**Countering BDS with LAW**

The following article was translated by Private Hanna Rifkin, from the IDF J-3/7 International Cooperation Branch.

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Brooke Goldstein, is a graduate of McGill University and Cardozo School of Law in NYC. Goldstein founded The Lawfare Project in 2010, a nonprofit advocacy organization based in New York City which serves as a legal think tank and litigation fund to uphold the civil and human rights of the Jewish people and pro-Israel community worldwide (<https://www.thelawfareproject.org/staff-bios>).

Some additional interviews with her can be found on:

* <https://www.newenglishreview.org/Jerry_Gordon/CAIR_and_Lawfare%3A_an_Interview_with_Brooke_Goldstein/>
* <https://blogs.timesofisrael.com/is-the-claims-conference-fulfilling-its-mission/>

**“The BDS law will force Google out of Ireland”**

*Brooke Goldstein, lawyer, advocate founder and CEO of the Lawfare Project, is confident that a successful BDS fight requires legal activism rather than campaigns and record successes. She has closed Kuwait Airways lines, pushed Google to remove anti-Semitic content, and prompted San Francisco to commit itself to stop discriminating against Zionism.*

**Two weeks ago, a memorandum was distributed to Irish members of parliament. What’s the story here?**

“In November 2018, the lower house of Ireland approved a bill imposing a fine or imprisonment for anyone buying and selling/distributing products from the settlements We warned them that passing the BDS law could wipe out their high-tech industry.”

“We wrote to them that if the law will pass, it will obligate Irish companies to boycott Israel, these companies won’t be able to do business with the United States. This will destroy the Irish economy. Google has a headquarters there; it can’t cooperate with the Irish boycott and will have to take its business away from there.  Hundreds of workers will lose their jobs.”

**You already have had successful experience with Google.**

“Last year, we demanded that they remove ten of the most anti-Semitic websites in Spanish, including a number of Neo-Nazi websites. We thought that we may need to take it to court, but Google contacted us, and now works with us reforming policies to ensure that websites which violate the Spanish law against discrimination will not appear in the search engine.”

**Why specifically in Spain?**

“Because BDS has a strong branch growing in Spain. A Spanish lawyer brought to our attention that various Spanish local authorities were passing laws in the spirit of BDS. We sued in the name of the Ibiza Jewish community, about 50 BDS-style decisions of local Spanish authorities and we brought them down.”

**What was your flagship portfolio?**

“The prosecution against San Francisco State University (SFSU) is the most important prosecution in Jewish contemporary history in the United States.  This campus is the basis of the boycott movement on Israel. We sued the university, claiming a series of law violations.”

“After one meeting, the university notified that it wants to settle and we received everything we wanted and more. In the settlement agreement it was also determined that the university will not allow destruction of Israeli events, as has occurred at a past event of MK Nir Barat, and that they will not prevent participation of Jewish organizations in university fairs.”

**Why is this so important?**

“California’s law against discrimination forbids discriminating against someone for religious reasons.  The anti-Semites claimed that they don’t discriminate because of Judaism, rather they have a problem with Zionists and Zionism is a political position.  In SFSU’s case, for the first time we received a statement from an American government body that recognizes Zionism as part of the Jewish identity.  Therefore, any expression of Zionism protected by law and discrimination against a Zionist is violation of California’s anti-discrimination law.”

**‘To aggressively demand our rights’**

**Is there a rise in anti-Semitism and boycotting Israel?**

“All evidence proves that there’s an increase.  There isn’t just a rise in anti-Semitism, what is particularly striking is that they aren’t only extremists like neo-Nazis, radical left-wing activists and Islamists, it’s now mainstream. The situation on American college campuses has also become much more difficult.”

**How do you explain the anti-Israel activities on American college campuses?**

“The seeds of what is happening at American colleges were planted 15-20 years ago, when foreign governments funded American campuses. For example Qatar, the second largest terror state, funded Georgetown University’s journalism school.  Foreign governments fund ethnic studies departments and lecturers that teach not just anti-Semitism but anti-Americanism.  The real problem is foreign funding of American colleges and the exploitation of the American educational system for anti-American political purposes.”

“This is the reason why voters support politicians like Alexandria Ocasio-Cortez (a member social-democrat member of Congress from New York who compared the immigration detention centers in the southern United States to the Nazi concentration camps) and democratic member of Congress of Palestinian origin Rashida Tlaib, and all of these people, they were educated on American college campuses.”

**And what’s the solution?**

“The solution is not to cry anti-Semitism and to write letters to the editors, rather to demand aggressively our rights in courts around the world.  We won’t stop anti-Semitism unless we turn stopping it into the interests of anti-Semites.  People act on their own interests.”

“When Rutgers University in New Jersey hosted a fundraising event for another flotilla from Turkey to Israel, the president of the university said that it’s included in freedom of speech. We sent a 30-page letter which stated that if they pass even one penny for this purpose, it would be a possible violation of the Terrorist Organization Assistance Law, which carries a prison sentence of up to 20 years… So he didn’t release the money.”

“Federal legislation is required to limit foreign funding to American educational institutions and to ensure that each such case is reported.  Foreign governments have no right to fund movements that try to destroy and re-educate young people in the United States and destroy the country.”

“American parents take very seriously the question of where their children will attend college.  They must know who funds the ethnics department, who hires the teachers and what their stances/positions are.  There should also be a database which shows what money goes where and for what purposes.”

**Meanwhile, it seems that at least economically, the BDS movement is a failure.**

“I read Israeli government statements that BDS does not have an economic impact and our surveys show that it doesn’t affect consumer choices.  But this does impact some of the Israeli companies, such as wineries, whose wines were removed from shelves.”

“There’s a lack of awareness on part of the Israel companies.  They need to know that if they’re discriminated against, the can sue for their lawful rights and win in court.  There’s also the effect of fear.  For example, SodaStream were afraid of the impact, so they moved their plant.

“BDS is a name that sounds like a civil rights movement, but that’s not the right narrative.  BDS should be treated as an expression of illegal anti-Semitic commercial discrimination— which is actually what it is.”

**You came to Israel for the International Conference to Combat BDS, organised by the Ministry of Strategic Affairs.  What does Israel do to combat BDS?**

“Truthfully, I don’t know.  That’s one of the reasons why I came to the conference— to learn what their plan is.  We need a strategic answer, because at the moment we just shoot the dead\*\*. We are a group  of pro-Israel organizations that don’t coordinate or communicate with one another.  This conference forces us to talk to each other.”

**260 Israeli academics called for the German government not to make a decision to condemn BDS.  What are your thoughts?**

“They’re idiots, mistaken and stupid and they need to get their heads checked.  I don’t know what psychologically damaged them, maybe it’s a desire for fame.”

**You are also fighting Kuwait Airways.**

“The company refuses to fly Israelis.  In their JFK lease it says they are committed to the law, so we sent a letter to the New York Airports Authority asking if they know that the company is violating the New York Anti-Discrimination Act (in its refusal to bring Israeli passport holders on its line between London and New York).  The Authority informed the Kuwaitis that they were obliged to uphold the law or they would lose the right to land. The Kuwaitis hatred of the Jews is so great that they’d prefer to cancel the line.

“Then we turned to the Europeans and threatened legal action, and we forced the Kuwaitis to cancel all their internal flights in Europe.  What remains are only lines with passage or stop in Kuwait, because according to international law, the state has the right to refuse entry to anyone for any reason.”

**What’s the next step?**

“The tourist website Expedia provides air routes to Kuwait as a platform for selling flights.  Expedia should consider whether what they’re doing is not an apparent violation of American law, which prohibits the Arab boycott of Israel.  We’re going to approach them.  I think that when they understand what’s happening, they will do what Google did and will cooperate and will not approve a foreign country to exploit their company as a tool for discrimination.”

**Claims won’t cause people to not be anti-Semites.**

“I’m not a psychologist, my job is not to cause an anti-Semite to change his views.  My job is to make sure that an anti-Semite cannot violate the law.  And this will 100% change the situation.”

**The Reform and Conservatives claim there’s a crisis in Jewish US-Israeli relations that could harm support for Israel.**

“I don’t think that there is a crisis in the relationship, but there is a crisis in identity with American Jews.  I can’t explain why they have such a disease in which they are so ashamed of themselves and ashamed to be Zionist. Who can find a window for the Jewish soul?  We suffer from many psychoses.”