

NATIONAL COALITION AGAINST CENSORSHIP

19 October 2023

Julie Ventura, Branch Manager
Shelley Macon, Library Manager
Catherine Schweinsberg Rood Central Library
Brevard County Board of County Commissioners
550 North Brevard Ave.
Cocoa Beach, FL 32931

Sent via email to JVventura@Brev.org and SMAcon@Brev.org

Dear Managers Ventura and Macon,

As a nonpartisan organization dedicated to freedom of speech, thought, and inquiry, the National Coalition Against Censorship is concerned by the recent removal of John Cielukowski's artwork *A Mother's Love* from display at Catherine Schweinsberg Rood Central Library in Cocoa, Florida. Under the First Amendment, government-run institutions—which include public libraries—are prohibited from restricting access to materials based on viewpoints that are expressed in them. We urge you to uphold this principle of viewpoint neutrality by re-inviting Mr. Cielukowski to show his contested work in the library, and formalizing a policy for displaying artwork in your library that upholds freedom of artistic expression.

It is our understanding that, as a member of the Central Brevard Art Association (CBAA), Mr. Cielukowski recently participated in the Association's "Art in Public Spaces" initiative, in which member artists hang work within local government buildings, including the Catherine Schweinsberg Rood Central Library. Mr. Cielukowski's painting, *A Mother's Love*, is divided into two panels: one side shows a mother cow with an ear tag, and the other side shows a calf in a high-walled room with a small window, along with text describing in somewhat harsh terms the realities of the veal and dairy industry. According to press reports, four days after the work went up in the children's section of the library, Mr. Cielukowski received a phone call from the library's director, who stated the artist's work had to be removed on account of it being "inappropriate," with no further explanation given. In response to Mr. Cielukowski's proposal to move his work to another area of the library, he was told it would be inappropriate regardless of its location within the building.

Public libraries generally have the ability to determine what books, programs, and artworks are accessible within their walls. However, the First Amendment prohibits public libraries from removing or canceling those offerings on account of distaste towards the ideas they express. The Library's failure to clarify what makes Mr. Cielukowski's artwork "inappropriate" raises

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
Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
Global Alliance for Behavioral Health and Social Justice
International Association of Art Critics United States (AICA-USA)
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 Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The News Guild-CWA
PEN America
People for the American Way
PFLAG National
Planned Parenthood Federation of America
Poets & Writers
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
Unitarian Universalist Association
United Church of Christ, Office of Communication
United Methodist Church, United Methodist Communications
Women's American ORT
Woodhull Freedom Foundation
Writers Guild of America, East
Writers Guild of America, West

our concern and suggests that the potentially controversial viewpoint expressed in the work was the reason for its removal.

Such viewpoint-based censorship, aside from the First Amendment concerns it raises, also violates the fundamental purpose of a library. Books, art, and other programs offered within a public library should present a wide variety of perspectives to allow patrons of all ages and all backgrounds to learn more about the world around them. When a public library has a policy of inviting artwork from local artists, it cannot suddenly exclude specific artworks or artists on account that certain public servants or patrons dislike their messages. For these reasons, the library should demonstrate its commitment to the First Amendment and re-invite Mr. Cielukowski to display *A Mother's Love* to Catherine Schweinsberg Rood Central Library.

And where the library has programmatic restrictions on what can be expressed/displayed in the children's section specifically, those restrictions should be clear, consistent, and communicated early to avoid the risk of engaging in viewpoint-based censorship in reaction to criticism of existing programs and expression.

We have attached a set of guidelines drafted by the NCAC and the American Library Association outlining how libraries can uphold freedom of expression while exhibiting controversial material. Especially relevant measures include the adoption of a transparent process of artwork selection that is based on objective and viewpoint neutral criteria, and the establishment of protocols for handling controversy. We encourage you to draw from these resources, and include in your Exhibition Guidelines a commitment to the First Amendment.

Please contact us if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Larison". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

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

LIBRARY EXHIBITION GUIDELINES [DRAFT]

VISUAL AND PERFORMING ARTS IN LIBRARIES An Interpretation of the Library Bill of Rights

Introduction

Twenty-first century libraries usually include the visual arts in their collections, exhibits, and services. Performing arts are an integral part of such programs as teen media centers and community entertainment. ALA affirms that the visual and performing arts are as integral to library collections and services as books, online and Internet content, and exhibits. The right of the library's community to access, view, create, or interact with the visual and performing arts is the same as the right to access all content and services offered to the public. Visual and performing arts, like books, have the power to transform the library user into a more informed and participating community member and library user.

As recent *Library Bill of Rights* interpretations have stated, library space is increasingly used for the community to interact with the content or programs. Libraries still offer music and art for circulation or via Internet resources, and many now offer facilities for users to create their own. Art is not only circulated, but also displayed in temporary exhibits, as permanent or long term loaned installations, or created during programmatic activities. Finally, libraries are increasingly the site for multimedia content and performances.

Applicable Library Bill of Rights Interpretations

A. Meeting Rooms (Part II, Chapter Six, 9th edition, *Intellectual Freedom Manual*)

Libraries may, but are not required to, offer interactive group spaces that may host performing arts rehearsals or performances. Groups may meet in library meeting rooms, auditoriums, galleries, makerspaces, study rooms, or spaces like teen media centers. If such space is offered by a library, the library should have a written policy that governs the use of this space.

Gatherings in collaborative areas of the library should be covered by the library's general patron conduct policy. This policy should indicate that the space is available on an equitable basis regardless of beliefs or affiliations of individual groups requesting use of the space. Library policy should affirm that these spaces are available on an equitable basis regardless of beliefs or affiliations of individual groups requesting use of the space. For programs planned by the library, care should be taken, as with collection development, to provide a wide array of programming with a variety of points of view. Any restrictions on the space (such as hours of service) should be time, place, and manner restrictions only, and be viewpoint neutral.

Policies and publicity should be written to encourage use of library group spaces by a broad range of organizations and individuals.

B. Diversity in Collection Development (Part II, Chapter 4, *IFM*, 9th edition)

All visual images to which the library provides access as part of the library's permanent or exhibit holdings are an integral part of the library collection. Written collection development policies should include the collection of, or access to, visual images. When the library plans exhibits or performances, the selection should consider the entirety of the communities served and should provide a diversity of points of view. The library has a compelling interest in safeguarding every user's right to view these exhibits or performances. **Library performances or visual images cannot be canceled or removed based on content.**

C. Filtering of Visual Images

The Children's Internet Protection Act (CIPA) specifically requires public libraries and schools seeking e-rate discounts for internet connections to install content filters to block two categories of *visual images* unprotected by the First Amendment: *obscene* images; and images of *child pornography*. A third category, "*harmful to minors*," must also be filtered for minors under the age of 17. These three categories have specific legal definitions, and libraries participating in e-rate programs should take appropriate measures to filter what is covered by this law.

Because filters have been shown, by research, to consistently over- and under-block images, much constitutionally protected speech is unavailable to the public. Library written policy should therefore encourage and allow library users to ask for filtered websites and content to be unblocked, with minimal delay and with due respect for user privacy.

D. User Behavior (Chapter One, *IFM*, 9th edition)

For all library programming, group meetings, and exhibits, applicable policies should be readily available for library program attendees to view.

User behavior policies should not be used to limit library users' access to constitutionally protected information such as access to visual arts in the library or performing arts events within the library.

If users are uncomfortable with what is on display, there should be a method of recourse, similar to a reconsideration policy, for expressing their views.

E. Youth Access to Visual and Performing Arts (Part II, Chapter Three, *IFM*, 9th edition)

One of the most engaged consumer groups of visual and performing arts is young people. The library should therefore provide a welcoming and content-rich environment for youth to engage with library resources or create their own creative projects. ALA's interpretations of the Library Bill of Rights consistently uphold the rights of young people to receive information in libraries and to participate in library programs and services. Visual arts and performances are an integral part of LBOR Interpretations.

Questions and Answers

1. How do I write a good library policy that can guide the display of visual and performing arts and prepare the library to respond to potential complaints?

When libraries display art, they are functioning as exhibitors or curators. Libraries should have written policies specifically applying to visual collections, exhibits, and performances. The *ALA Intellectual Freedom Manual*, Part One, Chapter Three, "Creating Intellectual Freedom Policies for Your Library" policy checklist regarding Meeting Rooms and Exhibit Space has suggestions for specific points to be included in such policies.

In addition to the *Intellectual Freedom Manual* checklist, when exhibiting art a library should:

- Specify clear selection procedures. Such procedures help libraries respond to complaints.
- Specify who or what body is responsible for selection and explain how this person or body is appointed or elected to this role.

- In the case of open calls and juried exhibitions, specify procedures and deadlines from the initial stage (application forms or submission of proposals) to the final decision.
- Identify target audiences for various programs and involve them in the planning and execution of exhibits and performances.
- Develop a strong communications plan, with talking points addressing potential controversy.
- Engage the audience with discussions and dialogue prior and during an exhibition (this could be done through special programming, as well as by providing response and feedback opportunities).
- Collect materials that identify the artist, the exhibition, and the larger context and history of the work.
- Look for other community groups and agencies to involve as co-sponsors.

An effective Visual Art Exhibit policy will also include a statement affirming artistic freedom of expression. The following language is endorsed by the Association of Art Museum Curators, the American Alliance of Museums, the Association of Academic Museums and Galleries and others as part of *Museum Best Practices for Managing Controversy* (2013):

Freedom of speech is the foundation of our communities and our nation. The works this institution exhibits may awe, illuminate, challenge, unsettle, confound, provoke, and, at times, offend. We defend the freedom to create content and exhibit such work anywhere in the world, and we recognize the privilege of living in a country where creating, exhibiting, and experiencing such work is a constitutional right.

To exhibit a work of art is not to endorse the work or the vision, ideas, and opinions of the artist. It is to uphold the right of all to experience diverse visions and views. If and when controversies arise from the exhibition of a work of art, we welcome public discussion and debate with the belief that such discussion is integral to the experience of the art. Consistent with our fundamental commitment to freedom of speech, however, we will not censor exhibitions in response to political or ideological pressure.

2. What about children?

Librarians have the professional expertise to select content and programs that have proven to be of interest for various age groups. Librarians also work with parents, teachers, the faith community, and other community members to plan programs for the library. Libraries providing “art walls” and other interactive spaces should be mindful of topics and content of interest to young people, as well as aware of the placement of exhibits specifically designed for adults. However, the art that libraries exhibit cannot be limited to work suitable for children, just as the books on library shelves cannot be limited to those accessible to children.

As the *ALA Intellectual Freedom Manual* observes, minors have a well-established First Amendment right to receive information. Therefore, censorship of art exhibits or programs in public libraries will not be permitted “unless the material is found by a court of law to be obscene, child pornography, or, in the case of minors, harmful to minors.”

3. How can I respond to a controversy?

If a community member or group questions the appropriateness of a particular program or visual images in the library collection, the library should have a written policy available explaining why

and how the program was selected, and their policies regarding programs. This policy should also include a way for the community to suggest programs for the future.

The two core elements in response to a complaint are to 1) ensure the work stays on display until the complaints have been reviewed and 2) establish a learning opportunity by creating possibilities for thoughtful discussion between concerned stakeholders.

- *Leave the exhibition exactly as it is while establishing a period for review and discussion.*
- *Provide the complainant a copy of the exhibition selection procedure or similar document.*
- *Develop an official complaint form.* If the complainant is not satisfied after discussing the details of the exhibition and artist's intent, invite them to submit a formal written complaint.
- *Establish a spokesperson.* Designate one person to interact with the public and the media and ensure that others refrain from contradictory public commentary.
- *Engage with the media strategically.* Be aware of the difference between the cultural press and hard news, as well as who is writing/producing the story, what section of a paper/type of broadcast it will appear in, and who is editing it.
- *Focus on the library's mission, rather than the details.* Contextualize an exhibition within the library's history and role in the community.

Further information: "Museum Best Practices for Managing Controversy" is a valuable resource to apply to libraries mounting exhibits or providing visual resources:

<http://ncac.org/resource/museum-best-practices-for-managing-controversy>