



Ann Arbor Film Festival President Jay Nelson announces that the Michigan ACLU had filed a lawsuit against the state of Michigan challenging obscenity laws during the festival's opening at the Michigan Theater last night. (ZACHARY MEISNER/Daily)

Film fest, ACLU sue state

Legislator had said Ann Arbor Film Festival violated obscenity laws

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The opening of the Ann Arbor Film Festival took on an unusually political tone at the Michigan Theater last night when the directors of the festival committed to overturning some of the state's obscenity laws that have troubled organizers over the past year.

Before the first film was shown at the 45th annual Ann Arbor Film Festival last night, festival president Jay Nelson announced that the American Civil Liberties Union of Michigan had filed a lawsuit against the state of Michigan claiming that the state had violated the festival's First Amendment rights.

The suit comes after former state Rep. Shelly Taub (R-Bloomfield Hills) introduced an amendment that would have barred the festival from receiving funding from the state for three years.

Taub said the amendment blocking future funding was necessary because the festival had violated the terms of its grant by displaying pornographic material.

A 1996 law prohibits organizations that receive state arts grants from displaying art exhibits sex acts.

But the law was not a problem for the festival until last year, when the Mackinac Center, a libertarian think tank, published an article calling for an end to public financing of art.

The article, written by Michael LaFaive, cited several controversial films shown at last year's festival to illustrate the subjective nature of what does and does not count as art. After publishing the article, LaFaive was asked to testify in front of the appropriations subcommittee on history, arts and libraries, on which Taub served as the vice chair.

Although Taub said she does not agree with the Mackinac Center's goal of ending public financing of art, she said she found some of the films shown at the festival last year deeply offensive and pornographic.

One film in particular offended Taub.

"What is it?" directed by Crispin Hellion Glover, who played George McFly in "Back to the Future,"

featured a naked man sitting in a giant sea shell suffering from advanced multiple sclerosis receiving a handjob from a naked woman wearing a monkey mask.

"It was in horrible, horrible taste," Taub said. "Why would you show somebody with such a disability and so vulnerable?"

But the amendment introduced by Taub after the hearings never became law.

Nelson said the Ann Arbor Film Festival's board of directors felt like they were being targeted by the Mackinac Center and conservatives in the state legislature as a way to attack all public arts funding in Michigan. Confronted with Taub's amendment, the Ann Arbor Film Festival's board voted to stop accepting state grants.

"We decided not to fight back," Nelson said. "And our strategy kept us from being used as a pawn in an election year."

After the festival's announcement, the debate over arts funding lost steam and Taub's amendment was taken out of the bill and it went to the state Senate.

But the Ann Arbor Film Festival's commitment to laying low lasted only until after the election was over.

Michael Steinberg, the legal director for the ACLU of Michigan, said representatives from the Ann Arbor Film Festival approached the ACLU for help with proposed obscenity legislation several months ago.

After some consultation, the Ann Arbor Film Festival and the ACLU of Michigan decided to challenge the state's 1996 obscenity laws and hoped to make a big splash by announcing the challenge on opening night of the festival.

Nelson said the festival organizers felt the need to stand up to restrictions the state was putting on arts funding.

"You know, it's that pesky First Amendment thing," he said.

LaFaive said he had expected the ACLU of Michigan to file some kind of legal challenge. He also said he is not concerned with obscenity per se, he just wants the state to stop funding arts because the nature of art is subjective.

"I was not surprised by the well-timed lawsuit," he said. "But even if the arts festival was showing nothing but the Sound of Music, we would still be opposed to the state giving them money."

Nelson dismissed the idea that art shouldn't be publicly funded because the nature of art is subjective.

"Every public expenditure is subjective," he said. "So why should the arts be subject to a higher level of consensus?"

Organizers of the Ann Arbor Film Festival and the ACLU of Michigan seem to be trying to get as much mileage out of the funding controversy as possible. The theme of this year's festival was censorship and chocolate bars stamped with the word "censorship" along with a DVD of controversial films from last year's festival called "Banned in Michigan" were on sale at the festival.