

Transit Advertising and the First Amendment



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BART Ad Content Policy



- The First Amendment guides our practice
- Ads are reviewed without regard to point of view

First Amendment:

“**Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Point of View Ad - Accepted



Be on our side.
We are the side of peace and justice.

Palestinian designer

Israeli social worker

End U.S. military aid to Israel.
www.TwoPeoplesOneFuture.org

Advertisement paid for by the Committee for a Just Peace in Israel and Palestine

The advertisement features a central photograph of four people: a man with glasses and a red sweater, a man with a beard and a white t-shirt, a young girl with pigtails, and a young child in a pink outfit. They are all smiling and looking towards the camera. The text is overlaid on the image, with the main headline at the top, the individuals' professions in the middle, and the call to action and website at the bottom.

Point of View Ad - Rejected



STOP PALESTINIAN TERRORISM



PEACE MUST BE TAUGHT
SAYYES TO PEACE.ORG

Advertisement paid for by StandWithUs

Disparages an ethnic group

Displays weapons

Point of View Ad – Accepted, then Rejected



Disparages an ethnic group

Point of View Ad - Accepted



www.change.org/petitions/tell-bart-to-take-down-anti-palestine-ads

Thank you for your comment. As you may know, BART ordered a recent advertisement removed from this same organization because it contained a reference to "Palestinian Terrorism." We were able to order removal of the ad because it could be commonly interpreted in a way that is generally "Disparaging or Demeaning" to Palestinian people as a whole. BART does not have the same latitude with the new ad because its stance critical of political leaders is protected as free speech. The right of organizations to communicate their viewpoints has been long recognized by the Courts, so our ability to order removal of the ad is constrained. See *Maldonado v. Kempton*, 422 F. Supp. 2d 1169 (N.D. Cal. 2006).

Once again, thank you for writing to us. We are sorry that the ad is offensive to you, and will remove it ASAP when the contract period expires next week.

Commercial Ad – Withdrawn by Sponsor



I have seen this ad on BART trains for weeks and found it offensive at first glance. Especially after the Tucson gun rampage, it takes on a chilling new meaning. I'm originally from the DC area and am the child of federal employees. I have a Master of Public Administration degree and greatly revere the often thankless work performed by fellow public administrators around the country. I don't find it cute or humorous to even joke about shooting public servants- I didn't before Tucson, and I especially don't after this tragedy.

I'm asking that you help me ensure that this offensive Taxbrain.com ad is pulled from all BART trains and stations immediately.