

General Convention of The Episcopal Church 2022 Archives' Research Report

Resolution No.: 2022-C041
Title: On Defending the Right to Boycott
Proposer: Washington
Topic: Human Rights, Middle East

Directly Related: (Attached)

2018-D028 On the Topic of Opposing Anti-Boycott Legislation (Rejected)
1991-D122 Distinguish Between Criticism of Israeli Policy and Anti-Jewish Prejudice
1988-B052 Endorse the Boycott Against International Oil Companies in South Africa

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2015-D016 On the Topic of Investment in Israeli-Occupied Palestine (Rejected)

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2018, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#) or call 800-525-9329.

C041 - on Defending the Right to Boycott

Final Status: Not Yet Finalized

Proposed by: Washington

Requests New Interim Body: No

Amends C&C or Rules of Order: No

Has Budget Implications: No

Cost:

HiA: HB

Legislative Committee Currently Assigned: 07 - Social Justice & International Policy

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, the House of _____ concurring,

That the 80th General Convention of The Episcopal Church calls on the President of the United States and the U.S. Congress to oppose legislation penalizing or criminalizing support for nonviolent boycotts, divestment and/or sanctions on behalf of Palestinian human rights.

Explanation

The 127th Convention of the Diocese of Washington submits the following resolution to the 80th General Convention of the Episcopal Church.

Boycotts (the refusal to buy products or services of a person, company or country as a way to protest policies and actions) are an important form of expression protected by the First Amendment. The Supreme Court has ruled governments may not dictate political beliefs as a condition for receiving public contracts. Nor may they punish those who engage in boycotts.

Boycotts as nonviolent political action to oppose injustice have an honorable history from Americans' pre-Revolutionary boycott of tea to the boycott of South Africa during apartheid, a boycott the Episcopal Church strongly supported.

The call for Boycott, Divestment, and Sanctions (BDS) issued by Palestinian civil society in 2005 launched a nonviolent movement patterned on the South African example. In its broadest form, BDS supports boycotts of and divestment from virtually all Israeli businesses and from businesses substantially involved with Israel. BDS does not call for the end of

Israel but rather demands Israel comply with international law, respect human rights, and end the illegal occupation of Palestinian lands.

Over 100 measures have been introduced in state and local legislatures and in the U.S. Congress to punish BDS supporters, including those who merely refuse to pledge never to boycott Israel. To date, more than 30 states have enacted anti-BDS measures, including many governors' executive orders.

The American Civil Liberties Union, along with other civil liberties groups, has actively opposed anti-BDS legislation as an infringement of the constitutional right to boycott and inimical to the principles of free speech. Many cases have been filed challenging application of anti-BDS laws and orders, but without a definitive resolution of the controversy. Fear of retaliation and of the social opprobrium that often accompanies unfounded charges of antisemitism have chilled individual and corporate willingness to sue to uphold their rights. For example, Unilever Corporation, which owns Ben & Jerry's Ice Cream, has not defended itself against divestment of its stock by several state governments as punishment for Ben & Jerry's decision to cease doing business in Jewish-only settlements on the West Bank. Consequently, others who may wish to boycott Israel are often afraid to do so. Anti-Semitism is hostility to or prejudice against Jewish people and Judaism. Criticism of the secular government of Israel and its policies is not Anti-Semitic.

Whatever one's stance on BDS, in view of the ongoing assault on the right to boycott, this resolution's defense of the First Amendment right to speak and to act nonviolently in accordance with one's conscience is required as a matter of honoring our baptismal vows.



Resolution Number: 2018-D028
Title: On the Topic of Opposing Anti-Boycott Legislation
Legislative Action Taken: Rejected
Text of Resolution:

Resolved, the House of Bishops concurring, That the 79th General Convention of The Episcopal Church urge the President and the Congress of the United States to reject legislation that would penalize companies and organizations for their participation in nonviolent boycotts on behalf of Palestinian human rights as such legislation, at both federal and state levels, would be an infringement on First Amendment rights, based on the Supreme Court's consistent definition of boycotts as protected speech; and be it further

Resolved, That this Convention instruct the Office of Government Relations in Washington to inform legislators of our Church's opposition to the anti-boycott legislation pending in Congress as an infringement on the First Amendment right of free speech, and should such legislation become law, now or in the future, the Convention directs the Executive Council or the Presiding Bishop to file an amicus brief in support of court challenges to the law.



Resolution Number: 1991-D122

Title: Distinguish Between Criticism of Israeli Policy and Anti-Jewish Prejudice

Legislative Action Taken: Concurred

Final Text:

Resolved, That the 70th General Convention of the Episcopal Church recognize that a distinction exists between the propriety of legitimate criticism of Israeli governmental policy and action and the impropriety of anti-Jewish prejudice; and be it further

Resolved, That the 70th General Convention of the Episcopal Church deplore all expressions of anti-Jewish prejudice (sometimes referred to by the imprecise word "anti-Semitism"), in whatever form on whatever occasion, and urge its total elimination from the deliberations and affairs of the Episcopal Church, its individual members, its various units.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Phoenix, 1991* (New York: General Convention, 1992), p. 773.



Resolution Number: 1988-B052
Title: Endorse the Boycott Against International Oil Companies in South Africa
Legislative Action Taken: Concurred As Amended
Final Text:

Resolved, That, in response to the urgent request of Archbishop Tutu, the House of Deputies concurring, that the 69th General Convention adopt as its own resolution, with amendment, the resolution adopted by Executive Council, May 19, 1988:

Whereas, the Apartheid government of South Africa continues its brutal oppression as demonstrated in its recent action against 18 political organizations which and individuals who have been effectively banned; and

Whereas, Archbishop Desmond Tutu has called on foreign countries to enact and enforce comprehensive economic and diplomatic sanctions against South Africa; and

Whereas, Shell South Africa is the largest of three oil companies involved in South Africa; and

Whereas, South Africa does not produce oil of its own; and Whereas, Shell provides oil to South Africa that fuels the war in Namibia and assists the police and military in maintaining Apartheid; and

Whereas, the Episcopal Church has divested itself of stock of companies doing business in South Africa, including Shell Oil Company; therefore be it

Resolved, That the Episcopal Church join with those churches and others who have endorsed the boycott against Royal Dutch Shell; and be it further

Resolved, That this action be communicated to the widest membership in the Episcopal Church, encouraging the membership to participate in the boycott; and be it further

Resolved, That we call for the expanding of this boycott to include all international oil companies doing business in South Africa: Mobil, Chevron, Texaco, British Petroleum and Total.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Detroit, 1988* (New York: General Convention, 1989), p. 688.