

Arkansas Times (backed by
ACLU and the New York Times)
is against what it is for



If this sounds a bit too complicated, I concur. I simply tried to sum up the court case that is the focus of a *New York Times*' "guest essay" titled "[We're a Small Arkansas Newspaper. Why Is the State Making Us Sign a Pledge About Israel?](#)"

If I read the case correctly, Arkansas legislated that the state will not buy services from business that boycott Israel. Therefore, whoever does business with the state, should affirm, in written form, that they are not engaged in anti-Israel boycott movement, known by its acronym "BDS".

Since, among other products they purchase, state entities buy advertising from local papers, the state asked those papers, as it asks others which whom it does business, to affirm that they do not boycott Israel. *Arkansas Times* refused, filing a lawsuit to overturn the law.

Their reason? Boycotts are a legitimate venue of free speech, and "freedom of expression is a sacred American value and foundational to our democratic ideals ... After all, our nation's founding mythology includes the boycott of tea. Since then, boycotts have repeatedly been used as a tool of political speech and protest, from the Montgomery bus boycott to end segregation to the Delano grape strike protesting exploitation of farmworkers. University students throughout the country engaged in anti-apartheid boycotts of and divestment from South Africa. In 1982, the right to boycott as a method of collective political speech was upheld by a unanimous Supreme Court ruling in *N.A.A.C.P. v. Claiborne Hardware Company*."

This argument raises a simple question, however: if boycotts are legal, legitimate, and good, what is wrong with boycotting *Arkansas Times*? The State of Arkansas simply ruled that a business that is boycotting Israel will be boycotted by the State of Arkansas. There is nothing in this that forbids boycotts per se. All that it legislated, is a principle of reciprocity: we will do to you what you do to Israel. You boycott Israel, we'll boycott you. That's all. This is not directed against a boycott as a venue for speech. Boycott all you want – but keep in mind that there are consequences, there is an economic price to be paid.

Arkansas Times does not want to face those natural consequences of the right to boycott, however. It wants to have it both ways: to favor boycotts when those boycotts are applied to Israel, but to oppose boycotts when they are applied against *Arkansas Times*. And it is supported in that illogical (one would even say, schizophrenic) position by ACLU, which represents *Arkansas Times* in court, and by the *New York Times* which published the op-ed by *Arkansas Times* editor Alan Leveritt.

In it, Mr. Leveritt touts himself as a stickler to principle – but he isn't. Had he had any principle, he'd just say "well, we'll have to do without the state advertising revenue. If its loss is the price of standing up for what we see as right – a right to boycott Israel – so be it! We'll tough it out!" But he is not a stickler to a right to boycott, however; in fact, he has no principles at all. He is all over the place when it comes to boycotts – he is for boycotts, but he is against boycotts. He is highly selective in how he applies his principles. Boycott Israel all you want, Mr. Leveritt says. But boycotting Mr. Leveritt's paper? Oh well, that's a different matter entirely!

But just because ACLU and the *New York Times* support this less-than-principled position, their support does not mean that it makes any sense. Please tell us, Mr. Leveritt: if Bostonians could boycott the English tea, how does it follow that Arkansans can't boycott your *Arkansas Times*?