



The Electronic Intifada

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Activism News

Uncovered: Israel's role in planned US lawsuit to fight BDS

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The Electronic Intifada

6 September 2011



Israel is busily attempting to disrupt the boycott, divestment and sanctions movement in support of Palestinian liberation and self-determination.

(Anne Paq / The Electronic Intifada)

A group of pro-Israel activists, backed by StandWithUs, a national US pro-Israel US organization, is planning to take legal action to force the Olympia Food Co-op to rescind its historic decision to boycott Israeli products.

The Electronic Intifada has obtained a copy of a 31 May 2011 letter sent to the Board of Directors of the Olympia Food Co-op in Olympia, Washington, threatening “expensive” legal action if the pro-Israel activists’ “demands” to end the boycott of Israeli products are not met.

Other documents, supported by interviews, confirm that the Israeli government has taken part in discussions about, and been given advance knowledge of, the planned lawsuit and another planned action against Evergreen State College in Olympia in response to Palestine solidarity activism by students.

Evergreen State is noted for being the school attended by Rachel Corrie, who was killed by an Israeli occupation soldier operating a bulldozer in the Gaza Strip in March 2003.

These developments indicate new, even more aggressive tactics by pro-Israel organizations to suppress, deter and malign any form of Palestine-related dissent, protest or solidarity action.

An historic vote

On 15 July 2010, the Olympia Food Co-Op (OFC) became the first grocery store in the United States to ban Israeli-made items from its shelves.

The highly symbolic action, which gained global attention, came in response to the Palestinian civil society call for boycott, divestment and sanctions (BDS) measures against Israel until Israel respects Palestinian human rights and international law.

From the first moment the boycott resolution was passed, Olympia community members who supported and organized for it were accused of anti-Semitism by the Northwest chapter of StandWithUs.

Now, StandWithUs is taking its assault against the OFC to a new level with its backing for legal action.

Also in June 2010, students at Evergreen State College voted overwhelmingly to back an initiative calling on college administrators to divest the school's assets from any companies that profit from Israel's occupation of Palestinian lands, and specifically Caterpillar Corporation, which makes bulldozers Israel uses to demolish Palestinian homes.

It was a Caterpillar bulldozer that Israeli forces used to kill Rachel Corrie as she attempted to prevent such a demolition. According to a StandWithUs flyer (PDF), Rachel Corrie "died in Gaza after interfering with Israeli counter-terrorism operations."

Documents show that in addition to targeting the Olympia Food Co-op, StandWithUs is helping to plan a civil rights complaint against Evergreen State College.

Threat of legal action against Olympia Food Co-op

The 31 May letter ([PDF](#)) sent individually to members of the Olympia Food Co-op Board of Directors is signed by five individuals who identify themselves as “members of the Olympia Food Co-op (‘OFC’) who oppose OFC’s boycott of Israeli made products (‘Israel Boycott’) and divestment from Israeli companies (‘Divestment’).”

The five are Kent L. Davis, Linda Davis, Susan Mayer, Susan G. Trinin and Jeffrey I. Trinin. All except for Mayer also appeared in a StandWithUs Northwest video published on YouTube in June entitled “[Why BDS Scars Don’t Heal: A StandWithUs Production.](#)”

The video alleges that the BDS effort in Olympia has been motivated by and generated anti-Semitism, and was run by a secretive and conspiratorial “dark organization” from outside the community.

It also claims that the BDS effort in Olympia and a similar initiative in the town of Port Townsend, north of Seattle, last year had generated “a climate of fear and terror for Jews.”

The activists’ letter makes sweeping allegations that the OFC board engaged in “numerous procedural violations” in passing the boycott of Israeli goods, but it does not provide any examples of such violations.

The letter writers claim to have made many sincere efforts to rectify the unspecified “violations” but asserted that their complaints had “fallen on deaf ears as the Board steadfastly refuses to revisit its position on the Israel Boycott and Divestment policies.”

“At this point,” the letter states, “we are left no choice but to demand in no uncertain terms that OFC act in accordance with its rules and bylaws and rescind the Israel Boycott and Divestment policies.”

The letter sets a thirty-day deadline for a response and adds, “Regrettably should the board reject our demand, we are prepared to pursue relief through the court system.”

The pro-Israel activists’ letter concludes, “If you do what we demand, this situation may be resolved amicably and efficiently. If not, we will bring legal action against you, and this process will become considerably more complicated, burdensome, and expensive than it has been already.”

Lawsuit “a matter of time”

Reached by telephone, Avi Lipman, a Seattle-based attorney that The Electronic Intifada learned represents the letter writers, confirmed that two letters had been

sent to the OFC board — the 31 May letter obtained by The Electronic Intifada and a follow-up.

However, Lipman said that a lawsuit had still not been filed, and “there is still an opportunity for the board to take the remedial action my clients have asked for.”

Lipman would not specify any procedural violations made by the OFC board. “I don’t want to get into it in any detail,” he said, indicating that the 31 May letter described “in general terms what our concerns are.”

But Lipman did not seem optimistic that the board would rescind the boycott decision as demanded. After the initial thirty-day deadline, Lipman said his clients had given the board an additional fifteen-day period to act.

“That time has also expired,” Lipman said. “The board has indicated that it plans to stand by the actions it has taken, so it seems clear to me that remedial action will not be taken.”

“It’s just a matter of time before we go to court and seek relief from the court,” Lipman added.

Lipman was keen to emphasize that his clients’ complaints were not based on the substance of the BDS decision, but merely the alleged, unspecified procedural violations. “The issue is how the process unfolded and the procedures that were followed and not followed by the board,” Lipman said.

He stressed that if the boycott of Israeli goods was revoked, and then reinstated according to the proper procedures, his clients would abide by it.

“An allegation that doesn’t have an allegation”

“We don’t have any statement on the non-existent lawsuit,” Jayne Kaszynski, Staff Representative to the Olympia Food Co-op Board, told The Electronic Intifada. “It’s pretty much impossible to respond to an allegation that doesn’t have an allegation.”

Kaszynski said that the BDS decision and the procedures used to reach it had generated widespread public debate among Co-op members, especially on the OFC’s blog. She added that any member who was unhappy with a decision of the board had “democratic alternatives” to legal action.

“If you’ve read the bylaws you know that we have a simple member petition process. Any member can create a petition and if they get 300 members to sign it, they can get pretty much any issue put on a ballot,” Kaszynski said.

The OFC has 22,000 active members, according to Kaszynski, “so the 300 signature requirement is not very high. So far no one has exercised this democratic right in relation to the boycott.”

The petition procedure is described in the [Olympia Food Co-op Bylaws](#).

Lipman, however, said his clients did not think they should use this procedure because they see the original boycott decision as illegitimate, and therefore the burden should be on the board, not on his clients, to take remedial action.

Smearing BDS as “anti-Semitism”

At one point, the StandWithUs YouTube video briefly displays an image of a Nazi Swastika superimposed on a Star of David, with a caption above it stating “Actual image from handout.”

The video provides no information on where this handout was supposedly distributed or any evidence that it has anything whatsoever to do with the Olympia Food Co-op.

Yet the smear is clearly meant to tar any and all BDS supporters — presumably including those who self-identify as Jewish — as anti-Semites.

“I really don’t think it’s comfortable for Jews to live in the city of Olympia and be outwardly expressing Jews,” Kent Davis, one of the letter writers, claims in the video. “You know, you can be a closet Jew and that’s fine. I just don’t feel comfortable discussing my religion or my beliefs in a mixed group environment anymore.”

As with the swastika “handout,” no evidence is ever presented of any specific incidents that back up this grave charge likening placid Olympia to 1930s Berlin, or to link the alleged climate of fear to the Olympia Food Co-op’s boycott of Israeli goods.

A “dark” outside conspiracy

In the StandWithUs video, the letter writers and other speakers allege that the BDS action at the Olympia Food Co-op was planned by a shadowy organization that came in from outside the community, and then disappeared leaving behind acrimony and conflict from which there has been no “healing.”

None of these allegations come with any specifics or facts and the overall tone is conspiratorial.

“It’s amazing that I’ve been pushed aside as a Jew in this town because of the BDS,” says Tibor Breuer, identified as an OFC member in the video. “It’s a very, very dark organization that has no interest in anything that has to do with the two-state solution.”

BDS is, in fact, not an “organization,” but the term given to a set of principles and tactics which have been taken up by independent individuals and solidarity groups all over the world in response to the 2005 Palestinian civil society call for boycott, divestment and sanctions measures on Israel until Israel ends its human rights violations and respects Palestinian rights and international law.

“When BDS comes into these communities, they just divide people in all sorts of ways and then they leave and the community is stuck with having to somehow heal and we can’t heal yet,” Linda Davis, another of the five letter writers, alleges in the video.

“BDS was over there in Europe celebrating their victory, and we’re stuck with this shit,” Breuer adds.

In fact, at the time the OFC boycott was passed, and since, those who initiated it spoke frequently to the media, and all have been local Olympia community and Co-op members.

Ironically, Robert S. Jacobs, the director of StandWithUs Northwest, acknowledges as much.

Refuting suggestions that the pro-Israel counterattack against BDS is centralized, Jacobs told The Electronic Intifada, “Similar to the BDS movement, we’re made up of activists in the community who passionately feel they want to express a certain perspective and hope that opinion leaders will adopt that perspective.”

Jacobs admitted in the interview that there was no such thing as “BDS central.” Yet the video that bears the StandWithUs name and features the letter writers paints an altogether different picture.

Meanwhile, the vilification of Palestine solidarity activists as anti-Semites is not surprising given the views of some of the StandWithUs leadership.

One board member and founder in Los Angeles, Mordechai “Moti” Gur, describes the purpose of StandWithUs in the following terms on the website for another organization he founded: “We combat the soft jihad and local intifadas by Muslim organizations by exposing everyone to the light of truth” (The Moses Project).

Other StandWithUs documents and websites routinely malign Palestine solidarity activists — including the nine civilians killed by Israeli commandos on the Mavi Marmara as “jihadists.”

But while the pro-Israel activists in the StandWithUs video allege — without offering a shred of evidence — that OFC was the victim of a “dark” external conspiracy by anti-Semitic outsiders bent on dividing their community, they themselves are receiving significant external backing.

How StandWithUs describes its role

StandWithUs is a national pro-Israel advocacy organization which has taken a lead in fighting “delegitimization” and BDS.

Pro-Israel groups and the Israeli government have since last year claimed that virtually all Palestinian solidarity work amounts to an effort to delegitimize Israel. In recent policy speeches, US officials have vowed to help Israel combat “delegitimization” — though precisely what this means in practice and how it may affect civil liberties and free speech is unclear.

The Northwest chapter of StandWithUs has been particularly active in combating BDS efforts not only in Olympia but at the food co-op in Port Townsend, north of Seattle, where there was an unsuccessful bid to emulate the OFC boycott. (Disclosure: I was invited to Port Townsend in August 2010 to speak at a community event in support of BDS).

But how deeply involved is StandWithUs, and how does the organization liaise with the Israeli government in mounting these local battles?

Jacobs characterizes StandWithUs Northwest as little more than a small local chapter, “a two-person office,” providing basic support and advice to individuals such as those threatening to sue the Olympia Food Co-op.

Jacobs told The Electronic Intifada his group’s contact with the five letter writers was largely limited to providing printed materials, helping bring in speakers and offering advice. He said he had not seen either of the letters sent to the OFC board.

Although Jacobs did acknowledge working with and meeting repeatedly with the letter writers, he characterized the relationship to any potential lawsuit as arms length:

“Since we’re not actually a party to anything down there, frankly we’re not in any of the loop regarding the legal matters. Just from an attorney-client privilege standpoint anything we would do with anybody would be violating some kind of potential

privilege. So, we know that they're doing some stuff. I know they've been working with an attorney. I know which firm it is but beyond that we have not in any way participated in the legal discussion."

Jacobs acknowledged attending one meeting related to the potential lawsuit.

"We were at one meeting, I don't know how many months ago, before anything actually happened," Jacobs explained.

"We had been asked by some of the folks down there if we knew any attorneys up here [in Seattle], so we mentioned a number of names. But I was at a meeting where they had an initial — they had not retained any attorney or developed any permanent relationship with an attorney — when they had someone there talk off-the-cuff about what an attorney could do for them."

Jacobs was also adamant that his office had not done any fundraising toward a potential lawsuit. "I don't foresee us putting any money into a lawsuit," he said, adding, "I don't know of anybody who's giving them money. I'll be that blunt about it."

Jacobs estimated that the amount of money his office had spent on work related to the OFC boycott — presumably not including staff time — amounted to just hundreds of dollars principally for printing flyers and brochures.

The role of the Israeli consulate

Asked what role the Israeli government plays in StandWithUs Northwest's work, Jacobs stated that he personally knew Akiva Tor, the Israeli Consul General for the Pacific Northwest, based in San Francisco, and that Tor would be speaking at an upcoming StandWithUs fundraising event. Jacobs acknowledged that StandWithUs had helped to bring Tor's deputy to speak in Port Townsend.

Jacobs said that the Israeli consulate did not play any "active role" in opposing the OFC boycott, but, he added, "from the information standpoint they want to know what's going on."

"We update him [Tor] on what's happening in the community here," Jacobs said.

"If what you're talking about is if there is some sort of central coordination out of Israel for the activity we are doing here, absolutely not," he added.

Tor had also offered to speak in Olympia, but it had not happened yet, according to Jacobs. "I know he met in a coffee shop with the Corries [Cindy and Craig, the parents of Rachel Corrie]. I heard that from all sorts of people in Olympia," Jacobs stated.

Yet, this characterization is at best incomplete.

A deeper role for Israeli officials?

Although Jacobs has confirmed reporting to Israeli officials what goes on in the local community, the relationship may be even closer than he acknowledged.

A "Weekly Status Report" of StandWithUs Northwest, for the week of 5-11 March 2011 states that the following meetings took place:

"Rob [Jacobs] and Carolyn in Olympia with Olympia activists, Akiva Tor and Avi Lipman on Thursday - Presentation of legal case, discussion of Evergreen strategy and Olympia community speaker opportunities."

Carolyn Hathaway is the co-chair of StandWithUs Northwest.

In his conversation with The Electronic Intifada, Jacobs did not disclose that Israeli Consul General Tor had not only already traveled to Olympia at the behest of StandWithUs, but had participated in a meeting with the activists threatening to sue the OFC and their lawyer.

The "status update" was posted on a website that archives emails sent to members of a private list of StandWithUs affiliates, but the website itself is unprotected.

It appears that this and other documents may have been published inadvertently, given how revealing they are of StandWithUs Northwest's activities and strategy and the contradictions with Jacobs' own characterizations.

Akiva Tor did not respond to a request to speak to The Electronic Intifada left with a staff person at his office.

The attorney, Avi Lipman, would not disclose what was discussed at the March meeting, again citing attorney-client privilege. Lipman said, however, "The Israeli consulate has nothing to do with this action. StandWithUs is not our client. We represent the individual co-op members who have asked the board to take remedial action."

While all that may technically be true, none of it is inconsistent with a close advisory and an eventual fundraising role for StandWithUs and even the Israeli consulate.

Nor does it explain the presence of an official from a foreign government at a meeting in which legal action against OFC and possibly Evergreen State College was discussed.

Lipman would also not discuss how his clients might be able to afford an “expensive” — as the 31 May letter put it — legal action.

Another worrying possibility is that through StandWithUs, and possibly other organizations, Israeli diplomatic missions may collect intelligence about local activists or people who express views sympathetic to Palestinian human rights in order to exclude such people from visiting the occupied West Bank and Gaza Strip on political grounds.

In July, for example, Israel detained and deported dozens of individuals who planned to visit the occupied West Bank at the invitation of Palestinians.

StandWithUs remains fully engaged in Olympia lawsuit

Jacobs’ characterization of his organization’s role with the planned lawsuit as almost incidental is flatly contradicted by another document made public via the StandWithUs email archive.

The agenda for an upcoming 27 September 2011 StandWithUs Northwest Executive Committee meeting includes the following items:

Project Status

- *The civil rights complaint against Evergreen State College*
- *The law suit against the Olympia Food Co-op*
- *Working to shut down the “educational” programs that Ed Mast has circulated to all Washington State social studies teachers and librarians*
- *Speakers Bureau*

Thus the OFC lawsuit and the Evergreen State College civil rights complaint are both “projects” of the StandWithUs Northwest Executive Committee, and firmly on its agenda.

Ed Mast, it is worth noting, is a Seattle-area activist and playwright who has provided educational resources on Palestine.

In addition to everything else, it would appear that rather than merely providing an alternative, pro-Israeli viewpoint, StandWithUs is working to censor and exclude other viewpoints from schools and libraries and exclusively impose its own.

And, far from being merely restricted to its local area, StandWithUs Northwest is apparently assuming a national role:

StandWithUs Northwest helping other regions

- *Helping Avi Posnick in NY oppose the BDS boycott proposal at the Park Slope Food Co-op in Brooklyn*
- *Helping Gail Rubin in Davis oppose the BDS boycott proposal at the Sacramento Food Co-op in Sacramento*

It is clear from its agenda that not only is StandWithUs Northwest playing a continuing role in Olympia, but expanding its anti-BDS activities across the country.

Focus on procedure, not substance

During his interview with The Electronic Intifada, Jacobs characterized the grievances the letter writers had with the co-op in a manner remarkably similar to the 31 May letter which he said he had not seen. He acknowledged that it was StandWithUs' advice that the case should focus on procedure, rather than substance.

"Courtrooms aren't the place to discuss foreign policy and they wouldn't make a decision based on that," Jacobs explained. "The same is true with the board members that were on the board [of OFC] at the time. Most of them were sympathetic to the BDS movement and trying to make an argument counter to theirs would be a huge educational effort and probably not very successful."

This, Jacobs said, was the rationale for focusing on procedure, rather than substantive arguments.

StandWithUs fundraising

Jacobs presents StandWithUs Northwest as almost a shoe-string operation. "We're thought of as this huge, incredibly wealthy organization," he told The Electronic Intifada. "As far as Jewish community organizations go, even on a national basis, we don't have anything near the kind of resources of some other organizations such as ADL or AJC. Here frankly, we barely cover our own costs just in operations."

But public financial filings of StandWithUs, which raises funds under the legal name "Israel Emergency Alliance," (IEA) tell a quite different story.

The IEA's mandatory Form 990 financial filings to the Internal Revenue Service ([available from the website Guidestar](#)) show an organization with \$4.2 million in annual revenue and impressive fundraising capacity.

In 2008, Jacobs himself received an annual salary of \$96,923 for an average forty-hour week, more on a pro-rated basis than StandWithUs founder and national executive director Roz Rothstein who received \$100,000 for an average sixty-hour week, according to the filings. In 2009, Rothstein's salary was raised to \$150,000.

StandWithUs also has an international presence, with an Israeli office and a European base in Brussels, which together accounted for a million dollars in expenses in 2009.

The largest area of expenditure, however, is for campus advocacy at US colleges and universities, which accounted for \$2.6 million in 2009.

Targeting Evergreen State College for student activism

The planned civil rights complaint against Evergreen State College may be an attempt to use alleged incidents of campus anti-Semitism as the basis for a legal action to discredit the divestment campaign at the school.

On 8 November 2010, a story appeared on the news website MyNorthwest.com under the byline of Alex Silverman with the headline "Pro-Israel students harassed, leave Evergreen State."

It alleges that Evergreen State, once an oasis of tolerance, had become a place where some students have faced "torment and harassment" and have even left "simply for expressing their opinions about a controversial issue."

The story claims five unnamed students "transferred out" of Evergreen State because of "harassment," but the only source is a student named Joshua Levine. "There are days I feel uncomfortable walking across campus alone because I wear a yarmulke [Jewish skull cap] on my head," Levine alleges.

Levine, president of the campus chapter of Hillel — another national pro-Israel organization — is also a StandWithUs Northwest Emerson Fellow.

But what were the examples of "harassment" that supposedly led to this situation? Just like the StandWithUs video, the only ones Levine provides conflate Palestine solidarity with "anti-Semitism":

"Checkpoints were erected outside the bus stop," Levine told Silverman. "People claiming to be IDF [Israeli army] veterans shoving toy assault rifles in people's faces, demanding to see their student ID before they could go onto campus."

Students have staged similar actions on campuses across North America to highlight the well-documented abuses Palestinians face living under Israeli military occupation.

The article quotes Israeli Consul General Akiva Tor decrying the supposedly dire situation.

The MyNorthwest.com story also notes: “This summer, the student body at Evergreen State voted overwhelmingly to divest from companies with economic interests in Israel, further fueling the anti-Israel fervor on campus.”

That, it would seem, is what is making Levine so uncomfortable.

Laying the ground for a civil rights complaint

Recently, the US Department of Education began investigating precisely such a civil rights complaint stemming from charges of anti-Semitism because of Palestine solidarity activism at the University of California-Santa Cruz.

That federal investigation is the first of its kind, though it may well be the model for targeting Evergreen State College.

Has StandWithUs, through Levine, been carefully laying the ground for a similar effort to use US civil rights protection legislation to suppress criticism of a foreign government that engages in massive human rights abuses and discrimination of precisely the kind civil rights legislation is meant to prevent?

Importing Israeli repression to the US?

What is particularly troubling about the threatened legal action against OFC and Evergreen State backed by StandWithUs and its close collaboration with the Israeli government, is that it appears to import Israeli tactics of political repression into the United States.

Earlier this year, Israel passed a law that imposes heavy fines on anyone who participates in or advocates a boycott of Israeli businesses, universities and social and cultural institutions or illegal West Bank settlements. The law was strongly condemned by human rights organizations as a violation of basic freedoms.

The threatened legal action against the Olympia Food Co-op may be a “do it yourself” version of the law on US soil. Simply taking someone to court imposes a punishment on them through high legal fees before any judgment is ever rendered. That may be the whole point.

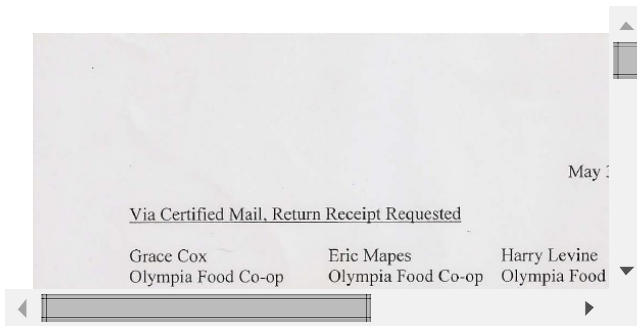
It should serve as a red flag that however small and tight-knit a community, powerful pro-Israel groups, in coordination with Israeli officials, are prepared to go to any length to smear and harass people.

They’ll do whatever it takes to keep people quiet about Israel’s human rights abuses, war crimes and the international complicity that the BDS movement seeks to expose, challenge and bring to an end.

Correction: An earlier version of this story identified major StandWithUs donors Steven and Rita Emerson, who fund the StandWithUs Emerson Fellowship. Following publication of the article, StandWithUs confirmed via Twitter that the Steven Emerson who funds StandWithUs is in no way related to the Steven Emerson who runs the Investigative Project on Terrorism (ITP), and who has been accused of being a leading figure in fostering Islamophobia. The story has been amended accordingly. StandWithUs also stated via Twitter that the Steven Emerson who runs ITP “has never donated nor is he associated in anyway with StandWithUs.”

Ali Abunimah is co-founder of The Electronic Intifada, author of One Country: A Bold Proposal to End the Israeli-Palestinian Impasse and is a contributor to The Goldstone Report: The Legacy of the Landmark Investigation of the Gaza Conflict (Nation Books).

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