

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Higher Education
For HB 3851

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Hearing Date: April 17, 2023 8:00 AM

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Every Texan
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Non-violent protest, such as an economic and cultural boycott, is an essential form of free speech that Texans have used for generations when seeking justice. In the 1950s, 60s, and 70s, Texans boycotted or supported boycotts that led to key wins of the Civil Rights Movement. The United States Supreme Court protected that right by holding in NAACP v Clairborne (1982) that political and human rights boycotts are covered by the First Amendment. HB 3851 conflicts with that ruling, and if enacted, would restrict students, professors, or staff from exercising their Constitutional rights should they choose to do so.

Specifically, in NAACP v Clairborne Hardware Company (1982), the Supreme Court held:

- While States have broad power to regulate economic activities, there is no comparable right to prohibit peaceful political activity such as boycotts.
- People who engage in a boycott are not liable in damages for the consequences of their nonviolent, protected activity.

Attacks on the right to boycott will not erase the voices calling for justice for oppressed people across the world. For example, in the 1980s and early 1990s, Americans joined a transnational movement calling for the end of racialized apartheid in South Africa and the release of Nelson Mandela from captivity. At the time, some in the United States attacked the international economic and cultural boycott of the South African government as an “anti-democratic movement and front for the Soviet Union.” Despite efforts to keep “Don’t Play Sun City” off American radio and TV we still heard it, and South African apartheid was defeated.

History, and the arc of moral justice, has shown that boycotts, such as those working to end apartheid in South Africa and elsewhere, are effective ways to peacefully, democratically urge governments at home and abroad to end their support for oppressive, anti-democratic regimes. Texans, like all Americans, have a Constitutionally protected right to voice their opinion using boycotts, and those rights should be protected, not infringed. Reject HB 3851.

1. National Association for The Advancement Of Colored People, Et Al., Petitioners V. Claiborne Hardware Company et al., 1982; <https://www.law.cornell.edu/supremecourt/text/458/886>
“Protect Your Right to Boycott,”
2. U.S. Campaign for Palestinian Rights; <https://uscpr.org/campaigns/right-to-boycott/>
3. Chris McGreal, “Boycotts and sanctions helped rid South Africa of apartheid – is Israel next in line?,” The Guardian, May 23, 2021; <https://www.theguardian.com/world/2021/may/23/israel-apartheid-boycotts-sanctions-south-africa>