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Obscenity: Andres Serrano Controversy (1989): Memorandum 04

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M E M O R A N D U M

TO: Senator July 24, 1989
FROM: ADC
RE: Senate Appropriations Action on NEA

The Appropriations Subcommittee marked up the 1990 NEA budget today with floor action coming as soon as this Wednesday. Chairman Byrd is rushing the schedule in the hopes of avoiding a floor fight on the Arts Endowment.

As you know, the House cut the NEA budget (in a major floor debate) by a symbolic \$45,000 - representing the total amount spent to fund the Mapplethorpe exhibition (\$30,000) and the Awards in the Visual Arts grant to Andres Serrano (\$15,000). This vote came after unsuccessful attempts to cut the budget by \$10 million and then by \$5 million. Another proposal to eliminate all funds was not brought to a vote. The final \$45,000 cut is coupled with report language that directs the NEA and NEH to be as thoroughly responsible for regrants as they are for direct grants. You have endorsed this latter step.

Now the Senate (under Byrd's leadership) has taken this a very unfortunate further step. Not only did the subcommittee endorse the \$45,000 symbolic cut but they have prohibited the NEA from providing any grant support to the Southeastern Center for Contemporary Art in North Carolina or the Institute of Contemporary Art at the University of Pennsylvania for 5 years! The former was responsible for selecting the jury that chose Serrano and the latter organized the touring Mapplethorpe retrospective exhibition. Moreover the Senate has cut the Visual Arts Program by \$400,000 and reallocated it to both Folk Arts and Local Arts. They have also appropriated \$100,000 for the NEA to hire an outside group to conduct an independent review of grant procedures.

The most troubling aspect of this is the punishment of the two arts organizations - which amounts to outright government censorship. The Senate is saying we do not like what you have done with your federal money - even after peer reviewers had endorsed the projects - and so we will punish you by banning you from receiving federal arts support. This adds yet another chilling effect to this whole sorry matter by stifling two good arts organizations that have been known for their especially creative work. It sets a terrible precedent of direct government involvement in decisions that have always been left to the Endowment and its peer panels. It flies right in the face of what

you and Livy did 25 years ago in taking the arts judgement out of the hands of government and putting it in the hands of peer reviewers.

Politically, Byrd has created a position from which he can fall back and take the House language. That is if nothing worse comes up in full committee tomorrow or on the floor on Wednesday. The \$45,000 slap on the Endowment's wrist is the least damaging of many bad proposals but it is still intended to punish the Endowment and I cannot see you endorsing this. There is no reason to. No one can articulate a good reason for doing this without talking censorship. You must be the advocate for an enlightened and tolerant governmental attitude - the same attitude you had in 1965 and which all enlightened and tolerant people are looking to you to protect. Two controversial grants out of over 85,000 do not justify the potential damage to the Endowment that is being proposed. You, in particular, would be contradicting the aims and purposes that you set out when the Endowment was established.

I will follow up with additional talking points for your NEW YORK TIMES interview tomorrow.