



NEW YORK STATE SENATOR  
 Simcha Felder

## Fighting BDS

SIMCHA FELDER July 28, 2021



Honorable Thomas P. DiNapoli  
 New York State Comptroller  
 118 State Street  
 Albany, NY 12246

Dear Comptroller DiNapoli:

I am writing to you requesting that you take significant actions against Ben & Jerry's and its parent company Unilever due to their recent announcement that they will stop selling their ice cream products in parts of Israel. Ben & Jerry's actions are clearly in support of the Boycott, Divestment and Sanctions (BDS) campaign against Israel and are an obvious violation of State Pension Fund investment policies and Executive Order No. 157.

It is my understanding that the State Pension Fund has a policy of restricting investments in companies involved in the BDS movement. In addition, Executive Order No. 157, which Governor Andrew Cuomo issued on June 5, 2016, directs New York State agencies and authorities to direct all public funds from organizations supporting the Boycott, Divestment and Sanctions campaign against Israel. I have enclosed both a copy of EO 157 and my recent letter to the OGS Commissioner requesting Ben & Jerry's be placed on the list of companies supporting the BDS campaign.

Companies like Ben & Jerry's, who advocate and engage in boycotts against Israel, and who promote anti-Semitic ideology, are not worthy of State investment and have no place as a state contractor. This type of bigotry, intolerance, and injustice must be confronted and stopped. According to news reports, 35 other States have similar laws which seek to punish companies who engage in anti-Israel discrimination. Many of these States have already begun reviewing legal actions and repercussions that must be taken as a result of Ben & Jerry's announcement.

I encourage you to view the actions of Ben & Jerry's and its parent company Unilever as the hateful and intolerant behavior they are. Such conduct only serves to sow hate and encourage violence against the State of Israel and all Jewish people. By taking strong actions, such as stopping the State Pension Fund from investing in Ben & Jerry's and Unilever, or canceling all their State contracts, you can show that hate and anti-Semitism have no place in our State or society.

Thank you for your consideration and review. I look forward to your response.

Sincerely,  
  
 Simcha Felder  
 Senator, 1<sup>st</sup> S.D.



Ronna M. Devita, Commissioner  
 New York State Office of General Services  
 Empire State Plaza  
 Albany, NY 12242

Dear Commissioner Devita:

I am contacting you to request that Ben & Jerry's and its parent company Unilever be immediately placed on the list of companies that engage in boycott, divestment or sanctions activity targeting Israel pursuant to Governor Cuomo's Executive Order No. 157.

As you know, Executive Order No. 157, which Governor Cuomo issued on June 5, 2016, directs New York State agencies and authorities to direct all public funds from organizations supporting the Boycott, Divestment and Sanctions (BDS) campaign against Israel. According to the Governor, this Executive Order is meant to ensure that this state will do everything in its power to end the hateful and intolerant BDS campaign against Israel.

On July 19, 2021, Ben & Jerry's issued a statement that they will stop selling their ice cream products in parts of Israel. Ben & Jerry's actions are clearly in support of the BDS campaign and are an obvious violation of Executive Order No. 157. Companies such as Ben & Jerry's, who advocate and engage in boycotts against Israel, and who promote anti-Semitic ideology, have no place as a state contractor. This type of bigotry, intolerance, and injustice must be confronted and stopped. According to news reports, 35 other States have similar laws which seek to punish companies who engage in anti-Israel discrimination. Many of these States have already begun reviewing legal actions and repercussions that must be taken as a result of Ben & Jerry's announcement.

I encourage you to view the actions of Ben & Jerry's and its parent company Unilever as the hateful and intolerant behavior they are. Such conduct only serves to sow hate and encourage violence against the State of Israel and all Jewish people. By placing Ben & Jerry's and Unilever on the list of *Businesses or Companies Determined to Participate in Boycott, Divestment, or Sanctions Activity Targeting Israel*, it will send a clear message that these actions are unacceptable and will not be tolerated by New York State.

Thank you for your consideration and review. I look forward to your response.

Sincerely,  
  
 Simcha Felder  
 Senator, 1<sup>st</sup> S.D.

Senator Felder called on NYS Comptroller Thomas DiNapoli and NYS Attorney General Tish James to uphold & enforce Executive Order 157, prohibiting State agencies from supporting anti-semitic BDS campaign.

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Senator, 17th District

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July 28, 2021

Honorable Letitia James  
New York State Attorney General  
The Capitol  
Albany, NY 12224

Honorable Thomas P. DiNapoli  
New York State Comptroller  
110 State Street  
Albany, NY 12236

Dear Attorney General James and Comptroller DiNapoli:

I am writing to you to request an opinion whether a resolution recently passed by PSC-CUNY in support of the Boycotts, Divestment and Sanctions campaign (BDS) against Israel, runs afoul of Governor Cuomo's Executive Order No. 157. If this resolution does violate State policy, as it appears to me it does, what actions and repercussions must the State take as a consequence of this resolution?

According to Executive Order No. 157, which Governor Andrew Cuomo issued on June 5, 2016, New York State agencies and authorities are directed to divest all public funds from organizations supporting the Boycotts, Divestment and Sanctions campaign against Israel. According to the Governor, this Executive Order (EO) is meant to ensure that this state will do everything in its power to end the hateful and intolerant BDS campaign against Israel. Enclosed please find the EO.

On June 10, 2021, the Professional Staff Congress (PSC) union representing faculty and staff at the City University of New York (CUNY) passed a one-sided resolution condemning Israel and shaming support for the BDS movement. According to news reports, at least 50 CUNY professors have resigned from the union in protest of this resolution and many others are considering resigning. I have enclosed the resolution for your review.

This anti-Semitic resolution comes at a time when anti-Semitism and hate crimes of all kinds have been on the rise. In 2020, anti-Semitic acts were near historic highs with 2,024 such cases reported across our nation, according to the Anti-Defamation League. In fact, FBI Hate Crime Statistics Report reveal that Jews are at least three times more likely to experience a hate crime than any other religious group in America. Jewish faculty and students at CUNY schools are increasingly fearing for their safety and believe their professors simply do not care.

Boycotting Israel serves only to undermine the legitimacy of its multi-ethnic democracy, oppose peace and promote hate. Those who advocate and engage in boycotts against Israel, and who promote anti-Semitic ideology, have no place in New York State. Bigotry, intolerance, and injustice must be confronted and stopped.

I appreciate your close review of this important issue and I look forward to your response.

Sincerely,

Simcha Felder  
Senator, 17<sup>th</sup> S.D.