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March 30, 2015

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Virginia State Bar

c/o Karen A. Gould, Executive Director & CEO

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Sent via email and US Mail

Dear Ms. Gould:

Last Friday, the Virginia State Bar e-mailed its members and canceled its planned trip to Israel scheduled for later this year. Its purported reasons for cancelling were unclear, but the VSB referred to Israel's "discriminatory" practices and intimated that Israel's visitor-entry procedures may be racially or religiously biased.

On Sunday afternoon, the VSB emailed its membership a second time in an apparent attempt to clarify the reason for its decision to cancel. The clarification, though, made things worse. The Sunday email again based the trip cancellation, in part, on the erroneous assumption that Israeli visitor-entry policies may discriminate against some VSB members on an impermissible or unfair basis.

We dispute that assumption and object to the VSB policy that now stems from this error.

The VSB explained in its Sunday email that the decision to cancel the trip to Israel was because Israel's "security protocols are strict and could lead to exclusion or restriction of some VSB members." It is certainly true that Israel – like literally every country around the world - may deny admission into its country people it determines to be security threats.

As with all countries, Israel needs to take care that visitors to its country do not pose a security threat while traveling there. Yet, since 2009 more than 250,000 Arab and Muslim visitors have lawfully visited Israel. While Israel may turn away visitors it determines to be security threats, so do Great

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Britain, France, and Italy, all places where VSB members have travelled as part of VSB sponsored trips.

The United States reserves for itself the right to bar entry to foreigners who our government determines to be security threats.

Thus, the VSB has effectively set two different standards in its treatment of travel to foreign countries. For other countries in the world, the VSB will sponsor trips with appropriate deference to the host country's authority to determine who may enter. For Israel, though, the VSB will not sponsor a trip absent an assurance by the Israeli government, in advance, that VSB members will be exempt from Israel's ordinary security procedures. The VSB is holding Israel to a separate standard.

The VSB's policy choice, unfair as it is, would be problematic enough if it had been made in a vacuum. But it was not. It comes at a time when a steady drum beat of opposition to Israel as a legitimate country can be heard from nearly every quarter of the globe.

The initial opposition to the VSB's proposed trip to Israel was raised, in part, by activists closely identified with the anti-Israel Boycott, Divestment, and Sanctions (BDS) movement targeted against Israel and intended to delegitimize it. The VSB's choice to apply a separate and impossible standard to Israel had the effect of aligning its policies with those of the pernicious BDS movement.

Not only is that stance unfair, it stands in marked contrast to Virginia's own policy, as reflected by its legislative decree, in support of Israel. Just five weeks ago, the Virginia state legislature unanimously passed a resolution declaring "...Israel is the greatest friend of the United States in the Middle East" and cited the friendship between Israel and the Commonwealth of Virginia as a relationship "that strengthens each passing year."

We feel certain that those consequences of the VSB's decision to cancel its Israel trip were entirely unintended. We have the privilege of knowing many of the VSB's leaders. We know them to be people of goodwill, careful stewards of their solemn responsibility to the VSB and the rule of law, and

well-intentioned. It was a serious, although no doubt unintended, mistake to apply an unfair double standard to Israel.

While the VSB's Sunday email emphasized that it did not seek to make a political point or impose a boycott in cancelling the trip to Israel, as a practical matter it made an unfair, and unmistakable, value judgment. Although the VSB stated in its Sunday email that this judgment was not a "boycott," it would appear that until Israel alters its security policies, the VSB will not consider Israel for a conference venue. That is effectively a boycott.

Endorsement of such a boycott by the VSB, an agency so many of us have held in such high regard for so long, will result in a dangerous precedent unless the VSB acts quickly and confidently.

We ask that the VSB acknowledge its mistake and take swift action.

First, the VSB should write its members and explicitly disavow that the VSB believes Israel's entry procedures are illegitimate.

Second, it should emphasize that it has no reason to believe that any VSB member would be denied admission to Israel for any improper reason.

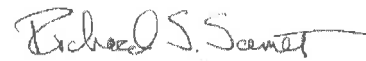
Third, it should purge its official rulings and policy positions of any implication of impermissible Israeli entry policies.

It is true that these issues are contentious and volatile. That the VSB made a mistake in this matter does not change the fact that its leaders are committed and engaged. We hope that the VSB will remedy its mistake by issuing the full and prompt disavowal we urge here.

Respectfully,



Frances F. Goldman
JCRC Chair



Richard Samet
President