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,

Svetlana Mintcheva
Director of Programs
National Coalition Against Censorship
New York