campus climate
- The resolution is perceived as a symbolic attack on a specific community of students
- The bill can be used as a tool to delegitimize the state of Israel
- The ASUC should reject calls for immediate divestment from specific countries or regions, and instead, should first establish broad resolutions for ethical investment

Relevant Documents:

- A Bill In Support of UC DIVESTMENT FROM WAR CRIMES

PRESIDENTIAL VETO IS SUSTAINED!

*ASUC Student Senate voted this morning to uphold veto of anti-Israel divestment bill*

*But, the bill may come up again*

*This is not yet over!*

*Details below...*

**Email the UC Berkeley Student Senate NOW!**

**ACTION NEEDED:**

1. Email the student senators and thank them for sustaining the veto. Senate@asuc.org
2. Email President Will Smelko and THANK him for vetoing the resolution. President@asuc.org
3. Contact all current and former UC and UC Berkeley students, parents and/or staff and ask them to write to the Senate. Their voice will be the most influential.
4. Forward this "Action Alert" to everyone you know!

**This Wednesday night, April 14th, the Student Senate will take up the question whether to override or sustain President Smelko's veto.**

**Background & Talking Points:**

- Please send POLITE and RESPECTFUL messages to the...
students (remember, they are 18-22 years old!)

- Messages that attack the students or use profanity are NOT helpful and will harm our efforts.

BACKGROUND
The Israel divestment issue is not resolved at UC Berkeley -- even after an all-night marathon last night that ended around 7:30 a.m. this morning!

GOOD NEWS: The ASUC Student Senate voted to uphold the ASUC President's veto of the divest-from-Israel bill.

BAD NEWS: Then, through a parliamentary maneuver, the pro-divestment senators made a motion to reconsider, which was tabled.

THEREFORE: there may be yet another vote next week.

TALKING POINTS
- THANK the student senators for sustaining President Will Smelko's veto; it was the right thing to do.
- REMIND the senators that the Israeli-Palestinian conflict is complex and the bill that may be up for reconsideration lacks important historical context and understanding
- The bill claims to "not be taking sides" but exclusively focuses on Israel; no single country should be singled out
- The bill is deceptive, suggesting that the ASUC is divesting from "war crimes". However, it is actually divesting exclusively from American countries doing business in Israel
- It is the obligation of the ASUC student government to maintain a positive campus climate
- The resolution is perceived as a symbolic attack on a specific community of students
- The bill can be used as a tool to delegitimize the state of Israel

Relevant Documents:
- ASUC Senate Resolution 118a
- Presidential Veto

We will keep you updated as things develop.

Sample letters:
Dear ASUC Senators:
I am writing to ask you to uphold the Presidential veto of
Resolution 118a. The Israeli-Palestinian conflict is complex and the bill lacks important historical context and understanding. The bill claims to "not be taking sides" but exclusively focuses on Israel. It is the obligation of the ASUC student government to maintain a positive campus climate and the passage of this bill is an attack on students that support Israel. Please sustain the veto and keep UC Berkeley a safe place for all students.

Thank you for your time and consideration.

Dear ASUC Senate Members,

I want to applaud UC Berkeley Student Body President, Will Smelko, for vetoing the Student Senate’s resolution to divest University funds from Israel. As elected representatives of the UC Berkeley community, I urge you to uphold the veto.

The Senate resolution was inaccurate and unjust. Harvard Law School professor Alan Dershowitz stated, "Divesting from Israel is immoral, bigoted and if done by a state university, illegal. It encourages terrorism and discourages peace." I strongly agree. Israel is the only Democracy in the Middle East with a robust judiciary, the rule of law, women’s rights, gay rights, and health care for all--Jews and non-Jews--who live in Israel.

Israel is a country under siege by terror. Israel’s contributions to the world continue to make an incredible impact on the international community (in the areas of science, technology, medicine and security - to name a few). Israel’s medical technology, for example, has saved more lives per capita than any other country, including the lives of thousands of Muslims, Christians and Jews alike. This is just one example, among many, of Israel’s significant contribution to the world. Israel’s advancements in the areas of science and medicine also contribute directly to the academic developments on the Berkeley campus.

Please consider the moral implications of your decision and vote to uphold President Smelko’s veto.

Thank You
URGENT ACTION ALERT!
Attend the UCB Senate meeting TONIGHT (4/28) and fight divestment!

MLK Student Union
Pauley Ballroom (2nd floor)
10:30 PM
(map)

We anticipate hundreds of people who support divestment to be there

The time to act is NOW!
Please forward widely!
APPENDIX F: Talking Points for “A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES”

1. Information and data from the United Nations is relied upon to support the author’s resolution, however, the UN is not an objective source on the conflict.

- Former UN Secretary General Kofi Annan stated at the opening of the 61st General Assembly on September 19, 2006: “supporters of Israel feel that it is harshly judged, by standards that are not applied to its enemies—and too often this is true, particularly in some UN bodies.”

- Furthermore, from 2008-2009, the U.N. General Assembly (GA) continued to spend a disproportionate amount of time focusing on Israel and the Israeli-Palestinian conflict, passing 20 resolutions that were one-sided or blatantly anti-Israel.

- Of ten emergency special sessions called by the General Assembly, six have been about Israel. No emergency sessions have been held on the Rwandan genocide, ethnic cleansing in the former Yugoslavia, or the two decades of atrocities in Sudan.

- The UN Human Rights Council (HRC) which replaced the United Nations Commission on Human Rights, is a 47-nation body-dominated by a controlling majority that includes such massive human rights violators as China, Cuba, Chad, North Korea, Congo, Egypt, Sri Lanka, Myanmar, Syria, Iran, Sudan, Yemen and Saudi Arabia, among others. Democracies are a minority on this “human rights” body. In May 2004, the country responsible for the ongoing genocide in Darfur, Sudan, was elected to the Commission.

- In its three years since it was established in June 2006, the UNHRC has convened more emergency “special sessions” on Israel than on the rest of the world combined and has passed 25 resolutions against individual states; 20 of these against Israel alone (or 80%).

- For decades, Israel was the only member state of the United Nations consistently denied admission into a regional group. The Arab states continue to prevent Israeli membership in the Asian Regional Group, Israel’s natural geopolitical grouping. As a result, Israel sought entry into the Western and Others Group (WEOG) and in May 2000 was granted admission to that regional group in New York, but not in Geneva, the seat of several U.N. bodies and subsidiary organizations. Israel’s participation in the U.N., therefore, is still limited and it is restricted from participating in U.N. Geneva-based activities.

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2. Information and data from Physicians for Human Rights-Israel is relied upon to support the author’s resolution, however, the author’s only gave you partial information. For example:

“A new report by Gisha-Legal Center for Freedom of Movement and Physicians for Human Rights-Israel reveals who really is responsible for the closure of Rafah Crossing [at the Gaza/Egypt border]... Gisha and Physicians for Human Rights-Israel demand that all the parties controlling Rafah Crossing – Israel, the Palestinian Authority, Hamas and Egypt – end this futile political game and take immediate and concrete action to open the crossing. All the parties concerned bear an obligation to rise above their narrow interests and to respect the rights of 1.5 million people being used as pawns in political negotiations.”

3. The author’s of the resolution refer to the “Gaza blockade” and hold Israel exclusively responsible. However, Egypt, HAMAS and the Palestinian National Authority are also culpable. For example:

On April 10, 2010 “Gaza's sole power station was forced to shut down on Friday morning due to a lack of industrial fuel... The Hamas government in Gaza and the Palestinian National Authority (PNA) in Ramallah traded accusations over whom to blame for the crisis... A statement released by HAMAS-run Palestinian energy authority on Friday said the Palestinian government of Prime Minister Salam Fayyad in Ramallah has minimized the amount of fuel sent to the Gaza Strip from 2,200 cubic meters to 750 cubic meters every week. ... Meanwhile, the PNA says it pays Israel for DAILY fuel shipments to Gaza but wants Hamas, which controls the power distribution company that collects money from Gazans, to share the bill for the industrial diesel.”

4. Information and data from the International Committee of the Red Cross is relied upon to support the author’s resolution, however, the information is incomplete. For example, according to the ICRC website:

“Under international humanitarian law, Israel has an obligation to maintain conditions enabling the population to lead lives that are as normal as possible. While the ICRC fully recognizes Israel's right to address its legitimate security concerns, these must be balanced against the Palestinians' right to live a normal and dignified life. Palestinians in the Gaza Strip are still paying a high price for the continuing hostilities between Israel and Palestinian factions and for intra-Palestinian confrontations.

This statement acknowledges that a) Israel has a right to self defense and b) that Israel is not the only body responsible for the situation in Gaza. The Palestinian Authority and HAMAS also need to be held accountable which is negated in the senate resolution

5. Also available on the ICRC website is a feature article on Jewish Israeli Avraham Tiger:

“Avraham Tiger is the chief paramedic at an ambulance station of the Magen David Adom (the Israeli equivalent of a National Red Cross or Red Crescent Society) in Sderot, a town of about 30,000 people situated only a few kilometres from Gaza. The people of Sderot have had to endure rocket attacks almost daily for a number of years. During the Gaza crisis last winter, up to 80 rockets sometimes fell on the town in a single day. Alarms and sirens went off at every hour of the day and night, prompting
people to run for cover. There are bomb shelters everywhere – even at bus stops. The situation is much quieter now, although rocket fire from the Gaza Strip has not completely stopped.

... There is, however, one special task that Avraham still carries out whenever necessary: picking up seriously ill patients from Gaza who require specialized medical care available only outside the Strip. "We often help transfer newborn babies, children with cancer or patients from intensive care units to hospitals outside Gaza – it is a job like any other for me," he said.

6. The resolution repeatedly suggests Israel is in violation of “international law” without providing examples. I assume that one document they are referring to is UN General Assembly Resolution 242

- The most controversial clause in UN Security Council Resolution 242 is the call for the "Withdrawal of Israeli armed forces from territories occupied in the recent conflict." This is linked to the second unambiguous clause calling for "termination of all claims or states of belligerency" and the recognition that "every State in the area" has the "right to live in peace within secure and recognized boundaries free from threats or acts of force."
  - HAMAS, the elected government of Gaza, has repeatedly refused international community demands to recognize the right of Israel to exist, in violation of 242
  - According to the HAMAS Charter: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it." (The Martyr, Imam Hassan al-Banna, of blessed memory)\(^{15}\)

- The resolution does not make Israeli withdrawal a prerequisite for Arab action. Moreover, it does not specify how much territory Israel is required to give up. The resolution’s text does not say Israel must withdraw from "all the" or "the" territories occupied after the Six-Day war. This was deliberate. The Soviet delegate wanted the inclusion of those words and said that their exclusion meant "that part of these territories can remain in Israeli hands." The Arab states pushed for the word "all" to be included, but this was rejected. They nevertheless asserted that they would read the resolution as if it included the word "all."
- Resolution 242 arguably gives Israel the right to be in the West Bank until “a just and lasting peace in the Middle East” is achieved as the resolution allows Israel to administer the territories it won in the war of 1967

- Security Council resolution 242 clearly calls on the Arab states to make peace with Israel. The principal condition is that Israel withdraw from "territories occupied" in 1967, which means that Israel must withdraw from some, all, or none of the territories still occupied. Since Israel

\(^{15}\) See [http://www.mideastweb.org/hamas.htm](http://www.mideastweb.org/hamas.htm)
withdrew from 91% of the territories when it gave up the Sinai, it has already partially, if not wholly, fulfilled its obligation under 242.

- The Arab states at that time also objected to the call for "secure and recognized boundaries" because they feared this implied negotiations with Israel. The Arab League explicitly ruled this out at Khartoum in August 1967, when it proclaimed the three "noes": "no peace with Israel, no negotiations with Israel, no recognition of Israel."

7. The author’s of the resolution paint an inaccurate picture of human rights in Israel which led you to pass this resolution. While Israel is not perfect, I think it is important to clarify:

- Arabs in Israel have equal voting rights; in fact, it is one of the few places in the Middle East where Arab women may vote.
- Today women hold 23 of the 120 Knesset (Israeli Parliament) seats.
- 11 Arab-Israelis are in the current Knesset.
- Arab-Israelis have also held various government posts, including one who served as Israel’s Consul-General in Atlanta and a second who served as Israel’s Vice Consul General in San Francisco.
- Arab-Israelis serve on the Israeli judiciary, including district courts and on Israel’s Supreme Court.
- Arabic, like Hebrew, is an official language in Israel.

- The only legal distinction between Arab and Jewish citizens is not one of rights, but rather of civic duty. Since Israel’s establishment, some Arab citizens have been exempted from compulsory service in the Israel Defense Forces (IDF). This exemption was made out of consideration for their family, religious and cultural affiliations with the Palestinians and the rest of the Arab world, given the on-going conflict. Israeli Druze and Bedouin do serve in Israeli army, and many are in senior officer positions.

- Israeli law makes no distinction between its Arab and Jewish citizens. Israeli Arab citizens enjoy the same rights as their Jewish neighbors. They are free to practice their religion without discrimination, in accordance with Israel’s commitment to democracy and freedom. There are a number of Israeli Arab parties represented in the Israeli Knesset (parliament), and Arab members of Knesset are extremely vocal in promoting their issues and opinions. In 2007, Raleb Majadele, was named Minister of Science, Culture and Sports, becoming the first Israeli Arab member of the cabinet. In 2004, an Israeli Arab, Salim Jubran, was appointed to the Israeli Supreme Court.

- As in every country, much more needs to be done to promote greater educational and employment opportunities for minorities, particularly for Israeli Arabs. The Israeli government has committed to investing in the necessary infrastructure and assistance for these
communities. As in the United States, non-governmental organizations publicly advocate for increased investment in Israeli Arab communities.

8. Information and data from the “Goldstone Report” is relied upon to support the author’s resolution, however, once again, the author’s have not provided context or all of the information regarding this report.

- The UN Human Rights Council commissioned the Goldstone Report. Arab and Muslim state members of the UNHRC brought the original enabling resolution in January. It began by finding Israel guilty of “massive violations,” and then created a “fact-finding mission” to support its predetermined conclusion.

- Former UN High Commissioner for Human Rights Mary Robinson stated that the “resolution is not balanced because it focuses on what Israel did, without calling for an investigation on the launch of the rockets by Hamas. This is unfortunately a practice by the Council: adopting resolutions guided not by human rights but by politics. This is very regrettable.” Robinson was asked to head up the mission before Goldstone but refused.

- Goldstone initially also refused the appointment. He said, “More than hesitate, I initially refused to become involved in any way [with the inquiry], on the basis of what seemed to me to be a biased, uneven-handed resolution of the UN Human Rights Council.” Goldstone proceeded when then-president of the Council, Martin Ihoeghian Uhomoibhi, expanded the mission’s mandate to include investigation of Hamas.

- At a debate at Brandeis University, Goldstone agreed that the underlying cause of the war was the thousands of rockets Hamas fired at Israeli civilians for years, particularly after the Israeli evacuation of Gaza. At the Brandeis debate, Goldstone supported Israel’s right to self-defense. However, he questions how Israel conducted the action it had every right to engage in.

- Goldstone acknowledges that Hamas used civilian public sites (schools, hospitals, mosques, etc) to store munitions, set up firing points, establish command posts etc. thus rendering these civilian sites into legitimate military targets. This, however, wasn’t true in every case during the war, and the many civilian casualties may attest to this. The fog of war has been well documented. Some still ask whether it is possible to determine which civilians died as a result of Hamas’ using them as human shields and how many may have been killed as a result of IDF mistakes or decisions.

9. Yossi Alpher’s recent observations in the pages of The Forward bring out another problem. The rules of war don’t adequately address the problem of fighting terrorists who melt into a civilian population:
“The problem is Goldstone is judging Israel on the basis of totally different rules than those Israel applies to its warfare against terrorist enemies like Hezbollah and Hamas. Customary international humanitarian law was written for wars between the armies of sovereign states. These days, in both Gaza and Lebanon, Israel is confronting terrorist mini-states, each of whose territory is a sovereign black hole left behind by a failed governing authority. The Goldstone commission applies laws of war that ignore the necessities of fighting a terrorist enemy that attacks civilians from bases in non-sovereign territory, hides behind its own civilian population, then displays its own civilian casualties in order to appeal for international support....

Richard Goldstone’s rules of war are the only ones on the books. As a man of integrity and a judge, he had no alternative but to seek to enforce them “by the book.” Unless, recognizing the absurdity of the entire Human Rights Council investigation, he had simply turned down the job.”

*Instead of reading the quote, one may also make an argument along the lines of:

*International Law as applied to war crimes, are based on two or more sovereign nations fighting one another. Israel’s enemies, however, are non-state actors, making it impossible to apply International Law as the author’s of the bill would like us to believe.*

10. One piece of International Law that is not acknowledged in the Senate resolution is regarding “self-defense”

Between 2000 and May 2009, Palestinian attacks killed nearly 1,200 Israelis and injured close to 10,000, through suicide bombings, rocket and mortar attacks, shootings, stabbings, bombings, and vehicular assaults. In executing these attacks, Palestinian groups deliberately targeted Israeli civilians and population centers. In defense, Israel applied a counter-terrorism strategy.

Under Article 2(4) of the United Nations Charter, states are generally prohibited from engaging in the use of force against other states, however, three exceptions apply to this prohibition – self-defense, consent, and Security Council authorization pursuant to Article 42 of the UN Charter.

The right to self defense is an inherent concept in law “and is fundamental to the system of states.” It is recognized and protected by Article 51 of the UN Charter:

**Article 51**

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security...
Finally, international criminal law sets forth self-defense as a basis for avoiding criminal responsibility. Therefore, the Senate cannot hold Israel criminally responsible for alleged “war crimes” when the State was actually acting in self-defense.

11. A vote in favor of the bill IS taking sides against Israel.

Though the bill claims to be neutral, it is in fact a biased charge against Israel. The bill is correct in admonishing the horrible conditions under which many Palestinians live today. It is also correct in mourning the loss of innocent Palestinian life in 2009. However, it is mistaken in making no reference to the terrorist tactics used by Hamas and Hezbollah, which have contributed to such horrendous conditions and deaths. Purposely firing rockets towards Israeli towns from civilian apartment buildings in Gaza is a violation of international law. It indiscriminately attacks Israeli civilians and foreseeably draws retaliatory fire towards Palestinian civilian structures. Sending pregnant women in ambulances to smuggle explosives across checkpoints and blowup Israeli cafes is a perverse use of the civilian immunity doctrine. It also intentionally targets innocent Israelis and foreseeably results in harsher checkpoint procedures. While Israel is not without fault for the loss of life in the region, neither are the terrorist organizations that currently govern the Palestinian Territories. A “neutral” bill in support of “universal human rights and equality” should at the very least address these facts. This bill does not.

Further, a nuanced and honest approach to the situation reveals that Israel is neither Sudan nor Apartheid South Africa. It is a working democracy with a court system that hears claims of both Israelis and Palestinians, often deciding in favor of Palestinian rights. It is a sovereign nation recognized by international law to have the right and duty to protect its citizens. While you and I may disagree with some of Israel’s policies, a vote to divest from companies that contract with its army is taking a stance that Israel should have no army at all. It signals that unlike all other nations in the world, Israel does not have the right to protect its own citizens from the very human rights violations we so vehemently deplore. Therefore, a vote for this bill ultimately opposes the idea of universal human rights and takes a clear stance against Israel.

12. In its current formulation, the bill will alienate much of the student body and prove counterproductive to effecting real change.

Among the students you represent are an estimated 4,000 Jews, many of whom see Israel as an integral part of their identity. In addition, there are countless other ethnicities, religions and communities, all of whom view Israel as an essential ally to the United States. A vote in favor of the current bill will effectively deny legitimacy to their point of view and alienate them from the ASUC and remainder of the student body. In its current one-sided formulation, this bill will be viewed by many as an extreme measure, not reflective of their views or the facts on the ground.

Moreover, as student senators at the University of California, you have the privilege of representing a student population that is incredibly smart, capable and motivated. These students are the future...
leadership of the state of California, the government of the United States and innumerable industries with international influence. A strong and united American leadership is crucial to resolution of the Israeli-Palestinian conflict. However, rather than providing this leadership with the opportunity to begin building the trust and understanding necessary to proceed towards peace, the ASUC will succeed in perpetuating the feelings of cynicism and mistrust that continue to plague the Peace Process today. A responsible, big picture analysis therefore requires a rejection of the current bill.

Standing up for your beliefs and speaking truth to power is an important and difficult task. Yet, ‘truth’ can be an incredibly illusive thing. Particularly when it comes to questions of human rights and dignity, it is crucial that responsible leaders think thoroughly and honestly about the issues they face. Demonstrate your responsibility now by voting NO to override the President’s Veto of Senate Bill 118A.

13. **Divestment and boycott advocates ignore the complexity of the conflict**: The Israeli-Palestinian conflict and peace process is complex. With their rigidly one-sided view of the conflict, these activists see a solution only through punitive action against Israel. The harsh rhetoric of proponents blindly ignores Israeli policies and efforts to promote negotiations and improve the situation on the ground in the West Bank and Gaza Strip. These advocates also ignore Palestinian intransigence, terrorism and violence, as well as the new situation that has arisen following Hamas' success in the 2006 Palestinian Authority election and take-over of the Gaza Strip in June 2007. Instead, divestment and boycott campaigns singularly demonize Israel and designate Israel for pariah status. Such initiatives do not seek creative and constructive efforts to promote dialogue, peace and reconciliation between Israelis and Palestinians.

14. **Israel is being unfairly singled out for human rights violations**: Divestment and boycott campaigns singularly demonize Israel and designate Israel for pariah status, while ignoring other states, including many in the Middle East, which systematically abuse human rights. In fact, Israel remains the lone democracy in the Middle East, with all of the institutions – a free press, a multitude of political parties, an independent judiciary and religious freedom — that are at the heart of true liberal democracies. The Middle East, and indeed the world, has many states that do not come close to living up to Israel’s standards. Thus, the singling out of Israel for such punitive treatment is disingenuous and disproportionate.

15. **Concerned individuals should promote reconciliation between Israel and the Palestinians through constructive measures**: Individuals need to educate themselves on the complexity of the Israeli-Palestinian conflict and promote positions that ensure peace and security for all. The well being of Israelis and Palestinians will best be advanced through policies that help to build a Palestinian society that rejects terror and is ready to accept Israel as the neighbor of a future Palestinian state. Peace will also require investment in programs that promote reconciliation and humanitarian assistance.
16. Divestment is anti-peace:

- Divestment directs its zero-sum approach to any and everything Israeli, with no regard as to the relevance or effectiveness of the policy in terms of advancing peace and reconciliation between Israel and Palestinians.
- The proponents of divestment do not speak of peace, reconciliation or coexistence between Israelis and Palestinians. Their program is not one of encouraging constructive engagement or bridge-building but one of demonization, zero-sum politics, grandstanding and bullying. For the divestment movement, Israel can do no right, and any Israeli individual or institution is a legitimate target for vilification and ostracization.
- The policy of divestment rejects universally accepted principles of peacemaking and stands in diametric opposition to the policies pursued by the European Union, the Secretary General of the United Nations and other leading international actors who seek to build peace in the Middle East through cooperation, engagement and dialogue.
- Divestment lacks credibility: Proponents of divestment argue that support for their program of bringing change through causing political and economic exclusion of Israel is growing, yet despite ten years of BDS campaigning:
  - The Israeli economy and exports continue to grow, and have nearly doubled over the last decade
  - Investment in Israel is also growing rapidly and showing no signs of slowing.
  - More European venture capital is invested in Israel than in any single European state.

17. There is no comparison between Israeli policy and apartheid South Africa: The treatment of Arabs by the State of Israel cannot be compared in any way to the treatment of the black majority in South Africa under apartheid. There is no Israeli ideology, policy or plan to segregate, persecute or mistreat the Arab population.

Apartheid was a uniquely repressive system, through which South Africa’s white minority enforced its domination over the black and other non-white racial groups who made up more than 90 percent of the population.

Apartheid – which means “separate development” in the Afrikaans language – was enabled through a host of laws such as the Group Areas Act, which banned blacks from “white areas,” the Prohibition of Mixed Marriages Act, which prevented blacks and whites from marrying or even having sexual relations with each other, and the Bantu Education Act, which regulated the education of black children in accordance with their subservient social position. The regime imposed “Bantustans,” impoverished autonomous homelands whose borders were designed to exclude economically viable land, upon 12 million black South Africans.

No such laws exist in Israel, which pledged itself to safeguard the equal rights of all citizens in its Declaration of Independence. Nor is there any Israeli ideology, policy or plan to segregate,
persecute or mistreat its Israeli Arab citizens, nor Palestinian Arabs in the West Bank (Israel already unilaterally disengaged from the Gaza Strip in August 2005). Nor does Israel want to indefinitely rule over the Palestinian population of the West Bank. Israel's measures in the territories, such as the building of a security barrier, checkpoints and curfews on the Palestinians are driven not by a racist ideology but are a result of legitimate security concerns on Israel's part and are the consequence of a campaign of terror by Palestinian terrorist groups such as Hamas which, in deliberately targeting civilians, have claimed over 1,000 innocent Israeli lives. Israel has declared its acceptance, in principle, of a sovereign Palestinian state in most of the West Bank and Gaza Strip, to be established as the result of bilateral Israeli-Palestinian negotiations. As Benjamin Pogrund, the prominent South African Jewish journalist who was imprisoned by the apartheid regime, has written: “Palestinians are not oppressed on racial grounds as Arabs but are, rather, the competitors in a national/religious conflict for land.”

The South African divestment campaign targeted companies who were exploiting black labor. In contrast, Israeli and Palestinian workers have both suffered enormously from the economic downturn brought about by the years of violence and conflict.
APPENDIX G: Selected Resources

The Delegitimization Challenge: Creating a Political Firewall (Reut Institute)

The Gaza Flotilla: The Collapse of Israel’s Political Firewall (Reut Institute)

What’s Wrong with the One-State Agenda?
Why Ending the Occupation and Peace with Israel is Still the Palestinian National Goal by American Task Force for Palestine Senior Fellow Hussein Ibish
http://www.americantaskforce.org/sites/default/files/HusseinBook(SinglrPages)2.pdf

BDS in Berkeley: breakthrough or falling at the first hurdle? by Hussein Ibish
http://www.ibishblog.com/blog/hibish/2010/04/17/bds_berkeley_breakthrough_or_falling_first_hurdle

Tony Blair’s Speech on the Eve of Peace Talks: Stop Delegitimizing Israel

Campaigns to hurt Israeli economy really hurt Middle East peace by Jon Haber

Anti-Israel Boycott Movement is Misplaced by Marc Dollinger

Bishop Tutu and "Israeli Apartheid" by Simon Deng

Middle East Report: BDS in the USA, 2001-2010 by Noura Erakat
http://www.merip.org/mer/mer255/erakat.html