
Follow this and additional works at: https://digitalcommons.uri.edu/pell_neh_I_59

Recommended Citation
https://digitalcommons.uri.edu/pell_neh_I_59/13

This Report is brought to you for free and open access by the Education: National Endowment for the Arts and Humanities, Subject Files I (1973-1996) at DigitalCommons@URI. It has been accepted for inclusion in Museum Services Board (1991) by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons-group@uri.edu.
As an honest, hardworking man, striving for the benefit of those in need.

Claude Pepper will surely be remembered.

The PRESIDING OFFICER: The Chair recognizes the Senator from the State of Washington.

ON THE OFFICIAL FUNDING OF RELIGIOUS BICYCLOPY.

Mr. GORTON. Mr. President, seldom in public life does one encounter problems more vexing or consequential than those in which the interests of the state conjoin or run against the principles of art or religion. It is not possible simply to render unto Caesar what is Caesar's and unto Christ what is His, for the sacred and the profane are as thickly intertwined as twisting vines. They have been always and they always will be.

The difficulty arises partly because the language of politics is not deep enough to address profound questions of art and religion, and often when it intrudes upon them it extirpates their lights. Though politics require definition, art by its very nature eludes it and religion is often beyond it. Should a controversy also incorporate, as does the one I am about to address, questions relating to free speech, the limits of government, and sacrilege, the problem may appear intractable. This one, however, is not intractable, if the will to make distinctions overcomes the will to be outraged.

I shall tell you what happened.

First, Americans were taxed, which is no more surprising nor less certain than the rising of the Sun. Revenue came from a very number of households, individuals, and corporate entities. Like water flowing into the Mississippi after spring rains, it swelled into the muddy, omnipotent, self-perpetuating torrent that we call the budget. If it was ever stewed like the budget, Denver would soon be under water. Instead of running randomly into the Gulf of Mexico, this river of money poured into the District of Columbia, where you and I divided it up and sent it back again. Not only was much energy wasted in the round trip, but by your actions many places that had been wet became unwet, and those that had been rightfully dry were soaked.

Of this wealth collected from nearly every human being in the land, a certain portion went to the National Endowment for the Arts. Fair enough, I suppose. It was in turn divided up, of necessity, I admit, by people who are appointed rather than elected. Fair enough, I suppose, as the acronyms have begun. SECCA then entrusted it to a five-member jury of artists and curators. This jury, then chose ten artists, each of whom received $29,000. Although that article is not for publication, I believe that next step would be to submerge the suffering Christ in semen. Not fair.

Mr. President, I do not claim to fond of the rationalism of contemporary visual art. Given that one of the most generously reviewed exhibitions of recent times was the artist Judy Chicago's mixed media depictions of female genitalia on dinner plates, and that one of the masterpieces of conceptual art was minted as the artist himself was thrown out of a window into a tremendous pile of horse manure, am I supposed to? I believe I speak for the common man and the uncommon intellectual when I confess my indifference, at best, to these heroics.
This practice is no longer aberrant. It is a way of life, and sometimes one can hardly determine if a contemporary artist is contributing to the development of art or to the history of public ridicule. A shiny green suit to the theater, to attract attention to the fact that he wrote plays. The stategem was so potent that, it has worked its way through our century down to this day, and the question is, does it still have a point, and don't you have to bother about the plays.

Mr. Serrano, no doubt, wants publicity, and he is getting it. Indeed, I am giving it to him. His trick is to make his opponents, in their attempt, to drown him, pour so much water into the lock that they raise up his boat. And then he tells them what he's doing, mainly for the thrill of it, but also because it is certain to open the sluice for more. To quote Mr. Serrano, "I feel when people attack a work of art to such a great extent, they imbue it with a far greater mystique than they ever had, and, in that, I'm flattered that they think it deserves such attention."

This declaration is obviously calculated to do to his critics what banderillas do to toreadors, to them, weaken them, drive them wild.

I cannot think of a better response to this calculated provocation than to quote the consummate artist, William Shakespeare: "To thine own self be true, and let us drive our indignation at something very similar.

Why, look you now, how unworthy a thing you make of me! Hamlet says.

You would play upon me, you would seem to know, my stops, you would pluck out the heart of my mystery, you would sound me from the lowest note to the top of my compass! * * do you think I am easier to be played on than a pipe? Call me, what instrument you will, though you can fret me, you cannot play upon me.

Now, you know my opinion of the tradition Mr. Serrano exploits, and you know the vehemence, the passion, gimmickry, shock, and mockery, works such as his have a tendency to disappear. But this is not a bullfight and he is not a matador. I know that the heart of his strategy depends on the overreaction of those who would by instinct and passion suppress his sacrilege as readily as they would defend their own children, for, indeed, he has assaulted that which they hold most holy, sacred, and dear.

But, no. I refuse to enter that trap, and will not allow him or his partisans to cloud his abuse by diverting the issue to that of freedom of expression. He has the right to display his picture. There is no question that he has that right. It is almost absolute. I would sell my grandmother, shoot my dog, whatever, before I would fail to defend that right. On February 22 of this year, in my remarks concerning the Rushdie affair, I made clear that I hold to his position and that I do so in good faith. What I believe is a vital and fundamental principle. And in the case of Mr. Serrano as is in the case of Mr. Rushdie, neither the transparency of his intentions nor the quality of his work can prejudice it.

Let us even assume, for the sake of argument, hypothetically, as a fiction, as a purely academic exercise, that his picture is a great work of art. Great works of art can be sacrilegious not only in theory, but in fact. For example, Michelange-lo's statue of Moses is fitted with a pole of some sort and generations of Jews have been stung by that, but the statute, without a doubt, is great art. So let us assume, for the sake of argument, that Mr. Serrano's picture which is deeply offensive to Christians, is of the same caliber as Michelangelo's. Moses, which is deeply offensive to Jews. What is the role of the state in these matters? Does it dare not subsidize Michelangelo?

The answer touches upon the question of the limits of government, which is right and proper both for the Chamber and for our time, and the controversy is not new but has been around itself to its own interests, and art must be free. Neither subsidy nor censure are appropriate, for the state, with its unrivalled power, must not take sides in purely symbolic disputes. This judgment has honorable origins, a long history, a basis in reason, and several illustrative parallels.

It would be relatively easy to preclude SECCA from receiving Government funds on other, more practical grounds. In this matter the layers of unaccountability are much like those of shell corporations established on islands that vanish at high tide. Passing from the constituent to the Treasury, to the NEA, to SECCA, through the panel of judges, to laureate, the money flows freely, with neither obstruction nor delay, from citizen to Serrano. But what of traffic in the form of sale of art by the state. Accountability run the other way? No. At every step, as in the famous Thomas Nast cartoon of the Tweed ring, someone is pointing a finger at someone else and saying, "We can't possibly interfere with the artistic choices made by our grantees." To cite part of a letter I received from the NEA, "This limitation reflects concern that Federal dollars, to be eligible for NEA funding, must result in government intervention in the substance of artistic projects."

I ask you, is a $15,000 fellowship, a traveling exhibition, and the imprimatur of and association with the National Endowment for the Arts something that is neutral? Is it of no effect? If it is, what is its purpose? And if it is, as anyone can see, the promotion and advancement of the artist, and another, of his work and of his philosophy, of his style and approach, how can providing support be less as intervention in the substance of artistic projects than would be withdrawing support?

The Government and its compensate agents choose. They must choose: they have no other means of accomplishing the distribution. And to make the choice, they must have criteria and they must exercise them. Judges must be chosen. If the people who provide funds for this program—the taxpayers—are spurred to exercise their judgment and prove their criteria, it is to be criticized as intervention, whereas if the judges and the state make the criteria, they are told that if the citizenry has predilections, leanings, principles, convictions, an aesthetic, they must be held in abeyance for fear of interventions. But if the judges have predilections, leanings, principles, convictions, an aesthetic, they may be exercised, for that is freedom of expression.

The scheme I have outlined, or rather, the resolution of the principle that the bureaucracy wields more power than those who have empowered it, it depends upon an inequality in the flow of funding and accountability, an inequality based in continuities and contradictions and inconsistencies that are so obvious as to be surreal.

Where is the consensus for "Piss Christ"? Is there anyone in this body who will stand to declare that Americans should subsidize religious bigotry? Is there anyone who will declare that this is not religious bigotry? What will the NEA pay for next? A mockery of the Holocaust! A parody of slave ships? A comedy on the declaration of the American Indian? A satire of the massacre in the Katyn Forest?

To those who might say that the Government should remain disengaged, I say, "Hamlet" is to limit freedom of expression, I say, that to assert this is merely to transform high principles into stepping stones that lead to the public trough. The illusion of the rule of law is the rule of art. The argument is that if the Government does not nurture people like Mr. Serrano it is therefore opposing them. This view, I submit, is a self-serving belief in the illusory nature of the things that do not exist; namely, that the state owes all things to all people and has neither the discretion nor the moral right to abstain from any face of activity or to reject any petitioning to that effect.

To the contrary, government requires, above all, and almost always, discretion. The least of the examples I can think of is that Mr. Serrano was competing with 500 other artists. The Government chose 10 and rejected 490. So much for the myth that it cannot bring its discretion to bear.

My view is founded on the conviction that good government is a matter of painful restraint. By the kind of encouragement the NEA offered to the creator of "Piss Christ," the state usurps its citizens' independence and self-sufficiency and therefore the power and effectiveness of the
Government itself, which derives in turn from these very qualities.

And in offering this species of encouragement, the Government takes element of responsibility in politics, and, in this case, in a theological dispute, for no matter how poor and distasteful Mr. Serrano's argument, it is nonetheless, at least symbolic of an ambiguous position, and the Government of the United States should not take sides in religious arguments. Here, by subsidizing one of the parties, it has done so, and that is wrong.

We have in the Constitution a direct prohibition of established religion. By immediate inference, this means that we cannot diminish one religion, lest another, the one unburdened, rise out of proportion.

If art and religion are to be free of state influence, then they must indeed be free of state influence. If they are to be free of state influence, then they cannot depend on subsidy. As for the religious bigotry here in question,如果说 exists, it will always exist; and it is not the business of the Government of the United States to root it out. But neither is it the business of the United States to support it. Though Mr. Serrano and SECCA may enjoy near perfect liberty from constraint, they cannot expect the privilege of requiring more from us than they desire non-interference, for that is tyranny. I propose that the Government of the United States withdraw from the question entirely, that it separate itself, its influence, its resources, its finances, from SECCA and Mr. Serrano, allowing them the near perfect liberty to reflect upon what they have done; liberty unimpeded by further U.S. Government support.

Mr. President, I propose that the NEA deprive SECCA of Federal funding for a period of say 5 years, and until such times as it is obvious that SECCA is administered responsibly. Mr. President, I also propose that NEA, if unable to take such a momentous step, this Congress should expressly prohibit NEA from providing such support.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 48

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 23, 1989, during the recess of the Senate, received the following message from the President of the United States, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since the last report of November 15, 1988, concerning the national emergency with respect to Iran, that was declared in Executive Order No. 12170 of November 14, 1978, and matters relating to Executive Order No. 12153 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergencies Authorization Act, 22 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-8. This report covers events through March 28, 1989, including those that occurred since the last report under Executive Order No. 12170 dated November 15, 1988. That report covered events through October 1, 1988.

1. Since the last report, there have been no amendments to the Iranian Assets Control Regulations, 31 C.F.R. Part 556 (the "IACRs"), or the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITRs"), administered by the Office of Foreign Assets Control ("OFAC"). The major focus of licensing activity under the ITRs remains the importation of certain non-fungible Iranian-origin goods, principally carpets, which were located outside Iran before the embargo was imposed, and which benefitted accrued to Iran after the effective date of the embargo. Since October 1, 1988, OFAC has made 583 licensing determinations under the ITRs.

Numerous Customs Service detentions of Iranian-origin goods (including carpets, caviar, dates, pistachios, and gold) have taken place, and a number of FAC and Customs investigations into potential violations of the ITRs are pending. Several of the seizures have led to forfeiture actions and imposition of civil monetary penalties. An indictment has been issued in the case of United States v. Benham Toubiri, which is now pending in the United States District Court for the District of Vermont.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established under the Iran-United States Claims Settlement Agreement of January 19, 1981 (the "Aligiers Accords"), continues to make progress in arbitrating the claims before it. Since the last report, 22 remaining awards, a total of 418 awards. Of that total, 308 have been awarded in favor of American claimants; 193 of these were awarded on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 115 were decided adjudicated on the merits. The Tribunal has dismissed a total of 25 other claims on the merits and 56 for jurisdictional reasons. Of the 29 remaining awards, two represent withdrawals and 27 were in favor of Iranian claimants. As of March 28, 1989, awards to successful American claimants from the Security Account of the Tribunal's Registry, the proceeds of which have been transferred to the interest account, totaled $10,844,726.00.

As of March 28, 1989, the Security Account has fallen below the required balance of $500 million 25 times. Each time the balance of the account, as required by the Algiers Agreements, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account once since the last report, raising the total number of contested claims decided to 24, 15 of which favored the American claimants. These decisions will help in establishing guidelines for the adjudication or settlement of similar claims. To date, American claimants have also received 46 awards on agreed terms reflecting successful claims. The Tribunal's current small claims docket includes approximately 185