

Artist sues Vail, Colorado for canceling residency over work drawing parallels between Gaza and genocide of Native Americans

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In response to a blatant act of censorship and violation of the First Amendment, relating to Israel's Gaza genocide, artist Danielle SeeWalker is suing the town of Vail, Colorado. SeeWalker, a Denver-based Hú?kpa?á Lak?óta artist and muralist whose artwork incorporates traditional Native American materials and messaging, had her 2024 Artist in Residency canceled because of complaints from pro-Zionist forces, who put pressure on the town authorities. The WSWs reported on the case in May.

The American Civil Liberties Union (ACLU) of Colorado filed suit October 14 on behalf of SeeWalker, a citizen of the Standing Rock Sioux Tribe.

After months of negotiations and planning, on May 6, 2024, Vail officials announced that SeeWalker would be Artist in Residence and sent the news out to some 6,700 people, interested in "Art in Vail" or general news about the community.

However, on April 18, SeeWalker had posted to her Instagram account a photo of one her artworks, *G is for Genocide*, described as the portrait of a Native American woman in a Palestinian *keffiyeh*. She was obviously and quite legitimately drawing parallels, as the ACLU brief points out, "between the dire situation in Gaza and the genocide of Native Americans in the United States."

The ACLU explains further,

In the caption to her Instagram post, Ms. SeeWalker indicated that part of the proceeds from the sale of her artwork would go to the

United Nations Crisis Relief Fund to aid civilians in the occupied territory of Palestine. Ms. SeeWalker used the hashtags #ARTIVISM and #artforthepeople on her post. Ms. SeeWalker's post played a snippet of the song "Still Free Palestine" by the artist Genocide in the background when viewing the post.

Once SeeWalker's views on the mass murder of Palestinians became more widely known, a process was set into motion, which has been repeated dozens of time over the past year in the US and elsewhere, leading to the rapid capitulation of government or art institutional officials and the victimization of the artist in question.

On May 6, a "community member" emailed Vail's Art in Public Places (AIPP) program Coordinator Molly Eppard saying she had looked at SeeWalker's art on Instagram and saw an "anti-Israel piece that she [SeeWalker] is selling on her website." She expressed her dismay.

The following day, Rabbi Joel Newman of the B'nai Vail Congregation emailed several Vail officials launching the campaign to have SeeWalker removed as artist in residence. His complaint was based on the *G is for Genocide* art piece. Newman asserted in his email, according to the ACLU, that the latter art work

refers to the war in Gaza, and that Ms. SeeWalker "proudly displays her work claiming

that Israel is committing genocide,” a claim he characterized as “abhorrent to the Jewish world.” Rabbi Newman stated: “While there are many who are disturbed by the idea that the Israel response contains casualties, it is not genocide. This dichotomy of views will cause extreme reactions that are guaranteed to extend beyond the town of Vail.”

Shortly after receiving Newman’s message, Eppard told an associate to “hold the press” on articles about SeeWalker becoming Vail’s Artist in Residence. “Less than three hours after the Rabbi’s email, Ms. Eppard said that Vail had to pull Ms. SeeWalker from the residency.”

Eppard then had a text message exchange with SeeWalker in which she referred to “an unfortunate situation we need to address with the residency ... It’s about the G is Genocide print. The Jewish congregation in Vail is very upset. ... It’s such a complicated situation ... umph.” SeeWalker replied at one point, “I wish they’d be just as upset with how Native people have/are treated.”

On May 9, 2024, Kathleen Halloran, Vail’s Deputy Town Manager, officially informed SeeWalker that Vail had decided to cancel her summer residency.

The ACLU brief asserts that

Vail’s decision to cancel Ms. SeeWalker’s residency indicates to Ms. SeeWalker and other community members that Vail only wants art and artists that conform with its preferred worldview. Vail’s decision to cancel Ms. SeeWalker’s residency was seen by many as a continuation of the history of silencing Native American people and suppressing their perspectives ...

Government entities are not permitted to award or deny grants based on invidious viewpoint discrimination. Vail cannot, consistent with the First Amendment, condition its residency opportunity on personal assent with prescribed views on the humanitarian catastrophe in Gaza.

In their October 14 document, her lawyers observe that *G is for Genocide*

is unrelated to Vail’s Artist in Residency program. Ms. SeeWalker’s residency would not have involved sharing her views on the conflict in Gaza. None of the funds Vail had offered Ms. SeeWalker were to produce or share artwork expressing views on the conflict in Gaza. Ms. SeeWalker never asked Vail to display her *G is for Genocide* artwork as part of her residency. ...

Ms. SeeWalker was engaged in First Amendment-protected activity unrelated to Vail’s Artist in Residency program when she created and posted her *G is for Genocide* artwork. Ms. SeeWalker’s speech was on a matter of public concern and did not violate any law.

“Two things can be true at the same time, I can have empathy for people in Palestine, but also be very supportive of Jewish people,” SeeWalker told the *Art Newspaper*. “I don’t understand how me supporting Palestine equals me being anti-Jewish. That’s just not the case.”

SeeWalker and the ACLU are seeking monetary relief and a declaration by the court that the Colorado town violated her constitutional rights.

The Vail-SeeWalker case is part of a national and international trend. Free speech and other basic democratic rights are increasingly being thrown out the window by government authorities everywhere, as they desperately attempt to block the truth about the Israeli war of annihilation and suppress popular anger and disgust.



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