To: Members of the Senate Judiciary Committee

Re: Senate Joint Resolution 59

Date: 3/25/14

The ACLU of Illinois opposes Senate Joint Resolution 59, a resolution that calls upon all Illinois college and university presidents to publicly condemn academic boycotts.

A boycott is an important and powerful form of protected expressive association protected by the First Amendment. Speech and nonviolent picketing in support of a boycott encompasses the practice of people sharing common views banding together to achieve a common end, a practice deeply embedded in the American political process. By this collective effort, individuals can make their views known when, individually, their voices would be faint or lost. In emphasizing the importance of the freedom of association in guaranteeing the right of people to make their voices heard on public issues, the U.S. Supreme Court has noted that effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982).

There is no basis in law or policy to exempt academic institutions from boycotts. Would Illinois support a resolution guarding Bob Jones University from a boycott when, in the 1970’s because of its interpretation of Biblical principles regarding interracial dating, Bob Jones University completely excluded black applicants? We expect not.

The State is free to express its view of the appropriateness of any particular boycott, but the vice is not the form of expressive association (a boycott) or its generic target (an academic institution) but the position of the institution/sponsoring government. More speech is the answer, as usual, to the correctness or legitimacy of a boycott.