

**NATIONAL
COALITION
AGAINST
CENSORSHIP**



August 10, 2023

Chris Brady, City Manager
Natalie Nadolski Lewis, Deputy City Manager
PO Box 1466
Mesa, AZ 85211

Sent via email to Chris.Brady@mesaaz.gov, Natalie.lewis@mesaaz.gov

Dear City Manager Brady and Deputy City Manager Nadolksi Lewis,

We write on behalf of the National Coalition Against Censorship and the American Civil Liberties Union of Arizona—nonpartisan organizations dedicated to defending freedom of speech, thought, and inquiry—to express our alarm at reports that the City of Mesa has forced the “postponement” of an entire exhibition season at the Mesa Arts Center because the City’s requests to censor an artwork critical of police brutality were met with resistance. Government-led efforts to prevent a municipal museum from displaying an artwork because of the ideas it expresses, raises serious First Amendment concerns. The sudden suspension of all scheduled exhibitions in favor of a year-long project celebrating Mesa as an “All American City” underlines a determination by government officials to avoid all controversial art. We urge you to revert to the vibrant schedule of exhibitions that were originally planned, and recognize the City’s duty to uphold freedom of artistic expression.

It is our understanding that *Facing the Giant: Three Decades of Dissent*, a traveling exhibition of work by the celebrated street artist and activist Shepard Fairey, was scheduled for display at the Mesa Arts Center from September 8, 2023 - January 21, 2024. In an agit-prop style typical of the artist, the exhibition features silk screened posters espousing views critical of the military industrial complex, government corruption, and police brutality, while celebrating themes of grassroots resistance, racial equality, and immigrants’ rights. However, in late July, staff at the Mesa Arts Center received requests to remove one particular work from the show. The poster in question, *My Florist is a Dick*, depicts a skeletal police officer in riot gear holding a large flower. City representatives stated they didn’t want to offend municipal police officers.

This is particularly concerning because museum staff had been drafting, in collaboration with city representatives, large signage indicating that individual artworks on display in the Mesa Arts

Center represent the views of their creators and do not necessarily reflect those of the city government.

When the arts center staff would not comply with the city's request, the city announced that the entire 2023-24 exhibition season would be "postponed" to accommodate a year-long project celebrating Mesa's recognition as an "All American City."

Government-run agencies may determine what arts projects to fund and display, but their First Amendment obligations explicitly prevent them from denying projects with messages they dislike while permitting those they support. Efforts to prevent the display of an artwork on account that it might cause offense does not justify censorship. In this era of intense political polarization, many artworks may be offensive to someone's viewpoint.

The Supreme Court has held that the government, including a municipal government, "has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Reed v. Town of Glendale*, 576 U.S. 155, 163 (2015). Such content-based restrictions on expression—those that target speech or expression based on its communicative content—are presumptively unconstitutional. *Id.* This is because "the emotive impact of speech on its audience is not a secondary effect unrelated to the content of the expression itself." *Texas v. Johnson*, 491 U.S. 397, 412 (1989).

For these reasons, we urge the City of Mesa to reinstate the Mesa Arts Center's exhibition season. Due to the timeline under consideration, we request a response to this letter by Thursday, August 17, a week from today. We look forward to hearing from you.

Sincerely,



Elizabeth Larison
Director, Arts & Culture Advocacy Program
National Coalition Against Censorship



Jared Keenan
Legal Director
American Civil Liberties Union of Arizona

cc: John Giles, Mayor
Mark Freeman, City Councilmember
Judy Spilsbury, City Councilmember
Francisco Heredia, Vice Mayor
Jenn Duff, City Councilmember
Alicia Goforth, City Councilmember
Scott Somers, City Councilmember

Annalisa Alvrus, Museum and Cultural Advisory Board
Katelyn Armbruster, Museum and Cultural Advisory Board
Angela Buer, Museum and Cultural Advisory Board
Colleen Byron, Museum and Cultural Advisory Board
Greg DeSimone, Museum and Cultural Advisory Board
Kerry Lengel, Museum and Cultural Advisory Board
Andre Miller, Museum and Cultural Advisory Board
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Melvin Van Vorst, Museum and Cultural Advisory Board
Nick Willis, Museum and Cultural Advisory Board