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Federal Appeals Court Strikes Down Arkansas Boycott Ban

Affiliate: ACLU of Arkansas

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ST. LOUIS – In a victory for the ACLU and the ACLU of Arkansas, who had challenged the law on behalf of the Arkansas Times LP, the Eighth Circuit Court of Appeals today held that an Arkansas law requiring government contractors to pledge not to boycott Israel or reduce their fees by 20 percent violates the First Amendment. The

[lawsuit](#) was filed on behalf of the Arkansas Times LP, which was penalized by the government after it refused to certify that it is not boycotting Israel or Israel-controlled territories.

“It’s a good day for the freedom of speech in Arkansas,” said Holly Dickson, ACLU of Arkansas executive director.

“Arkansas politicians had no business penalizing our clients for refusing to participate in this ideological litmus test. Free speech isn’t a privilege you pay for, it’s a right guaranteed to every Arkansan.”

The majority opinion by Judge Jane L. Kelly affirmed that “supporting or promoting boycotts of Israel is constitutionally protected” and yet the law required “government contractors to abstain from such constitutionally protected activity.”

“We’re thrilled by the court’s ruling, which upholds the fundamental right to participate in political boycotts,” said ACLU attorney Brian Hauss. “The government cannot force people to choose between their livelihoods and their First Amendment rights, which is what this law did. Political boycotts are a legitimate form of nonviolent protest, and they are protected by the First Amendment.”

The ruling is online at: https://www.acluarkansas.org/sites/default/files/aclu_israel_boycott_opinion_2021.pdf

This release is online here: <https://www.acluarkansas.org/en/press-releases/federal-appeals-court-strikes-down-arkansas-boycott-ban>

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Free Speech

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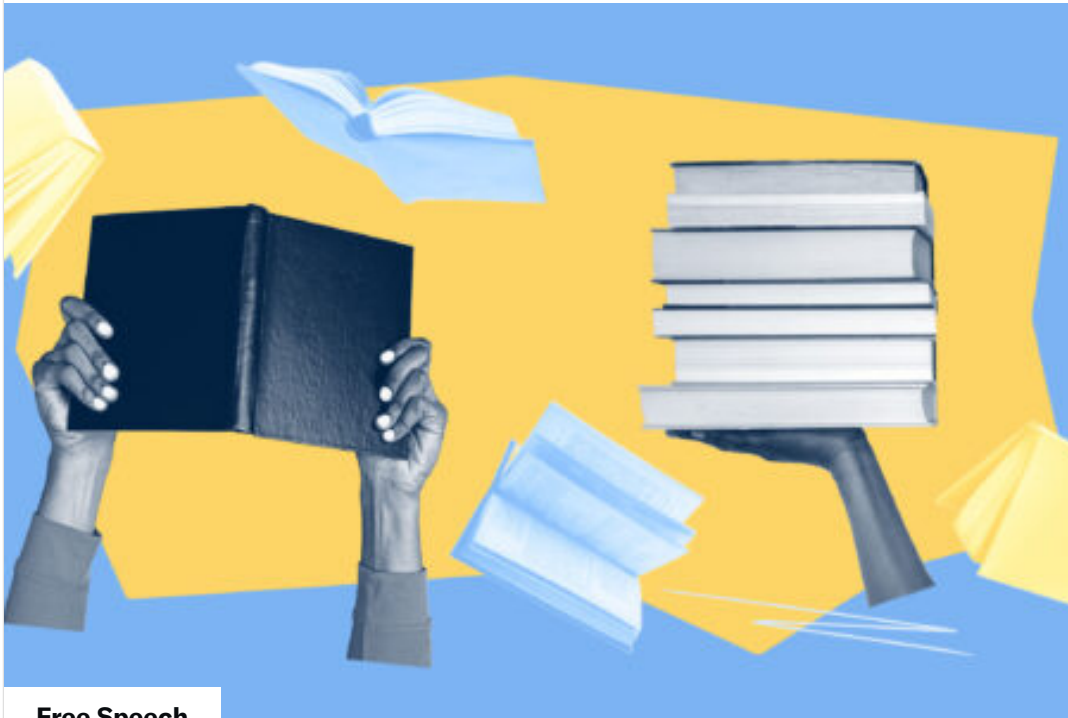


Free Speech

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By: Lora Strum

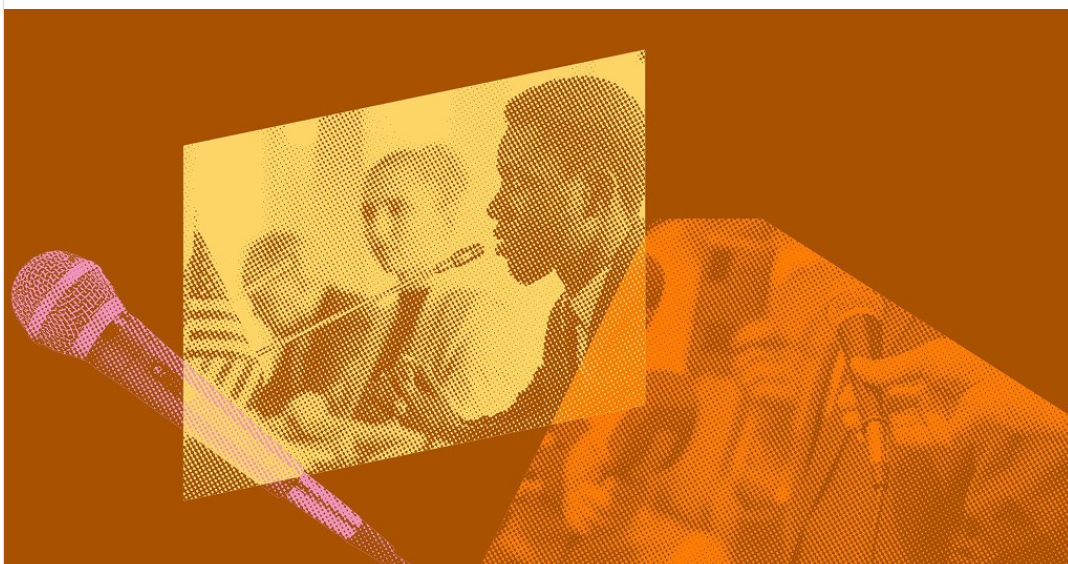


Free Speech

ACLU Back-to-School Bookshelf: Our Reading List to Build a More Perfect Union

In our series, ACLU staffers share books that have helped them better understand civil liberties and civil rights, fight for our communities and our Constitution, and increase engagement in creating a more perfect union.

By: Hibah Ansari



Mahmoud Khalil Asks Appeals Court to Affirm His Release From Detention

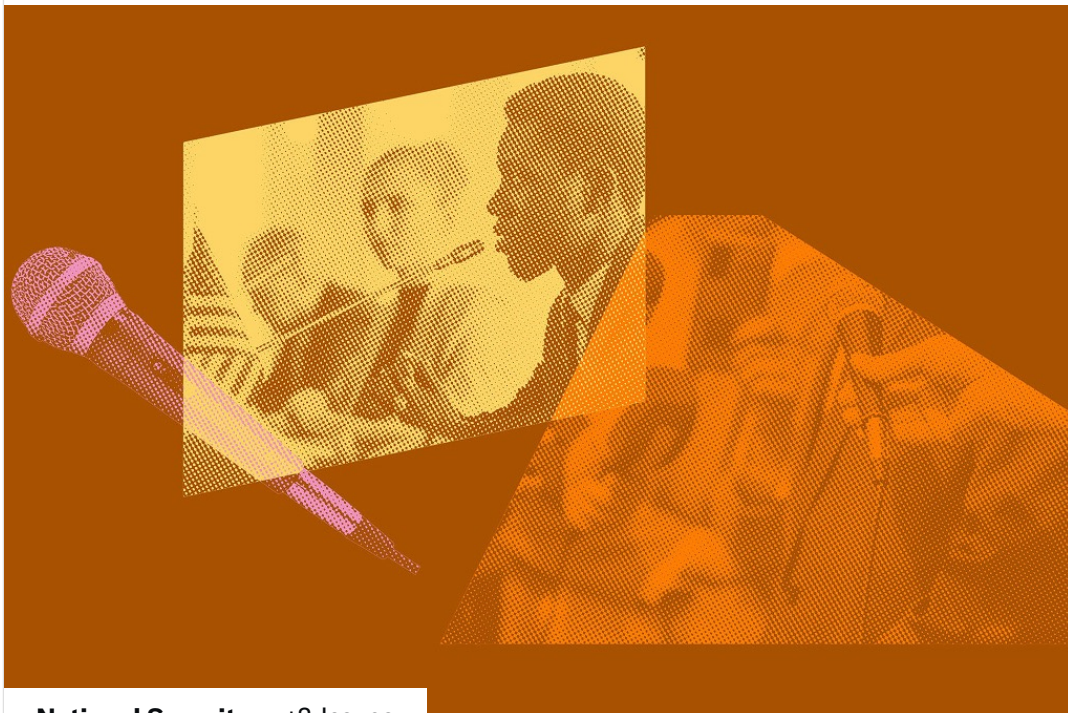
NEW YORK CITY – Today, Mahmoud Khalil's legal team filed its response to the government's appeal of several previous district court orders. The brief urges the Third Circuit Court of Appeals to affirm the lower court's rulings that ordered Mr. Khalil's release on bail and found that Secretary of State Marco Rubio's justification for arresting and seeking to deport Mr. Khalil on the basis of his protected speech is likely unconstitutional. The Trump administration has tried to deport Mr. Khalil using an obscure provision of the Immigration and Nationality Act that the administration claims allows it to detain and deport noncitizens — including lawful permanent residents like Mr. Khalil — based solely on an assertion from Secretary of State Marco Rubio that their lawful speech could affect U.S. foreign policy interests. The government is asking the court to permit it to redetain Mr. Khalil and to move forward with Mr. Khalil's removal on the basis of this "foreign policy ground." "The government's arguments are meritless and should be rejected. The Trump administration had no legitimate reason to detain Mahmoud Khalil and the district court rightly held that its efforts to remove him were likely unconstitutional," said Bobby Hodgson, Assistant Legal Director at the New York Civil Liberties Union. "Ideas are not illegal, and no administration should ever be able to weaponize immigration law or unilaterally incarcerate people for expressing opinions with which they disagree." "Mahmoud Khalil should never have been detained," said Noor Zafar, senior staff attorney with the ACLU's Immigrants' Rights Project. "The government's argument essentially boils down to an assertion that, because it is using immigration laws to detain and deport Mahmoud for his advocacy in support of Palestinian rights, the district court did not have authority to review the constitutionality of its actions. The district court rightly rejected this dangerous and unprecedented argument, which not only chills Mahmoud's speech but that of other noncitizens who seek to speak up on this pressing issue of our time." "The government's draconian policy to silence voices supporting Palestinian rights — through the maximal coercion of arrest, detention, and deportation — is both a throwback to the historic eras of Red Scare repression and a new, aggressive step in the administration's

authoritarian design,” said Center for Constitutional Rights Legal Director Baher Azmy. “The courts historically and now are the last check for our constitution and democracy.” On June 11, U.S. District Court of New Jersey Judge Michael E. Farbiarz issued a preliminary injunction prohibiting the government from detaining or seeking to remove Mr. Khalil based on the likely unconstitutional “foreign policy ground.” The following week, the court ordered Mr. Khalil’s release on bail as his habeas case continues, finding that the government had no legitimate basis to detain him. After Mr. Khalil’s release, the government appealed both rulings, as well as a July 16 order finding that the government had failed to comply with the court’s initial preliminary injunction. The government also sought an emergency stay of several aspects of the district court’s orders from the Third Circuit, which was denied on July 30. The appeal is now moving forward on an expedited basis. Mr. Khalil is represented by Dratel & Lewis, the Center for Constitutional Rights, CLEAR, Van Der Hout LLP, Washington Square Legal Services, the American Civil Liberties Union (ACLU), the New York Civil Liberties Union (NYCLU), the ACLU of New Jersey, and the ACLU of Louisiana. For all case materials, please see [here](#).

Affiliates: New York, New Jersey

Press Release

Sep 2025



National Security +2 Issues

ACLU and Partners Urge Appeals Court to

Find Trump's Deployment of Military in Los Angeles Unlawful

LOS ANGELES — Free speech organizations filed a friend-of-the-court brief today in the Ninth Circuit Court of Appeals in *Newsom v. Trump*, California's lawsuit challenging President Trump's deployment of National Guard troops and active-duty Marines earlier this summer in Los Angeles and surrounding counties. This brief comes less than one week after the district court judge in the case found that the military's activities in L.A. violated the Posse Comitatus Act, which generally forbids the president from using the military for domestic policing of civilians. "Protest plays an essential role in our democracy and President Trump is hellbent on suppressing it," said Hina Shamsi, director of ACLU's National Security Project. "The president is attempting to normalize military policing of civilians, but as the founders of this country made abundantly clear, turning troops on civilians is an intolerable threat to our liberties. President Trump is imperiling our First Amendment rights and we urge the court to hold him accountable for abusing his power." The brief explains that protest is part of the fabric of our free society, and that President Trump's deployment of military troops to quell protest is incompatible with the First Amendment. It underscores that the founding generation, which feared the military's use as a tool of oppression, would have viewed President Trump's deployment of troops to L.A. as an intolerable threat to liberty. "President Trump's deployment of the military in Los Angeles chilled political protest and disregarded the First Amendment," said Jennifer Jones, staff attorney at the Knight First Amendment Institute at Columbia University. "The First Amendment requires the government's response to be proportionate to the threat, and it forbids the government from holding peaceful demonstrators accountable for the sporadic violence of others. We urge the court to protect the right to dissent by asking whether it was truly necessary to respond to largely peaceful protests with military force." The organizations press the Ninth Circuit to reconsider the deference it gave to the president in its previous ruling in light of the country's history, tradition, and laws, which strictly limit the use of the military to police the American people, as well as the reality that troop deployment chills the exercise of constitutionally protected speech and association. The court's decision allowed the president to retain control of the California National Guard as these proceedings continued. "Trump's deployment of troops on our streets and parks is a direct threat to our collective safety and our Constitutional rights," said Chandra Bhatnagar, executive director of the ACLU Foundation of Southern California. "But what has been extraordinary during this time

is the courage of everyday people across Southern California who continue to show up for their communities, exercise their First Amendment rights and fight the administration's unlawful and racist agenda. We stand with them." "The Founders warned against standing armies on American soil, fearing that the military might be used not to defend the people, but to control them," said John W. Whitehead, president of The Rutherford Institute. "Deploying the military to deal with domestic matters that can—and should—be handled by local police violates the Posse Comitatus Act and crosses the line into authoritarianism. This militarized response to what is clearly a matter for local government is yet another example of President Trump's disregard for the Constitution and the limits of his power." This friend-of-the-court brief comes as President Trump continues to threaten major cities, including San Francisco, Chicago, and New York City, with deployment of military troops and federal agents, despite state governors' objections. Amici include: American Civil Liberties Union, ACLU Foundation of Southern California, ACLU Foundation of Northern California, ACLU Foundation of San Diego and Imperial Counties, the Knight First Amendment Institute at Columbia University, and the Rutherford Institute. "Deploying federalized National Guard troops against people exercising their constitutional rights isn't just unnecessary—it's a dangerous abuse of power that undermines our democracy," said Norma Chávez-Peterson, executive director of the ACLU of San Diego & Imperial Counties. "When the government uses military force to silence dissent, it threatens the safety, dignity and fundamental rights of all people. The real harm we're facing isn't from peaceful protests, but from the rampant ICE raids tearing apart our communities, as well as the excessive force federal officers are employing against journalists and peaceful protestors."

Affiliates: Northern California, Southern California, San Diego & Imperial Counties
