

House Bill 2409: Prohibiting state contracts with companies that are engaged in an anti-Israeli boycott.
Statement to the Senate Committee on Federal and State Affairs

As citizens of Kansas, we ask committee members to vote against House Bill 2409 when it comes before you for the following reasons:

1. *Boycotts have a long history of successful use in addressing injustice and effecting political change.* Nobel Prize winner Archbishop Desmond Tutu states that South Africa “could not have achieved our democracy without the help of people around the world, who through the use of non-violent means, such as boycotts and divestment, encouraged their governments and other corporate actors to reverse decades-long support for the apartheid regime.”
2. *Boycotts set an example for nonviolent citizen protest against injustice.* Boycott, Divestment, and Sanctions (BDS) is a non-violent, international movement initiated by Palestinian human rights and civic groups that promotes human rights by demonstrating popular opposition to Israel’s half-century long occupation of Palestinian land; recognizing the rights of Palestinian citizens of Israel to full equality; and respecting the rights of Palestinian refugees.
3. *The goal of the BDS movement is NOT to undermine Israel’s existence.* Furthermore, supporters of BDS are NOT anti-Semitic. Instead, BDS upholds the simple principle that Palestinians are entitled to the same human rights as the rest of humanity.
4. *The bill is unconstitutional.* The Supreme Court has long held that boycotts to bring about political, economic, and social change are a form of expression protected by the First Amendment. No government may condition receipt of government benefits on the requirement that its citizens forego political speech, nor can it enact measures that chill citizens’ speech rights.
5. *The bill tacitly endorses Israel’s illegal policy of conquest and settlement.* BDS is specifically directed against illegal occupation and settlement building, not against Israel itself. If Israel would cease its occupation, the boycott movement would also cease. Since the 1967 war, Israel has illegally settled more than 600,000 settlers in the West Bank, Golan Heights, and East Jerusalem.

Conquering, occupying and settling land is forbidden under international law. Israel, like the U.S., is a signatory to the Fourth Geneva Convention which explicitly prohibits an occupying power from transferring “parts of its own population into the territories it occupies.”

6. *The bill contradicts longstanding U.S. foreign policy.* Every Republican and Democratic administration since 1967, including the present one, has opposed Israeli settlements on Palestinian lands. Israel has failed to uphold its duties as occupying power and has instead deepened its occupation and regime of colonialism and apartheid. Human rights violations rising to the level of international crimes, including unlawful killings, torture, forced transfer, and other forms of collective punishment, have become the norm.
7. *The bill is contradictory and unnecessary.* Under the bill any company seeking a contract with the state will be required to sign a pledge that it does not observe the boycott. The state of Kansas has no right to sanction legal business activities of companies. What would be in effect a state boycott would punish companies choosing to boycott or divest from doing business in Israel, though no such companies were identified by the bill’s proponents.

Please vote against HB 2409.

Citizens for Justice in the Middle East, Kansas City
Manhattan Alliance for Peace and Justice