

In the name of God, the Most Compassionate, the Most Merciful.  
All praise and thanks belong to God, the Lord of the Worlds.  
May peace and prayers be upon Prophet Muhammad and his family.



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March 11, 2025

The Honorable Joseline A. Pena-Melnyk  
Chair  
Maryland House Health and Government Operations Committee  
240 Taylor House Office Building  
Annapolis, Maryland 21401

The Honorable Bonnie Cullison  
Vice-Chair  
241 Taylor House Office Building  
Annapolis, Maryland 21401

**RE: CAIR Statement in Support of House Bill 1460 to the Maryland House Health and Government Operations Committee**

Dear Chair Joseline A. Peña-Melnyk, Vice-Chair Bonnie Cullison, and Members of the Committee:

On behalf of the Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil rights and advocacy organization, I write to express our strong support for House Bill 1460, the "State Procurement – Prohibited Certifications – Boycotts of Foreign Countries" act. I want to begin by thanking Delegates Caylin Young, Gabriel Acevero, Tiffany T. Alston, and Ashanti Martinez for their constitutionally principled leadership in introducing this vital legislation.

**Protecting a Longstanding American Tradition of Political Expression**

House Bill 1460 is grounded in a foundational principle of our democracy: the right to engage in collective action to effect social and political change. The U.S. Supreme Court has long upheld boycotts as a form of constitutionally protected speech and political expression. In *NAACP v. Claiborne Hardware Co.* (458 U.S. 886 (1982)), the Court recognized that "*persons sharing common views banding together to achieve a common end is deeply embedded in the American political process.*" This ruling is part of a decades-long tradition of Supreme Court decisions affirming that expressive conduct - including criticism of government policy - lies at the heart of the First Amendment.

## **Historical Importance of Boycotts**

Throughout U.S. history, boycotts have been an invaluable tool in challenging oppressive structures and advocating for rights. From our earliest days—beginning with the Boston Tea Party—to pivotal 20th-century movements such as the Montgomery Bus Boycott and the United Farm Workers’ boycott of table grapes, Americans have used boycotts to uphold justice and demand change. On the global stage, the U.S. and international boycott of South African goods in the 1980s played a key role in ending apartheid. More recently, three federal courts have reaffirmed that modern boycott actions—including efforts protesting Israel’s violations of Palestinian human rights—are protected political expression under the First Amendment.

## **Similar Executive Orders and Laws Found Unconstitutional**

Across the country, courts have struck down or enjoined nearly identical measures that force contractors to sign anti-boycott pledges, recognizing them as clear First Amendment violations. For example, a federal court in Texas blocked its state’s original anti-boycott law after concluding it impermissibly compelled speech. Likewise, courts in Kansas and Arizona enjoined similar “No Boycott” provisions, underscoring that states may not penalize individuals or businesses merely for engaging in lawful political advocacy. These precedents highlight the constitutional infirmities in executive orders and laws that impose viewpoint-based restrictions, reaffirming that such mandates run afoul of the free speech protections guaranteed by the First Amendment.

## **Why This Bill Is Needed**

In 2017, a Maryland executive order was issued barring state agencies from contracting with companies that engage in certain boycotts - raising serious constitutional concerns. By requiring individuals and businesses to forfeit their First Amendment rights as a condition of obtaining state contracts, this policy infringed on the fundamental freedoms guaranteed by our Constitution. House Bill 1460 corrects this by prohibiting the State of Maryland from requiring entities to certify that they are not boycotting a foreign country - ensuring that Maryland’s residents and businesses are not forced to choose between economic opportunities and their constitutional right to political advocacy.

At a time when freedom of speech, association, and assembly are under heightened threat across the nation, affirming the right to boycott is more important than ever. In state after state, we see growing efforts to silence political protest—particularly boycotts in solidarity with Palestinian rights. Similar strategies have been used against water protectors, environmental advocates, and other social justice movements, striking at the bedrock of our democracy by discouraging civic participation and setting a troubling precedent for future restrictions.

## **Why Supporting House Bill 1460 Upholds Constitutional Principles**

1. **Protecting Civil Liberties** – By removing prohibitions on boycotts as a condition for state contracts, this bill reinforces Marylanders' First Amendment rights, preserving the cornerstone of our nation's democratic ideals.
2. **Promoting Justice and Equality** – House Bill 1460 affirms Maryland's commitment to human rights, free speech, and non-discrimination. It ensures that no individual or entity is forced to abandon their moral or political convictions in order to do business with the state.
3. **Strengthening Democracy** – A healthy democracy requires robust debate and the freedom to speak out. By guaranteeing the right to boycott, House Bill 1460 safeguards our ability to organize collectively for social change.

## **Conclusion**

By passing House Bill 1460, Maryland can reaffirm its dedication to the First Amendment and uphold our proud tradition of political advocacy—hallmarks of our shared national identity. On behalf of CAIR and all Marylanders who treasure their constitutional freedoms, I respectfully urge the Committee to issue a favorable report on House Bill 1460.

Once again, I extend my appreciation to Delegates Caylin Young, Gabriel Acevero, Tiffany T. Alston, and Ashanti Martinez for their unwavering commitment to defending the rights of Maryland's residents and businesses. Thank you for the opportunity to testify and submit this statement in support of this critical legislation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert S. McCaw". The signature is fluid and cursive, with the first name "Robert" and last name "McCaw" being clearly legible.

Robert S. McCaw  
Government Affairs Department Director  
Council on American-Islamic Relations