

Resolution in Defense of the Right to Engage in Political Boycotts

Whereas, the U.S. Supreme Court has determined that political boycotts are protected by the First Amendment;¹ and

Whereas, a political boycott was instrumental in the founding of the United States of America; and

Whereas, political boycotts—with some support from the American Library Association (ALA)—were crucial for the successes of such movements as the civil rights movement in the U.S., the international movement against apartheid in South Africa, and the struggle for LGBTQ rights in the United States;² and

Whereas, many states have adopted legislation and many federal bills have been introduced in Congress that would penalize or condone state penalization of individuals, organizations, and companies participating in boycotts of Israel for political change;³ and

Whereas, Texas has passed copycat legislation that prohibits governmental entities from contracting with companies that boycott energy companies, and similar copycat legislation has been introduced in other states;⁴ and

Whereas, Texas and Oklahoma have passed copycat legislation that prohibits governmental entities from contracting with any company that “discriminates” against the firearm and ammunition industries, and similar copycat legislation has been introduced in several other states;⁵ and

Whereas, members of ALA have identified RFPs and/or contracts for over 170 library-related projects that include state-mandated pledges the contractor does not and will not boycott Israel, as well as a number of library-related RFPs that include state-mandated pledges the contractor does not and will not boycott energy companies, a firearm entity, or a firearm trade association;⁶ and

Whereas, federal courts in several states have ruled that state laws penalizing individuals and companies that participate in boycotts of Israel for political change violate the First Amendment;⁷ and

Whereas, the anti-boycott legislation described in this resolution represents an assault on free speech; and

Whereas, ALA opposes loyalty oaths as a condition of employment;⁸ and

Whereas, although ALA does not currently endorse or oppose any of the boycotts targeted by recent and proposed anti-boycott legislation, it “opposes any use of governmental prerogative that leads to intimidation of individuals that prevents them from exercising their rights to hold

opinions without interference, and to seek, receive, and impart information and ideas;" it urges "libraries and librarians everywhere to resist such abuse of governmental power, and to support those against whom such governmental power has been employed;" it "rejects censorship in any form;" and it pledges it "will not abrogate these principles;"⁹ now therefore be it

Resolved, that the American Library Association on behalf of its members opposes all legislation that would penalize or condone the penalization of individuals, organizations, or companies engaged in nonviolent boycotts for political change.

Mover: Tom Twiss

Secunder: Al Kagan

¹ *NAACP v. Clayborne Hardware Co.* 458 U.S. 886 (1982), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep458/usrep458886/usrep458886.pdf>. See also E. Purvis, "Boycotts," *The First Amendment Encyclopedia*, <https://www.mtsu.edu/first-amendment/article/987/boycotts>; Brian Hauss, "In Congress, a Threat to Americans' First Amendment Right to Boycott," ACLU, January 28, 2019, <https://www.aclu.org/blog/free-speech/congress-threat-americans-first-amendment-right-boycott>.

² Regarding ALA support for boycotts:

- In 1964, the ALA Membership Meeting passed a resolution that ALA staff and officers could only attend ALA state chapter meetings in their official capacities or with ALA funding if the chapters fully met ALA requirements for chapter status—meaning they did not exclude African Americans. (The Executive Board later defined the officers involved as only the top 5 elected officers, and the Council agreed.)
- In 1990 ALA Council voted to reject endorsement of a report by the International Freedom to Publish Committee of the Association of American Publishers and of the Fund for Free Expression recommending removal of books from the cultural boycott of South Africa. "Resolution on *The Starvation of Young Black Minds: the Effects of Book Boycotts in South Africa*," CD#97, June 1990, https://www.ala.org/rt/sites/ala.org/rt/files/content/SRRT/Resolutions/1990/1990_StarvationYoungMinds.pdf
- In January 1993 ALA Council voted to move the site of its 1998 Midwinter conference from Colorado because Colorado had passed a state constitutional amendment "which in effect negates and abolishes the civil rights of lesbian, gay, and bisexual people." Council Minutes, Midwinter Meeting, January 1993, and "Resolution on Moving the 1998 Midwinter Meeting from Colorado," ALA Council, https://www.ala.org/rt/sites/ala.org/rt/files/content/SRRT/Resolutions/1993/1993_MovingConferenceFromColorado_FINAL.pdf.
- In January 1993 ALA Council also approved a resolution stating that ALA would "enter into conference site contracts only with organizations and legal bodies in cities, counties, or states that do not explicitly discriminate against lesbian, gay, and bisexual people." Council Minutes, Midwinter Meeting, January 1993, and "Resolution on Conference Site Contracts," https://www.ala.org/rt/sites/ala.org/rt/files/content/SRRT/Resolutions/1993/1993_ConferenceSiteContracts_FINAL.pdf.

³ As of May 9, 2022, Palestine Legal listed 32 states that have passed "Legislation targeting advocacy for Palestinian rights." See "Legislation," Palestine Legal, <https://legislation.palestinelegal.org/>. A current federal bill that would

condone state penalization of contractors boycotting Israel is the Combating BDS Act of 2021 (<https://www.congress.gov/bill/117th-congress/senate-bill/2119/text>). As the ACLU explained regarding the 2019 version of this bill, “The Combating BDS Act 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.” https://www.aclu.org/sites/default/files/field_document/2019-02-05_aclu_vote_recommendation_on_s._1.pdf. Earlier incarnations of this bill were the Combating BDS Act of 2019 (<https://www.congress.gov/bill/116th-congress/senate-bill/1/text>), the Combating BDS Act of 2017 (<https://www.congress.gov/bill/115th-congress/senate-bill/170/text>), and the Combating BDS Act of 2016 (<https://www.congress.gov/bill/114th-congress/senate-bill/2531/text>). A current bill that would criminalize participation in boycotts of Israel and its settlements is the Israel Anti-Boycott Act (<https://www.congress.gov/bill/117th-congress/house-bill/6940/text>). Previous versions were introduced in 2020 (<https://www.congress.gov/bill/116th-congress/house-bill/5595/text>) and 2018 (<https://www.congress.gov/bill/115th-congress/house-bill/1697/text>). For a complete list of current and past federal bills targeting supporters of Palestinian rights, see <https://legislation.palestinelegal.org/#federal>.

⁴ S.B. 13, 2021, Texas, <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00013F.pdf#navpanes=0>. Other states that have introduced such legislation include Indiana, West Virginia, Louisiana, and Oklahoma. See Alex Kane, “What the Fossil Fuel Industry Learned from Anti-BDS Laws,” *Jewish Currents*, April 4, 2022, <https://jewishcurrents.org/what-the-fossil-fuel-industry-learned-from-anti-bds-laws>; Chris McGreal, “Rightwing lobby group Alec driving laws to blacklist companies that boycott the oil industry,” *The Guardian*, February 8, 2022, <https://www.theguardian.com/environment/2022/feb/08/rightwing-lobby-alec-blacklist-companies-boycott-oil-industry>; David Armiak, “ALEC’s ‘Critical Energy Theory’ Bills Moving in Four States,” Exposed by CMD, Center for Media and Democracy, February 8, 2022, <https://www.exposedbycmd.org/2022/02/08/alecs-critical-energy-theory-bills-moving-in-four-states/>; “Free Speech-Quashing Laws Based on Israel-Focused Anti-Boycott Laws,” Foundation for Middle East Peace, March 24, 2022 and updated regularly, <https://fmep.org/wp/wp-content/uploads/BDS-Laws-as-Template-for-Laws-on-Other-Issues.pdf>.

⁵ S.B. 19, 2021, Texas, <https://capitol.texas.gov/tlodocs/87R/billtext/html/SB00019F.htm>; H.B. 3144, Oklahoma, http://webserver1.lsb.state.ok.us/cf_pdf/2021-22%20ENGR/hB/HB3144%20ENGR.PDF. See also “A bill in the Arizona House would punish banks that refuse business from gun firms,” NPR, February 18, 2022, <https://www.npr.org/2022/02/18/1081917682/a-bill-in-the-arizona-house-would-punish-banks-that-refuse-business-from-gun-fir>; Noah Taborda, “Kansas Senate considers shielding firearm industry from discrimination by businesses,” *Kansas Reflector*, February 22, 2022, <https://kansasreflector.com/2022/02/22/kansas-senate-considers-shielding-firearm-industry-from-discrimination-by-businesses/>; “Free Speech-Quashing Laws Based on Israel-Focused Anti-Boycott Laws,” Foundation for Middle East Peace, March 24, 2022 and updated regularly, <https://fmep.org/wp/wp-content/uploads/BDS-Laws-as-Template-for-Laws-on-Other-Issues.pdf>.

⁶ For links to RFPs and/or contracts for over 170 library-related projects that include state-mandated pledges the contractor does not and will not boycott Israel, see “Anti-BDS Legislation: The Library Connection,” Social Responsibilities Round Table, <https://www.ala.org/rt/srrt/irtf/anti-bds-legislation-library-connection>. Texas library-related RFPs, that require the contractor will not boycott energy companies include the following: City of Celina, [Library Master Plan](#). Issue date: Apr. 4, 2022; City of Edinburg, [RFP: Radio Frequency Identification System \(RFID\): Conversion and Equipment](#) for Dustin Michael Sekula Memorial Library. RFP issued Feb. 4, 2022; City of Houston [Request for Proposals for City of Houston Downtown Facilities Plan](#). (Plan to “modernize, renovate, finance, operate, and maintain four city buildings” including the Central Library. Date issued: Sept. 24, 2021. Texas library-related RFPs that require the contractor will not boycott a firearm entity or a firearm trade association include those listed above that prohibit boycotts of energy companies and also City of Bourne, [Request for Proposal Telecommunications System and Carrier Services](#) (to connect three buildings, including the library), Date issued: Jan. 4, 2022. For the relevant conditions for TexShare and TexQuest issued by the Texas State Library and Archives Commission, see Texas State Library and Archives Commission, [Standard Terms and Conditions for TexShare and/or TexQuest Agreements](#). Date: 2021.

⁷ MEE Staff in Washington, “US: Georgia Court Rules Anti-BDS Legislation Unconstitutional,” May 24, 2021, <https://www.middleeasteye.net/news/us-georgia-court-rules-anti-bds-law-unconstitutional>.

⁸ This resolution states, “Requiring library employees to sign loyalty oaths contributes to an atmosphere of suspicion and fear and places constraints on intellectual freedom by implying that it is hazardous for library

employees to hold or express views other than those condoned by the employer...," "1991-92 CD#18.1.2, Resolution on Loyalty Oaths," American Library Association, June 22, 1992, <https://alair.ala.org/bitstream/handle/11213/1649/53.7%20Loyalty%20Oaths.pdf?sequence=1&isAllowed=y>;

⁹ "The Universal Right to Free Expression: An Interpretation of the Library Bill of Rights," American Library Association, Adopted January 16, 1991, by the ALA Council; and amended on July 1, 2014, <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/universalright>.