



Council on American-Islamic Relations

CAIR Office in Maryland

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Chair Melissa Wells
House Government, Labor & Elections Committee
145 Taylor House Office Building
Annapolis, MD 21401

Re: Testimony In Support of HB 1382 State Procurement – Prohibited Certifications – Boycotts of Foreign Countries

Dear Chair Wells and Members of the House GLE Committee:

On behalf of the Council on American-Islamic Relations (CAIR), I submit to you this testimony in strong support of House Bill 1382, which seeks to prohibit the State of Maryland from unconstitutionally requiring certifications related to boycotts of foreign countries as a condition for procurement contracts. This legislation is critical for safeguarding the principles of free speech, fair business practices, and the rights of individuals and organizations to engage in peaceful political expression without fear of retribution or discriminatory treatment by the state.

Currently, Maryland has an executive order in effect that mandates the state refrain from entering into procurement contracts with individuals or businesses that engage in boycotts specifically targeting entities that may choose to boycott Israel. Executive Order 01.01.2017.25 is in direct conflict with the First Amendment, which protects the right of individuals and organizations to freely express their political opinions, including engaging in boycotts as a time-honored form of protest. This Executive Order was signed as a last resort following several failed attempts to pass legislation in the Maryland General Assembly.

By prohibiting state agencies from requiring certifications related to foreign boycotts, HB 1382 ensures that Maryland is aligned with the U.S. Constitution and does not continue to infringe upon protected free speech rights.

This bill aligns with fundamental values that we, as a state, value: equality, fairness, and respect for the rights of all people to express their political and social views. Under the current executive order, businesses and individuals who choose to participate in peaceful boycotts - whether for human rights, environmental, or political reasons - are being unjustly penalized. These individuals should not face the prospect of being excluded from state contracts based solely on their political beliefs.

The provisions of HB 1382 are consistent with national standards and precedents in defending free speech rights. Across the country, numerous courts have ruled against such laws that require certifications and penalties for boycotts of foreign countries. These court decisions underscore the unconstitutional nature of anti-boycott laws, including those targeting the Boycott, Divestment, and Sanctions (BDS) movement, and affirm the right of individuals to participate in socially and politically motivated boycotts.

Furthermore, this bill provides clarity and consistency in state procurement practices. By eliminating the possibility of politically motivated exclusions from state contracts, Maryland can ensure that procurement processes are based solely on objective business qualifications, rather than on political or ideological tests. It will erase the dangerous precedent established by a previous administration, support Maryland's diverse business environment and allow vendors to compete on an equal footing, free from discrimination based on their affiliations or views.

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We are mindful that the executive order, which is currently in place, is not only an infringement on free speech but also runs counter to Maryland's long tradition of respecting civil rights and freedoms. By passing HB 1382, Maryland will send a clear and powerful message that our state stands for the right of individuals to express their political views and engage in peaceful activism without fear of governmental retaliation.

In conclusion, CAIR Maryland strongly supports House Bill 1382 and urges the committee to take swift action to pass this important piece of legislation. It will protect free speech, promote fairness in state procurement, and reaffirm Maryland's commitment to the rights of all people to engage in political expression, including peaceful boycotts of foreign countries.

Thank you for your time, we respectfully urge a favorable report.

Sincerely,

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