

NATIONAL
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CENSORSHIP

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Idaho YEARS

March 3, 2023

Dr. Cynthia Pemberton
Office of the President
Lewis-Clark State College
Administration Building 207
500 8th Avenue
Lewiston, ID 83501

Sent via email to president@lcsc.edu

Dear Dr. Pemberton,

We write on behalf of the American Civil Liberties Union, the American Civil Liberties Union of Idaho, and the National Coalition Against Censorship—organizations dedicated to the freedom of speech, thought, and inquiry—to express our alarm regarding the recent decision by Lewis-Clark State College to exclude works from Lydia Nobles' *As I Sit Waiting* series in its upcoming exhibition at the College's Center for Arts & History titled *Unconditional Care*.

It is our understanding that Ms. Nobles had been invited by the exhibition's curator to show three videos and one audio recording selected from the documentary series titled *As I Sit Waiting*. Composed of interviews with four individuals, the works constitute the subjects' personal testimonies, opinions, and experiences with reproductive healthcare, including abortion care. The curator that was contracted by the college had fully viewed and vetted the works before their selection, and the artist had been in correspondence with the Center Director in the weeks leading up to the exhibition, including regarding installation of these pieces in the Center's gallery. This week, just days before the exhibition's scheduled opening, Ms. Nobles received notice that her work would no longer be included in the exhibition, because of its alleged violation of an Idaho state law, the No Public Funds for Abortion Act. That law prohibits the use of public funds for abortion, including speech that would "promote abortion" or "counsel in favor of abortion."

The College's interpretation of the NPFAA—that it applies to works of art depicting the discussion of abortion—demonstrates the potential abuses of the Act. As the Supreme Court recognized 80 years ago, "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943). The College's decision threatens this

bedrock First Amendment principle by censoring Nobles' important work and denying visitors of the Center the opportunity to view, consider, and discuss it.

Institutions of higher education are responsible for presenting students with an array of viewpoints and fostering among them a sense of academic curiosity and intellectual engagement. Indeed, The Center, which sits in downtown Lewiston, and describes itself as "enrich[ing] lives for the campus and the community at large" clearly intends to reach both students and the larger public. Lewis-Clark State College, Center for Arts & History, <https://www.lcsc.edu/cah>. This responsibility is greatly compromised when the College forecloses the opportunity for certain viewpoints and lived experiences to be expressed in the first place.

We urge the College to reconsider this censorship and permit these works to be shown as part of *Unconditional Care*. In each of the works, the individuals speak only for themselves. Their unadorned narratives illustrate the complicated circumstances and health issues each of them has faced in becoming pregnant—important and relevant narratives to share and learn from. The subjects' stories touch on a broad range of topics that are often heavily stigmatized and rarely spoken about: cryptic pregnancy, poverty, postpartum depression, birth injury, domestic violence, suicidal ideation, and giving one's child up for adoption.

We urge you to reinstate the works from Lydia Nobles' *As I Sit Waiting* series as part of *Unconditional Care*. Please contact us if we can be of any assistance.

Sincerely,

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

Scarlet Kim
Senior Staff Attorney, Speech, Privacy, & Technology Project
American Civil Liberties Union

Leo Morales
Executive Director
American Civil Liberties Union of Idaho

cc:

Emily Johnsen, Director, Center for Arts & History, Lewis-Clark State College