

10 Things to Know about State Anti-BDS Legislation

1. Sixteen states have already enacted anti-BDS laws.

Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and South Carolina.

2. Activists successfully defeated anti-BDS legislation in some states.

In 2016, activists defeated bills in Maryland, Virginia, and Massachusetts. In New York, activists successfully stopped two anti-BDS bills from passing the legislature before Governor Cuomo signed an anti-BDS executive order.

3. Some anti-BDS bills are still under consideration.

Anti-BDS bills are pending in some states, including Nevada, Minnesota, and a new bill in Virginia. We expect additional bills to be proposed in other states.

4. Even some county and local legislatures have entered the fray.

For example, one proposal was defeated in New Castle County, DE. Nassau County, NY recently passed an anti-BDS law. The town board of Woodstock, NY adopted a resolution questioning the constitutionality of Gov. Cuomo's anti-BDS measure.

5. None of this legislation takes away your right to boycott Israel or to advocate for BDS.

Instead, most of these initiatives rely on one or both of the following components:

- **Blacklists** of activists, non-profit organizations, and/or companies that are engaged in boycotts of Israel.
- **Conditioning government benefits**, such as state contracts and/or pension fund investments, on the requirement that you deny or renounce your support for BDS.

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6. This legislation is unconstitutional.

The Supreme Court has long held that boycotts to bring about political, economic, and social change – like boycotts for Palestinian rights – are a form of expression protected by the First Amendment. The government may not condition the receipt of government benefits on the requirement that a person forgo core political speech activity. Nor can the government enact measures that chill our speech rights.

7. This legislation is a sign of desperation by Israel advocacy organizations.

Acknowledging their inability to stem the rapid growth of BDS activism, particularly on college campuses, some Israel advocacy groups are turning to legislatures, which they consider to be “more favorable turf” for their efforts to suppress criticism of Israel.

8. Anti-BDS legislation has galvanized BDS activists and free speech allies.

New coalitions have formed to fight anti-BDS bills in several states, including Maryland, New York, Ohio, and Virginia. These coalitions are raising public awareness for BDS and Palestinian rights in their communities and in the media.

9. Anti-BDS laws will fail.

Our legislators should be in the business of protecting our rights, not punishing us for exercising them. We should hold legislators who support these anti-BDS bills accountable for their efforts to stifle collective action to make change. We expect courts to strike down such laws as infringing on First Amendment rights.

10. You can help.

Visit www.righttoboycott.org to find out how you can take action.