

**NCAC PARTICIPATING ORGANIZATIONS**

Actors' Equity Association  
American Association of School Administrators  
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  
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  
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  
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  
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 Sexual Freedom Alliance  
Writers Guild of America, East  
Writers Guild of America, West

Kansas Governor Jeff Colyer  
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Secretary of State Kris Kobach  
Kansas Secretary of State  
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July 12, 2018

Dear Governor Colyer and Secretary of State Kobach,

As an organization dedicated to promoting free speech, including freedom of artistic expression, the National Coalition Against Censorship was deeply concerned to learn that you pressured the University of Kansas (KU) to remove an artwork because you find it personally offensive. Pressuring public institutions to remove artworks that some members of the community may not like raises serious free speech concerns. It is precisely public institutions like KU that are constitutionally bound to avoid this type of viewpoint censorship. We urge you to immediately encourage KU to restore the flag to the location where it was intended to fly as a public artwork.

Fashioned from a US flag and intended to depict a divided nation, the work has since been relocated to a space inside the Spencer Museum of Art. While it is commendable that KU has found a way to keep the flag on view through the remainder of the exhibition (through July 30th), it is unfortunately only accessible to museum visitors and not the broader campus community, visitors and passersby as was intended.

The work, *Untitled (Flag 2)* by artist Josephine Meckseper, is part of "Pledges of Allegiance," a nationwide public art project organized by the arts nonprofit Creative Time. The series incorporates 16 rotating flags commissioned from artists around the world to address a variety of topics.

Your repeated assertions that desecration of the American flag is an illegal act are erroneous. The use of US flags in artworks is a form of speech that enjoys full protection under the US Constitution. ***Rather, it is the removal of this work that threatens our closely held civil liberties.*** As government officials, it is your duty to uphold the First Amendment, which protects controversial or unpopular speech, including works of artistic expression.

Art that expresses ideas that some, or even most, find upsetting is nonetheless fully protected by the First Amendment. In 1990, in *United States v. Eichman*, 496 U.S. 310, the Supreme Court struck down The Flag Protection Act, which was passed in response to a controversial artwork that included a flag. Earlier, the Court had overturned a law banning desecration of the flag, *Texas v. Johnson*, 491 U.S. 397 (1989).

Chancellor Girod has written that the “Pledges of Allegiance” project is “intended to foster difficult conversations.” We urge you not to infringe upon your constituents’ fundamental right of free expression by demanding that difficult content be hidden away, especially at your state’s largest institution of higher learning.

Sincerely,

A handwritten signature in black ink that reads "Chris Finan". The signature is written in a cursive, slightly slanted style.

Christopher Finan  
Executive Director

A handwritten signature in black ink that reads "Joy Garnett". The signature is written in a cursive, slightly slanted style.

Joy Garnett  
Arts Advocacy Associate  
National Coalition Against Censorship

Cc:  
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