

BOYCOTTS: GOALS, METHODS, AND CHALLENGES FROM THE U.S. TO SOUTH AFRICA TO ISRAEL-PALESTINE

INSTRUCTIONAL NOTES

This activity gives students a chance to apply the knowledge and insights they've gained from studying *Martin Luther King and the Montgomery Story* and broader issues of the bus boycott and the U.S. civil rights movement, including decisions that activists made about tactics and strategy. Using the Jigsaw strategy, students will examine (and hear their peers present) primary and secondary sources that address the right to boycott in the United States, how boycott and divestment campaigns supported the anti-apartheid struggle in South Africa, and current realities of and resistance to the Boycott, Divestment, and Sanctions (BDS) movement for Palestinian rights and self-determination.

First, split the class into seven "expert groups" (one for each document), and have students in those groups read and then work together to analyze their assigned document using the "Questions for Analysis & Discussion" on the student handout. Next, mix up students into new groups of seven students so that each group has one person from each document expert group. In these new groups, students share out about the document they read. Finally, provide students with an opportunity for synthesis – either in their new groups or in a whole-class discussion. The following prompts/questions can provide a starting point, but you and your students may have many more:

- Create a simple timeline (on the board or in groups on chart paper) to provide a visual representation of the moments/time periods the different documents come from – and to see when they happened in relation to each other. Add the Montgomery Bus Boycott to the timeline for perspective.
- What similarities did you notice among the activist approaches addressed in the documents? (Note that even the documents that quote anti-boycott legislation can help to reveal strategies activists may be using or trying to use, as well as challenges they face). Do you see any approaches or strategies that you recall from the Montgomery bus boycott?
- What differences did you notice among the activist approaches addressed in the documents? How did any of the documents show approaches or strategies you didn't see used in Montgomery?
- What particular challenges do you see for people trying to organize boycotts today?
- What opportunities and advantages do you see for people trying to organize boycotts today?

Connecting this lesson to key Curriculum Guide themes and issues

Note that the sources were selected to pick up on – and provide a chance for you and your students to keep tracing – through lines from both the comic book and from other lessons in this guide. Document 1 shows how the work of the NAACP continued in the United States long after its support for the Montgomery Bus Boycott, including the continued use of boycotts to defend the civil rights of Black people. Document 2 shows how Dr. King provided support to the anti-apartheid struggle in South Africa and highlights his continued (and expanded) work advancing nonviolence. Document 3 includes the iconic photo that captured the horror of police killings during the Soweto uprising, specifically the shooting of Hector Pieterse, whose sister (also in the photo) is quoted in the "Young People Taking a Stand" lesson. And Document 7 shows how churches in the United States continue to be one site of struggle and solidarity in the U.S., just as they were in Montgomery in 1955-56.

Connecting this lesson to the documentary film, *Boycott*

For an outstanding resource to deepen understanding of U.S. state laws that ban individuals and companies/organizations from supporting boycotts of Israel and Israeli products or investments – and to hear the personal stories of people who have been challenging these laws – look no further than a screening of the film [Boycott](#). Released in November 2021, it is the latest documentary from award-winning Palestinian filmmaker Julia Bacha (*Budrus*) and the team at [Just Vision](#), an independent media and storytelling human rights organization based in Israel-Palestine.

The film follows the cases of a publisher, an attorney, and a teacher whose careers and livelihoods are threatened when they come up against anti-BDS laws in their home states. If you are unable to access the full film, there are a number of resources related to it that you can access and share with your students to examine current threats to the right to boycott in the United States.

- In this June 2022 [interview for the podcast “This is Palestine,”](#) Bahia Amawi, who lost her job with a Texas school district after refusing to sign a contract addendum that would have prohibited her from boycotting Israel, and *Boycott* director Julia Bacha discuss the film and its broader implications with Diana Buttu, a Palestinian lawyer and analyst based in Ramallah.
- To hear more from Amawi, Arkansas newspaper publisher Alan Leveritt, and attorney Mikkel Jordahl, whose stories are told in the film, as well as the filmmakers, see [this panel moderated by MSNBC’s Ayman Mohyeldin at the November 2021 DOC NYC film festival](#).
- This [March 20, 2022 Austin American-Statesman op-ed by Amawi](#) addresses ongoing debates about anti-boycott legislation in Texas, including other ways the right to boycott is under threat there and throughout the United States.
- And this [November 22, 2021 New York Times op-ed by Leveritt](#) provides one account of his newspaper’s efforts to challenge the laws in court.

For a full and up-to-date listing and status of U.S. state-level legislation that targets advocacy for Palestinian rights, see the [website of Palestine Legal](#), which tracks this and works to “protect the civil and constitutional rights of people in the U.S who speak out for Palestinian freedom.” To stay current on anti-boycott legislation more generally, check this [legislation tracker](#) from Just Vision.

Important update: On June 21, 2022, the full panel of the federal [Eighth Circuit Court of Appeals ruled](#) that the Arkansas law challenged by Leveritt and the *Arkansas Times* did not violate the First Amendment (or run afoul of the *Claiborne* decision outlined in this lesson). The court said that the law only restricted “unexpressive economic conduct,” which is not protected by the First Amendment’s guarantee of free speech. The ACLU lawyers representing Leveritt and the newspaper have said they will appeal the decision to the Supreme Court. For a good recap of this case, see this piece from *Jewish Currents*, [“The Arkansas Anti-Boycott Case, Explained.”](#) And follow Just Vision for updates!

[Click here to return to full curriculum & study guide for Martin Luther King and the Montgomery Story](#)

BOYCOTTS: GOALS, METHODS, AND CHALLENGES FROM THE U.S. TO SOUTH AFRICA TO ISRAEL-PALESTINE

When Dr. King, Mrs. Parks, and 88 other people involved with the Montgomery Improvement Association and the boycott were indicted (formally accused of a crime) on February 21, 1956, it wasn't for violating the city's or the state's segregation laws. They were charged under a 1921 Alabama anti-boycott law that made it illegal to hinder "a lawful business without just cause or legal excuse." (This law had been part of a package of laws passed to crush labor union activity in Alabama after a series of strikes by mostly Black coal miners in Birmingham. Another of the laws was a total ban on picketing, which the U.S. Supreme Court ruled in 1940 was an unconstitutional violation of free speech.) In the 1982 decision in *NAACP v. Claiborne Hardware Co.*, the U.S. Supreme Court affirmed that a boycott is a form of political speech protected by the First Amendment to the U.S. Constitution.

Far beyond the United States, boycotts have been used all over the world as a nonviolent tactic to put pressure on governments and on corporations to change harmful policies and practices. Just like tens of thousands of Black people in Montgomery worked together to challenge bus company practices and state law, coordinated international boycott campaigns have been one way for regular people to stand together against injustice.

In this activity, you will explore documents to help you consider the goals and methods of boycotts, as well as the challenges these campaigns can face.

DIRECTIONS

Read the document assigned to you, and work with the classmates in your group to answer the questions below. Be prepared to explain your document to others. When you finish analyzing the document in your first group, you will join a different group to present your document and hear from other students about the sources they analyzed.

Questions for Analysis & Discussion

1. What is the main idea or message of this document?
2. How does it show the goals and methods of a boycott? Give specific examples of each.
3. How does it show the challenges a boycott can face? Give specific examples.
4. Can you think of other challenges that a boycott campaign might face? Note them here. (Hint: think about some of the obstacles confronted by the Montgomery Bus Boycott that you've learned about from the comic book and from other readings.)
5. Whether the document is historic or contemporary, what implications or lessons does it have for boycott campaigns today?

KEY TERMS

APARTHEID: The system of state-sponsored racial segregation implemented in South Africa from 1948 to 1994. Today the legal term refers to "the implementation and maintenance of a system of legalized racial segregation in which one racial group is deprived of political and civil rights. Apartheid is a crime against humanity punishable under the Rome Statute of the International Criminal Court."
<https://www.law.cornell.edu/wex/apartheid>

BOYCOTT: To refuse to buy the products or services of, or otherwise do business with, an individual, business, corporation, or nation as a form of protest.

DIVEST: To reduce an asset or business "through sale, liquidation, exchange, closure or any other means for financial or ethical reasons"; the opposite of invest.
<https://www.divestopedia.com/definition/919/divesting>

SANCTIONS: Policy by a government or group of governments to cut off trade and financial relations with other countries, institutions, corporations, or individuals.

DOCUMENT 1: U.S. SUPREME COURT DECISION IN NAACP V. CLAIBORNE HARDWARE CO.

The Global Freedom of Expression initiative at Columbia University works to survey, document, and strengthen free expression around the globe. This case analysis of NAACP v. Claiborne Hardware Co. is excerpted from the project's website.

Facts

This case involved a boycott by a group of individuals (collectively “the boycotters” or “the protesters”) in Mississippi organized in part by the NAACP (the National Association for the Advancement of Colored People) against white business owners in Claiborne County, Mississippi, after elected officials failed to meet the protesters’ demands for equality and an end to segregation. . . . Claiborne Hardware Company and several other boycotted merchants (collectively “the merchants” or “the businesses”) filed suit in chancery court to recover business losses as a result of the boycott. The protesters argued the boycotts were speech protected by the First Amendment to the United States Constitution.

Decision Overview

. . . The Court first examined whether a boycott was a form of speech entitled to protection under the First Amendment. The First Amendment (as applied to the states by the Fourteenth Amendment) forbids the government from infringing upon the freedom of speech. In previous cases, the Court had found peaceful picketing, peaceful marching, and peaceful demonstration — activities that were all elements of the boycott — all protectable under the First Amendment. The protesters also used speech to encourage others to join the boycott, as well as to provide social pressure by announcing the names of individuals who had not joined the boycott. Speech that is coercive or embarrassing does not necessarily lose its constitutional protections. Therefore, the Court found that the boycott was a form of political speech entitled to protection under the First Amendment. . . .

[T]he Court found that while the boycott may have negatively impacted local businesses, it was part of broader peaceful political activity on an issue of public significance: “Through speech, assembly, and petition—rather than through riot or revolution—petitioners sought to change a social order that had consistently treated them as second-class citizens.” (pp. 907-912)

However, the boycott also involved actions by some individuals that were violent or threatening — conduct that may not receive protection under the First Amendment. The distinction the Supreme Court made was that the “right to associate does not lose all constitutional protection merely because some members of the group may have participated in conduct or advocated doctrine that itself is not protected.” (at p. 908) . . . The Court found that all the speech-related activities engaged in by the boycotters fell under the protection of the First Amendment. Next, the Court looked at whether Mississippi’s restriction of the protected speech was justified. When speech is concerned, the standard required for the government to act is strict, and debate on public issues is to be viewed with the highest protections of the First Amendment. The Court found no governmental justification for restricting the lawful speech activities engaged in by the protesters related to the boycott.

Source: <https://globalfreedomofexpression.columbia.edu/cases/naACP-v-claiborne-hardware-co/>

DOCUMENT 2: "APPEAL FOR ACTION AGAINST APARTHEID" FROM CHIEF ALBERT LUTHULI & DR. MARTIN LUTHER KING, JR.

Chief Albert Luthuli was president of the African National Congress (ANC) from 1952 to 1967. The ANC was the most prominent organization fighting for the rights of Black people in South Africa starting in 1912 and through the apartheid era; since 1994, it has been the ruling political party of the country. In 1958, Luthuli called for an international boycott of all South African products. This spurred the beginning of anti-apartheid movements in countries including the United States, the United Kingdom, India, and Ireland. Luthuli was awarded the Nobel Peace Prize in 1960, the first African to receive the honor. In 1962, he and Dr. King issued this appeal in response to stepped up violence by the South African government that, they feared, "could result in large-scale violence [that] would take the form of a racial war."

. . . [W]e ask for your action to make the following possible.

Solution 2

"Nothing which we have suffered at the hands of the government has turned us from our chosen path of disciplined resistance," said Chief Albert J. Luthuli at Oslo. So there exists another alternative - and the only solution which represents sanity - transition to a society based upon equality for all without regard to colour.

Any solution founded on justice is unattainable until the Government of South Africa is forced by pressures, both internal and external, to come to terms with the demands of the non-white majority.

The apartheid republic is a reality today only because the peoples and governments of the world have been unwilling to place her in quarantine.

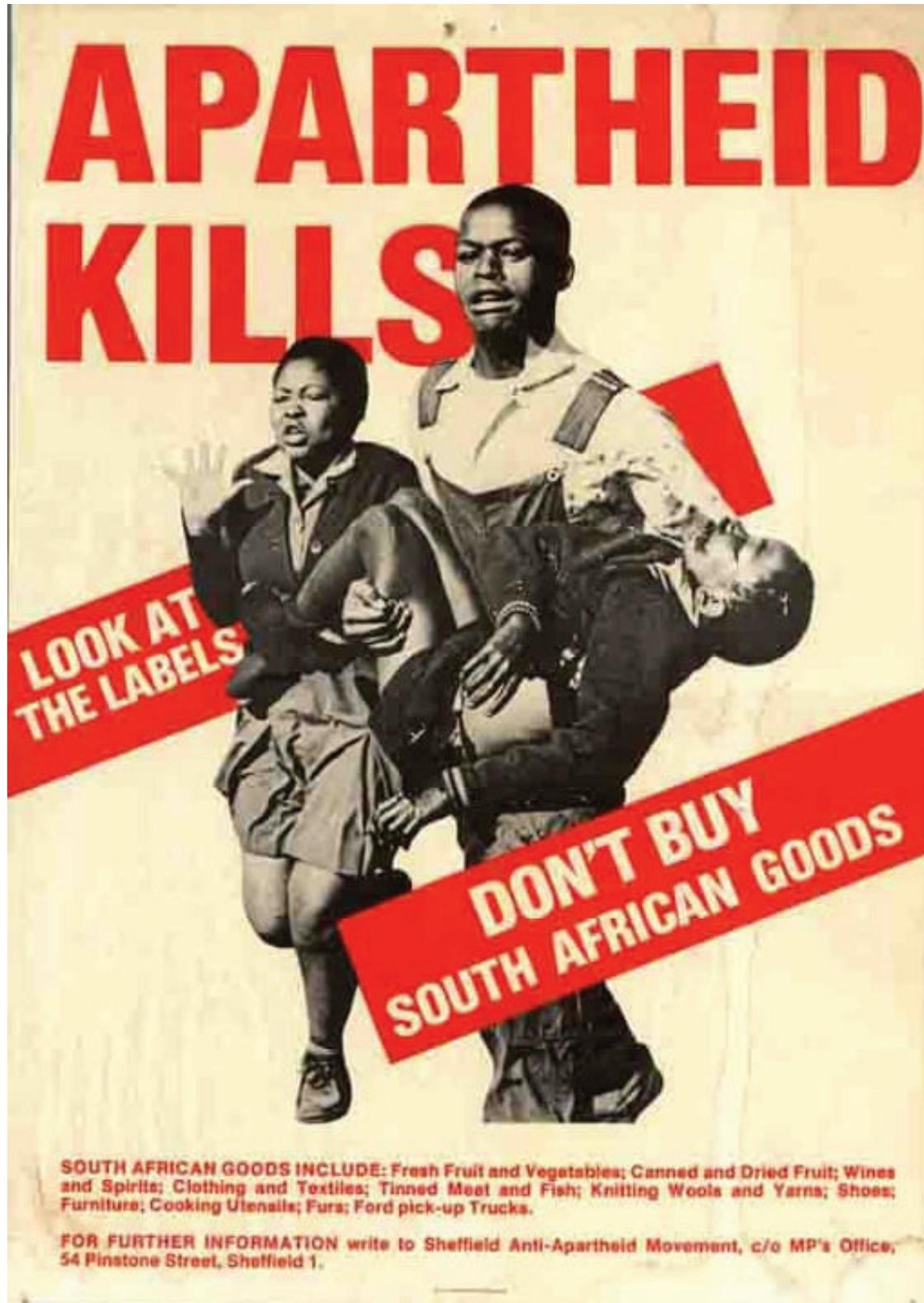
Translate public opinion into public action.

We, therefore, ask all men of goodwill to take action against apartheid in the following manner:

- Hold meetings and demonstrations on December 10, Human Rights Day;
- Urge your church, union, lodge, or club to observe this day as one of protest;
- Urge your Government to support economic sanctions;
- Write to your mission to the United Nations urging adoption of a resolution calling for international isolation of South Africa;
- Don't buy South Africa's products;
- Don't trade or invest in South Africa;
- Translate public opinion into public action by explaining facts to all peoples, to groups to which you belong, and to countries of which you are citizens until AN EFFECTIVE INTERNATIONAL QUARANTINE OF APARTHEID IS ESTABLISHED.

DOCUMENT 3: ANTI-APARTHEID BOYCOTT CAMPAIGN POSTER

This boycott campaign poster was published in the 1980s by an anti-apartheid group in Sheffield, England, U.K. The photo on the poster was taken during the Soweto uprising, a student-led protest on June 16, 1976. Thirteen-year-old Hector Pieterse was the first child killed by police that day. Eighteen-year-old Mbuyisa Makhubu tried to carry him to a clinic, but Hector died as his sister, Antoinette Sithole, ran alongside. The photo was published in newspapers worldwide the following day and became one of the most infamous images of the apartheid regime.



SOUTH AFRICAN GOODS INCLUDE: Fresh Fruit and Vegetables; Canned and Dried Fruit; Wines and Spirits; Clothing and Textiles; Tinned Meat and Fish; Knitting Wools and Yarns; Shoes; Furniture; Cooking Utensils; Furs; Ford pick-up Trucks.

FOR FURTHER INFORMATION write to Sheffield Anti-Apartheid Movement, c/o MP's Office, 54 Pinstone Street, Sheffield 1.

Source: <https://www.theguardian.com/world/gallery/2014/mar/12/forward-freedom-south-africas-anti-apartheid-movement-archive-pictures>

DOCUMENT 4: FIRST SUCCESSFUL STUDENT-LED SOUTH AFRICA DIVESTMENT CAMPAIGN AT A U.S. UNIVERSITY

Though activists had been protesting South African apartheid throughout the 1960s and 1970s, student-led divestment campaigns only started to really gain traction in the late 1970s. The case study excerpted below, from the Global Nonviolent Action Database compiled by Swarthmore College, describes the first successful college divestment campaign, which was carried out by students at Hampshire College in 1977.

[Following the arrest of nearly 300 students at a sit-in at Stanford University], Hampshire College students who belonged to the Hampshire College Committee for the Liberation of South Africa (HCCLSA) called for their college to withdraw investments from United States corporations in South Africa. The student group carried out a petition on campus that they presented to the Board at their March 1977 meeting, and which showed a majority of the campus community in agreement with their campaign goals. On April 21, 1977, the HCCLSA issued a call for divestment by the college. . . . They demanded that the Board make a decision before the end of the semester. Stating that they had exhausted all other possible forms of communication of their objectives to the Board, the HCCLSA staged a sit-in of the Cole Science Center, which housed the college's administrative offices.

In a statement released by the HCCLSA during the sit-in, the group outlined their specific demands:

1. That the college immediately sell its stocks in corporations that have holdings in South Africa - Texaco, Exxon, International Harvester, and Clark Equipment.
2. That a press conference be held where the college would take a stand against the South African regime and U.S. corporate involvement in South Africa. The HCCLSA requested to be allowed to make a statement at this press conference.
3. That a general investment policy be set up with moral and political guidelines. These guidelines will be subject to approval by a community referendum.
4. That no punitive action be taken against all of the participants of the occupation/demonstration.

Responding to the HCCLSA's demands and the student occupation of the administrative offices building, the Trustees decided to sell the shares in their control, including stock holdings in Exxon, Clark, and International Harvester. . . .

In May 1977, Hampshire College became the first college in the United States to withdraw its holdings completely from South Africa. It removed \$39,000 in stocks in four companies. Soon after, the University of Massachusetts at Amherst also withdrew its complete stock, and other colleges around the United States followed suit. Within the spectrum of universities and colleges that undertook partial or complete divestment, Hampshire College received some criticism because its stock portfolio and endowment was so small – critics claimed that this made it less of a financial gamble to withdraw its stocks entirely. . . . But the fact remains that college divestiture campaigns gained momentum following Hampshire's move, with nine schools divesting their holdings in South Africa—completely or partially—within a year of Hampshire.

Source: <https://nvdatabase.swarthmore.edu/content/hampshire-college-students-win-divestment-apartheid-south-africa-us-1977>

DOCUMENT 5: EXCERPTS OF STATE LEGISLATION RESTRICTING BOYCOTTS OF ISRAEL

Thirty-one states in the U.S. have laws in effect to ban Americans' participation in the Boycott, Divestment, and Sanctions (BDS) movement. There are also provisions in federal law that aim to discredit and oppose this movement. BDS was launched in 2005 by a coalition of many Palestinian communities and organizations. It calls on individuals, institutions, and the international community to "impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era" and to urge countries "to impose embargoes and sanctions against Israel . . . until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law." The excerpts below are from state laws passed in Ohio and Nevada.

Ohio H.B. 476 (2017)

(B) A state agency may not enter into or renew a contract with a company [including a sole proprietorship] for the acquisition or provision of supplies, equipment, or services, or for construction services, unless the contract declares that the company is not boycotting any jurisdiction with whom this state can enjoy open trade, including Israel, and will not do so during the contract period.

Nevada S.B. 26 (2017)

The state's Legislative Counsel provides a "digest" or simplified summary of the bill. The digest explains the bill as follows:

Sections 5 and 11 of this bill prohibit the governing body of a local government and the [state agency that decides on contracting and purchasing supplies and services for Nevada] from entering into certain contracts with a company unless the contract includes a written certification that the company is not engaged in, and agrees for the duration of the contract, not to engage in, a boycott of Israel.

Sections 20 and 30 of this bill define a "scrutinized company" as a company that engages in a boycott of Israel. Section 31 of this bill requires the State Treasurer to identify scrutinized companies in which a public fund administered by the State Treasurer has either direct or indirect holdings.

Section 32 of this bill further requires the State Treasurer to prepare an annual report of investment of money from such a public fund in those scrutinized companies. The report must be submitted to the Governor and the Legislature on or before February 1 of each year.

Section 33 of this bill requires, with certain exceptions, that the State Treasurer: (1) divest all direct holdings of scrutinized companies from the assets under his or her management; and (2) request the manager of the indirect holdings of a public fund administered by the State Treasurer to consider divesting from such a scrutinized company. . .

Sections 21 and 22 of this bill similarly require the Public Employees' Retirement Board to identify scrutinized companies and to prepare an annual report of investment of money from the Public Employees' Retirement System in those scrutinized companies.

Sources: <https://bdsmovement.net/call>, <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-476> and https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB26_EN.pdf

DOCUMENT 6: EXCERPT OF FEDERAL LEGISLATION OPPOSING BOYCOTTS OF ISRAEL

Thirty-one states in the U.S. have laws in effect to ban Americans' participation in the Boycott, Divestment, and Sanctions (BDS) movement. There are also provisions in federal law that aim to discredit and oppose this movement. BDS was launched in 2005 by a coalition of many Palestinian communities and organizations. It calls on individuals, institutions, and the international community to "impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era" and to urge countries "to impose embargoes and sanctions against Israel . . . until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law." The excerpt below is from federal law passed during the Obama administration that sets national policy priorities and reporting requirements on discouraging and preventing boycotts or sanctions against Israel.

HR 644, the Trade Facilitation and Trade Enforcement Act of 2015

SEC. 909. UNITED STATES-ISRAEL TRADE AND COMMERCIAL ENHANCEMENT.

(c) PRINCIPAL TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.—

(1) . . . Among the principal trade negotiating objectives of the United States for proposed trade agreements with foreign countries regarding commercial partnerships are the following: . . .

(B) To discourage politically motivated boycotts of, divestment from, and sanctions against Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on Israel.

(C) To seek the elimination of state-sponsored unsanctioned foreign boycotts of Israel, or compliance with the Arab League Boycott of Israel, by prospective trading partners.

(d) REPORT ON POLITICALLY MOTIVATED ACTS OF BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—

(1) . . . Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on politically motivated boycotts of, divestment from, and sanctions against Israel.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of the establishment of barriers to trade, including nontariff barriers, investment, or commerce by foreign countries or international organizations against United States persons operating or doing business in Israel, with Israeli entities, or in Israeli-controlled territories.

(B) A description of specific steps being taken by the United States to encourage foreign countries and international organizations to cease creating such barriers and to dismantle measures already in place, and an assessment of the effectiveness of such steps.

(C) A description of specific steps being taken by the United States to prevent investigations or prosecutions by governments or international organizations of United States persons solely on the basis of such persons doing business with Israel, with Israeli entities, or in Israeli controlled territories.

(D) Decisions by foreign persons, including corporate entities and state-affiliated financial institutions, that limit or prohibit economic relations with Israel or persons doing business in Israel or in any territory controlled by Israel.

Sources: <https://bdsmovement.net/call> and <https://www.congress.gov/114/plaws/publ125/PLAW-114publ125.pdf>

DOCUMENT 7: "PALESTINIANS WELCOME UNITED METHODIST CHURCH DIVESTMENT"

The Boycott, Divestment, and Sanctions (BDS) movement was launched in 2005 by a coalition of many Palestinian communities and organizations. It calls on individuals, institutions, and the international community to "impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era" and to urge countries "to impose embargoes and sanctions against Israel . . . until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law." In this excerpted statement from January 13, 2016, the Palestinian BDS National Committee (BNC) responds to a divestment announcement from the United Methodist Church.

The [BNC] salutes the United Methodist Church (UMC) for declaring the five largest Israeli banks off limits for investment for the Church's \$20-billion Pension and Health Benefits Fund.

The BNC congratulates the United Methodist Kairos Response (UMKR) group within the Church for its relentless and effective leadership in raising awareness among Methodist communities about Palestinian rights and the need for the church to end all its investments in companies that profit from Israel's occupation and human rights violations.

Bisan Mitri, a spokesperson for the BNC, warmly welcomed the decision: "This historic step shows, with concrete measures, the ethical commitment of the United Methodist Church to peace and justice. Israeli banks finance the decades-long occupation and oppression of Palestinians and are a key pillar in sustaining the brutality of Israel's military, the unrelenting expansion of Israel's settlements, and the plundering of Palestinian resources."

A report published by the Israeli rights group Who Profits in 2010 details the involvement of Israeli banks in Israel's violations of international law and war crimes.

This complicity is summarized in six key areas: 1) the provision of mortgage loans for homebuyers in settlements; 2) special loans for building projects in settlements; 3) financial services to Israeli local authorities in the occupied West Bank, including East Jerusalem, and the Golan Heights; 4) operating branches in Israeli settlements; 5) providing financial services to businesses in settlements; and 6) holding captive the Palestinian monetary market.

The banks named by UMC are Bank Hapoalim, Bank Leumi, First International Bank of Israel, Israel Discount Bank, and Mizrahi Tefahot Bank. . . .

In just five months, UMC's General Conference will take place when the church will consider divestment from Caterpillar, Motorola Solutions, and Hewlett Packard, as proposed by UMKR, and creating an occupation-free investment screen. Years of UMC engagement with the three US-based companies have failed to end their complicity in Israel's occupation.

Sources: <https://bdsmovement.net/call> and <https://bdsmovement.net/news/palestinians-welcome-united-methodist-church-divestment>