

# NATIONAL COALITION AGAINST CENSORSHIP

July 28, 2021

Governing Board  
Texas State Preservation Board  
201 E 14th St Suite 950  
Austin, Texas 78701

Re: Cancellation of *Forget the Alamo* event at the Bullock Texas State History Museum

Dear Board members:

As organizations dedicated to free expression, particularly in the arts, culture and education, we are deeply concerned by your decision to compel the Bullock Texas State History Museum to cancel a July 1 event with the authors of *Forget the Alamo: The Rise and Fall of an American Myth*. It is our understanding that the Bullock withdrew as co-host of the virtual event after Governing Board members, including Lt. Governor Dan Patrick, publicly criticized the book's interpretation of historical events and ordered museum leadership to cancel the event. This directive is contrary to both state law and the First Amendment. We urge the Board to immediately clarify that, while it can act in an advisory capacity, it does not have the power to overrule the curatorial decisions of Bullock Museum staff merely because Board members disagree with the views expressed in museum exhibits or by participants in museum events.

The Board's censorious veto over the program was contrary to state law. The Board's authority over the operations of the Bullock Museum is closely circumscribed by state statutes and regulations. Those statutes and regulations do not empower the Board with the discretion to make programming decisions. Rather, under those provisions, exhibits and events can only be rejected if they fail to serve a public purpose; have an illegal purpose; promote or advertise a commercial enterprise; or constitute a danger to persons or property. *13 Texas Admin Code §§ 111.13 and 111.14*. Significantly, the regulations define "public purpose" to include promotion of education and exclude from "public purpose" exhibits or events which promote a specific viewpoint only if they "could be considered lobbying."

*Forget the Alamo* reframes the history of the Battle of the Alamo, complicating traditional narratives by highlighting the role preserving slavery played in Texas's fight for independence from Mexico. In our polarized political climate, the topic is

## NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association  
AICA-USA  
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 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  
Freedom to Read Foundation  
Global Alliance for Behavioral Health and Social Justice  
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 NewsGuild-CWA  
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  
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

as controversial as it is relevant. But discussing a book about a historical event at a history museum does not constitute an endorsement of the views expressed by the authors. On the contrary, by hosting the event, the museum was doing exactly what a history museum should be doing: offering space for discussion. Indeed, the event was precisely in line with the Bullock Museum's stated mission to "interpret the continually unfolding Story of Texas through meaningful educational experiences." The discussion of *Forget the Alamo* was clearly educational in nature, did not constitute lobbying, and was not otherwise excludable. Thus, the cancellation appears to violate the applicable regulations and is beyond the scope of the Board's authority over the Bullock Museum.

It is clear from the public statements of Texas government officials that the event was cancelled because those officials disagreed with the views expressed by the authors of the book. Such viewpoint discrimination is unconstitutional. While the Museum's offerings do not constitute a traditional public forum, even in nonpublic fora, the government may not engage in viewpoint discrimination.<sup>1</sup> With increasing frequency, elected officials are using their power to pressure cultural institutions to censor ideas with which they disagree. The First Amendment was designed to prevent just that type of censorship, and to ensure that "no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion[.]" *West Virginia Board of Education v. Barnette*, 319 U. S. 624, 642 (1943). Ordering the cancellation of the *Forget the Alamo* event is precisely what the First Amendment forbids.

We call upon the Board to clarify that its oversight of the Bullock Museum does not extend to dictating the content of exhibits or events, and to affirm the autonomy of museum staff to make programming decisions without undue political interference.

Thank you for your attention to this important issue.

Sincerely yours,



Christopher Finan  
Executive Director  
National Coalition Against Censorship

Co-signed by:  
The Authors Guild

---

<sup>1</sup> See *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 US 37, 46 (1983) (government may not discriminate based on viewpoint in even a nonpublic forum); *Cornelius v. NAACP Legal Defense & Ed. Fund, Inc.*, 473 US 788, 806 (1985) ("Control over access to a nonpublic forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum *and are viewpoint neutral.*") (Emphasis added and citation omitted); *Hobbs v. Hawkins*, 968 F.2d 471, 481 (5th Cir.1992) ("viewpoint discrimination violates the First Amendment regardless of the forum's classification").