



July 30, 2019

Dear Legislator,

We write to you as rabbis and cantors affiliated with T'ruah and J Street to ask that you defend the free speech of all Americans by opposing any efforts to pass legislation penalizing supporters of the Boycott, Divestment and Sanctions (BDS) movement. At both the federal and state level, this type of deeply misguided legislation undermines a core principle of American democracy. These laws do nothing to protect the State of Israel, and they would injure the American Jewish community.

While proponents of imposing legislative penalties on BDS supporters portray their efforts as “pro-Israel,” none of these laws have any impact on bringing about a peace agreement, or on wiping out anti-Semitism. Instead, these laws and the debate around them distract us from the real work of supporting Israel -- namely, working toward a two-state solution and a long-term peace agreement that creates a better future for both Israelis and Palestinians, each with self-determination in their own state.

J Street and T'ruah do not support or advocate for the Global BDS movement. At the same time, we firmly believe that legislating against boycotts, which are a form of speech protected under the First Amendment, opens the door to much broader government control of public discourse. With our democratic institutions under attack, we must hold the line on our constitutional freedoms. We follow proudly in the footsteps of Supreme Court Justice Louis Brandeis, a renowned Zionist leader, who wrote in the 1927 free-speech case *Whitney v. California* that our country's founders “eschewed silence...coerced by law — the argument of force in its worst form.” A true commitment to the First Amendment means we must defend free speech even and especially when we find it objectionable or offensive.

Judaism from its earliest days has recognized the importance of free speech. In the Torah, after a group of elders receive temporary permission to prophesy, two men -- Eldad and Medad -- continue doing so beyond the appointed time. While Joshua advocates punishing them, Moses rejects this suggestion and allows them to continue. (Numbers 11:26-29)

Though anti-BDS laws purport to help Jews, we know too well that Jews become particularly vulnerable when legal protections are splintered. As playwright Samuel Oritiz declared in his 1947 testimony to the House Un-American Affairs Committee, “When constitutional guarantees are overridden, the Jew is the first one to suffer ... but only the first one.”

We have seen some lawmakers promote this kind of legislation in the name of combating anti-Semitism and protecting Jews from discrimination. We firmly reject this framework. While there is no doubt that some in the BDS movement have trafficked in anti-Semitic ideas and rhetoric, heavy-handed attempts to penalize BDS proponents are not an effective nor just way to address such prejudice when it appears. In the fight against all forms of anti-Semitism, we must uphold our democratic principles.

We are also deeply concerned that much of the anti-BDS legislation proposed or already passed at the federal and state level does further harm to Israel by blurring the distinction between Israel within its internationally recognized borders and the occupied Palestinian territories. The blurring of these lines and deliberate extension of US legal protection to Israeli settlements in the occupied territory contradicts decades of bipartisan US policy. It strengthens the hands of rejectionists on both the Israeli and Palestinian sides, and undermines the prospects for a peaceful two-state solution.

As clergy who are committed to the human rights of both Israelis and Palestinians, we all work toward a long-term resolution that results in two independent states living side-by-side in peace, safety and justice -- a bipartisan keystone of American policy for decades. Vitriolic debates about BDS, and attempts to pass anti-democratic laws against it, only distract from this vital endeavor.

We ask you to oppose any legislation that seeks to silence or suppress free speech and non-violent activism. Rather than making a divisive and destructive choice between support for Israel and commitment to the First Amendment, we ask you to only pursue policies that will uphold both.

Sincerely,

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