This week, DC Commission on the Arts & Humanities grantees received an amendment to their grant contracts, which, if allowed to stand, will chill their expressive freedom by introducing broad new content restrictions. As supporters of an open cultural sphere, we strongly oppose this blatant – and likely unconstitutional - attempt to censor artists and cultural institutions.

The new amendment allows for the termination of any DCCAH grant if the work it supports is deemed “lewd, lascivious, vulgar, overtly political, or excessively violent, constitutes sexual harassment, or is, in any other way, illegal.” Apparently recognizing that the terms “lewd, lascivious, vulgar, overtly political, or excessively violent” have no legal definition and are thus open to subjective interpretation, the amendment gives DCCAH complete discretion to decide what work meets these criteria.

The DCCAH amendment is reminiscent of the 1989 addition to the National Endowment for the Arts (NEA) appropriations bill (a.k.a. “The Helms Amendment”), which barred NEA funds from being used to support “materials which in the judgment of the NEA…may be considered obscene.” A federal court invalidated the amendment as unconstitutionally vague and chilling the exercise of First Amendment rights.

The current DCCAH amendment goes farther than the unconstitutional Helms Amendment to ban an even broader range of material, threatening not only sexually suggestive material but also all political expression. It opens wide the possibility for DCCAH to discriminate against viewpoints it dislikes by subjectively declaring work “vulgar” or “overtly political” and encourages grantees to self-censor in the effort to protect their grants.

It is unclear what inspired the amendment. The updated clause was sent directly to grantees, but has not been approved by the Commissioners themselves. Whatever its exact origin, this attack on artistic freedom in our politically polarized times raises the sinister specter of renewed attempts at government censorship of the arts. It is easy to see whole categories of art production stifled by this new requirement, which places grantees in an extremely precarious situation, arguably making impossible their core work as democratic cultural institutions.

We urge the DC Commission on the Arts & Humanities to immediately retract the amendment and issue a statement reaffirming their commitment to the fundamental democratic value of artistic freedom.
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