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Obscenity: Andres Serrano Controversy (1989): Report 02

Hugh Southern

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THE ARTS

WASHINGTO D.C. 20505



A Federal agency advised by the National Council on the Arts

August 5, 1989

Senator Claiborne Pell, Chairman Education, Arts and Humanities Subcommittee SD-648 Dirksen Senate Office Building Washington, D.C. 20510

Dear Senator Pell:

I am forwarding to you for your review and consideration a resolution unanimously passed by the National Council on the Arts in open session at their meeting today.

Sincerely,

Hugh Southern

Acting Chairman,

National Council on the Arts National Endowment for the Arts

Enclosure: as stated

RESOLUTION OF THE NATIONAL COUNCIL ON THE ARTS IN OPEN SESSION IN THE CITY OF WASHINGTON, D.C., THIS 5TH DAY OF AUGUST, 1989:

WHEREAS in 1965, the United States Congress created the National Foundation on the Arts and the Humanities;

WHEREAS the Congress set forth a declaration of purpose for the Foundation which stated:

- (1) that the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;
- (2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future;
- (3) that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds and wherever located masters of their technology and not its unthinking servant;
- (4) that it is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations;
- (5) that the practice of art and the study of the humanities requires constant dedication and devotion and that, while no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of this creative talent;
- (6) that museums are vital to the preservation of our cultural heritage and should be supported in their role as curator of our national consciousness;
- (7) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit;

- (8) that Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives, the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression; and
- (9) that, in order to implement these findings, it is desirable to establish a National Foundation on the Arts and the Humanities, and

WHEREAS during the 25 years since its founding the National Endowment for the Arts has followed closely the procedural guidelines established by the Congress to enable the dispensation of federal funds in accordance with the policy objectives set by the Congress: and

WHEREAS the Congress recognized the difficulty and complexity of dispensing federal funds to arts grants recipients in a manner that would recognize in an impartial fashion high quality artistic creativity; and

WHEREAS in furtherance of that objective a system of peer panel review was created utilizing the talents of carefully selected private citizen experts in various fields of the arts and culture; and

WHEREAS pursuant to such review the Chairman of the Endowment and the 26-member National Council on the Arts appointed by the President with the advice and consent of the Senate endeavoied to provide further screening and evaluation of the recommendations of the peer panels; and

WHEREAS the Congress made available funds for the recruitment by the Endowment of a professional staff of the highest quality; and

WHEREAS the total mechanism thus established has been responsible for approximately 85,000 grants which have supported an extraordinary variety of excellence in the arts enjoyed by millions of Americans throughout the nation; and

WHEREAS the Endowment's decision to support worthy programs of arts organizations has been endorsed by their publics and by matching financial support from state and local governments and private sources; and

WHEREAS from its inception the Congress of the United States sought to protect the freedom of artistic expression as an essential condition for the artist and found that "in proportion as freedom is diminished so is the prospect of artistic achievement"; and

WHEREAS on occasion the National Endowment has made grants which were deemed in certain quarters to be controversial and which evoked expressions of public concern; and

WHEREAS the United States Senate in response to certain recent questions has requested a careful review of Endowment procedures and has proposed the appropriation of \$100,000 for the purpose of obtaining objective outside consultation with respect to the process by which grant awards are made; and

WHEREAS the current debate over Endowment grant-making should be waged with full regard for Congressional policy enacted into law almost 25 years ago; and

WHEREAS concern over government interference in artistic decision-making was talked frequently throughout the original hearing process between 1963 and 1965 by both government officials and public nitizens and it was widely agreed that any federal control would stifle the arts and defeat the purpose of the entire endeavor which was to occurrage the reawakening and growth of America's custoral or ability; and

WHEREAS the ununitable conclusion was reached by the Congress that such interference was to be strictly avoided: and

White AS the Copy is in appearable to a sations directly into the legislation of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervising or a cataly ever the policy determination, personnel, a constitution, or the alministration or operation of any policy institution, organization, or association; and

WHEREAS the Scante Report accompanying the enabling legislation stated that "It is the letent of the committee that in the administration of this act there be given the fullest attention to freed most actistic and humanistic expression...conformity for the even sake is not to be encouraged, and that no undue preference should be given to any particular style to make the freeded of expression. Nor is innovation for its own sake to be farcred. The standard should be artistic and humanistic except account.

WHEREAS the National Council or the Arts recognizes its obligation to serve the public in a responsible manner.

NOW THEREFORE BE IT

RESOLVED that the National Council, on the Arts reaffirms its strong support of the original objectives of the Congress in creating the National Endowment for the Arts; and

RESOLVED that the National Council on the Arts also recognizes the necessity of carrying out the letter and spirit of Congressional legislative intent and furthering a spirit of close cooperation with the Congress; and

RESOLVED that the National Council on the Arts nonetheless respectfully conveys to the Tompress its deep concern with any contemplated acceptable to the labels ark objectives of artistic quality coupled with a council of the resolution of the pioneeric liego

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