



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
BILL LOCKYER
ATTORNEY GENERAL

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To my Fellow Californians:

Throughout my political career, which has stretched over three-plus decades, I have stood as a staunch supporter of Israel. There has been no stronger defender of Israel's right to exist and defend itself against those who would destroy it.

My record also reflects my deep commitment to advancing and protecting civil rights, and fighting discrimination in all its forms, including anti-Semitism. As a state Senator, I authored one of the nation's first felony hate crime laws. As Attorney General, I formed the Attorney General's Civil Rights Commission to devise ways to improve hate crime reporting in California. I also created the Department of Justice's first stand-alone civil rights enforcement section. Consistent with my position on civil rights and discrimination, I firmly believe all nations, all people, should respect human rights and do everything in their power to safeguard those rights.

With regard to the First Amendment and free speech, suffice it to say I am proud of the framed poster on my Sacramento office wall that reads, "Censorship is Un-American." I never have retreated in a fight to defend First Amendment rights. Frequently, I have taken unpopular stands at no small amount of political peril. That doesn't bother me. True commitment to the First Amendment can't be measured when it's convenient, but only when it's not.

Case in point: "A Creative Merger: Artists and Lawyers," an art exhibit on display through August 31, 2005 at my office's Sacramento headquarters. The exhibit is sponsored by California Lawyers for the Arts. No taxpayer money has been expended to curate, transport or display the exhibit. It is one of many the Department of Justice has displayed on a rotating basis over the past six years for the benefit of the our employees and the relatively few members of the public who visit our headquarters to conduct business or dine. The exhibit is a subset of a larger exhibit which has been on continuous display in another public building in Sacramento for several months.

As with all other exhibits, the building's "Arts Task Force," including employees from my department and the California Arts Council, examined the exhibit before it was placed in the building to determine whether it met our criteria for display. Those criteria number two: the exhibit, as a whole, must be of high quality; and the individual pieces must be constructed or framed so they can be hung from the walls or placed on available floor space.

We have not, and will not, use the political content of any individual piece as a criterion for deciding whether to display an art exhibit. As the U.S. Supreme Court has said, “The Constitution does not permit government to decide which types of otherwise protected speech are sufficiently offensive to require protection for the unwilling listener or viewer.”

I and my office have endured a firestorm of controversy, mostly generated by Republican operatives and right-wing talk show hosts, over a few of the individual pieces in “Creative Merger.” Their vitriolic criticism has been drenched in lies and comparisons of me to Joseph Stalin, Sadaam Hussein and Osama bin Laden. So be it. The First Amendment is worth taking those arrows.

One piece that has come under criticism is poster art by Juan R. Fuentes, whose work has been displayed throughout California and elsewhere. The piece at issue shows a Palestinian behind barbed wire, and is captioned “Stop U.S. Financed Genocide in the Middle East.”

I disagree in the strongest way with the message conveyed by the piece. I consider outrageous the notion that the U.S. is funding genocide in the Middle East, and the implication that Israel is committing genocide in the Middle East. Both allegations are patently false. Additionally, I support continued, strong support of Israel by the United States.

I welcome those many voices in our state who not only share my outrage at these falsehoods, but who also support my defense of First Amendment guarantees, and my pledge that there will be no censorship of protected speech in the Department of Justice building as long as I am Attorney General. Sometimes, it’s tempting to turn our backs on the freedoms and liberties provided by our Constitution. But we have to keep faith in the First Amendment and the free marketplace of ideas. They protect every American, and we have fought and died to preserve them. It’s because of them our country stands as the world’s greatest nation.

Sincerely,

BILL LOCKYER
Attorney General