

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, and 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 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 the US has seen in decades.**

Where does the United Methodist Church stand?

Our church has taken several boycott and divestment 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 (ESVPF), which bars

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.*

Are anti-BDS laws constitutional?

No. During the era of the Civil Rights movement, the Supreme Court stated definitively that boycotts are a form of "political speech" and are protected by the Constitution. Anti-BDS legislation is an attack on the ethical and time-

honored methods that our church and many movements have used to address injustice.

Numerous legal and human rights organizations have stated that anti-BDS laws are unconstitutional and present 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.



Esther Koontz, a teacher in Kansas, was deprived of a job due to an anti-BDS law.

If these laws are unconstitutional, won't they be struck down in our courts?

Many legal analysts have said these laws will be overturned in our courts, but that cannot be guaranteed. And in the meantime, companies, institutions, and individuals placed on blacklists will be publicly defamed. These laws send a terrible message about **actions that should not be punished by our government, including actions of the United Methodist Church.** *These laws can also set a precedent for further infringement on our rights, and they should be publicly opposed by all people of conscience.*

Is anyone challenging these laws?

Yes, both individuals and organizations are challenging anti-BDS laws. In a high profile case in Kansas, **Esther Koontz, a Mennonite teacher, was denied access to a job with the state** because she would not sign a document certifying she does not support BDS action focused on Israeli policies. The ACLU has sued the state Department of Education on her behalf, and a judge has temporarily blocked enforcement of Kansas' anti-BDS law while the case proceeds.



In support of Koontz' rights, a broad coalition of faith groups that included United Methodists took out a full page ad in The Kansas City Star (see the ad header, above), which called on "ALL AMERICANS to join us and the ACLU in defending our First Amendment right to freedom of speech."

I've heard that we need anti-BDS laws because the BDS movement is anti-Semitic. Is that true?

Absolutely not. The BDS movement simply seeks freedom, equality and justice for ALL Palestinians and Israelis. As Dr. Theodore Steinberg, Prof. of History and Law at Case Western Reserve University, wrote in a March 2018 article in The Cleveland Plain Dealer: "There is nothing the least bit anti-Semitic in principle with criticizing the state of Israel, and many Jews throughout the world, myself included, engage in this form of dissent....Mixing together people who chant "Jews will not replace us" (as happened last year in Virginia) and people who have a legitimate political critique of Israeli policies and want to support a better world for everyone is very dangerous....At a time when bona fide anti-Semitism is rearing its nasty head, to equate that term with criticism of Israel is a dangerous distraction."

I'm opposed to boycotts focused on Israeli policies.

Why should I support this resolution?

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

A LEADER IN THE ISRAEL LOBBY

Abe Foxman has been 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."

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.**"

CENTER FOR CONSTITUTIONAL RIGHTS (CCR)

From an article by two leaders of the CCR about the NY bill:

"If this bill becomes law...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.**"

Learn more at www.KairosResponse.org: see **POLITICAL ACTION**

THE BOTTOM LINE

Whether or not we agree with boycotting or divesting on a particular issue, **United Methodists must defend the right of both our church and all citizens to make those choices for ourselves**, without punishment or interference by the government.