

Presque Isle, ME, January 15, 2026

Testimony in Opposition to LD 1383

Bill Number: LD 1383

Title: An Act to Require State Divestment from Perpetrators of International Human Rights Violations

Submitted by:

Tomasz Herzog, Ph.D.

Professor of Social Foundations of Education and Social Studies Education

University of Maine at Presque Isle

Presque Isle, Maine, USA

Disclosure Statement

I submit this testimony in my personal capacity. Institutional affiliation is provided for identification purposes only and should not be construed as representing the views of the University of Maine at Presque Isle or the University of Maine System.

Written Testimony

I submit this testimony in opposition to LD 1383 as an American citizen, a Jew, a university professor, and as someone shaped by Central European history. My opposition does not stem from indifference to human suffering or from any lack of concern for human rights. Rather, it reflects a deep respect for the importance of these concepts and concern that they are being used too easily as instruments of state policy.

Terms such as *genocide*, *ethnic cleansing*, and *apartheid* are not political slogans. They are among the most serious legal and moral categories developed in response to the worst crimes of the 20th century. Their force depends on clear definitions, careful judgment, and due process. This bill weakens that foundation by treating these concepts as flexible labels, triggered not by final judicial findings but by reports, allegations, and politicized assessments.

As a Jew, I cannot treat the word *genocide*, coined by a Polish Jew, Rafał Lemkin, lightly. It names the attempt to erase a people from history. When that term is loosened

from rigorous legal standards and embedded in discretionary bureaucratic processes, it risks becoming a political weapon rather than a moral safeguard.

My concern is also shaped by my own Central European background. I come from a region where moral certainty combined with state power has repeatedly led to exclusion, blacklists, and collective punishment, often justified in the name of justice. Government-imposed economic boycotts there were rarely neutral; they were selective, ideological, and long-lasting. From that experience, I have learned that when the state enforces moral judgments through economic pressure, pluralism and due process are often the first to suffer.

This legislation also blurs essential distinctions: between governments and the people they govern, between states and private companies, and between direct perpetrators and indirect economic actors. A company that operates in a country or sells goods to a government does not necessarily support that government's policies or take part in wrongdoing. Under this bill, however, mere connection risks being treated as guilt and association as complicity. That approach is not justice; it is a moral shortcut.

There are also serious concerns about the State's responsibility as a steward of public retirement funds. The Maine Public Employees Retirement System exists to protect the retirement security of public employees. Its trustees are legally required to act in the best financial interests of those they serve, not to follow political trends. Although the bill refers to "sound investment criteria," it requires divestment based on decisions made outside the normal investment review process. Once pension funds are used to pursue political objectives, they rarely return to a neutral, financially focused role.

It should be stated plainly that, although Israel is not named, the bill's structure and language make clear that it is aimed primarily at the State of Israel. The use of contested terms such as "apartheid," the selective reliance on international bodies, and the absence of any credible plan for even-handed global application all point in that direction. As a Jew, I find it deeply troubling when legislation effectively singles out the world's only Jewish state by implication, while comparable or more serious cases elsewhere receive far less attention. Even without hostile intent, such imbalance undermines moral credibility and public trust.

Finally, I am concerned by the bill's selective application. Many governments around the world are credibly accused of serious human rights abuses, yet divestment measures like this are rarely applied in a consistent or even-handed way. Instead, they tend to focus on a limited set of cases shaped more by political pressure than by clear and uniform moral standards.

This bill offers the appearance of moral action without achieving justice. It does not protect civilians, resolve conflicts, or strengthen international law. Instead, it substitutes symbolism for engagement and judgment for due process.

For these reasons, I respectfully urge the Legislature not to advance LD 1383 in its current form. A democratic society should resist governing by moral declaration alone. Justice requires restraint, fairness, and a firm commitment to due process.

Sincerely,

A handwritten signature in cursive script, appearing to read 'T. Herzog'.

Tomasz Herzog

Author Bio (for the record)

Tomasz Herzog, Ph.D. is Professor of Social Foundations of Education and Social Studies Education at the University of Maine at Presque Isle. His work focuses on civic education, democratic theory, and the role of education in sustaining pluralistic societies. Educated in Central Europe and the United States, his teaching and scholarship draw on comparative historical experience, particularly the legacies of authoritarianism and democratic renewal. He has published and presented internationally on civic responsibility, social cohesion, and the ethical limits of political power.