

National Coalition Against Censorship

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Joan E. Bertin
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NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of
School Administrators
American Association of
University Professors
American Association of
University Women
American Booksellers Foundation
for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Federation of Television
& Radio Artists
American Jewish Committee
American Library Association
American Literary Translators
Association
American Orthopsychiatric Associatic
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
Directors Guild of America
The Dramatists Guild of America
Educational Book & Media Associatio
First Amendment Lawyers Associatio
International Reading Association
Lambda Legal
Modern Language Association
National Center for Science Educatior
National Communication Association
National Council for the Social Studie
National Council of Churches
National Council of Jewish Women
National Council of Teachers of Engli
National Education Association
PEN American Center
People For the American Way
Planned Parenthood Federation
of America
Screen Actors Guild
Sexuality Information & Education
Council of the U.S.
Society of Children's Book Writers
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church
United Methodist Communicator
Women's American ORT
Writers Guild of America, East
Writers Guild of America, West

To:

Mitchell J. Silver, FAICP, Commissioner
New York City Department of Parks & Recreation
830 Fifth Ave
New York, NY, 10065
(212) 360-1305
mitchell.silver@parks.nyc.gov

June 2, 2016

Dear Commissioner Silver,

I am writing on behalf of the Arts Advocacy Program at the National Coalition Against Censorship. As an organization dedicated to promoting the First Amendment right to free speech, including freedom of artistic expression, we are troubled to learn of the Department of Parks' request for the alteration of a sculpture by Aaron Bell, submitted as part of the Model to Monument program (M2M). The Department's action raises serious First Amendment concerns, as it appears that the work was rejected solely because Department officials disapproved of its content and message. Aside from the legal concerns, it is disturbing that the Department, when faced with the prospect of a public sculpture whose message is explicitly one of non-violence and against racial injustice, should demand the very element that conveys that message to be removed.

We understand that the M2M program, now in its sixth year, is a partnership between the Art Students League and the New York City Department of Parks & Recreation, and that its purpose is to train artists to produce work for public spaces, as well as to bring contemporary sculptures to hundreds of thousands of New Yorkers and visitors every year through temporary installations in New York City parks. For the M2M program, Aaron Bell has designed a proposal for a 16-foot-tall, welded steel sculpture, "Stand Tall, Stand Loud," that depicts an abstract human-like figure with a noose placed where its head should be. A backwards slash—the universally understood symbol indicating "no"—is superimposed on the noose. The base of the work displays a quote from Dr. Martin Luther King, Jr.: "Our lives begin to end the day we become silent about the things that matter."

According to press reports, the Parks Department has rejected Mr. Bell's sculpture as "problematic" based on its content and message—namely, the noose—which, in the view of Parks Department officials, might disturb Riverside Park visitors. The Parks Department says it will re-visit the sculpture once the artist revises his design by removing the noose, replacing it with something less provocative (a "two-sided mouth" has been suggested). Unlike requests for modification based on safety or other viewpoint-neutral

considerations, this request is based solely on the content and viewpoint of the work, and the possibility that it may be offensive to passersby.

This decision raises serious First Amendment concerns. Art that expresses thoughts and ideas that are not to the taste of every single member of a community are nonetheless fully protected by the First Amendment. Aaron Bell's work, which addresses the important issue of racially-motivated violence, does so through imagery that enjoys full constitutional protection—a protection that is not lessened by the possibility that the work and its message may make some viewers feel uncomfortable.

Furthermore, by modifying his design in this way, Mr. Bell would be removing what is arguably *the* vital symbol that conveys the sculpture's meaning and message, one that, according to Mr. Bell, opposes "any and all manifestations of hatred."

Aaron Bell's proposed sculpture conveys its message of non-violence through its use of a charged symbol of historical violence. It comes at a time when the Black Lives Matter movement has risen around the deaths of black people at the hands of law enforcement officers, and against the backdrop of the ongoing struggle for racial justice. The relevance of this message for our times goes without saying. Since Mr. Bell has himself been a victim of racial injustice and violence, the significance of silencing him through the suppression of his sculpture, and by imposing a condition requiring him to remove the central symbol that conveys this message, cannot be overstated.

Art often provokes impassioned responses—sometimes angry sometimes enthusiastic. However, as a government agency, The Department of Parks cannot use its power to impose its distaste for a particular message on the community as a whole, and thereby discriminate against forms of expression that someone may potentially find disturbing. We ask that you reconsider the request for altering the work so that Aaron Bell may go forward with his original design as intended, and that you allow his sculpture to stand tall and stand loud at its planned location in Riverside Park.

Sincerely,

A handwritten signature in black ink, appearing to read "Svetlana Mintcheva". The signature is fluid and cursive, with the first name being the most prominent.

Svetlana Mintcheva
Director of Programs
National Coalition Against Censorship
New York