

116TH CONGRESS
1ST SESSION

H. RES. 496

Affirming that all Americans have the right to participate in boycotts in pursuit of civil and human rights at home and abroad, as protected by the First Amendment to the Constitution.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2019

Ms. OMAR (for herself, Ms. TLAIB, and Mr. LEWIS) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Affirming that all Americans have the right to participate in boycotts in pursuit of civil and human rights at home and abroad, as protected by the First Amendment to the Constitution.

Whereas boycotts have been effectively used in the United States by advocates for equal rights since the Boston Tea Party and include boycotts led by civil rights activists during the 1950s and 1960s in order to advocate for racial equality, such as the Montgomery bus boycott, and promote workers' rights, such as the United Farm Workers-led boycott of table grapes;

Whereas Americans of conscience have a proud history of participating in boycotts to advocate for human rights abroad, including—

(1) attempting to slow Japanese aggression in the Pacific by boycotting Imperial Japan in 1937 and 1938;

(2) boycotting Nazi Germany from March 1933 to October 1941 in response to the dehumanization of the Jewish people in the lead-up to the Holocaust;

(3) the United States Olympic Committee boycotting the 1980 summer Olympics in Moscow in protest of the Soviet invasion of Afghanistan in the preceding year; and

(4) leading the campaign in the 1980s to boycott South African goods in opposition to apartheid in that country;

Whereas the Supreme Court, in the 1966 case *Rosenblatt v. Baer*, held that the First Amendment to the Constitution ensures that “[c]riticism of government is at the very center of the constitutionally protected area of free discussion”;

Whereas the Supreme Court held in the 1982 case *NAACP v. Claiborne Hardware* that “[t]he right of the States to regulate economic activity could not justify a complete prohibition against a nonviolent, politically motivated boycott . . .”;

Whereas the Supreme Court has recognized various activities as “expressive conduct” warranting constitutional protection, such as flag burning, wearing black armbands, silent sit-ins, and creating and designing custom wedding cakes; and

Whereas despite this tradition, governments and nongovernmental organizations alike have sought to criminalize, stigmatize, and delegitimize the use of boycotts in an attempt to stifle constitutionally protected political expression: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) affirms that all Americans have the right to
3 participate in boycotts in pursuit of civil and human
4 rights at home and abroad, as protected by the First
5 Amendment to the Constitution;

6 (2) opposes unconstitutional legislative efforts
7 to limit the use of boycotts to further civil rights at
8 home and abroad; and

9 (3) urges Congress, States, and civil rights
10 leaders from all communities to endeavor to preserve
11 the freedom of advocacy for all by opposing
12 antiboycott resolutions and legislation.

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