

ACLU Free Speech Case Challenges Law Aimed at Anti-Israel Boycotts

Kansas Law Requires Contractors to Sign Document Promising Not to Boycott Israel

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OVERLAND PARK, KS — The American Civil Liberties Union and the American Civil Liberties Union of Kansas filed a federal lawsuit today arguing that a Kansas law requiring a high school educator to certify that she won't boycott Israel violates her First Amendment rights.

The law, which took effect on July 1, requires that any person or company that contracts with the state submit a written certification that they are "not currently engaged in a boycott of Israel."

The Supreme Court ruled decades ago that political boycotts [are protected](#) by the First Amendment, and other decisions have established that the government may not require individuals to sign a certification regarding their political expression in order to obtain employment, contracts, or other benefits.

"The First Amendment prohibits the government from using its financial leverage to impose an ideological litmus test," said ACLU attorney Brian Hauss. "This law is an unconstitutional attempt by the government to silence one side of a public debate by coercing people not to express their beliefs, including through participation in a political boycott."

The ACLU represents Esther Koontz, who belongs to the Mennonite Church USA. In accordance with calls for boycott made by members of her congregation and her church, Koontz decided not to buy consumer products made by Israeli companies and international companies operating in Israeli settlements in the occupied Palestinian territories. Koontz participates in this boycott in order to protest the Israeli government's treatment of Palestinians and to pressure the country to change its policies.

Having served as a public school math teacher for nine years, Koontz now develops her school's math curriculum and trains teachers on how to implement it. She is also qualified to train teachers statewide as a contractor with the Kansas Department of Education's Math and Science Partnerships program. When Koontz was asked to certify that she does not participate in a boycott of Israel, she said that she could not sign the form in good conscience. As a result, the state refuses to contract with her, and she is unable to participate as a trainer in the state's program.

"You don't need to share my beliefs or agree with my decisions to understand that this law violates my free speech rights. The state should not be telling people what causes they can or

can't support," Koontz said. "I'm disappointed that I can't be a math trainer for the state of Kansas because of my political views about human rights across the globe."

The Kansas law is similar to legislation that has been passed in other states. The ACLU does not take a position on boycotts of foreign countries, but the organization has long supported the right to participate in political boycotts and has [voiced opposition](#) to bills that infringe on this important First Amendment right.

Today's lawsuit argues that the Kansas law violates the First Amendment for several reasons: it compels speech regarding protected political beliefs, associations, and expression; restricts the political expression and association of government contractors; and discriminates against protected expression based on its content and viewpoint. The lawsuit asks the court to strike down the law and bar the Kansas Department of Education from requiring contractors to certify that they are not participating in boycotts of Israel.

In July, the ACLU sent a letter to members of Congress [opposing](#) a bill that would make it a felony to support certain boycotts of companies doing business in Israel and its settlements in the occupied Palestinian territories. As a result, Senate sponsors of the bill are considering changes.

Today's complaint is here:

<https://www.aclu.org/legal-document/koontz-v-watson-complaint>

Today's preliminary injunction memo is here:

<https://www.aclu.org/koontz-v-watson-memorandum-support-plaintiffs-motion-preliminary-injunction>