

New York State Governor Cuomo's Blacklist of Organizations involved in the BDS Campaign in Support of Palestinian Human Rights

By [Palestine Legal](#)

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Today, New York State released Governor Andrew Cuomo's [Blacklist](#) of institutions that participate in Boycott, Divestment, and Sanctions (BDS) in support of Palestinian human rights. Governor Cuomo issued an [Executive Order](#) in June calling for the Blacklist and ordering all state agencies to cut financial ties with blacklisted institutions. Palestine Legal and the Center for Constitutional Rights issued the following statement in response:

Governor Cuomo's Blacklist of institutions that support non-violent boycotts for justice for Palestinians is a stain on the State of New York. As the Supreme Court has made clear, [the U.S. Constitution protects participation in political boycotts](#) as a form of expression. Boycotts have been used throughout U.S. history—from the Boston Tea Party, to the Civil Rights Movement, to the anti-South African Apartheid movement—to challenge injustice and promote social change. Boycotts advancing Palestinian rights are no different, yet they are singled out for censure by the Executive Order based on false and inflammatory accusations by Governor Cuomo and right-wing Israel advocates, much in the same way that civil rights boycotts were vilified by defenders of the status quo.

Governor Cuomo's Blacklist has revived a dark tactic of the McCarthy era. It is an attempt to label those who disagree with the Governor's views on the critically important question of Israel-Palestine as enemies of New York State and to punish them financially. A fundamental principle of a democratic society is that the government cannot use its power to silence and penalize those who disagree with it.

Today's Blacklist, to be periodically updated and supplemented by the State, singles out companies for their decisions to engage in protected expression by divesting from Israel's military occupation. Moreover, Governor Cuomo proposes to blacklist any institution that even promotes BDS as a means to advocate for change in Israeli government practices. Given the ugly stigma attached to it, Governor Cuomo's Blacklist may well achieve its unconstitutional aim: to intimidate faith, labor, human rights, and other groups from using well-established and constitutionally-protected boycott measures to protest social injustice.

As the country prepares for the inauguration of a president who has expressed contempt for the First Amendment and political dissent, guardians of our democratic values must protect the basic First Amendment principles that enable social activism to challenge injustice wherever it occurs.

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