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Obscenity: Andres Serrano Controversy (1989)

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## Obscenity: Andres Serrano Controversy (1989): Report 03

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this state would be delimited can only be determined definitively in the course of future political developments.

In each case both Governments will solve the question by amicable agreement.

3. As regards southeastern Europe, Soviet interest in Bessarabia is underscored. The German side declares its complete lack of interest in these areas.

4. This protocol will be treated as top secret by both sides.

For the Government of the German Reich.

On the authority of the Government of the USSR  
von Ribbentrop

V. Molotov.

As far as I can recall the following took place:

In delimiting mutual spheres of interest in Eastern Europe when Southeast Europe was mentioned, the Soviet side emphasized its interest in Bessarabia. On this occasion I expressed verbally our lack of interest in the question of Bessarabia. However, because of the possibility of committing an indiscretion, which had to be taken into account considering that at that time the nature of German-Russian relations was still completely unknown, I elected a formulation of a general sort for the Protocol in order not to fix our expressed recognition of the Russian claim to Bessarabia in writing. This was done in such a way that in discussing Southeast European problems, I stated quite generally that Germany had no political interest in "these territories," i.e., Southeastern Europe. I did, however, explicitly point out Germany's economic interest in these southeastern territories. This was done in accordance with the general phraseology recommended by the Führer for Southeast Europe, as well as, as far as I remember, a particular directive from the Führer, which I received before I left for Moscow and in which the Führer empowered me to express Germany's lack of interest in the territories of Southeast Europe and, if I had to, even as far as Constantinople and the Straits. The latter was, however, not mentioned.

(signed) R.

BAUMSCHULE, June 24, 1940.

(Translated by David Skelly CRS—Language Services, February 24, 1989.)

German Embassy, Ag/15/41

Moscow, January 14, 1941.

SECRET

Contents: Secret protocol concerning the borders of Lithuania.

I have the honor of sending as an enclosure in both German and Russian the secret protocol signed by myself and the Chairman of the Council of the People's Commissars of the USSR, Mr. Molotov, on January 10, 1941 concerning the cession of the borders of Lithuania.

RIEBBENTROP.

To the Foreign Office, Berlin.

#### NATIONAL ENDOWMENT FOR THE ARTS

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Thank you, Mr. President.

Mr. President, several weeks ago, I began to receive a number of letters, phone calls, and postcards from constituents throughout the State concerning art work by Andres Serrano. They express a feeling of shock, of outrage, and anger.

They said, "How dare you spend our taxpayers' money on this trash." They all objected to taxpayers' money being used for a piece of so-called art work which, to be quite candid, I am somewhat reluctant to utter its title. This so-called piece of art is a deplorable, despicable display of vulgarity. The art work in question is a photograph of the crucifix submerged in the artist's urine.

This artist received \$15,000 for his work from the National Endowment for the Arts, through the Southeastern Center for Contemporary Art.

Well, if this is what contemporary art has sunk to, this level, this outrage, this indignity—some may want to sanction that, and that is fine. But not with the use of taxpayers' money. This is not a question of free speech. This is a question of abuse of taxpayers' money. If we allow this group of so-called art experts to get away with this, to defame us and to use our money, well, then we do not deserve to be in office.

That is why, Mr. President, I am proud of the Members, who in literally a matter of minutes—over 20, about 25—joined me in signing a strong letter of protest to the Endowment. Here is a picture, and the title is "Piss Christ." Incredible.

To add insult to injury, after this group of so-called art experts picked this artist for this \$15,000 prize—of taxpayers' money; we paid for this, our taxpayers—I do not blame people for being outraged and angered, and they should be angered at us, unless we do something to change this. If this continues and if this goes unrectified, where will it end? They will say, "This is free speech." Well, if you want free speech, you want to draw dirty pictures, you want to do anything you want, that is your business, but not with taxpayers' money. This is an outrage, and our people's tax dollars should not support this trash, and we should not be giving it the dignity. And after this piece of trash and this artist received this award, to make matters worse, the Awards in Visual Arts, this wonderful publication was put together; and who was it financed by, partially? By none other, than the National Endowment for the Arts. What a disgrace.

They not only see this garbage, they can say we did not know he engaged in this kind of filth, but then they see fit to distribute it through the Nation and brag about it and allow their names to be used, instead of calling and saying, you get our name out of that.

Mr. President, we better see to it that—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. The purpose for which the Endowment was established, and I quote, "to support the survival of the best of all forms that reflect the American heritage in its full range of cultural and ethnic diversity and to provide national leadership on behalf of the arts."

Mr. President, I submit this is a distortion of those purposes. It does not reflect on the full range of cultural and ethnic diversity; rather, it is a perversion of those principles. If people want to be perverse, in terms of what they recognize as art or culture, so be it, but not with my money, not with the taxpayers' dollars, and certainly not under the mantle of his great Nation. This is a disgrace.

Mr. President, I ask unanimous consent that the letter to the National Endowment for the Arts be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. SENATE,

Washington, DC, May 18, 1989.

Mr. HUGH SOUTHERN,  
Acting Chairman, National Endowment for the Arts, Washington, DC

DEAR MR. SOUTHERN: We recently learned of the Endowment's support for a so-called "work of art" by Andres Serrano entitled "Piss Christ." We write to express our outrage and to suggest in the strongest terms that the procedures used by the Endowment to award and support artists be reformed.

The piece in question is a large and vivid photograph of Christ on a crucifix submerged in the artist's urine. This work is shocking, abhorrent and completely undeserving of any recognition whatsoever. Millions of taxpayers are rightfully incensed that their hard-earned dollars were used to honor and support Serrano's work.

There is a clear flaw in the procedures used to select art and artists deserving of taxpayers support. That fact is evidenced by the Serrano work itself. Moreover, after the artist was selected and honored for his "contributions" to the field of art, his work was exhibited at government expense and with the imprimatur of the Endowment.

This matter does not involve freedom of artistic expression—it does involve the question whether American taxpayers should be forced to support such trash.

And finally, simply because the Endowment and the Southeastern Center for Contemporary Art (SECCA) did not have a direct hand in choosing Serrano's work, does not absolve either of responsibility. The fact that both the Endowment and the SECCA with taxpayer dollars promoted this work as part of the Awards in Visual Arts exhibition, is reasons enough to be outraged.

We urge the Endowment to comprehensively review its procedures and determine what steps will be taken to prevent such abuses from recurring in the future.

We await your response.

Sincerely,

Alphonse D'Amato, Bob Kerrey, Warren B. Rudman, Rudy Boschwitz, Dennis DeConcini, Pete Wilson, Bob Dole, Chuck Grassley, James A. McClure, John Heinz, Wendell Ford, Howell Heflin, Harry Reid, Richard Shelby, John W. Warner, Larry Pressler, Conrad Burns, Tom Harkin, Trent

Lott, Jesse Helms, John McCain, Arlen Specter, Steve Symms.

Mr. HELMS. Mr. President, the Senator from New York is absolutely correct in his indignation and in his description of the blasphemy of the so-called artwork. I do not know Mr. Andres Serrano, and I hope I never meet him. Because he is not an artist, he is a jerk.

Let us examine exactly what this bird did to get \$15,000 of the taxpayers' money through the so-called National Endowment for the Arts. If they have no more judgment than that, it ought to be abolished and all funds returned to the taxpayer.

What this Serrano fellow did, he filled a bottle with his own urine and then stuck a crucifix down there—Jesus Christ on a cross. He set it up on a table and took a picture of it.

For that, the National Endowment for the Arts gave him \$15,000, to honor him as an artist.

I say again, Mr. President, he is not an artist. He is a jerk. And he is taunting the American people, just as others are, in terms of Christianity. And I resent it. And I do not hesitate to say so.

I am not going to call the name that he applied to this work of art.

In naming it, he was taunting the American people. He was seeking to create indignation. That is all right for him to be a jerk but let him be a jerk on his own time and with his own resources. Do no dishonor our Lord. I resent it and I think the vast majority of the American people do. And I also resent the National Endowment for the Arts spending the taxpayers' money to honor this guy.

This program, supported by the National Endowment, is administered by the Southeastern Center for Contemporary Art. They call it SECCA. I am sorry to say it is in my home State.

After Mr. Serrano's selection, this photograph and some of his other works were exhibited in several cities around the country with the approval and the support of the National Endowment.

Horsefeathers. If we have sunk so low in this country as to tolerate and condone this sort of thing, then we become a part of it.

The question is obvious. On what conceivable basis does anybody who would engage in such blasphemy and insensitivity toward the religious community deserve to be honored? The answer to that he is does not. He deserved to be rebuked and ignored because he is not an artist. Anybody who would do such a despicable thing—and get \$15,000 in tax money for it—well, it tells you something about the state of this Government and the way it spends the money taken from the taxpayer.

So no wonder all of the people calling my office are indignant. The Constitution may prevent the Government from prohibiting this Serrano fellow's laughably. I will describe it—

"artistic expression." It certainly does not require the American taxpayers or the Federal Government to fund, promote, honor, approve, or condone it. None of the above.

Mr. President, the National Endowment's procedures for selecting artists and works of art deserving of taxpayer support are badly, badly flawed if this is an example of the kind of programs they fund with taxpayers' money.

I have sent word to the Endowment that I want them to review their funding criteria to ensure abuses such as this never happen again. The preliminary report we got from one person with whom we talked was sort of "Down, boy, we know what we are doing."

Well, they do not know what they are doing. They are insulting the very fundamental basis of this country. I say again I resent it.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. I think the Chair.

(The remarks of Mr. Coats pertaining to the introduction of S. 1057 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### THE SHAMIR PLAN FOR ELECTIONS IN THE OCCUPIED TERRITORIES

Mr. METZENBAUM. Mr. President, the State of Israel has been the focus of abundant study, commentary and criticism over the past 1½ years. Israelis have been told in every manner imaginable that they bear responsibility for the violence in the occupied territories. Israeli security forces have been compared to everyone from the Nazis to the Khmer Rouge in their attempts to restore order in the West Bank and Gaza Strip.

What the world continues to ignore is the fact that Israel is at war. The State of Israel is faced with almost impossible alternatives regarding its relations with the Palestinians. Too many of Israel's neighbors, with the exception of Egypt, continue in their determination that there should be no State of Israel. I will not take up my colleagues' time with reviewing the strategic picture Israel has faced over the years. One only has to look at a map to understand this situation. Most Senators are already well aware of the critical geographic problems that limit Israel's diplomatic and security options.

Mr. President, even with the majority of its population and industry crammed into a narrow corridor 9 miles wide and 25 miles long; Israel has offered a major concession to West Bank and Gaza residents. Israel has just taken a big risk in the search for peace.

Prime Minister Yitzhak Shamir has produced a viable, realistic plan which

includes Palestinian self-rule and a vehicle for negotiations on a permanent solution. The Shamir plan represents an accommodation of widely divergent priorities on both sides of the issue. The plan is not what either side would love to see, but this is the essence of compromise. While not perfect, the Shamir plan is workable, it is a substantive offer, and it should be taken seriously by all parties to the conflict.

Mr. President, it is significant that the Israeli cabinet has given approval to the Shamir plan. Israeli democracy has, at times, been almost too pluralistic, creating a divided government.

But the Shamir plan is not the product of division. It is a plan that the entire Government has endorsed because the voters of Israel want peace.

For so many months, the plain fact that Israelis are ready and willing to make peace has been callously overlooked. No one has suffered more from the ravages of violence than ordinary Israelis. Many who have been calling on Israel to lay down its arms and give in to the rioters fail to see two essential truths about the conflict. The first, as I have mentioned, is that Israelis have endured a vastly greater level of war, strife and fear over time than the Palestinians.

Israelis are truly the party most in need of peace.

The second frequently overlooked truth is that no sovereign state can ever be expected to put itself in a suicidal strategic position to satisfy the fickle whims of world opinion. The PLO's so-called peace proposals are inherently insincere and cynical because they would ultimately be fatal to Israel.

One need only look at the PLO seal to see that it views all of Israel as part of its self-declared State of Palestine. This is not the emblem of an organization committed to any peace process.

The Shamir plan, on the other hand, gives something of substance to both sides in a realistic framework.

The Shamir plan will help bring a measure of stability to a turbulent area. Arafat's various ideas have simply served to stir up the plot.

Mr. President, Prime Minister Shamir has laid out a 5-year road map toward a permanent solution of the Palestinian-Israeli conflict. The plan is an attempt to identify responsible negotiating partners within the Palestinian community, and to give them the credibility to speak for their people.

The plan is intended to be a flexible vehicle for dialog—not a diplomatic straightjacket.

Upon implementation of the Shamir plan, free democratic elections will be held in the territories by secret ballot.

Mr. President, I should note, parenthetically, that if this plan is put into effect, it will represent one of the first truly free plebiscites in the Middle East.

Has anyone ever heard Mr. Arafat, or any other Arab leader, for that