

National Coalition Against Censorship

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NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of
School Administrators
American Association of
University Professors
American Association of
University Women
American Booksellers Foundat
for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teach
American Federation of Televis
& Radio Artists
American Jewish Committee
American Library Association
American Literary Translators
Association
American Orthopsychiatric As
American Society of Journalist
& Authors
Americans United for Separati
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Association of American Publi
Authors Guild
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College Art Association
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The Dramatists Guild of Amer
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PEN American Center
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of America
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Sexuality Information & Educa
Council of the U.S.
Society of Children's Book Wri
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellect
Unitarian Universalist Associa
United Church of Christ
Office of Communication
United Methodist Church
United Methodist Commu
Women's American ORT
Writers Guild of America, East
Writers Guild of America, Wes

To: Mayor Steven M. Fulop
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Division of Communications lvarsalona@jcnj.org

July 20, 2016

Dear Mayor Fulop,

I am writing on behalf of the Arts Advocacy Program at the National Coalition Against Censorship. As an organization dedicated to promoting the First Amendment right to free speech, including freedom of artistic expression, we are troubled to learn of the series of arbitrary changes imposed by City officials on a public artwork commissioned for Jersey City, and especially by the censorship of the work and painting over part of it. We urge you to take the opportunity to learn from the mistakes made in this case and develop a public art policy for Jersey City.

It is our understanding that, in May, the Jersey City Mural Arts Program commissioned local artist Gary Wynans, aka Mr. AbiLLity, to create a 33-foot floor mural based on one of his existing works: a creative twist on the traditional Monopoly board game. Located on the busy pedestrian plaza at Newark Avenue, the mural replaces the game's street names and other details with Jersey City street names and familiar local icons. The game's focus on money and real estate is used to bring attention to income disparities and gentrification in real-life Jersey City.

The artist worked with Brooke Hansson, Director of the Jersey City Mural Arts Program, until a final design was agreed upon. Ms. Hansson demanded a number of modifications so as to avoid offense and controversy: for instance, she rejected the inclusion of the names of low-income housing projects and the mention of "gentrification tax." While those changes to the artist's vision are troublesome, as they suppress key aspects of his message, even more troublesome are the series of modifications required after the mural was approved.

The element of the mural that became most controversial was the "Jail" square representing the artist's self-portrait, which some interpreted as representing a black man behind bars (Mr. Wynans is Italian and Puerto Rican). A number of residents, including state Assemblywoman Angela McKnight, said the image reinforced negative stereotypes of people of color and demanded that it be removed or changed. The City quickly yielded

to those demands and painted over the image of the artist, leaving instead a blank orange square.

The City's actions, based on what appear to be a series of subjective interpretations and individual complaints, raise serious First Amendment concerns. The practice of public officials using their power to arbitrarily remove elements of an artwork whose message some individuals do not like violates First Amendment principles. Government should not be forcing an artist, whose work they have selected for public installation, to modify their message so as to satisfy individual complainants. To do so would be to grant these individuals a heckler's veto.

Indeed, while some may have found the representation of what appeared like a black man in the jail square offensive, others may have interpreted it as a critique of the racial biases of our criminal justice system. Respecting diversity does not mean suppressing everything that could potentially generate an objection. Indeed, given the fact that art is open to multiple, sometimes conflicting interpretations, such a standard would jeopardize the City's entire Mural Arts Program.

Public art programs are a wonderful asset: they create a positive image of a city; they help development and give local artists expressive opportunities. However, public art by its very nature draws complaints and is exposed to controversy. For that reason we urge the City to develop a public art policy. We have seen how, in the current case, the lack of a clear public art selection and review process has forced the City to respond to complaints in an apparently arbitrary manner and censor the mural. This action is not only constitutionally suspect, it is also likely to put the City in a vulnerable position when other groups decide to complain about different works of public art: satisfying every complainant is likely to leave the whole program in shambles and create a negative image of the City as a censor.

We strongly suggest that, in the future, Jersey City puts in place a policy for the selection of art, as well as procedures for reviewing and responding to complaints consistent with First Amendment principles. We would also suggest that a review committee including local artists forms part of this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Svetlana Mintcheva".

Svetlana Mintcheva
Director of Programs
National Coalition Against Censorship
New York

Cc: Brooke Hansson, Director, Jersey City Mural Arts Program bhansson@jcnj.org