



HARRISON INSTITUTE FOR PUBLIC LAW
GEORGETOWN UNIVERSITY LAW CENTER

Defending the Massachusetts Burma Law

A Moral Standard for Avoiding Businesses that Support Repression

A Guide to Natsios v. NFTC, Supreme Court Review of the Massachusetts Burma Law

Oral Argument is Wednesday, March 22nd, at 10:00 AM

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1. What is this case about?

a. **The Massachusetts Burma law.** The Massachusetts Burma law was adopted in 1996, three months before Congress authorized federal sanctions against Burma. Unlike the federal sanctions that ban private investment, the Massachusetts law only limits purchasing by the state government. It provides a 10% preference for bids from companies that avoid doing business in Burma unless the preference would impair essential purchases or result in inadequate competition. The Burma law is modeled after anti-Apartheid “selective purchasing” laws adopted by 25 states and 164 local governments in the 1980s.

b. **The NFTC legal challenge.** In April 1998, the National Foreign Trade Council filed a legal challenge against the Massachusetts Burma Law in the federal district court in Boston. The NFTC has approximately 600 corporate members.

- **November 1998, Federal District Court** Judge Joseph Tauro ruled against the Burma law on grounds that it encroaches upon federal foreign affairs power.
- **June 1999, First Circuit Court of Appeals** upheld this decision and also ruled that the Burma law impermissibly burdens foreign commerce and is preempted by federal sanctions against Burma. In November 1999, the Supreme Court accepted the case.
- **March 22, 2000, the Supreme Court** hears oral arguments, and a decision is expected in June or July of 2000.

c. **Major issues involving federalism and human rights.** The lower court decisions raise major questions for the Supreme Court to decide:

- **Should states be forced to engage in commerce** with companies that provide the foreign exchange that repressive governments use to buy weapons and violate human rights? If so, private corporations would have greater rights to disassociate from such commerce than elected governments when acting as market participants.
- **Should state law be preempted** whenever Congress adopts a related foreign policy law that does not contain a statement of intent to preempt state law? If so, there are hundreds of state laws that could be affected by congressional adoption of the 18 agreements of the World Trade Organization.
- **Should private corporations** be able to challenge state laws on grounds of conflict with trade agreements, even though Congress acted to prevent “indirect” constitutional claims of that sort?

[The Burma law’s] secondary boycott ... necessarily fragments the flow of interstate and foreign commerce.... [C]ompanies are forced to forfeit either international markets or state and local government procurement opportunities.
Brief for U.S. Chamber of Commerce & Others

Massachusetts’ injection of its dissonant voice into the EU-U.S. dialogue calls into question the settled lines of authority in U.S. foreign policy ... and [does not] permit the U.S. to speak clearly and with one voice ... through its Executive Branch officials.
Brief for the European Union

[The Burma law’s] moral statement in support of freedom -- freedom from dictators and forced commerce with their vendors -- does not interfere with the ability of the federal government to “speak with one voice” in foreign affairs. ... [T]he Court has left it to Congress -- “whose voice ... is the Nation’s -- to evaluate whether the national interest is best served by ... uniformity, or state autonomy.”
Brief of Massachusetts

2. What is the constitutional authority for the Burma law?

a. **Tradition of economic boycotts.** It is no accident that Massachusetts was the first state government to respond to Aung San Suu Kyi. The people of Massachusetts pioneered the use of boycotts to spark the American Revolution. In 1767, the Boston town meeting and the Massachusetts legislature supported the boycott of British goods and urged other colonial assemblies to join. Many colonists promoted the boycotts to withdraw support for commerce that depended on slave labor. Rep. Byron Rushing, the sponsor of the Burma law in Massachusetts, used as his model the successful anti-Apartheid boycott adopted by 25 states and 164 local governments in the 1980s.

b. **Constitutional sovereignty of American states.**

- **Reservation of authority to states.** The Supreme Court has recently invoked the 10th Amendment to explain its increasing defense of state sovereignty against federal attempts to regulate states directly, not as part of the general economy. The Court traditionally limits judicial power under the “dormant” commerce clause to policing the coercive forms of state power, regulation and taxation, but not the exercise of state purchasing power.
- **No explicit limits on state purchasing.** None of the explicit limits of state power under the Constitution limit state purchasing power.
- **Limited grants of authority to Congress and the President.** The foreign commerce and foreign affairs powers of Congress and the President do not automatically trump the protections for federalism under the 1st and 10th Amendments. In this case, the local interest is to disassociate from commerce that supports repression by a military dictatorship.
- **Congressional accountability.** Congress may use commerce or treaty powers to limit state law, but it must do so explicitly.

c. **International authority for limits on public spending.** The Burma law implements the standards of international agreements that call upon member nations to suppress forced labor, torture, and interference with civil and political rights. These agreements were adopted by the U.S. Senate with provisions that preserve the authority of American states to implement the agreement (or not) within areas of traditional state authority such as public purchasing. These agreements provide authority for both states and Congress to set their respective standards for public spending.

President Clinton and I recognize the authority of state and local officials to determine their own investment and procurement policies, and their right - indeed their responsibility - to take moral considerations into account as they do so.

*Madeleine Albright (April 1998),
U.S. Secretary of State*

For more than two hundred years, citizens of Massachusetts and other states have used boycotts to support the “natural, essential and unalienable rights” of people around the world.

*Mass. Attorney Gen. Thomas F. Reilly
quoting part 1, article I of the Mass.
Constitution of 1780.*

The United States understands that this Convention shall be implemented by the United States Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered by the Convention and otherwise by the state and local governments.

*Senate Understanding No. 5,
Intl. Conv. on Civil & Political Rights*

[Member nations shall take] progressive measures, national and international, to secure universal and effective recognition and observance of [human rights].

Universal Declaration of Human Rights

3. What is the moral case for the Burma law?

a. **Forced labor and other human rights abuses.** Repression in Burma is supported by an economic food chain, from which Massachusetts seeks to disassociate.

- **Political repression.** When the government of Burma lost over 80% of the seats in Parliament to the National League for Democracy in 1990, it repudiated the election and began closing NLD offices and jailing NLD legislators. Political protestors receive prison sentences of 57 years.
- **Forced labor.** Burma is building its commercial infrastructure with forced labor at the point of a gun. The military government has pressed over 5.5 million people (11% of the population) into forced labor on airport runways, railroads, highways, and agricultural irrigation systems. According to the State Department, forced labor accounts for 7% of Burma's economy.
- **Military portering, rape and brutality:** The numbers above do not count military portering, the most common form of forced labor. Porters are forced to walk ahead of troops to detonate mines and act as human shields in combat. Soldiers often beat porters with rifle butts and have forced teenagers to execute others who can no longer work. Women are separated at night and frequently are raped by the soldiers.
- **Forced relocation.** The military government has displaced over 1 million persons from their farms. About half have been forced into concentration camps with inadequate food and medical services. The other half has fled to the jungle or to refugee camps across the border. There are two motivations for forced relocation of civilians: the military campaign against armed ethnic minorities and major economic development projects such as pipelines and dams.

b. **Use of foreign trade to support the military dictatorship.** Foreign traders and investors must deal with corporations that are either owned or controlled by the military government. The military depends upon foreign trade as one of its few sources of foreign exchange, without which it cannot sustain its military and purchase weapons.

c. **Call for boycotts from the elected leaders of Burma.** The leader of the elected government in Burma, Aung San Suu Kyi, called for Americans to “use your freedom to protect ours.” She encouraged “people’s boycotts” that deny the political legitimacy and foreign exchange needed by the military government. “You cannot divorce economics from politics,” she said. Her rationale is not anti-business, but opposition to investment that strengthens the power of the military and “prolongs the agony of my country.”

If selective purchasing had been banned 10 years ago, Nelson Mandela might still be in prison today. *Mass. Rep. Byron Rushing*

Burma is the South Africa of the 1990s. *Bishop Desmond Tutu*

In Burma today[,] our real malady is not economic but political. ... Until we have a system that guarantees rule of law and basic democratic institutions, no amount of aid or investment will benefit our people. Profits from business enterprises will merely go towards enriching a small, already very privileged elite. Companies [that trade in Burma] only serve to prolong the agony of my country by encouraging the present military regime to persevere in its intransigence. (September 1996) By investing now, business is supporting the military regime. The real benefits of investment now go the military regime and their connections. (February 2000)
Aung San Suu Kyi

It is not possible to do business in Myanmar without directly supporting the military government and its pervasive violations of human rights. This is not consistent with our own sourcing guidelines.
Levi Strauss Company

4. What are the key federalism issues in this case?

a. Who decides whether and when to preempt states?

Congress has expressed no intent to preempt the Mass. Burma law. Therefore, the NFTC must argue that the Burma law is an obstacle to implementing the federal sanctions against Burma.

Since the policy objectives of both laws are the same, the NFTC can only argue that the “differences” between the laws are fatal to the state law.

(1) **Presumption.** To make this case, the NFTC first has to convince the Court to rule that absent a statement of congressional intent to preempt, there should be a presumption *in favor of* preempting a state law that addresses the same subject as a federal law on foreign affairs. The Court general applies a presumption *against* preempting a state law.

(2) **Balance of interests.** The NFTC argues that the federal Burma sanctions strike a balance that protects commercial interests. This argument ignores broader interests that Congress has balanced. First, the NFTC must convince the Court that the congressional balance does not include the *status quo* at the time it acted, which included the Mass. Burma law and 19 local Burma laws. Second, the NFTC ignores the explicit policy against preemption that Congress legislated against trade-related challenges to state sovereignty -- *unless* the federal government brings the case.

(3) **Multilateral policy.** The NFTC argues that the Mass. Burma law interferes with the federal objective of multilateral pressure on the military in Burma. Yet the NFTC and the U.S. government have offered only the assertion that this is true, not any evidence that it is true. Such assertions in previous foreign affairs cases have been dismissed by the Supreme Court. The fact is that the federal sanctions are themselves a unilateral policy, which is not undercut by the Mass. Burma law.

... a state agency ... may not procure goods or services from any person listed on the restricted purchase list ... [which includes] all persons currently doing business with Burma.

Mass. General Laws, §§ 22H(a) and 22J(a)

The Massachusetts Burma law has more than an “indirect or incidental effect in foreign countries,” and a great potential for disruption or embarrassment.

NFTC Complaint, quoting Zschernig v. Miller (1968)

In early 1997, European Union Ambassador Hugo Paeman wrote a letter ... warning that the Mass. Burma law is “a breach of U.S. international obligations and as such could have a damaging effect on EU-US relations.” On June 20, 1997 ... the EU formally noted its position that the Mass. Burma law violated the WTO Government Procurement Agreement ...

NFTC Amended Complaint

The court's reliance on trade complaints – inevitable rows in an era of global procurement – grants to foreign countries and firms a “heckler's veto” against state laws.

Mass. Supreme Court Brief

b. **Does state purchasing power have constitutional status?** The power of the courts to strike down the Burma law is based on the power of Congress or the President to strike down the Burma law. If neither Congress nor the President has the power to do so, then neither do the courts. Massachusetts asserts that state spending is not part of the “commerce” that Congress has the power to regulate and that, likewise, neither is foreign affairs power a limit on state purchasing power unless Congress affirmatively acts to preempt state law, which it has not done in this case.

(1) **Market participant exception to congressional authority.** The Supreme Court has recognized a “market participant” exception that limits the power of Congress, and therefore the courts, to regulate state purchasing unless Congress also regulates private companies in the same fashion. The rationale for this exception is that purchasing is not coercive state power like regulation or taxation. Purchasing is

inherently self-limited because local businesses are affected and taxpayers must pay more to implement the standard. The NFTC argues that while the Burma law is limited to state purchasing, it has a regulatory effect because it seeks to influence behavior outside of the immediate market in a way that private market participants do not act. Massachusetts counters that private market participants frequently avoid doing business with companies that support repression of human rights. Economic boycotts of this kind are less like regulation and more like expression of political and moral values. Moral expression influences the market, but it is protected by the First Amendment.

(2) ***Legitimate local purpose that justifies non-protectionist discrimination.*** Massachusetts also argues that even if the market participant exception does not apply to the Burma law, the law is still constitutional because it serves a legitimate local purpose that is not overridden by a national interest. The local interest is to avoid the moral taint of associating with companies that support repression of human rights. The state would seek to disassociate from commerce in the “food chain” of repression, even if it had no expectation that its policy would influence external events. Furthermore, the goods and services at issue are being purchased for local consumption with local tax dollars.

(3) ***Limits of foreign affairs power.*** The Mass. Burma violates no constitutional prohibition on states. Therefore, it is among the vast majority of laws that lie within the concurrent powers of federal and state governments. The NFTC argues that there is an exclusive foreign affairs power based on one case, the 1968 *Zschernig* decision, which does not apply to these facts or control public purchasing. *Zschernig* involved direct engagement between state officials and foreign governments in a regulatory context (rights of inheritance). The NFTC argues that in a foreign affairs context, a law like the Burma law interferes with the ability of the United States to “speak with one voice.” However, in its 1994 *Barclays Bank* decision, the Supreme Court clarified that the “one voice” in federal foreign policy is Congress, and Congress has not spoken to preempt the state and local Burma laws. Furthermore, the *Barclays* Court held that congressional silence on preemption provides implicit congressional consent, once Congress is aware of the state law in question. In short, “foreign affairs” is not a constitutional concept that is specific enough to limit state purchasing power. There is no definition that would enable federal courts to police its limits in a global economy, except as provided in specific situations through explicit preemption of state law under the commerce power or the treaty power.

One law passed by one state will not end the suffering and oppression of the people of Burma, but it is my hope that other states and the Congress will follow our example, and make a stand for the cause of freedom and democracy around the world.

Former Governor William Weld

Due to a steady flow of foreign investments, including those of some US companies, this brutal military regime has been able to supply itself with weapons and portray itself as the legitimate government of Burma.

Former Lt. Gov. Paul Cellucci

We consider the degree to which our global corporate reputation ... may be exposed to unreasonable risk. Specifically, we assess whether the: BRAND IMAGE would be adversely affected by a country's perception or image among our customers ... [and whether the] HUMAN RIGHTS environment would threaten the company's reputation ...

*Levi Strauss Company,
Global Sourcing Guidelines*

5. Which state & local laws could be affected by this case?

a. **Human rights standards for public purchasing.** The lower court rulings in the Burma-law case would have invalidated the anti-Apartheid laws of 25 states and 164 local governments. Over 36 state and local governments use similar purchasing preferences based on human rights criteria including:

- 23 laws on doing business in Burma.¹ (See endnotes for a list of states in each category.)
- 19 laws on operating in Northern Ireland without following the MacBride code of corporate responsibility.²
- 3 states and New York City announced a boycott of Swiss banking services based on withholding assets from Holocaust victims and their families.³
- 4 laws on extracting oil from Nigeria.⁴
- 1 law (Dade County, FL) on doing business in Cuba.
- 1 state (California) forbids purchase of products made with forced labor, which could affect trade with Burma.

b. **Economic, environmental and labor standards for public purchasing.** The lower court decisions in the Burma-law case provide a precedent that could support legal challenges against other purchasing preferences that do not comport with the WTO Agreement on Government Procurement, which was the foreign affairs encroachment stressed by the NFTC in its complaint.

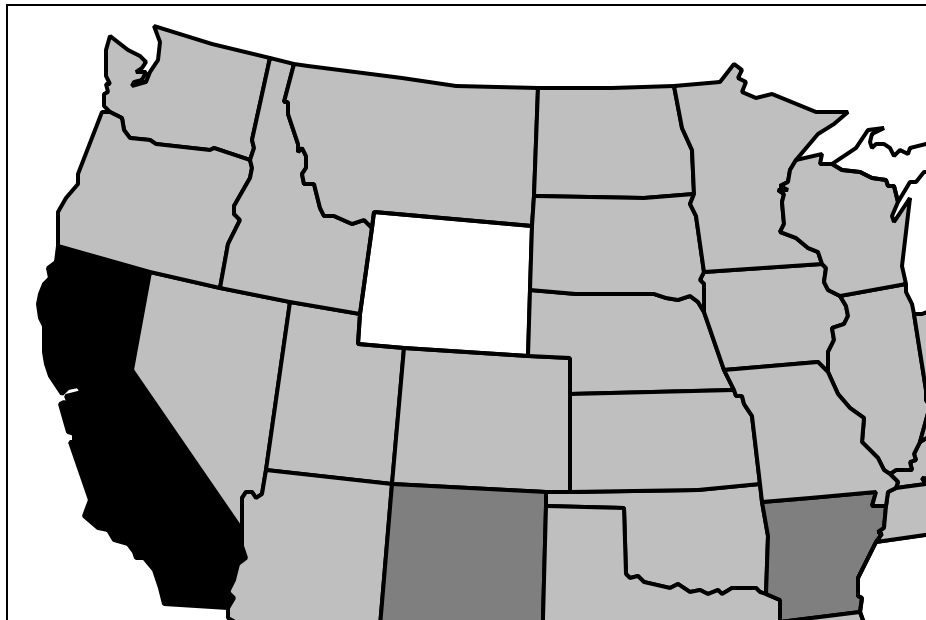
- 47 states with recycled material preferences.⁵
- 19 states with other environmental purchasing preferences.⁶
- 20 or more cities with living wage standards for purchasing.
- 10 states with simple buy-America/buy-local preferences plus another 29 states with reciprocal preferences.⁷

Selected State Purchasing Preferences that Could be Affected

9 States – with Simple Buy-Local and Environmental Preferences..... large checker

4 States – with Recent Human Rights and Environmental Preferencesblack

47 States – with Environmental Preferences.....stripe & all the above



6. What is the broader significance of this case?

The lower court decisions in the Burma-law case could have unintended consequences for the ability of Congress and the President to strike reasonable compromises with respect to future trade agreements. If the lower court decisions prevail, the results are likely to be that:

- a. **States could not rely on sovereignty protections.** In 1994, state officials warned that private corporations would sue states on grounds that failure of the states to follow WTO trade rules is a violation of federal foreign policy. Congress responded by adopting a provision that (1) bans private lawsuits that make constitutional claims “in connection with” WTO agreements, and (2) authorizes only the U.S. government to enforce WTO agreements against states. This act of Congress preserves the balance of democracy and trade in two ways. First, it steers trade disputes through diplomatic channels and the WTO, rather than through litigation in courts. Second, it makes the U.S. federal government accountable for decisions to preempt state or local law under a WTO agreement. Many environmental and consumer organizations support this view that unless the courts respect the ban on private litigation based on WTO agreements, then corporations could claim a violation of constitutional rights any time that the European Union alleges that a state law conflicts with one of the 18 WTO agreements. The EU routinely complains about hundreds of such laws, including environmental purchasing preferences, minority contracting preferences, and precautionary labeling requirements.
- b. **Support for trade liberalization could erode further.** In short, the NFTC case could undermine the ability of Congress to protect states from private constitutional claims in connection with WTO agreements. The lower court decisions give added force to the sovereignty critics who claim that the WTO agreements create a major power shift away from states. In the WTO implementing legislation, the states and Congress were trying to strike an appropriate balance, not only legally, but politically. The unforeseen consequence could be to undermine the political consensus necessary to negotiate and enforce trade agreements in the future.

It is the intention of Congress ... to occupy the field with respect to any cause of action or defense under or in connection with any of the Uruguay Round Agreements, including by precluding any person other than the United States from bringing any action against any State or political subdivision thereof or raising any defense to the application of State law under or in connection with the Uruguay Round agreements ... 19 U.S.C. § 3512(c)(2).

... private lawsuits are not an appropriate means for ensuring state compliance with the Uruguay Round agreements. Suits of this nature may interfere with the President’s conduct of trade and foreign relations and with suitable resolution of disagreements or disputes under those agreements. ... Congress will have “occupied the field” with respect to any cause of action or defense that seeks directly or indirectly ... That means that private parties may not bring suit or raise defenses directly under those agreements ... or on any other basis, including Congress’ Commerce Clause authority.

*Statement of Administrative Action,
Uruguay Round Agreements Act*

7. Who supports Massachusetts before the Supreme Court?

78 Members of Congress
22 State Attorneys General
16 City and County Governments
7 State and Local Government Associations
66 Nonprofit Organizations
190 Total amici in support of Massachusetts

78 Members of Congress joined a brief that was written by the Harrison Institute for Public Law at Georgetown University Law Center. **Contact:** Professors Robert Stumberg or Matthew Porterfield, Harrison Institute for Public Law, Georgetown University Law Center, 202-662-9603, <stumberg@law.georgetown.edu.> **Theme:** The Burma-law decisions of the lower courts conflict with the constitutional authority granted to Congress to decide whether and when to preempt state law.

Sen. Barbara Boxer, CA	Rep. Lane Evans, IL	Rep. James McGovern, MA	Rep. Lucille Roybal-Allard, CA
Sen. Edward Kennedy, MA	Rep. Barney Frank, MA	Rep. Martin Meehan, MA	Rep. Bobby Rush, IL
Sen. John Kerry, MA	Rep. Jim Gibbons, NV	Rep. Gregory Meeks, NY	Rep. Bernie Sanders, VT
Sen. Paul Wellstone, MN	Rep. Benjamin Gilman, NY	Rep. Juanita Millender-McDonald, CA	Rep. Janice Schakowsky, IL
Rep. Neil Abercrombie, HI	Rep. Luis Gutierrez, IL	Rep. George Miller, CA	Rep. Christopher Smith, NJ
Rep. Tammy Baldwin, WI	Rep. Earl Hilliard, AL	Rep. Patsy Mink, HI	Rep. Mark Souder, IN
Rep. Howard Berman, CA	Rep. Maurice Hinchey, NY	Rep. Joseph Moakley, MA	Rep. Pete Stark, CA
Rep. David Bonior, MI	Rep. Jesse Jackson, Jr., IL	Rep. Jerry Nadler, NY	Rep. Ted Strickland, OH
Rep. Sherrod Brown, OH	Rep. Steph. Tubbs Jones, OH	Rep. Richard Neal, MA	Rep. Bennie Thompson, MS
Rep. Michael Capuano, MA	Rep. Marcy Kaptur, OH	Del. Eleanor H. Norton, DC	Rep. John Tierney, MA
Rep. Julia Carson, IN	Rep. Sue Kelly, NY	Rep. James Oberstar, MN	Rep. Edolphus Towns, NY
Rep. William Clay, MO	Rep. Carolyn Kilpatrick, MI	Rep. John Olver, MA	Rep. James Traficant, OH
Rep. Eva Clayton, NC	Rep. Peter King, NY	Rep. Major Owens, NY	Rep. Mark Udall, CO
Rep. John Conyers, MI	Rep. Dennis Kucinich, OH	Rep. Bill Pascrell, NJ	Rep. Tom Udall, AZ
Rep. Joseph Crowley, NY	Rep. Tom Lantos, CA	Rep. Nancy Pelosi, CA	Rep. Maxine Waters, CA
Rep. Danny Davis, IL	Rep. Barbara Lee, CA	Rep. Thomas Petri, WI	Rep. Melvin Watt, NC
Rep. Peter Defazio, OR	Rep. Sheila Jackson Lee, TX	Rep. Richard Pombo, CA	Rep. Henry Waxman, CA
Rep. William Delahunt, MA	Rep. John Lewis, GA	Rep. Dana Rohrabacher, CA	Rep. Lynn Woolsey, CA
Rep. Rosa DeLauro, CT	Rep. Edward Markey, MA	Rep. Ileana Ros-Lehtinen, FL	Rep. David Wu, OR
Rep. Julian Dixon, CA	Rep. Matthew Martinez, CA		

22 State Attorneys General joined a brief submitted by Heidi Heitcamp, Attorney General of North Dakota. **Contact:** Beth Baumstark, North Dakota Office of Attorney General, 701-328-3623, <msmail.bbaumsta@ranch.state.nd.us>. **Theme:** The Court should adopt a bright-line test for deferring to state activity as a market participant. To do otherwise would require courts to second-guess motives for state purchasing or investment decisions that a private party has the freedom to make.

Arkansas	Maine	New Mexico	Texas
California	Maryland	North Dakota	Utah
Colorado	Minnesota	Oklahoma	Vermont
Connecticut	Missouri	Oregon	Washington
Hawaii	New Hampshire	Pennsylvania	
Louisiana	New Jersey	Rhode Island	

16 Local Governments joined a brief submitted by Alan Hevesi, Comptroller of the City of New York. **Contact:** Sara Kay, Office of General Counsel, Comptroller of the City of New York, 212-669-3749, <skay@comlan.ci.nyc.ny.us>. **Theme:** States have a responsibility to comport their spending decisions with the economic and ethical priorities of their citizens. Where Congress has refused to preempt a state purchasing law, judicial review under dormant commerce or foreign affairs doctrines is inappropriate.

Comptroller, City of New York	Brookline (MA)	Newton (MA)	Portland (OR)
Alameda County (CA)	Boulder (CO)	North Olmstead (OH)	Quincy (MA)
Amherst (MA)	Carboro (NC)	Oakland (CA)	San Francisco (CA)
Berkeley (CA)	Los Angeles (CA)	Philadelphia (PA)	Santa Cruz (CA)

8 Government Associations joined a brief submitted by the State and Local Legal Center. **Contact:** Richard Ruda, chief counsel, State and Local Legal Center, 202-434-4850. **Theme:** The Massachusetts Burma law does not violate the commerce clause because (a) it addresses the state's activities as a market participant, and (b) it advances a legitimate state purpose that cannot be served by nondiscriminatory alternatives.

Council of State Governments	National Association of Counties
National Governors Association	International City/County Management Association
National Conference of State Legislatures	International Municipal Lawyers Association
National League of Cities	U.S. Conference of Mayors

66 Nonprofit Organizations joined a brief submitted by the Harvard Law School Human Rights and Immigration programs. **Contact:** Peter Rosenblum, Harvard Program on Human Rights, 617-496-2825, <prosenbl@law.harvard.edu>. **Themes:** (1) International law authorizes the Burma law. The Massachusetts law is authorized by at least three international human rights agreements. (2) The lower court decision could place hundreds of state and local laws at risk. By overturning a state law based on WTO obligations, the lower court decision empowers the European Union, Japan and other nations to invalidate environmental and consumer laws simply by complaining that the laws violate U.S. obligations under various WTO agreements.

Alliance for Democracy	Human Rights Watch
American Lands Alliance	Humane Society of the United States
Arise Resource Center, MN	Independent Voters of Illinois -
As You Sow Foundation, CA	Independent Precinct Organization
Asia Pacific Center for Justice & Peace	Institute for Agriculture & Trade Policy
Boston Mobilization for Survival	International Comm. of Lawyers for Tibet
Burma Lifeline	International Human Rights Clinic,
Catholic Foreign Mission Society of	University of California School of Law
America (Maryknoll Fathers & Brothers)	International Human Rights Law Group
Center for Constitutional Rights	International Labor Rights Fund
Center for Economic and Policy Research	International League for Human Rights
Center for Economic Justice	International Rivers Network
Center for International Environmental Law	Jesse Smith Noyes Foundation
Center for Labor & Community Research, IL	Jewish Labor Committee, NY
Citizens Action Network	Langlely United Church
Consumers Choice Council	Long Island Progressive Coalition
Co-op America	Los Angeles Burma Forum, CA
Defenders of Wildlife	Merrimack Valley People for Peace, MA
Delta County Alliance for Democracy, CO	Minnesota Advocates for Human Rights
Dictator Watch	National Lawyers Guild, MA Chapter
Dominican Sisters of Hope	New England Burma Roundtable
EarthAction	Philadelphia Burma Roundtable
EarthRights International	Physicians for Human Rights
East Timor Action Network/U.S.	Project Maje, OR
Edmonds Institute, WA	Rainforest Relief
Free Burma Coalition	Rev. Frank Griswold, Presiding Bishop,
Free Burma - No Petro Dollars	Episcopal Church (USA)
Global Exchange	
Rev. Thomas Shaw, Presiding Bishop,	Sisters of St. Joseph- Office of Peace
Episcopal Diocese of Massachusetts	and Justice, MI
Ruckus Society	Songbird Foundation
Seattle Burma Roundtable, WA	Sustainable America
Sierra Club	

Endnotes

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1. ***The 23 Burma-law jurisdictions*** include the Commonwealth of Massachusetts, the county of Alameda, CA and the cities of Ann Arbor, MI; Berkeley, CA; Boulder, CO; Brookline, MA; Cambridge, MA; Carboro, NC; Chapel Hill, NC; Los Angeles, CA; Madison, WI; New York, NY; Newton, MA; Oakland, CA; Palo Alto, CA; Portland, OR; Quincy, MA; San Francisco, CA; Santa Cruz, CA; Santa Monica, CA; Somerville, MA; Takoma Park, MD; West Hollywood, CA.
 2. ***The 15 MacBride jurisdictions*** include the states of New Jersey and New York. The 13 cities include Albany, NY; Boston; Chicago; Cleveland; Lakewood, OH; New York City; Philadelphia; Rensselaer City, NY; Rochester, NY; San Francisco; Scranton, PA; and Yonkers, NY.
 3. ***The 3 states that announced their intent to boycott Swiss banks*** included California, New York, and Pennsylvania. They were joined by the Comptroller of the City of New York.
 4. ***The 4 Nigeria-law jurisdictions*** include Berkeley, CA; Amherst, MA, Alameda Co., CA, and Oakland, CA.
 5. ***The 47 states with recycled material preferences*** include Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin.
 6. ***The 19 states with other environmental preferences include:***
 - ***9 states with soy-based preferences*** include Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, North Dakota and South Dakota.
 - ***5 states with alternative fuel preferences*** include California, Connecticut, Indiana, Iowa and Washington.
 - ***9 states with energy efficiency preferences*** include Arizona, Connecticut, Minnesota, New Hampshire, Oregon, Texas, Washington, West Virginia and Wisconsin.
 7. ***The 39 states with buy-America/buy local laws*** include 10 states that have a simple bidding preference for in-state businesses and 29 states that have only a reciprocal preference, which applies to businesses from other jurisdictions that have a domestic purchasing preference. The 10 states with simple bidding preferences for at least some products or services include Alaska, Arizona, Arkansas, Hawaii, New Mexico, Ohio, Rhode Island, South Carolina, West Virginia, and Wyoming. The 29 states with reciprocal preference laws include Alabama, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Virginia, Washington and Wisconsin.