

Fired School Employee Sues Over Israel Loyalty Oath

A Texas school employee has sued her school district because it fired her after she refused to sign a loyalty oath to Israel, as Marjorie Cohn reports.

By Marjorie Cohn

Truthout



In a return to the bad old days of McCarthyism, Bahia Amawi, a U.S. citizen of Palestinian descent, lost her Texas elementary school job after refusing to pledge in writing that she would not participate in the Boycott, Divestment and Sanctions (BDS) movement. Earlier this month, Amawi sued the school district that fired her.

The BDS movement against Israel has become a hot button issue in the closing month of 2018. A bipartisan group of senators tried to attach the Israel Anti-Boycott Act to the unanimous spending bill that Trump almost signed to avoid the current government shutdown. Meanwhile, Donorbox, a US software company, blocked the BDS fundraising account at the behest of a pro-Israel group.

“The language of the affirmation Amawi was told she must sign reads like Orwellian – or McCarthyite – self-parody, the classic political loyalty oath that every American should instinctively shudder upon reading,” Glenn Greenwald wrote at *The Intercept*.

On Dec. 12, the Council on American-Islamic Relations filed a lawsuit on Amawi’s behalf in the US District Court for the

Western District of Texas against Pflugerville Independent School District, alleging that Texas' law requiring the oath violates the First Amendment. Amawi's complaint says the law constitutes an impermissible attempt "to impose an ideological litmus test or compel speech related to government contractors' political beliefs, associations, and expressions."

Amawi had contracted with the school district for nine years to work with students with autism and developmental disabilities in Austin. This fall, for the first time, Amawi was required to sign an oath that she would not boycott Israel. When she refused to sign it, she was fired.

"The point of boycotting any product that supports Israel is to put pressure on the Israeli government to change its treatment, the inhumane treatment, of the Palestinian people," Amawi explained. "Having grown up as a Palestinian, I know firsthand the oppression and the struggle that Palestinians face on a daily basis."

BDS

The BDS movement was launched by representatives of Palestinian civil society in 2005, calling upon "international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era ... [including] embargoes and sanctions against Israel."

This call specified that "these non-violent punitive measures" should last until Israel fully complies with international law by (1) ending its occupation and

colonization of all Arab lands and dismantling the barrier wall; (2) recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and (3) respecting, protecting and promoting the rights of Palestinian refugees to return to their land as stipulated in United Nations General Assembly Resolution 194.

Even though it is a nonviolent movement, Israel sees BDS as a threat to its hegemony over the Palestinians. Israel illegally occupies Palestinian territories, maintaining effective control over Gaza's land, airspace, seaport, electricity, water, telecommunications and population registry. Israel deprives Gazans of food, medicine, fuel and basic services, and continues to build illegal Jewish-only settlements in the occupied West Bank.

"There will not be progress toward a just peace without pressure on Israel to respect Palestinian rights," [said](#) Rebecca Vilkomerson, executive director of Jewish Voice for Peace. "Bringing about that pressure, through a global grassroots mobilization, is exactly what BDS is about."

After Amawi's firing, *The New York Times* editorial board [wrote](#),

"It's not just Israel's adversaries who find the [BDS] movement appealing. Many devoted supporters of Israel, including many American Jews, oppose the occupation of the West Bank and refuse to buy products of the settlements in occupied territories. Their right to protest in this way must be vigorously defended."

Omar Barghouti, co-founder of BDS, [said](#) in an email to *The*

New York Times, “Having lost many battles for hearts and minds at the grass-roots level, Israel has adopted since 2014 a new strategy to criminalize support for BDS from the top” in order to “shield Israel from accountability.”

Barghouti called Shurat HaDin, the group behind the Donorbox action blocking the BDS account, a “repressive organization with clear connections to the far-right Israeli government” that is “engaging in McCarthyite ... tactics ... in a desperate attempt to undermine our ability to challenge Israel’s regime of apartheid and oppression.”

Twenty-six U.S. states have anti-BDS laws and 13 others are pending. The Israel Anti-Boycott Act, which would have to be reintroduced when the new Congress convenes in January, was supported by Senate Republican Majority Leader Mitch McConnell and Democratic Minority Leader Chuck Schumer. Senators Bernie Sanders (I-Vermont) and Dianne Feinstein (D-California) opposed the bill.

Boycotts’ 1st Amendment Protection

The law that triggered Amawi’s firing prohibits the State of Texas from entering into government contracts with companies, including sole proprietorships, that boycott Israel. It defines “boycott Israel” to include “refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory.”

Boycotts are a constitutionally protected form of speech, assembly and association. They have long been used to oppose

injustice and urge political change. The Supreme Court has held that “speech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.” The high court ruled that advocating and supporting boycotts “to bring about political, social, and economic change” – like boycotts of Israel – are indisputably protected by the First Amendment.

The National Lawyers Guild, Palestine Legal and the Center for Constitutional Rights wrote in a legal memorandum challenging anti-BDS legislation in New York that such laws “harken back to the McCarthy era when the state sought to deny the right to earn a livelihood to those who express controversial political views.” The memo says, “The courts long ago found such McCarthy-era legislation to be at war with the First Amendment,” as they “unconstitutionally target core political speech activities and infringe on the freedom to express political beliefs.”

Even staff members at the right-wing Anti-Defamation League (ADL) opposed anti-BDS laws and admitted they are unconstitutional. Although the leadership officially favors outlawing BDS, ADL staff wrote in an internal 2016 memo that anti-BDS laws divert “community resources to an ineffective, unworkable, and unconstitutional endeavor.”

Greenwald cited the grave danger anti-BDS laws pose to freedom of speech, tweeting, “The proliferation of these laws – where US citizens are barred from work or contracts unless they vow not to boycott Israel – is the single greatest free speech threat in the US.”

Demonstrating the incongruity of allowing Amawi to boycott

any entity but Israel, Greenwald noted, “In order to continue to work, Amawi would be perfectly free to engage in any political activism against her own country, participate in an economic boycott of any state or city within the US, or work against the policies of any other government in the world – except Israel.”

The US government remains Israel’s lap dog on the world stage. On December 5 the United Nations General Assembly overwhelmingly passed a resolution calling for an end to Israel’s occupation of Palestinian territories. The United States opposed the resolution.

Meanwhile, the BDS movement continues to achieve victories. After more than 24,000 people complained to HSBC, the banking giant pulled out its investments in Israeli arms company Elbit Systems. Elbit sells military equipment, including drones, aircraft, artillery and weapon control systems to the Israeli army, US Air Force and British Royal Air Force. It also provides surveillance equipment to the US Customs and Border Protection agency.

On the legal front, the ACLU has mounted successful court challenges to anti-BDS laws in Kansas and Arizona and has filed litigation in Arkansas and Texas.

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recently published in an updated second edition.

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Israel Hits Back Against Boycott

Exclusive: Israeli officials are attacking on several fronts against people who support the BDS movement as a nonviolent way to pressure Israel to respect Palestinian human rights, writes Marjorie Cohn.

By Marjorie Cohn

On March 19, Israeli tax officials arrested Omar Barghouti, a prominent Palestinian human rights defender and co-founder of the Boycott, Divestment and Sanctions (BDS) movement. Omar and his wife Safa, an Israeli citizen, were detained for 16 hours and have been subjected to daily interrogation sessions.

Barghouti's arrest is indirect evidence of the growing strength of the BDS movement, a worldwide non-violent challenge to Israel's illegal occupation of Palestinian lands, a protest campaign that the Israeli government has identified as an existential threat to Israel.

Israel is particularly sensitive in light of the new United Nations report concluding that it has established an "apartheid regime" and recommending that national governments support BDS activities to challenge Israel's illegal system of oppression of the Palestinians. The report was co-authored by Richard Falk, an international law expert and former U.N. Special Rapporteur on human rights in the occupied Palestinian territories.

In his address to the American Israel Public Affairs Committee (AIPAC) earlier this week, Israeli Prime Minister Benjamin Netanyahu stated, "We will defend ourselves against slander and boycotts."

Barghouti wrote in the *New York Times*, "Having lost many battles for hearts and minds at the grass-roots level, Israel has adopted since 2014 a new strategy to criminalize support for BDS from the top" in order to "shield Israel from accountability."

Last year, the Israeli Ministry of Strategic Affairs established a “tarnishing unit” to tarnish the reputation of BDS human rights defenders and networks.

According to the Palestinian Boycott, Divestment and Sanctions National Committee, the “inflammatory fabrications” against Omar Barghouti constitute the “latest chapter of repression and intimidation” against him. For years, various arms of the far-right Israeli government have subjected Barghouti to intense threats, intimidation and repression.

The investigation of Barghouti is part of Israel’s “systematic efforts to criminalize the BDS movement, intimidate activists and stop free speech,” the Committee said.

“After failing to intimidate them through the threat of revoking Omar’s permanent residence in Israel, and after the effective travel ban imposed on him proved futile in stopping his human rights work,” the Committee stated, “the Israeli government has resorted to fabricating a case related to Omar’s alleged income outside of Israel to tarnish his image and intimidate him.”

Travel Ban

The latest travel ban against Barghouti, imposed in connection with the investigation, coincidentally comes shortly before he is scheduled to travel to the United States to accept the Gandhi Peace Award, along with Ralph Nader, at Yale University.

In addition to the travel ban on Barghouti, top Israeli officials have threatened BDS activists in general and Barghouti in particular. At a “Stop the Boycott” conference in Jerusalem last year, Israeli public security and strategic affairs minister Gilad Erdan warned that BDS activists “will know they will pay a price for it.”

During the same conference, Yisrael Katz, Israel’s intelligence minister, called for attacks on BDS leaders. Katz utilized the same Hebrew word the military uses for “targeted civil elimination,” or civil assassination. Aryeh Deri, Israel’s interior minister, told attendees at the conference that he might revoke Barghouti’s residency permit.

After threats against Barghouti at the conference, Amnesty International stated it was concerned for the “safety and liberty of Palestinian human rights defender Omar Barghouti, and other boycott, divestment and sanctions activists, following calls alluding to threats, including of physical harm and deprivation of basic rights, made by Israeli ministers.”

Adnan Ramadan, another co-founder of BDS, said, “All of this tax evasion

business is just an excuse to pressure the BDS movement as a whole . . . part of their war against the campaign, but it won't work . . . because the BDS campaign isn't one person or two people or ten people, it's an organized movement of hundreds of thousands of people."

"This latest desperate chapter of repression and intimidation by the Israeli government against Omar Barghouti is the strongest indicator yet of the failure of the Israeli regime of occupation, settler-colonialism and apartheid to slow down the impressive growth of the BDS movement for Palestinian rights," the Committee stated.

And, according to the *Forward*, a report issued by the Anti-Defamation League and the Israel-based Reut Institute concluded, "Jewish communal efforts against the BDS movement have largely failed."

What Is BDS?

The BDS movement was launched in 2005 by representatives of Palestinian civil society. They called upon "international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era ... [including] embargoes and sanctions against Israel."

This call for BDS specified that "these non-violent punitive measures" should last until Israel fully complies with international law by (1) ending its occupation and colonization of all Arab lands and dismantling the barrier Wall; (2) recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and (3) respecting, protecting and promoting the rights of Palestinian refugees to return to their land as stipulated in United Nations General Assembly Resolution 194.

BOYCOTTS involve withdrawing support for Israel and Israeli and international companies involved in violations of Palestinian human rights, as well as complicit Israeli sporting, cultural and academic institutions.

DIVESTMENT campaigns urge banks, local councils, churches, pension funds and universities to withdraw investments from all Israeli companies and from international companies involved in violating Palestinian rights.

SANCTIONS campaigns pressure governments to fulfill their legal obligation to hold Israel to account by ending military trade, free-trade agreements and expelling Israel from international forums.

BDS was a major factor behind the 46 percent drop in foreign direct investment in Israel in 2014, according to a U.N. report. Israeli exporters have repeatedly

complained that it is getting harder to export products to Europe. A World Bank report reveals that Israel's exports to the Palestinian economy dropped by 24 percent in the first quarter of 2015.

Investors who have divested from companies targeted by the BDS movement include government pension funds in Sweden, Norway, New Zealand and Luxembourg. Investors include George Soros, the Bill Gates Foundation, the huge TIAA-CREF public sector pension fund in the U.S., Dutch pension giant PGGM and Norwegian bank Nordea.

BDS initiatives have been passed by more than 50 councils in Spain and by dozens of other councils in the U.K., Australia, Sweden, Norway and Ireland. U.S. churches, including the Presbyterian Church USA, the United Church of Christ and the United Methodist Church (UMC), and several Quaker bodies have voted to divest from Israeli and international companies targeted by the BDS movement.

Academic associations in the U.S., Canada, Ireland, South Africa and the U.K. have voted to support BDS. Thousands of artists and cultural figures, including Roger Waters, Marcel Khalife and Alice Walker support the cultural boycott of Israel. Lauryn Hill, Elvis Costello and Vanessa Paradis have canceled shows in Israel. World renowned scientist Stephen Hawking refused to attend a conference hosted by former Israeli president Shimon Peres.

The Chilean government suspended free trade agreement talks with Israel during its 2014 attacks on Gaza. Bolivia and Venezuela have cut diplomatic ties with Israel. Brazil refused to appoint a settler leader as Israeli ambassador to the country. The University of Johannesburg severed its ties with Israel's Ben-Gurion University.

More than 30 U.S. student associations and 11 Canadian student associations have voted to support divestment from Israeli apartheid. BDS is supported by the U.K. National Union of Students, 30 other U.K. student unions and student organizations in Belgium, South Africa, Brazil, Chile and beyond.

SodaStream closed its factory in the illegal Israeli settlement of Mishor Adumim following a high-profile boycott campaign against the company that saw retailers and investors across the world cut links with the company. SodaStream is still a major target of the BDS movement because it is a high-profile Israeli export, and the company was complicit in the ethnic cleansing of Palestinians in the Naqab (Negev) in the south of Israel.

French telecom Orange left the Israeli market, in response to BDS campaigns in France and Egypt about the role Orange's Israeli franchise holder played in supporting the Israeli military, its attacks on Gaza, and its involvement in

illegal Israeli settlements.

G4S announced plans to sell its Israeli subsidiary after the international Stop G4S campaign cost the company millions of dollars in lost contracts. The Bill Gates Foundation cut its ties with the company. G4S provides security services and equipment to Israeli checkpoints, illegal settlements, and prisons where Palestinian political prisoners are held without trial and subjected to torture. G4S has a record of breaking promises to end its support for Israeli apartheid so the campaign against G4S is ongoing until the sale is complete.

French multinational Veolia withdrew from Israel after a BDS campaign over its role in Israel's colonization of Palestinian land, resulting in billions of dollars in lost contracts. Israeli state water company Mekorot lost contracts in Brazil, Argentina, Portugal and the Netherlands.

Community mobilizations during Israel's 2014 attack on Gaza prevented Israeli ships from docking at a port in Oakland, California, after actions by dockworkers at ports in South Africa, Sweden and India in recent years.

The E.U. has introduced rules prohibiting funding of Israeli companies and bodies based in illegal Israeli settlements and has warned businesses about the risks of doing business with illegal Israeli settlements.

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