

NATIONAL COALITION AGAINST CENSORSHIP

November 2, 2023

Patrick Charpenel, Executive Director
Carlos Gálvez, Deputy Director
El Museo del Barrio
1230 5th Avenue at 104th Street
New York, NY 10029

Sent via email to PCharpenel@elmuseo.org and CGalvez@elmuseo.org

Dear Mr. Charpenel and Mr. Gálvez,

As a nonpartisan organization dedicated to freedom of speech, thought, and inquiry, the National Coalition Against Censorship is alarmed by El Museo del Barrio's decision to cancel the display of *Recordar y Unificar*, a Día de los Muertos altar it commissioned from artists Odalys Burgoa and Roy Baizan, for the sole reason that the work includes a scarf with the Palestinian flag on it. While we understand that polarization around the Israel-Palestine conflict is making any reference to the region potentially highly controversial, we strongly encourage the museum to demonstrate respect for artistic freedom and uphold its mission as a cultural institution representing the diverse views and beliefs of the Latin American community in the United States.

It is our understanding that the artists Odalys Burgoa and Roy Baizan were invited by the museum to create an altar to celebrate Día de los Muertos. Their proposal for *Recordar y Unificar* describes an assemblage of flowers, candles, milk crates, flags, and signage to honor "political activists" and "revolutionaries" who have influenced and impacted the communities of East Harlem. Hiram Maritsany, who at one point served as El Museo's director and who was also a founder of the Young Lords' New York chapter, is mentioned as one of the revolutionaries that the altar would honor. Upon the completion of the work—which also commemorates international advocates for the poor, for the indigenous, and for the colonized—Baizan and Burgoa learned that El Museo would not display the altar publicly on account that the artists added to it a scarf emblazoned with the Palestinian flag. The artists' suggestion that the museum could put up a disclaimer next to the artwork was rejected.

In a public statement, El Museo claims that they had decided to cancel the display because the artwork had veered away from evoking a "religious and cultural symbol" and had morphed "into a political statement." However, the altar's political references are clearly mentioned in the proposal. A prohibition on "political content" would betray El Museo's history of displaying artwork that reflects political and activist positions. Clearly, it wasn't politics that was the problem in the case of *Recordar y Unificar*, but the particular reference to a region at war.

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

However, to dictate what kinds of political positions can and cannot be presented within the museum space is not just a violation of the artistic freedom of the artists El Museo works with; it's a disservice to its audiences. El Museo was created as an extension of community activism, to showcase art from and to foster arts appreciation among Latinx communities in New York. As such, it has traditionally been willing and prepared to engage with activist ideas and intersectional propositions coming from its constituent communities, rather than suppressing them. When faced with politically controversial artwork on a burning contemporary issue, El Museo should be working to foster discussions addressing what artists are grappling with, rather than shut them down.

In light of this incident, we strongly recommend that El Museo establish a policy of viewpoint neutral artwork-selection criteria and follow transparent processes of artwork selection, as well as create clear protocols for handling controversial artworks. We have attached guidelines drafted by the NCAC, the Association of Art Museum Curators, the American Alliance of Museums, the Vera List Center for Art and Politics, and others, which show how museums can uphold freedom of expression while exhibiting controversial material. We encourage you to draw from this resource as you determine your next steps in addressing this incident, and as you plan for future exhibitions.

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 prominent initial "E" and a long, sweeping underline.

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

Museum Best Practices for Managing Controversy



ARTS
ADVOCACY
PROGRAM

aamc The Association of Art Museum Curators

CIMAM

INTERNATIONAL
COMMITTEE FOR
MUSEUMS

AND COLLECTIONS
OF MODERN ART



THE VERA LIST CENTER
FOR ART AND POLITICS
THE NEW SCHOOL



AAMG
Association of Academic Museums & Galleries

Preamble

The Museum Best Practices for Managing Controversy is designed to provide museums and other cultural institutions of any size or scope with guidelines that can help manage controversial content and transform controversy into a learning moment about the nature of diverse opinions and an institution's ability to address them. This non-binding document of best practices offers guidance to an institution concerned about or confronted with accusations of inappropriate, objectionable, or offensive content. Institutions caught in the frantic environment of controversy can refer to this set of strategies designed to calm the waters, open space for conversation and learning, and prevent or defuse a potentially volatile situation through deliberate steps to create meaningful dialogue.

When these guidelines are regularly used by cultural institutions and referenced as a recommended resource by their respective professional associations, the body of practice across the field becomes stronger and more consistent, building credibility and a positive image of all organizations. The simple ingredient of a nationally recognized protocol creating time and space to open dialogue may prevent an over-cautious, self-punishing reaction by institutions caught up in controversy. It may also encourage the institution to address sensitive issues of civic engagement and help fulfil the museum's mission as a forum for the exploration of diverse ideas.

Introduction

The guidelines reflect an in-depth analysis of various historical and current sources, among them governance documents produced by arts and culture organizations as well as academic institutions, and statements by individual representatives of exhibiting institutions. The guidelines consist of two components: a free-speech statement that may be adopted in its entirety and a best practices template that may support exhibiting institutions, museums, performance spaces, art schools and others when they draft their own procedures, specific to their particular needs.

There are three strategies museums can use to resist pressure and assure their curatorial autonomy:

1. **Public Statement Affirming Commitment to Artistic and Intellectual Freedom of Speech** (“Freedom of Speech Commitment”);
2. **Preparation in Advance of Upcoming Programs and Potential Controversy**, through agreement on clear curatorial procedures, feedback mechanisms, and educational plans;
3. **Procedures for Addressing the Press or Complaints from the Public after an Exhibition or Special Program Opens.**

3.

Taken together, the Free Speech Commitment and the procedures to anticipate and respond to controversy will help to:

- Equip an institution with the tools to respond to criticism of controversial content;
- Improve relationships with the public;
- Support the right of audience members to access a wide variety of work;
- Safeguard the exhibiting institution against self-censorship;
- Introduce transparency;
- Ensure institutional support of curatorial decision-making; and
- Provide board member orientation.

The promotion and use of these strategies by national organizations and leading institutions will help validate them as the best practices in the field, and will help create communities of support when controversy arises in a specific institution.

Freedom of Speech Commitment

Each institution is encouraged to draft a Freedom of Speech Commitment statement.

Sample / Suggested template:

“

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.

4. 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.

”

Preparation in Advance of Upcoming Programs and Potential Controversy

a. Specify clear curatorial selection procedures. Such procedures help institutions respond to complaints.

- Document internal curatorial selection criteria.
- Specify who is responsible for selection (gallery director, curatorial department, faculty members, peer panel); specify composition of the panel (e.g., artists, curators, and other arts professionals or arts patrons); and explain how its members are selected.
- 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.

b. Create an educational/public engagement schedule and framework for the exhibition before it opens.

- Collect materials that identify the artist, the exhibition, and the larger context and history of the work.
- After the curatorial process is completed, provide opportunities for community dialogue to help prepare educational programming around an exhibition. The purpose of such discussions is not to limit curatorial decision-making but to help with outreach and engagement of the community.

Qualitative research from focus groups can help museums to strategize on how they might acknowledge particular sensitivities and engender trust through interpretation, programming, partnerships, and communications.

- *Identify target audiences:* It is important to identify audiences who can provide genuine input and not needlessly empower oppositional groups, who are often not interested in dialogue but rather in stirring controversy to promote their specific agendas.
- *Workshops:* In order to promote respectful discussion, an institution should encourage dialogue, prepare for effective responses to criticism, and provide guidance on issues of presentation such as phrasing of text, staff training, and responding to public queries.

c. Carry out preliminary public relations.

- Create a strong communications plan before there is a problem, especially in cases where there is concern about possible controversy.
- When appropriate, launch a media (including online) campaign to present your position and offer opportunities for dialogue.
- When concerned about a potentially difficult project, find supporters among your funders and form coalitions with other arts organizations or community groups. This strategy builds trust, understanding, and more fruitful alliances.

d. Make use of signage/educational programming.

- Written warnings or disclaimers should be informational and not prejudicial.
- Produce a variety of educational materials.

e. Plan communications between the curator, the educators, and the board.

- The curator and the museum director work with the board to inform them about upcoming shows and prepare them to answer questions about an exhibition.
- Plan conversations and collaborations between curators and educators, from the earliest stages of what might be deemed potentially difficult projects, to develop opportunities for constructive civic engagement.

f. Review the institution's crisis plan and consult with your legal counsel.

Procedures for Addressing the Press or Complaints from the Public after an Exhibition or Special Program Opens

A statement of support for freedom of speech works best if accompanied by a policy outlining the appropriate response in a situation where an individual or a group complains about the content of work on display. The policy statement should include procedures to help avoid disputes about content and interpretation.

The two core elements in response to a complaint are:

- **Leave the exhibition exactly as it is** while establishing a period for review and discussion.
- **Establish a learning opportunity** by creating possibilities for thoughtful discussion between concerned stakeholders.

Handling Complaints from the Community

- Ensure the work stays on display until the controversy has been reviewed.
- Alert the director/those in executive positions, including the PR department and general counsel, of the complaints and any context surrounding them. Complaints should be brought to the attention of the director or staff member responsible for managing such issues.
- Notify the artist(s) and funders and prepare them for possible press attention. In some cases it may be better to recommend that the concerned artists do not take press calls.
- Evaluate the complaint(s): Who is complaining? What are their credentials? Is the complaint sincere criticism or an act of political opportunism by a group leveraging controversy to serve other goals?
- If you do not have one, create a crisis plan. Appoint a “crisis manager” along with an ad hoc team that is best equipped to deal with the situation.
- Prepare and disseminate talking points/questions and answers.
- Find supporters. Form coalitions with other arts organizations and activate networks. Contact existing arts and free speech groups.
- Provide a copy of the exhibition selection procedure or similar document to the complainant.
- Develop an official complaint form. If the complainant is not satisfied after discussing the details of the exhibition and artist’s intent, have the complainant

formally lodge his/her complaint in writing.

- Schedule additional programming to provide a platform for diverse opinions.
- Consider contacting legislators or other public officials, if appropriate.

Working with the Press and Media

- Establish one spokesperson to discuss the institution's programming priorities with the public and the media. Ensure that all board members defer to the spokesperson and otherwise refrain from all comments in all public places or circumstances.
- Focus on the museum's mission, rather than the details. Contextualize an exhibition within the museum's exhibition history. Avoid an approach that empowers the opposition and allows him/her to frame the discussion.
- Use the dynamics of the media to your advantage and 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.
- Involve the board and key staff in refining the communication plan (developed in the preparatory stage).
- Use a straightforward, neutral approach.
- Consider seeking the assistance of a PR or crisis management firm.