

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 Foundation
for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Federation of Television
& Radio Artists
American Jewish Committee
American Library Association
American Literary Translators
Association
American Orthopsychiatric Associati
American Society of Journalists
& Authors
Americans United for Separation of
Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Directors Guild of America
The Dramatists Guild of America
Educational Book & Media Associati
First Amendment Lawyers Associatio
International Reading Association
Lambda Legal
Modern Language Association
National Center for Science Educatio
National Communication Association
National Council for the Social Studie
National Council of Churches
National Council of Jewish Women
National Council of Teachers of Engli
National Education Association
PEN American Center
People For the American Way
Planned Parenthood Federation
of America
Screen Actors Guild
Sexuality Information & Education
Council of the U.S.
Society of Children's Book Writers
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church
United Methodist Communicator
Women's American ORT
Writers Guild of America, East
Writers Guild of America, West

To:

Mayor David Kaptain
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July 7, 2016

Dear Mayor Kaptain,

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 removal of "American Nocturne" from public view. We would like to caution the City Council against censoring the work, and to suggest a positive resolution such as using the mural as a teaching tool to spark further discussions about racial and political violence.

Our understanding is that after two public meetings and a vote, the Elgin Cultural Arts Commission put forward a recommendation to the City Council for the mural to be permanently removed from public view, and that it has already been dismantled and is in storage pending the City Council's decision. While we understand that the lack of transparency regarding the source image and the nature of that source image has caused offense and provoked anger in many members of the community, this cannot serve as a reason for city officials to suppress the work. As you must be aware, the First Amendment bars government from suppressing material because of its viewpoint or message.

Commissioner R. Darryl Thomas has stated that we "don't need to support hatred and violence with taxpayer dollars." But there is a serious distinction that the Commissioner is missing: "American Nocturne" is not violent nor does it advocate violence; it is a work *representing* hatred and violence. No matter how disturbing some people may find it, the mural is a work of art, a representation of ideas. As such it enjoys First Amendment protection. The fact that the mural was commissioned by the City does not make a difference: government may choose whether to spend public money on art, but once it has decided to do so, it may not then discriminate against a work because of disagreement with its viewpoint.

Aside from the Constitutional concerns it raises, the removal of the mural misses an opportunity to present a reminder about a terrible moment in our history. No matter how chilling and painful the reminder proves to be, the history of racial violence in America cannot and must not be suppressed; its legacy is still with us, and before forgetting the pain we need to collectively deal with that legacy's consequences so that past injustices will never be repeated.

Art often provokes impassioned responses—sometimes angry sometimes enthusiastic. However, as a government agency, Elgin's City Council cannot use its power to remove a particular viewpoint or message from public view and thereby discriminate against it. We strongly urge the Council to allow members of the public to see the mural and provide accompanying materials and mechanisms of response so to offer viewers a way of approaching and exploring this controversial subject.

Sincerely,



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Cc:

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