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Pro-Israel Group Asks Federal Court to Order MBTA to Run “Defeat Jihad” Advertisements

Boston, Massachusetts (November 13, 2013) — Late yesterday, the American Freedom Law Center (AFLC), a national, nonprofit Judeo-Christian law firm, filed a motion and accompanying brief asking the federal court in Boston, Massachusetts, to order the Massachusetts Bay Transportation Authority (MBTA) to display a pro-Israel advertisement that was submitted for display on MBTA’s advertising space. The advertisement, which is supportive of Israel in the debate over the Israeli / Palestinian conflict, states: “In any war between the civilized man and the savage, support the civilized man. Support Israel. Defeat jihad.” The MBTA rejected the proposed advertisement, claiming that it was “disparaging” and “demeaning.”

AFLC’s motion for an immediate injunction is part of a federal civil rights lawsuit filed last week in the United States District Court for the District of Massachusetts on behalf of Pamela Geller, Robert Spencer, and their organization, the American Freedom Defense Initiative (AFDI). The lawsuit argues that the MBTA’s censorship of the pro-Israel advertisement violates the First and Fourteenth Amendments.

In the motion, AFLC highlighted the fact that although the MBTA rejected ADFI’s pro-Israel advertisement, it accepted an anti-Israel, pro-Palestinian display that appeared on approximately 80 posters throughout the transit system. That advertisement depicted four maps that purport to show the “Palestinian loss of land” to Israel between 1946 and 2010. Text accompanying the maps says: “4.7 million Palestinians are Classified by the UN as Refugees.” As AFLC’s legal papers demonstrate, by claiming “refugee” status under the imprimatur of the UN, the anti-Israel advertisement is claiming that Israel is in effect engaging in war crimes by discriminating against Palestinians based on race, religion, or national origin.

Robert J. Muise, AFLC Co-Founder and Senior Counsel, commented: “Apparently the MBTA allows its advertisers to disparage Israel but is quite solicitous of the sensitivities of jihadis engaging in terrorists acts against innocent Jewish women and children. The fact that the MBTA displayed the anti-Israel advertisements yet rejected our clients’ advertisement clearly demonstrates that the MBTA either picked sides in the ongoing Israeli / Palestinian debate or caved-in to political correctness. Under the First Amendment, this type of censorship is prohibited.”

David Yerushalmi, AFLC Co-Founder and Senior Counsel, commented: “This case represents a disturbing trend by government agencies at the federal, state, and regional levels to placate, and even align with, sharia-adherent Islamists and their use of terrorism to wage violent jihad against Israel and pro-Western targets. AFLC has litigated this particular advertisement in other federal courts, and we have successfully overcome the ‘disparagement’ claim as an unconstitutional infringement on our clients’ right to speak out forcefully on issues otherwise permitted on transit displays. A government agency cannot pick and choose sides and then hide behind a ‘civility’ standard. The Constitution prohibits such censorship.”

AFLC has represented Geller, Spencer, and AFDI successfully in federal lawsuits across the country, most notably in New York and Washington, D.C., where the courts ordered the transit authorities to run AFDI’s pro-Israel advertisements. In both of those cases, the transit authorities were forced to pay substantial legal fees to AFLC.

In addition, AFLC recently filed a lawsuit in federal court in Seattle, Washington, against the King County transit agency for refusing to run an anti-terrorism advertisement on its public transit buses. That advertisement, which was also sponsored by Geller, Spencer, and AFDI, displayed photographs of global terrorists from the FBI’s most wanted list, most of whom have Muslim names or are wanted for terrorist acts that were committed in the name of Islam. King County denied the advertisement because it feared that it would be offensive to local Muslims. In that case, AFLC also argued that King County’s censorship of AFDI’s advertisement was an unconstitutional speech restriction.

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at www.americanfreedomlawcenter.org.