

September 2, 2015

Mr. Jeffrey R. Immelt  
Chairman of the Board and CEO  
General Electric Company  
Fairfield, Connecticut 06828

Dear Mr. Immelt:

I am an Israeli attorney and principal of Shurat HaDin-Israel Law Center, a civil-rights organization that assists American victims of racism and terrorism in civil litigation in the United States courts.<sup>1</sup> My colleague, Robert J. Tolchin, is American counsel to our organization. We have both been involved in efforts to counter anti-Semitic and anti-Israel campaigns designed to spread false information and fraudulent views of Israel, including the second Gaza Flotilla.

This letter is a warning to the General Electric Company that it should rescind its recently concluded labor agreement with the United Electrical, Radio and Machine Workers (“UE”). The UE has announced that it passed a resolution at its national convention in Baltimore last week endorsing the boycott of Israelis and Israeli companies in “solidarity” with the Palestinian people. The General Electric Company should not affiliate itself with any person or entity calling for a boycott based on national origin discrimination or anti-Semitism, or any similar effort against the Israeli government or the nation’s manufacturers, companies, products or services.

Please take note that our civil rights center is opposed to the BDS (“Boycott, Divestment and Sanctions”) movement, which is inherently racist, anti-Semitic, biased and prejudicial and has an extremist agenda that unfairly singles out Israel and Jews. The BDS movement’s goal is solely the destruction of the State of Israel and its Jewish community. It masquerades as a human rights movement, but it is singularly fixated on Israel and Jews and ignores egregious human rights abuses that do not feed

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<sup>1</sup> See, e.g., *Sokolow v. PLO*, 2014 WL 6811395 (S.D.N.Y. 2014); *Wultz v. Islamic Rep. of Iran*, 864 F. Supp.2d 24 (D.D.C. 2012); *Kaplan v. Central Bank of Islamic Rep. of Iran*, 55 F. Supp. 3d 189, 2014 WL 3610784 (D.D.C. 2014); *Wyatt v. Syrian Arab Rep.*, 908 F. Supp. 2d 216 (D.D.C. 2012); *Ungar v. Arafat*, 634 F.3d 46 (1<sup>st</sup> Cir. 2011).

its anti-Israel agenda. Thus, it ignores Hamas terrorists who shoot rockets into Israeli civilian population centers with the expressed intention of killing civilians; it ignores ISIS thugs in Syria and Iraq who routinely violate every imaginable human right as they kidnap and rape children, behead prisoners of war, burn prisoners of war alive in steel cages, and destroy archaeological treasures; it ignores the Syrian regime, with the aid of Iran and its proxy Hezbollah, dropping barrel bombs on civilian population centers; and it ignores Iran's efforts to obtain a nuclear bomb, which is particularly alarming given its stated goal of genocide against the Jewish population of Israel. For the BDS movement to claim that it is in favor of human rights while ignoring all this is rank hypocrisy.

Accordingly, any effort by the UE to single out and boycott the Jewish State is obviously hypocritical discrimination based upon national origin and religion, and clearly prohibited by federal and state law.

UE is one of The General Electric Company's two largest unions, representing approximately 3,500 General Electric employees. The General Electric Company reports on its website that it recently ratified a new four-year national labor contract with UE, which includes Erie, PA (GE Transportation) as its largest facility.<sup>2</sup> UE's regional constitutions, including that for the Eastern Region which covers Pennsylvania, uniformly state that UE:

unites all workers in our industry on an industrial basis, with rank and file control, *regardless of craft, age, sex, nationality, race, creed or political beliefs...*

(emphasis added).<sup>3</sup>

Notwithstanding its own professed and clear policy against discrimination, during its recent national convention in August this year, UE adopted a discriminatory, one-sided, anti-Israel resolution endorsing the BDS movement. In passing this resolution, UE has aligned itself with worldwide BDS and its anti-Semitic agenda. This anti-Semitic agenda was just exposed in Spain, when local BDS activists demanded that the Rototom Sunsplash Reggae Festival disinvite the Jewish (but not Israeli) Reggae singer, Matisyahu, unless he issued a public statement in support of a Palestinian state. After a widespread backlash, the Rototom Festival re-invited Matisyahu.

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<sup>2</sup> <http://www.geunionnegotiations.com/2015/06/30/ge-union-members-vote-yes-on-new-four-year-contracts-2/>

<sup>3</sup> <http://ue-easternregion.org/6documents/>; <http://uenortheast.org/constitution>

Among other things, the UE's resolution calls on the United States government to end all military aid to Israel and to pressure Israel to include the Palestinian right of return in a final agreement. The Palestinian right of return is known to be code language for the demographic destruction of the State of Israel.<sup>4</sup> The resolution also expressly endorses the racist BDS movement and "urges the union at all levels to become engaged in BDS."

The General Electric Company itself has policies against illegal discrimination which require it to comply with applicable laws. The General Electric Company's Fair Employment Practices state:

GE is committed to fair employment practices, including the prohibition against all forms of illegal discrimination... GE is committed to observing all applicable labor and employment laws wherever we operate.

Requirements:

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- Recruit, hire, train, compensate, promote and provide other conditions of employment without regard to a person's race, color, religion, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status or other characteristic protected by law. Discrimination on any of these bases is strictly prohibited.<sup>5</sup>

On its website, The General Electric Company also touts its "diversity and inclusiveness as an essential part of our productivity, creativity, innovation and competitive advantage."<sup>6</sup>

We wish to put The General Electric Company on notice that the BDS movement's efforts are unlawful racial discrimination on the basis of national origin and/or race, creed and religion under the International Convention on the Elimination of All Forms of Racial Discrimination ("Anti-Racism Convention") and numerous U.S. state and federal statutes:

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<sup>4</sup> <http://www.timesofisrael.com/pm-slams-abbas-for-cultivating-impossible-fantasies-over-return-of-6-million-refugees/>

<sup>5</sup> [http://www.ge.com/files\\_citizenship/pdf/ge\\_fair\\_employment.pdf](http://www.ge.com/files_citizenship/pdf/ge_fair_employment.pdf)

<sup>6</sup> <http://www.ge.com/careers/culture/diversity>

These laws include the following:

- The Export Administration Act of 1979 (EAA) which discourages, and in some cases prohibits, U.S. companies from furthering or supporting the boycott of Israel sponsored by the Arab League.
- The Ribicoff Amendment to the Tax Reform Act of 1976 (TRA), prohibiting participation in a boycott of Israel, which includes agreeing to refrain from doing business with companies and/or employing individuals based on nationality, race or religion.
- 42 U.S.C. § 2000e-2(a), which makes it unlawful for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

*Id. See also* 42 USC § 2000e-3(b); 42 USC § 2000a.

In addition, Congress recently passed legislation, which was signed by President Obama, to discourage politically motivated actions by foreign countries and international organizations seeking to limit commercial relations with Israel.

Several states have also passed laws prohibiting the kind of discrimination promoted by the BDS movement. For example, in June 2015, South Carolina passed a law prohibiting public entities from contracting with businesses engaged in the boycott of a person or entity “doing business with a jurisdiction with whom South Carolina can enjoy open trade.” In May 2015, Illinois passed a law prohibiting the Illinois state pension fund from investing in companies that boycott Israel.

Participants in the BDS movement act with the clear purpose and actual effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of the human rights and/or fundamental freedoms in the political, economic, social, cultural fields of those persons and organizations whom they seek to boycott, divest from and sanction.

A boycott is not protected by the freedom-of-speech language of the First Amendment to the U.S. Constitution because a boycott is not speech, it is action. Calls for and instruction in implementing unlawful actions are not protected speech (*see Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010)).

In light of the above, we urge The General Electric Company to comply with U.S. law and its own anti-discrimination policies and to rescind its agreement with the UE. It would be absurd for any electronics manufacturer anywhere in the world, much less your publicly traded company, to engage in or support a boycott of Israelis or Israeli manufacturers as Israel is a globally recognized high tech powerhouse and the source of much innovation in the electronics industry.

Implementing BDS policies could result in severe criminal and civil liability for The General Electric Company and its officers. We ask you to please provide prompt written confirmation that you have read and acknowledge the above.

Please also take careful note that in the event of your failure to comply with the above, Shurat HaDin will take all steps permitted by law to ensure that The General Electric Company is not engaged in instituting, promoting or inciting boycotts of the State of Israel, Israeli manufacturers, companies or their products or services, including without limitation filing legal action without further notice.

Yours Sincerely,



Nitsana Darshan-Leitner, Esq.  
Shurat HaDin-Israel Law Center, President



Robert J. Tolchin, Esq.  
United States Counsel to  
Shurat HaDin-Israel Law Center