



Anti-BDS Legislation Violates Free Speech

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David Wildman

State legislatures across the country are considering a spate of bills that would blacklist companies (and, in the case of New York, individuals) that support the Boycott, Divestment and Sanctions movement, which tries to impose economic pressure on Israel to end its occupation of Palestinian land.

Such repressive legislation threatens the right of all Americans to engage in boycotts and other economic acts of conscience.

Churches, student and faculty groups, musicians and artists are among the groups legislators seek to silence. The United Methodist Church could find itself on these blacklists. We have advocated for BDS and four years ago our General Conference voted to boycott products made in Israeli settlements built illegally on occupied Palestinian land. Recently, the United Methodist Church divested from two Israeli banks and added three others to a no-investment list due to their ties to settlements.

In May, United Methodists will once again debate a resolution calling for divestment from companies profiting from Israel's occupation of Palestinian lands and other human rights abuses. Other denominations, such as the Presbyterian Church (USA)

and United Church of Christ, have recently done the same. According to the nonprofit Palestine Legal, more than 20 state legislatures have introduced bills that would punish persons, organizations and/or companies publicly supporting boycotts related to Israeli human rights abuses.

States such as Illinois, South Carolina and Florida have already passed anti-BDS bills, with Illinois recently becoming the first state to publish a blacklist.

In many cases, these bills also include clauses containing language such as "territories controlled by Israel," in an attempt to legitimize Israeli settlements built on occupied Palestinian land in conflict with long-standing official U.S. policy, international law and United Methodist Church policy.

Churches have a long history of supporting boycotts and divestment as forms of nonviolent, moral action addressing human rights violations. I have participated in boycott and divestment actions for 40 years: against Nestle's marketing of infant formula in impoverished communities; against companies exploiting farmworkers and companies using slave labor; against Shell oil for its violations in Nigeria; against companies profiting from apartheid in South Africa; and against companies

operating in Israeli settlements. United Methodists and many others have participated in these moral nonviolent movements.

Boycotts, by definition, comprise public campaigns to urge others to join together to change behavior of companies and governments. Any given boycott is only as strong as the number of people supporting it. Boycotts embody the heart of First Amendment rights of free speech and freedom of assembly.

As more people become fed up with expanding Israeli settlements supported by unconditional U.S. military aid, boycotts of Israeli human rights abuses are gaining momentum.

Proponents of the anti-boycott bills recognize that advocating for divestment is a constitutionally protected form of free speech. Yet in a dangerous development, they seek to empower state governments to punish selectively some who exercise their First Amendment rights.

Years ago, Sen. Joseph McCarthy also

had a list and sought to punish artists, labor leaders and public officials. Many people lost jobs and had their reputations destroyed by this anti-democratic, repressive fear campaign. The climate of fear, both in McCarthy's day and today, is sustained primarily by the silence of the majority.

Under the proposed Pennsylvania bill, universities that endorse BDS could lose state funding. And in New York, United Methodist and Presbyterian churches may find they are blacklisted from receiving state funds for food pantries, soup kitchens and homeless shelters because their denominations support a boycott of companies operating in illegal Israeli settlements.

Similarly, people boycotting Turkey for its violations against Kurdish communities would potentially be denied state contracts.

The heart of democracy involves addressing the toughest issues of our day through contentious, sometimes raucous, free speech and not through government-imposed selective intimidation.

Perhaps even more disturbing than actual passage of bills — they are unconstitutional and could be struck down by the courts — is the willingness of many legislators to introduce and push through legislation that creates such chilling effects on free speech. With almost no debate, legislatures are adopting blacklists with the intention of silencing people speaking out for Palestinian freedom and equal rights.

It's time for legislators to break the silence. My own congressman, Jerrold Nadler, has attacked free speech and tried to intimidate Columbia University faculty and students who advocate for BDS.

To all legislators considering repressive anti-BDS legislation, let me say this: If you insist on creating a blacklist, put my name on it. I stand with all who exercise their free speech through nonviolent actions of boycott and divestment to extend human rights. We went through the McCarthy era once. Surely, we do not want to re-create those grim days.

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