From:
To:

Subject:
Date:

THE NEED FOR ADVOCACY

Free expression and intellectual freedom are currently under attack in the United States. A major aspect of this attack is a massive wave of state and federal legislation, and now an executive order, specifically designed to

NEW EXECUTIVE ORDER

ALA POLICIES

LEGISLATIVE CONCERNS

Appendix A

December 20, 2019

To: Committee on Legislation (COL), Intellectual Freedom Committee (IFC), International Relations Committee (IRC)

From: Resolution review task force

Subject: BDS resolution

A report/forwarding letter to the Committee on Legislation (COL), Intellectual Freedom Committee (IFC), International Relations Committee (IRC)

support for the free speech of BDS is not the same as support for BDS, and that this resolution

Appendix B

Resolution Opposing the Free Speech and Intellectual Freedom Restrictions in the Combating BDS Act, Anti-Semitism Awareness Act, and Related Legislation

:KHUHDV WKH $PHULFDQ /LEUDU\ $VVRFLDWLRQ $/$ ³RSSRVHV DQ\ JRYHUQPHQWDO DWWHPSW LQFOXGLQJ EXW QRW OLPLWHG WR ODZV UHJXODWLRQV DQG HQIRUFHPHQW SROLFLHV WKDW GLUHFWO\ RU LQGLUHFWO\ UHVWULFW WKH IUHH H[SUHVVLRQ RU DVVRFLDWLRQ RI LQGLYLGXDOV EDVHG RQ WKHLU SROLWLFDO EHOLHIV RU H[SUHVVLRQV´ $/$ &RXQFLO 3ROLF\ % *RYHUQPHQWDO ,QWHUIHUHQFH ZLWK &RQIHUHQFH RU 0HHWLQJ 6SDFHV DQG 3URJUDPV´ DQG

:KHUHDV $/$ DQG RWKHU RUJDQL]DWLRQV KDYH RSSRVHG DQ\ OHJLVODWLRQ RU FRGLILFDWLRQ RI GRFXPHQWV . . . WKDW XQGHUPLQH DFDGHPLF RU LQWHOOHFWXDO IUHHGRP FKLOO IUHH VSHHFK DQG RU RWKHUZLVH LQWHUIHUH ZLWK WKH DFDGHPLF FRPPXQLW\¶V DELOLW\ WR VHHN UHFHLYH DQG LPSDUW LQIRUPDWLRQ DQG YDOXHV RI VFKRODUVKLS (ALA Policy B.2.5 Support of Academic Freedom);

Whereas, such bills as 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 H[SODLQHG ³ZRXOG FRQGRQH VWDWH ODZV SHQDOL]LQJ ER\FRWW GLYHVWPHQW RU VDQFWLRQV µ%'6¶ DFWLYLWLHV DJDLQVW ,VUDHO DQG ,VUDHOL FRQWUROOHG WHUULWRULHV

:KHUHDV WKH $&/8 KDV GHWHUPLQHG WKDW WKH LQWHQW VSLULW DQG OHWWHU RI WKH)LUVW $PHQGPHQW JXDUDQWHH RI IUHH VSHHFK DQG DVVRFLDWLRQ DUH WKUHDWHQHG E\ WKH %'6 PRYHPHQW DQG

Whereas, the National Coalition Against Censorship has similarly opposed the act on First Amendment grounds; and while ALA does not currently take a position on the political views of BDS- or anti BDS supporters, we strongly oppose efforts to stifle political expression; and

Whereas, in NAACP v. Claiborne Hardware Co. (458 U.S. 886 (1982), the Supreme Court ruled that the First Amendment protects political boycotts as protected speech;

Whereas, Boycott, Divestment, and Sanctions (BDS) is a movement, modeled after the struggle against apartheid in South Africa, which calls for pressure on Israel to attain Palestinian rights;

Whereas, S.852 and H.R. 4009, 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;

Whereas, as noted in the Act, the Department of Education is already empowered to investigate incidents of anti-Semitism as a form of discrimination;

: K H U H D V D F F R U G L Q J W R W K H $ & / 8 - 6 H H L W L V P $ Z D U H Q H V V $ F W ³ U L V N V L Q F R U U H F W O \ H T X D W L Q with anti-Semitism, making it O L N H O \ W K D W I U H H V S H H F K Z L O O E H F K L O C

Whereas, the ACLU, the Alliance for Academic Freedom, the Center for Constitutional Rights, Defending Rights & Dissent, the Foundation for Individual Rights in Education, PEN America, and Kenneth Stern, a primary author of the definition of anti-Semitism employed in the bill, have all opposed previous versions of the bill or the current version of the Anti-Semitism Awareness Act; now therefore be it

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

1. opposes S.1 and H.R.336 as introduced, and any other current or future versions of these bills that would continue to infringe on the free speech rights of supporters of the movement for Palestinian rights, including supporters of the BDS movement; and

2. opposes S.852 and H.R. 4009 as introduced, and any other current or future versions of these bills that would threaten to chill free speech on college campuses of supporters of the movement for Palestinian rights, including supporters of the BDS movement; and

3. opposes any federal, state, or local legislation, or campus policy that would restrict, or that currently restricts, First Amendment rights, that include speech through boycotts, of supporters of the movement for Palestinian rights or other political movements; and

4. opposes anti-Semitism, Islamophobia, and all other forms of racism, and remains concerned about the increase in bigotry-motivated violence; and

Appendix C

Resolution Opposing the Free Speech and Intellectual Freedom Restrictions in the Combating BDS Act, Anti-Semitism Awareness Act, and Related Legislation:

Insert: