

Ameinu joined with six other pro-Israel organizations in writing a letter to over 30 U.S. state governors calling on them not to take legal action against Ben & Jerry's in response to its decision to no longer sell ice cream in occupied Palestinian territory. Ameinu opposes BDS and actively advocates against it, however Ben & Jerry's decision is not a boycott of Israel. The letter below explains our thinking on this matter. Today the Washington Post reported on the letter [here](#).



July 26, 2021

Dear Governor,

We are US pro-Israel organizations representing hundreds of thousands of Jewish Americans, including thousands of Jewish clergy, and other supporters of Israel in the United States. As advocates for Israel and a future in which it thrives as the democratic homeland of the Jewish people, we oppose calls to take legal action against Ben & Jerry's or its parent company Unilever in response to its decision to no longer sell ice cream in occupied Palestinian territory.

A number of opponents of Ben & Jerry's decision have incorrectly labeled it a boycott of Israel, delegitimization of Israel, or an endorsement of the global BDS movement. We are especially dismayed that some have degraded the discussion around the issue by calling the move antisemitic, a dehumanization of the Jewish people, and even an act of

terrorism. Such discourse not only clouds the facts, but is extremely polarizing, deeply painful to many Jews and harms the fight against the growing tide of actual, deadly hatred that our community faces worldwide.

None of our organizations endorse boycotts of Israel or support the global BDS movement — and many of us actively advocate against them. At the same time, like Ben & Jerry's, we make a clear distinction between the State of Israel and the Palestinian territories it militarily occupies. This critical differentiation between the State of Israel and the settlements established in occupied territory in violation of international law is rightly recognized and maintained in various ways by official US policy and the constitutionally-protected actions of private individuals and organizations.

Most Jewish Americans support policies that reflect this important distinction. For example, a recent poll of Jewish voters in the United States found that a majority support both continued US military aid to Israel and measures to ensure that such assistance is not used in connection with expanding settlements ¹. We also note that the McDonald's franchisee in Israel has declined for many years to open a restaurant in the settlements ². In contrast, both the global BDS movement and supporters of the settlements argue against this distinction between Israel and the occupied territories, asserting that the entirety of the land should be treated as a single political entity. That approach forecloses the possibility of a peaceful two-state solution to the Israeli-Palestinian conflict — a solution supported by a supermajority of American Jews and Americans overall, and which is the official policy of the US government.

We are also deeply concerned that moves to penalize those who choose to protest settlements, the occupation or Israeli policy at large violate Americans' fundamental constitutional rights and dangerously create a false dichotomy between freedom of speech and support for Israel. We have joined First Amendment advocates like the American Civil Liberties Union in opposing recent state and local "anti-boycott" laws, as well as similar bills at the federal level, on free speech grounds, and because they have the potential to be weaponized against political opponents and to silence Palestinians and human rights advocates. Several such laws have already been ruled unconstitutional by federal courts in states such as Texas, Arizona and Kansas.

No matter how strongly one might disagree with or oppose the rhetoric or goals of specific movements and efforts, the right to boycott is an important part of our democracy. Over 70 percent of Americans — including supermajorities of Democrats, Republicans and Independents — oppose laws that penalize those who boycott Israel, because they believe such measures "infringe on the Constitutional right to free speech and peaceful protest."³

Using the full force and power of government to penalize those who exercise their rights in opposition to Israeli policy does nothing but generate further attention and sympathy for boycotts, and frames backing Israel as being in opposition to fundamental freedoms in the minds of many Americans. That is a strategic disaster for those, like us, who are trying to maintain and grow a healthy US-Israel relationship.

We greatly appreciate you taking the time to consider the full range of views within the Jewish and pro-Israel community on this complex yet consequential matter, and would welcome the opportunity to further discuss it with you and other relevant state officials.

Sincerely,

Ameinu

Americans for Peace Now

Habonim Dror North America

J Street

New Israel Fund

Partners for Progressive Israel

T'ruah: The Rabbinic Call for Human Rights