

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**

**ARTS  
ADVOCACY  
PROGRAM**

September 16, 2021

Governor Michael L. Parson  
P.O. Box 720  
Jefferson City, MO 65102

Dear Gov. Parson:

As a coalition of organizations dedicated to the First Amendment right to free speech, including freedom of artistic expression, we were deeply concerned to learn that the State has removed an exhibit about LGBTQ history from the Missouri Capitol and has relocated it to another venue. Because the removal took place following complaints about its content from a handful of legislators and one state employee. [who apparently deemed the exhibit to be contrary to “family values,”] It is apparent that the removal was motivated by hostility to the viewpoints expressed in the exhibit. This act of censorship flies in the face of the state’s First Amendment obligations of both the State of Missouri and Jefferson City.. We strongly urge you to order the exhibit returned to the Capitol, and to take steps to ensure that similar acts of censorship do not occur in the future.

We understand that state officials claim that the exhibit was removed because it had not been approved by the state’s Board of Public Buildings. However, we have been told that, for at least the last two decades, no exhibit has been approved by the Board, nor removed because the Board had not given its approval. That suggests that the absence of Board approval was not the real reason but a pretext for an act of viewpoint discrimination.

Removing the exhibit raises serious First Amendment concerns. Our courts have time and again reaffirmed that the First Amendment prohibits public officials from censoring art they find offensive or provocative. The case of *Hopper and Rupp v. City of Pasco*, 241 F.3d 1067 (2001) in the Ninth Circuit Court of Appeals is a case in point. The plaintiff artists were invited to display their work at City Hall and were then precluded from doing so because the work provoked controversy and public officials considered it “sexually suggestive.”

The appeals court noted that Pasco, by opening its display space to expressive activity evinced “an intent to create a designated public forum.” In such a forum, the court concluded, the content-based removal of work would only be justifiable if there is a “compelling state interest and is narrowly drawn to

**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

achieve that end.” As a public space open to exhibiting artwork, state-owned spaces are ruled by the free speech clause in the First Amendment. This means that government officials cannot arbitrarily or systematically impose their prejudices on a curated exhibition, simply by labeling works “inappropriate” or “contrary to family values.”

The fact that the exhibit has found another home does not relieve government officials from liability for its removal. The State of Missouri must decide whether it will allow the prejudices of a few people to determine what the public can see. We hope that the State will return the exhibit to the Capitol and will develop guidelines governing the display of exhibitions in government spaces that recognize the freedom of artists and historians to express diverse views and affirm the rights of people in the community to see a wide range of artistic and historical exhibits. We would be happy to work with you in developing those guidelines

With warm regards,

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

Christopher Finan  
Executive Director  
National Coalition Against Censorship