

1989

# Obscenity: Andres Serrano Controversy (1989): Memorandum 01

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## Recommended Citation

Crary, Alexander D., "Obscenity: Andres Serrano Controversy (1989): Memorandum 01" (1989). *Obscenity: Andres Serrano Controversy (1989)*. Paper 25.

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M E M O R A N D U M

To: Senator June 30, 1989  
FROM: ADC  
RE: Update on NEA Problems

I have put together this file with some recent clips and correspondence about the NEA/Mapplethorpe/Serrano situation for your review and catch-up.

Yates has been under special pressure because the NEA/NEH appropriations bill has just been through House subcommittee and full committee markup. His original proposal was to put a blanket restriction on all regrants in his bill. The grant made to artist Andres Serrano by the Southeastern Center for Contemporary Art is an example of a regrant. It was made by an institution that was reviewed and approved by the NEA but the secondary regrant to Serrano was not. On the surface this seemed like an easy fix. But the positive side of regrants far outweighs such a total restriction. When the arts community got wind of the Yates proposal there was a huge outcry. As a compromise, Yates has added report language that says something to the effect that the Endowments (NEH included) must exercise "the power of final approval" over all regrants. The mechanism for doing this is not yet clear. But it would appear to give the Council a larger role - which addresses the position I outlined for you in your letter to Hugh Southern. Since you are not under such immediate legislative pressure, your situation is one of asking the Council for a full review of grant procedures, reviewing their report to you and then - if necessary - using the reauthorization to implement further change.

The accompanying material will fill you in on why regrants are important. Also included is some welcome mail from leaders of the arts community which is now beginning to come in. One point to keep in mind is that the inclusion of Serrano in the Awards in the Visual Arts Program is not really a symptom of a flaw in Endowment procedures. There is no real fix for this and there shouldn't be one if we all still believe in the Endowment and how it was established. I have a legislative history going back to the early 1960's which includes repeated references to the wisdom of non-interference by the government in artistic decisions. This is why I am comfortable having you remind them to support "excellence" but not "non-offending art".