

FOR IMMEDIATE RELEASE

January 30, 2018

CONTACT: Amie Young, Communications and Events Manager, 913-490-4105, ayoung@aclukansas.org

Judge Blocks Kansas Law Aimed at Boycotts of Israel

OVERLAND PARK, KS --- The American Civil Liberties Union won an early victory today in its federal lawsuit arguing that a Kansas law requiring a high school educator to certify that she won't boycott Israel violates her First Amendment rights. A federal judge issued a preliminary injunction blocking enforcement of the law while the case filed in October proceeds.

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 ACLU is also currently fighting a case filed in December against a similar law in Arizona.

"The court has rightly recognized the serious First Amendment harms being imposed by this misguided law, which imposes an unconstitutional ideological litmus test," said ACLU attorney Brian Hauss, who argued the issue in court. "This ruling should serve as a warning to government officials around the country that the First Amendment prohibits the government from suppressing participation in political boycotts."

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.

"Today's ruling marks a notable victory for the First Amendment," said Micah Kubic, executive director of the ACLU of Kansas. "The government has no right telling people what they can and can't support, and this preliminary injunction will protect other Kansans from enduring the First Amendment violation that Ms. Koontz has endured."

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.

The 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.

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. In the [lawsuit](#) challenging the Arizona law, the ACLU represents an attorney and his one-person law office, which contracts with the government to provide legal services to incarcerated individuals.

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 ruling is [here](#)

All documents filed in the case are [here](#)