

National Coalition Against Censorship

Board of Directors
Belskie Museum of Art & Science
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NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of
School Administrators (The School
Superintendents Association)
American Association of
University Professors
American Association of
University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Orthopsychiatric Association (Global
Alliance for Behavioral Health and Social
Justice)
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
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches (of Christ in
the USA)
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center (PEN America)
People For the American Way
Planned Parenthood Federation
of America
Project Censored
SAG-AFTRA
Sexuality Information & Education Council of
the U.S.
Society of Children's Book Writers
& Illustrators
Speech Communication Association
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
Woodhull Freedom Foundation
Writers Guild of America, East
Writers Guild of America, West

April 17, 2018

Dear Members of the Board,

As an organization dedicated to promoting free speech, including freedom of artistic expression, we were deeply concerned to learn that the Belskie Museum of Art & Science has removed five paintings from their current exhibition due to board members' mistaken assumption that these works are illegal desecrations of the American flag. In fact, the desecration of the flag, which can include placing it on the ground, painting, drawing or writing on it, incorporating it into artworks and even burning it in symbolic protest, is fully protected speech under the US Constitution. Rather, it is the removal of these works that is a violation of free speech principles. The action may also run afoul of the museum's contract with the artist. We demand that the museum immediately restore these paintings and issue a public apology to the artist.

It is our understanding that a guest curator, Dora Espinoza, invited Philadelphia-based artist Renny Molenaar to participate in *AMERICAN DREAM: The Latino Experience in America*, a group exhibition featuring works of contemporary art created by immigrants and first-generation American citizens who are part of the Latin American diaspora. Ms. Espinoza chose five paintings from the series *Disappointing Patriotic Sex Paintings*, and the museum approved them.

Two days prior to its opening, the board chose to eject Mr. Molenaar's five paintings from the show because they incorporate actual US Flags, explaining to him in an unsigned email:

When your work was presented to our museum, it was a picture, which we assumed was a painting of a U.S. flag and not painting on an actual flag. Painting or drawing on an actual U.S. flag is contrary to The United States Flag Code (see U.S. Code>Title 18>Part 1>Chapter 33). Section 8 (g) states the following:

The flag should never have placed upon it , nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature".

Since the museum is invoking legal principles to support its action, it is important for the board to note them accurately. Incorporating US flags in an artwork is, in fact, a form of speech that enjoys full protection under the US Constitution. The US Flag Code, quoted above, was ruled unconstitutional in *United States v. Eichman*, 496 U.S. 310 (1990).

It would be instructive for the board to recall artist Dread Scott's 1989 installation, *What Is the Proper Way to Display a U.S. Flag?* created for a student exhibition while he was enrolled at the School of the Art Institute of Chicago. In it, a US flag was displayed on the ground beneath a photomontage and a comment book; visitors were asked to record their impressions in the book with the option of standing on the flag. The piece sparked national controversy, and Congress introduced legislation ("The Flag Protection Act") to prohibit willfully displaying the US flag on the floor or ground. The Supreme Court case that followed, mentioned above, *United States v. Eichman*, 496 U.S. 310 (1990), struck down The Flag Protection Act, ruling it a violation of free speech under the First Amendment. It built on the 1989 opinion handed down in the Court's decision in *Texas v. Johnson*, 491 U.S. 397 (1989), which invalidated prohibitions to desecrating the American flag, upholding the First Amendment right to burn the flag as symbolic political speech.

As a cultural institution, the Belskie Museum of Art & Science bears a responsibility to enhance and enrich the intellectual and cultural life of its community. Part of this responsibility includes understanding the context of the works it puts on display, and the relationships of trust it garners with artists, curators and the public alike. It does this partly through its exhibitions program, which, in the spirit of Art and Science, provides learning opportunities through engaging and thought provoking encounters. The paintings the museum removed from the exhibition *AMERICAN DREAM: The Latino Experience in America*, were created by Mr. Molenaar in response to the current political climate; his decision to accept the invitation to the exhibition was itself made in response to the urgent plight of immigrants and deportees. Of the museum board's censorship, he writes: "This kind of behavior haunts our memories and our imaginations... it is an assault on our every right to express ourselves. The irony isn't only in the title of the exhibition, but that the work is political, [...] as it concerns sex, art and censorship itself."

We strongly encourage you to weigh the implications of censoring works based on the discomfort of some viewers, even your board members. The museum should honor their mission as an institution that promotes Art and Science, as well as their individual contracts made in good faith. We reiterate our demand that the museum immediately restore these paintings and issue a public apology to the artist.

Due to the brief timeline of the exhibition, which closes after April 29, we request a response to this letter by Thursday of this week (April 19). We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'JG', written in a cursive style.

Joy Garnett
Arts Advocacy Associate
National Coalition Against Censorship