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Testimony in Opposition to HB 476
Ohio General Assembly, House of Representatives
Committee on Government Accountability & Oversight
May 10, 2016, Columbus, OH

Chairman Brown, Vice Chair Blessing, Ranking Member Clyde, and Members of the Committee:

I thank you for this opportunity to present testimony today. My name is Richard Keller, owner and operator of Kellerfarm Software, an Ohio-based sole proprietorship doing computer software contracting.

In 2014, I visited Israel and Palestine, seeing first hand the human rights abuses perpetrated by Israel against the occupied Palestinian population. These human rights abuses are well documented in the U.S. State Department 2015 Country Report on Human Rights Practices of Israel and the Occupied Palestinian Territories¹, which details Israeli discrimination against Palestinians in almost every aspect of society.

As a result of these experiences, I personally feel compelled to speak out against these repressive Israeli policies. The Boycott, Divestment and Sanctions campaign (BDS) was initiated by Palestinians in 2005 as a non-violent response to the Palestinians' lack of basic human and civil rights as individuals and collectively as an occupied territory. It is supported by various Israeli and American human rights groups, including Jewish Voice for Peace (JVP), of which I am a member. BDS provides me with an important, effective, and non-violent means of protesting illegal and immoral actions by the State of Israel against occupied Palestine. Without BDS, my options for speaking out are significantly limited.

While purportedly targeting businesses, HB 476 effectively limits my personal and individual freedom of speech because it threatens harm to my business. As a sole proprietor doing business in Ohio, my personal and business presence are closely linked. Taking a personal moral stand against Israeli abuses of power could under HB476 harm my business, because in a sole proprietorship there is no clear distinction between personal and business presence. Therefore, I feel that HB 476 is an illegal and unconstitutional infringement on my free speech rights under the 1st amendment of the

US Constitution.

In addition, HB 476 would impose an undue burden on sole proprietorships and other small businesses in Ohio through its provision to all state contracts requiring certification of compliance, not only for myself, but also any business associations I might have. With the often complex network of sub-contractors and suppliers required in contracts, combined with vague language in HB 476, assuring compliance will require additional technical and legal advice that I can not afford. This additional burden on small business such as mine comes with no demonstrable benefit to the State of Ohio.

HB 476 is very likely to be challenged in court and found unconstitutional. A legal analysis by the California Assembly Judiciary Committee of a bill in California that is very similar to HB 476 concluded that the California bill (AB 2844)² raised "very serious and possibly insurmountable First Amendment concerns." The ACLU-Virginia letter to the Virginia legislature argued that similar legislation proposed in that state was unconstitutional. The ACLU-Ohio also argued in earlier testimony against HB 476 that this bill is very likely unconstitutional on multiple levels. I object strongly to the use of my Ohio taxes for the legal defense of such a controversial bill that has as its goal the suppression of free speech of citizens of Ohio.

HB 476 is directed at Ohio businesses, but in reality hits squarely on my personal and individual right to freedom of speech and my ability to express my displeasure with the actions of a foreign country through non-violent protest. I urge you to vote no on HB 476.

Thank you,

Richard Keller
Kellerfarm Software

¹ Country Reports on Human Rights Practices for 2015 Israel and The Occupied Territories. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

² Supplementary opposition memo regarding AB 2844. <http://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/570d10ca859fd0102c540547/1460474061407/AB+2844+supplemental+memo.pdf>