

# Resolution in Defense of the Free Speech of Supporters of the Movement for Palestinian Rights

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*Editor's note: This resolution was approved by SRRT Action Council, and then by the American Libraries Association (ALA) Membership meeting at the 2019 ALA annual conference. Subsequently, ALA Council referred this resolution to a resolution review task force.*

**W**hereas, 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 the American Civil Liberties Union (ACLU) has explained, “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 ACLU has determined that the intent of the

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

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

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

Whereas, according to the ACLU, the “overbroad definition of anti-Semitism” in the Anti-Semitism Awareness Act “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 Center for Constitutional Rights, Defending Rights & Dissent, the Foundation for Individual Rights in Education, and Kenneth Stern, a primary author of the definition of anti-Semitism employed in the bill, have all opposed previous versions of the bill; now therefore be it

Resolved, that the American Library Association, on behalf of its members

1. opposes the Combating of BDS Act of 2019 contained in S.1 and H.R. 336;
2. opposes S.852, the Anti-Semitism Awareness Act of 2019; and
3. opposes any federal, state, or local legislation that would restrict the First Amendment rights of supporters of the movement for Palestinian rights, including activists and supporters of the BDS movement.

**Mover:** Thomas Twiss

**Second:** Myrna Morales