

Freedom to Boycott Coalition, New York State Opposition to A.8220-A/S.6086 & A.9036/S.6378-A

Dear Honorable Members of the New York Legislature,

We are writing to strongly oppose the above bills, currently in the Assembly Governmental Operations Committee and the Senate Finance Committee, as well as any similar legislation that creates unconstitutional blacklists. We share deep concerns about unconstitutional attacks on boycotts, a form of protected political speech. We call on you to stop this legislation, and oppose any similar efforts.

This legislation mandates that New York State create a blacklist of individuals and/or entities that exercise their constitutional right to utilize boycott as a form of free speech. Under these bills, those that boycott companies based in Israel or the Occupied Territories would be ineligible to contract with, or receive investment of pension funds from, the State of New York.¹

The proposed legislation runs counter to the US Supreme Court decision in NAACP v. Claiborne Hardware Co., which concluded that boycotts constitute a political form of expression that “occupies the highest rung of the hierarchy of First Amendment values.”

If passed, these bills could require that New York utilize the power of the state to:

- Punish, under A.9036/S.6378-A’s broader definition of “allied nation,” those advocating for a boycott of Turkey because it uses U.S. weapons to commit human rights abuses against Kurds, or for advocating for a boycott of Colombia because it uses U.S. weapons to commit atrocities against its citizens.
- Bar United Methodist Churches from contracting with the state to run homeless shelters and soup kitchens because the church supports the boycott of Israeli settlement goods.
- Punish those advocating for a boycott of Israel because it uses U.S. weapons to inflict systemic human rights abuses against Palestinians. It would prevent New York from investing in corporations that have severed their complicity with Israel’s oppression of Palestinians in response to boycott, divestment and sanctions (BDS) campaigns.

Should such a bill become law, it would chill and deter constitutionally protected speech by intimidating people from engaging in political actions for fear of being blacklisted. One of these bills was passed in the NY State Senate the first week of the session with virtually no debate and it must be stopped now.

¹ The broader definition of “allied nation” in A.9036/S.6378-A specifies Israel, as well as any country that is a member of the North Atlantic Treaty Organization; any country that is a signatory of the Southeast Asia Treaty of 1954; any country, other than Venezuela, that is a signatory of the Rio Treaty of 1947; and Ireland, Japan, and The Republic of Korea.

These measures are dangerous and unconstitutional. No legislation should restrict the rights of New Yorkers to engage in efforts to bring sanctions against a nation engaged in human rights violations.

We ask you to act in accordance with this state's history of defending free speech and the rights of New Yorkers to engage in peaceful efforts to change policies.

We urge you to make sure none of these proposals advances any further in the New York State Legislature. We are counting on you to defend free speech and reject this new version of McCarthyism.

Signed by the following organizations:

Center for Constitutional Rights
Palestine Legal
National Lawyers Guild – NYC
NYCLU (Capital Region Chapter)
Peace Action New York State
Peace Action of Staten Island
NY State Council of Churches
United Church of Christ Palestine Israel Network
Presbyterian Peace Fellowship
Israel Palestine Mission Network of the Presbyterian Church (U.S.A.)
American Friends Service Committee Northeast Region
New York Conference, United Church of Christ
Kairos: The Center for Religions, Rights, and Social Justice
Congregations for Justice and Peace
Stony Point Center, Presbyterian Church (U.S.A.)
United Methodist Upper NY Task Force on Peace with Justice in Palestine/Israel
Judson Memorial Church
Park Slope United Methodist Church, Social Action Committee
St. Mary's Episcopal Church, Mohegan Lake
Unitarian Universalists for Justice in the Middle East, New York Chapter
Brooklyn Monthly Meeting Religious Society of Friends (Quakers)
Fifteenth Street Meeting of the Religious Society of Friends (Quakers)
Ithaca Area Episcopal Peace Fellowship
Christians Witnessing for Palestine (Rochester)
Task Force on Israel-Palestine at St. Michael's Church
Maryknoll Sisters
Jewish Voice for Peace - National
Jewish Voice for Peace - New York City Chapter
Jewish Voice for Peace - Ithaca Chapter
Jewish Voice for Peace - Albany Chapter
Jewish Voice for Peace - Westchester Chapter
Jewish Voice for Peace - Rochester Chapter
JEWS SAY NO!
Jews for Palestinian Right of Return
Jews for Racial & Economic Justice
Arab American Association of New York

Council on American Islamic Relations, New York (CAIR-NY)
American Muslims for Palestine (AMP) NY
American Muslims for Palestine (AMP) NJ
CAAAY - Organizing Asian Communities
North American Climate, Conservation and Environment
Rainforest Relief
MADRE
West Harlem Progressive Democratic Club
US Campaign to End the Israeli Occupation
US Palestinian Community Network
MENA Solidarity Network-US
Al-Awda New York, The Palestine Right to Return Coalition
American Studies Association
Women and Gender Studies, Hunter College
American Association of University Professors - NYU Chapter
National Economic & Social Rights Initiative
Open University Project, Columbia University
Adalah-NY: the New York Campaign for the Boycott of Israel
U.S. Campaign for the Academic and Cultural Boycott of Israel
Queers Against Israeli Apartheid
CUNY 4 Palestine
Labor for Palestine
Saoirse Palestine
Brooklyn For Peace
Fort Greene Peace
Veterans For Peace - NYC Chapter 34
Green Party of Nassau County
Genesee Valley Citizens for Peace
North Manhattan Neighbors for Peace and Justice
Peace Action at Hobart and William Smith Colleges
Peace Action & Education (Rochester)
Peace Action Geneseo
Palestinian Rights Committee of the Capital District
Western New York Peace Center
War Resisters League
CODEPINK New York
Concerned Families of Westchester
WESPAC Foundation
Committee for Open Discussion of Zionism
Park Slope Food Coop for Boycott, Divestment and Sanctions'
Metro NY Committees of Correspondence for Democracy & Socialism
Lynne Stewart Organization
Syracuse Peace Council
Democratizing Knowledge Collective
Elias Foundation
Ithaca Democratic Socialists of America
Ithaca Showing Up for Racial Justice
Showing Up for Racial Justice NYC
New Abolitionist Movement
Middle East Crisis Response (MECR)
Columbia Students for Justice in Palestine

Cornell Students for Justice in Palestine
Hunter College Students for Justice in Palestine
Palestine Solidarity Alliance of Hunter College
Students for Justice in Palestine at the College of Staten Island
Saint Joseph's College Students for Justice in Palestine
New School Students for Justice in Palestine
NYC Students for Justice in Palestine
Vassar College Students for Justice in Palestine
Vassar College Drone Initiative
Vassar Grassroots Alliance for Alternative Politics (GAAP)
Samidoun Palestinian Prisoner Solidarity Network
International Socialist Organization
Green Party, U.S.
Manhattan Green Party
Granny Peace Brigade
Women of a Certain Age
Women in Black, Union Square
Women In Black, Washington Heights
Women in Black, New Paltz
Women's Organizing Network (NYC)
New York Association for Gender Rights Advocacy (NYAGRA)