

1 **A. 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
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5 *Whereas*, the 88th Convention (2019) of the Episcopal Diocese of Rochester took action, set
6 forth in the Explanation section below, (“2019 Action”) regarding “The Right to Boycott on be-
7 half of Palestinian Human Rights” urging the President and the Congress of the United States
8 and the legislature and Governor of the State of New York to reconsider legislation that penal-
9 izes companies and organizations for their participation in nonviolent boycotts on behalf of Pal-
10 estinian human rights. The Convention considered such legislation, at both federal and state lev-
11 els, to be an infringement on our First Amendment rights, based on the Supreme Court's con-
12 sistent definition of boycotts as protected speech; *now therefore be it*
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14 *Resolved*, that this the 89th Convention of the Episcopal Diocese of Rochester directs the Secre-
15 tary of Convention to submit on behalf of the Diocese of Rochester the 2019 Action as a Memo-
16 rial to the 80th General Convention of the Episcopal Church (gcsecretary@episcopalchurch.org).
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19 **Explanation:**
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21 Opponents of the Boycott, Divestment and Sanctions (BDS) movement have sought state and
22 federal legislation that would label support for such measures anti-Semitic and would penalize
23 supportive companies and organizations and, in some instances, individuals with fines and the
24 loss of state contracts and assistance. Twenty-seven states to date have passed such legislation
25 and/or adopted it by executive order. Recent federal legislation, although not explicitly punitive,
26 condemns BDS and labels it anti-Semitic.
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28 Whatever one's stance on a particular boycott, everyone has a right to express their opinions and
29 act accordingly. Boycotts as nonviolent political actions are an American tradition, with roots
30 extending to the pre-Revolutionary boycott of British tea. As far back as the 1955-56
31 Montgomery Bus Boycott, the Supreme Court has consistently considered boycotts protected
32 speech under the First Amendment. Some examples of effective boycotts include the 1965-66
33 grape boycott in the Central Valley that birthed the United Farm Workers, the South Africa
34 boycott which The Episcopal Church supported (Res. 1985-D073) in 1985, and, most recently,
35 the boycott of North Carolina stemming from its anti-LGBTQ legislation.
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37 Further, The Episcopal Church affirmed in Res. 1991-D122 that legitimate criticisms of Israeli
38 government policies and actions are not anti-Semitic. This church differentiates the use of
39 nonviolent tactics, such as economic pressure on behalf of universal human rights, from the
40 current resurgence of hate-speech and actions that demonize entire communities, Jewish,
41 Muslim, African-American, Native American, LBGT or any other group. This church
42 unequivocally condemns all hate-speech and actions.
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44 The current anti-boycott legislation at the state and federal levels is opposed by, among others,
45 the ACLU, the Center for Constitutional Rights, and the Anti-Defamation League. In November,
46 2017, twelve of The Episcopal Church's ecumenical partner churches and twenty-eight activist
47 organizations released a public letter calling the anti-boycott legislation pending in Congress and
48 in state legislatures “a blatant infringement on First Amendment rights,” and pledged to defend

49 the right of churches and organizations to use economic measures in the specific case of Israel-
50 Palestine.

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52 **Excerpts from Archbishop Desmond Tutu’s Statement on Boycott, Divestment, and**
53 **Sanctions (BDS).** *[This statement was issued for Archbishop emeritus Desmond Tutu by Oryx*
54 *Media, April 2, 2014]*
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56 “I am writing today to express grave concern about a wave of legislative measures in the United
57 States aimed at punishing and intimidating those who speak their conscience and challenge the
58 human rights violations endured by the Palestinian people.

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60 “These legislative efforts are in response to a growing international initiative, the Boycott,
61 Divestment, and Sanctions (BDS) movement, of which I have long been a supporter. The BDS
62 movement emanates from a call for justice put out by the Palestinian people themselves.

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64 “I have witnessed the systematic violence against and humiliation of Palestinian men, women
65 and children by members of the Israeli security forces. Their humiliation and pain is all too
66 familiar to us South Africans.

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

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75 “I strongly oppose any piece of legislation meant to punish or deter individuals from pursuing
76 this transformative aspiration. And I remain forever hopeful that, like the nonviolent efforts that
77 have preceded it, the BDS movement will ultimately become a catalyst for honest peace and
78 reconciliation for all our brothers and sisters, both Palestinian and Israeli, in the Holy Land.”