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10-25-1990

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Claiborne Pell

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Recommended Citation

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United States Senate

COMMITTEE ON LABOR AND
HUMAN RESOURCES

WASHINGTON, DC 20510-6300

October 25, 1990

The Honorable Robert C. Byrd
Chairman
Committee on Appropriations
136 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr.  Chairman:

I am writing in regard to the amendment proposed by Senator Helms to the Interior Appropriations Bill that was adopted last evening by voice vote at the end of the debate. This amendment prohibits the use of Arts Endowment funds for materials that would denigrate the objects or beliefs of a particular religion.

As Chairman of the Subcommittee on Education, Arts and Humanities and one of the architects of the compromise that establishes responsible new guidelines for the accountability of NEA funds, I urge you to recede to the House provision in conference.

The language in the Helms amendment is vague and overbroad and likely to be unconstitutional. The Supreme Court has long recognized that the First Amendment prohibits restrictions of religious speech or religious art. Moreover, with at least 140 different ethnic groups in the United States, each with its own religious practices, this provision would require the Endowment to consider how these various religious tenets inter-relate so as not to offend any one group. This is an entirely inappropriate task for a federal agency to undertake.

It is my sincere hope that members of the conference committee will follow a safe constitutional course and drop this troublesome provision by receding to the House.

With warm regards,

Ever sincerely,



Claiborne Pell
Chairman
Subcommittee on Education,
Arts and Humanities