

1 **The Right to Boycott on Behalf of Palestinian Human Rights**

2 **Sponsors:** The Reverend Dr. Melanie Duguid-May, The Very Reverend Ruth Ferguson,  
3 Thomas Foster, The Reverend Peter Peters  
4

5 *Resolved*, the 88th Convention of the Episcopal Diocese of Rochester urges the President and the  
6 Congress of the United States and the legislature and Governor of the State of New York to  
7 reconsider legislation that penalizes companies and organizations for their participation in  
8 nonviolent boycotts on behalf of Palestinian human rights. The Convention considers such  
9 legislation, at both federal and state levels, to be an infringement on our First Amendment rights,  
10 based on the Supreme Court's consistent definition of boycotts as protected speech; *and be it*  
11 *further*  
12

13 *Resolved*, the Secretary of Convention, in consultation with Diocesan Council, is directed to  
14 distribute this resolution to the President, Governor, and state and federal legislators of this  
15 diocese, and to provide a letter in support of possible future court challenges to the existing New  
16 York State laws or Governor Cuomo's Executive Order.  
17

18 **Explanation:**

19 Opponents of the Boycott, Divestment and Sanctions (BDS) movement have sought state and  
20 federal legislation that would label support for such measures anti-Semitic and would penalize  
21 supportive companies and organizations and, in some instances, individuals with fines and the  
22 loss of state contracts and assistance. Twenty-seven states to date have passed such legislation  
23 and/or, as in the case of New York, adopted it by executive order. Recent federal legislation,  
24 although not explicitly punitive, condemns BDS and labels it anti-Semitic.  
25

26 Whatever one's stance on a particular boycott, everyone has a right to express their opinions and  
27 act accordingly. Boycotts as nonviolent political actions are an American tradition, with roots  
28 extending to the pre-Revolutionary boycott of British tea. As far back as the 1955-56  
29 Montgomery Bus Boycott, the Supreme Court has consistently considered boycotts protected  
30 speech under the First Amendment. Some examples of effective boycotts include the 1965-66  
31 grape boycott in the Central Valley that birthed the United Farm Workers, the South Africa  
32 boycott which The Episcopal Church supported ([Res. 1985-D073](#)) in 1985, and, most recently,  
33 the boycott of North Carolina stemming from its anti-LGBT legislation.  
34

35 Furthermore, The Episcopal Church affirmed in [Res. 1991-D122](#) that legitimate criticisms of  
36 Israeli government policies and actions are not anti-Semitic. This church differentiates the use of  
37 nonviolent tactics, such as economic pressure on behalf of universal human rights, from the  
38 current resurgence of hate-speech and actions that demonize entire communities, Jewish,  
39 Muslim, African-American, Native American, LBGT or any other group. This church  
40 unequivocally condemns all hate-speech and actions.  
41

42 The current anti-boycott legislation at the state and federal levels is opposed by, among others,  
43 the ACLU, the Center for Constitutional Rights, and the Anti-Defamation League of B'nai  
44 B'rith. In November, 2017, twelve of The Episcopal Church's ecumenical partner churches and  
45 twenty-eight activist organizations released a public letter calling the anti-boycott legislation  
46 pending in Congress and in state legislatures "a blatant infringement on First Amendment

47 rights,” and pledged to defend the right of churches and organizations to use economic measures  
48 in the specific case of Israel-Palestine.

49 **Archbishop Desmond Tutu’s Statement on Boycott, Divestment, and Sanctions (BDS)** [*This*  
50 *statement was issued for Archbishop emeritus Desmond Tutu by Oryx Media, April 2, 2014*]

51 I am writing today to express grave concern about a wave of legislative measures in the United  
52 States aimed at punishing and intimidating those who speak their conscience and challenge the  
53 human rights violations endured by the Palestinian people. In legislatures in Maryland, New  
54 York, Illinois, Florida, and even the United States Congress, bills have been proposed that would  
55 either bar funding to academic associations or seek to malign those who have taken a stand  
56 against the Israeli Occupation of Palestine.

57  
58 These legislative efforts are in response to a growing international initiative, the Boycott,  
59 Divestment, and Sanctions (BDS) movement, of which I have long been a supporter. The BDS  
60 movement emanates from a call for justice put out by the Palestinian people themselves. It is a  
61 Palestinian-led, international non-violent movement that seeks to force the Israeli government to  
62 comply with international law in respect to its treatment of the Palestinian people.

63  
64 I have supported this movement because it exerts pressure without violence on the State of Israel  
65 to create lasting peace for the citizens of Israel and Palestine, peace which most citizens crave. I  
66 have witnessed the systematic violence against and humiliation of Palestinian men, women and  
67 children by members of the Israeli security forces. Their humiliation and pain is all too familiar  
68 to us South Africans.

69  
70 In South Africa, we could not have achieved our democracy without the help of people around  
71 the world, who through the use of non-violent means, such as boycotts and divestment,  
72 encouraged their governments and other corporate actors to reverse decades- long support for the  
73 Apartheid regime. My conscience compels me to stand with the Palestinians as they seek to use  
74 the same tactics of non-violence to further their efforts to end the oppression associated with the  
75 Israeli Occupation.

76  
77 The legislations being proposed in the United States would have made participation in a  
78 movement like the one that ended Apartheid in South Africa extremely difficult.

79  
80 I am also deeply troubled by the rhetoric associated with the promulgation of these bills which I  
81 understand, in the instance of Maryland, included testimony comparing the boycott to the actions  
82 of the Nazis in Germany. The Nazi Holocaust which resulted in the extermination of millions of  
83 Jews is a crime of monstrous proportions. To imply that it is in any way comparable to a  
84 nonviolent initiative diminishes the horrific nature of that genocidal and tragic era in our world  
85 history.

86  
87 Whether used in South Africa, the US South, or India, boycotts have resulted in a transformative  
88 change that not only brought freedom and justice to the victims but also peace and reconciliation  
89 for the oppressors. I strongly oppose any piece of legislation meant to punish or deter individuals  
90 from pursuing this transformative aspiration. And I remain forever hopeful that, like the  
91 nonviolent efforts that have preceded it, the BDS movement will ultimately become a catalyst for  
92 honest peace and reconciliation for all our brothers and sisters, both Palestinian and Israeli, in the  
93 Holy Land.