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FOR IMMEDIATE RELEASE:
March 20, 2007

Detroit -- The American Civil Liberties Union of Michigan announced a federal lawsuit today on behalf of the Ann Arbor Film Festival (AAFF) against the State of Michigan for violating the first amendment rights of the festival.

The lawsuit, filed today in federal district court in Detroit, claims that the State of Michigan set out to punish the AAFF for screening films that the state deemed "objectionable." The state's punishment included withdrawing undistributed Michigan Council for Arts and Cultural Affairs (MCACA) program grants.

"The AAFF has stood as an uncensored channel for artists and filmmakers of diverse backgrounds for more than 40 years," said Kary Moss, Executive Director of the ACLU of Michigan. "It is now our job to ensure that the state legislators do not overreach and become the regulators of artistic expression. They may have great flexibility in determining which programs are worthy of funding, but they must do so in accordance with the First Amendment."

In March 2006, the Mackinac Center, whose goal is to stop taxpayers' dollars from funding the arts, wrote an essay singling out the AAFF as a government-funded "cesspool of silliness." After the essay was published, a representative of the Mackinac Center testified before members of the state legislature and suggested that some of the films exhibited were "pornographic," a charge vehemently denied by the Film Festival.

Shortly after this testimony, the Michigan legislature announced that the festival had violated the MCACA speech restrictions and would not be eligible for current funding.

These vague speech restrictions include language that "the MCACA shall not award grants for projects or activities that include displays of human waste on religious symbols, displays of sex acts, and depictions of flag desecration." The legislature specifically accused the AAFF of violating its sex-act ban, and submitted a list of offensive films implicitly charged as pornographic.

Two films on this list are "Boobie Girl" - an animated short, which tells the story of a girl who had always wanted an ample chest and finally ended up getting far more than she ever wished for - and "Chests" - a short that features two shirtless men bumping chests in the fashion of athletes celebrating.

"We didn't ask for this fight," said Jay Nelson, President of the Ann Arbor Film Festival. "But because we were singled out by special interest groups, it is now our duty to protect our artists and the values they cherish. By adhering to these restrictions we would have compromised our artistic integrity and everything the festival stands for."

In August 2006, the governor signed into law an appropriations bill that further expanded the MCACA restrictions requiring the MCACA to withhold undistributed grant payments from those who violate the restrictions, forbids recipients of the grants to create or promote art that violates the restrictions and gives the MCACA the authority to disqualify the grant recipients from future funding for up to 3 years.

The Ann Arbor Film Festival Board of Directors recently voted unanimously to forego state funding for at least two years or as long as the restrictions are in place to avoid any perceived conflicts of interest. The festival has received funding from the state for the past 10 years.

The 45th Ann Arbor Film Festival kicks off tonight at the Michigan Theater at 7 p.m. with the announcement of this lawsuit at 8 p.m.

The Ann Arbor Film Festival is represented by Cooperating Attorneys, Jim Walsh and Susan Kornfield along with Michael J. Steinberg, ACLU of Michigan Legal Director and Kary L. Moss, ACLU of Michigan Executive Director.

To read the complaint, visit: www.aclumich.org/pdf/aaffcomplaint.pdf

For more information about the Ann Arbor Film Festival, visit: <http://www.aafilmfest.org/>



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