

EXHIBIT 2

Letter of Support from Constitutional Scholars and
First Amendment Lawyers

The Honorable George E. Pataki
Governor, State of New York
State Capitol
Albany, New York 12224

May 20, 2003

Dear Governor Pataki—

We are lawyers and law professors who litigate, teach, and/or write about First Amendment freedom of speech issues. We write to urge you to grant the petition for a posthumous pardon of Lenny Bruce for his November 4, 1964 obscenity conviction for performing a stand-up comedy routine at the Café Au Go Go nightclub in New York.

Lenny Bruce was a comedian with an uncommon critical perspective; he was undeniably unorthodox for his times. He could be rude, profane, and, to some no doubt, offensive. Still, that should not be a legal issue in the United States where freedom of expression is a key component of our national birthright. Indeed, the basic tenets of American freedom are jeopardized whenever an entertainer can be imprisoned for nothing more than using “bad” words in a nightclub performance. The First Amendment simply cannot countenance such forms of censorship.

While we sincerely hope that the State of New York will never again prosecute artists and performers with the same kind and degree of overzealousness that characterized its campaign to silence Lenny Bruce, we nonetheless think it important to try to right historical wrongs. The judgment of the courts and of history is that Lenny Bruce’s 1964 New York conviction was a bizarre aberration. That is our point. The conviction remains on the books even though virtually all agree that the prosecution should never have been brought and could not be sustained under the law, then or now. Uncorrected, the historical record is a stain on our Constitution and the Bill of Rights – and the Constitution of New York, too.

No pardon can save Lenny Bruce; he is dead. But a posthumous pardon could set the record straight and thereby demonstrate New York’s commitment to freedom – free speech, free press and free thinking. To admit past wrongs is to pledge a better and freer future, one in which entertainers and artists, among others, can experience firsthand the freedom ordained by our system of constitutional government.

We therefore urge you to do the right thing, to correct the historical record, and to pardon Lenny Bruce.

Respectfully,

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