



Free Speech and Palestine Advocacy: What You Need to Know by MLFA’s Civil Litigation Department

In response to the events in Palestine and Israel, many of us feel compelled to organize, speak out, and protest in support of the Palestinian people. Such advocacy creates controversy and generates backlash from pro-Israel advocates. The First Amendment of the US Constitution protects citizens from negative government interference for their free speech, even if that speech is unpopular. However, free speech rights are not absolute. The information below aims to generally educate Americans about the relevant law so they may protect themselves when speaking in support of Palestine.

The U.S. Constitution Protects Free Speech from Government Interference

- First Amendment: “Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble”
- Fourteenth Amendment: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States”

Protected Speech Includes:	Unprotected Speech Includes:
Advancement of political causes and beliefs	Incitement to imminent lawless action
Statements criticizing public policy and its implementation	Solicitations to commit crimes
Expressing opinions about a nation’s flag, “including those opinions which are defiant or contemptuous”	True threats – statements that intimidate a person into believing they will be seriously harmed by the speaker or someone acting at their behest
Unpopular, offensive and disagreeable ideas	Obscenity and child pornography
Incorrect ideas or statements	Defamation, perjury, and blackmail

Government vs. Private Actors

- The Constitution protects free speech from punishment by the **government**, NOT private parties (i.e., private employers, business owners, and schools)
- The Constitution does not protect free speech from backlash or criticism
- A few states (CA, NY, DC, CO, ND), but NOT the federal government, prevent private discrimination based on political affiliation or lawful political activities outside of work

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For specific concerns about potential litigation arising from your own speech, please submit a request for help on our website at <https://mlfa.org/apply-for-help/>.