



Michael D. Meuti  
127 Public Square, Suite 4900  
Cleveland, Ohio 44114  
Direct Dial: 216.363.6246  
mmeuti@beneschlaw.com

June 3, 2024

**VIA EMAIL AND PERSONAL SERVICE**

Chris Ronayne  
Cuyahoga County Executive  
2079 East Ninth Street  
Cleveland, OH 44115  
[cronayne@cuyahogacounty.us](mailto:cronayne@cuyahogacounty.us)

Pernel Jones Jr.  
Cuyahoga County Council President  
2079 East Ninth Street – 8th Floor  
Cleveland, OH 44115  
[pjones@cuyahogacounty.us](mailto:pjones@cuyahogacounty.us)

Jack Schron  
Cuyahoga County Council Member,  
Chair, Economic Development & Planning Committee  
2079 East Ninth Street  
Cleveland, OH 44115  
[jschron@cuyahogacounty.us](mailto:jschron@cuyahogacounty.us)

Richard D. Manoloff  
Cuyahoga County Law Director  
2079 East Ninth Street  
Cleveland, OH 44115  
[rmanoloff@cuyahogacounty.us](mailto:rmanoloff@cuyahogacounty.us)

Re: BDS Resolution to be considered at June 4, 2024 meeting

Dear Messrs. Ronayne, Jones, Schron, and Manoloff,

My firm and I represent Cuyahoga County resident Anita Gray. Our client is a member of the local Jewish community and was appalled to learn that Cuyahoga County Council will consider at its June 4, 2024 meeting a “BDS” resolution that would prohibit County investments in Israel. Council should abandon that resolution for at least two reasons: The proposed BDS resolution is unlawful and anti-Semitic.

### **The Proposed BDS Resolution Flouts Ohio Law By Contravening the Public's Right to Have Public Funds Invested in Safe Investments**

Revised Code § 135.35 identifies how counties may invest inactive moneys. Among the permissible investments are debt interests offered by foreign nations recognized by the U.S. Government so long as at the time of purchase, those debt interests are, or the foreign-government issuer is, “rated ... in the three highest categories by two nationally recognized statistical rating organizations.” O.R.C. § 135.35(A)(10). Nothing in Revised Code § 135.35 authorizes counties to refuse to invest in a sound, eligible security merely because of political objections.

Relatedly, the Ohio General Assembly has enacted legislation prohibiting public entities from supporting the Boycott, Divestment and Sanctions (“BDS”) movement. Under that statute, public entities may not enter into contracts with entities boycotting Israel. O.R.C. § 9.76.

In light of the State of Ohio’s disapproval of the BDS movement and the public’s right to have public funds invested in all sound, eligible securities, moving forward with the proposed BDS resolution would violate Ohio law and trigger litigation against the County.

### **The Proposed BDS Resolution is Anti-Semitic**

As you know, anti-Semitism has been on the rise nationwide over the past decade, and especially since Hamas’s terrorist attacks on Israel last October 7. Unfortunately, the strength of the Jewish community here in Cuyahoga County has not insulated it from that wave of anti-Semitism.

As you likely know, for many American Jews—including many in Cuyahoga County—an abiding connection to Israel is a core tenet of their Jewish identity. Anti-Semites know this, and frequently cloak their attacks on Jews as attacks on Israel.

And as you should know, the BDS movement preys upon and bolsters the rising tide of anti-Semitism. BDS seeks to employ financial pressures to delegitimize Israel and, increasingly, Jews who support Israel’s right to exist. Frequently, BDS supporters use divisive, overblown rhetoric, including terms like “apartheid,” “genocide,” and “colonialist” to demonize Israel, and by extension, members of the Jewish community who support Israel’s right to exist as a Jewish state. The International Holocaust Remembrance Alliance includes as examples of anti-Semitism both “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor” and “Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.” In a nutshell, the BDS movement anchors itself in anti-Semitism.

### **Council Should Not Be Cowed By BDS Supporters’ Tactics**

Additionally, it is worth noting that some local supporters of the BDS movement and of the contemplated resolution have “promise[d] that there will be no peace, no decorum, no Westernized etiquette” if the BDS resolution is not adopted. If the resolution is introduced,

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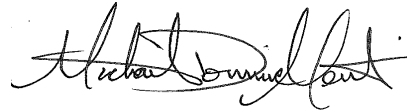
Council must ensure that its rules of decorum are enforced so that Council can do its job to appropriately discuss, debate, and consider the resolution.

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For the reasons outlined above, my client objects to the contemplated resolution as anti-Semitic and unlawful. Proceeding with that resolution will solve nothing. Instead, it will only invite litigation that will waste County resources, distract the County from more-pressing matters, and result in the County's defeat. I urge you to proceed with caution.

Very truly yours,

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP

A handwritten signature in black ink, appearing to read "Michael D. Meuti", written over a faint, illegible background.

Michael D. Meuti

MDM:rrk