

## The Bipartisan Effort against Campaigns for Corporate Responsibility

by [Stephen Zunes](#) March 22, 2017

The Trump Administration's efforts to legitimize the Israeli occupation and illegal settlements in the Israeli-occupied territories has received surprising bipartisan support. A series of bills passed or under consideration in Washington and in state capitols seeks to punish companies, religious denominations, academic associations, and other entities which support the use of boycotts, divestment, and sanctions (BDS) to challenge the occupation of Palestinian land.

Some elements of the BDS movement have been criticized for not distinguishing between Israel, a recognized nation-state, and territories seized by Israeli forces in the June 1967 war, which remain under foreign belligerent occupation. For example, while most of the BDS efforts on college campuses and within religious denominations have focused primarily on U.S.-based companies which directly support Israel's repressive occupation and colonization efforts in the West Bank, the [formal BDS call](#) by Palestinian civil society groups also supports academic, commercial and other forms of boycotts and sanctions of Israel itself.

However, a number of the recent anti-BDS legislative initiatives in the United States, have also failed to distinguish between the two by legally defining Israel as including the occupied territories and illegal settlements.

Claiming the BDS campaign is "anti-Semitic in nature and seeks to destroy Israel," the 2016 Republican platform calls for the passage of "effective legislation to thwart actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel *or in Israeli-controlled territories.*" [emphasis added]

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At the state level, bipartisan legislative majorities, with the support of their governors, have heeded that call. [Illinois](#), [Ohio](#), [New Jersey](#), [Iowa](#), [Georgia](#), [Arizona](#), [Florida](#), and [Indiana](#) have all enacted laws between 2015 and 2017 making it illegal for their respective states to contract with or invest state pension funds in any company which refuses to do business with illegal Israeli settlements or businesses based in these settlements, even if the company produces and sells products in Israel itself.

Some of these laws also prohibit the state from contracting with any nongovernmental group, including churches and other nonprofits, which promote a boycott of companies involved in territories controlled by Israel. For example, a homeless shelter run by a Presbyterian or Congregationalist church would now be ineligible for state funding because these denominations have divested from four or five companies directly supporting the Israeli occupation.

There are a number of states where such legislation is in progress, such as New York, where the State Senate recently passed [a bill](#) making it impossible for the state contract with or invest in any company or

nongovernmental entity, organization or group which engages in or promotes a boycott of any company involved in territories controlled by any “allied nation.” (Governments not allied with the United States are exempt, therefore it does not impact U.S. boycotts and sanctions against Russia for its occupation of Crimea.) New York Governor Andrew Cuomo also issued the first-ever [executive order](#) forcing state agencies to divest from any organizations aligned with the Boycott, Divestment and Sanctions movement.

In Montana, [a bill](#) was recently pushed through the State House which would bar public agencies—including counties, cities and towns—from doing businesses with companies that don't agree to certify in writing that they are not engaged in a boycott of Israel or its illegal settlements. As with a number of other cases, [the bill's chief sponsor](#) has claimed that such legislation targeting those opposed to the Israeli occupation and settlements is a necessary response to the recent rise of bomb threats and other anti-Semitic activity by neo-Nazis.

Some states have gone even further, seeking to suppress student advocacy against the occupation and settlements. On March 8, the New York State Senate, with broad bipartisan support, passed [a bill](#) that would prohibit any state university from funding any student organization which directly or indirectly promotes boycotts or divestment against companies operating in “territories controlled by an allied nation.” According to the legislation, any campaign to persuade university endowments to divest from stockholdings in companies supporting the Israeli occupation and settlements “seeks to advance anti-Semitic, anti-freedom and anti-capitalist principles.”

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Given the likelihood of lawsuits challenging such legislation on First Amendment grounds, the U.S. Senate is working on bipartisan [legislation](#) that would indemnify state and local governments seeking to punish any entities which attempt to “limit commercial relations” with those doing business in “Israeli-controlled territories” for the purposes of influencing Israeli government policy. The bill currently has [31 co-sponsors](#), including eleven Democrats.

Similarly, as part of an effort to stifle student activism against the occupation, the Senate in December passed [a bill](#) by unanimous consent that would have required the Department of Education to pressure colleges and universities to suppress BDS activism under Title VI of the Civil Rights Act by including such “anti-Israel conduct” as a form of “[anti-Semitism](#).” Chief sponsor [Bob Casey](#) (D-PA) justified the bill, which never passed the House, as a response to growing anti-Semitic attacks.

The purpose of such legislation is pretty clear. Given that the U.S. government no longer even pretends to oppose the Israeli occupation and colonization of Palestinian territories, a bipartisan effort has emerged to suppress student activists, churches, socially-conscious companies, and anyone else organizing against it.

Such legislation would be problematic on free speech grounds even if it did only apply to BDS actions against Israel. However, the fact that many of these efforts also target those who simply oppose the occupation—including many self-described Zionists and other supporters of Israel—is indicative of a broader crackdown against civil society campaigns supporting corporate responsibility, international law, and human rights. In one sense, this suppression of civil liberties is not surprising under the Trump Administration. However, the fact that this has such broad Democratic support shows that the problem goes much deeper.