

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
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 Orthopsychiatric 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
First Amendment Lawyers Association
International Reading 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 Newspaper Guild/CWA
PEN American Center
People for the American Way
Planned Parenthood Federation
of America
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
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

November 20, 2015

Joel M. Sacks
Director
Washington State Department of Labor & Industries
7273 Linderson Way SW
Tumwater, WA 98501-5414

sacj235@lni.wa.gov

Dear Mr. Joel Sacks,

The National Coalition Against Censorship, an alliance of over 50 national non-profit organizations united to promote freedom of thought, inquiry and expression, is deeply concerned about the decision to remove paintings by Leonard Peltier from a National American Indian Heritage Month exhibition at the Washington Department of Labor and Industries. This move has serious First Amendment implications.

It is our understanding that four paintings by Peltier, displayed in the rotunda of the Department Headquarters, were removed earlier than scheduled in response to complaints from the Society of Former Special Agents of the FBI, who claimed that the work should not be shown because of the artist's criminal conviction.

Although it is understandable to be caught off guard by such strong opposition to artwork meant to celebrate Native American heritage, the act of removing Peltier's artwork raises serious questions regarding freedom of artistic expression, a fundamental liberty guaranteed under the First Amendment to the U.S. Constitution.

The First Amendment undeniably protects the right to exhibit work that might disturb, annoy, or offend government officials. As the U.S. Supreme Court has affirmed, "If there is a bedrock principle of the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." ([Texas v. Johnson, 491 U.S. 397, 414, 1989](#))

In a government building where a public forum was made available for expression, public officials cannot single out and remove the expressive work of one of the artists just because some people dislike him. Whether it is a [designated public forum](#), in which the government opens public property for expression, or a [limited public forum](#), where public property has been opened for a limited purpose, restrictions on speech need to be *viewpoint-neutral and reasonable in light of the purpose of the forum*. The show at the rotunda was limited to the work of Native American artists. Inventing a

new category of restricted speaker—in this case, convicted murderers—for exclusion after the exhibit has been put on display, and after complaints from a specific group, is neither viewpoint-neutral nor reasonable in light of the purpose of the exhibition.

The very functioning of a democratic society depends on the ability of a diverse public to voice a variety of opinions without fear of retaliation by the government. By removing Peltier's artwork you may be exposing the Washington State Department of Labor and Industries to legal liability as well as inviting public outrage.

National American Indian Heritage Month was meant to be a celebration. The government should not cede to the voices of a few by silencing a Native American artist. I welcome the opportunity to talk to you in more depth about our concerns. I urge you keep the work on display for the duration of the show, rather than face nationwide criticism and possible legal action.

Sincerely,

A handwritten signature in cursive script that reads "Svetlana Mintcheva". The signature is written in black ink and is positioned below the word "Sincerely,".

Svetlana Mintcheva
Director of Programs

cc: Tim Church, Public Affairs Manager: Tim.Church@Lni.wa.gov