

EVENTS

In Antonin Scalia, the arts had a passionate patron

BY SONNY BUNCH
THE WASHINGTON POST

I was surprised at how hard the death of Justice Antonin Scalia hit me. The unexpected passing of the man who is almost indisputably the most important intellectual figure on the high court in the past 30 years was a shock, for certain. As a man of the right, I am certainly apprehensive about what the court will do if his replacement is a liberal in the mold of President Barack Obama's appointees.

ESSAY

On a different level, though — I'm not sure if it's deeper or more superficial, to be entirely honest — I was sad to see someone who cared for the arts as much as he did leave the stage. The stories of he and Justice Ruth Bader Ginsburg setting aside their ideological differences to enjoy an evening at the opera (or a ride on an elephant) warmed the heart of your humble narrator, who has spent so much of his writing energies arguing that we shouldn't let politics dictate our relationships.

Scalia was not merely a patron of, and inspiration for, the arts. He was also a committed and principled defender of the arts and freedom of expression. Throughout his body of work on the high court, court watchers saw him go to bat for the protections offered by the First Amendment.

Several commentators have noted with some surprise that Scalia, for instance, authored a resounding defense of violent video games, smacking down an effort by the state of California to prohibit their sale to minors without the permission of an adult.

"Like the protected books, plays, and movies that preceded them, video games communicate ideas — and even social messages — through many familiar literary devices (such as characters, dialogue, plot, and music) and through features distinctive to the medium (such as the player's interaction with the virtual world)," Scalia noted in his 7-to-2 opinion in *Brown v. Entertainment Merchants Association*. "That suffices to confer First Amendment protection."

This is not to say that Scalia was himself a gamer. Far from it. He merely understood the principle behind treating art — any kind of art — as a legitimate form of expression worthy of First Amendment protection.

"Reading Dante is unquestionably more cultured and intellectually edifying than playing *Mortal Kombat*," he wrote in one of his many entertaining footnotes. "But these cultural and intellectual differences are not constitutional ones. Crudely violent video games, tawdry TV shows, and cheap novels and magazines are no



REUTERS FILE

U.S. Associate Justice Antonin Scalia and his wife, Maureen, arrive for a State Dinner held at the White House in Washington in 2012. Scalia, who died last Friday, was known as a committed and principled defender of the arts and freedom of expression.

less forms of speech than 'The Divine Comedy,' and restrictions upon them must survive strict scrutiny."

During oral arguments for *United States v. Stevens*

— the case in which the Supreme Court ruled 8 to 1 that efforts to ban so-called "puppy crushing" videos were unconstitutional — we saw Scalia make a similar point. "Why couldn't Con-

gress, persuaded by these people say, you know, you can't have — cannot depict torture? You know, these horror films that come out around Halloween, you can't depict that anymore. What is the difference between that and what you have done here?"

Again, the question is not one of aesthetic quality; I can't imagine Scalia was a particularly big Eli Roth aficionado. It's simply a question of principle, namely that the government should not be in the business of telling people what sort of speech is acceptable.

It's why he signed on to the court's decision in *Hustler Magazine, Inc., v. Falwell* that found Jerry Falwell had no grounds to sue "Hustler" for its filthy parody of him. It's why he pointedly stated during oral arguments in the flag-burning case *Texas v. Johnson* that "we up to now have never allowed such an item to be declared a national symbol and to be usable symbolically only in one direction."

And it's why he backed overturning onerous anti-speech regulations at the heart of the Bipartisan Campaign Reform Act. I have neither the space nor the inclination to re-litigate *Citizens United v. Federal Election Commission* in its entirety here. All I'd like to do is remind

readers that, at the end of the day, the case involved efforts by the federal government to limit the distribution and advertisement of a political documentary ahead of an election. As Scalia noted in his concurrence, such an action would have been abhorrent to the Founders.

"The (First) Amendment is written in terms of 'speech,' not speakers. Its text offers no foothold for excluding any category of speaker, from single individuals to partnerships of individuals, to unincorporated associations of individuals — and the dissent offers no evidence about the original meaning of the text to support any such exclusion. We are therefore simply left with the question whether the speech at issue in this case is 'speech' covered by the First Amendment. No one says otherwise. A documentary film critical of a potential Presidential candidate is core political speech, and its nature as such does not change simply because it was funded by a corporation," he wrote.

From *Mortal Kombat* to torture porn to perverted parodies to political documentaries, lovers of art and the First Amendment had few more principled defenders than Antonin Scalia. I'll miss him.

Things to Do

BANGOR and ELLSWORTH — Bangor YMCA's Vegas to Camp adult prom has been postponed to 8 p.m. Saturday, Feb. 20, newly winterized Bangor YMCA Wilderness Center at Camp Jordan, 101 Camp Jordan Way, on Branch Lake. Open to people 21 and older, featuring DJ Disco, hors d'oeuvres buffet and cash bar in the center's King Dining Hall; door-to-door shuttle service by reservation. Tickets \$35 per person, \$50 per couple, \$250 for table of 10. Tickets available in advance only at the Y, 17 Second St., Bangor, or online at www.BangorYMCA.org. All proceeds support Y programs and services.

BANGOR — Contradance with Ed Howe and Lincoln Meyers playing and Dugan Murphy calling, Friday, Feb. 19, Unitarian Universalist Church, 120 Park St. Beginners' session, 7:30 p.m.; dance, 8 p.m. Cost \$8 per person. 941-9727, bangorcontra@gmail.com or bangorcontra@gmail.com.

BAR HARBOR — Verse Unleashed! Poetry Slam, 7 p.m. Friday, Feb. 19, Jesup Memorial Library, Open mic night in a fun and friendly atmosphere. 288-4245 or kchagnon@jesuplibrary.org.

BAR HARBOR — Make faux-birch bark canoes and learn about the friendship between the young Franklin Roosevelt and Tomah Joseph, a Passamaquoddy birch bark artist and guide, 1 p.m. Saturday, Feb. 20, Jesup Memorial Library. Children invited to bring an item reminding them of time they spent with a friend. 288-4245 or kchagnon@jesuplibrary.org.

BATH — Free admission for children ages 12 and younger with a paid adult during school vacation, through Feb. 20, at Maine Maritime Museum, 243 Washington St. Special morning of children's activities, 9:30-11:30 a.m. Thursday, Feb. 18. Alison Freeman performing sea shanties at 10 a.m., followed by movie "Around Cape Horn" at 11 a.m. www.MaineMaritimeMuseum.org; 443-1316.

BLUE HILL — Jessica Woiderski of Cultivating

Community, Jo Barrett of Land for Good and Erica Buswell of the Maine Farmland Trust talking about the collaborative efforts to help transition refugees and other immigrants from farming in their home countries to farming in Maine, 7 p.m. Thursday, Feb. 18, Halcyon Grange hall, 1157 Pleasant St., North Blue Hill. Free and open to all. Light refreshments provided. 326-9082.

BREWER — The Skyliners playing big band music for dancing, 7:30-9:30 p.m. Saturday, Feb. 20, Next Generation Theatre, 39 Center St. \$8. 989-7100.

BREWER — Bangor Singles Club dances, 8 p.m.-midnight Fridays, Brewer Eagles Club, 22 Atlantic Ave.: Prairie Dogs, Feb. 19; Wild-woods, Feb. 26. Marilyn, 827-5751.

EASTPORT — Sunday Afternoons at the Eastport Arts Center series, 3 p.m. Sundays, except Easter: Gerald George reading poems from his book "Figments," Feb. 21; Benjamin Brigham, "Maine Educators and the Golden Door: Working Toward an Outstanding Education for All," Feb. 28. Free and open to all. Hot drinks and refreshments offered. Donations accepted.

ELLSWORTH — The Barn Arts Collective presentation of Shakespeare's "Twelfth Night," 6 p.m. Thursday and Friday, Feb. 18-19, The Grand. All of the parts performed by four actors. \$12, \$8 children 12 and under. 667-9500 or grandonline.org.

ELLSWORTH — International Scottish fiddle champion and multi-style violinist Mari Blackin concert, 7:30 p.m. Saturday, Feb. 20, Flexit Cafe and Bakery, 192 Main St. Advance tickets, \$15, acadiatrad-school.com/concerts or \$20 at the door. Presented by The Acadia School of Traditional Music and Arts.

ELLSWORTH — Fiddle and guitar workshops with Boston-based violinist Mari Black and guitarist Owen Marshall, noon-3 p.m. Saturday, Feb. 20, Moore Community Center, 133 State St. \$30. To register, acadiatrad-school.com/learn.

GLENBURN — Glenburn Lakeside Riders Snowmobile Club baked bean and casseroles public supper, 4:30-6:30 p.m. Saturday, Feb. 20, West Glenburn Community Club, corner of Ohio Street and Phillips Road. Baked beans, macaroni and cheese, chop suey, hot dogs, cole slaw, drinks and dessert. \$7, \$20 family four or more.

OLD TOWN — The Friends of Sunkhaze Meadows National Wildlife Refuge Sunkhaze Cafe series: Erynn Call, raptor specialist, Maine Department of Inland Fisheries and Wildlife, 10-11 a.m. Saturday, Feb. 20, Old Town Public Library, 46 Middle St. Free. Donations accepted. Sunkhaze.org or Facebook/ FriendsofSunkhaze.

OLD TOWN — Barn dance featuring eight different bands, noon-7 p.m. Sunday, Feb. 21, Knights of Columbus Hall, 5 Gilman Falls Ave., to benefit The Samsara Exotic Animal Refuge in Greenfield, which is a nonprofit refuge that cares for animals that other shelters can't, or will not. The refuge is home to roughly 150 animals. Barn dance proceeds will go toward building a new barn for the animals. Auction and bake sale also. For information, visit Benefit Barn Dance on Facebook, or contact Randy Blevins at 826-2220, or at hillbilly207@gmail.com.

ORONO — "Amour," Austrian film made in 2013, 6:30 p.m. Thursday, Feb. 28, Orono Public Library, 39 Pine St. Rated PG-13, runs 127 minutes. 866-5060 or alexisd@orono.lib.me.us.

SOUTHWEST HARBOR — Tea party, 2-3:30 p.m. Thursday, Feb. 18, Southwest Harbor Public Library. 244-7065.

UNITY — "Barbara Peabody: On the Water and in the Woods," a show of paintings, Feb. 18 through April 1, Leonard R. Craig Gallery, Unity College Center for the Performing Arts, 42 Depot St. Opening reception, 5-7 p.m. Thursday, Feb. 18, at the gallery. Refreshments provided. Free and open to all. Gallery hours: 9 a.m.-4 p.m. Monday through Friday, and by appointment. 509-7239 or bpotter@unity.edu.

YARMOUTH — Yarmouth Historical Society and the Royal River Conservation Trust free screening "Chasing Ice," 7 p.m. Thursday, Feb. 18, Yarmouth History Center, 118 East Elm St. Film series continues third Thursdays. 846-6259 or kworthin@yarmouthmehistory.org.

For a complete listing of calendar items or to submit your event, visit www.bangordailynews.com.

Thursday prime time

MOVIES

	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM
BROADCAST	2 NBC 207 Inside Ed. You, Me and The Blacklist (N) (HD)						(:01) Shades of Blue (N)	News	
	4 CBC This Changes Everything Challenging climate change. The National (N)						CBC Coronation	At the Table	
	5 CBS Big Bang Broke Girl Big Bang Life in (:01) Mom						Elementary (N) (HD)	News	
	52 CW Family Guy DC's Legends The 100 (N) (HD)						News Seinfeld	Cougar	
	6 NBC 207 Inside Ed. You, Me and The Blacklist (N) (HD)						(:01) Shades of Blue (N)	News	
	7 ABC Wheel Jeopardy!						Get Away With Murder	News	
	WAGM FOX The Insider Ent. Tonight American Idol Fan favorites return; elimination. (N)						News Big Bang Big Bang		
	8 ABC Wheel Jeopardy!						Get Away With Murder	News	
	MPBN PBS PBS NewsHour (N) (HD)						Liz (N)	Raising Ali	C. Rose
	9 IND Get Away With Murder Big Bang DC's Legends Goldbergs News-Lisa CTV News Daily Show								
KIDS	13 CBS Ent. Tonight The Insider Big Bang Life in (:01) Mom						Elementary (N) (HD)	News	
	22 FOX Mod Fam Mod Fam American Idol Fan favorites return; elimination. (N)						FOX 22 News at 10 (N)	Mentalist	
	33 IND M*A*S*H						Hogan Hero	Hogan Hero	C. Burnett
	38 IND Big Bang Big Bang The Mentalist (HD)						WBZ News (N) (HD)	Seinfeld	
	NICK Paradise Henry * The Last Airbender (2010, Fantasy) Noah Ringer, Dev Patel. (PG) Full House						Friends	Friends	
	DISN Girl Meets Liv-Mad. Zapped (2014, Comedy) Zendaya. K.C. Under. K.C. Under. Stuck Girl Meets								
	FREE (6:00) ** Liar Liar (:15) *** Back to the Future (1985, Comedy) Michael J. Fox. (PG) 700 Club								
	HIST Vikings						Vikings (N)	Join or Die	
	DISC Fast N' Loud (ESP)						Fast N' Loud: Revved Up (N)	Rides	
	TLC My 600-Lb. Life						Extreme Weight Loss	Skin Tight	
LEARN	A&E The First 48						The First 48: Killer Verdict	The First 48	
	ANPL River Monsters River Monsters River Monsters River Monsters							Monsters	
	CSNE Celtics Trade Deadline *36 at 80 Heinsohn Celtics Trade Deadline Sports SportsNite Check								
	ESPN College Basketball Tennessee at Kentucky. (N) (L) College Basketball Wisconsin at Michigan State. (N) SportCtr								
	ESPN2 SportsCenter Special College Basketball College Basketball Utah at UCLA. (N)								
	NBCSP NHL Hockey Detroit Red Wings at Pittsburgh Penguins. (L) (:45) NHL Overtime (N) NASCAR NASCAR								
	NESN Bruins Bruins NHL Hockey Boston Bruins at Nashville Predators. (N) (L) Bruins Sports								
	CNBC Shark Tank						American Greed	Greed	
	CNN Erin Burnett OutFront (N) AC360 GOP Town Hall II (N) (L) CNN Tonight								
	FNC Greta Van Susteren The O'Reilly Factor (N) The Kelly File (N) Hannity (N) O'Reilly								
NEWS	MNBC Hardball Chris Matthews All In With Chris Hayes The O'Reilly Factor (N) The Kelly File (N) Clinton-Sanders Town Hall (N) (L) Special								
	AMC Live Free or Die Hard *** Top Gun (1986, Action) Tom Cruise, Kelly McGillis. (PG) (:29) ** Red Dawn								
	BRV Top Chef (Part 1 of 2)						Recipe for Deception (N)	Happens	
	CMT Last Man Last Man Last Man Last Man Party Down South (N)						Redneck Island (N)	Down South	
	COM South Park South Park Tosh.0						Workaholics Idiotsitter Daily Show		
	EI EI News (N)						Kardashian Hollywood E! News		
	FOOD Chopped						Beat Bobby Beat Bobby Beat Bobby		
	FX Mission *** World War Z (2013, Horror) Brad Pitt. (PG-13) Baskets						Baskets	Baskets	
	GAC You Live in What? You Live in What? You Live in What? You Live in What?							You Live?	
	HALL Last Man Last Man Last Man Last Man The Middle The Middle The Middle The Middle								
VARIETY	HGTV Flip or Flop Flip or Flop Flip or Flop Flip or Flop Flip or Flop Flip or Flop Hunters Hunters Int'l Five Day								
	LIFE Project Runway All Stars						Child Genius: Battle All Stars		
	MTV Ridiculous. (:45) Ridiculousness						Ridiculous. Ridiculous. Ridiculous. Story Story		
	OXY Sex-City Sex-City Sex-City Sex-City (:15) ** A Cinderella Story (2004) Hilary Duff. (PG) Syfy								
	SPIKE (6:00) ** Escape Plan (2013) Sylvester Stallone. (R) Lip Sync Lip Sync Lip Sync Lip Sync								
	TBS Seinfeld						Broke Girl Broke Girl Conan		
	TCM (6:00) Executive Suite (NR) **** An American in Paris (1951) Gene Kelly. *** The Band Wagon (1953) (NR)								
	TM (6:15) ** Stolen (2012) *** The Life Aquatic With Steve Zissou (2004) Bill Murray. *** St. Vincent (2014) Bill Murray.								
	TNT Castle						NBA Basketball Chicago Bulls at Cleveland Cavaliers. (N) NBA Basketball		
	TRAVEL Mysteries at the Museum Imp. Jokers Imp. Jokers Imp. Jokers Imp. Jokers Imp. Jokers Imp. Jokers Those Who Imp. Jokers								
PREMIUM	TRU Imp. Jokers Imp. Jokers Imp. Jokers Imp. Jokers Imp. Jokers Imp. Jokers Those Who Imp. Jokers								
	TVL Andy Griffith Andy Griffith Raymond Raymond Raymond Raymond Raymond Raymond King								
	USA Gone in Sixty Seconds WWE SmackDown! (N)						Colony (N)	Law-SV	
	VH Stevie J Stevie J ** Space Jam (1996, Comedy) Michael Jordan. (PG) ** National Security (2003) (PG-13)								
	WGN-A Elementary						How I Met How I Met How I Met		
	ENC (5:55) **** Jaws (1975) Roy Scheider. (PG) *** Cinderella Man (2005) (ESP) Russell Crowe. Down-and-out boxer Jim Braddock makes a dramatic comeback. (PG-13) *** No Country for Old Men (2007) (ESP) (R)								
	HBO (6:10) Jim: The James Foley Story (2016) (NR) *** Furious 7 (2015, Action) (ESP) Vin Diesel, Paul Walker. A dead man's brother seeks revenge on the Toretto gang. (PG-13) (:35) ** Taken 3 (2014) Liam Neeson. (PG-13)								
	MAX (5:20) *** Jackie Brown (1997) Pam Grier. *** 300 (2007) (ESP) Gerard Butler. Badly outnumbered Spartan warriors battle the Persian army. (R) ** Godzilla (2014, Science Fiction) (ESP) Aaron Taylor-Johnson. (PG-13)								
	SHOW *** Pride (2014) (ESP) Bill Nighy. Lesbians and gays Billions Axe disappears. (ESP)								
	STARZ (6:55) *** A Simple Plan (1998) Bill Paxton. Three men find a fortune in the fuselage of a crashed plane. America and the Black Widow face an unexpected enemy.								