

Questions & Answers

FOR THE RESOLUTION ON

PROTECTING THE RIGHT TO ADDRESS INJUSTICE

What is BDS?

BDS (Boycott, Divestment, and Sanctions) is a global movement initiated in 2005 by Palestinian civil society that called on the world community to take economic actions to achieve freedom, equality, and justice for all the people of the Holy Land. In 2009, Palestinian Christians included a call for boycott and divestment in their landmark document, “Kairos Palestine: A Moment of Truth” when they called to fellow Christians around the world for meaningful actions to end the Israeli occupation and help them regain their freedom.

These nonviolent economic methods of advocacy have been very successful for:

- Gandhi’s boycott of British-made products,
- The Civil Rights movement’s boycotts to end segregation
- The Farm Workers’ Grapes Boycott led by Caesar Chavez
- The movement to end Apartheid in South Africa

What is “anti-BDS legislation”?

Over the last couple of years, a wave of legislation has been sweeping the United States. **It seeks to stigmatize and, in some cases, punish individuals, companies and other entities that support boycott or divestment actions focused on ending the Israeli occupation.** These bills have been introduced in the U.S. Congress and dozens of state legislatures and numerous states have already passed such legislation.

So much similar and concurrent legislation all over the US is not a coincidence. These bills are part of a well-funded and coordinated campaign to suppress a certain type of activism in the U.S. **This epidemic of unconstitutional and unethical legislation has been called the most serious challenge to freedom of speech that the US has seen in decades.**

Where does the United Methodist Church stand?

Our church has engaged in several boycott and divestment statements and actions to support a just peace in the Holy Land. In 2012, General Conference adopted a resolution named “Opposition to Israeli Settlements in Palestinian Land” (2016 Book of Resolutions , #6111). In that resolution, the UMC calls for all nations to prohibit financial support for the illegal Israeli settlements and to ban any products that come from the settlements: a call for a global boycott.

In June 2014, the UMC divested from G4S, a global security services firm. The church’s chief investment officer publicly confirmed that this action was due in part to the company’s involvement in human rights violations in Israel/Palestine.

In 2015, the UMC Pension Board created a new investment fund, Equity Social Values Plus Fund (ESVPPF), which bans investment in three companies that numerous annual conferences had asked the church to divest from – Caterpillar, Motorola Solutions and HP – due to their complicity in Israel’s human rights violations.

In January 2016, the Pension board announced that it had divested from and was barring future investments in 5 Israeli banks and another Israeli business, due to their violations of Palestinians’ human rights.

Due to all these actions, anti-BDS legislation in some places might apply to the United Methodist Church. Whether or not one agrees with these particular actions in our church, as a religious institution we have the right and responsibility to make principled choices about how we steward and invest our resources, according to our Christian values. **It is vital that we stand up for our right to steward and invest our church resources as we choose, without interference or punishment from the government.**

What are other churches doing?

In the last few years, the Presbyterian Church (U.S.A.), the United Church of Christ, the Alliance of Baptists, and the Unitarian Universalists have all voted for divesting from the Israeli occupation. Friends Fiduciary Corporation, which serves over 300 Quaker meetings and institutions, also has divested, as has the Mennonite Central Committee. *All these churches are potentially targeted by anti-BDS legislation.*

Is this legislation constitutional?

No. The Supreme Court has stated definitively that boycotts are a form of “political speech” and are protected by the Constitution. That decision was made during the era of the Civil Rights movement, when those activists were charged with interfering with the commerce of segregated businesses that they were boycotting. Anti-BDS legislation is an attack on the ethical and time-honored methods of advocacy that our church and many movements have used to address injustice.

Numerous editorial boards of major newspapers, organizations like the Center for Constitutional Rights and American Civil Liberties Union, as well as the Harvard Law Review have published statements saying that this wave of anti-BDS legislation is unconstitutional, misguided, and constitutes a serious threat to our democracy. Many have also made the comparison to the McCarthy era of government blacklists and the abuse of government power to penalize those with unacceptable political views.

If these laws are unconstitutional, they will be struck down in courts. Why do we need to do anything?

Many legal analysts have said such legislation will be overturned in our courts, but, of course, that cannot be guaranteed. In the meantime, citizens in these states are being sent a terrible message about actions that should not be stigmatized or punished by our government, including the actions of the United Methodist Church. Companies, institutions, and individuals placed on blacklists will be publicly defamed. These laws can also set a precedent for further infringement on our rights, and they should be publicly opposed by all people of conscience.

I am opposed to boycott and divestment actions focused on Israel's policies. Why should I support this resolution?

You needn't be a supporter of the current BDS movement to be opposed to anti-BDS legislation. This legislation strikes at the heart of US citizens' civil rights. Consider the following statements:

A LEADER IN THE ISRAEL LOBBY

Abe Foxman is an important leader in the Israel Lobby, the coalition of organizations that lobby for U.S. funding for Israel and seek to protect Israel from criticism in the U.S. As would be expected, **Abe Foxman is a strong opponent of the BDS movement. But he also opposes anti-BDS legislation.** In May 2015, Foxman wrote:

"Legislation that bars BDS activity by private groups, whether corporations or universities, **strikes at the heart of First Amendment-protected free speech**, will be challenged in the courts and is likely to be struck down. A decision by a private body to boycott Israel...is protected by our Constitution."

UNITED CHURCH OF CHRIST, NEW YORK CONFERENCE

In a letter to Gov. Cuomo regarding his executive order to blacklist those who support boycott or divestment of companies complicit in the Israeli occupation: "As a church, we have a right to engage in non-violent action to bring about change, including using economic leverage. All people and organizations have that right, and it is a right we must defend."

LOS ANGELES TIMES EDITORIAL BOARD

June 30, 2016 – **"You don't have to support the Boycott, Divestment and Sanctions movement to be troubled when state governments in this country penalize American citizens for their political speech.** As the Supreme Court has recognized, boycotts are a form of speech, protected under the Constitution." "Politicians are free to denounce BDS if they choose. But they must do so without infringing on the rights of their constituents."

CENTER FOR CONSTITUTIONAL RIGHTS (CCR)

From an article by two leaders of the CCR about the NY bill: "If this bill becomes law, a construction company could not bid on road repair projects in New York state if its owner has personally endorsed an economic boycott of Turkey for that government's repression of dissidents; a florist that supplies flowers to the governor's office would be blacklisted and have its contract canceled if the owner has vocally supported a boycott of Italy for its refusal to extend marriage rights to same-sex couples; and the **Presbyterian Church (USA) would be blacklisted and could no longer run homeless shelters in New York with public money** because of its policy of divesting from companies involved in the demolition of Palestinian homes and the surveillance of Palestinians by the Israeli government."

"It is unconscionable that lawmakers in New York and across the country have been aligning themselves with a smear tactic that imperils the reputations and economic well-being of constituents that they're supposed to be representing. As legislators debate these bills, they should consider whether their moral compasses point in the direction of Joseph McCarthy or Rosa Parks."

ACLU OF NEW YORK

"The New York Civil Liberties Union has taken no position on BDS itself. **But one needn't be a supporter of the movement to understand the dangers associated with the government penalizing the exercise of political speech it disagrees with.**"

ACLU OF CALIFORNIA

"Just as the government may not exercise its sovereign power against its people in retaliation for their political speech, it cannot deprive them of valuable financial benefits to chill their speech on matters of public concern without a compelling governmental interest – and unquestionably not because it prefers another view."

"To uphold the right to engage in a boycott is not necessarily to support its aims or objectives - just as to uphold freedom of speech is not to endorse the ideas expressed."

THE BOTTOM LINE

As so many have made clear, whether or not we agree with boycotting or divesting on a particular issue, **United Methodists must defend our church's and all Americans' right to make those choices for ourselves, without punishment or interference by our own government.**