

Pompeo's Attack on BDS Is an Assault on Free Speech

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Secretary of State Mike Pompeo broke a long-standing taboo and became the first American secretary of state to visit an Israeli settlement. Then, Pompeo announced that the United States would recognize products made in West Bank settlements as “made in Israel,” thus [erasing a key distinction](#) between Israel within its internationally recognized borders and its settlements, which are illegal under international law.

But even that wasn't enough for Pompeo. Unprompted, [the Secretary declared](#) that the movement for boycott, divestment, and sanctions against Israel, or BDS, is “antisemitic” and a “cancer.”

In a [press statement](#), Pompeo stated that “anti-Zionism is anti-Semitism. The United States is, therefore, committed to countering the Global BDS Campaign as a manifestation of anti-Semitism.” He ordered a State Department funding review to ensure it doesn't go to any groups that support BDS.

The mere designation of BDS as antisemitic is bound to have a chilling effect, making supporters of Palestinian rights wary of engaging in public debate. It will also make an already tense debate even more fraught, with defenders of Israeli policy emboldened to declare opponents who advocate any material pressure on Israel antisemitic.

Will Biden change course?

With only two months left in the Donald Trump administration, the obvious question about this and any other actions the administration carries out is whether a Joe Biden administration will quickly reverse them.

Biden hasn't responded to Pompeo's visit to Israel, and it seems unlikely that he will. Given Trump's refusal to accept the results of the election, his blocking the president-elect's access to information and funding needed for a smooth transition in January, and the many fires, foreign and domestic, Trump is setting, Biden has to weigh the fights he picks with the outgoing administration carefully.

Still, it's unlikely that Biden will reverse Pompeo's stigmatization of BDS upon assuming office. He is more likely to focus on Pompeo's erasure of the distinction between Israel inside its recognized borders and Israeli settlements in the West Bank. That has a direct impact on Biden's ambitions to restart talks between Israelis and Palestinians and resuscitate hopes for a two-state solution.

Biden has made it clear that resuming something resembling the peace process that finally stopped breathing under his and Barack Obama's watch is his priority. That is also an ambition pro-Israel groups can support. The fight over BDS, however, is more ambiguous.

AIPAC was quick to applaud Pompeo's attack on BDS, [tweeting](#),

"We welcome @SecPompeo's announcement that the @StateDept will not fund organizations that support the anti-Israel Boycott, Divestment & Sanctions campaign. U.S. government efforts are critical to thwarting the anti-Israel, anti-peace, discriminatory BDS campaign."

[Democratic Majority for Israel](#) has thus far been silent on the matter.

The American Civil Liberties Union also responded quickly and critically to Pompeo's declaration, [tweeting](#),

"Criticism of Israel, or any government, is fully protected by the First Amendment. Threatening to block government funds to groups that criticize Israel is blatantly unconstitutional."

While groups like J Street oppose BDS, they defend the right to engage in it on First Amendment grounds. J Street president Jeremy Ben-Ami issued a statement focused largely on the settlement issue, but added a call on Biden to, "reverse the harmful and reductive new decision to designate all forms of boycott, divestment and sanctions against Israel or the occupied (territories) as inherently 'antisemitic' — a move that appears intended in part to attack respected NGOs that seek to document human rights violations and to maintain the distinction between Israel and the occupied territory."

Similarly, Rabbi Jill Jacobs of the rabbinical human rights group, T'Ruah, [issued a statement](#) condemning Pompeo's designation of BDS as antisemitic based on the concern that it is a thinly-veiled attempt to criminalize criticism of Israel and to target human rights organizations that document Israeli crimes. "The way to fight distasteful speech is with more speech, not by shutting down the other side," Rabbi Jacobs added.

An unhealthy tightrope

[J Street's statement](#) implies that the issue is not that BDS is a legitimate, if debatable, response to Israel's policies, but that Pompeo's stigmatization of it threatens human rights groups' activity. That's a legitimate and pressing concern, but the statement implies that if the attack on BDS is more narrowly focused, it would be acceptable.

Rabbi Jacobs' labeling of BDS as "distasteful" speech also reflects the difficult balancing act liberal BDS opponents have chosen to walk. It is important to note that this is, indeed, a choice.

T'Ruah, J Street, and others have decided on a stance that does not merely disagree with BDS but calls it, in one way or another, illegitimate, while still defending the right of BDS activists to this illegitimate expression on free speech grounds. The result of that decision is a boost to more [cynical efforts](#) to [characterize](#) criticism of Israel and efforts to create consequences — which are otherwise minimal or even non-existent — for its treatment of

the Palestinians as antisemitism.

The alternative is to disagree with BDS, to debate it as a legitimate position as we do other policy issues. This is not the path that BDS opponents have chosen and that decision leaves them with a weak political argument that ultimately cannot protect the freedom of speech Israel's critics are entitled to.

There are rational arguments for and against BDS, as with any other tactic. But unless one believes that the mountain of reports from the State Department for many years, the United Nations, Amnesty International, Human Rights Watch, B'Tselem, al-Haq, Gisha, the Palestinian Centre for Human Rights, and many other groups are all part of a global conspiracy to sully Israel's reputation, there is nothing "distasteful," "illegitimate," or antisemitic about a call for boycotts, divestment, and sanctions in response to these crimes.

One can argue that Israel does not merit such action, or that it is only going to harm the oppressed group. One can argue that it's an ineffective tactic. But to argue that demanding or creating consequences for human rights violations or to create material pressure for changes in a policy that has caused so much bloodshed and misery for so long is in any way distasteful or illegitimate is to stifle that debate.

Pompeo is engaged in an assault on basic constitutional rights. That can't be fought while using even the mildest version of their tactics, such as stigmatizing views you disagree with.

Antisemitism can be found among supporters of BDS, and it can be [found among supporters](#) of Israel too. It characterizes neither. Smearing BDS as antisemitic because some of its supporters hold antisemitic views is as absurd as labeling American Jews xenophobic based on the actions and words of Stephen Miller and Jared Kushner.

Those who feel that Israel should not be targeted with economic repercussions for its policies should defend that proposition on its merits. But any argument that boycotts against Israel — given the decades of occupation and dispossession of Palestinians — are pre-emptively out of bounds is neither ethical nor credible. If Israeli policies were justified, that argument should not be difficult to make without resorting to trying to pre-empt the opposing viewpoint. The only remedy to Pompeo's assault on the rights of American supporters of Palestinians is to fully open the debate, free of stigma on either side.

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Featured image: Graffiti on the Israeli separation wall dividing the East Jerusalem neighborhood of Abu Dis (Photo: Ryan Rodrick Beiler via shutterstock.com)

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