

What does this bill do?

(1) It protects the financial interests of North Dakota's citizens by ensuring that your state investment funds and contracts with the private sector are shielded from the economic damage and instability caused by parties that engage in discriminatory boycotts against businesses operating in Israel;

(2) It protects the social interests of North Dakota's citizens by ensuring that taxpayer dollars, through the state government, are not party to contracts and investments that undermine North Dakota's public policy protections from discrimination.

Let's be clear, the commercial boycotts that this bill addresses are a form of national-origin discrimination driven by bigotry and hate. Perhaps the best service I can provide here today is to articulate this point in practical terms, so that North Dakotans can better appreciate the public policy protections their state government is wisely considering here today.

Boycotts of entities and individuals of specific countries often amount to ethnic, religious, racial and nationality discrimination, which directly contradicts the public policy of our federal government, the state of North Dakota, and the values of our nation. Ignoring national-origin discrimination practices and boycotts by parties simultaneously doing business with the state would consequently make the state and its citizens de facto partners in these discriminatory practices and/or boycotts. This conflicts with the ethical standards of North Dakota's state government and its citizens. This bill will ensure that the people and government of the state will not unknowingly become party to discriminatory business practices or boycotts that undermine its public policy. Furthermore, this law provides North Dakota's private sector with a clear business rationale for avoiding discriminatory practices and boycotts in the first place.

Now let us consider what this bill does not do. In June of 2022 the United States 8th Circuit Court of Appeals decisively ruled that the law North Dakota is creating here *does not* regulate the private conduct of free speech. In a very practically worded opinion worth reading, the Arkansas court clearly explained that these laws properly regulate the conduct of commercial activity.

The pro-Israel community fully supports the First Amendment of the Constitution. In this case, states have created laws that carefully regulate commercial activity, and not the conduct of private speech. Anti-BDS laws are narrowly-tailored

anti-discrimination laws, similar to many other anti-discrimination laws that protect - among other categories of people- women, racial minorities and LGBTQ individuals. All of these laws help highlight the critical distinction between commercial activity and the exercise of free speech, which comes into sharp focus in the course of carrying out the government's obligation to protect various classes of people from discrimination.

In passing North Dakota's law defending the state from anti-Israel commercial boycotts, this legislature is being perfectly clear in its intent, predicating its passage on the recognition that such boycotts are overwhelmingly anti-Semitic in nature and not political. That's why these laws have passed with such a high level of co-sponsorship and bi-partisan support in all instances. It is critical that this point once again be reemphasized for the benefit of the public, and the onlooking courts that may need to further take this point into account.

In conclusion, I congratulate the people and government of North Dakota for taking this stand and passing this bill.