

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	re: non selection (1 page)	00/00/0000	b(6)
002. memo	Cary Christopherson and Cathy Dunham to Bruce Lindsey et al re: non-selection (1 page)	02/04/1993	b(6)
003. memo	Cary Christopherson and Cathy Dunham to Bruce Lindsey et al re: non-selection (1 page)	02/04/1993	b(6)
004. letter	re: pre-presidential (4 pages)	01/06/1993	Personal Misfile
005. paper	re: pre-presidential (16 pages)	11/09/1992	Personal Misfile
006. memo	Laura M. Segal to Anne Bartley re: non-selection (2 pages)	08/27/1993	b(6)
007. memo	To: Bruce Lindsey re: non-selection (1 page)	02/01/0000	b(6)
008. list	re: non-selection (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20045

FOLDER TITLE:

Nea [National Endowment for the Arts] - Arts [Folder 2] [1]

2013-0534-S

rc1846

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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PHOTOCOPY
PRESERVATION

NEA

Arts

Received: 12/30/92
Source: A-spon

MS. JANE ALEXANDER

Office
ICM
40 W. 57th Street
New York, NY 10019

Campaign:
Job 1:
Entry Lvl:

Agency 1: NEA
Job 2:

Agency 2:
Attachmnt:

Category:

Management

Education:

Work History:

to , Actress

Skills:

Film
Bachman
Unix Editor
Product Development
CGR-Constit Groups

Television
Night Flight Time
Israel
Bookkeeping

Fidel
White House
Middle East
CGR Nat Coal Wom Ap

Tracking:

Comments:

01/03/93 notis verified

*She is
articulate
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not a minger
Arts Board
publicly vis, she
have reviews
was Eleanor in
TV documentary
never*

~~Confidential~~
DETERMINED TO BE AN
ADMINISTRATIVE MARKING

JLS: JH DATE: 5/13/2014

Comments about Sheldon Hackney as candidate for Chair of the National Endowment for the Humanities

Gathered by William Gilcher, 15-16 February 1993 indirectly from faculty at the University of Pennsylvania (4), a professional employed in public humanities programming in Pennsylvania, and a professional in the Governor of Pennsylvania's office:

All agreed that Hackney is a logical and plausible candidate for the position. Many of his colleagues on the faculty of Penn think he is wonderful: he has been supportive of the humanities, has continued to teach history while serving as president, has shown continuing interest in the history of Civil Rights movement, and has raised a lot of money for Penn's capital campaign.

The board of trustees of Penn is very conservative and Hackney has been able to work effectively with them, while getting them to agree to significant programs, e.g., outreach to West Philadelphia.

A faculty-member called him fair-minded, an excellent administrator who pays attention to the process and doesn't personalize issues.

All agreed Hackney is a competent and friendly guy--not flamboyant; a person who works in a quiet behind-the-scenes manner. He is a good administrator without being much of a political or intellectual presence.

In essence, people said that Hackney would be a safe choice, but many did not consider him a very interesting or inspiring choice as Chair of NEH.

Those who oppose Hackney as a choice argued that his success as a fund-raiser is due to the fact that he is a skilled technician at the task--but that isn't what the Chair of NEH would have to do.

At worst, the critics argued that Sheldon Hackney is gutless. There have been lots of campus battles on substantive issues (e.g., women's rights, sexual harassment policies). He hasn't taken on any of the issues and tends to back off from an issue if opposed. This characteristic has led to considerable discontent at Penn--because he hasn't taken much of a leadership position.

These people regard him as a well-tailored, well-spoken man who plays the right sports, is not much of a leader and doesn't have a lot of fire. They question his ability to "rise to the national stage."

Politically, Hackney is a moderate liberal, a mainstream person. He has sometimes alienated those on the left. He is known to be committed to free speech, and is very interested in contemporary history.

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2424 18th Street, N.W.
Washington, D.C. 20009
202-986-2705
202-986-2713 Fax

Associate for Philanthropy for Governor Winthrop Rockefeller,
1971-1973

Cabinet member in Governor David Pryor's administration,
1975-1979

Member, National Commission on Neighborhoods, appointed by
President Jimmy Carter, 1977-1979

Cabinet member in Governor Bill Clinton's administration,
1979-1981

Since 1981 I have been operating an office for my philanthropic,
investment, and political interests. I am presently on the boards of the
following foundations:

Rockefeller Family Fund, Vice-President
New World Foundation, Board member
Threshold Foundation, Board member

I am a Trustee of the Democratic National Committee, was a co-chair of
Vote Now '92, a national committee which raised \$ 2 million for voter
registration and get-out-the-vote activities, and am a member of Gateway
and Future Fund, private groups of wealthy individuals who have been
contributing and raising funds for progressive issues and Democratic
candidates since 1984.

References:

President-elect Bill Clinton

Alida Rockefeller Messinger

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**A REPORT TO CONGRESS
ON
THE NATIONAL ENDOWMENT
FOR THE ARTS**

submitted by
The Independent Commission

September 1990
Washington, D.C.

THE INDEPENDENT COMMISSION

John Brademas and Leonard Garment, Co-Chairmen

Members Appointed by the President

John Thomas Agresto, Santa Fe, New Mexico
Theresa Elemore Behrendt, Tuxedo Park, New York
Leonard Garment, Washington, District of Columbia
Charles Kinsley McWhorter, New York, New York

Members appointed by the President upon the recommendation of the President pro tempore of the Senate in Consultation with the minority leader of the Senate

Marcia Laing Golden, Goodland, Kansas
Kay Huffman Goodwin, Ripley, West Virginia
Peter Nicholas Kyros, Jr., Westlake Village, California
Rosalind Wiener Wyman, Los Angeles, California

Members appointed by the President upon the recommendation of the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives

John Brademas, New York, New York
David E. Connor, Peoria, Illinois
Joan White Harris, Chicago, Illinois
Kitty Carlisle Hart, New York, New York

Staff

Margaret J. Wyszomirski, Staff Director
Jason Hall, Associate Director for External Affairs
David B. Pankratz, Associate Director for Research and Administration
Catherine Melquist Jost, External Affairs Associate
Carla M. Hanzal, Research Associate
Anthony Tighe, Administrative Liaison from NEA
Ruth Ann Stewart, Sr. Consultant from Congressional Research Service
Michael C. Dorf, Legal Affairs Consultant

The Independent Commission

Memorandum to:

Honorable George H.W. Bush
President of the United States

Honorable Thomas S. Foley
*Speaker of the
House of Representatives*

Honorable Robert C. Byrd
*President pro tempore of the
Senate*

From:

John Brademas and Leonard Garment
*Co-Chairmen
The Independent Commission*

We have the honor to submit to you the unanimous report of the Independent Commission created by Congress to review the grant making procedures of the National Endowment for the Arts and to consider whether the standard for publicly funded art should be different from the standard for privately funded art.

As authorities who either nominated or appointed the members of the Commission, you will, we hope, as Congress considers legislation to extend the authorization of the National Endowment for the Arts, find our work helpful.

On behalf of our fellow Commissioners, we wish to express our appreciation for the opportunity to serve on the Commission.

September 11, 1990

Introduction

Congress has given the Independent Commission two mandates:

- 1) To review the National Endowment for the Arts grant making procedures, including those of its panel system; and
- 2) To consider whether the standard for publicly funded art should be different from the standard for privately funded art.

When the National Endowment for the Arts was established twenty-five years ago, its authors saw a special problem in ensuring artistic freedom for institutions and individuals receiving NEA funding. Advocates of the new agency did not want government funds used solely for established art forms and activities. The report of the Senate Labor and Public Welfare Committee on the 1965 legislation made clear that

conformity for its own sake is not to be encouraged, and that no undue preference should be given to any particular style or school of thought or expression. Nor is innovation for its own sake to be favored.

For a quarter of a century, the National Endowment for the Arts has worked to preserve the cultural heritage of the United States, assist the nation's cultural institutions, make the arts accessible to millions who might otherwise not have enjoyed them and foster creativity in the arts. The Endowment has been widely supported by the public, Congress and a

succession of presidents. Thousands of grants have been made and only a handful have resulted in public controversy.

Today, twenty-five years after its creation, the original system no longer works as it once did, for reasons that the NEA's founders could not have foreseen. On certain social and cultural issues, the nation has become more polarized; such tensions continue to play an important role in our politics. Relations among various cultural, ethnic, racial and religious groups continue to pose serious challenges to American institutions. As with other federal agencies, these developments affect the NEA and the environment in which it operates. In consequence, a number of grants has produced, within the past eighteen months, significant public controversy that poses a danger to the NEA and its programs. Public confidence in the agency has been impaired.

The Independent Commission believes it is time to restate what the founders of the NEA took for granted: The National Endowment for the Arts is a public agency established to serve purposes the public expresses through its elected representatives. In a country like ours, these goals are not likely to be articulated in a formal declaration of federal policy for the arts.

We can say, however, that the Endowment exists to bring the benefits of the arts to the American people. While the artists and the arts institutions receiving NEA funds are indispensable to the achievement of the purposes of the agency, the NEA must not operate solely in the interest of its direct beneficiaries. As with every federal agency, the Endowment must do its part in pursuing worthy social objectives but the agency cannot let such goals take precedence over its primary task of strengthening the role of the arts in American life.

Publicly funded art must be measured, like privately funded art, against standards of artistic excellence. Publicly

funded art must be judged by other standards as well. It should serve the purposes which Congress has determined for the Endowment. It should be chosen through a process that is accountable and free of conflicts of interest. It should be selected with an awareness of the geographic and cultural diversity of the United States and with respect for the differing beliefs and values of the American people.

The Endowment is charged with one of the most complex and delicate tasks that an agency of government can perform in a democracy. On the one hand, it must seek to offer a spacious sense of freedom to the artists and the arts institutions it assists; from such freedom grows the capacity of the arts to expand our horizons. At the same time, the NEA must, if it is to maintain public confidence in its stewardship of public funds, be accountable to all of the American people.

With its discretion to spend public money, the Endowment must make sure that its policies and procedures are fair, reasonable and efficient. Insuring the freedom of expression necessary to nourish the arts while bearing in mind limits of public understanding and tolerance requires unusual wisdom, prudence, and most of all, common sense. The success of the Endowment will always depend crucially on the quality of the individuals chosen to lead it.

The Independent Commission hopes that Congress and the American people will find this report a constructive contribution to the resolution of the issues Congress asked us to consider.

Part Two:

FINDINGS AND RECOMMENDATIONS

IV.

**RECOMMENDATIONS ON
"...WHETHER THE STANDARD FOR
PUBLICLY FUNDED ART SHOULD BE
DIFFERENT THAN THE STANDARD
FOR PRIVATELY FUNDED ART"**

1) The Independent Commission finds that the standard for publicly funded art must go beyond the standard for privately funded art.

The Commission agrees that when measured solely in terms of aesthetic or artistic qualities, there should be no difference in the standard for publicly funded art from the standard for privately funded art--and that standard should be artistic excellence.

But to support art from public funds entails considerations that go beyond artistic excellence. Publicly funded art must take into account the conditions that traditionally govern the use of public money. In addition, publicly funded art must, of course, serve the purposes which Congress has defined for the National Endowment for the Arts.

2) The Independent Commission reaffirms that the guiding standard for grant making by the National Endowment for the Arts must be artistic excellence.

Although the National Endowment for the Arts

encourages a diversity of artistic perspectives, the principal criterion for making grants must be artistic quality. Another major consideration must be the encouragement of artistic excellence.

3) The Independent Commission reaffirms the several other purposes, articulated in the present statute, for the public funding of art.

The National Endowment for the Arts, as a public agency, has a responsibility to serve the public interest and promote the general welfare.

In the private realm, corporations may make decisions to support art based on considerations such as proximity to company headquarters or benefit to customers and employees. Private foundations and private individuals may base their choices on an unlimited range of purposes. The NEA, however, serves public purposes.

The statute authorizing the Endowment articulates several considerations which must guide the expenditure of public funds on the arts, and the Commission endorses these considerations. The Chairperson, for example, is directed to support projects and productions that:

- [meet] professional standards of authenticity...which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons;
- will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;
- have substantial artistic and cultural significance and

that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;

- will encourage public knowledge, understanding, and appreciation of the arts; and
- will encourage and develop the appreciation and enjoyment of the arts by citizens. [NFAH Act, Sec. 5 (c)]

4) The Independent Commission recommends that the preamble of the legislation that authorizes the National Endowment for the Arts be amended to make clear that the arts belong to all the people of the United States.

The Independent Commission believes it is time to restate what the founders of the NEA may have taken for granted: The National Endowment for the Arts is a public agency established to serve purposes the public expresses through its elected representatives.

The preamble, which is the "Congressional Declaration of Purpose," in the legislation authorizing the National Endowment for the Arts, expresses the intent of Congress.

Lost in the current debate on the National Endowment for the Arts is the recognition that the arts belong to all the American people and not only to those who benefit directly from the agency. The Commission believes the preamble to the authorizing legislation should make this proposition clear. The preamble should also affirm that the Endowment depends upon the expenditure of public funds and that it must take into account the nature of public sponsorship. The preamble

should further recognize that in addition to seeking to strengthen the nation's rich cultural heritage, the American people assign a high place to the ways in which the arts can foster mutual respect among all persons and groups.

The Independent Commission, therefore, recommends that Congress add to 20 U.S. Code, Section 951 (Section 2), Congressional Declaration of Purpose, a new (1), an amended (4) and a new (9):

The Congress hereby finds and declares --

- (1) that the arts and the humanities belong to all the people of the United States;
- (4) that it is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, state, regional, and private agencies and their organizations; and that, in doing so, it must be sensitive to the nature of public sponsorship;
- (9) that the arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups.

These proposed additions to the "Congressional Declaration of Purpose" should convey a clear sense of Congressional intent that the Endowment in making grants, should act to strengthen, not to weaken, public confidence in its prudence and sensitivity as a steward of public funds. If the Endowment loses the trust and support of the American people, it will have failed.

Although the Commission is not unmindful that certain recent grants by the Endowment have been offensive to some members of the public and Congress, the Commission is convinced that the thousands of grant decisions the Endowment makes cannot be determined on a grid of legislative directions.

Ultimately, the responsible and sensitive administration of the law is the best, indeed, the only effective, way to achieve the purposes of Congress.

5) The Independent Commission recommends that in order to assure that the National Endowment for the Arts operate in a manner accountable to the President, Congress and the American people, the procedures of the Endowment for scrutiny and evaluation of applications for grants be reformed.

The Commission recommends that in order to assure the American people that the National Endowment for the Arts is carrying out the public purposes intended by Congress, the agency's grant making procedures be reformed in significant ways. As Mr. Olson, one of the members of the Legal Task Force, told the Commission

Procedural revisions in the NEA grant process may prove to be of value in implementing any

Congressional direction to the NEA to be more sensitive to the source of its funding and more mindful in its grant decisions of public acceptance and sensibilities.

Among the major reforms the Commission believes necessary are: (1) strengthening the authority of the Chairperson; (2) making the National Council more active; (3) eliminating real or perceived conflicts of interest; (4) assuring that evaluation of grant applications be fair, accountable and thorough; (5) clarifying the function of the grant advisory panels and broadening their membership to make them more representative; and (6) making clear that the National Endowment for the Arts belongs not solely to those who receive its grants but to all the people of the United States.

V.

RECOMMENDATIONS ON "...THE NATIONAL ENDOWMENT FOR THE ARTS GRANT MAKING PROCEDURES, INCLUDING THOSE OF ITS PANEL SYSTEM..."

Procedures for making grants at the National Endowment for the Arts involve three principal entities--the Chairperson, the National Council and grant advisory panels. To work effectively, the grant making system must operate on the principle of checks and balances, with each tier of review having clear notions of its own responsibilities and the Chairperson having authority to make final decisions. The public/private partnerships resulting from the matching requirements of the Endowment are also an integral part of the process.

CONCERNING THE NEA CHAIRPERSON

1) The Independent Commission recommends that the sole authority of the Chairperson to make grants be made explicit in legislation.

The authority of the Chairperson must be made explicit. He is neither bound by law nor should he be bound by custom to accept the advice or recommendations given him by the National Council, grant advisory panels or staff. The Chairperson is the only official accountable to the President and Congress, who can, by law, make grants. The National Council

serves in an advisory capacity. The Chairperson holds final authority with respect to all activities of the agency, including the oversight of programs, the making of policy, the development of grant criteria and the awarding of grants. Currently, the Chairperson's statutory authority is distributed throughout various parts of the statute, notably Sections 5(c), 6(f) and 10(a). The Commission recommends that Congress consider adding to Section 5(c) of the statute governing the NEA a clear statement of the authority of the Chairperson to make final decisions on grants.

2) The Independent Commission recommends that in order to carry out his responsibilities more effectively, the Chairperson be given more authority and more choices.

Therefore,

a. The Independent Commission affirms the authority of the Chairperson to select policy-level staff, including Deputy Chairpersons and Program Directors, and to determine their tenure. Staff must be accountable to the Chairperson rather than to the particular artistic fields or disciplines with which they work.

Deputy Chairpersons and Program Directors play a central role in the administration of the Endowment. The Chairperson must appoint an administrative team who are reliable, responsible and competent, and who recognize that they are accountable only to the Chairperson. The Chairperson must be free to determine the tenure of policy-level staff, and with respect to Program Directors, appropriate legislation should be enacted. Vacancies should be filled as quickly as possible. Lengthy vacancies (or acting appointments) impede

the efficiency of the agency and deprive the Chairperson of necessary assistance and advice.

b. The Independent Commission recommends that the Chairperson be given a range of options beyond the ratifying of decisions made by staff or by grant advisory panels. In particular, a system should be established to require that the grant advisory panels and the National Council recommend more grants than funds available for them, thereby giving the Chairperson a genuine choice in awarding grants.

Under the present system, a grant advisory panel recommends a package both of projects to receive grants and of specific amounts to be awarded; these decisions are adjusted to total program funds that are available. Instead, panels should be required to recommend all grant applications judged worthy of funding not tailoring their decisions to available program funds. In making this recommendation, the Commission endorses a proposal of Professor Michael McConnell of the University of Chicago Law School and a member of the Commission's Legal Task Force:

...that each reviewing panel at each stage in the selection process be required to recommend more projects for funding than there are funds available, leaving the selection among the projects to higher authority, and ultimately the Chairman of the Endowment.

c. The Independent Commission recommends that the Chairperson act to ensure that members of grant advisory panels have no

real or perceived conflicts of interest.

At the present time, NEA procedures allow individuals affiliated with an institution applying for a grant to serve as a member of the grant advisory panel evaluating that grant so long as the panelist is neither the director of the proposed project nor the person who signed the application. A panelist must leave the room when his or her institution's application is being considered. These procedures are less effective in guarding against apparent or actual conflicts of interest than procedures of other federal grant making agencies. In designing stricter conflict of interest rules, the NEA should consider those of the National Endowment for the Humanities. The Chairperson should ensure that panelists do not serve as members of panels that consider applications for grants from institutions with which they are affiliated. The Chairperson may also organize panels so as to minimize the potential for conflicts of interest (*see Panel Recommendations*). Panels should not advance, and should not appear to advance, personal interests of individual panelists.

d. The Chairperson must also act to ensure that the membership of panels represents a variety of aesthetic and philosophical views.

Panels must not be dominated by any particular interest, viewpoint or school. The Chairperson must ensure that panels embody the broad diversity of membership intended by Congress.

e. The Independent Commission recommends that the Chairperson exercise greater authority over the development of program guidelines.

At the present time, subject to only minor review and revision by the National Council and the Chairperson, grant advisory panels write guidelines. Because guidelines articulate the policies and priorities of the agency, their formulation falls within the purview of the Chair. She/He should take the responsibility for proposing guidelines for all programs. Eligibility criteria will vary greatly from one art form to another. Both institutions and individual artists will also vary in the record of their publication, performance or work. The Chairperson and the staff should review each set of program guidelines periodically to assure compliance with the authorizing legislation and the highest artistic standards of each discipline.

f. The Independent Commission recommends that, in the interest of administrative efficiency and careful evaluation, the Chairperson, from time to time, review the number and scope of grant advisory panels and where necessary make changes.

Although most grant advisory panels review applications for a single funding category within a Program, the volume of applications considered by each panel varies significantly. In those programs which must review large numbers of applications, careful evaluation may be constrained by time and workload while applications reviewed by panels with smaller workloads face only limited competition.

Where it would not do disservice to a particular discipline, and where reorganization of panels would provide more careful evaluation and enhance efficiency, such reorganization should be undertaken.

Indeed, the Commission recognizes that a number of matters concerning governance of the agency might benefit

from periodic management reviews. The Chairperson may be well served by obtaining, as needed, independent analysis of such matters as assuring a workable span of administrative control by the Chairperson and improving the utility of final reports and post-award evaluations.

Finally,

3) The Independent Commission recommends that the term of the Chairperson be coterminous with that of the President.

If the term of the Chairperson were coterminous with that of the President, the Chairperson would be directly accountable to the President who appointed him/her. While this coterminous arrangement was originally intended by Congress, an accident of history caused the tenure of the Chairperson not to be synchronized with the term of the President. This situation could be corrected either legislatively or by Congress making clear that, as with most other Presidential appointees, an incumbent Chairperson should be expected to tender his or her resignation to the incoming President.

CONCERNING THE NATIONAL COUNCIL ON THE ARTS

1) The Independent Commission recommends, in order to provide another tier of independent and comparative review of grant applications, that the Chairperson form "Committees" of the National Council.

The experience and abilities of the National Council should be more effectively employed. With membership drawn from many disciplines and various walks of life, the National Council can bring a broader perspective to its deliberations than can the discipline-based grant advisory panels. The Council represents all of the arts rather than individual fields. Private citizens who serve on the National Council--arts patrons and trustees, civic cultural leaders, arts critics and educators--together bring a blend of experiences and judgments to their discussions. This broader perspective must be more effectively brought to bear on the process of grant making.

The National Endowment for the Arts should reinstate "Committees" of the National Council. These Committees would represent another opportunity for review. Such Committees should be multi-disciplinary in membership. The Committees should make independent evaluations of recommendations concerning a cluster of grant categories, and then pass on to the full National Council two sets of recommendations--their own and those forwarded from the Programs. Because service on the Committees would require more time and energy on the part of members of the National Council, this added responsibility should be made clear to nominees to the Council and their willingness to make such a commitment should be a condition of their appointment and confirmation.

2) The Independent Commission recommends that the meetings of the full National Council be open and endorses the decision of the Endowment to do so.

Given the general and relatively undetailed review the full Council accords grant applications, the interest of the public in observing these proceedings outweighs the need to protect the confidentiality of applicants. The Council can, however, go into executive session when necessary.

3) The Independent Commission recommends that the meetings of the Committees of the National Council be closed.

Because the Committees of the National Council will discuss the merits of particular applicants, Committee meetings should, in order to protect the confidentiality of applicants and to promote candor, be closed.

CONCERNING GRANT ADVISORY PANELS

1) The Independent Commission recommends that the Endowment continue to ask panels of outside advisers--the grant advisory panels--to consider the artistic merit of applications for grants.

The grant advisory panels provide a valuable source of expert knowledge and judgment to the Endowment and are essential to the evaluation of applications for grants.

2) The Independent Commission recommends that the grant advisory panels be one of several sources of advice to the Chairperson and National Council. The Chairperson has final authority in the grant making procedure. The grant advisory panels are the first step in the review process.

Since the earliest days of the National Endowment for the Arts, panels of experts have reviewed and evaluated grants. In recent years, these grant advisory panels have come to dominate the process of grant making. This development does not satisfy expectations about public accountability nor does it reflect the purposes of Congress when it created the agency. The Chairperson, who is accountable to the President, Congress and the American people, is the only person with legal authority to make grants.

3) The Independent Commission recommends that the primary responsibility of the grant advisory panels be to evaluate the artistic merit of grant applications.

Currently, grant advisory panels make recommendations to the Council and Chairperson not only on which projects are to receive grants but also for specific amounts of awards. These panel recommendations, both as to artistic merit and amounts of awards, have become virtually final grant decisions.

It is essential that the NEA receive recommendations about artistic merit from grant advisory panels, which are composed of persons knowledgeable about the artistic discipline in question. The Commission is aware, however, of no other federal grant making agency which asks grant advisory panels to make the initial recommendations for the amount of grant awards. With regard to the procedures for determining the final amounts to be awarded to grant applicants, Program Directors should make an initial funding recommendation for each application for consideration and comment by the grant advisory panel. Recommendations for both grants and amounts of awards would then be made and forwarded by the Program Directors for review by Council Committees before submission to the Council and final decisions by the Chairperson. These recommendations of the Program Directors should include a summary of the views of the panel.

4) The Independent Commission recommends that the conflict of interest rules of the National Endowment for the Arts be strengthened.

The proliferation of panels dealing with narrow specialties has contributed to potential conflicts of interest and/or the appearance of them. The perception of panels as the captive of particular interests has done a disservice to the overall record of fairness of the agency.

a. The Independent Commission recommends that

anyone affiliated with an institution which has a grant proposal pending before the NEA should not sit on a panel reviewing such grants.

At the present time, persons affiliated with institutions whose proposals are under review must leave the room when such applications are being discussed, but can, nonetheless, sit on panels considering these proposals. In order to dispel any perception of conflict of interest, individuals should not serve on grant advisory panels considering proposals of institutions with which they are affiliated.

b. The Independent Commission recommends that the Endowment consider the following options for restructuring the grant advisory panels:

1) *Multiple panels.* Two panels or more per year could be formed in a given discipline--such as theater, where there is now only one--so that panelists expert in the field could sit on either panel. Panelists would not be permitted to serve on a panel considering applications from institutions with which they are affiliated. Such multiple panels would not only lessen the possibility of conflicts of interest but would also reduce the number of applications before a panel, allowing more careful evaluation.

2) *Multi-year grants.* Grant awards could be extended from the present practice of one year to two or three years. Panelists would not be permitted to serve on panels during the year in which an application from an institution with which they are affiliated is under consideration. Multi-year grants would reduce the workload of panels and permit more careful evaluation of proposals. These grants would, however, require greater oversight by the staff of the Endowment.

c. The Independent Commission recommends that the pool of advisers sitting on grant advisory panels be expanded.

1) *People who do not earn their living in the arts should be part of the pool.* The Commission endorses the effort of the Endowment to place on panels more persons who are knowledgeable about the discipline under review but do not earn their living in the arts. Such persons might include art critics, collectors, educators, trustees or others with an aesthetic knowledge of a particular discipline and a view of the world outside the arts.

2) *Regional representatives of the Endowment, who play an essential role in its function, as well as officials from state and local arts agencies should be invited on a more systematic basis to recommend possible panelists.* Regional representatives of the Endowment as well as officials working at state and local arts agencies may know of persons who might sit on panels of whom officials at the national level may be unaware.

d. The Independent Commission recommends that the present rules governing the rotation of panelists be retained, with panelists appointed for one-year terms, renewable for a maximum of three years. In addition, any panelist who serves for a continuous period of three years should not be appointed by the Chairperson to serve again on any panel until the end of a one-year period.

Continuity of experience on panels must be balanced with breadth of representation, opportunity for participation and freshness of perspective.

5) The Independent Commission recommends that the grant advisory panels be given adequate

information about particular applications, and emphasizes the importance of site visits.

Program Directors must make sure that the information they provide panelists is adequate, including a record of an applicant's previous grants from the Endowment, the amount of these grants and an evaluation of the project or performance for which the money was expended. Slides, videotapes and recordings may not do justice to works of art or performances. The information that site visits and regional representatives convey can be invaluable. They should be encouraged when the importance of such information justifies the cost of obtaining it.

6) The Independent Commission recommends that the National Endowment for the Arts provide more information to the public, particularly potential applicants.

The Endowment should provide clearer and more extensive descriptions of its programs and operations and greater advance notice of meetings of panels and the Council which are open. The agency should articulate its appeals process for the reconsideration or resubmission of rejected grants and better publicize it.

7) The Independent Commission recommends that post-award evaluation procedures at the Endowment be reviewed and improved.

Reports required of applicants on completion of their projects or productions should be used to evaluate their future proposals. Currently the Endowment requires grantees, except

individual fellowship recipients, to submit final reports concerning their use of grant funds. The Endowment should require **all** grantees to submit final reports. These reports should be considered by grant advisory panels in making subsequent grant recommendations. If on receiving these reports, the NEA determines that grant monies have been used for purposes other than those described in the original grant application, the Chairperson may direct post-award evaluations. These may be taken into account in the consideration of subsequent grant applications. Where a project is found to be at significant variance with the application of record, the Endowment may prohibit the recipient from publicly associating the agency with the project. In such cases, the Endowment should also seek to obtain appropriate restitution.

8) The Independent Commission recommends that meetings of the grant advisory panels continue to be closed.

There are several reasons to continue the practice of keeping the discussions of grant advisory panels closed. First, panelists are likely to be more candid if they are discussing, behind closed doors, the work of a colleague or prominent competitor. Candor would also be compromised if an applicant were sitting in the room. Second, open panels are an invitation to pressure groups and lobbyists, seeking to influence the decisions of panelists. Third, a frank discussion of a particular proposal could damage the reputation of an artist or institution. Finally, and of particular importance, public knowledge of a panel's deliberations prior to the consideration of an application by the National Council and the Chairperson could act as a restraint on their exercise of discretion. At the same time, careful records of the deliberations of panels should be kept and made available to applicants as requested.

Here it should be pointed out that meetings of grant

review panels of other major federal agencies--the National Endowment for the Humanities, the National Institutes of Health, the National Science Foundation--are closed.

9) The Independent Commission recommends that once the Chairperson has made his or her decisions on grants, applicants, whether individuals or institutions, have access to the reasons their applications were accepted or rejected.

Applicants should know why their proposals were approved or not and should have access to evaluative comments, without attribution, of panelists.

CONCERNING PARTNERSHIPS AMONG PUBLIC AND PRIVATE SECTORS

1) The Independent Commission recommends that the matching principle that governs much of the grant making of the National Endowment for the Arts be reaffirmed.

The Endowment requires that grants to organizations be matched, from private sources, on a one-to-one basis, a principle praised by representatives from corporations and foundations who testified before the Commission. The matching principle also applies to NEA grants to other public arts agencies. The NEA is required, by statute, to allocate twenty percent of its funds to state arts agencies. Although states are required, as a condition of receiving federal monies, to match them on a one-to-one basis, in practice, all the states taken together have matched NEA funds by six-to-one.

Several studies have also endorsed the matching concept. The 1981 Presidential Task Force on the Arts and Humanities, for example, concluded that public support for the arts in America is "an important catalyst for the expansion of private support. This diversity of support ensures essential freedom of expression in cultural affairs." In 1988, the President's Committee on the Arts and Humanities, whose charge it is to encourage public-private partnerships in support of the arts, issued a Report to the President which concluded that these partnerships "maximize the use of financial and human resources."

The experience of the Endowment provides strong evidence for this view. Indeed, the record indicates that most grantees of the Endowment have raised non-federal monies far in excess of the required one-to-one match.

2) The Independent Commission recommends that the Challenge Grant program be singled out as a particularly effective mechanism for encouraging partnerships in support of the arts between the federal government, on the one hand, and, on the other, the private sector, and local and state governments.

The Challenge Grant program, which requires a match of three non-federal dollars for each federal dollar, has been a notable success. Since its inception in 1976, under this NEA program, \$258 million has leveraged \$2 billion in non-federal funds, an eight-to-one match.

3) The Independent Commission recommends that the present statutory formula, which allocates twenty percent of Endowment funds to state art agencies, be maintained.

All the witnesses who testified on this subject before the Commission from the public and private sectors; reflecting federal, state and local perspectives; and encompassing conservative and liberal viewpoints, emphasized that the existing formula channeling twenty percent of NEA appropriations to the states has proved effective and should not be changed at this time. Any future change should be preceded by a careful, Congressionally mandated study of its impact on federal, state and local funding.

4) The Independent Commission recommends that the roles and responsibilities of the components of the public funding partnership--the NEA, state arts

agencies and local arts agencies--merit further study.

One of the great successes of the Endowment has been to stimulate the growth of arts agencies at other levels--in fifty states and 3,000 cities and communities. This network of public support for the arts, which did not exist in 1965, today presents underutilized possibilities. A reassessment of the appropriate roles and responsibilities of the members of this public funding partnership is, therefore, in order. This recommendation was urged by the signers of the May 1990 Arts Summit declaration ("Artistic Freedom: Our American Heritage") as well as by many speakers before the Commission.

5) The Independent Commission encourages the National Endowment for the Arts to collaborate to a greater extent with state and local arts agencies and with other sectors of society to advance arts education.

Although Congress did not call on the Independent Commission to consider the role of the Endowment in arts education, the Commission concluded that arts education represented a significant example of how the Endowment could more effectively collaborate with state and local arts agencies and other entities.

When the authorization of the Endowment was extended in 1985, Congress added language concerning arts education to the mandate of the agency: "to encourage public knowledge, understanding and appreciation of the arts." Congress also called for a "study of the state of arts education" [NFAH Act, Sec 5(c)(s) and 10(e)(1)(A)]. The result was a comprehensive and thoughtful report, Toward Civilization, prepared by the

Endowment in 1988. The report proposed the concept of "basic arts education" for the nation's schools. This concept encompasses the disciplines of literature, visual arts and design, performing arts and media arts. It also stresses instruction in production and performance, history, aesthetics and criticism. The Commission endorses these goals for arts education in American schools.

Under the Arts in Education Program, the NEA channels grants to state arts agencies to work with state departments of education to develop basic and sequential arts curricula. Endowment partnerships in arts education also extend to local arts agencies, colleges and universities, private foundations and non-profit arts organizations.

Recognizing that contributions to arts education can be made by several federal agencies, the Commission believes that the National Endowment for the Arts should lead this effort. The Commission also recommends that the President himself direct his attention and support to arts education. The stature of his office would be invaluable in transforming arts education from an abstract goal to an actual component of the curriculum of American schools.

The Independent Commission believes the Endowment must become a more visible and vigorous advocate of arts education, developing opportunities to foster partnerships with government, education, business and the arts, to provide American children an opportunity to understand and to participate in the arts. The Independent Commission also believes that the Endowment should help preserve and transmit our rich and varied cultural heritage and enable succeeding generations to appreciate it. The arts will not fully contribute to American life until arts education is an integral part of the education of all our children.

VI.

RECOMMENDATIONS ON THE ISSUE OF OBSCENITY AND OTHER CONTENT RESTRICTIONS

1) The Independent Commission affirms that freedom of expression is essential to the arts.

As the Commission has earlier noted, public funding requires accountability and sensitivity. But the Commission also urges all to remember that the clash of ideas and visions is a vigorous and sometimes difficult process, in which all participants--artists, commentators and citizens--have the right to express their views fully and freely and should respect the views of others.

2) The Independent Commission recognizes that obscenity is not protected speech and that the National Endowment for the Arts is prohibited from funding the production of works which are obscene or otherwise illegal.

The current definition of obscenity was set forth by the United States Supreme Court in Miller v. California, 413 U.S. 15 (1973). The Court, citing previous decisions, reaffirmed in that case that obscenity is not a form of speech protected by the

First Amendment.¹

The Commission also notes that the issue of standards for public funding of the arts raises constitutional considerations beyond that of obscenity.

Although public debate and Congressional action have focused on "obscenity," the term is ambiguous. In a narrow, legalistic sense, "obscenity" involves the exacting standards of proof prescribed most recently by the United States Supreme Court in Miller v. California. So far as we know, no NEA grant has ever been judicially found to be "obscene" in this sense.

The other meaning of the term, in common parlance, involves grossly "offensive" matter, usually of a sexual nature, to which different persons and groups react and describe as "obscene." Even without the specific proscription on "obscenity" which was directed at the Endowment in the appropriations legislation, the Endowment could not lawfully fund art which was "obscene" in the technical sense. Existing state and federal law criminalizes such obscene matter. We stress this point in order to make clear that although the re-enactment of a ban on obscenity in the Endowment's authorization statute may serve the legitimate objective of emphasis, such a ban has no talismanic capacity to encapsulate and eliminate the problems that are actually involved in the present controversy. These involve difficult questions of First Amendment law.

The Commission, therefore, convened a Legal Task Force of distinguished constitutional lawyers and sought their advice

¹ If Congress chooses to reenact a specific prohibition against the use of Endowment funds for the production of obscene works, Congress will no doubt wish to use the definition of obscenity in Miller rather than a paraphrase.

on this matter.² The Commission asked the Legal Task Force both to testify and to draft a statement of principles that would address the legal and constitutional issues involved in the support of art by the federal government, particularly those issues raised by the question of "standards for grant-making other than 'substantial artistic and cultural significance...'" The Legal Task Force endorsed the following statement:

LEGAL TASK FORCE CONSENSUS STATEMENT

1. *There is no constitutional obligation on the part of the federal government to fund the arts. That is a policy decision to be determined by Congress based upon its views as to whether it is useful and wise for the federal government to play a role in the arts funding process. The Constitution offers no guidance as to whether the arts should be funded by the federal government.*

2. *If federal funds are used to subsidize the arts, however, constitutional limitations on how the arts are funded may come into play. The most important of these is that while Congress has broad powers as to how to spend public funds, it may not do so in a way that the Supreme Court has said is "aimed at the suppression of dangerous ideas." Congress plainly may, for example, determine to spend all federal funds*

² The Legal Task Force, a group of six constitutional lawyers, were chosen for their expertise as well as the diversity of their philosophical views, ranging across the spectrum from conservative to liberal. The members of the Legal Task Force were: Floyd Abrams of Cahill, Gordon & Reindel; Professor Michael McConnell of the University of Chicago Law School; Professor Henry Monaghan of the Columbia University Law School; Theodore Olson of Gibson, Dunn & Crutcher; Dean Geoffrey Stone of the University of Chicago Law School; and Professor Kathleen Sullivan of the Harvard University Law School.

designated for the arts on music and none on the visual arts. Or vice versa. It may expend funds to celebrate American history or American diversity, even though spending for one purpose naturally means less money is expended on others. And, of course, it may insist on artistic excellence as a prerequisite for any funding. What it may not do, however, is to choose those to be funded--and, often more important, those not to be funded--in a manner which punishes what Congress views as "dangerous content." When funding denials are the product of invidious discrimination with the aim of suppressing a particular message and for no other reason, a particularly powerful case might be made that the decision was unconstitutional.

3. Obscenity is not protected speech under the First Amendment and Congress is under no obligation to fund obscene speech. In fact, under both state and federal laws, obscenity is a crime. The definition of what is and is not obscene was set forth by the Supreme Court in the 1973 case of Miller v. California, which concluded that:

[W]e now confine the permissible scope of [obscenity] regulation to works which depict or describe sexual conduct. That conduct must be specifically defined by the applicable state law, as written or authoritatively construed....

The basic guidelines for the trier of fact must be: (a) whether 'the average person, applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable

state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value....

4. Unless a work fits within each of the prongs of the definition stated above, it is not obscene under the Miller standard. For example, any work which, "taken as a whole," has "serious...artistic...value" cannot be obscene under Miller, whatever its sexual content.

5. The NEA currently requires all grant recipients to certify, under oath, that they will adhere to and enforce a ban on any use of NEA funds for purposes which the NEA "may consider" to be obscene. Some of the legal advisors to the Independent Commission believe this requirement is unconstitutional; all believe the insistence on such a requirement is unwise and all recommend against it.

In their appearance before the Commission, members of the Legal Task Force voiced differing views on a number of points raised by Commissioners and in their own comments on each other's testimony.

3) The Independent Commission believes that the National Endowment for the Arts is an inappropriate tribunal for the legal determination of obscenity, for purposes of either civil or criminal liability.

The Commission believes it inadvisable for the Endowment to attempt to make determinations of what constitutes legal obscenity. The nature and structure of the Endowment are not such that it can make the necessary due

process findings of fact and conclusions of law involved in these determinations. The Endowment must, of course, make grants that comply with federal and state law but the appropriate forum for the formal determination of obscenity is the courts.

4) The Independent Commission recommends that the National Endowment for the Arts rescind its current requirement that grantees certify that the works of art they propose to produce will not be obscene.

The statement of policy and guidance issued by the National Endowment for the Arts for the implementation of Section 304 of the Department of the Interior and Related Agencies Appropriations Act of 1990 (effective July 5, 1990) declared that:

grant recipients, in order to receive funds, must agree that they will not use those grant funds to promote, disseminate or produce materials that are "obscene" under the well-settled legal definition employed by the Supreme Court in *Miller v. California*.

This requirement is presently under court challenge.

As Professor McConnell observed in testimony submitted to the Commission

As a matter of law, it is unnecessary to call attention to any particular restriction, since grant recipients are already bound by all restrictions applicable to the program. Self-certification will be perceived, rightly or wrongly, as implicating the artist in what many artists believe to be improper restrictions on artistic freedom. There may be a public interest in governing

their use of public funds, but there is no public interest in forcing them to sign their names to it. It is a recipe for resistance and conflict.

Recognizing that the constitutional and other legal issues involved in the certification requirement will be decided by the courts, the Commission believes that as a matter of public policy, the requirement should be rescinded.

5) The Independent Commission recommends against legislative changes to impose specific restrictions on the content of works of art supported by the Endowment. Content restrictions may raise serious constitutional issues, would be inherently ambiguous and would almost certainly involve the Endowment and the Department of Justice in costly and unproductive lawsuits.

Although there was disagreement among the Legal Task Force members about the constitutionality of certain proposed restrictions, all agreed that specific legislative restrictions were unwise and should be avoided. As Professor McConnell said

...[A]dditional criteria for selection, if any, should be incorporated as part of the selection process (perhaps as part of a definition of 'artistic excellence'), rather than isolated and treated as exogenous considerations....Whenever a process is set up so that controversial judgments are superimposed on a system, those judgments are legally and popularly vulnerable....While a work of meager artistic quality should be disallowed because of inappropriateness for public funding, a work of great importance might warrant funding despite the same qualities of inappropriateness. It is better to treat all

these factors as aspects of the ultimate aesthetic judgment [by the NEA] rather than to make the additional factors, whatever they may be, absolute prohibitions.

Mr. Olson warned that

separating quality and offensiveness into separate categories may invite litigation and may inaccurately imply viewpoint discrimination where there has been none....[E]xplicit definitions of 'offensiveness' and 'obscenity'...may be open targets for claims of viewpoint discrimination.

The NEA Chairperson obviously has discretion to reject grant applications for reasons other than obscenity. As Mr. Abrams stated

Constitutionally, the Chairman has great powers, and may be given great powers if he doesn't have them already, to make anything that may reasonably be called an aesthetic judgment. And if he is genuinely making an aesthetic judgment that he believes this just isn't art, or that it is so vulgar that [it] cannot be described as excellent art, I don't think he has to fund it.

Indeed, the Chairperson of the Endowment has not only the discretion to reject grants for reasons other than obscenity but the obligation, when, for example, he judges projects to be of mediocre quality, to do so. Congress has, after all, enjoined the Endowment to foster excellence in the arts. The Chairperson must constantly make judgments about the nature and content of projects. Yet if the standards for making these decisions are codified as explicit content restrictions, it seems clear that the result will be not more elevated art but debilitating administrative and legal difficulties.

In recommending against specific content restrictions, the Commission by no means endorses all of the Endowment's operations. On the contrary, the Commission's recommendations are based on a judgment that the Endowment is not, in setting policy and making grants, adequately meeting its public responsibilities at the present time. We have thus called for basic structural and procedural reform of the Endowment at every level.

We have asked Congress to reaffirm, in its "Declaration of Purpose," that the Endowment serves all of the people rather than artists and arts institutions alone, that it must be aware of the nature of public sponsorship and that it reflects the high place the nation accords to the fostering of mutual respect for the disparate beliefs and values among us.

The Commission believes that if these recommendations are adopted, the intent of Congress for the future operations of the Endowment will be clear and should effectively govern the Endowment's decisions. We believe this comprehensive approach preferable to specific content restrictions. The practical obstacles to such restrictions are, as we have explained, great and the constitutional questions troublesome.

Maintaining the principle of an open society requires all of us, at times, to put up with much we do not like but the bargain has proved in the long run a good one.

Conclusion

The present controversy over the National Endowment for the Arts is, as the Independent Commission is aware, part of a larger set of disagreements over the direction of culture in this country. Among the questions at issue are the role that political and social causes should play in shaping the arts and the aesthetic standards to be used in evaluating artists' work. Such disputes have at times become heated, even bitter. As individuals, the members of this Commission--Republicans and Democrats, liberals and conservatives--hold varying positions on these matters.

We have, therefore, limited this report to responding to the two questions in our mandate from Congress. On these responses we found that we could come to constructive agreement. We were able to do so because of our shared conviction that the core functions the National Endowment for the Arts performs--helping preserve the finest artistic works of civilization for our descendants, making them accessible to more Americans and fostering artistic creativity and excellence--have an undeniable place in a great nation like ours. We affirm emphatically that mediocrity is not the mission of the National Endowment for the Arts.

Members of the Independent Commission have also worked hard to accommodate each other's opinions because we know that if supporters of the arts do not do so, the result may be a much weakened Endowment or no Endowment at all.

There are many individuals on both sides of the current debate who think the Endowment a convenient and newsworthy vehicle to advance their own objectives; some do not care a great deal about whether the agency survives.

America has had more than enough of this uncompromising kind of behavior.

On the eve of the consideration by Congress of legislation to extend its authorization, the NEA is seeking to respond to the concerns of Congress and the country. The Independent Commission hopes that this study will help the Endowment to serve all the people of the United States more effectively.

NEA

#1

June 30, 1993

Dear [Freshman Member]:

On Friday, July 2 the House is scheduled to vote on funding for the National Endowment for the Arts (NEA) as part of the Interior Appropriations bill. For the past several years the House has had the opportunity to vote on many aspects of NEA funding. In 1989 the House voted to cut the NEA's funding by 10%. In 1991 the House voted overwhelmingly twice to implement content restrictions to deter a misuse of tax dollars.

This Friday you will have the opportunity to strike all funding for the NEA. The Christian Action Network encourages you to do so. The NEA's authorization expires this year. It has not yet been reauthorized. We feel strongly that the NEA should go the way of four select committees, 16 subcommittees, and the National Endowment for Democracy and be abolished. There exists no principled reason for allowing the federal government to fund art -- especially when that art may not reflect the values and culture of the taxpayers footing the bill.

As a freshman Member you have been elected to Congress to reform a government fraught with waste and fraud. The NEA is a classic example. The "good" works funded by the NEA (i.e., symphonies and ballets) consistently receive the bulk of their financial support, usually over 95%, from charitable contributions and fees. NEA funding is a drop in the bucket for these institutions. They will not miss NEA funding despite their plea that public funds leverage private donations. It's the "bad" works -- the grotesque, the exploitive, the blasphemous -- which almost solely count on the NEA for their existence. These works have only limited appeal in the marketplace. Many would never see the light of day were it not for taxpayer support.

Let us share with you just two recent examples among many of what the NEA produces. First is something called "abject art." The Whitney Museum of American Art is located in New York City. Written in their *Summer Calendar 1993* is the claim, "The Whitney Museum of American Art receives general operating support from the New York State Council on the Arts and the National Endowment for the Arts." The Whitney Museum has received \$200,000 from the NEA over the last two years. (*Arizona Republic*, March 22, 1993, A10.)

Currently on display at the Whitney are two, and only two, exhibitions. The first is titled *Abject Art: Repulsion and Desire in American Art* (Selections from the Permanent Collection).

The second exhibit is titled, *The Subject of Rape*. These exhibitions run from June 23 to August 29.

Abject Art is the focus of controversy. From the Introduction of the journal which accompanies the exhibit comes an explanation of "abject art":

"Although 'abject art' is a play on 'object art,' the term does not connote an art movement so much as it describes a body of work which incorporates or suggests abject materials such as dirt, hair, excrement, dead animals, menstrual blood, and rotting food in order to confront taboo issues of gender and sexuality. This work also includes abject subject matter - that which is often deemed inappropriate by a conservative dominant culture."

The Introduction then adds,

"Employing methodologies adapted from feminism, queer theory, post-structuralism, Marxism, and psychoanalysis, our goal is to talk dirty in the institution [of art] and degrade its atmosphere of purity and prudery by foregrounding issues of gender and sexuality in the art exhibited."

As can be discerned from the title of the exhibition, what is exhibited is from the Whitney's standing or "permanent" collection. The Whitney cannot claim a disassociation with a travelling show. This "permanent" status is why Andre Serrano's "Piss Christ" and Robert Mapplethorpe's "Self-Portrait" (of him crouched over with the end of a bullwhip up his rectum) are part of this abject collection. These are the same two pieces of art which the House chose to defund in 1989 (\$45,000 was stricken from the NEA's appropriation).

Also to be noted in passing is mention of the Whitney's previous exhibition, the 1993 *Biennial Exhibition* on display throughout April. Exhibits included a sculpture of plastic vomit titled the "Sweet and Pungent Smell of Success"; close-up photos of plastic genitalia; five-foot tall photos of penises and vaginas with objects protruding from them; all under the artistic license that this art "deliberately renounces success and power in favor of the degraded and dysfunctional." Upon entering any exhibit at the Whitney, patrons are asked to wear a small metal badge indicating that you have paid. It typically reads "WMAA," for Whitney Museum of American Art. For the *Biennial Exhibition* the badges read, "I can't imagine ever wanting to be white," sort of an abject multiculturalism.

The *Abject Art* exhibit includes the following:

- * A young woman urinating in a toilet.
- * A three-foot mound of excrement in the middle of the floor.
- * A photograph of a naked woman holding a large fake penis to her private parts.
- * A dismembered sculpture of two women having oral sex.
- * Framed samples of baby fecal stains.
- * Two nude sculptures, made entirely out of bee's wax, of a man and a woman hanging dead with sperm dripping out of the man's penis and milk dripping out of the woman's breasts.
- * A film by porn star Annie Sprinkle titled, "The Sluts and Goddesses Video Workshop or How to be a Sex Goddess in 101 Easy Steps."
- * A film by two homosexual men titled "Skullfuck," where one man is shown shoving his head into the other's rectum. The journal explanation reads, "When the penetrator withdraws, his head is covered with excrement, which he wipes from his face with his hands, all the while licking his fingers."
- * A film by Suzie Silver titled "A Spy" with Jesus Christ depicted as a woman standing naked with her breasts exposed.

A second example of current NEA funding is the work of Joel-Peter Witkin. Mr. Witkin is a photographer who *Vanity Fair* magazine says is, "the most outrageous photographer at work today, far more provocative than Robert Mapplethorpe at his kinkiest...." (April 1993, pg.192) Mr. Witkin has received four Fellowship grants from the NEA. The latest one being for \$20,000 during the 1992-1993 funding cycle. Note that Fellowship grants are general grants to the individual and not for any particular piece of work.

Vanity Fair writes of Mr. Witkin's work,

"He has photographed the armless and the legless, heads without bodies and bodies without heads, people with both female breasts and male genitals, and people with neither. He has persuaded subjects to pose nude with crucified, dead monkeys; to suckle an eel; to hammer an eight-inch nail through one nostril; and to masturbate on the nose of a white plaster man in the moon."

Other of Witkin's photo exhibits include:

- * *Feast of Fools* showing a dead baby (real, not simulated) in a still life with grapes, prawns, pomegranates, a severed hand, foot, leg, and arm.
- * *Le Baiser (The Kiss)* fashioned from a corpse's head sliced in two by a pathologist and joined together, lip to lip.

* *Untitled* photo of a reclining nude woman who has her foot inserted in the rectum of a man lying spread-eagle on the floor. (Wilkin says of this photo, "I heard about this guy who could actually pull his intestines out of his anus....I told the model that the concept was that she should put her foot in this guy's asshole....The guy's lover brought along this can of cow's udder cream and basically softened him up. It was terrific.")

* *Testicle Stretch with the Possibility of a Crushed Face* showing a naked man lying on an incline board with a string tied to his genitals, the string lead through a pulley and connected to some barbell weights dangling over his face. (Of this photo Wilkin says, "This man died a few months ago from AIDS. I photographed him 17 times. He was actually [my son's] babysitter for many years. This was one of his fantasies. He was very much into the dynamics of fear and pain in sex.")

* *Untitled* photo of the head of a dead man with the left-half section of his skull removed, converted into a flower pot with flowers growing out of his head.

Either the federal government will fund the arts, the good along with the disgusting, or it will fund neither. That is the vote you face scheduled for Friday. In a day and age when we are attempting to control the deficit, we believe the NEA should go. The Christian Action Network calls on you to vote to strike all funds for the NEA. The Christian Action Network feels as strongly as you that many forms of objectionable art should exist in the marketplace if consumers want to privately spend their hard-earned dollars on it. But if you truly believe in government reform this is the time to make your vote count. If you have any questions regarding the NEA please don't hesitate to call Paul Mero, our Legislative Director, at 703-891-8783.

Martin Mawyer, President
Christian Action Network

AUGUST 1992

MUSEUM APPLICATIONS - 23

 PROFESSIONAL DEVELOPMENT/MUSEUM TRAINING
 FISCAL YEAR 1993

* Whitney Museum of American Art \$291,700 \$40,000 \$20,000
 New York, NY
 92-006803

To support the Independent Study Program (ISP), an alternative to traditional academic programs in art history and museum studies. The ISP accepts ten fellows each year for a one-year course of study which includes seminars and group discussions with noted critics, art historians, and artists. Equal emphasis is placed on theory and practice. Fellows pursue scholarly research, engage in the critical examination of art, and analyze the social and cultural context in which art is made and viewed. To complete the program, fellows are expected to develop and organize an exhibition to be presented at the Museum or one of its four branches.

PYS: \$45,000; \$10,000; \$20,000; \$20,000; \$15,000

Winterthur Museum and Gardens \$46,600 \$23,300 \$15,600
 Winterthur, DE
 92-006805

To support a 12-month registrarial internship. The 89,000 fine and decorative art objects in the Museum's collection -- including furniture, glass, ceramics, metals, textiles, paintings, and drawings -- will provide an opportunity for the intern to learn collections management practices relevant to a wide variety of objects and materials. The intern will receive specific training in registrarial affairs and the care, handling, and storage of objects. Through a series of field trips to other institutions, the intern will become familiar with museums using a variety of registration systems.

PYS: \$0; \$0; \$0; \$15,000; \$10,000

Worcester Art Museum \$39,500 \$17,700 \$14,800
 Worcester, MA
 92-006593

To support a one-year curatorial internship in American art. The intern will work with the Museum's collection of American paintings, sculpture, prints, and decorative arts dating from the 17th through the 20th centuries. The intern will primarily be responsible for writing interpretive labels for works in the galleries, and updating curatorial records in preparation for a future collection catalogue. He/she will also have an opportunity to assist with the organization of an exhibition of recent acquisitions to the permanent collection and will travel to professional conferences and other museums in the area.

PYS: \$13,000; \$0; \$0; \$0; \$0

from the office of

NEW

Senator Edward M. Kennedy *of Massachusetts*

REMARKS OF SENATOR EDWARD KENNEDY
MASSACHUSETTS INSTITUTE OF TECHNOLOGY
CAMBRIDGE, MASSACHUSETTS
JUNE 18, 1993

I want to thank President Vest for his generous remarks. He's an outstanding President for this outstanding institution, and I'm honored to be here with him today for this impressive conference.

I also want to commend Ellen Harris and Mark Palmgren and the MIT Office of the Arts for convening this timely forum on public policy and the federal role in the arts.

The arts are a central part of all of our lives. Support for the arts is an important principle of federalism that I strongly support. It is part of our national responsibility to encourage a climate in this country that promotes development of the arts and encourages understanding and participation in music, literature, painting, sculpture, dance, and many other creative forms of expression.

M.I.T. is an ideal venue for this conference. This incomparable institution has produced some of the finest scientists and thinkers of our time. It is no coincidence that M.I.T. also has a long-standing policy that encourages training in the arts -- as a means to foster creative thinking and well-rounded human development.

One of your distinguished professors has recently captured the wonderful blend of art and science in his inspired novel, "Einstein's Dreams." It is a warm and intimate portrait of that famous scientist, and I commend him for his achievement -- Professor Alan Lightman.

It is also a special honor to share the podium this evening with another brilliant writer who is also a noted critic. I had the honor of meeting him last year at the Kennedy School of Government and it is a privilege to be with him now -- Robert Hughes.

As some of you may know, I love to paint -- with mixed results. My artist friends have long advised me to stick to politics. But my Republican colleagues in the Senate are urging me to switch full-time to painting. I think they have an ulterior motive.

The creative arts represent our common heritage and the universal need for positive expression. They simultaneously represent the most personal of our individual human feelings and the most universal, linking us to our common humanity.

Some nations and leaders have attempted to censor expression they felt was excessive or seditious or merely inappropriate. But censorship has never silenced art for long in any land. In a Congressional hearing on the National Endowment for the Arts a few years ago, the great conductor Rostropovich spoke eloquently of the artists in his Russian homeland -- who lived with censorship and sometimes lived in exile. Creative expression still endured -- great composers such as Shostakovich and Prokofiev composed

wonderful works -- but as Rostropovich sadly noted, their fellow citizens were never permitted by their government to share the joy of these masterpieces.

It is remarkable and instructive that the leader who guided Czechoslovakia out of its dark years of oppression was a great writer and visionary, Vaclev Havel.

The soul of a nation cannot be extinguished by any censor. It is not only foolhardy but futile for politicians to attempt to write guidelines for acceptable art. The arts defy orthodoxy, or any other form of mediocrity.

Regrettably, in recent years, the most public discussion of the arts in this country has been the debate over controversial works supported by the National Endowment. This debate mis-states the mission of the Endowment and insults its proud record of achievement over the past quarter century. It takes a very narrow-minded critic to see the molehill and miss the mountain.

The Arts Endowment does not belong to any one person or political party. It reflects the national spirit and broad diversity in our country. It always has, and it always should.

But the Endowment is a fragile institution. It will survive only as long as the peer panel system, not the political second-guessing system, determines which applications for support are funded. Artistic excellence, not political passion, must guide these decisions. Occasional mistakes should not become the pretext for destroying its noble mission or hamstringing its procedures. The great irony of this debate is that what Senator Jesse and his indecency brigade want to do would sovietize American art.

As all of you know, the List Center became part of the national controversy when an application to support an M.I.T. exhibition was rejected by the Endowment. To your credit -- and the Endowment's discredit -- the show went on -- with private support replacing the federal support it deserved.

Incredibly, the Acting Chairman of the Endowment subverted her agency's own procedures. She ignored the recommendation of the National Council on the Arts and the peer review system -- steps established by statute to avoid just this type of political intrusion into the Endowment's deliberations.

A national conference like this is an appropriate forum to state and restate some fundamental principles and avoid a repetition of distressing incidents like that.

In a time of other urgent needs -- and few resources to meet them -- some conclude that we cannot afford to support the arts. But that view is short-sighted. Federal support for the arts is an investment in the future that will bring important benefits to the quality of life in our communities.

A recent national poll found that fully 92% of Americans say that the arts are important to the life of their neighborhoods. They are also important to their economies. Ticket sales to performing arts events surpassed spectator sports by \$1.4 billion in 1989. In Charleston, South Carolina, the Spoleto USA Festival has brought \$30 million a year to the city in the past 10 years.

In Massachusetts the impact has been just as dramatic. From 1987 to 1991, state and federal funds for the arts totaled almost \$120 million, and reached over 200 million people and one and a half million artists.

Federal support provides the essential seed money for broader state, local and private aid. Nationwide, the federal investment is less than 70 cents a citizen a year. Arguably, it is one of the best investments the federal government can make.

Our artists are also our most visible good will ambassadors abroad. Aaron Copland, Leonard Bernstein, Agnes DeMille, and Martha Graham are quintessentially American artists, but their appeal is worldwide. So, too, Ernest Hemingway, Emily Dickinson and William Faulkner are great American writers whose words reach out and touch the world.

The appeal of our artists was dramatically demonstrated on Inauguration Day last January, when Maya Angelou recited her beautiful poem celebrating the American national spirit and the sense of renewal that all of us felt that day. And her 1972 autobiographical volume, "I Know Why The Caged Bird Sings," returned to the Best Seller list, and has been there ever since. A miracle of marketing? No -- a miracle of art.

President Kennedy understood the importance of the arts. The Center for the Performing Arts that bears his name in Washington is a fitting, living memorial to his vision. On its walls are carved his words which symbolize the hope he had for our country, and his belief that we reach the highest when we reach deepest within ourselves: "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for our victories or defeats in battle or in politics, but for our contribution to the human spirit."

The arts chronicle our history, record our successes, warn of our weaknesses, expand our understanding. They challenge us -- not just to do better, but to do our best.

Federal support to institutions and individuals must be accompanied by accountability like any other federal program. But federal support should not be conditioned or encumbered by restrictions that interfere with artistic freedom, any more than federal aid to education should be used to interfere with academic freedom.

In testimony before Congress, constitutional scholar Kathleen Sullivan warned against content restrictions on federal aid to the arts: "We are each masters in our own homes; there, we may pick and choose the ideas to which we open our doors or minds. But in the government's house, all ideas are welcome."

Sometimes art shocks our sensibilities. It is supposed to. But that is no justification for unwarranted intrusions by extremists who, if the truth be known, oppose any federal aid to the arts.

Obscenity is the place to draw the line. Federal dollars should not be spent on any project that is obscene. Current law explicitly prohibits funding for such projects. If funds are awarded for such purposes, they must be refunded to the government. The proper way to determine obscenity is through the courts.

A new round of contentious debate about these principles is on the horizon in Congress. The Senate must confirm a new head of the Arts Endowment, and we must pass new authorizing legislation for the agency.

Congress will consider a two-year extension of the Endowment in the months ahead. This short-term action will permit the new Administration to install a new team at the Endowment and to participate fully in a comprehensive debate about these issues.

By any fair accounting, the Endowment has fulfilled its mission. It has done an exceptional job in providing support to the nation's cultural institutions, and it has dramatically increased the people's access to the arts.

The challenge for both the Administration and Congress is to guide the Endowment beyond the current criticism and controversy. The past Administration was willing to be part of the problem, rather than seek a fair solution. With the new Administration, we have an excellent chance to restore confidence in the agency and provide a new sense of purpose for its mission.

Now is not the time, nor, I hope, will there ever come a time --to turn our back on this essential public commitment to the arts and free expression.

In closing, let me say again that it is an honor to be part of this conference. I look forward to the results of your deliberations, and I am grateful to you for including me in this important discussion.

##

file NEA

Members of Oracle, an international association of curators of photography, approved the following statement at their annual meeting held July 22 - 25, 1993, in Rochester, New York:

Once again, federal funding of photographic artists addressing important human issues is under attack. The ability of artists to express themselves and of cultural institutions to exhibit their work is being jeopardized. We are very concerned that photographers and photography exhibitions have been singled out as inappropriate recipients of National Endowment for the Arts (NEA) grants. Because so much information is conveyed through photography, a pluralism of visual ideas remains crucial to a free and open society.

The recent denunciation of Joel-Peter Witkin's work has been timed to coincide with Congressional appropriation hearings for the NEA. Mr. Witkin is an established artist whose work has been internationally exhibited and published for many years and whose complex and sometimes troubling vision has engendered serious and thoughtful dialogue among curators, art critics, scholars, and the public. Experiencing diversity is essential to a democracy, and we believe, therefore, that these are attacks on freedom of expression, which is the foundation of a free and democratic society. We reaffirm our solid support for the NEA's peer review process.

Mr. Tom Bamberger
Adjunct Curator of Photography
Milwaukee Art Museum
Milwaukee, WI

Mr. Miles Barth
Curator of archives and
Collections
International Center of
Photography / Midtown
New York, N.Y.

Mr. Tom Beck
Curator of Photography and
Special Collections
University of Maryland.
Baltimore County
Baltimore, MD

Ms. Linda Benedict-Jones
Independent Curator
Pittsburgh, Pa.

Mr. James Borcoman
Curator of Photography

National Gallery of Canada
Ottawa, Ontario, Canada

Mr. Philip Brookman
Curator of Photography and
Media Arts
The Corcoran Gallery of Art
Washington, D.C.

Mr. Brian Carey
Documentary Art & Photography
Division
National Archives of Canada
Ottawa, Ontario, Canada

Ms. Jean Caslin
Executive Director
Houston Center for Photography
Houston, Tx.

Mr. Malcolm Daniel
New York, N.Y.

Ms. Ellen Dugan
Curator of Photography
High Museum of Art

Atlanta, Ga.

Mr. James L. Enyeart
Director

Ms. Marianne Fulton
Chief Curator

Mr. Rick Hock
Curator of Special Projects
Mr. William Stapp
Senior Curator of Photography
George Eastman House
Rochester, New York

Ms. Monika Faber
Curator
Museum Moderner Kunst
Vienna, Austria

Mr. Roy Flukinger
Curator of Photography and
Film
Austin, Tx.

Ms. Sharon Frost
Photography Specialist
New York Public Library
New York, N.Y.

Mr. Frits Gierstberg
Exhibitions Curator
Instituut voor Fotografie
Rotterdam, The Netherlands

Ms. Marta Gili
Curator
Centre Cultural de la Fundació
de Pension
Barcelona, Spain

Mr. Daniel Girardin
Conservateur-adjoint
Musée de l'Elysée
Lausanne, Switzerland

Mr. Monte Greenshields
Director / Curator
The Photographers Gallery
Saskatoon, Saskatchewan,
Canada

Mr. Andy Grundberg
Director
The Friends of Photography
San Francisco, Ca.

Mr. Sunil Gupta
Curator
Organization for Visual Arts
LTD
London, England

Mr. David Haberstich
Photographic Archivist
National Museum of American
History
Smithsonian Institution
Washington, D.C.

Mr. Gary Hall
Director
Toronto Photographers Workshop
Toronto, Ontario, Canada

Ms. Martha Hanna
Curator
Canadian Museum of Photography
Ottawa, Ontario, Canada

Mr. David Harris
Associate Curator
Canadian Center for
Architecture
Montreal, Quebec, Canada

Mr. Michael Harris
Executive Director
International Photography Hall
of Fame & Museum
Oklahoma City, Ok.

Mr. Mark Haworth-Booth
London, England

Mr. Tom Hinson
Curator of Contemporary Art
Cleveland Museum of Art
Cleveland, Oh.

Mr. Robert Hirsch
Curator
CEPA Gallery
Buffalo, N.Y.

Ms. Barbara Hitchcock
Cambridge, Ma.

Mr. Jeffrey Hoone
Director

Light Work
Syracuse, N.Y.

Mr. Graham Howe
Director
Curatorial Assistance
Pasadena, Ca.

Mr. John P. Jacob
Director of Exhibitions
Photographic Resource Center
Boston, Ma.

Mr. David L. Jacobs
Chairman Art Department
University of Houston
Houston, Tx.

Mr. Brooks Johnson
Curator of Photography
Norfolk, Va.

Ms. Michiko Kasahara
Curator
Ms. Yoshiko Suzuki
Curator
Tokyo Metropolitan Museum of
Photography
Tokyo, Japan

Ms. Susan Kismaric
Curator
Museum of Modern Art
New York, N.Y.

Mr. Barry Lane
Head of Photography
Arts Council of Great Britain
London, England

Mr. William Messer
Independent Curator
Cincinnati, Oh.

Mr. Douglas Nickel
Assistant Curator of
Photography
San Francisco Museum of Modern
Art
San Francisco, Ca.

Ms. Alison Devine Nordström
Director

Southeast Museum of
Photography
Daytona Beach, Fl.

Mr. Arthur Ollman
Executive Director
Museum of Photographic Arts
San Diego, Ca.

Ms. Helga Pakasaar
Interim Gallery Director
Presentation House
Vancouver, British Columbia,
Canada

Mr. Chris Rauschenberg
Board Chairman
Blue Sky Photography Gallery
Portland, Or.

Ms. Jane Levy Reed
Independent Curator
San Francisco, Ca.

Mr. Manuel Santo
Independent Curator
Madrid, Spain

Mr. Jim Sheldon
Independent Curator
Andover, Ma

Mr. Rod Slemmons
Curator
Seattle Art Museum
Seattle, WA.

Mr. Thomas Southall
Curator of Photographs
Amon Carter Museum
Fort Worth, Tx 76113

Ms. Trudy Wiener Stack
Curator of Exhibitions and
Collections
Center for Creative
Photography, The University of
Arizona
Tucson, Az.

Ms. Ritva Thtinen
Director
The Photographic Museum of
Finland

Helsinki, Finland

Ms. Barbara Tannenbaum
Curator
Akron, Oh.

Mr. Terry Toedtemeier
Curator of Photography
Portland Art Museum
Portland, Or.

Ms. Anne Tucker
Gus and Lyndall Wortham
Curator
Museum of Fine Arts, Houston
Houston, Tx.

Mr. Larry Viskochil
Curator of Prints and
Photographs
Chicago Historical Society
Chicago, Ill.

Ms. Wendy Watriss
Curator, FotoFest
Houston, Tx.

Mr. Adam Weinberg
Curator / Permanent Collection
Whitney Museum of American Art
New York, N.Y.

Mr. Colin Westerbeck
Associate Curator
Art Institute of Chicago
Chicago, Ill.

Ms. Deborah Willis-Braithwaite
Collections Coordinator
African American Museum
Project
Washington, D.C.

Mr. William Earle Williams
Curator of Photography
Haverford College
Haverford, Pa.

Mr. Glenn Williams
Curator
Palmer Museum of Art
The Pennsylvania State
University
University Park, Pa

Mr. James B. Wyman
Exhibitions Program
Coordinator
Visual Studies Workshop
Rochester, N.Y.

Ms. Koko Yamagishi
Independent Curator
Tokyo, Japan

Ms. Bonnie Yochelson
Consulting Curator of Prints &
Photographs
New York, N.Y.

George F. Will *

The Soybean School of the Arts

Subsidize them and they will grow.

"The arts," laments Rep. Sidney Yates (D-IL), "will be terribly, terribly hurt" by the "enormous impact" of what the House of Representatives did. What it did was cut 5 percent from the \$174.6 million budget of the National Endowment for the Arts.

Now, even allowing for the fact that federal funds often generate matching private contributions, it is a bit much, even by the standards of congressional hyperbole, to say that in this nation that spends many billions on the arts, their fate is imperiled by a nick of \$8.7 million from a budget that is just a tad more than three times the sum feigned by the last van Gogh painting auctioned. Speaking of whom, just think:

Van Gogh painted without a subsidy from the Dutch government. Today that government, like ours, has discovered the pork potential of hand-outs for the arts "community," as that lobby calls itself. In "The Culture of Complaint," the art critic Robert Hughes says of the art subsidized in the Netherlands: "So there it all sits, democratic, non-hierarchical, non-elitist, non-sexist, unsalable, and, to the great regret of the Dutch government, only partially biodegradable."

But I digress.

The little cut in the NEA came from an

amendment of Rep. Cliff Stearns (R-Fla.), who noted that the NEA's proposed budget was \$39 million larger than federal funding for prevention of breast and cervical cancer. "What," he asked, "is more important—promotion of the arts or the health of the women of this nation?"

Good question, but it is unclear what Stearns's opinion is, given that the NEA's budget is still \$30 million larger after his amendment. If cancer prevention is a higher priority than arts promotion, then eliminate the NEA, restoring American arts to the conditions that existed between 1776 and 1965, the year the NEA was created as a filigree on the Great Society. In fact, an amendment to eliminate the NEA got 105 House votes this year, up from 85 a year ago. Just 113 more votes and America's artists would have to work as George Caleb Bingham and Winslow Homer did, without a federal subvention. Imagine.

The House debate about the NEA was particularly entertaining concerning an exhibit at New York's Whitney Museum, "Abject Art: Repulsion and Desire in American Art." NEA defenders said: Yes, the Whitney has received NEA money, but that exhibit was funded privately. NEA critics countered: Money is fungible, so NEA money helped condition all the Whitney's activi-

ties; and the NEA money went to the Whitney's independent study program, which organized the "Abject Art" exhibit; and if the Whitney can afford such exhibits without tax dollars, why send those dollars?

The NEA's critics won that exchange. There is taxpayer involvement in the Whitney's exhibit, the catalog for which says the exhibit confronts "taboo issues of gender and sexuality." Taboo? Where? Not in Manhattan. Or Manhattan, Kansas or anywhere else in modern America. On campuses you can hardly study Emily Dickinson or, for all I know, electrical engineering, without "confronting" the "issues" of gender and sexuality.

Anyway, the exhibit, which features such "abject materials" as dead animals, menstrual blood and rotten food, includes a three-foot-high mound of synthetic excrement, a film showing a man pushing his head into another man's rectum, framed samples of an infant's fecal stains and, of course, two hardy perennials that government funding has managed to make into two of the most famous works of contemporary art—Robert Mapplethorpe's "Self-Portrait," a photo of him with a bullwhip in his rectum, and Andres Serrano's "Piss Christ," a photo of a crucifix in a jar of urine.

Serrano's urine, to be precise, as one should be regarding art. When Serrano was visiting the University of Pennsylvania, he said his urine did not necessarily have negative connotations: "It's very hard for me as a human being to put a value on these fluids . . . I accept my bodily fluids and I think Jesus did, too."

Peen's president at the time, Sheldon Hackney (Clinton's choice to head the NEA's twin in subsidizing the intelligentsia, the National Endowment for the Humanities), said in defense of NEA support for exhibitions of "Piss Christ" that the "best protection we have found for a democracy is an unregulated market in expression." Think about that: Hackney believes that government subsidies create an "unregulated market."

It is peculiar but true that many people who preen about their love—expressed in expenditures of other people's money—for the arts seem to regard the arts as akin to, say, soybeans. Subsidize them, and they will flourish. Indeed they will, with the help of semantic fiat: Anything funded by an NEA grant is, by definition, art.

Art, perhaps, but alas only partially degradable.

* **NOTE:** George F. Will is a syndicated columnist. A similar article also appeared in today's Philadelphia Inquirer, page A18.

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file

THE WHITE HOUSE

WASHINGTON

May 18, 1995

MEMORANDUM

TO: Leon Panetta
Chief of Staff

FROM: Melanne Verveer
Deputy Chief of Staff
to the First Lady

Attached are letters to the President from the heads of the NEA and the NEH regarding the President's announcement on the rescission bill. Since the Endowments were included in the rescission, I thought you would want to see the attached.

NATIONAL
ENDOWMENT
FOR THE
ARTS

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

May 17, 1995

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

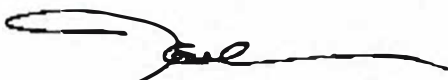
We're emboldened here at the NEA by your decision to veto the 16 billion dollar recession package. The NEA and NEH are each targeted at 5 million. This represents an enormous hit at the unobligated funds remaining in '95 and unfairly singles out certain grantees that just happen to come up for approval before our August Council meeting. (It would devastate our Visual Arts program for example).

It was wonderful of you to give us the 5 million dollar increase in our '96 budget. The arts community understood it as a great vote of confidence and support.

The arts endowment has received cuts amounting to 8% over the past 3 years and our purchasing power has eroded by 49% since 1979. Your gesture to hold the line now would be an immense energizer to the 1.3 million Americans who make their living as artists.

We applaud all you are doing and the vigorous response you have been making to the Republican agenda and to the tragedy in Oklahoma.

With warm regards, and thanks,



Jane Alexander
Chairman

JA/lw

Arts in Education

*Challenge &
Advancement*

Dance

Design Arts

Expansion Arts

*Folk &
Traditional Arts*

International

Literature

Local Arts Agencies

Media Arts

Museum

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*Opera/Musical
Theater*

*Presenting &
Commissioning*

State & Regional

Theater

Visual Arts

*The Nancy Hanks Center
1100 Pennsylvania Ave., NW
Washington, DC 20506
202/682-5400*

**NATIONAL ENDOWMENT FOR THE HUMANITIES**

WASHINGTON, D.C. 20306

THE CHAIRMAN

May 17, 1995

William Jefferson Clinton
President of the United States
The White House

Dear President Clinton:

I am absolutely delighted by the news that you intend to veto the rescission bill that is in conference in Congress. That will be a strong signal of leadership and a telling way of communicating your public values.

In your budget for the fiscal year 1996, you provided a modest increase for both the NEA and the NEH. Given the environment of tough budgetary constraints, that modest increase was an enormous morale booster, and it earned you a lot of praise in the arts and humanities communities.

I hope you will also use the current situation to make another symbolic gesture of support and encouragement for the arts and humanities. By simply not including cuts in the NEA and NEH in your alternative rescission package, you will reenergize a large constituency of your friends and supporters. I am less interested in actually restoring the \$5mm rescission that each of the agencies now faces than in the huge psychological impact that a modest gesture from you would now have.

With great good wishes, I am

Faithfully yours,

Sheldon Hackney

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ►

To <i>Melanne Varner</i>	From <i>Sheldon Hackney</i>
Dept./Agency	Phone #
Fax # <i>(202) 456-6244</i>	Fax #

NEN 7540-01-517-7308

5089-101

GENERAL SERVICES ADMINISTRATION

NATIONAL
ENDOWMENT
FOR THE

ARTS

file

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

**OFFICE OF THE CHAIRMAN
NATIONAL ENDOWMENT FOR THE ARTS**

FAX TRANSMITTAL FORM

Office of the
Chairman

TO:

Name

Affiliation

Fax Number

FROM: Alexander D. Crary
Chief of Staff & White House Liaison

RE:

DATE:

MESSAGE:

*list of Motion Picture
Academy members*

Arts in Education

Challenge &
Advancement

Dance

Design

Expansion Arts

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Visual Arts

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 ROBERT ELLENSTEIN
 ROSS ELLIOTT
 SAM ELLIOTT
 STEPHEN ELLIOTT
 CARY ELWES
 CLIFF EMMICH
 ROBERT ENGLUND
 MICHAEL ENSIGN
 JOHN ERICSON
 BILL ERWIN
 CARL ESMOND
 EMILIO ESTEVEZ
 ERIK ESTRADA
 ARTHUR J EVANS
 CHAD EVERETT
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 PETER FALK
 JAMES FARENTINO
 RICHARD FARNSWORTH
 JAMIE FARR
 SHARON FARRELL
 FARRAH FAWCETT
 ALICE FAYE
 TOVAH FELDISHUM
 NORMAN FELL
 JOHN FIEDLER
 SALLY FIELD
 ROBERT FIELDS
 RALPH FENNES
 NANCY FISH
 LAURENCE FISHBURN
 CARRIE FISHER
 FORMULA FLANAGAN
 LOUISE FLETCHER
 NINA FOCK
 BRIDGET FONDA

JUL-28-1995 14:34

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ALLYN ANN MCCLERIE
 JAM MCMULLAN
 FRANK MCRAE
 IAN MCSHANE
 EVE MCVEAGH
 JAYNE MEADOWS
 PATRICIA MEDINA
 NANCY KOVACK MEHTA
 BURGESS MEREDITH
 EDA REISS MERIN
 DINA MERRILL
 JANE MERROW
 ART METRANO
 JIM METZLER
 BETTE MIDLER
 JOANNA MILES
 SARAH MILES
 SYLVIA MILES
 VERA MILES
 JOHN MILFORD
 ALLAN MILLER
 ANN MILLER
 PENELOPE ANN MILLER
 RICHARD MILLER
 JULIET MILLS
 YVETTE MIMIEUX
 JAN MINER
 LIZA MINNELLI
 HELEN L. MIRREN
 GWENDOLYN MITCHELL
 CHRISTOPHER MITCHUM
 ROBERT MITCHUM
 MATTHEW MODINE
 RICARDO MONTALBAN
 ELIZABETH MONTGOMERY
 GEORGE MONTGOMERY
 RON MOODY
 DEMI MOORE
 DUOLEY MOORE
 MARY TYLER MOORE
 ROGER MOORE
 TERRY MOORE
 ESAI MORALES
 RITA MORENO
 HARRY MORGAN
 CATHY MORIARTY
 NORIYUKI PAT MORITA
 ROBERT MORSE
 JOSHUA MOSTEL
 MARIANNE MUELLERLEILE
 OLANA MULDAUR
 GREG MULLAVEY

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 DON MURRAY
 JAN MURRAY
 TONY MUSANTE
 PAULENE MYERS
 LIAM NEESON
 SAM NEILL
 KATE NELLIGAN
 BARRY NELSON
 CRAIG RICHARD NELSON
 CRAIG T NELSON
 ED NELSON
 GENE NELSON
 JUDD NELSON
 LOIS NETTLETON
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 PAUL NEWMAN
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 MICHAEL NOURI
 KIM NOVAK
 MEL NOVAK
 FRANCE NUYEN
 LOUIS NYE
 ROSIE O'DONNELL
 HUGH O'BRIAN
 CARROLL O'CONNOR
 DONALD O'CONNOR
 TIM O'CONNOR
 SOON-TECK OH
 MAUREEN O'HARA
 DAN O'HERLIHY
 LENA OLIN
 EDWARD JAMES OLMOSE
 NANCY OLSON
 RYAN O'NEAL
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 SIDNEY POITIER
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 BILL PULLMAN
 DENVER PYLE
 DENNIS QUaid
 RANDY QUaid
 KATHLEEN QUINLAN
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 ANTHONY QUINN
 CHARLOTTE RAE
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 JOHN S. RAGIN
 STEVE RAILSBACK
 FORD RAINY
 RUDY RAMOS
 LOGAN RAMSEY
 TONY RAOUALL
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 VANESSA REDGRAVE
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 CHRISTOPHER REEVE
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DEBBIE REYNOLDS	JANE RUSSELL	DAN SHOR	CONNIE STEVENS
GENE REYNOLDS	THERESA RUSSELL	RICHARD B. SMULL	CRAIG STEVENS
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STEPHEN ROBERTS	WILLIAM SCHALLERT	PAUL LAWRENCE SMITH	HAROLD SYLVESTER
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EUGENE ROCHE	KATHRYN LEIGH SCOTT	LOUISE SOREL	WALLY TAYLOR
ROBERT ROCKWELL	LIZABETH SCOTT	PAUL SORENSEN	LEIGH TAYLOR-YOUNG
MAJEL RODDENBERRY	MARTHA SCOTT	ANN SOTHERN	VICTORIA TENNANT
CHARLES "BUDDY" ROGERS	PIPPA SCOTT	SISSY SPACEK	LEONARD TERMO
GINGER ROGERS	TIMOTHY SCOTT	KEVIN SPACEY	PHYLLIS THAXTER
MIMI ROGERS	VITO SCOTTI	JAMES SPADER	LORNA THAYER
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RICHARD ROMANUS	TOM SELLECK	ROBERT STACK	RICHARD THOMAS
MICKEY ROONEY	MILTON SELZER	JOAN STALEY	EMMA THOMPSON
REVA ROSE	ASSUMPTA SERNA	SYLVESTER STALLONE	LEA THOMPSON
DIANA ROSS	RAYMOND SERRA	TERENCE STAMP	UMA THURMAN
JOE ROSS	JOHNNY SEVEN	ARNOLD STANG	MEG TILLY
KATHARINE ROSS	MAIDA SEVERN	FLORENCE STANLEY	KENNETH TOBEY
ISABELLA ROSSELLINI	DIANE SHALET	HARRY DEAN STANTON	STEPHEN TOBOLOWSKY
CAHOL ROSSEN	WILLIAM SHATNER	JEAN STAPLETON	BEVERLY TODD
MICKEY ROURKE	ALLY SNEEDY	MAUREEN STAPLETON	MICHAEL TOLAN
GENA ROWLANDS	CHARLIE SNEEN	MARY STEENBURGEN	MARISA TOMEI
HERMAN RUOIN	DAVID SHEINER	ROD STEIGER	LILY TOMLIN
MERCEDES RUEHL	CYBILL SHEPHERD	JAN STERLING	ANGEL TOMPKINS

ACTORS

DEAN JONES
 HENRY JONES
 JAMES EARL JONES
 JEFFREY JONES
 MARCIA MAE JONES
 SHIRLEY JONES
 TOMMY LEE JONES
 WILLIAM JORDAN
 MADELINE KAHN
 CAROL KANE
 MARVIN KAPLAN
 JAMES KAREN
 RICHARD KARAN
 LAINIE KAZAN
 JAMES KEACH
 STACY KEACH
 STACY KEACH, SR
 DIANE KEATON
 MICHAEL KEATON
 DON KEEFER
 HOWARD KEEL
 NOAH KEEN
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 DAVID KEITH
 SALLY KELLERMAN
 DE FOREST KELLEY
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 GENE KELLY
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 GEORGE KENNEDY
 SANDY KENYON
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 NICOLE KIDMAN
 VAL KILMER
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 ANDREA KING
 PERRY KING
 BEN KINGSLEY
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 CLYDE KUSATSU
 NANCY KWAN
 PETER KWONG
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 CHRISTINE LAHTI
 LORENZO LAMAS
 DOROTHY LAMOUR
 MARTIN LANDAU
 DIANE LANE
 MONICA LEWIS LANG
 HOPE LANGE
 JESSICA LANGE
 FRANK LANGELLA
 ANGELA LANSBURY
 JOHN LARCH
 DARRELL LARSON
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 PIPER LAURIE
 ED LAUTER
 MARC LAWRENCE
 BRITT LEACH
 CLORIS LEACHMAN
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 NICHELE LEE
 PEGGY LEE
 PETER LEEDS
 PHIL LEEDS
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 JENNIFER JASON LEIGH
 JACK LEMMON
 RICK LENZ
 SHELTON LEONARD
 MICHAEL LERNER
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 LEN LESSER
 DAVID LEWIS
 GEOFFREY LEWIS
 HARRY LEWIS

JERRY LEWIS
 JULIETTE LEWIS
 RICHARD LIBERTINO
 ROBERT P LIEB
 AUDRA LINDLEY
 JOANNE LYNELLE
 DENNIS LIPSCOMB
 JOHN LITHGOW
 CHRISTOPHER LLOYD
 NORMAN LLOYD
 TONY LO BLANCO
 SONORA LOCKE
 ROBERT LOGGIA
 MICHAEL LOMBARD
 DAMIAN LONDON
 JOHN LONE
 SHELLEY LONG
 PERRY C LOPEZ
 SOPHIA LOREN
 TINA LOUISE
 CURT LOWENS
 LISA LU
 PAUL LUKATHER
 RICHARD LYNCH
 ROBERT F LYONS
 JAMES MACARTHUR
 SIMON MACCORINDALE
 ANDIE MACDOWELL
 STEPHEN MACHT
 PATCH MACKENZIE
 KYLE MACLACHLAN
 JANET MACLACHLAN
 SHIRLEY MACLAINE
 GAVIN MACLEOD
 ELIZABETH MACRAE
 SHEILA MACRAE
 BILL MACY
 AMY MADIGAN
 GUY MADISON
 MICHAEL MADSEN
 JOSEPH MAHER
 LEE MAJORS
 MAKO
 KARL MALDEN
 ARTHUR MALET
 JOHN MALKOVICH
 NANCY MALONE
 PETER MAMAKOS
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 RUTH MANNING
 ALAN MANSON
 JOE MANTEGNA

JOE MANTELL
 RALPH MANZA
 MIRIAM MARGOLYES
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 JOSEPH MAROSS
 KENNETH MARS
 MAURICE MARSAC
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 BARNEY MARTIN
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 TODD MARTIN
 TONY MARTIN
 RON MASAK
 WALTER MASLOW
 MARSHA MASON
 GEA MASSEN
 MARY STUART MASTER
 RICHARD MASUR
 TIM MATHESON
 MARLEE MATLIN
 WALTER MATTHAU
 DAKIN MATTHEWS
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 VICTOR MATURE
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 FERDINAND MAYNE
 ASA MAYNOR
 MELANIE MAYRON
 LON MCCALLISTER
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 FRANCES McDORMAND
 RODDY MCDOWALL
 MALCOM MCDOWELL
 JAMES MCEACHIN
 DARREN MCGAVIN
 KELLY MCGILLIS
 PATRICK MCGOOGHAN
 ELIZABETH MCGOVERN
 MICHAEL S MCGREEVE
 DOROTHY MCGUIRE
 MICHAEL MCGUIRE
 JEANETTE NOLAN MCG
 LEE MCLAUGHLIN

ACTORS

C TOPOL
 RIP TORN
 AUDREY TOTTER
 HARRY TOWNES
 DANIEL J TRAVANTI
 JOHN TRAVOLTA
 LES TREMAYNE
 CLAIRE TREVOR
 TOM TROUPE
 NATALIE TRUNDY
 IRENE TSU
 MICHAEL TUCKER
 BOB TURNBULL
 KATHLEEN TURNER
 LANA TURNER
 JOHN TURTURRO
 GEORGE TYNE
 CICELY TYSON
 LIV ULLMANN
 PETER USTINOV
 BRENDA VACCARO
 PAULL VALENTINE
 DICK VAN DYKE
 PETER VAN NORDEN
 JOYCE VAN PATTEN
 ROBERT VAUGHN
 CHICK VENNERA
 BENAY VENUTA
 BEN VEREEN
 JOHN VERNON

JAMES VICTOR
 ABE VIGODA
 ROBERT VIMARO
 VIRGINIA VINCENT
 JESSE VINT
 JON VOIGHT
 MAX VON SYDOW
 ROBERT WAGNER
 GREGORY WALCOTT
 JANE WALD
 ROBERT WALDEN
 KEN WALES
 CHRISTOPHER WALKEN
 EMMET WALSH
 RAY WALSTON
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 JULIE WALTERS
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 CARL WEATHERS
 DENNIS WEAVER

SBOURNEY WEAVER
 ANN WEDGEWORTH
 LEONARD WENDIS
 RAQUEL WELCH
 PETER WELER
 CAROLE WELLS
 MARTIN WEST
 JACK WESTON
 VALE WEXLER
 FOREST WHYSKATER
 JACQUELINE WHITE
 JESSE WHITE
 STUART WHITMAN
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 SHANNON WILCOX
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 BILLY DEE WILLIAMS
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 PAUL WINFIELD
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 JAMES WOODS
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 JANE WYATT
 THAM WYENN
 H M WYNANT
 DANA WYNTER
 FRANCIE YORK
 MICHAEL YORK
 BURT YOUNG
 LORETTA YOUNG
 SEAN YOUNG
 HARRIS YULIN
 GRACE ZABRISKIE
 LOUIS ZORICH
 BILL ZUCKERT

TO: Melanne Verveer
FR: Ginny Terzano
RE: Arts Endowment
DA: Wednesday, June 22, 1994

The Arts Endowment has rewritten a fact sheet about the 1992 grant to the Walker Arts Center that has created the recent stir in the press and on the Hill (attached).

There are a couple things I want to point out to you:

1. **The grant was made in 1992 under Ann Imelda-Radice.** Except for the new fact sheet that was just drafted today, the Endowment has not made the argument that this grant was not approved by Jane Alexander, nor was it made during President Clinton's administration.
2. In Jane Alexander's response letter to the Hill, she solely addresses the safety precautions that were taken by the Walker Arts Center for this performance. Her letter does not state any of the facts regarding the grant process, who made the grant, and the year that the grant was approved.

Unfortunately, the Endowment has taken great measure to inform the Hill and press corps that appropriate safety measure were taken to protect the audience from the blood. However, little measures have been taken to get the real facts about the grant.

I talked with Sandy Crary and Cherie Simon, the public affairs political appointee at the Endowment. It was very hard convincing her that this argument needs to get out. (I'm not sure I even convinced her).

I hope this helps. I offered my help to them -- writing fact sheets or whatever.

New Fact Sheet

FACT SHEET**Walker Art Center, Minneapolis, Minnesota
June 22, 1994**

- ★ Established in 1879, the Walker Art Center in Minneapolis is one of the most prestigious museums in the nation and one of America's premier presenters and commissioners of contemporary work.
- ★ The Walker received a \$104,500 matching grant for FY 93 to support a season of more than 100 performing arts events.
- ★ The grant was matched by approximately \$200,000 in private support from foundations (e.g. Bush Foundation, Rockefeller Foundation, Jerome Foundation, Northwest Air Foundation), a draw from the Center's endowment, and earned income from box office receipts.
- ★ Nearly 700,000 people are expected to view Walker performances, exhibitions and educational programs during the season.
- ★ The FY 93 grant was approved unanimously by members of the National Council on the Arts (all of whom were appointed by either Presidents Reagan or Bush) at its November 1992 quarterly meeting. The grant was subsequently approved by Acting Chairman Anne-Imelda Radice, a Bush appointee.
- ★ During the 1993-94 season, the Walker has presented a variety of music, dance and theater performances including the St. Paul Chamber Orchestra, Cleveland String Quartet, and jazz musician Charlie Hayden.
- ★ Included in the 1993-94 season are performances featuring a balance of local, regional, national and international events, many of which include family programs, professional workshops, master classes, panels, and post-performance discussions.
- ★ Programs at the Walker Art Center are frequently presented in collaboration with other organizations, including the University of Minnesota, the College of St. Catherine, the Minnesota Composer's Forum, and the Minnesota Dance Alliance.
- ★ The Walker has received Endowment support from the earliest days of the agency in the mid-1960s. Among those presented by the Walker through Endowment funding have been: Merce Cunningham, Meredith Monk, Philip Glass, Bill T. Jones and the Kronos Quartet.

Have them

#

Add: The Endowment's 1992 grant
went to the Walker Arts Center;
it did not directly support Ron Athey
or his performance.

Questions to Ask? →

grant made
by who?
To Athey?

Performance by Ron Athey at the Walker Art Center

— year

- * The Walker Art Center received a \$104,500 matching grant to support a season or more than 100 performing arts events
- * Established in 1879, the Walker is one of the most prestigious museums in the nation
- * On March 5, 1994, the Walker hosted a one-night performance by Ron Athey before a sold out audience of 100 people. Mr. Athey and a three-member cast performed excerpts from his ritualistic work exploring modern day martyrdom as it relates to AIDS. Athey is HIV-positive, but he has stated repeatedly that his co-performer whose blood was raised is **NOT infected with HIV**. Mr. Athey's work includes scarification and the use of acupuncture needles.
- * According to officials at the Walker, the Center used less than \$150 in Endowment funds to support the performance.
- * The Walker Art Center followed universal safety guidelines as developed by the U.S. Centers for Disease Control and provided to the Walker by the Minnesota AIDS Project. The Minnesota Department of Health has concurred.
- * Contrary to erroneous press accounts, there was no blood dripping from towels. Several paper towels were used to blot surface blood (akin to a shaving nick). This blood was **not HIV positive**.
- * Contrary to erroneous reports, there was no panic among audience members nor a mad rush for the exits. A large majority of audience members stayed for the post-performance discussions.
- * Walker officials recognized the mature theme of the performance and **advised viewer discretion** in all press materials and calendars which advertised the performance.
- * Letters to local Minneapolis news media and the Walker from audience members expressed dismay and anger not only about the **inaccurate coverage** of the event, but concern over how the newspaper had trivialized and sensationalized a moving performance on a very disturbing and important contemporary subject.

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COMMITTEE ON AIRPORTS
WASHINGTON, DC 20510-0001

JOHN H. BARNES, STAFF WRITER
A STAFF WRITER - BUREAU OF THE ST. LOUIS POST-DEMOCRAT

June 17, 1994

Dear Madam Chairman:

According to the Washington Post, body artist Ron Athey who is HIV-positive, "...tapped his own scalp with needles, which caused slight bleeding and stuck his arm with acupuncture needles". According to reports, the artist also cut a design into the back of another man and "blotted the results with a three-ply paper towel and then hoisted the bloodied print on a clothesline above the audience."

The Post also reported that several in the audience were horrified and many fled, knocking over chairs to get out from underneath the clotheslines. Obviously these people were concerned about the risks involved in coming into contact with HIV-infected blood. It is unconscionable that the NEA would fund and condone such a performance, especially when the health of the audience members is put at risk.

While attempting to diminish concerns about public safety, the local health official saw no health threat unless blood contact was made with a mucous membrane, such as the eyes, nose, or mouth. To us, the probability of such contact would not be out of the question under the circumstances.

Congress has a responsibility to take the federal government to task when it fails to uphold the public's safety. In this case the public should be able to expect to attend a publicly-funded performance without being exposed to HIV-infected blood. We believe you would agree with us on this point.

As a result, we expect you to ensure that NRA funding in the future does not put the public at health risk. We have placed our confidence in your abilities to tackle these types of concerns.

Honorable Jane Alexander
June 17, 1994
Page Two

The Senate will soon begin its action on the FY 1995 Interior appropriations bill, which includes funding for NEA. As you know, a number of prior grant decisions of the Arts Endowment have been the subject of considerable debate and controversy in the Senate. If such debates are to be avoided in the future, and Federal funding for the arts to be continued, it is incumbent upon the NEA and its program beneficiaries to ensure that such projects are not funded, nor performances undertaken which misuse taxpayer funding.

In that regard, your prompt reply to the following issues is requested:

- (1) How does this use of NEA funds pass the test of artistic excellence and artistic merit, by which applications for NEA funding are to be judged?
- (2) In view of concerns about uses of funds that may be different from what is proposed in a grant application, why should the Committee allow funds for grants that are not subject to strict controls which assure that the purposes stated in the grant application are indeed followed?
- (3) What steps are you taking, and do you intend to take, to prevent such unacceptable actions from occurring when the use of Federal funds, however small, is involved?

Without the benefit of your response that safeguards will be instituted immediately to ensure that such grossly improper activities are not undertaken in the future, NEA funding for FY 1995 is in serious jeopardy.

With kind regards,



Don Nickles
Ranking Minority Member
Subcommittee on Interior
and Related Agencies

Sincerely,



Robert C. Byrd
Chairman
Subcommittee on Interior
and Related Agencies

**ENDOWMENT
FOR THE
ARTS**

June 15, 1994

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

Dear Representative:

Much of my time these past eight months has been spent travelling across the country talking with people about the National Endowment for the Arts. I have been to 36 states so far and seen the wonderful arts organizations the Endowment has made possible in areas of the United States from the most rural to the most dense inner city: organizations which build communities through the celebration of heritage, or that address the needs of at-risk youth in after-school programs or go into the classrooms to teach music, or painting.

Arts in Education

*Challenge &
Advancement*

Dance

Design Arts

Expansion Arts

Folk Arts

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International

Literature

Locals

Media Arts

Museum

Music

*Opera/Musical
Theater*

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*Presenting &
Commissioning*

State & Regional

Theater

Visual Arts

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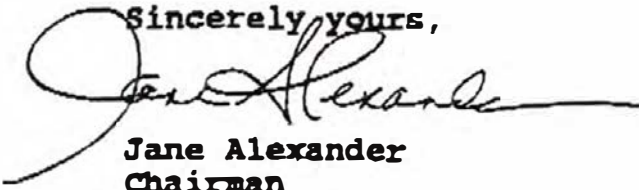
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I fully understand that the National Endowment for the Arts must be accountable to your constituents and those of other members of Congress. In supporting the Walker Art Center, the Endowment is simply responding to the overwhelming support afforded that institution by the people and the corporate community of Minneapolis. The Walker is clearly the most prestigious cultural institution in Minnesota. It is staffed by serious professionals who are accountable to the community, and we expect them to make decisions that are respectful of, and appropriate to the community. This I believe they have done.

I wish it were not so, but the reports following Mr. Athey's performance lend a certain proof to the old adage that a falsehood repeated over and over eventually becomes truth in the ear of the listener. In past years, the Endowment has been harmed over and over again by false reports about the art it may or may not have supported, reports that get repeated again until they have the ring of truth.

I have devoted the first year of my chairmanship to turning around the reputation of the National Endowment for the Arts by engaging people all over the country in a dialogue about all of the very good projects that we support. I felt it was important in this respect to give you the facts regarding the performance at the Walker Art Center. I hope you will contact me if you have any additional questions about it.

Sincerely yours,



Jane Alexander
Chairman

JA/lw

FACT SHEET
Walker Art Center, Minneapolis, Minnesota
June 22, 1994

- * Established in 1879, the Walker Art Center in Minneapolis is one of the most prestigious museums in the nation and one of America's premier presenters and commissioners of contemporary work.
- * The Walker received a \$104,500 matching grant for FY 93 to support a season of more than 100 performing arts events.
- * The grant was matched by approximately \$200,000 in private support from foundations (e.g. Bush Foundation, Rockefeller Foundation, Jerome Foundation, Northwest Air Foundation), a draw from the Center's endowment, and earned income from box office receipts.
- * Nearly 700,000 people are expected to view Walker performances, exhibitions and educational programs during the season.
- * The FY 93 grant was approved unanimously by members of the National Council on the Arts (all of whom were appointed by either Presidents Reagan or Bush) at its November 1992 quarterly meeting. The grant was subsequently approved by Acting Chairman Anne-Imelda Radice, a Bush appointee.
- * During the 1993-94 season, the Walker has presented a variety of music, dance and theater performances including the St. Paul Chamber Orchestra, Cleveland String Quartet, and jazz musician Charlie Hayden.
- * Included in the 1993-94 season are performances featuring a balance of local, regional, national and international events, many of which include family programs, professional workshops, master classes, panels, and post-performance discussions.
- * Programs at the Walker Art Center are frequently presented in collaboration with other organizations, including the University of Minnesota, the College of St. Catherine, the Minnesota Composer's Forum, and the Minnesota Dance Alliance.
- * The Walker has received Endowment support from the earliest days of the agency in the mid-1960s. Among those presented by the Walker through Endowment funding have been: Merce Cunningham, Meredith Monk, Philip Glass, Bill T. Jones and the Kronos Quartet.

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NATIONAL
ENDOWMENT
FOR THE
ARTS

June 22, 1994

The Honorable Robert C. Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

Dear Mr. Chairman:

*Office of the
Chairman*

Thank you for your recent letter in which you indicated your concerns about the March 5, 1994 performance of Mr. Ron Athey at the Walker Art Center in Minneapolis. I appreciate having the opportunity to respond further on this matter.

Arts in Education

I want to assure you in the strongest terms possible that protection of public health and safety are of paramount concern to the National Endowment for the Arts. Section 954 (m)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, states in part:

*Challenge &
Advancement*

Dance

"no part of any project or production which is financed in whole or in part under this section will be performed or engaged in working conditions which are unsanitary or hazardous or dangerous to the health and safety to the employees engaged in such project or production."

Design Arts

Expansion Arts

Folk Arts

All Endowment grantees are required to sign a statement of compliance with the above section. As Chairman, I am committed to enforcing the statute, and to insuring that no member of the public is ever endangered by an Endowment assisted project.

International

Literature

Locals

With respect to the March 5 performance of Mr. Athey, these are the facts. Mr. Athey is HIV positive. Prior to his performance, the Walker Art Center took appropriate safety precautions as developed by the U.S. Centers for Disease Control and provided to the Walker by the Minnesota AIDS project. The Minnesota Department of Health concurred with the appropriateness of these safety precautions in a public statement. Suggestions that the audience, performers or crew backstage were at risk are simply untrue. As I am sure you are aware, there is still a considerable amount of misunderstanding among the general public about the medically known facts of HIV transmission.

Media Arts

Museum

Music

*Opera/Musical
Theater*

*Presenting &
Commissioning*

State & Regional

Theater

Visual Arts

With respect to the Athey performance itself, his work is a study exploring modern day martyrdom as it relates to AIDS. It is a very disturbing but important contemporary subject. Unfortunately, much of what was written in the media about the performance was exaggerated, and those exaggerations are now being repeated by direct mail organizations for their own political purposes.

As Chairman of the National Endowment for the Arts, I am committed to ensuring that the statutory requirements of artistic excellence and artistic merit are met by every grantee we fund. The deliberative process followed by the Endowment in making those decisions is governed by written guidelines, which are discussed and voted on in open session of the National Council on the Arts.

These are the facts with respect to the grant in question which the Endowment made to the Walker Art Center in 1993. In 1992, the Walker applied for a \$110,000 Presenting and Commissioning grant to help offset the \$498,650 estimated cost of its 1993-1994 presenting season. The application indicated the season would include more than 100 events in music, dance and theater. The panel reviewing the application was unanimous in its recognition of the Walker's commitment to artistic excellence.

Because applicants for seasonal support generally must apply more than a year in advance, they do not, nor can we expect them to know at the point of application each event they intend to present. In large part, judgments as to artistic quality and merit in applications for seasonal support are based on the past achievement of the applicant. The many excellent artists who performed at the Walker in previous years, performers like Trisha Brown, David Byrne, Merce Cunningham, the Kronos Quartet and many others, were presented in the application as evidence testifying to the quality of the Walker Art Center.

In addition to past achievement, Arts Endowment guidelines look to the level of institutional and community support. As one of the most prestigious cultural institutions in Minnesota, the Walker Art Center enjoys unparalleled support. Among its major corporate sponsors are General Mills, 3M, American Express, Honeywell, Dayton-Hudson and many others. The level of individual support is equally impressive. Given all of these considerations, the Endowment's Presenting and Commissioning panel, the National Council on the Arts, and finally the Acting Chairman (who was my predecessor) deemed the application excellent and awarded a grant of \$104,500.

I want you to know that I am mindful of the concerns that some Members of Congress and others have expressed about seasonal support - concerns that center on the inexact nature of the application and the inability of opera companies, orchestras, presenting organizations, and theaters to know a year and a half in advance the exact repertory and/or performers they intend to present. That is the reality of the way this business works. Even Ford's Theater, the Kennedy Center and Lincoln Center do not know necessarily what their schedules will look like a year and a half in advance.

The Honorable Robert C. Byrd
Page 3

However, I want you to know that I have taken steps since becoming Chairman to tighten the Endowment's grantee reporting requirements. In compliance with our authorizing statute, I am insuring that all our guidelines are amended to require grantees to submit written interim reports before the final one-third grant award may be drawn down. In the eventuality that a grantee fails to comply with grant requirements, the Endowment may undertake a number of options which include suspension of payments, termination of the grant, grant recovery or disbarment. I will not hesitate to utilize any of these sanctions if in my judgment a grantee fails to meet the grant requirements.

You mentioned, and I share, a concern about situations in which a grantee might use funds in a way that is different from what was proposed in the grant application and approved by the Endowment. In this regard, I have directed that our program guidelines include the following provision:

"Grantees are expected to carry out a project consistent with the proposal approved for funding by the Arts Endowment. If changes in the project are believed necessary, the grantee must send a written request with justification to the relevant program. The Endowment's Grants Office will notify the grantee in writing as to the Arts Endowment's determination on its request. Project amendment requests are considered on a case-by-case basis. Approval is not guaranteed."

In closing, I believe it is very important that the Committee understand my commitment to funding only the best art America has to offer. In addition, I believe it is critical that we at the Federal level be respectful of decisions that are made at the local community level about what kind of art is appropriate to each community. I believe that the measures I am taking as Chairman address the concerns you expressed in your letter.

Because you are Chairman of the Senate Appropriations Subcommittee with jurisdiction over the National Endowment for the Arts, I and my staff have contacted your office on several occasions requesting an appointment with you to discuss the priorities I have set for my Chairmanship of the Arts Endowment. I would still very much appreciate the opportunity to meet with you. I have much to report about the many wonderful projects that the Endowment supports throughout the country, including a number of important projects in your own state.

Again, I appreciate your writing, and look forward to hearing from you.

Very sincerely yours,



Jane Alexander
Chairman

NATIONAL
ENDOWMENT
FOR THE
ARTS

file
NEW / Sample
Re. NS

June 15, 1994

The Hon. Tim Johnson
U.S. House of Representatives
2438 Rayburn House Office Building
Washington, DC 20515

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

Dear Representative Johnson:

*Office of the
Chairman*

Arts in Education

*Challenge &
Advancement*

Dance

Design Arts

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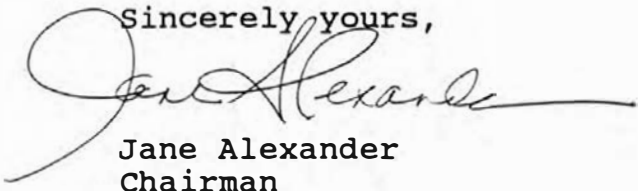
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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jane Alexander", written in dark ink.

Jane Alexander
Chairman

JA/lw