

## **DFL Caucus Resolution to Repeal Minnesota Anti-BDS Bills – 2-1-2022**

**RESOLUTION TITLE:** Repeal Anti-BDS Laws

**BE IT RESOLVED THAT:** The DFL affirm its commitment to the First Amendment of the US Constitution by including in its platform repeal of anti-BDS laws, Minnesota Statutes 3.226 and 16C.053 which limit the right of Minnesotans to exercise rights to boycott as expression of free speech.

**[In the box provided for brief explanation of resolution, you may use the following or your own wording:]**

Two laws—passed in 2017—seek to prevent people from employment or doing business with the State of Minnesota if they support the Boycott, Divest, Sanctions movement (BDS), an international initiative that aims to use nonviolent means to challenge Israel’s abuses of human rights of the Palestinian people within Israel and the militarily-occupied West Bank and Gaza.

These laws are unconstitutional, because the US Supreme Court has ruled that the right to boycott is protected under the First Amendment. Therefore, the Legislature must repeal these laws.

## **TALKING POINTS FOR PRESENTING THE RESOLUTION AT YOUR CAUCUS**

- Boycotts are thoroughly American. They have been part of our history since the Revolution.
- Moreover, the U.S. Supreme Court has ruled that the **right to boycott is included in the free speech guarantee of the First Amendment to the Constitution.**
- Nevertheless, since 2017, our state has had two laws that discriminate against certain people who exercise their free speech right by supporting a specific boycott – the BDS movement to protest Israel’s violations of international law and oppression of Palestinians. Minnesota Statutes 3.226 and 16C.053, otherwise known as **Anti-BDS laws** seek to deny employment or contracting work with the state of Minnesota to BDS supporters.
- In other words, those statutes punish some Minnesotans for exercising their constitutional right to free speech.
- Currently 33 states have similar laws or executive orders. All of them were passed at the urging of lobbyists for Israel, seeking to suppress criticism of Israel and the growing influence of the BoycottDivestSanction movement.
- As legal experts have been warning, their success in enacting anti-BDS laws has led conservative lobbyists to encourage the use of Anti-BDS laws as templates – models for other special interests to use. Already the template has been used in several states to silence opponents of the fossil fuel industry or firearms distributors.
- Minnesota should not be complicit in these un-American attempts to undermine our First Amendment right to free speech.
- Two bills to repeal Minnesota’s anti-BDS laws were introduced last year HF1246 by Rep. Sandell and SF643 by Sen. Kunesh.
- THEREFORE, we urge the DFL Party to include in its platform the repeal of **Anti-BDS** legislation.

## **ADDITIONAL INFORMATION FOR RESOLUTION PRESENTERS**

- The international BDS movement is a **nonviolent** means of protesting Israel's violations of international law and denial of human rights to Palestinians for almost 75 years, including (though hardly limited to) its illegal appropriation of Palestinian land, demolition of Palestinian homes and imprisonment of Palestinian children.
- Human Rights Watch and Israel's own human rights organization B'tselem have both compared the Israeli system to the apartheid system abolished in South Africa 30 years ago.
- The BDS movement was established by Palestinians in 2005 and modeled on the successful anti-apartheid movement for equality in South Africa.
- The American Civil Liberties Union is successfully challenging **Anti**-BDS laws in other states. The State of Minnesota may at some point have to defend its **Anti**-BDS laws in court, using tax dollars that would be better spent on the needs of Minnesotans.
- Here is a trailer for *Boycott*, a film that will debut later in 2022. It contains interviews with some of the plaintiffs who successfully challenged anti-BDS laws in other states, and it emphasizes how these laws are being used as templates by other special interests seeking to suppress opposition to their agendas. Please take a few moments to watch it. <https://vimeo.com/582969773>