

[Addresses]

[Date]

Re: Repeal of MN Statutes 3.226 and 16C.053 (Israel Anti-boycott Laws)

Dear

As your constituent, I am requesting that you co-sponsor a bill to repeal MN. Statutes 3.226 and 16C.053.

Economic boycotts have been long recognized by the Supreme Court as protected speech under the First Amendment. Yet, in 2017, in response to lobbying efforts by pro-Israel groups, the Minnesota legislature passed legislation designed to interfere in the ability of Palestinian human rights advocates to participate in non-violent Boycott, Divestment, and Sanctions (BDS) activities. The BDS movement in the United States and internationally engages in boycott activities that are designed to put political and economic pressure on the State of Israel to end its human rights abuses and discriminatory practices against Palestinians. For me, this is both a free speech and a racial justice issue.

Minnesota's two anti-boycott laws (Minn. Statutes 3.226 and 16C.053) constitute blatant viewpoint discrimination against BDS supporters and participants. The drafters, however, swapped the word "boycott" for "discrimination" and labeled the two anti-boycott laws as measures designed to prohibit "discrimination" against Israel. The two laws artificially define "discriminate" to include "refusals to deal," "terminating business activities" or "other actions that are intended to limit commercial relations with Israel." The dictionary definition of "discrimination" is: "treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit." The arbitrary definition in the law is obviously off the mark. Despite their deceptive labels, the legislative intent is to infringe on expressive BDS activities, which the laws' proponents openly admit.

Minn. Statutes 3.226 and 16C.053 are unconstitutional because they require prospective vendors and contractors who wish to boycott Israel to refrain from such First Amendment-protected expression in exchange for a state contract. The statutes also violate the First Amendment because they are hopelessly vague. The statutes fail to give citizens of ordinary intelligence a reasonable opportunity to know what is and is not prohibited if they wish to qualify for state contracts.

Lawsuits in other states have been brought against similar laws. Federal courts hearing these lawsuits have ruled that such laws are unconstitutional. Expensive and unnecessary litigation against the State of Minnesota is likely if Minn. Statutes 3.226 and 16C.053 are not repealed. The Supreme Court has held that the government may not compel the endorsement of ideas that it approves and "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein" (*West Virginia*

*Board of Education v Barnette*). Minn. Statutes 3.226 and 16C.053 are contrary to Minnesota's image as a rigorous protector of free speech. They invite lawsuits that the state will lose. I therefore ask for your support in co-sponsoring a bill to promptly repeal Minn. Statutes 3.226 and 16C.053 because I support the right to boycott Israel in the struggle for Palestinian human rights and I should not be excluded from contracting with the State of Minnesota for doing so.

Representative Steve Sandell (53B) will introduce the repeal bill in the House and Senator Mary Kunesh (41) will introduce it in the Senate. If you are interested in being a co-sponsor, contact them and indicate your interest in being a co-sponsor.

Sincerely,