

Testimony in Support of HB 1382
House Government, Labor and Elections Committee
State Procurement – Prohibited Certifications – Boycotts of Foreign Countries

The Honorable Chair and Members of the Committee:

I urge a favorable report on HB 1382.

This bill protects a basic constitutional principle: the government should not force people or businesses to surrender political speech rights as a condition of doing business with the State. HB 1382 would bar procurement officers from requiring bidders or contractors to certify that they are not boycotting a foreign country, or that they will not do so during the life of a contract. That is exactly the type of compelled political loyalty test this bill is meant to end. The bill's own preamble recognizes concerns about freedom of speech and constitutionally protected political expression, and Section 2 expressly calls for repeal of Executive Order 01.01.2017.25.

It is not enough to hear privately that Governor Moore may not be enforcing this executive order. If a policy chills speech, intimidates contractors, and remains on the books, the damage is still real. A right that depends on quiet nonenforcement is not secure. Marylanders should not have to guess whether they may speak, advocate, boycott, or dissent without risking their livelihoods.

Governor Hogan himself rescinded scores of earlier executive orders, 72 in one 2016 action alone, describing them as outdated or superseded. That confirms an obvious point: executive orders are not sacred. They can and should be undone when they conflict with constitutional values.

We should also be honest about the larger issue. Violent problem-solving must always be open to public criticism. Gag rules are unacceptable. How can unlawful conduct, war crimes, or other grave injustices ever be stopped if people are discouraged from peacefully advocating for justice and peace?

When I was a boy, prominent Americans such as Paul Robeson and W.E.B. Du Bois were punished for their political views during the McCarthy era. That period is now remembered as a warning, not a model. We should not repeat its mistakes in Maryland procurement policy.

HB 1382 restores freedom of conscience, protects peaceful advocacy, and removes an unconstitutional chill on speech. I respectfully ask for a favorable report.

Thank you for your consideration.

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On behalf of Maryland Palestine Legislative Action Network