

Report on UJME's concerns regarding the consideration of its 2016 Business Resolution proposal both before and at the 2016 UUA General Assembly.

A) Historical background of the UJME Business Resolution.

Unitarian Universalists for Justice in the Middle East (UJME; www.uujme.org) proposed a Business Resolution in the fall of 2015 with the title "Divestment from corporations complicit in the violation of Palestinian rights." The goals of the resolution were to end UUA complicity in the violation of Palestinian rights through its ownership of shares in complicit corporations and by doing so to make a public witness in support of justice for Palestinians.

The proposed resolution called on the UUA to: refrain from purchasing shares in five particular corporations that are deeply complicit in maintaining the Israeli occupation of Palestinian lands with its associated abuses; to engage in shareholder activism with those corporations in which the UUA held shares with the goal of ending such corporate complicity; and to divest from those corporations if shareholder activism failed. At the time the UUA held shares in four of the five corporations named in the resolution.

We obtained 1700 signatures from members of 300 different UU congregations on the proposal, far more than the 250 signatures from 25 different congregations required to place a Business Resolution on the agenda for GA 2016, and submitted the resolution and signatures before the February 1, 2016 deadline.

In late March of 2016, almost two months after we submitted our resolution, we learned that the UUA financial officers had in the fall of 2015 begun applying a human rights in conflict zones investment screen, obtained from the Socially Responsible Investment (SRI) advisory company Sustainalytics. We were told that the new screen included corporations operating in the occupied Palestinian territories. As a result of applying the new screen, the UUA Investment Committee had begun selling their shares in three of the corporations named in our resolution. They had also begun selling shares in the fourth named corporation based on SRI considerations other than human rights.

We were told in March that all of the UUA shares in the four named corporations would be sold by the end of that month.

UJME applauded the UUA decision to adopt a human rights investment screen that included corporations operating in the occupied Palestinian territories and to divest from four companies that are deeply complicit in human rights abuses occurring in the occupied Palestinian territories. Indeed we believed that these actions by the UUA reflected fundamental agreement with the goals of the resolution.

Some members of the UUA board and GA delegates felt that a resolution was no longer needed since the UUA had now divested from the four named companies in which it had owned shares. We disagreed, however. We believed that passage of a comparable resolution was still

necessary to accomplish the basic goals of the resolution by creating the denominational grounding and policy needed to guide investment decisions and justice work that, according to UUA bylaws, only the UU community as a whole can provide through the votes of their representatives to GA. Moreover, without such grounding, future investment committees could decide to stop using investment screens that include corporations operating in the Palestinian territories.

We also believed that quiet divestment from a few companies did not meet the basic goals of our resolution. (The UUA SRI committee's statement about its actions in April, 2016 made no mention of Palestinian rights or the involvement of the divested companies in the violation of those rights - <http://uucef.org/2016/04/14/sric-announces-new-human-rights-screen/> .) We felt that a more public witness was called for. We felt that UUs should be given the opportunity to join publicly with other faith and secular groups that are using their investments as a non-violent means to help end the decades-long violations of Palestinian human rights under Israel's oppressive occupation, just as UUs have joined similar movements to end apartheid in South Africa and to address the threat to our planet caused by fossil fuels.

Nevertheless, it was clear that the exact wording of our original resolution was no longer appropriate, since the UUA no longer held shares in the named companies. However, the final agenda had already been set and we could not make changes before GA. Thus, it was our original resolution that was printed in the program book for GA.

We drafted and were able to present an appropriately altered and much shortened version of the resolution at a mini-assembly on the Friday before the debate and the vote in the General Session on Saturday morning. The new version commended the UUA for including human rights issues in all areas of the world in its investment screening process and called upon it to continue to use human rights investments screens that identify corporations complicit in the violation of human rights around the world including in the occupied Palestinian territories.

The mini assembly strongly supported our revised version of the resolution and voted to incorporate into it two small amendments that were supported by UUJME. There were two amendments proposed at the mini-assembly that were not supported by UUJME. Strong opposition to both amendments occurred in the mini assembly and neither was incorporated. Despite the lack of support at the mini assembly, these same two unincorporated amendments were, nonetheless, presented again, debated and voted on in the General Session on Saturday morning.

The debate on our resolution on Saturday morning was contentious and took about 1.5 hours. The final vote was 55% for and 45% against. Thus, a majority of voting delegates supported our resolution but did not do so in sufficient numbers to reach the 2/3rds majority required for adoption.

B) Expression of UUJME's appreciation to Mr. James Key, Mr. Thomas Bean and Mr. Ted Fetter.

UUJME would like to express its great appreciation to moderator James Key for all the effort he put into making the debate on our resolution as fair and informed as possible. The panel discussion that he organized with pro and con speakers in the General Session the morning before the debate on our resolution was very helpful in this regard. In addition, Mr. Key's communications with us in the months prior to GA were characterized by genuine openness and fairness. UUJME also appreciated the fairness and helpfulness shown by Mr. Ted Fetter in his facilitation of the mini assembly and by Mr. Thomas Bean, UUA counsel, in his suggestions concerning the original version of our resolution and the subsequent revised version that was voted on.

C) Concerns about the Business Resolution process prior to GA.

1) Confusion in the Bylaws and Rules about steps required for placing a Business Resolution on the agenda for GA.

The bylaws state that after the required number of signatures to place a resolution on the agenda have been submitted before the February 1 deadline, the resolution is placed on a temporary agenda that is then sent out to all UU congregations for a vote (Bylaws Section 4.11). However, Rule G-4.18.3 states that congregations must return their votes by February 1. The Bylaw and the Rule are clearly incompatible.

Moreover, the intermediate step of a congregational vote between submission of signatures on a petition to place a resolution on the agenda for GA and the actual debate at GA was not required of us. We also understand that it was not necessary for placement of the fossil divestment resolution on the agenda for GA 2014. Thus this intermediate step does not seem to be a requirement, although the bylaws state that it is.

Recommendation. Change Bylaws and Rules to clarify the roles, if any, of the temporary agenda and congregational poll, as well as the deadline dates involved.

2) Inability to alter the resolution before GA so that it would accord with the resolution that would actually be voted on.

Most delegates prior to GA saw a version of the resolution in their program books that was no longer relevant, and they only learned about the actual version to be voted on the day before the vote. This added to the confusion and misinformation surrounding the debate and vote.

D) Concerns about events at GA prior to the debate and vote on the Business Resolution.

1) Rabbi Jacobs's speech in opposition to UUJME's Business Resolution at the opening ceremony of GA.

Rabbi Jacobs's interjection of his views on an internal UU matter into the celebratory opening ceremony was to many UU attendees surprising and distressing. This was the first time delegates heard about the resolution at GA and many were probably turned against the resolution by the Rabbi's misinformation and misleading arguments. He should not have been provided with this platform and once he was allowed to speak, a

comparable opportunity should have been given to UJME to counter his allegations in a presentation before the entire assembly.

E) Concerns about actual debate and vote on the Business Resolution at GA.

1) General.

We do not feel that the actual debate during Saturday morning's General Session was as fair, as informed or as complete as it should have been when an issue as serious as the responsibilities of our UU faith with regard to one of the most important human rights issues of our time. Discussion of the resolution took 90 minutes of General Session time but only a tiny fraction of this total time was spent on actual debate on the merits of the resolution itself. UJME and its supporters had only 8 of the 90 minutes to make the substantive case for the resolution and did not have time to reply to major arguments from the opposition such as that our resolution was anti-semitic. Delegates were distracted from the main issues at stake, and became impatient due to all the time taken for debate on unincorporated amendments, hostile motions, and procedural matters.

The difficulties were largely due to the constraints imposed by the rules and procedures under which the debate took place. But some of the problems were also due to poor application of these rules and poor understanding of the rules on the part of all concerned.

2) Time taken for debate and vote on unincorporated amendments.

This was perhaps the most serious problem. Debate on the unincorporated amendments began after only 13 minutes of debate on the main motion, although the bylaws state that at least 15 minutes of substantive debate shall take place before an amendment can be proposed. Most importantly, debate on the two unincorporated amendments took 14 minutes leaving only 8 minutes for pro and 8 minutes for con statements on the main motion.

Because the rules allow any amendment that was raised in the mini-assembly to be presented anew in the General Session, regardless of the support or lack thereof in the mini-assembly, the opposition could use this option to drain time and attention from debate on the main motion. This was a problem for several reasons. First the democratic process of the mini-assembly had already determined which amendments have support. In the mini-assembly amendments were fully debated with adequate time to do so. In the General Session there is less time to explore proposed amendments, so amendments that lose in mini-assembly can still be adopted in the General Session without being fully discussed. Second, proposed amendments can be used as a procedural ploy to take time away from the main issue. This is especially true with a main issue such as ours which tapped into deeply held feelings and beliefs. The quality of debate and the information on which delegates base their vote therefore suffer.

In theory, it could be even worse since current rules allow any amendment raised in the mini assembly to be proposed and debated in the General Session. Opponents of a resolution could introduce several amendments in the mini assembly that might receive little support there but which could then be introduced into debate in the General Session and take up a majority of the time allotted for debate. Clearly there is a problem with debate on unincorporated amendments - even ones that have little support - taking time and attention away from debate on the main motion.

Recommendation.

Strengthen the role of the mini assembly so that amendments which receive little support there cannot be brought forward into the General Session debate. One possibility would be to incorporate amendments receiving a majority vote in the mini assembly and to drop all those which fail to get a majority vote. Another would be to allow unincorporated amendments to be debated in the General Session, but only if they receive a significant percentage of mini assembly votes such as 30%. Such strengthening of the mini assembly process would require giving greater prominence to the mini assembly by not scheduling other GA events at the same time, by having actual votes rather than straw votes, and by allowing only delegates to speak and vote.

3) Introduction and debate on hostile motions which should not have been allowed.

As debate on the main motion began and before Larry Cooper our UUJME President could give the opening statement outlining the resolution, a spokesman at the Procedure mike was recognized and allowed to make a motion to table the resolution indefinitely. This motion should not have been made and should have been declared out of order because Rule #5 of Rules and Procedures states that such motions to table cannot be made before at least 15 minutes of debate on the main motion has taken place. The tabling motion was voted down but doing so took 16 minutes of precious time.

In addition, it was repeatedly argued during the debate on tabling and at other times that the resolution should be declared out of order because it did not qualify as a Business Resolution. This was even allowed to be debated at one point even though the moderator stated that UUA counsel had made clear that it was indeed a valid Business Resolution.

4) First speaker on the main motion spoke at the Con mike.

Debate on the main motion began immediately after the vote on tabling the resolution. But the first speaker recognized was at the Con mike and spoke in opposition to our motion which had not yet even been introduced. The first speaker in the debate should have been our UUJME President at the pro mike informing people what the resolution was and why it should be supported.

5) Excessive time taken at the procedural mike.

Much of the 90 minutes spent on the resolution, perhaps a majority of the time, was taken up with questions at the procedural mike and responses to those questions. The procedural “Questions” interrupted the flow of the debate and were often either lengthy or repetitive. Perhaps some way of limiting procedural questions can be found.

6) Moving from mike to mike.

The debate on our issue was interrupted by proposed amendments, procedural questions, and other motions. In order to respond, almost everyone had to switch mikes. For example, our supporters were lined up in the order we had decided upon at the Pro mike for the substantive debate. But, when an issue arose that we opposed, some of us had to go to the Con mike to speak in opposition. That morning, there was a lot of movement among the mikes, people got confused about where they were to be, they lost their places in line at the Pro Mike, etc. The result confused the delegates, the Moderator, and the participants. We do not propose that the mike set up be changed, but rather that procedures be changed so that a Business Resolution that gets to General Session has a full debate on the merits, that the introduction of substantive amendments be prohibited, and that frivolous motions be dispensed of summarily by the moderator and parliamentarian so that the speakers do not have to play musical chairs among the mike positions.

7) Poor understanding of rules, time limits and other process issues.

Up until the very end we at UJME did not understand that discussion of the unincorporated amendments was taking up so much of the time that we had planned for our arguments. We had planned for eight or nine speakers in what we thought would be 15 minutes of allotted time, but in the end we had only 8 minutes and time for four speakers. In addition, many of us also did not notice the clock on the screen showing how time was being used. By the time the clock had run out, the question had been called and it was too late to request more time. We should have understood that the 30 minutes allowed for discussion would include the time to discuss and vote on unincorporated amendments and should have recognized what the clock was showing. But it would have been helpful for these important aspects of the debate to be pointed out clearly before the debate began.

8) Requirement for a 2/3rds majority vote to pass Business Resolutions, AIWs and CSAIs.

UJME board members and supporters were divided on this issue, but we nevertheless ask that you give it some thought. Some of us felt that this requirement is too high a bar and is thus rather undemocratic. Most other denominations require only a simple majority. One can imagine how paralyzed Congress or state legislatures would be if everything needed a 2/3rds majority. Others of us felt that if measures could pass with only 51% then those who opposed would be alienated and the vote would be highly divisive for the community.

F) Overview and summary.

1) Arguments in opposition to the resolution.

We heard few if any arguments against the substance of our resolution and its three main points:

- a) that oppression of Palestinians under the Israeli occupation is real, continuing and severe;
- b) that major corporations are complicit in the maintenance of the occupation and its associated oppression; and
- c) that UUs should not be investing in and profiting from such corporations.

The main arguments against the resolution, apart from declaring that it was not a valid Business Resolution or that it was unnecessary given the investment decisions by the UUA during the months preceding GA, were of two basic types: a) that passing the resolution would alienate Jewish UUs and Jewish friends who are not UUs; and b) that a longer process of discernment should proceed debate and vote on such a difficult issue.

Concerning the first argument, the fear of alienating some Jewish people: We feel in the first place that such possible alienation should not be viewed as more important than the severe suffering that Palestinians have endured for decades and are enduring now under Israel's occupation. We also feel that if we had had the amount of time to make our case we would have made a convincing case that our resolution was neither anti-Jewish nor even anti-Israel.

Concerning the second argument, that a longer process of discernment was needed: We would like to remind interested parties that the UUA passed a General Resolution in 1982 and an AIW in 2002 condemning the occupation and its associated abuses. Recall too that UJME attempted to have a Congressional Study Action Issue on Israel/Palestine adopted in 2014, but that initiative was not supported by UUs. In addition, UJME has developed and made available to interested persons and congregations an adult RE study guide on Israel/Palestine. The study guide has been available for more than a year.

2) A few additional recommendations.

- a) More extensive UUA participation in prior educational efforts when difficult issues are to be debated and voted on.

Our proposed Business Resolution was briefly described in the webinars offered to delegates and others in early June before GA and that was helpful. The panel discussion about the resolution on the day before the debate was an excellent idea. But we believe that more could be done to inform delegates and attendees about an issue before it is debated.

- b) Clearer explanations of procedures and time limits before a debate begins.

The procedures and time limits to be followed in a debate should be clearly stated. What for example are the relative roles of UUA specific rules and Roberts Rules of order?

- c) Stronger support and involvement of the parliamentarian in the debate.
Rules and procedures were not always followed and the parliamentarian should be allowed to, and should, step in and say so when this occurs.