

Resolution in Defense of the Free Speech Rights of Palestinian Rights Activists

Whereas, the American Library Association (ALA) "opposes any use of governmental prerogatives that lead to the intimidation of individuals or groups and discourages them from exercising the right of free expression as guaranteed by the First Amendment to the U.S. Constitution" (ALA Policy B.2.4 Governmental Intimidation); and

Whereas, ALA "opposes any legislation or codification of documents...that undermine academic or intellectual freedom, chill free speech, and/or otherwise interfere with the academic community's well-established norms and values of scholarship and educational excellence" (ALA Policy B.2.5 Support of Academic Freedom); and

Whereas, [S.1, the Strengthening America's Security in the Middle East Act of 2019](#), which the U.S. Senate passed on February 5, 2019, and its companion bill [H.R.336](#) in the House include the Combating BDS Act, which would condone state laws penalizing businesses and individuals who participate in boycott, divestment, or sanctions ("BDS") activities and other politically motivated boycotts against Israel and Israeli controlled territories, and

Whereas, the American Civil Liberties Union (ACLU) has determined that the intent of the state laws condoned by the Combating BDS Act "is contrary to the spirit and letter of the First Amendment guarantee of freedoms of speech and association;" and the National Coalition Against Censorship has similarly opposed the act on First Amendment grounds; and

Whereas, federal courts have blocked implementation in three states of the sort of anti-BDS legislation condoned by the Combating BDS Act; and

Whereas, the Supreme Court has ruled that boycotts for political, social, and economic change are protected speech under the First Amendment; and

Whereas, the Boycott, Divestment, and Sanctions (BDS) movement is a non-violent movement, modeled after the struggle against apartheid in South Africa, on behalf of Palestinian rights; and

Whereas, [S.852, the Anti-Semitism Awareness Act of 2019](#) currently before Congress provides a definition of anti-Semitism to be used for the enforcement of Federal antidiscrimination laws concerning education programs or activities, but

Whereas, according to the ACLU, the "overbroad definition of anti-Semitism" in S.852 "risks incorrectly equating constitutionally protected criticism of Israel with anti-Semitism, making it likely that free speech will be chilled on campuses;" and

Whereas, the ACLU, the Alliance for Academic Freedom, the Bill of Rights Defense Committee and Defending Dissent Foundation, the Center for Constitutional Rights, Defending Rights & Dissent, the Foundation for Individual Rights in Education, and Kenneth Stern

who authored the definition of anti-Semitism employed in the bill have all opposed the bill on free speech grounds; now therefore be it

Resolved, that ALA opposes the Combating BDS Act of 2019 contained in S.1 and H.R.336; opposes S.852, the Anti-Semitism Awareness Act of 2019; and opposes any federal or state legislation that would restrict the First Amendment rights of Palestinian rights activists, including activists in the Boycott, Divestment, and Sanctions (BDS) movement.