

Presbyterians Oppose Anti-BDS Legislation

January 11, 2019 — The Israel/Palestine Mission Network of the Presbyterian Church (USA), theIPMN.org, opposes any efforts on the part of the US Congress to curtail the rights of Americans to boycott Israel or to support the [BDS Movement](#) (Boycott, Divestment, Sanctions). As Presbyterians, we uphold our Church's [policy](#) opposing Congressional and State anti-BDS legislation. Political boycotts are protected as free speech under the First Amendment and these attempts to ban boycotts are unconstitutional.

This week, during a government shutdown, senators tried to sneak through a bill that would encourage states to outlaw constitutionally protected political boycotts of Israel. The very first bill the new US Senate considered in 2019, S1, is a grouping of different proposals related to the Middle East. Most of the debate centered on Title 4 of the bill, a provision that would give states a legal blessing to punish companies that choose not to do business with Israel or Israeli-owned enterprises, a key demand of the pro-Palestinian Boycott, Divestment, and Sanctions (BDS) movement.

Twenty-six states have adopted laws that punish people or companies who choose to boycott Israel. Defenders of the laws see them as necessary to protect an ally from hostile activists, while critics argue that the laws are unconstitutional infringements on free speech. So far, the two federal courts - Kansas and Arizona - have sided with the critics; Title 4 is designed to provide more legal cover for state anti-BDS laws in future hearings.

The Palestinian [BDS Movement](#) is a broad array of organizations across Palestinian civil society issued a call in July 2005 "for BDS against Israel until it complies with international law and universal principles of human rights." Endorsed by

organizations within Palestine, among the Palestinian refugee and diaspora populations, and within Israel, the call emphasizes that BDS are non-violent measures that should be maintained

until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law.

Further, All Palestinian Christian Churches issued a call in 2009 through the *Kairos Palestine* document asking all Christians throughout the world to support the boycott of Israeli settlement products as an act of Christian social witness. In response to that call, The Presbyterian Church (USA) has [adopted policies](#) in support of Palestinian human rights, building on our long history of the stewardship of our money as public witness, which was instrumental in the defeat of apartheid in South Africa.

In 2012, The Presbyterian Church (USA) adopted the boycott of all products from Israeli settlement colonies in the West Bank (Palestine) and in 2014 voted to divest our holdings from three American companies who profited from and whose products or services supported the Israeli occupation of Palestine.

In The 2018 the Presbyterian Church (USA) [adopted a policy](#) of defending and advocating for the right to boycott. The policy is to "Defend and advocate for the constitutional protection under the First Amendment for all US citizens, religious and civic organizations, companies and corporations that exercise their freedoms of speech, association, and other civil rights to support measures of economic witness designed to bring those freedoms and rights to Palestinians and other persons living without full citizenship and under occupation" and to "Oppose specific U.S. legislation to suppress measures of

economic witness ..., which seek to impose civil and criminal penalties for nonviolent BDS resistance against human rights violations in Israel and Palestine.” These policies reflect the church’s theological commitment to oppose injustice through non-violent actions.

In a rising tide, Jewish activists are joining boycotts alongside Palestinians and other allies. Student unions, churches and academic institutions worldwide are voting to dissociate themselves from Israeli companies involved in human rights abuses that have produced an apartheid system of one government with two sets of laws for two peoples. Parliamentarians are proposing stronger regulations to exclude the settlements from Europe’s trade with Israel.

The three tenets of the BDS movement – to end an occupation, to achieve equal rights and to repatriate refugees – shouldn’t be controversial. To believe that they threaten the existence of the ‘Jewish state’ is to admit that the state is inherently antithetical to those values. Palestinians can’t be denounced on the one hand when they resort to violence, and on the other when they pursue the only non-violent means still available to them.

The Senate’s bill targets boycotts of Israel, reiterating Congress’s opposition to “actions to boycott, divest from, or sanction Israel”. Other statements throughout the bill’s legislative history make it clear the bill suppresses one side of the Israel-Palestine debate. As the Kansas court recognized in *Koontz v Watson*, the government

cannot use its legislative power “to undermine the message of those participating in a boycott of Israel.” These anti-BDS bills across states and in the Senate allow the government to impose its views on people or punish them for expressing views that the government disagrees with. First Amendment rights belong to the people, not the government. This principle applies to both individuals and companies doing business with the state, and with full force to politically motivated boycotts.

A number of members of Congress — many of whom don’t take a position on the BDS movement or have even expressed opposition to it — have First Amendment concerns with the bill. Senator Dianne Feinstein of California said in a [press release](#) "This Israel anti-boycott legislation would give states a free pass to restrict First Amendment protections for millions of Americans. Despite my strong support for Israel, I oppose this legislation because it clearly violates the Constitution."

We have a First Amendment right of expression and dissent; public officials cannot use the power of public office to punish views with which they don’t agree. That is precisely the kind of authoritarian power our Constitution is designed to protect against. As people of faith and as Presbyterians, we uphold that God alone is Lord of the conscience. And no one can legislate against that.

We encourage every US Citizen to reach out to their representatives in order that this bill, when it comes up again, will not pass.

