

# Should the Jewish National Fund be entitled to Charitable Tax Status?

By Edward C. Corrigan

The following article has appeared online on Occupation Magazine [www.kibush.co.il](http://www.kibush.co.il) and [rabble.ca](http://rabble.ca). It appears in print here for the first time.

The Jewish National Fund (JNF) is an internationally recognized charitable organization that has the privilege of issuing charitable tax receipts in the United States, Canada and many other countries. The JNF frequently honours distinguished members of the community at its fund-raising dinners and has raised many millions of dollars for projects in Israel. For example, the President of the University of Western Ontario in London, Ontario, President Paul Davenport, has accepted an award from the JNF. However, 36 members of the University of Western Ontario faculty signed a protest letter condemning the JNF as a racist organization, and condemning the way in which the University was being used to promote the JNF and its discriminatory practices, and stating that the honour should be rejected.

It is the opinion of many individuals, including many Jews, that the JNF is a racist organization that discriminates against non-Jews. For example, there is a letter signed by two Jewish organizations and 34 individual Jewish signatories (including several Israelis) protesting a JNF event being held at Windsor Castle to commemorate the 60th anniversary of the founding of the State of Israel. Israeli writer Uri Davis's book *Israel: An Apartheid State* details the discriminatory policies of the JNF and many other Israeli practices that discriminate against non-Jews.

The JNF was also used to cover up the ethnic cleansing and destruction of three Palestinian villages in 1967. In the place of these villages "Canada Park" was created by the JNF and was subsidized by the Canadian taxpayer. A CBC *Fifth Estate* program about the JNF and Canada Park, entitled "A Park with no Peace," was broadcast on 21 October 1991. This program interviewed eyewitnesses and documented the war crimes committed by Israel and the way in which the JNF was used to cover up those crimes.<sup>1</sup>

In 1995 an Israeli Arab couple, the Kadans, tried to buy an apartment on land owned by the JNF. For 10 years the JNF and the Israel Lands Authority refused

to lease this "Jewish" land to these non-Jewish citizens. The couple took their case to court. Eventually the Israeli Supreme Court ruled that state land could not be sold to Jews only.

Unfortunately, 93% of the land in Israel is governed by this racist criteria of excluding non-Jews. The above-mentioned Israeli Supreme Court ruling caused huge embarrassment among Jews worldwide. Many Jews asked how Jews could protest against anti-Semitism while condoning blatantly racist practices in Israel. America's Jewish Reform Movement, to which many American Jews adhere, strongly condemned the practice.

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The JNF's bylaws and operations were deemed to represent racial discrimination by the United Nations Committee on Economic, Social and Cultural Rights in 1998. To quote the UN Committee:

"The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant."

Former Deputy Mayor of Jerusalem, Meron Benvenisti, wrote in the Israeli daily *Ha'aretz* on June 29, 2006, "It's well known that the 'national institutions'—the Jewish Agency and Jewish National Fund—primarily exist to enable institutional discrimination based on ethnicity while clearing the state from accusations that it deviates from universal norms common to liberal democracies."

To avoid overturning the practice held to be racist, the JNF adopted policies to circumvent the law. Benvenisti wrote, "A classic example is the High Court of Justice's decision regarding the Kada'an family, which was perceived at the time as dealing for the first time with the principle of equality, confronting the Zionist principle of 'redeeming the land,' and presenting a victory of democracy over the apartheid inherent to the

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<sup>1</sup> For more on this topic see Ismail Zayid, "Canada Park: Canadian Complicity in a War Crime," *Outlook*, Sept./Oct. 2001, eds.

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national institutions' land distribution policies. Those institutions quickly learned how to 'minimize the damage' and continue with their discriminatory policy."

Israeli Attorney General Menachem Mazuz in early 2005 also forbade the Jewish National Fund from issuing tenders for Jews only. To quote Benvenisti, "Once again, a way was found to circumvent the decision through 'land swaps,' which only strengthened the JNF as a discriminatory institution with racist policies." The JNF refused to obey the Israeli Supreme Court ruling and continued the discriminatory practice, with the Israeli state authorities refusing to enforce the ruling of their highest court.

The JNF launched a campaign to reverse the court's decision. In 2007 a JNF Bill was introduced into the Knesset to continue the discriminatory practice, which passed on the first reading by 64-16 votes. The implications are quite clear. If Israel is a "Jewish state," then it cannot be a state of all its citizens who have equal rights. In Israel 25% of the population is non-Jewish and is severely discriminated against and denied basic democratic and social rights. This bill prompted *Ha'aretz*, to publish an editorial titled, "A racist Jewish state" (Jan. 11, 2008) condemning the discriminatory practices of the JNF and the Israel Lands Authority.

The late and prominent member of the Canadian Jewish community, Bernard Wolf, whom I had the privilege of knowing, decided to challenge the restrictive covenant that barred Jews, Catholics and Blacks from living in the Beaches O' Pines resort in Grand Bend, Ontario. As a result of this legal challenge, and others, restrictive covenants which barred individuals on the basis of race or religion from owning land have been declared racist and illegal in Canada.

Would prominent members of the community accept an award from the South African apartheid state or the Klu Klux Klan that discriminated against Blacks? Would they accept an award from an organization that discriminated

against Jews? I hope that they would not accept such a dubious honour. Yet many prominent individuals accept an award from an organization that discriminates against Muslim and Christian Palestinians and members of all other religions except Judaism. The JNF excludes from its lands in Israel and the Occupied Territories

members of any other race or ethnic group except those individuals whose mother is Jewish.

The two questions that must be asked is: why does the JNF have charitable status, and why do many members of the community accept an award from an organization that, in the opinion of many, is a racist organization? ♦

## Jottings by Sylvia Friedman



There is no easy way to bring you any sad news about our readers and supporters, so I guess the best thing for me to do is to just begin by telling you that:

\* ABE PADOLSKY, a former Winnipegger, had been living in Ottawa for the last several years, with his son Berry. Abe, who had just recently turned 100 years old, died this past week. To the very end, Abe took an interest in our magazine, as I mentioned in our last issue. From time to time Abe wrote very poignant articles about his early life in Winnipeg for us. Our sympathy to his son Barry and family.

HENRY ORENSTEIN of Halifax passed away after a lengthy illness. He was on the Faculty of Nova Scotia College of Art and Design from 1966 to 1986 and was a member of VANA (Veterans Against Nuclear Arms). We featured one of his lithographs, *The Shoichet*, on one of our covers and produced a centrespread of a number of his art works some time ago. We plan to present another selection of Henry's work in a future issue some time soon. Our hearts go out to his wife Joan and family.

DON PLOWMAN, formerly from Winnipeg, recently died in Yorkton, Sask. He and his wife Doreen had recently moved there to be close to their daughter. Don was a lifelong activist in the progressive movement, particularly in the peace movement. Our deepest condolences to Doreen and family.

We here at *Outlook* honour their memories.

And now to happy news.

\* MIRIAM SCHACHTER of Winnipeg just turned 98 years old! We wish you a happy and healthy birthday and add to that our traditional greeting: *biz a hundert-un-tsvantsik gezunte yohrn!*

GALLIA CHUD of Vancouver celebrated her 85<sup>th</sup> birthday in June, and I was terribly amiss to have let that slip past me. Please forgive me Gallia, but nevertheless, you know that our warmest wishes for a long, happy and healthy and fulfilling life go out to you, even though they are belated.

ROZ USISKIN of Winnipeg just celebrated her 80<sup>th</sup> birthday. May you find the strength and energy to continue to carry on the wonderful work you have been doing all these years, Roz!

MORDECAI BRIEMBERG, who turned 70 in July, is the "youth" in the crowd. We wish you many, many more years of activism in the political arena. Keep giving "them" hell, Mordecai! (Of course, wishing you good health goes without saying.)

Continuing the good news:

\* *Mazel tov* to CLAIRE OSIPOV on the marriage of her grandson BEN ROGOWSKI to MANDY BERMAN of Toronto....and

*Mazel tov* to AL STEIN and LINDA KORBIN on the birth of their granddaughter AIDEN LYN.

May your families have much *nakhes* from the new additions to your *mesh-pokhes!*

\* Several of our subscribers have noted that they do not wish to have their name and address shared with anyone. I hasten to assure our readers that we do not divulge any such information to anyone other than members of our collectives, only if, and when, necessary.

\* So now, the only thing left for me to say is may the upcoming needless election result in bringing us a more progressive parliament so that we can all enjoy a Happier, Healthier and more Just New Year.

Sylvia