



From the Offices of Public Advocate Letitia James and Council Member I. Daneek Miller

October 16, 2014

The Honorable Tom Prendergast
Chairman and CEO
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017

Dear Chairman Prendergast:

We write to express our dismay at your decision to publish the most recent series of advertisements purchased by the American Freedom Defense Initiative (AFDI), an organization designated as a hate group by the Southern Poverty Law Center. These ads sow hate, create discord, and promote violence against Muslims and those who appear to be Muslim, namely Sikhs.

We commend you for rejecting one of the ads that stated, "KILLING JEWS IS WORSHIP THAT DRAWS US CLOSER TO ALLAH...THAT'S HIS JIHAD. WHAT'S YOURS?" The Metropolitan Transportation Authority correctly assessed that it is "reasonably foreseeable" this ad "would imminently incite or provoke violence or other immediate breach of the peace, and so harm, disrupt or interfere with safe, efficient, and orderly transportation." We now call upon the MTA to reject the remaining AFDI advertisements in accordance with your viewpoint-neutral advertisement policy.

In addition, we believe that under your viewpoint-neutral ad policy and judicially recognized non-public spaces within your system, the MTA is well within its legal authority to remove the ads in part, and reject additional advertisements. It would also be reasonable to conclude that sections vii, x, and xi of the MTA Advertising Standards may be used as a basis for denying the advertisements. As you may know, transit systems in other parts of the country successfully rejected ads by AFDI. In fact, the Sixth Circuit Court of Appeals¹ and district courts in Massachusetts² and Washington³ have upheld the decisions of their respective transit systems.

¹ *American Freedom Defense Initiative v. Suburban Mobility Auth. For Regional Transp.*, 698 F.3d 885 (6th Cir. 2012).

² *American Freedom Defense Initiative v. Mass. Bay Transp. Auth.*, 989 F.Supp.2d 182 (D.C. Mass. 2013).

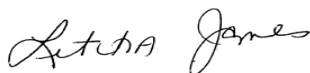
³ *American Freedom Defense Initiative v. King County*, 2014 Lexis 11982 (W.D.Wash. Jan. 30, 2014).

Moreover, you have a responsibility to provide a safe environment for all riders. Imagine how a Jewish or Muslim child on the subway feels when she reads an advertisement that reads “Islamic Jew-Hatred”? This is not what we want to teach our children. Inherent in the AFDI’s ad campaign is to treat Muslims as the “other”. You may recall AFDI’s earlier campaign where they refer to Muslims as “savages.” This we know leads to greater discrimination and violence.

It is estimated that there are close to a million Muslims who live and work in New York.⁴ Muslim New Yorkers enhance the richness of our shared community and contribute to all aspects of society while raising and supporting their families. Unfortunately, in recent years there has been an increase in hate crimes and discrimination against Muslims. By approving these ads, the MTA is complicit in allowing the defamation and victimization of the Muslim community. Already, we are witness to a 143 percent increase in anti-Muslim hate crimes over last year and these advertisements serve only to fuel a further rise.⁵ Thus, it is imperative you immediately remove them, as they are designed to incite hate and hateful conduct. It is your responsibility to provide a safe environment for all riders and workers. By allowing these ads to run you risk – and will be held responsible – for any incidents which stem as a result of these hateful messages.

We are a diverse city and our success rests with the millions who live here from every part of the world. Giving fear-mongers a platform to spew hate is inconsistent with our values and ideals. We must also ensure the safety of all. We ask that you use your constitutionally permissible authority to remove AFDI’s advertisements. We look forward to working with you and hearing your response.

Sincerely,



Letitia James

Public Advocate for the City of New York



I. Daneek Miller

Council Member, District 27



Antonio Reynoso

Co-Chair, Progressive Caucus



Donovan Richards

Co-Chair, Progressive Caucus



Mark Levine

Chair, Jewish Caucus



Rosie Mendez

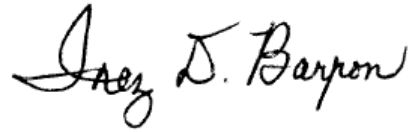
Co-Chair, BLA Caucus

⁴ *Muslims in New York City Unite on Push to Add Holidays to School Calendar*, N.Y. Times, April 17, 2014, available at, <http://www.nytimes.com/2014/04/18/nyregion/muslims-in-new-york-city-unite-on-push-to-add-holidays-to-school-calendar.html>.

⁵ *NYPD: Hate Crimes Against Muslims, Jews Up Due to Unrest Overseas*, CBS NEWS, Sept. 17, 2014, available at, <http://newyork.cbslocal.com/2014/09/17/nypd-hate-crimes-against-muslims-jews-up-due-to-unrest-overseas/>.



Andy King
Co-Chair, BLA Caucus



Inez D. Barron
Council Member, District 42



Margaret Chin
Council Member, District 1



Andrew Cohen
Council Member, District 11



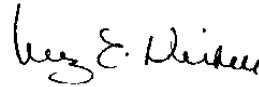
Costa Constantinides
Council Member, District 22



Robert Cornegy
Council Member, District 36



Laurie Cumbo
Council Member, District 35



Inez Dickens
Council Member, District 9



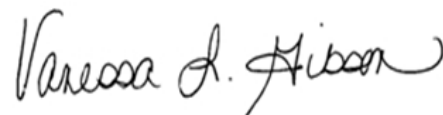
Daniel Dromm
Council Member, District 25



Rafael Espinal
Council Member, District 37



Julissa Ferreras
Council Member, District 21



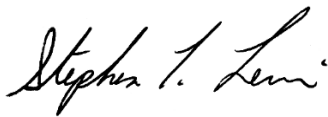
Vanessa Gibson
Council Member, District 16



Corey Johnson
Council Member, District 3



Peter Koo
Council Member, District 20



Stephen Levin
Council Member, District 33



Annabel Palma
Council Member, District 18



Deborah Rose
Council Member, District 49



Ritchie Torres
Council Member, District 15



Ben Kallos
Council Member, District 5



Brad Lander
Council Member, District 39



Carlos Menchaca
Council Member, District 38



Ydanis Rodriguez
Council Member, District 10



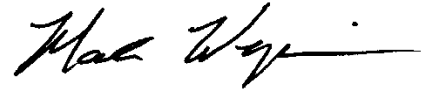
Helen Rosenthal
Council Member, District 6



Paul Vallone
Council Member, District 19



Jimmy Van Bramer
Council Member, District 26



Mark Weprin
Council Member, District 23



Jumanee Williams
Council Member, District 45



Ruben Wills
Council Member, District 28

CC: Mayor Bill de Blasio
CC: Commissioner William Bratton
CC: Darryl Irick, President, MTA Bus