

LAWMAKERS AND EXPERTS AGREE:

The Israel Anti-Boycott Act Does Not Violate Free Speech

Lawmakers, experts and federal courts agree that the Israel Anti-Boycott Act would in no way restrict constitutionally-protected free speech.

MEMBERS OF CONGRESS

// Nothing in the bill restricts constitutionally-protected free speech or limits criticism of Israel or its policies. Instead, it is narrowly targeted at commercial activity and is based on current law that has been constitutionally upheld. // – Sens. Ben Cardin (D-MD) and Rob Portman (R-OH), July 20, 2017



// It's been pretty much a settled law as far as this is a commercial activity that you can't be listening to a boycott by Arab countries. So I don't think it's a legal issue or a constitutional issue at all. //
– Sen. Gary Peters (D-MI), Aug. 2, 2017

// As we have read the bill, it means that anybody in this audience can boycott Israeli products or say they intend to boycott Israeli products. // – Sen. Ron Wyden (D-OR), Aug. 5, 2017



EXPERTS & ORGANIZATIONS



// The Israel Anti-Boycott Act has attracted much criticism from free-speech advocates...These concerns are unfounded. // – Jonathan Greenblatt, Chief Executive of the Anti-Defamation League & Stuart Eizenstat, negotiator of the original anti-boycott laws during the Carter Administration, Sept. 12, 2017

// The legislation does nothing to restrict anti-Israel expressions or even local 'BDS activity.' Anyone who wishes to express their opposition to Israel through boycotts is entirely free to do so. //
– Eugene Kontorovich, Professor, Northwestern University School of Law, July 27, 2017



// The act involves commercial business and in no way abridges any individual's right to freedom of speech, nor does it force any company to do business with Israel. //
– Jewish Federations of North America, July 25, 2017



COURT CASES

// [T]he Court holds that the challenged portions of the statute (Export Administration Act) and regulation do not violate plaintiffs' First Amendment rights. // – *Trane Co. v. Baldrige*, 552 F. Supp. 1378 (W.D. Wis. 1983)



// The appellants contend that they have a First Amendment right to answer questions asked by Arab boycott offices pursuant to the Arabs' trade boycott of Israel. We disagree, and accordingly affirm the judgments of the district courts. // – *Briggs & Stratton Corp., v. Baldrige*, 728 F.2d 915 (7th Cir. 1984)

