



DALE KOOYENGA

STATE REPRESENTATIVE • 14th ASSEMBLY DISTRICT

(608) 266-9180
Fax: (608) 282-3614
Toll Free: (888) 534-0014
Rep.Kooyenga@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

January 17, 2018

TO: Assembly Committee on Government Accountability and Oversight
FR: Representative Dale Kooyenga
RE: Assembly Bill 553

Thank you for holding a hearing on this bill.

In recent years, the Boycott, Divestment and Sanction (BDS) movement has gained traction across the United States. Proponents of BDS pressure government bodies, academic, religious and private enterprises into boycotting or divesting from all Israeli-based companies or companies that conduct business in Israel.

This movement exclusively targets the world's only Jewish state, Israel, for criticism while ignoring conflicts and countries engaged in major human rights violations around the world. BDS seeks to economically harm Israel and question Israel's legitimacy as a member of the international community with the ultimate goal of leading to the dissolution of Israel as a Jewish and Democratic State.

Senator Leah Vukmir and I have introduced Assembly Bill 553 which requires companies that do business with Wisconsin to verify they are not participating in any boycotts of Israel as a condition of their contracts. Additionally, this bill prohibits state agencies and local governments from establishing policies that would boycott Israel. Our offices worked closely with the Milwaukee Jewish Federation as well as other Jewish organizations and leaders here in Wisconsin and nationally to craft this bill.

To date, 24 states have introduced or passed legislation restricting state contracting/procurement with companies involved in the BDS movement against Israel. This bill recognizes Wisconsin's economic, scientific, educational and cultural ties with Israel.

Lastly, a concern has been brought to our attention about the definition of persons as well as a request for clarification regarding the threshold amount for which provisions of the bill would apply. We are working on an amendment to clarify that language relating to those engaging in individual boycotts – evidently this issue has led to lawsuits raising constitutional issues.

Thank you for your attention to this legislation. I respectfully ask for your support of Assembly Bill 553.

STATE SENATOR
Leah Vukmir

Assembly Committee on Government Accountability and Oversight

Wednesday, January 17, 2018

Assembly Bill 553

Chairman Hutton and committee members, thank you for hearing Representative Kooyenga's and my bill today. Assembly Bill 553 is an important bill that protects our robust trade relationship and close friendship with our ally Israel.

This bill shows that we will not stand for anti-Semitic policies and requires companies that do business with the state to verify they are not participating in any boycotts of Israel as a condition of their contracts. The bill also prohibits state agencies and local governments from establishing policies that would boycott Israel.

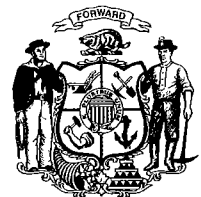
The Boycott, Divestment, and Sanctions (BDS) movement is a deceptive campaign that claims to be concerned with the Israeli treatment of Palestinians. However, the BDS movement is propaganda dedicated to destroying the Jewish state and harms both the Jewish people and Arabs, attempting collaboration.

Wisconsin and Israel share an important trade relationship that accounts for \$80 million in Wisconsin exports per year and \$200 million of Israeli imports. We must continue to nurture the deep connection not only between the United States and Israel, but the positive and strong relationship between Wisconsin and Israel.

Currently, 24 states have passed laws or executive action banning BDS practices including Governor Walker's Executive Order in October of last year, Minnesota, Illinois, Michigan, Iowa, and Indiana. It is vital to stand with our ally Israel and continue to bolster freedom and democracy in the Middle East.

Thank you for your time.

WISCONSIN STATE CAPITOL
P.O. Box 7882
Madison, WI 53707
PHONE (608) 266-2512
EMAIL Sen.Vukmir@legis.wi.gov
WEBSITE www.SenatorVukmir.com







Jewish Community
Relations Council

MILWAUKEE
JEWISH FEDERATION

Testimony

January 17, 2018

To: Representative Hutton, Chair, Assembly Committee on Government Accountability and Oversight and Committee members

From: Moshe Katz, Milwaukee Jewish Federation

Re: Assembly Bill 553

Good morning, Representative Hutton and Committee members. Thank you for the opportunity to testify before you today. I am Moshe Katz, a Milwaukee businessman, educator, and incoming chair of the Milwaukee Jewish Federation. I am here to urge you to vote for Assembly Bill 553 with the proposed amendment. I would like to thank Representative Kooyenga and Senator Vukmir for their willingness to work with us on this issue.

This bill puts us in line with the many states that have taken an active role in rejecting the discriminatory practice of BDS, the boycott, divestment, and sanctions campaign against Israel. As of last week, 24 states have passed legislation and another three, including Wisconsin, have introduced such legislation. The BDS movement seeks to economically harm Israel and question its legitimacy as a member of the international community with the ultimate goal of leading to the dissolution of Israel as a Jewish and Democratic State.

This bill also puts us in line with the federal government. The U.S. government has rejected boycotts based on national origin and interferences with foreign trade policy in general. The Export Administration Act of 1977 and the Ribicoff Amendment to the Tax Reform Act of 1976, were both designed to combat the Arab League's boycott of Israel.

It's important to note that courts have determined that these policies do not violate the First Amendment because economic boycotts are not protected speech, but are instead a form of commercial activity.

The bill only relates to state contracting and relates only to companies that discriminatorily limit their own business relations with Wisconsin. It does not prohibit or penalize any kind of speech. Proponents of boycotting Israel remain free to call for such boycotts, encourage others to join them, and participate in them.

Safeguarding rights and pursuing
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Chair
Ann Jacobs

Director
Elana Kahn

1360 N. Prospect Ave
Milwaukee, WI 53202-3094

P 414.390.5781
F 414.390.5782

JCRC@MilwaukeeJewish.org
MilwaukeeJewish.org

Milwaukee Jewish Federation

Board Chair
Andrea Schneider

CEO/President
Hannah Rosenthal

Member Organizations

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Congregation Anshai Lebowitz
Congregation Beth Israel Ner Tamid
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Congregation Emanu-El of Waukesha
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Hadassah

Harry & Rose Samson Family Jewish Community Center
Hillel Milwaukee
Jewish Family Services
Jewish National Fund
Jewish War Veterans
Lake Park Synagogue
Milwaukee Association of Russian Speaking Jews
National Council of Jewish Women
Temple Menorah
Tikkun Ha-Ir of Milwaukee
Wisconsin Council of Rabbis

Furthermore, it should be noted that governments can, without any constitutional question, attach conditions relevant to the actual expenditure of the funds. To put it simply, when a state spends money, it can decide how the work will be done. A state can reasonably decide that a company that boycotts Israel puts politics ahead of business considerations in a way that makes the company less effective, and harms contract performance.

This bill also puts us in line with our own values. Boycotting entities and individuals because they hail from specific countries of national origin amounts to discrimination, which directly contradicts the public policy of our great state and the values of its citizens.

We need this legislation to ensure that the people and government of Wisconsin will not unknowingly become party to discriminatory business practices or boycotts, particularly against Israel.

This is about stopping a movement that is harmful to the long term security and economic viability of both Israel and Palestinians. The globally coordinated Boycott, Divestment, and Sanction (BDS) movement uses economic warfare against the state of Israel to economically, politically and culturally isolate it from the international community. Unfortunately, rather than seeking to change any particular policy, BDS advocates most often reject the existence of the modern state of Israel altogether. Their real goal, though sometimes shrouded in good intention and language about justice and peace, is the destruction of Israel and its right to exist as a homeland for the Jewish people. The BDS movement exclusively targets Israel, the world's only Jewish state, for criticism, while ignoring conflicts and countries engaged in major human rights violations around the world.

In addition to isolating Israel, BDS initiatives sever the economic ties between Israel and its Palestinian neighbors and therefore are counterproductive to finding a long term lasting peace. Those seeking to promote dialogue and cooperation between the Israeli and Palestinian people seek strategic approaches aimed at thwarting BDS activity. Peace will only come with bilateral negotiations NOT the economic boycott of one country. The Palestinian economy and Israeli economy are intrinsically linked—a boycott of Israel damages economic opportunities.

Economic sanctions against Israel are counterproductive to finding a long-term and lasting peace. They often harm Palestinians, whose economy is intertwined with the Israeli economy. The best example of this is when the Israeli-owned Soda Stream closed its manufacturing plant, at the time, located over the Green Line in 2015. It had employed nearly 600 Palestinians and paid medical benefits for many more. Palestinian employees were paid the same as their Israeli counterparts: four times higher than wages for an average Palestinian. It should be noted that the BDS Movement persists in boycotting Soda Stream, in pre-1967 boundaries of Israel, betraying its real motivation, to reject the state altogether.

A peaceful, two-state future requires increased economic interaction and opportunities for Israelis and Palestinians. Economic sanctions against either party undermine these efforts.

Those who support a peaceful solution should support increasing trade links and Israeli-Palestinian economic cooperation. BDS works as an impediment to reaching this objective.

Please support Assembly Bill 553 with the proposed amendments to support Wisconsin's economic, scientific, educational and cultural ties with Israel. Stand up against discrimination based on national origin. Stand up for our values. And insist that our state continue to be a beacon for fairness and justice, locally and globally.

Thank you.

Anti-BDS Legislation (As of January 5, 2018)

States That Have Taken Action Against BDS

South Carolina (contracting)
Illinois, (pensions & contracting)
Florida (pensions & contracting)
Colorado (pensions)
Arizona (contracting)
Georgia, (contracting)
Indiana, (pensions)
Iowa, (pensions, contracting)
Alabama, (contracting)
Rhode Island, (contracting)
New Jersey, (pensions)
California (contracting)
Pennsylvania (contracting)
**NY Executive Order (contracting & pensions)
Michigan (contracting)
Ohio (contracting)
Arkansas (pension)
Texas (contracting & pension)
Nevada (contracting & pension)
Minnesota (contracting)
Kansas (contracting)
North Carolina (contracting & Pension)
**Maryland Executive Order (contracting)
**Wisconsin Executive Order (contracting)

Introduced & In-Process:

Massachusetts (contract)
Wisconsin (contract)
Missouri (contract)

Good morning. My name is Barbara Olson and I am a member of the Madison-Rafah Sister City Project. I speak in opposition to both AB553 and its Senate twin, SB450, both as amended.

The First Amendment protects the right to boycott – even against Israel and, yes, even in Wisconsin. These bills constitute an unconstitutional attempt to restrict our free speech and association rights.

I refer you to NAACP v. Claiborne Hardware Co., 458 U.S. 886, decided by the U.S. Supreme Court in 1982. Very appropriately, this case involved a non-violent economic boycott organized by the NAACP in 1966 aiming to pressure Mississippi civic and business leaders to accept a lengthy list of demands for equality and racial justice.

The Supreme Court held that a boycott is a protected form of speech, assembly, association, and petition, and that states could not use their powers to regulate economic activities to prohibit or punish this type of protected political activity.

So it is quite likely that these laws, as well as Governor Walker's recent Executive Order, would face litigation and eventually be overturned.

In the meantime, these bills aim to repress and slander a political movement with whom the authors do not agree, and at whose expense they hope to score some political points.

Already similar legislation elsewhere is producing absurd and dangerous results. Last year, people in a Houston suburb were required to sign an anti-BDS pledge in order to receive hurricane relief. (Individuals, but not companies, were eventually freed from this requirement after protests.)

In Kansas a math teacher who refused to sign an anti-BDS pledge that violated her religious beliefs was de-selected from a state-funded teacher training program. She is now suing the state.

The BDS movement is not an anti-Semitic conspiracy. Rather, it is a non-violent response to gross injustices and violations of human rights perpetrated by the government of Israel against Palestinians. As was the case in Apartheid South Africa, those who suffer this oppression have cried out to the international community to help end their misery when all else appears to have failed.

Millions of people around the globe are responding to this call by Palestinian civil society for justice, equality and the right to be treated like human beings. Here in Wisconsin, we too will respond to this call whether you pass these bills or not.

Finally, I want to point out that there is no "Palestine Exception" to the First Amendment. And before you try to write one into law, I urge you to consider that this could open a Pandora's Box of precedent where others of various political stripes might also try to insert their own pet issues into what should be an unbiased, even-handed and non-political system of determining who does business with government.

This bill is bad law and bad public policy. Please reject it.

**Barbara Olson
221 Glacier Drive
Madison WI 53705**

Testimony on SB-450

January 17, 2018

To: Representative Hutton, Chair, Assembly Committee on Government Accountability and Oversight Committee, along with Representatives Brandtjen, Krug, Wichgers, Kuglitsch, August, Pope, Brostoff, Riemer

Re: Senate Bill 450

Introduction:

Good Morning, Chairman Hutton and Committee members; and thank you for opportunity to testify before you today. My name is Tony Nasvik. I am a Wisconsin resident, a Christian, and the director of Christians United for Israel in Western Wisconsin. With over 3.5 million members, CUFI is the largest pro-Israel organization in the US. I am here as a resident to ask for your support of SB-450.

I would like to thank Governor Walker for his executive order ... and I want to especially thank Senator Vukmir and Representative Kooyenga for authoring SB-450.

Body:

This morning I would like to shed a little light on the Boycott, Divestment and Sanction (BDS) movement, what it is and is not, and why I believe SB-450 is such important legislation Wisconsin.

First of all, BDS is fundamentally a slick anti-Semitic propaganda campaign built on a “Big Lie” technique pioneered by Goebbels during Hitler’s regime. The technique holds that if you tell a big enough lie long enough and keep repeating it, people will believe it’s true. This is the foundation of the BDS movement against Israel in America, in Wisconsin and around the world.

BDS is an insidious movement designed by its founder Omar Barghouty (*Bargooty*) to intentionally mislead and deceive well-intentioned, but naive supporters of peace. In short, the Boycott and Divest and Sanction campaign is nothing more than an anti-Semitic wolf in sheep’s clothing.

BDS leaders try very hard to portray themselves as peace activists, but a visit to the BDS website (www.BDSmovement.net) quickly reveals that BDS has a far more radical goal: the elimination of Israel as a Jewish state. This is **not** an exaggeration. When asked point blank, BDS leaders, including Barghouty readily admit that their goal is to (Quote), “...oppose a Jewish state in any part of Palestine;

[because] ending the occupation doesn't mean anything if it does not mean upending the Jewish states itself. (End-Quote)" But even Barghouty knew that he could not accomplish the BDS goals militarily; so instead, he formed the BDS movement to do it through a systematic campaign of lies; and they count on the fact that most people don't bother to check the facts.

And the ironic hypocrisy of all this fake peace activism is that Barghouty lives in Israel; but not from inside an Israeli prison like Nelson Mandela did during the South African apartheid. No, Barghouty is a PHD student at Israel's Tel Aviv University where he enjoys the same rights as every person living in Israel.

BDS succeeds by playing on the good intentions of good people through a deliberate campaign of deception, or in short....they Lie! The results of their efforts have been to mislead a lot of good hearted people into opposing the ONLY country in the Middle East that does not segregate and does not oppress its minority populations. But that is not all. The BDS propaganda of lies goes much further. They say:

- The Jews have no historic claim to Israel... **LIE!**
- BDS says that Israel and the Jews treat Arabs as second class citizens.... **LIE!** (*Note: Arabs in the Knesset and on the supreme court*)

- BDS says that Israel operates as an apartheid state ... **LIE!**
(Note: and anyone who has stepped off a plane in Israel knows this to be a lie.)
- BDS says that Israel doesn't want peace with their Arab neighbors... **LIE!** *(Note: Israel has agreed to peace no less than five times: 1937, 1947, 1967, 2000, and 2008! Each time Israel extended her hand in peace and met with waves of war, rocket attacks or suicide bombers)*

BDS focuses their propaganda of hate... **only** on the state of Israel and the Jewish people... **and** Jewish owned businesses, **and** Jewish groups, **and** Jewish students on campus, **and** Jewish Professors, **and** even the books and articles written by a Jew. Echoes from the Nazi past indeed!

But it is also very telling to look at **who** and **what** BDS does **NOT** target. They do not target those guilty of the genocide or massacres in Sudan, Syria and Chechnya.

BDS does not raise their voices to oppose the persecution and genocide of Christians in Saudi Arabia, Iran, Iraq, Afghanistan, Pakistan or Sudan!

BDS does not care about the persecution of gays or lesbians, or the subjugation and dehumanizing of women in Saudi Arabia, Iran, Iraq, Afghanistan, Pakistan or Sudan!

Nope, instead of targeting their efforts on these ***real*** agents of hate, BDS targets Israel.

ISRAEL... The ***ONLY*** nation in the Middle East where Christians are NOT persecuted and can and do practice their faith in freedom and without fear of death.

ISRAEL... the ***ONLY*** nation in the Middle East where gays and lesbians are safe and protected.

ISRAEL... the ***ONLY*** place in the Middle East where women are honored and respected to not only drive cars; but in Israel... women pilot fighter jets as well.

So is Israel ***perfect*** ...no! There are as many perfect countries as there are perfect people. But to call Israel an apartheid state is not only an insult to the only democracy in the Middle East and the only country with equal rights for all its minorities. It is also an insult to the actual victims of apartheid.

Those who support BDS would love for us to fall for the fallacy that its aim is to protect Palestine and condemn and allegedly unlawful occupation. But make no mistake; ***the goal*** of the BDS movement is

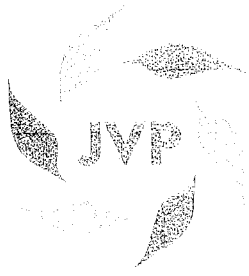
to delegitimize, isolate, and ultimately eradicate the state of Israel all together. This truth is precisely why we should refuse to give our taxpayer dollars to entities that support BDS, and that seek to end the existence of the only free and democratic ally in the Middle East.

Senators, this is not a Republican or Democrat issue; this is about showing our Jewish friends and family here in Wisconsin, and indeed around the world that we stand with them. It is precisely why anti-BDS legislation has passed overwhelmingly in 24 other states; and in some states by a 100% bi-partisan spirit.

Senators, it my hope that we will do that here in Wisconsin as well. With SB-450 you have an opportunity to tell the BDS movement that its bigotry, extremism and campaign of hate are NOT welcome in the Badger State. And with SB-450 you will also tell businesses that if they want to sacrifice their profits on the altar of anti-sematic BDS hate, then they will not be welcome to do business with the State of Wisconsin.

I thank you for your quick action supporting SB-450 and I thank you for your consideration.

Shalom!



Jewish Voice for Peace Madison Chapter

The Madison Chapter of Jewish Voice for Peace asks Members of the Wisconsin State legislature to oppose Assembly Bill 553 (and Senate Bill 450), which attempts to punish individuals and groups supportive of the Boycott Divestment and Sanctions (BDS) movement against Israel.

BDS is a peaceful tactic used historically to effect policy change and has long been recognized by the U.S. Supreme Court as First Amendment-protected political expression. Americans have the right to use their power as consumers in accordance with their conscience and to advocate that others do so as well.

Jewish Voice for Peace endorses the call from Palestinian civil society for Boycott, Divestment, and Sanctions (BDS) as part of our work for freedom, justice and equality for all people. We believe that the time-honored, non-violent tools proposed by the BDS call provide powerful opportunities to make that vision real.

We join with communities of conscience around the world in supporting Palestinians, who call for BDS until the Israeli government:

Ends its occupation and colonization of all Arab lands occupied in June 1967 and dismantles the Wall; recognizes the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and respects, protects and promotes the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

In the long and varied history of Jewish experience, we are inspired by those who have resisted injustice and fought for freedom. We strive to live up to those values and extend that history. By endorsing the call, we make our hope real and our love visible and we claim our own liberation as bound with the liberation of all.

— Jewish Voice for Peace/Madison Chapter

January 17, 2018

TESTIMONY BY JOEL GARB IN OPPOSITION TO ASSEMBLY BILL 553.

Thank for taking my testimony. I am here as a private citizen residing in the Town of Black Earth.

I have some questions:

1. This bill intends to limit political activities protected by the First Amendment of the Constitution of the United States. The bill states that the prohibited boycott "does not include an action taken for ordinary business purposes." In 1982 the Supreme Court in NAACP v. Claiborne Hardware Co. held that peaceful boycotts are protected by the First Amendment of the Constitution. What constitutional authority does the legislature rely on to limit our First Amendment rights?
2. The bill as amended intends to limit companies from "participating" in the prohibited boycott. (We were reminded in the Citizens United decision that the political activities of companies, being associations of persons, are protected under the First Amendment.) What is the meaning of the word participation in the bill? For example, by this my testimony am I participating in the prohibited boycott?
3. Section 8 of the federal Export Administration Act of 1979, titled "Foreign Boycotts" prohibits a U.S. person "with respect to his activities in the ... foreign commerce of the United States, from taking ... actions ... to ... support any boycott ... against a country which is friendly to the United States...." Subsection (c) of the Act, titled "Preemption," explicitly "preempt[s] any law ... of the several states ... which law ... pertains to participation in ... boycotts fostered ... against other countries." How does the legislature justify Assembly Bill 553 in light of the federal government's explicit intent to preempt the field?
4. Finally, what does a boycott of Israel have to do with the acquisition of "material, supplies and services" by state agencies under the "responsible bidder" provisions of our statutes?

Thank you for your time and concern.

Joel Garb
10610 Fesenfeld Road
Black Earth, Wisconsin 53515

Legal Definition Problems By Wikipedia standards, this bill seems to enact a Secondary Boycott. A secondary boycott is a group's refusal to work for, purchase from, or handle the products of a business with which the group has no dispute. A secondary boycott is an attempt to influence the actions of one business by exerting pressure on another business. Secondary boycotts have in the past been fiercely opposed by many Republicans and big business as a violation of the "freedom of contract" and as an unconstitutional intrusion. They cite the United States Constitution, Article I, section 10, clause 1. The Contract Clause prohibits states from enacting any law that retroactively impairs contract rights.

The procurement part of AB 533 sounds just like the law Kansas passed. There the ACLU sued on behalf of a state teacher whose church was boycotting Israeli products due to the way they treated Palestinians. And there Kansas could not defend their law as constitutional and tried to give the teacher trainer a special exemption.

Amendment 1 was offered here, apparently to avoid the problems of Kansas and Texas. Texas avoided individuals as being subject to the bill by requiring only for profit companies to be subject to their bill. Amendment 1 does appear to want to exempt "a person" and only applies to a "company". But Amendment 1 then defines "company" to include any "organization" or "association". Since the statutes nowhere define the word organization nor the word association, we have to rely on legal dictionaries. Legally, an association is defined as group of individuals meeting or associated for fellowship or a common purpose. And an organization is a generic term for any type of group or association of individuals who are joined together either formally or legally. These terms include any group of two or more people who gather together for a civil, political or fellowship purpose.

In Practice Problems So in my case, I am a retired pastor and retired lawyer and a former school board member and former county board member. I am part of several organizations or fellowships. Because of my own experience with cognitive challenges, and the dementia in my family history, I spend a great deal of my time sharing with others how to be true friends to persons with cognitive changes. Usually my husband and I are a team to speak to youth groups, church adult educations or local memory cafes. With others I have provided advice to conservancies, dementia friendly organizations, and senior centers. This Friday I train nursing home activity directors in Mineral Point on best practices to connect residents to nature through sights, sounds and feel of the woods. I have been part of such teams for nature centers in Milwaukee, Middleton, Hortonville, Dodgeville, Elkhorn, etc.

Now if the Wisconsin Department of Health or one of its ADRC (Aging & Disability Resource Center) wanted me to sign a contract to do this for a year or more around the state I would love to do that. But we would have to say No, we cannot. I might have the best team because of personal experience with cognitive changes and with best practices in nature. But, no if the contract were for more than \$100,000 you would not have us. That is because my husband and I and many friends have visited Israel and Palestine and we, in good conscience, must try to remind Israel of its duty to follow international law - the only way we can - with our pocket books.

We have seen mass incarceration of Palestinian youth in Israel. We have had to pass through those cattle gates to visit a Lutheran School in Palestine. And be admitted after many hours of passing blockades to get to the Lutheran hospital in East Jerusalem.

A major part of my fellowship is my church synod - which buys and sells fair trade olive oil from Palestinian villages and, yes, refuses to buy and sell goods from Israel. I cannot support Israel's current political and military purposes until there is restorative justice with their neighbors - the Palestinians... until right relations are restored. You are trying to legislate friendship and force us to knowingly relate commercially with Israel and its occupied settlements - while ignoring the hard work of restoring sustainable relationships.

I do good work here - important and caring work toward the well-being of many people in Wisconsin. You are trying to legislate that I close my eyes to the suffering of others. You want to legislate that everyone pretend everything is fine in the holy land. You wish me to forget the face of the Palestinian elder who gave me a foundation stone from his home - the home of his ancestors that had been bulldozed by the Israeli military. You wish me to pretend that relations are better now than when I first studied there 50 years ago when I was 21. Or when my husband visited there with me in the year 2000.

I have a degree in Hebrew and Semitic Studies and I study the Hebrew Scriptures most every day. I understand something about living those challenging holy words. Those words seem clearer to each generation... that the creator spirit loves us beyond imagination - but also loves our neighbor beyond our imagination, and also loves the one we call foreigner beyond our imagination. And in turn we are called to that same kind of love. You cannot legislate that love. Instead, you must live it - for all peoples - and for all inhabitants on this earth, with creative justice and respect for all. May it be so.

AB 553 relates to Eligibility for state procurement contracts and certain actions taken by state and local governmental bodies involving a boycott of Israel and is found at:

<https://docs.legis.wisconsin.gov/2017/related/proposals/ab553>

and its Amendment 1 at:

https://docs.legis.wisconsin.gov/2017/related/amendments/ab553/aa1_ab553

Mary Kay Baum
201 Dougherty Court
Ridgeway, WI 53582
608/935-5834
marykbaum@gmail.com

nature photographer
retired ELCA pastor
retired early in 2006 from directing of Madison-area Urban Ministry
former District Court Administrator
former practicing attorney in Wisconsin
former member for two terms of the Dane County Board of Supervisors and on the Madison Metropolitan School Board

TESTIMONY IN OPPOSITION TO AB 553

By

Jeff Spitzer-Resnick
Chair J Street Madison
608-206-7164
spitznick@tds.net

As Chair of J Street's Madison Chapter, I hereby submit this testimony against AB 553. J Street is the political home of pro-Israel, pro-peace Americans. For the reasons set forth below, while J Street opposes the global BDS (boycott, divestment, sanctions) movement, it also opposes legislation like AB 553 that penalizes the BDS movement because such efforts are the wrong way to combat BDS.

J Street has always been and remains opposed to the Global BDS Movement

J Street advocates for a two-state solution and a secure, Jewish and democratic future for Israel. The Global BDS Movement does not support the two-state solution, recognize the right of the Jewish people to a state or distinguish between opposition to the existence of Israel itself and opposition to the occupation of the territory beyond the Green Line. Further, some of the Movement's supporters and leaders have trafficked in unacceptable anti-Semitic rhetoric. The Movement is not a friend to Israel, nor does its agenda, in our opinion, advance the long-term interests of either the Israeli or Palestinian people.

We do not oppose boycott, divestment, or sanctions initiatives that explicitly support a two-state solution, recognize Israel's right to exist, and focus only on occupied territory beyond the Green Line

These kinds of initiatives are different than those advocated and initiated by the Global BDS Movement. Unlike AB 553, it is critical to maintain the distinction between boycott and divestment efforts, which work against the interests of Israel, and initiatives, which are limited to opposing the occupation.

There is a fundamental distinction between the state of Israel and the territory that it controls over the Green Line, and that distinction must be maintained

J Street believes it is vital for the future of Israel that this distinction be maintained, and clarified wherever it is now obscured. AB 553 specifically treats the occupied territories the same as Israel proper, failing to recognize that the occupation violates international law and interferes with prospects for peace and a two state solution. Funds contributed to the settlement movement help perpetuate the occupation and blur the

distinction between democratic Israel and the occupied territory beyond the Green Line.

Since 1967, the United States government has clearly insisted that the settlement enterprise in occupied territory is illegitimate and counterproductive to Israel's interests and the cause of regional peace and stability.

J Street opposes legislative efforts at the state and federal level, such as AB 553, which blur the distinction between Israel and the territory it controls over the Green Line, and thus act to contravene that longstanding policy.

The Global BDS Movement can only be successfully opposed with a genuine commitment to ending the occupation and achieving a two-state solution

Opposition to the Global BDS Movement that refuses to countenance any criticism of the occupation or of Israeli policy will never succeed in winning over any Movement supporters, and will only drive more and more frustrated and concerned people into their camp. It is precisely the wrong approach, and it is having a devastatingly counter-productive effect, especially on campus.

For all these reasons, J Street is opposed to legislative attempts to penalize or criminalize BDS activities because they are the wrong way to combat the BDS Movement.

J Street is opposed to federal and state legislation, like AB 553, that would penalize BDS supporters or impose BDS-related litmus tests on individuals and organizations. This type of misguided legislative overreach is the wrong way to fight BDS. In fact, it actually empowers the BDS Movement. This legislation violates constitutional free speech protections, and is fundamentally inconsistent with our democratic principles as Americans and as Jews. J Street urges lawmakers to engage Americans who are sympathetic to BDS in serious and open conversation and debate, rather than seeking to silence them by aggressively penalizing their actions and positions.

For all these reasons, on behalf of J Street's Madison chapter, I urge you to vote no on AB 553.

To the respective members of the Wisconsin Legislative Committee:

Thank you for your time today. I strongly oppose this bill. I want to begin by saying that there is NO constitutional right to prohibit peaceful political activity which BDS has shown itself to be or to seek to penalize peoples moral choice to support human rights in speech and in non-violent action. In fact, BDS is anchored in the Universal Declaration of Human Rights and strongly opposes all forms of racism, discrimination and anti-Semitism in its many forms.

I have been informed about BDS primarily by religious mentors throughout my life such as Rabbi Brant Rosen and Rabbi Lynn Gottlieb, who support BDS as well as by my Jewish sisters and brothers. There is nothing Jewish about the life destroying occupation and discriminatory policies which is what BDS is opposing rather than an ethnic identity or Israel itself. BDS opposes institutions complicit in human rights violations and international illegal activities.

BDS, a non violent strategy, has a long history in the movement within the U.S public and abroad, such as in South Africa, in our march toward ending oppression and pursuing equal rights for all, cornerstones of democracy. To be clear, there is nothing inherently anti Jewish about non-violently challenging oppression, which Jews within American society have been active leaders in for decades. In fact, it is shameful to conflate criticism of State policies with anti-Semitism. It does a genuine disservice to Jewish victims of anti-Semitism by diluting it and confusing the term.

In addition to this bill being in direct violation of the United States Constitution, it seeks to punish non-profits, synagogues and churches for their moral stance in support of human rights and equality for Palestinians. It prohibits state and local government from entering into contracts with them, creating an exception to the low bidder requirement by disqualifying those who don't certify they oppose BDS. This violates any concerns for fiscal responsibility and the rights of businesses to fair competitive bidding process. So for example, under anti-BDS bills, the United Church of Christ, Presbyterians Church, or individual synagogues who have divested from the Israeli occupation due to their stance in upholding human rights could be prohibited from contracting with the state to run social services.

Whether you believe in the tactic or motive of BDS or not, this is assault on civil liberties and stands in opposition to those who believe in the fundamental principles of Democracy. I urge you to oppose it.

Sunshine Jones

4333 Crawford Drive

Madison, Wisconsin

53711

To the Member of the Committee -

I am here today to share with you my strong opposition to AB 553. I am proud to be a Wisconsinite, born and raised in this great state, and I am proud of our Wisconsin value of honoring differing opinions and citizen's constitutional rights to express them which creates rich public discourse. When I see bills like this one that attempt to use legislation to repress different political views and take punitive action simply because of one's politics and exercise of first amendment rights to free speech, including boycott, I am deeply troubled about the future of our State. As others have noted, the U.S. Supreme Court has long held that political boycotts, like boycotts that push for human rights in Israel and Palestine in question today, are protected by the First Amendment. Herein, the Supreme Court has affirmed that the government may not condition the receipt of benefits – like contracts – on the requirement that you pledge not to engage in First Amendment-protected political conduct.

This bill before you today is a direct assault on free speech, democracy, and our constitutionally protected rights. I urge you to vote against it.

Moreover, economic boycott is valid, legal, and non-violent. Boycotts, economic divestment, and sanctions are common strategic efforts used both by civil society and by governments and public agencies to impact policy change and urge governments to uphold human rights. The BDS movement in question today centers on using economic boycott as leverage to hold the Israeli government accountable for human rights violations against Palestinians, to halt the construction of illegal settlements in the Occupied Territories, and to push for an end to the decades long Israeli Occupation of Palestinians lands. Whether you agree with the stance of the BDS movement or not, criminalizing protest, free speech, and an individual's politics should not be the business of the government. The State of Wisconsin has much more important issues to be focused on that uplift our common good and address the needs of our residents rather than wasting time and money on punitive measures like this one that silence and penalize free speech.

Further, at a time when the United States and other members of the international community are calling for nonviolence and a peaceful solution to the conflict in Israel and Palestine, it is dangerous and counter-productive to obstruct non-violent efforts - like economic boycott - that attempt to use non-violent means to impact policy change and bring about a just peace.

We have heard it said today that the purpose of this bill is to combat anti-Semitism. Anti-Semitism certainly must be combated and challenged and undone but banning critique of a foreign government's policies does nothing to combat anti-Semitism.

Finally, regardless of your political views, your perspective about Israel, your beliefs about effective political strategy or protest and boycotts in general, and regardless of your stance on BDS, you can and should still oppose this legislation and the dangerous, un-democratic and repressive precedent it would set.

Thank you for your time,

Sol Kelley-Jones

4341 Crawford Drive, Madison, WI

