

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**



February 23, 2023

Carol Probstfeld  
Office of the President  
State College of Florida, Manatee-Sarasota  
5840 26th Street West  
Bradenton, Florida 34207

*Sent via U.S. Mail and Electronic Mail (presidentsoffice@scf.edu)*

Dear President Probstfeld:

As nonpartisan organizations dedicated to freedom of speech, thought, and inquiry, the National Coalition Against Censorship and the Foundation for Individual Rights and Expression are alarmed by reports of the apparently politically motivated censorship of an art exhibition at the State College of Florida, Manatee-Sarasota's Bradenton campus.

The exhibition, organized around the theme of "Embracing Kindness," was invited by SCF in early 2022 and due to open in April 2023.<sup>1</sup> Yet the organizers canceled the exhibition earlier this month after SCF Bradenton requested the removal of certain pieces.

The group responsible for the exhibition, Embracing Our Differences (EOD), is an arts and education organization in Sarasota, Florida, that produces an annual juried art exhibition in Sarasota's downtown city park.<sup>2</sup> The program attracts thousands of creative writing and visual arts submissions from around the world, fifty of which are selected from each category and paired together on billboard-sized displays for public view.<sup>3</sup> For the organization's 20th Anniversary this year, EOD arranged to bring their international exhibition to additional locations, one of which was SCF Bradenton.

But on January 31, Florida Governor Ron DeSantis held a press conference on Bradenton's campus announcing funding cuts to diversity, equity, and inclusion programs in the state's university system.<sup>4</sup> Shortly after, SCF Bradenton leadership told EOD they had concerns about the content of the artwork.<sup>5</sup> In particular,

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<sup>1</sup> Steven Walker, *Art exhibit canceled after SCF objects to works featuring diversity and inclusion*, THE GAINESVILLE SUN, Feb. 15, 2023, <https://www.gainesville.com/story/news/education/2023/02/15/embracing-our-differences-exhibit-canceled-at-state-college-of-florida-over-diversity-and-inclusion/69907264007>.

<sup>2</sup> Who We Are, About Us, EMBRACING OUR DIFFERENCES, <https://www.embracingourdifferences.org/mission>.

<sup>3</sup> About the Exhibit, EMBRACING OUR DIFFERENCES, <https://www.embracingourdifferences.org/exhibit>.

<sup>4</sup> Anthony Izaguirre, *DeSantis pushes ban on diversity programs in state colleges*, THE AP, Feb. 1, 2023, <https://apnews.com/article/ron-desantis-florida-state-government-race-and-ethnicity-b1d847ddc5e1f136b17f254f71fd15dc>.

<sup>5</sup> Walker, *supra* note 1.

they requested removal of the words “inclusion,” “equality,” “justice,” and “diversity” from three of the billboards, and the removal of an entire billboard referencing abortion rights. Even though these themes are consistent with those of

EOD’s mission and its previous exhibitions, SCF reportedly expressed concern that the billboards might offend some viewers and could threaten the safety and security of the college community.<sup>6</sup> In response, EOD leadership decided to cancel the show rather than succumb to censorship.<sup>7</sup>

SCF should not have asked EOD to sanitize the works in the first place.

As a public university, SCF Bradenton’s primary responsibility is to serve and educate its students, and to do so, it needs to be able to stand up to political pressure rather than shield students from expression about controversial topics. As a government actor bound by the First Amendment,<sup>8</sup> SCF administrators may not censor campus expression—including art—simply because some dislike the artistic message. Instead, the “bedrock principle underlying the First Amendment . . . is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”<sup>9</sup> This protection extends to artistic expression,<sup>10</sup> particularly where it sends a political message or addresses other matters of public concern.

The Supreme Court has held that the government cannot censor particular words displayed in public simply because those words may offend some viewers. In the landmark case of *Cohen v. California*, the Court held Paul Cohen’s arrest—for wearing a jacket in a Los Angeles courthouse that was emblazoned with “Fuck the Draft”—was unconstitutional. The Court wrote that “while the particular four-letter word . . . is perhaps more distasteful than most others of its genre, it is nevertheless often true that one man’s vulgarity is another’s lyric.”<sup>11</sup> If viewers find the EOD exhibit offensive or upsetting, they are free to look away, just as the occupants of the Los Angeles Superior Court were free to avert their eyes from Mr. Cohen’s jacket and its colorful language. This, rather than censorship, is what the Constitution demands.

A commitment to this kind of robust, open dialogue is especially important on a university campus, the quintessential “marketplace of ideas” where “the vigilant protection of constitutional freedoms is nowhere more vital.”<sup>12</sup> The arts are integral to these pursuits, and on-campus opportunities for students to encounter a wide variety of artistic expression should be preserved and encouraged, rather than censored to serve powerful political interests.

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> It has long been settled law that the First Amendment is binding on public universities. *See, e.g., Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses.”).

<sup>9</sup> *See, e.g., Texas v. Johnson*, 491 U.S. 397, 414 (1989).

<sup>10</sup> *Texas v. Johnson*, 491 U.S. 397, 404 (1989) (Freedom of expression “does not end at the spoken or written word.”).

<sup>11</sup> 403 U.S. 15, 25 (1971).

<sup>12</sup> *Healy*, 408 U.S. at 180 (internal citations omitted.)

We appreciate your time and attention to our concerns and respectfully request a substantive response to this letter no later than the close of business on March 9, 2023, confirming SCF Bradenton will adopt viewpoint-neutral exhibition review criteria that emphasize and uphold free expression.

Sincerely,



Elizabeth Larison  
Director, Arts and Culture Advocacy Program  
NCAC



Haley Gluhanich,  
Program Officer, Campus Rights Advocacy  
FIRE

Cc: Sarah Wertheimer, Executive Director, Embracing Our Differences

#### National Coalition Against Censorship

Since its inception in 1974, the National Coalition Against Censorship (NCAC) has functioned as a first responder in protecting freedom of expression, a fundamental human right and a keystone of democracy. Representing 59 trusted education, publishing, and arts organizations, NCAC encourages and facilitates dialogue between diverse voices and perspectives, including those that have historically been silenced.

#### Foundation for Individual Rights and Expression

The Foundation for Individual Rights and Expression's mission is to defend and sustain the individual rights of all Americans to free speech and free thought — the most essential qualities of liberty. FIRE educates Americans about the importance of these inalienable rights, promotes a culture of respect for these rights, and provides the means to preserve them.