

TESTIMONY OF MARSHALL TINKLE

What is striking about this bill is how disingenuous it is. We all know that the aim of its supporters is to target one country, namely Israel, but it is couched in generalized ambiguity. It's labeled "An Act to Require the State to Divest Itself of Assets Invested in Arms Manufacturers that Contribute to Genocide" – which superficially sounds appealing – but if you read the bill carefully, that's a far cry from what it actually says.

The bill's definition of "Arms Manufacturers that Contribute to Genocide" is in the disjunctive. It can mean whatever falls into one of three categories. #1 is any company that derives "more than 10% of its gross revenue from the manufacture or sale of weapons, weapon systems, ammunition, or military-grade surveillance technologies." That's it. No requirement that it contribute to genocide. LL Bean sells lots of guns and ammo, for example.

#2 is any company that provides not arms but any "direct material support" (any goods at all) to a government "credibly accused" (whatever that means) of genocide, ethnic cleansing OR "other gross violations of internationally recognized [by whom?] human rights. Which countries have been accused of human rights violations? Practically all of them, including the U.S.

#3 is any company identified by a "credible" (by whose standards?) organization as contributing to such violations.

A bill this vague and far-reaching leaves it to unelected officials to make decisions devoid of any meaningful statutory guidance. It's an unconstitutional delegation of legislative power. It also is unconstitutionally vague.

Second, it calls for investment decisions to be made not according to sound financial principles but rather to extraneous factors that could cause severe harm to the government employees that the board of trustees is obliged to protect. For example, if the bill is applied to companies that provide material to Israel (even though Israel does not and never has committed genocide), it would extend to most of the leading businesses in the US, from Apple to Coca-Cola to Disney, with grave consequences to Maine employees.

Third, it attempts to legislate where the State has no business getting involved. It unconstitutionally seeks to make foreign policy that is at odds with the foreign policy of the United States. In the case of Israel, it flies against over 75 years of our government's support, including military support. Just a week or so, the US House of Representatives passed a bipartisan bill providing military support for Israel. The Supreme Court has repeatedly struck down state laws that run counter to US foreign policy.

The arms that go to Israel may be used against Hamas but they may also be used against some of America's worst foes, including Iran, Hezbollah, the Houthis, and other terrorist groups. And the same manufacturers that supply arms to Israel also furnish military supplies to Maine's own National Guard.

The bill confers no benefit on Maine citizens. It should be defeated.