



Arizona Attorney General

Mark Brnovich

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AG Brnovich Defends Arizona Law Barring State Contractors from Boycotting Israel



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PHOENIX - Attorney General Mark Brnovich announced his office will defend an Arizona law that prevents state-funded contractors from boycotting Israel. Brnovich filed a Motion to Dismiss in Jordahl v. et al arguing Arizona's law was enacted to prevent national origin discrimination.

"The law prohibits all state contractors, who receive taxpayer money, from discriminating on the basis of national origin. Nothing in the statute prevents the defendant from exercising his First Amendment rights," said Attorney General Mark Brnovich.

In 2016, the Arizona Legislature passed the bill preventing public entities from awarding contracts to companies or individuals that engage in boycotts of Israel. In December 2017, the ACLU filed a legally flawed lawsuit alleging violations of the First Amendment.

The State's Motion to Dismiss argues:

- **Statute is Aimed at Preventing Discrimination**

- the law deals only with discriminatory conduct and does not prevent free speech.

- **Is Not a Free Speech Issue**

- the statute regulates conduct, not speech. The plaintiff and others are free to criticize Israel, donate to groups that call for boycotts, etc.

- **Statute Doesn't Apply to Plaintiff's Actions**

- Jordahl, the plaintiff, is not engaged in a boycott of Israel; his boycott is limited to a handful of companies whose perceived political views he finds objectionable.

"Not only will I vigorously defend Arizona's law because it's constitutional, I'm going to defend the law because it's the right thing to do," added Brnovich.

Arizona's law is not unique. 23 other states have adopted similar legislation or executive orders in response to the Boycott, Divest, and Sanctions movement.

Assistant Attorneys General Drew C. Ensign, Beau Roysden, and O.H. Skinner worked on this case.