

November 7, 2018

## Arts and Free Speech Organizations Oppose DC Commission on the Arts & Humanities Grant Amendment

This week, DC Commission on the Arts & Humanities grantees received an amendment to their grant contracts, which, if allowed to stand, will chill their expressive freedom by introducing broad new content restrictions. As supporters of an open cultural sphere, we strongly oppose this blatant – and likely unconstitutional - attempt to censor artists and cultural institutions.

The new amendment allows for the termination of any DCCAH grant if the work it supports is deemed “lewd, lascivious, vulgar, overtly political, or excessively violent, constitutes sexual harassment, or is, in any other way, illegal.” Apparently recognizing that the terms “lewd, lascivious, vulgar, overtly political, or excessively violent” have no legal definition and are thus open to subjective interpretation, the amendment gives DCCAH complete discretion to decide what work meets these criteria.

The DCCAH amendment is reminiscent of the 1989 addition to the National Endowment for the Arts (NEA) appropriations bill (a.k.a. “The Helms Amendment”), which barred NEA funds from being used to support “materials which in the judgment of the NEA... may be considered obscene.” A federal court invalidated the amendment as unconstitutionally vague and chilling the exercise of First Amendment rights.

The current DCCAH amendment goes farther than the unconstitutional Helms Amendment to ban an even broader range of material, threatening not only sexually suggestive material but also all political expression. It opens wide the possibility for DCCAH to discriminate against viewpoints it dislikes by subjectively declaring work “vulgar” or “overtly political” and encourages grantees to self-censor in the effort to protect their grants.

It is unclear what inspired the amendment. The updated clause was sent directly to grantees, but has not been approved by the Commissioners themselves. Whatever its exact origin, this attack on artistic freedom in our politically polarized times raises the sinister specter of renewed attempts at government censorship of the arts. It is easy to see whole categories of art production stifled by this new requirement, which places grantees in an extremely precarious situation, arguably making impossible their core work as democratic cultural institutions.

We urge the DC Commission on the Arts & Humanities to immediately retract the amendment and issue a statement reaffirming their commitment to the fundamental democratic value of artistic freedom.

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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 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  
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