

## ISRAEL: BOYCOTT AND DIVEST!

On this, the 70<sup>th</sup> anniversary of the Guild's founding and in the 40<sup>th</sup> year since the 1967 Middle East War, and as the 60<sup>th</sup> anniversary of the creation of the State of Israel approaches, we revisit an issue that has been controversial in the Guild since our first decade.

**Whereas:** Almost 60 years ago, in the aftermath of an attempt to annihilate European Jewry, the NLG resolved to support the establishment of the State of Israel. While the Guild may have adopted that resolution out of a concern for the Jewish victims of the Holocaust, Guild members did not anticipate that the establishment of the State of Israel could only be accomplished by allying with western neo-colonialism and that as many as 800,000 Palestinians would be forced to leave their homes, have their lands confiscated and live in a Palestinian Diaspora under conditions that echo centuries of Anti-Semitism. Thus, whatever tenuous "safety" Israel has offered Jewish citizens, its creation resulted in the al-Nakba, the Palestinian catastrophe. (See Note 1, below.)

**Whereas:** After the 1967 War and the uprooting of another 400,000 Palestinians, the Guild condemned human rights abuses in the occupied territories: the building of "Jewish-only" colonies and settlements on confiscated land, where Israel transferred hundreds of thousands of its civilian population; the demolition of homes; and the institution of other forms of collective punishment. And, in 1978, we resolved to support the establishment of a Palestinian state alongside the State of Israel.

**Whereas:** In the last 30 years, the Guild repeatedly has condemned Israel for actions which have made the creation of a Palestinian state increasingly unlikely and unjust. Palestinians have been forced to live under siege-like conditions, a system of checkpoints, road closures, military bases, barricades, curfews and now an apartheid wall severing communities. Palestinians are denied adequate supplies of food, water, access to education, health care and the opportunity to earn a livelihood. Cumulatively, these conditions amount to a policy of "low intensity transfer" of the civilian population. See: the June, 2007, report of Amnesty International: *Enduring Occupation: Palestinians under Siege*. [http://www.ai.orwww.amnesty.org/resources/Israel\\_Report0706/](http://www.ai.orwww.amnesty.org/resources/Israel_Report0706/).

**Whereas:** Israel is committing these human rights violations with U.S. aid, in violation of the U.S. Arms Export Control and Foreign Assistance Acts. And now the US Government is arming one side in a tragic internecine conflict within the Palestinian community.

**Whereas:** Israel's human rights violations are not limited to the Occupied Territories. Inside Israel, Palestinians are subjected to a system of *de jure* discrimination administered by the State and quasi-governmental entities. Land-ownership practices and harshly discriminatory immigration laws, for example, strongly favor Jewish citizens. Settlements serving only Jewish citizens have been massively supported by the State to facilitate Jewish immigration and to secure an expanded Jewish State. At the same time, Israel continues to deny Palestinian refugees their "Right-of-Return" to lands inside Israel and in the Occupied Territories, a right guaranteed by international law and UN Resolutions.

**Whereas:** These conditions cannot stand. The world must act now to avert an even greater catastrophe and not just for these peoples: No current dispute over rights and land is more threatening to world peace than this conflict.

**Whereas:** Palestinian labor organizations, civic organizations and other entities have called for a Boycott of, Divestment from and Sanctions against Israel, (“BDS”), until it complies with International law and universal principles of Human Rights, see: <http://www.badil.org/Boycott-Statement.htm> and a growing number of progressive organizations and other entities throughout the world are responding to this BDS appeal.

**Whereas:** We recognize that the Guild’s prior resolutions do not take into account the evolving and different positions within our organization on "Final Status" issues, (e.g., two states versus one state): Some of us still desire a permanent Palestinian state established alongside Israel but only after a complete Israeli withdrawal from all lands occupied in 1967, the dismantling of the apartheid wall, all settlements, security roads, etc., and with Jerusalem as its capital. Many other Guild members, however, believe that the concept of a Jewish state in a land also inhabited by Palestinian Arabs--both Muslim and Christian--and other non-Jews, is inherently objectionable because it is based on religious and ethnic discrimination against even some of its own citizens, in contravention of the *UN International Convention on the Elimination of All Forms of Racial Discrimination, (1965)*. (See Note 2, below.) Some of us accept the concept of a Palestinian entity in the occupied territories only as a step towards a bi-national, secular state; others reject the concept of "Two States" as a prescription for the permanent "Bantustanization" of Palestine. All of us, however, completely reject Israel’s six-decade-old effort to deny or destroy the Palestinian Nation by seizing its land and forcing its people to emigrate. We therefore unite around the following essential demands and CALL TO ACTION:

Therefore, Be It Resolved That: The NLG calls for: (a) A complete Israeli withdrawal of settlers and soldiers from the territories acquired by force in 1967, including that Israel dismantle its walls, checkpoints, roadblocks, and other methods of control over Palestinians without requiring the Palestinians to agree to a "final status" of the conflict; (b) Equal rights for all within Israel's pre-1967 boundaries; (c) Full implementation of the right of refugees and their descendants to return to their homes and villages and to receive just compensation, in accordance with international law and UN resolutions, and d) An end to U.S. military, economic and other assistance to Israel.

### **We Further Call Upon Guild Members and the Guild To:**

1) DIVEST, in principle and practice, from Israel, (as we resolved to do in 2004), and BOYCOTT all Israeli products, commercial services and travel to Israel *except travel to engage in human rights or other “solidarity” work consistent with the principles of this resolution or “fact finding” and “solidarity” delegations.*

2) Form local "40/60 Committees" to conduct educational events locally, to organize more fora, symposia and new delegations to Palestine to deepen our understanding of the anti-imperialist and liberation struggles taking place there, and to participate in local and national activities in recognition of the 40<sup>th</sup> anniversary of the occupation and the 60<sup>th</sup> anniversary of al Nakba, on a non-sectarian basis. That is, we call for participation from all who support these demands without regard to disagreements over the number of states that eventually will emerge, or other issues. In abstaining from taking a position on these "Final Status" issues, we affirm that it is not the role of the National Lawyers Guild –an organization of American lawyers and legal workers– to take positions on these issues or the negotiating positions of the Palestinians or their final demands; these matters are for the Palestinians to decide.

3) Reaffirm its commitment to legally defending organizations, academics and activists who are being fired, prosecuted or otherwise targeted for their pro-Palestinian rights positions and activities, and to oppose the attempts by right-wing Israeli supporters in the U.S. to attempt to stifle pro-Palestinian support work on campuses, in the anti-war movement, in the media and elsewhere. We call upon the Guild to recruit an "army of lawyers" –to quote Alan Dershowitz (who threatens to do the same to punish supporters of Palestinian rights)-- to support Palestinian activists and academics under attack.

**Implementation:** By the Middle East Subcommittee, and/or "40/60 Committees" established under the auspices of the International Committee, and/or local NLG Chapters.

**Note 1/** The expulsion of well over a million Palestinians in 1948 and 1967, and the continuing military campaign for control of the Occupied Territories and continued settlements, stem from a deliberate Israeli policy of forcing Palestinians off their lands in order to facilitate expanding Jewish settlements both inside Israel and in the Occupied Territories and to secure a Jewish State. The Palestinian tragedy was not the unfortunate consequence of war! Indeed, the great weight of historical evidence is that the seizure of Palestinian lands in 1948 and the subsequent elimination of over 450 Palestinian villages and their eventual re-settlement or control by Israeli Jews or quasi-governmental entities, was a deliberate and planned event. See the materials included in the Bibliography at the end of this Resolution. We condemn in the loudest voice we can muster, the continued removal, whether forced or by other means, of Palestinians from their homes and lands and the Israeli policies cited in the body of this Resolution, which reflect a policy of forced emigration and the desired goal of population transfer.

**Note 2/** Some of us do not think of "ethnic discrimination" however odious, as "racism" but others do, noting that under Article 1 of the Convention on the Elimination of All Forms of Racism, <http://www.ohchr.org/english/law/cerd.htm>, "racism" is specifically defined to include "discrimination based on race, color, descent, or national or ethnic origin..." but not religion. Accordingly, those who condemn these Israeli practices as involving racism generally view Hutu discrimination (genocide, actually) against Tutsi, or Serbian discrimination against the Croat or Bosnian peoples, as "racism." Under this view of international law, Anti-Semitism also qualifies as "racial discrimination" because of its origin in ethnic animosity towards Jewish people as well as from religious intolerance. See: Merton, *The Meaning and Reach of the International Convention on the Elimination of All Forms of Racial Discrimination*, The American Journal of International Law, Vol. 79, No. 2 (1985) p 223.

The Resolution's co-sponsors are (contact person is Matt Ross [mross@leonardcarder.com](mailto:mross@leonardcarder.com))

<i>Ashlee Albies:</i>	Chairperson, NLG Portland Chapter
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<i>Audrey Bomse:</i>	Coordinator, United Against Torture Coalition, project of the Italian Consortium of Solidarity, Jerusalem.
<i>John Brittain:</i>	Former NLG President and long-time member of National Conference of Black Lawyers.
<i>Michael Deutsch</i>	Past Legal Director of CCR and lawyer with People's Law Office in Chicago, lawyer for Palestinian activist Muhammad Salah
<i>Barbara Dudley:</i>	Former NLG President (1983-85) and National Executive Director (1983-87).

*Noura Erekat:* Palestinian-American Attorney; Organizer, U.S. Campaign to End the Israeli Occupation.

*Debra Evenson:* Former NLG President

*Dave Gespass:* Former NLG Southern Region Regional Vice President and Editor in-Chief, *Guild Practitioner*.

*Steve Goldberg:* Past Chair, NLG International Committee.

*Bill Goodman:* Former NLG President; former Litigation Director, Center for Constitutional Rights

*Paul Harris:* Former NLG President (1979-1980).

*Barbara Harvey:* Board member, former Legal Director, ACLU of Michigan, former faculty, Wayne State Law

*Zaha Hassan:* Palestinian-American Attorney and activist, Former Co-chair of the U.S. Campaign To End The Israeli Occupation.  
Former Co-Chair, Middle East Subcommittee.

*Abdeen Jabara:* Past President, Arab-American Anti-Discrimination Committee; Co-founder Palestinian Human Rights Campaign, Founder, Association of Arab-American University Graduates

*Kathy Johnson:* Military Law Task Force Steering Committee; former Int'l Committee Steering Committee

*Karen Jo Koonan:* Former NLG President (1999-2001).

*Jim Lafferty:* Executive Director, NLG L.A. Chapter; Former NLG National Executive Director, NLG.

*James Marc Leas:* Former Member of the Middle East Sub-Committee Steering Committee (2005-2006).

*Jody LeWitter:* Former Vice President of Bay Area and Detroit Chapters

*Jeanie Mirer:* Past NLG Treasurer, RVP, and Past President, Detroit Chapter; current Secretary General, IADL (International Association of Democratic Lawyers).

*Matthew Ross:* Bay Area Chapter; Participant, 1977 NLG Middle East Delegation.

*Steve Saltzman:* Former NLG Treasurer (1979-1982) and Past President, NLG Chicago Chapter.

*Michael S. Smith:* Participant, Guild delegation to Israel/OT, 1985. Testified at the U.N. on violations of Palestinian rights

*Marc Van der Hout:* Former NLG President, 1984-1985); Co-lead counsel, "LA 8" case, (group of Palestinian activists facing deportation for 20 years)

*Marilyn Waller:* Former Chapter President, Bay Area Chapter.

*David Weintraub:* Bay Area NLG Mentorship Project, Founder.