

Free-speech group flags First Amendment violations

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RICHMOND, Va. -- Banning the sale of wine because of a nude, bike-riding nymph on the label of the bottle. Confining campus protests to a "free-speech patio." Keeping street performers off the Las Vegas Strip.

Those were some of the actions that the Thomas Jefferson Center for the Protection of Free Expression cited Tuesday in awarding its dubious "Muzzle" awards. The Charlottesville center awards the Muzzles annually to mark the April 13 birthday of Jefferson - its namesake, the third president and free-speech advocate.

Center director Bob O'Neil said that while the 10 winners of the 2010 awards were geographically diverse, they didn't include any corporations or other private entities as in past years - all are government and school officials.

The Alabama Alcohol Beverage Control Board won its Muzzle for banning the sale and distribution of a California wine because it displays "a person posed in an immoral or sensuous manner." The questionable image is a replica of a 1895 French poster featuring a nymph flying next to a winged bicycle.

"If you magnify it by three- or four-fold, even then you could barely detect a nipple," O'Neil said.

Southwestern College administrators won a Muzzle for its policy of limiting protests to a "free-speech patio." Faculty members at the Chula Vista, Calif., college who tried to move to a nearby courtyard when protesting budget cuts were banned from campus. After public outcry, officials lifted the ban, but the free-speech patio remains, O'Neil said.

Southwestern spokesman Chris Bender said Tuesday that it was an issue of public safety, and that "the Jefferson Center has confused protecting free speech with protecting people from getting hurt."

A Muzzle went to the Las Vegas Police Department for trying to keep musicians from performing on the main strip, despite the fact that streets, sidewalks and parks are considered public forums.

"You'd think that on the Las Vegas strip, of all places, there'd be lots of levity," but among those police cited last year under local ordinances were an Elvis impersonator

and a woman who sang and played guitar. A federal lawsuit was filed challenging the police's actions. A settlement appears to be in the works, O'Neil said.

Oklahoma's tax commission won its Muzzle for denying an "IM GAY" personalized license plate, citing a rule barring plates that might be "offensive to the general public." Keith Kimmel challenged the decision in court, but O'Neil said the lawsuit won't proceed because Kimmel died in March. O'Neil noted the government improperly curbs free speech when it creates a forum for public expression, then only allows some messages to be expressed.

The Virginia Department of Corrections won a Muzzle for denying inmate Kyle Mabe a compact disc containing audio of a Christian sermon, which the center said violated his constitutional rights of free speech and religious freedom. The corrections department has since decided to revise its policy to allow inmates to order religious CDs, effective June 1.

U.S. [Rep. Alan Grayson](#) was cited for asking U.S. Attorney General [Eric Holder](#) to investigate a Web site parodying Grayson's site. The parody site posted by Republican activists: "mycongressmanisnuts." The Florida Democrat's site was called "mycongressmanhasguts." Grayson also should probably develop a thicker skin, the center noted.

Other winners include: The Puerto Rico Department of Education for banning five books at high schools; the Texas Legislature for passing legislation requiring the state film commission to deny tax incentives for films shot in the state that portray Texas negatively; Chicago Alderman James Balcer for unilaterally ordering that an artist's mural be painted over, even though the artist properly sought permission from the private building's owner.

As in previous years, free-speech issues involving high school publications drew the center's attention.

Muzzles went to West Fargo School Board in North Dakota and Orange County, Calif., High School Principal S.K. Johnson. The faculty adviser of the West Fargo High School student newspaper was removed from that position because administrators thought he allowed too much negative content. Johnson locked all 300 copies of a student-produced magazine in a locker because it featured tattooed students and a "gang-looking" cover that the principal didn't think represent a positive image of the school.

"What strikes us is that practicing censorship, as they've done, sends the wrong message to student journalists," O'Neil said.