



## Minnesota-Specific Anti-BDS Legislation Talking Points

January, 2021

- Boycott, Divestment, Sanctions (BDS) (<https://bdsmovement.net/>) movement is a Palestinian-led movement for freedom, justice, and equality. BDS upholds the simple principle that Palestinians are entitled to the same rights as the rest of humanity.
- Israel is occupying and colonizing Palestinian land, discriminating against Palestinian citizens of Israel, Palestinian residents of the West Bank and Gaza, and Israel denies Palestinian refugees the right to return to their homes. Inspired by the South African anti-apartheid movement, the BDS call urges action to pressure Israel to comply with international law.
- BDS is now a vibrant global movement made up of unions, academic associations, churches and grassroots movements across the world. Since its launch in 2005, BDS is having a major impact and is effectively challenging international support for Israeli apartheid and settler-colonialism.
- In 2017, the Israeli government and its USA supporters convinced the Minnesota legislature and other states to pass legislation designed to interfere in the ability of Palestinian human rights advocates to support the BDS movement by passing anti-BDS statutes.
- MN Statutes 3.226 and 16C.053 require vendors and contractors who want to support the BDS movement to refrain from 1<sup>st</sup> Amendment-protected expression in order to get a state contract. These statutes are meant to infringe on people's right to support the BDS movement.
- MN Statutes 3.226 and 16C.053 are unconstitutional
  - Lawsuits have been successfully brought against other US states with similar laws. Federal courts have ruled that the laws are unconstitutional.
  - Expensive and unnecessary litigation against the State of Minnesota is likely if Statutes 3.226 and 16C.053 are not repealed.
  - Former Secretary of State Pompeo's recent (November 2020) declaration that BDS is anti-semitic has no bearing on this. He does not have the power to declare that something which is clearly Constitutional speech is anti-semitic.
- BDS is a non-violent, anti-racist, inclusive movement to pressure Israel to follow its obligations under international law agreements, which it signed and ratified. BDS is **not** anti-semitic.