

PRESS STATEMENT ON ASA TAX EXEMPT STATUS

The complaint to the IRS fails to articulate any legitimate basis for a review of the American Studies Association's tax-exempt status. Instead, it is yet another instance of baseless legal bullying meant to harass and intimidate critics of Israeli policies.

ASA's endorsement is a human rights-based boycott adopted because the boycotted colleges and universities serve a government that substantially denies an occupied population its own human right to an education. Boycotts are a time-honored and effective means by which American individuals and organizations, including nonprofit organizations, have fought against racial discrimination. The ASA boycott of Israeli academic institutions is fully protected by the First Amendment. And contrary to the claims in this complaint, the ASA boycott ***in fact supports*** U.S. public policy against race and national origin discrimination in education. This is a public policy that the U.S. Supreme Court has held to be a compelling component of charitable nonprofit law.

ASA's boycott resolution cannot possibly violate U.S. anti-discrimination laws, for the simple reason that it targets ***institutions,*** not ***people.*** Individuals are affected only insofar as they act in their capacity as representatives or agents of the institutions. The ASA resolution no more undermines its tax-exempt status than statements issued by tax-exempt organizations in the 1980s and 1990s, explaining why they had decided to boycott or divest from South Africa. ***Among them were numerous universities and academic associations that declared boycotts of South African academic institutions.***

Then and now, taking positions on current matters affecting education is fully consistent with a core mission of any academic associations: to educate the public about such crucial issues.

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On behalf of the American Studies Association