

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 Association
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 Association
First Amendment Lawyers Association
International Reading Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of Churches
National Council of Jewish Women
National Council of Teachers of English
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 Communications
Women's American ORT
Writers Guild of America, East
Writers Guild of America, West

To: Mayor Elizabeth B. Kautz
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To the Honorable Mayor Kautz:

The National Coalition Against Censorship (NCAC), founded in 1974, is an alliance of over 50 national nonprofit organizations, including literary, artistic, religious, educational, professional, labor, and civil liberties groups dedicated to promoting the right to free speech. The Dramatists Legal Defense Fund (DLDF), formed as a nonprofit arm of the Dramatists Guild of America, advocates on behalf of dramatists, theaters, audiences, and all those in the culture at large who are confronting censorship on stages across America. NCAC and DLDF write to the City of Burnsville to express our concern over the cancellation of Minneapolis-based playwright Derek ('Duck') Washington's play *Caucasian-Aggressive Pandas and Other Mulatto Tales* ('Pandas') by the city-owned Ames Center due to opposition to the word 'mulatto' in its title. The Ames Center's rejection of the play solely because of distaste towards a word in the title raises serious First Amendment concerns.

The following is our understanding of the facts; please inform us if you believe we are in error.

Pandas is a comedy performed by five actors (including the playwright, Derek Washington) that offers the playwright's perspective on the experience of growing up 'mulatto' (bi-racial) in America. In Washington's words, the play is "a collection of stories inspired by my life being biracial. The humorous and the awkward, funny and sad moments that have made me the person I am today." Previously, *Pandas* successfully appeared in the 2016 Minnesota Fringe Festival; it was the tenth-highest grossing play in the Festival and received critical accolades as well as nominations for 'Best Play' and 'Best Director.' Washington was voted 'Best Actor in a Play' for his performance.

Based on *Pandas*' success, the Chameleon Theatre Circle, a tenant in the Ames Center's black box theatre, invited Washington to produce *Pandas* for their 2017-18 season at the Ames Center. But when Chameleon sent the list of titles for its upcoming season to Ames Center Director Brian Luther, Luther responded with the demand that Chameleon remove the word 'mulatto' from *Pandas*' title or he would cancel the play. He deemed the word 'mulatto' to be "inappropriate," "derogatory," and "extremely offensive," and reasoned that its appearance on the Center's marquee and in marketing materials would have a compromising effect on ticket sales.

Washington refused to change the title of his play, stating it was not an aesthetically sound choice, and that it would be confusing and therefore difficult to leverage the play's previous success in the absence of its original title. Chameleon supported Washington in his decision, standing up for their right to produce works they feel are worthy without outside meddling.

Luther took the problem to city council members, recommending that the play be removed from the schedule if the word 'mulatto' remained in its title. City officials backed his decision. Partially in response to the rejection of the play, Chameleon ended their relationship with the Center and will be leaving the space.

The Ames Center's cancellation of the show illustrates precisely why First Amendment protections are needed: While Mr. Luther may personally find the word 'mulatto' offensive and worry that potential ticket buyers may react similarly, city officials are barred by the First Amendment from suppressing expression that could potentially generate offense. If all expression that could cause pain or disturb were to be suppressed, public discourse and debate would be radically impoverished, and hope for open dialogue on difficult topics would be imperiled.

The cancellation of *Pandas* jeopardizes the creative freedom of Duck Washington and contributes to marginalizing the unique perspectives of members of the biracial community; it also deprives the Burnsville public of the opportunity to view and enjoy the play, removing the possibility for a much-needed conversation about race, identity, and otherness.

After reading about the play's cancellation in local news outlets, Bloomington Center for the Arts, a public facility in the town five miles north of Burnsville, has invited Washington to produce the *Pandas* as part of their 2018 season. Burnsville's lost opportunity has become Bloomington's gain, and the arbitrary nature of the decision to cancel the play has been made all the more clear.

While the new production is a victory for the artist and the company, it also sends the message that artistic freedom is welcome elsewhere but not in the City of Burnsville. To counteract this impression, we hope the City takes positive measures to reaffirm its support for core First Amendment principles:

NCAC and DLDF demand a public apology from the City for restricting the creative freedom of Duck Washington and the Chameleon Theater Circle. We also strongly urge the City to develop a formal policy governing artistic programming at the Ames Center to ensure that it is in compliance with First Amendment requirements. We would be happy to assist you in drafting such a policy.

Sincerely,



Svetlana Mintcheva, Director of Programs
National Coalition Against Censorship



Ralph Sevush, Executive Director & Officer
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