

NATIONAL COALITION AGAINST CENSORSHIP

August 8, 2024

Mark McBrayer, Mayor
Lubbock City Council Members
1314 Avenue K
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Dear Mayor McBrayer and Lubbock City Council Members,

I am writing on behalf of the National Coalition Against Censorship, a 50-year-old coalition of over 60 national organizations dedicated to upholding freedom of thought, inquiry, and expression. Our [Arts & Culture Advocacy Program](#) is the only national project dedicated to working with artists and cultural institutions in the service of protecting artistic freedom in the United States.

We are alarmed by reports that the City Council of Lubbock, Texas recently passed an amendment eliminating \$30,000 in funding that had been earmarked for Lubbock's First Friday Art Trail (FFAT) because of city administrators' apparent distaste for drag performances and LGBTQ-themed programming. First Friday Art Trails are public, free, self-guided monthly art events in which galleries, museums, businesses, and artists present an array of cultural offerings for the community of Lubbock and its visitors. The event organizer, Louise Hopkins Underwood Center for the Arts (LHUCA), stated that the earmarked funding was to pay for marketing, trolley service, event security, signage, live music performances, and paying the artists showing in LHUCA galleries as part of the event.

Council Member Glasheen and Mayor McBrayer have spoken on the record suggesting that drag and LGBTQ-related performances and workshops that are sometimes part of FFAT offerings—even those that are specifically calibrated to serve young audiences—represent an “inappropriate use of taxpayer dollars.”

Government officials' use of the budget to silence speech and artistic expression they personally dislike raises acute First Amendment concerns. In [Esperanza Peace and Justice Center v. City of San Antonio](#) (316 F. Supp. 2d 433 (2001)), a community art center dedicated to reflecting the cultures of historically-disenfranchised groups successfully sued the City of San Antonio because it successfully demonstrated that

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

the City's decision to defund the organization was motivated by a belief that the Center's programming was too social and too political, particularly because it centered LGBTQ themes and expression.

While government officials may decide to revoke arts funding for an array of reasons, they may not do so as a means to muzzle specific viewpoints. The purpose of such arts funding is to serve the broad cultural interests of Lubbock residents and visitors, not to simply reflect the tastes of civil servants. The resulting devastating financial loss to the First Friday Art Trail in Lubbock demonstrates how hatred and vitriol aimed at one particular group can negatively impact an entire community.

As district judge Orlando Garcia wrote in his opinion in *Esperanza*:

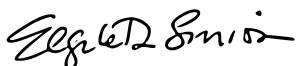
Cities may determine the extent and scope of the services they provide, and whether the arts in whatever form will occupy a core role in the life of the city. Cities, not the courts, raise the taxes to fund services, and cities should make the decisions concerning how much, if any, of the public funds will be spent to support art. Once a governing body chooses to fund art, however, the Constitution requires that it be funded in a viewpoint-neutral manner, that is, without discriminating among recipients on the basis of their ideology.

...No person gay or straight, male or female, young or old, liberal or conservative, Christian or atheist, white, black, brown or "other" may be denied the right to self-expression merely because those presently holding political power object to that person's views. The First Amendment, said Judge Learned Hand, "presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all." *United States v. Associated Press*, [52 F. Supp. 362](#), 372 (S.D.N.Y.1943).

Our shared culture is at its strongest when it meets and challenges the expectations of a broad and diverse community, when it can surprise and amuse audiences, and when it pushes new boundaries of creativity. Public art funding should, by its designation, *serve the public* in all its eclectic interests, and such offerings should not be limited to any given politician's personal taste and subjective evaluation of what is or is not "appropriate."

Consistent with the principles of the First Amendment, and the city's efforts to forge a vibrant local culture, we urge you to reconsider the recent amendment relating to funding Lubbock's First Friday Art Trail.

Sincerely,



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