

**Connor Ferguson** | UND Student Body President  
[connor.ferguson@und.edu](mailto:connor.ferguson@und.edu) | 612.454.8288

**House Bill 1273**  
**House Political Subdivisions Committee**  
**January 29, 2025**

Chairman Longmuir and Members of the House Political Subdivisions Committee,

My name is Connor Ferguson, and I serve as the Student Body President at the University of North Dakota (UND). I am submitting testimony in opposition to HB 1273, relating to the prohibition of limitation on free speech, specifically including hate crime ordinances.

This year, UND Student Senate approved a series of legislative priorities for the 69<sup>th</sup> legislative session to clarify the beliefs of UND students on various issues related to higher education. One of these legislative priorities was support for student belonging initiatives as these allow for a positive learning environment and a welcoming space in our state. It is our belief that the prohibition of hate crime ordinances can prevent the University of North Dakota and the City of Grand Forks from being able to adequately ensure the safety and security of marginalized groups in our community, thus harming their ability to feel that they belong.

The UND Student Government strongly supports the right to free speech everywhere, especially on our campus. With that in mind, it is our understanding that this piece of legislation is not focused on protecting free speech but instead prohibiting hate crime ordinances. If this piece of legislation were concerned with the preservation of free speech for North Dakotans, it would have provided more clarity on the types of ordinances which prohibited free speech under this new law. The hate crime ordinances which would be banned with the passage of HB 1273 do not concern the function of free speech for our community members. For example, Grand Forks municipal code 9-0102.1 reads, "It is unlawful for any person to willfully causes bodily injury to another human being in whole, or in part, because of the actual or perceived race, color, religion,

gender, disability, veteran status, sexual orientation, gender identity, national origin, or ancestry of the victim.”<sup>1</sup> This ordinance and others like it are focused on the motive of a crime and are designed to make it easier to prosecute people for violent crimes. These serve to protect these targeted groups of people and are in no way designed to inhibit people’s free speech.

Hate crime ordinances are a set of laws which the United States has maintained since after the Civil War but have been conflated with hate speech ordinances which do primarily focus on the speech of an individual. Hate crime ordinances in contrast are concerned with the motive of a crime already committed and are not concerned with an individual’s speech. If this law were to be passed, it would remove important tools used by North Dakota cities to combat and control hate violence<sup>2</sup>. These laws exist to guarantee the wellbeing of our citizens and add additional penalties to laws already passed by the state government. Hate crime ordinances have nothing to do with speech but instead serve to protect marginalized groups from violence in their communities. UND, as a part of the Grand Forks community, strives to continue to be a welcoming and safe environment for all students, staff, and faculty. The prohibition of hate crime ordinances signals to students that the State of North Dakota does not stand for the protection of individuals from marginalized and targeted groups.

Chairman Longmuir and members of the House Political Subdivisions Committee, I respectfully request a Do Not Pass recommendation on HB 1273. Thank you for your time, and I am available to answer any questions.

Respectfully submitted,

Connor Ferguson

UND Student Body President

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<sup>1</sup> [https://library.municode.com/nd/grand\\_forks/codes/code\\_of\\_ordinances?nodeId=PTICICO\\_CHIXOFMIPR\\_ART1CROF\\_9-0102\\_1SAATCR](https://library.municode.com/nd/grand_forks/codes/code_of_ordinances?nodeId=PTICICO_CHIXOFMIPR_ART1CROF_9-0102_1SAATCR)

<sup>2</sup> [https://www.ojp.gov/ncjrs/virtual-library/abstracts/bashers-beware-continuing-constitutionality-hate-crimes-statutes?fbclid=IwZXh0bgNhZW0CMTEAAAR0TBqKTX1NfjiYw3d6g3mZLo!Tp1EdUf2fDlIfXnHULTs78vnrf5AhBy1c\\_aem\\_N59RbXCEPH1PWGfj3YCjsw](https://www.ojp.gov/ncjrs/virtual-library/abstracts/bashers-beware-continuing-constitutionality-hate-crimes-statutes?fbclid=IwZXh0bgNhZW0CMTEAAAR0TBqKTX1NfjiYw3d6g3mZLo!Tp1EdUf2fDlIfXnHULTs78vnrf5AhBy1c_aem_N59RbXCEPH1PWGfj3YCjsw)