

# EXHIBIT J

**From:** David Yerushalmi [<mailto:david.yerushalmi@verizon.net>]  
**Sent:** Thursday, September 22, 2011 12:34 PM  
**To:** '[howard.marcus@cbsoutdoor.com](mailto:howard.marcus@cbsoutdoor.com)'  
**Cc:** 'Helene Fromm'; 'David H Posy'; 'James Henly'; 'Robert Muise'  
**Subject:** Ad submission by AFDI/Pam Geller to CBS/MTA

Dear Mr. Marcus:

My client forwarded to me your email (below) wherein you state the ad copy AFDI submitted violates Section 5.05( C )(2) of the MTA's Advertising Standards. Presumably you are referring to the word "savage" in the copy. My client is not prepared to alter its ad copy, and specifically not this word. We hereby demand a formal and final determination by close of business on Friday, September 22, 2011. A non-response by that deadline, given the time MTA-CBS has already had to review this copy, will be understood as a formal and final rejection.

Let me be unambiguous. First, the word savage cannot violate the standard you cite because it is patently not demeaning an individual or group of individuals on account of "race, color, religion, national origin, ancestry, gender, age, disability, or sexual orientation." It mentions neither individual nor group and it intends none. Specifically, it is a word in context describing behavior qua behavior. Certainly you recognize that the ad copy does not mention an individual or group of individuals falling within one of the Standard's rubrics (i.e., "race, color, etc."). Finally, as a word describing behavior, it quite obviously applies not to any one of Israel's enemies in any one geographical location, but all her enemies who behave savagely. Precisely because it is a noun describing behavior (i.e., savage behavior), it cannot be demeaning because an individual or group who does not behave savagely is not captured by the word; an individual or group that does behave savagely, is similarly not demeaned because we presume men act in the way they intend and a savage intends to act savagely.

Finally, a word about the Standard itself and the way MTA/CBS is applying it. There can be no question that once the MTA opened up this forum for political advocacy, it cannot use the "demeaning" filter to decide which political speech it accepts and which it does not. The application in this context of the Standard, especially here where as noted above, there is absolutely no reference to one of the categories (i.e., race, religion) but rather to behavior (i.e., savage behavior), the MTA's rejection of the word "savage" is most assuredly a viewpoint-based censorship, in violation of the First Amendment. If the MTA, as the organ of state authority, now understands itself in the business of toning down and even modifying the viewpoint of the speakers it has invited into this public forum, it has manifestly and egregiously crossed the line clearly drawn by the First Amendment and the jurisprudence promulgated thereunder.

**David Yerushalmi**

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