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Sent: Saturday, May 3, 2025 7:59 PM

To: Larry Klein <mayorklein@sunnyvale.ca.gov>

Cc: Linda Sell <SellCouncil@sunnyvale.ca.gov>; Alysa Cisneros

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Subject: Formal Complaint Regarding Censorship of Free Expression at Hands on the Arts Festival

Dear Mayor Klein,

I am writing to formally demand accountability from the City of Sunnyvale for what appears to be an egregious violation of constitutional rights at the recent Hands on the Arts Festival. The reported censorship of the Palestine Palette Booth—through the compelled removal of artistic and historical materials, including depictions of historical Palestine—constitutes a blatant infringement of the fundamental rights to free speech and expression.

Let me be clear: the First Amendment to the U.S. Constitution prohibits government bodies from engaging in viewpoint-based suppression. Article I, Section 2 of the California Constitution goes even further, offering expansive protections for free expression in public forums. The City's actions, as reported, fly in the face of these clear legal mandates.

California courts—including the landmark *Robins v. Pruneyard Shopping Center*, 23 Cal.3d 899 (1979)—have repeatedly affirmed the heightened protection of expressive activity, particularly in public spaces and municipal events. No credible legal justification has been presented—nor is there any apparent basis—for the City's interference here. The removal of materials at the whim of a small, confrontational group of individuals does not meet the high constitutional threshold required to restrict speech. Unless the City can demonstrate that the materials met the strict legal tests for unprotected speech (incitement to imminent violence, true threats, or narrowly defined obscenity), this was an unlawful act of censorship.

In addition, California Government Code §11135 prohibits discrimination based on national origin, among other protected classes, in any program or activity administered by a public agency. The targeted suppression of Palestinian cultural expression—without any neutral, content-agnostic justification—raises serious concerns of discriminatory treatment, potentially exposing the City to liability.

This is not merely a matter of policy—it is a matter of law and fundamental rights. I therefore demand the following immediate actions:

1. A full and transparent public disclosure of the legal rationale and internal decision-making process behind the removal of the booth's materials;
2. A formal, public acknowledgment by the City that this censorship was a violation of constitutional and state protections, accompanied by a public apology to the affected artists and community members;

3. The immediate development and enforcement of robust, rights-respecting policies to guarantee that no artist or cultural exhibitor at City-sponsored events is ever again subjected to unlawful censorship or discrimination.

Failure to take swift corrective action will not only damage Sunnyvale's reputation as an inclusive and rights-respecting city but may also expose the City to legal consequences. I—and many others in the community—will be closely monitoring the City's response.

It is imperative that you act without delay to restore public trust and affirm Sunnyvale's commitment to the constitutional principles that govern us all.

Sincerely,

Syed Husaini