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Obscenity: Andres Serrano Controversy (1989): Correspondence 02

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**People For The
American Way**
The non-partisan constitutional liberties organization.

July 17, 1989

Dear Senator:

This week, the Interior Subcommittee will consider appropriations for the Department of Interior and related agencies, including funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Two recent controversial exhibitions of photographs, partially supported by NEA funding, have prompted a call by certain Members of Congress to restrict NEA activities in awarding grants to artists and arts institutions. We urge you to vote against any restricting or curtailing amendments, which may be offered during subcommittee consideration of NEA appropriations, that would amount to government censorship of the arts. We also urge you not to take any action that would "punish" the NEA or any of its funded institutions.

The current controversy was started by criticism of a particular photograph by Andres Serrano in an exhibition that had been shown in several museums, including the Virginia Museum of Fine Arts in Richmond. The criticism was made more than two months after the exhibition had closed at the Virginia Museum by Donald Wildmon, Executive Director of the American Family Association, a group that purports to support "decency" in broadcasting and the arts.

Wildmon issued a press release demanding an apology from the Rockefeller and Equitable Foundations and the Arts Endowment and urged the firing of those at NEA responsible for funding the work. He also has sought a boycott of Equitable Insurance as punishment for its Foundation's sponsorship of the exhibition of Serrano's work. Finally, he has urged Members of the House and Senate to intervene in the Arts Endowment grant process, saying that the photograph in question is anti-Christian bigotry.

The history of Congressional funding for the arts and humanities has been marked at various times, such as the response to the Serrano photograph, by demands that Federal monies be withheld from certain artists or types of art because the works offend someone's or some group's taste. To protect from this kind of pressure, Congress, in setting up the National Foundation for the Arts and Humanities, specifically prohibited any interference in government-funded arts projects and institutions. The significance of this prohibition has been reasserted many times during the past twenty-four years, and Congress has refused to give into demands for interference and attempts at censoring government-funded art works.

Historical Perspective

Even before the National Foundation for the Arts and Humanities was established, Senator Yarborough noted that exhibitions of art should be shown, no matter if the critics were members of the government or of the Congress.

Mr. Yarborough. There have been times...in recent years in art museums in this country where they had put Picasso paintings on the wall, and they had to take them off. I am not attempting to judge that art. They have had to pull his paintings off the wall because he pointed the dove of peace and things like that. ***** But suppose in the subsidizing of works of arts, while there might not be any direction for control, you might have objections in Congress, if you did not have it from the executive department, which would be highly critical as to the exhibition.

Mr. Rorimar. In most general terms I feel it is good for all of us to see what is available and make up our own minds. It does not do very much harm (to see art works.)

Mr. Yarborough. In other words, you think that the purpose of this should be the development of art and not the development of conformance?

Mr. Rorimar. I definitely believe that.

The 1965 Senate report on the bill establishing the National Foundation on the Arts and Humanities contains the following instruction:

It is the intent of the committee that in the administration of this act there be given the fullest attention to freedom of artistic and humanistic expression.

One of the artist's and humanist's great values to society is the mirror of self-examination which they raise so that society can become aware of its shortcomings as well as its strengths.

Moreover, modes of expression are not static, but are constantly evolving. Countless times in history artists and humanists who were vilified in style or mode of expression have become prophets to a later age.

Therefore the committee affirms that the intent of this act should be the encouragement of free inquiry and expression. The committee wishes to make clear that conformity for its own sake is not to be encouraged,

and that no undue preference should be given to any particular style or school of thought or expression.

Two years after passage of the bill, Rep. Thompson noted that "We recognize the inevitability of criticism of some of the grants. Indeed, we had quite a flap in recent months over a grant for the study of comic strips. One of our colleagues on the House side chose to make that the major thrust of an effort to kill not only the appropriation in its entirety, but indeed to kill the principles of this legislation. It is possible that similar attacks will continue. I was very pleased, though, by the attitude in the House. The effort was very soundly rejected."

In other years, the Endowments have weathered similar storms. In 1974, as an expression of dissatisfaction with a grant for a poem, an amendment was introduced on the House floor to reduce the Appropriations Committee's recommended funding level by \$40 million. In response, Rep. Brademas, said:

Now, Mr. Chairman, I was interested in the observations of my good friend, the gentleman from Missouri, who was quoting a poem that has been quoted here many times whenever we debate this program.

I would only say this to him, and I say this with all candor, I do not think it is sound public policy to expect that we, as elected politicians, should give our approval to every program that may be supported by either the Arts of the Humanities Endowment. Indeed, I believe that one of the most valuable dimensions of this program has been that it has been free from control by elected politicians. (Emphasis supplied)

In 1975 floor debate, Senator Pell expressed a similar theme:

It is unfortunate that, as we discuss the extension of the endowments legislation, there is a climate abroad in the Congress which supports the idea that every Federal grant must be totally in keeping with our own preconceptions and beliefs. *****(I)t is easy to grab a headline by reading the syllabus for a Federal grant totally out of context with the grant itself. However, I do believe that, for any program to be successful, it must take an occasional chance, and it must be willing to fund projects or proposals which could well backfire and arouse anti-intellectualism and negativism.

In 1984, Rep. Packard responded to a suggestion that the Arts Endowment create a standard of review for applications to the Endowment that could screen out offensive projects:

People are sensitive to a variety of things and a variety of

groups are sensitive to specific things, and many of the classics, many of the art forms, and many of the modern productions base their theme on very sensitive issues, abortion, sexual preferences, and alternative lifestyles, religious, political, sexual orientations of a variety of natures that are very offensive to some, including this gentleman. And those sensitivities would be extremely difficult, in my judgment, to place into a system or a criteria of judgments that would evaluate whether a production, a play, or music, or some production would receive the benefit of the Endowment.

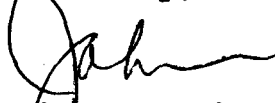
In 1985, members of the House responded to an amendment that would have required examination of the content of applications. In the Education and Labor Committee mark-up, Mr. Coleman stated that he did not "want to be part of a system which was set up to allow freedom of expression to suddenly present itself in just the opposite form. There's no way that you can just be a little bit censorious. You either are, or you are not...."

Conclusion

For the first time, the House of Representatives has "punished" the National Endowment for the Humanities for allowing the funding of the two controversial grants by cutting the appropriation by the amount of NEA support for the artists' works. We are very much concerned that this action may open the way for government censorship of art and artists that will bring about the stifling of free expression, guaranteed by the First Amendment. We urge you not to follow the lead of the House.

If you have questions or would like further information, please call Marsha Adler at People For the American Way, 467-2395.

Cordially,


John H. Buchanan, Jr.
Chairman