

FOR IMMEDIATE RELEASE:

**Law Offices of David Yerushalmi, P.C. Win Victory  
for the First Amendment**

**New York's MTA Forced to Run Bus Advertisement Tying  
Ground Zero Mosque to 9-11**

For more information:

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**August 9, 2010 – New York, New York:** When the American Freedom Defense Initiative sought to run a bus banner advertisement on New York Metropolitan Transit Authority buses ([available here](#)), the MTA decided it was “not appropriate.” Our client, Pamela Geller, director of AFDI, asked MTA through the MTA advertising agency, CBS Outdoor, what was the problem with the advertisement as proposed. The answer: the plane shown flying into the Twin Towers improperly suggested a link between the proposed Ground Zero Mosque at the heart of a heated national public debate to the Islamic terrorists who attacked America, and specifically New York. Ms. Geller attempted to revise the ad to satisfy the P.C. police at the MTA, but to no avail.

The Law Offices of David Yerushalmi, P.C., joined by Robert Muise, senior trial counsel to the Thomas More Law Center, filed suit against the MTA in federal court in New York on Friday, August 6, 2010, for violating AFDI's and Ms. Geller's Free Speech rights. That same day, David Yerushalmi issued this statement:

The complaint against the New York Metropolitan Transportation Authority has now been filed. It alleges violation of the American Freedom Defense Initiative's (and Pamela Geller's and Robert Spencer's) Free Speech rights under the First & Fourteenth Amendments to the U.S. Constitution.

In essence, and it is laid out clearly in the complaint ([available here](#)) with clear illustrations in the exhibits, the MTA decided that it was going to accept the “viewpoint” of Imam Rauf and his Islamist co-conspirators who have proposed the mosque – to wit, that their plan to develop the Ground Zero Mosque has nothing to do with marking the “victory” of the destruction of human life and property on 9-11. Literally, the MTA made it its business to decide which of many viewpoints it would deem politically correct speech for advertisements on its buses. In so doing, the MTA refused to run a bus ad critical of the Ground Zero Mosque literally because the ad did not accept Rauf's deceit that this obscenity is “brotherly” and “interfaith outreach.” The only outreach our clients see is a slap in the face of the 9-11 families and those New Yorkers whose memories remained charred.

What makes this jihad against free speech so egregious is that the MTA has run any number of controversial religious and political ads without batting an eyelid. But as soon as the Shariah-faithful cowed Mayor Bloomberg and

the MTA into dhimmi-like submission, the First Amendment to the Constitution gave way to Shariah's blasphemy laws. How long before the Mayor's office begins issuing fatwas against those who dare counter the "noble and peaceful outreach" narrative?

**Mr. Mayor and your colleagues at the MTA and the Landmark**

**Commission:** New Yorkers will not forget 9-11 and we will not be cowed into submission or silence. You might not want to hear our voices, but the federal courts will require you to listen. You claim the mantle of the Constitution as a basis for supporting a Shariah-Islamist mosque at Ground Zero, yet the MTA—a government agency of the City—cavalierly denies "infidels" freedom of speech. Enough is enough.

By Monday, the complaint and summons was served on the MTA, together with a proposed Order to Show Cause requiring the MTA to stand before a federal judge to explain how the MTA decision was not a violation of the First Amendment. By mid-afternoon, the MTA and CBS Outdoor had thrown in the towel: the original Ground Zero ad would run.

While the MTA claimed that they had never nixed our clients' advertisement, blaming it on CBS Outdoor, the emails and evidence suggest otherwise. Indeed, the email from CBS Outdoor's general counsel, David Posy, evidences who in fact determines which advertisements run on MTA buses:

**From:** Posy, David H  
**Sent:** Monday, August 09, 2010 5:03 PM  
**To:** david.yerushalmi@verizon.net  
**Cc:** jhenly@mtahq.org  
**Subject:** American Freedom Defense Initiative

I understand that our business people have spoken to your client who asked that I communicate directly with you. I would like to confirm that we have been directed by the MTA to take the ad that was the subject of the suit filed by AFDI against the MTA in accordance with the terms of the Agreement dated 7/20/10, subject, to placing an appropriate legend on it that says; "Paid for by the American Freedom Defense initiative."

David H. Posy  
Senior Vice President/General Counsel  
North American Operations  
CBS Outdoor  
405 Lexington Avenue  
New York, NY 10174  
Tel: (212) 297-6508  
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Mr. Yerushalmi noted: "This is a victory not just as a defense of the First Amendment. But also a victory against the Bloomberg-style bullying meant to shut down full-throated public debate over the connection between the existential jihad threat this country faces and Islamic terrorists who engage in both violent and stealth jihad to impose Shariah on the infidel.

The legal documents filed in the federal lawsuit are all available [here](#).

### **About David Yerushalmi, Esq.**

David Yerushalmi has been practicing law for more than 26 years. He is a litigator specializing in securities law, public policy relating to national security, and public interest law. Mr. Yerushalmi is licensed and practices in Washington D.C., New York, California, and Arizona and serves as General Counsel to the Center for Security Policy in Washington, D.C., one of the nation's leading national security think tanks founded by former Reagan administration official Frank J. Gaffney, Jr.