



**Americans  
Against  
Antisemitism**

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June 1, 2022

*By Overnight Mail and Email - [kathy.hochul@exec.ny.gov](mailto:kathy.hochul@exec.ny.gov)*

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

*By Overnight Mail and Email - [jeanette.moy@ogs.ny.gov](mailto:jeanette.moy@ogs.ny.gov)*

The Honorable Jeanette M. Moy  
Commissioner, New York State Office of General Services  
36th Floor, Corning Tower, Empire State Plaza  
Albany, NY 12242

Re: Enforcing Executive Order No. 157 Against Unilever and Ben & Jerry's

Dear Governor Hochul and Commissioner Moy:

The undersigned organizations, representing thousands of Jewish and non-Jewish residents of the State of New York, write to express our deep concern about your failure to follow through yet on the [warning](#) you issued to Unilever PLC (“Unilever”), and its wholly-owned subsidiary, Ben & Jerry’s Homemade Inc. (“Ben & Jerry’s”), in November 2021. You informed Unilever and Ben & Jerry’s that they appeared to have engaged in boycott, divestment or sanctions (BDS) actions targeting Israel, which would require them “to be included on a list of companies or institutions that affected state entities are required to divest from,” pursuant to [Executive Order No. 157](#). You gave Unilever and Ben & Jerry’s 90 days to explain why they should not be barred from New York State investments.

More than three months have passed since your 90-day deadline. More than 10 months have passed since Ben & Jerry’s instituted an antisemitic boycott against Israel, which Unilever refused to override. Consistent with how forcefully other states have responded to Unilever’s and Ben & Jerry’s boycott, New York must finally take decisive action, and add Unilever and Ben & Jerry’s to its boycott list.

### **Ben & Jerry’s Antisemitic Boycott Against Israel**

On July 19, 2021, Ben & Jerry’s [instituted a boycott](#) against areas of Israel that Ben & Jerry’s falsely characterized as “Occupied Palestinian Territories.” In fact, these areas are lawfully designated for the Jewish state under binding international law, including the San Remo Resolution, the British Mandate, the United Nations Charter, and the Anglo-American Convention. Disgracefully, Ben & Jerry’s boycott even includes the eastern part of Jerusalem, the holiest city to the Jewish people. Judaism’s holiest places, including the Temple Mount, the Western Wall and the Mount of Olives, are in eastern Jerusalem.

In effect, Ben & Jerry’s is boycotting the entire state of Israel. Israeli law forbids boycotts of Israeli citizens, Jewish or Arab, in all territories controlled by Israel. Ninety members of the

Israeli Knesset (75% of the Israeli Parliament) from across the political spectrum sent a [letter](#) to Unilever's CEO, urging reversal of Ben & Jerry's and Unilever's "shameful, . . . immoral and regrettable" boycott decision. These Knesset members confirmed that the boycott "violates the laws of the State of Israel: The Prohibition of Discrimination in Products Law and the prohibition of boycotting various areas of the country." Complying with Ben & Jerry's discriminatory requirements would force a Ben & Jerry's licensee to violate Israeli law, which it cannot do. Ben & Jerry's is thus effectively preventing any law-abiding franchisee from operating in Israel.

Unilever is ultimately responsible and accountable for Ben & Jerry's anti-Israel boycott decision. Unilever's acquisition agreements with Ben & Jerry's, as well as Unilever's own policies, give Unilever the [right and obligation](#) to override the boycott, which Unilever has failed to do.

The seriousness of this issue, and the need for you to take immediate action against Unilever and Ben & Jerry's, is underscored by the fact that BDS's goal is Israel's destruction. BDS leaders [openly acknowledge](#) this. For instance, BDS leader As'ad AbuKhalil [declared](#): "The real aim of BDS is to bring down the state of Israel... That should be stated as an unambiguous goal. There should not be any equivocation on the subject. Justice and freedom for the Palestinians are incompatible with the existence of the state of Israel." Furthermore, it is [well-documented](#) (including in [Israeli government reports](#)) that BDS groups are closely linked to, and run by operatives of U.S.-designated foreign terror organizations, including Hamas, the Popular Front for the Liberation of Palestine, and Palestinian Islamic Jihad.

BDS is not just anti-Israel. It is also antisemitic, singling out and demonizing Jews and the Jewish state for punishment and destruction. That conduct falls squarely within the widely accepted [International Holocaust Remembrance Alliance's \("IHRA"\) working definition of antisemitism](#), which the [U.S. government](#) and [more than half of the states in this country](#) have already adopted.

### **Several States have Taken Strong Action Against Unilever and Ben & Jerry's**

Several states have already taken forceful action against Unilever and Ben & Jerry's for their participation in a boycott targeting Israel, including but not limited to [Florida](#), [Illinois](#), [Colorado](#) and [Texas](#). [Arizona](#) and [New Jersey](#) have [already divested](#) all of their state funds from Unilever.

At least one New York fund has also already taken action, despite the fact that you have not yet placed Unilever and Ben & Jerry's on New York State's boycott list. In October 2021, the State Comptroller, the sole manager of the State's Common Retirement Fund, [announced](#) that it would divest its current holdings in Unilever, which total \$111 million.

### **Consistent with the Commitments to the People of New York State, You Must Finally Act**

It is shameful that New York State has not yet taken the same forceful action that other states have already taken. New York is the state with the largest Jewish population in the United States. Jews comprise 9.1% of New York's population.

New York was the [first state in the nation](#) to issue an executive order banning investment in companies or institutions that boycott Israel. When Governor Andrew Cuomo issued Executive

Order No. 157 in 2016, he made it clear that the State of New York has zero tolerance for BDS efforts against Israel, [stating](#), “If you boycott Israel, New York will boycott you.”

Consistent with that commitment, [Executive Order No. 157](#) provides that “the State of New York unequivocally rejects the BDS campaign and stands firmly with Israel,” and that “the State of New York will not permit its own investment activity to further the BDS campaign, in any way, shape or form, whether directly or indirectly” [emphasis added]. [Executive Order No. 157](#) requires the Commissioner of the Office of General Services (OGS) to develop and post on OGS’s website a list of companies that “participate in boycott, divestment, or sanctions activity targeting Israel, either directly or through a parent or subsidiary” [emphasis added].

We appreciate that since taking office, Governor Hochul has encouraged [collaboration](#) between New York State and Israel. We also appreciate the Governor’s [condemnations](#) of antisemitism, a problem that is surging at alarming rates in New York, across the U.S., and around the world. Now it is time to put words into action. The 90-day deadline you gave to Unilever and Ben & Jerry’s after they instituted their antisemitic boycott against Israel has long since passed. Pursuant to Executive Order No. 157, we strongly urge you to place Unilever and Ben & Jerry’s on New York State’s BDS list as soon as possible, and in any event no later than the BDS list to be published in early June 2022.

Thank you for your attention to this matter. We look forward to your response.

Please direct your response to: Dov Hikind, President of Americans Against Antisemitism, at [dov@dovhikind.com](mailto:dov@dovhikind.com); and to Morton A. Klein, the National President of the Zionist Organization of America, at [mklein@zoa.org](mailto:mklein@zoa.org).

Respectfully,

Americans Against Antisemitism

Zionist Organization of America (ZOA)

Students Supporting Israel

AMIT

Emunah

Coalition for Jewish Values

EZRA USA National Movement

StopAntisemitism.Org

North American Board of Rabbis

Proclaiming Justice to the Nations

Rabbinical Alliance of America

The Lawfare Project

Israel Heritage Foundation

One Israel Fund

Conference of Jewish Affairs

Americans for a Safe Israel