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State Sen. Brandon Creighton, R-Conroe traveled to Israel to deliver a pen to Prime Minister Benjamin Netanyahu from the signing of House Bill 89, which prohibits all state agencies from contracting with, and certain public funds from investing in, companies that boycott Israel. After a contractor sued this December claiming the law violated her right to free speech, [more](#)

AUSTIN — U.S. District Judge Robert Pitman on Thursday issued a preliminary injunction against the enforcement of Texas law that bans state workers from boycotting Israel.

Speech pathologist Bahia Amawi filed the suit against the state and Pflugerville Independent School District in December, claiming the law violated her First Amendment right to free speech.

The Texas Legislature passed the anti-Israel boycott law, House Bill 89, in 2017 with bipartisan support. It was touted by Republicans, including Gov. Greg Abbott, as a way to show the state's solidarity with the country.

But Pitman in his order on Thursday said political boycotts are protected speech and the law is likely unconstitutional as it imposes content- and viewpoint-based restriction on that protected expression.

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“The statute threatens ‘to suppress unpopular ideas’ and ‘manipulate the public debate through coercion rather than persuasion,’” Pitman wrote. “This the First Amendment does not allow.”

In a 56-page ruling, Pitman wrote that the law also likely violates the First Amendment, which covers the right to speak and not speak, by forcing people to reveal whether they boycott Israel.

Texas Attorney General Ken Paxton's office said in a statement that it plans to appeal.

“We're disappointed with the ruling essentially requiring government to do business with discriminatory companies,” spokesman Marc Rylander said. “We look forward to defending this law on appeal.”

Texas is one of 25 states with similar bans on boycotts of Israel. Federal judges have struck down laws in Arizona and Kansas and upheld one in Arkansas; all are on appeal but the Kansas law, which a judge dismissed after legislators there narrowed its scope.

Gadeir Abbas, a Council on American-Islamic Relations senior litigation attorney on Amawi's legal team, applauded the decision Thursday.

"This is a complete victory of the First Amendment against Texas' attempts to suppress speech in support of Palestine," Abbas said. "More importantly, it's a complete victory for all Texans, to engage in political speech without government censorship."

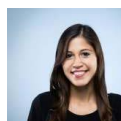
In a similar federal district court suit, the American Civil Liberties Union of Texas is arguing the same on behalf of four government contractors who say they were forced to sign a pledge promising they wouldn't boycott Israel.

"The right to boycott is deeply ingrained in American tradition, from our nation's founding to today," said Tommy Buser-Clancy, staff attorney for the ACLU of Texas, who argued the motion to block the law in court. "The state cannot dictate the views of its own citizens on the Israel/Palestine conflict — or any issue — by preventing them from exercising their First Amendment right to boycott."

Texas is poised to follow in Kansas' footsteps and amend the law. House Bill 793 would restrict the ban to companies with at least 10 employees and contracts of \$100,000 or more. The bill has passed in the House and is in committee in the Senate.

Opponents of the law, like Buser-Clancy, say that won't solve the constitutionality problem.

"The law still discriminates against companies that engage in political consumer boycotts of Israel, which is a right protected by the First Amendment," Buser-Clancy said earlier this month. "An unconstitutional law cannot be salvaged merely by making it apply to fewer people."



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