

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-D028
TITLE: Freedom of Speech and the Right to Boycott
PROPOSER: Mr. Newland Smith
TOPIC: Economic Justice

Directly Related: (Attached)

1991-D122 Distinguish Between Criticism of Israeli Policy and Anti-Jewish Prejudice
1985-D073 Mandate Divestment in Companies Doing Business in South Africa and Namibia

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

None

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, 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 at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

D028 Freedom of Speech and the Right to Boycott

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| Proposer | Mr. Newland Smith |
| Endorsed by | Grieves, The Rev. Canon Brian; Mathews, The Very Rev. Dr. Koshy |
| Sponsored by | |
| Page numbers | Blue Book: p. N/A; Constitution & Canons: p. N/A |
| HiA / Leg. Cttee | HD / 07 - Social Justice and International Policy |
| Current Status | Resolution Filed |
| Version | Original (as filed) |
| Review Status | Not yet reviewed |

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ 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
- 2 *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.

EXPLANATION

Opponents of the boycotts movement have sought state and federal legislation that would label support for such measures anti-Semitic and would penalize supportive companies and organizations and, in some instances, individuals with fines and the loss of state contracts and assistance. At least twenty three states have passed such legislation or adopted it by executive order. Federal legislation is currently pending.

Whatever one's stance on boycotts, everyone has a right to express their opinions and act accordingly. Boycotts as nonviolent political actions are an American tradition, with roots extending to the pre-Revolutionary boycott of British tea. As far back as the 1955-56 Montgomery Bus Boycott, the Supreme Court has consistently considered boycotts protected speech under the First Amendment. Some examples of effective boycotts include the 1965-66 grape boycott in the Central Valley that birthed the UFW, the South Africa boycott which The Episcopal Church supported (Res. 1985-DO73) in 1985, and, most recently, the boycott of North Carolina stemming from its anti-LGBT legislation. Furthermore, The Episcopal Church affirmed in Res. 1991-D122 that legitimate criticisms of Israeli government policies and actions are not anti-Semitic. This Church differentiates the use of nonviolent tactics, such as economic pressure on behalf of universal human rights, from the current resurgence of hate-speech and actions that demonize entire communities: Jewish, Muslim, African-American, Native American, LBGT or any other group. This Church unequivocally condemns all hate-speech and

actions.

The current anti-boycott legislation at the state and federal levels is opposed by, among others, the ACLU, the Center for Constitutional Rights, and the Anti-Defamation League of B'nai B'rith. In November, 2017, twelve of The Episcopal Church's ecumenical partner churches and twenty-eight activist organizations released a public letter calling the anti-boycott legislation pending in Congress and in state legislatures “a blatant infringement on First Amendment rights,” and pledged to defend the right of churches and organizations to use economic measures in the specific case of Israel-Palestine.

Any legislation that suppresses legitimate criticism of public policy, and that restricts freedom of expression and the ability to exercise public witness through boycotts or investment and selective purchasing practices violates the U.S. Constitution. While the Church and its members may not be of one mind about which measures are most effective, the Church must collectively affirm and defend the right of individuals, congregations and organizations to use economic measures in the specific case of Israel-Palestine relations.

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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: 1985-D073
Title: Mandate Divestment in Companies Doing Business in South Africa and Namibia
Legislative Action Taken: Concurred As Amended
Final Text:

Resolved, That the 68th General Convention in obedience to our call to "fearlessly contend against evil and to make no peace with oppression" and with the desire to demonstrate moral leadership in our society, mandate that the Executive Council divest all holdings in companies doing business in South Africa and Namibia; and be it further

Resolved, That the General Convention urge the Church Pension Fund, all dioceses, parishes and affiliated institutions of the Episcopal Church to examine their portfolios with a view to identifying and divesting any holdings of companies doing business in South Africa and Namibia.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 1985* (New York: General Convention, 1986), p. 200.