



The Right to Boycott

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I am pleased to submit this commentary for the special issue on the intersection of social justice and intellectual freedom. The ALA Social Responsibilities Round Table (SRRT) has been working for several years on an issue that perfectly exemplifies the intersection of social justice and intellectual freedom: the right to engage in political boycotts.

At the ALA Annual Conference on June 26, 2022, SRRT sponsored a program titled “Libraries, Free Speech, and Anti-Boycott Laws,” featuring Luna Martinez, from the Center for Constitutional Rights; Alan Leveritt, publisher of the *Arkansas Times*, which is challenging Arkansas’s anti-boycott law; and a message from Brian Hauss, the chief litigator from the ACLU on behalf of the *Arkansas Times*. This case is on its way to the US Supreme Court. We also introduced a “Resolution in Defense of the Right to Engage in Political Boycotts” (2021–2022 ALA CD#55). SRRT is trying to work with the ALA intellectual freedom bodies, and we are happy to report that our resolution was endorsed by the Intellectual Freedom Round Table and an amended version of our resolution easily passed the ALA Membership Meeting. However, it was defeated at the ALA Council by a vote of 51 yes, 83 no, and 9 abstentions.

As most of us may already know, there is currently a coordinated right-wing assault on free speech directed specifically against progressive ideas and movements for social justice. This assault includes efforts to ban books and gag teachers from instructing about “divisive subjects” around race and gender (language from New Hampshire’s law), an unprecedented number of laws restricting the right to demonstrate, and laws that prohibit whistleblowers from exposing the horrendous abuse of animals in industrial agriculture. It also includes legislation designed to punish

individuals, organizations, and companies that engage in boycotts for political or social change. These include boycotts of Israel and now also boycotts of fossil fuels and arms manufacturing corporations.

Much of the restrictive legislation has been drafted and aggressively promoted by the American Legislative Exchange Council (ALEC), an ultra-conservative, evangelical Christian, corporatist lobbying group heavily funded by Koch Industries, among others. In the past, ALEC has inspired bills promoting “stand your ground” legislation, targeting protests against oil pipelines, restricting the right to abortion and the rights of transgender students, and requiring voter IDs. It has also been a leading proponent of “anti-BDS legislation” that addresses the Palestinian movement for social justice, and the more recent copycat bills to restrict the right to boycott fossil fuels and firearms manufacturers.

In a March 21, 2022, broadcast, National Public Radio quoted Isaac Kamola, co-author of *Free Speech and Koch Money*, about the campaign by Donors Trust and Donors Capital Fund to finance rightwing think tanks like the Manhattan Institute and Goldwater Institute to campaign against a purposely misconstrued concept of critical race theory. The group, No Left Turn in Education, is also offering model legislation. Ralph Wilson, the other co-author of the above book, stated that these funders and think tanks see



free inquiry as “a threat to the future of capitalism and free enterprise.”

The SRRT program and resolution addressed legislation that punishes political boycotts. Boycotts have been crucial to the struggle for social justice since the founding of the United States. The Boston Tea Party in 1773 signaled the beginning of the revolt of the American colonists against the British Government. They dumped 342 chests of tea into the harbor to protest the British tea tax. We all know of Rosa Parks, a hero of the Civil Rights Movement, who initiated the successful 1955 boycott on behalf of the NAACP against the segregated bus system in Montgomery, Alabama, until bus segregation was ended by a court decision in 1956. We may remember the successful 1965–1970 boycott against California grapes initiated by Cesar Chavez of the United Farmworkers to unionize the corporate farm fields. This author spent many years organizing in an international boycott against apartheid South Africa until a new majority-rule government was finally achieved in 1994.

It is no surprise that the anti-boycott legislation listed above has been opposed by nearly every major group in the US concerned with free speech and intellectual freedom. These organizations include the ACLU, the Center for Constitutional Rights, the National Coalition Against Censorship, Defending Rights and Dissent, the Foundation for Individual Rights and Expression (FIRE), the National Lawyers Guild, and the American Association of University Professors. Furthermore, five federal courts in four states have

already found anti-boycott laws unconstitutional because they violate the First Amendment.

However, one leading advocate of free speech is missing from this list—the American Library Association. This is especially surprising since this is also clearly a library issue. SRRT has documented more than 170 requests for proposal (RFPs) and contracts for library projects that have forced contractors to sign a pledge not to boycott Israel (<https://www.ala.org/rt/srirt/irtf/anti-bds-legislation-library-connection>). Additionally, we have already found a few library-related RFPs and contracts that contain state-mandated pledges not to boycott firearms and fossil fuels corporations. We can expect many more in the coming months. And, since there is now a template for such bills, we can expect similar library-related RFPs and contracts on a host of other topics in the future—that is, unless we organize to stop these campaigns.

In the recent SRRT program on this subject, Luna Martinez stated that there are now more than 200 anti-boycott bills, and 34 states have adopted legislation. Martinez ended her talk with a call for huge public support to oppose such legislation on behalf of free speech. SRRT agrees with Martinez’s call. One way to build such support is to motivate all kinds of organizations to take a stand. We need the ALA Council to make a clear statement on this issue. Beyond that, ALA could consider lobbying vigorously in state capitals and Congress to uphold the right to boycott. Such a response would provide a perfect example of how ALA can stand up for both social justice and libraries by simply taking a position on an important free-speech issue.