



# PRESS RELEASE

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## **Embattled Massachusetts Transit Authority Accepts “Defeat Violent Jihad” Advertisement for Display on Public Buses**

Boston, Massachusetts (January 8, 2014) — Embroiled in a federal lawsuit that has sparked a fierce debate over the limits of government censorship, the Massachusetts Bay Transportation Authority (MBTA) accepted yesterday a new pro-Israel / anti-jihad advertisement to run on MBTA buses. On January 3, 2014, the American Freedom Defense Initiative (AFDI), through its executive director, Pamela Geller, submitted an advertisement to the MBTA that stated: “In any war between the civilized man and *those engaged in savage acts*, support the civilized man. Defeat *violent jihad*. Support Israel.”

The “Defeat Violent Jihad” advertisement was in response to a recent ruling in the United States District Court for the District of Massachusetts that upheld the MBTA’s censorship of a previous pro-Israel advertisement submitted by AFDI, finding that the censorship was “reasonable.” The court agreed in part with the MBTA’s conclusion that the advertisement was demeaning toward Muslims.

The prior advertisement, which is now the subject of an appeal to the U.S. Court of Appeals for the First Circuit, stated: “In any war between the civilized man and the savage, support the civilized man. Support Israel. Defeat jihad.” The MBTA rejected the advertisement because it believed that the use of the word “savage” as a noun refers to all Muslims and that “jihad,” even in the context of war, might “possibly” refer to a Muslim’s duty of introspection and self-improvement rather than violent acts of terrorism.

As a result, to demonstrate the absurdity of the MBTA’s censorship, AFDI modified the prior ad to replace “savage” with “those engaged in savage acts” and “Defeat Jihad” with “Defeat Violent Jihad.” In light of the federal court’s ruling, the MBTA found these modifications to be “reasonable.”

David Yerushalmi, Co-Founder and Senior Counsel of the American Freedom Law Center (AFLC), the law firm representing AFDI in its legal challenge to the MBTA's rejection of the prior advertisement, commented: "The MBTA, employing its *ad hoc* 'reasonableness' test, has ostensibly determined that a 'savage' is different from one who commits 'savage acts,' and that 'violent jihad' is less offensive than mere 'jihad.' Due to the MBTA's quick response to the modified ad, it is unlikely that the MBTA consulted with English professors and Islamic scholars to affirm its linguistic gymnastics. In fact, our clients will soon be submitting yet another advertisement to further test these boundaries."

Robert Muise, Co-Founder and Senior Counsel of AFLC, commented: "The acceptance of the new advertisement accomplished our main goal: to point out the absurdity of the MBTA's position. Indeed, it is a strange principle of First Amendment jurisprudence that would reduce the fundamental right to freedom of speech to a determination as to whether the speech at issue is a noun or an adjective."

Notwithstanding these latest developments, the litigation continues over the MBTA's censorship of the original advertisement in that AFLC is appealing the lower court's ruling to the U.S. Court of Appeals for the First Circuit.

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