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TALKING POINTS ON RECENT ALLEGATIONS AGAINST THE NEA

1991 Pittsburgh Gay and Lesbian Film Festival: The Arts Endowment did not fund the 1991 Pittsburgh International Lesbian and Gay Film Festival, directly or indirectly. This festival was not among any applications that the Endowment considered in 1991. Further, the Endowment did not fund any of the films from the 1991 Pittsburgh Gay and Lesbian Film Festival which the Christian Action Network excerpted into a video.

Release of \$17,500 to NAMAC: In response to an appeal by the National Alliance for Media Arts and Culture (NAMAC), the Endowment conducted an administrative review of the processes by which three of NAMAC's recommended subgrants were denied funding by the agency in 1992. The Endowment found that there was an error in procedure that unfairly and improperly affected the grantee (NAMAC) and the proposed subgrantees. \$17,500, an amount equal to that recommended by NAMAC for three subgrants, was made available to NAMAC for dispersal to subgrantees in accordance with the terms and conditions of NAMAC's 1993 grant. Under the 1993 grant, allowable costs for film festivals include activities such as symposia and lectures on the art of film; not the exhibition of films.

"Abject Art" Exhibition at the Whitney Museum of Art: The Arts Endowment did not provide any funding for the "Abject Art" exhibit at the Whitney Museum. All funds used to mount this exhibit were raised from private sources. The Endowment awarded two FY 92 grants to the Whitney to support a docent training program and the Independent Study Program.

Distribution of Ten Dollar Bills to Undocumented Workers: The Arts Endowment determined that the distribution of \$10 bills, totaling \$4,500, as part of the "Art Rebate" project is an unallowable expense. This determination was based on a review of information provided by the Museum for Contemporary Art, San Diego regarding the 1989 Arts Endowment grant to the Museum to support "Dos Ciudades/Two Cities: The Border Project." The Endowment concluded that these costs were inconsistent with the original application budget submitted by San Diego Museum. The Arts Endowment has advised the Museum that this \$4,500 in expenses cannot be charged to the Federal grant. The Museum is now seeking clarification from the NEA on that ruling and its basis. "Dos Ciudades/Two Cities" has included exhibitions, film series, lectures, publications, and a range of educational programs, all tied thematically to the issues, the art and the culture of the Mexico/United States border region.

September 13, 1993

and the National Gallery of Art, and have been exhibited internationally in Japan, Spain, Great Britain, Israel, and other countries. Recently, more than 130 members of Oracle, the international association of curators of photography from distinguished institutions worldwide, signed a statement of support of Mr. Witkin's work.

Gay and Lesbian Film Festivals

The Arts Endowment did not fund the 1991 Pittsburgh International Gay and Lesbian Film Festival, either directly or indirectly. This festival was not among any applications that the Endowment considered in 1991. Further, the Endowment did not fund the making of the films from the 1991 Pittsburgh Gay and Lesbian Film Festival which the Christian Action Network excerpted into a video.

Three Gay and Lesbian Film Festivals, based in New York, Los Angeles, and Pittsburgh, were recommended for subgrant support by the National Alliance of Media Arts and Culture (NAMAC) in 1992. Subsequently, the Endowment's then-Acting Chair denied these three subgrants. NAMAC appealed this decision in December 1992; the then-Acting Chair did not respond but left the appeal pending when she left the Arts Endowment in late January 1993.

In response to a follow-up appeal by NAMAC in February 1993, the Endowment conducted an administrative review of the process by which the three recommended subgrants were denied funding. The Endowment found that there was an error in procedure that unfairly and improperly affected the grantee (NAMAC) and the proposed subgrantees.

Specifically, NAMAC was not notified of the then-Acting Chair's decision to reject the subgrant recommendations until after the festivals had concluded, some seven months after NAMAC submitted its recommended subgrants. The review concluded that there was an unjustifiably lengthy delay in making the decision, notwithstanding the fact that NAMAC was itself in compliance with then-existing guidelines.

Like other federal agencies, the Endowment has a responsibility to ensure that its administrative procedures are applied fairly and properly. \$17,500 -- an amount equal to that recommended by NAMAC for the three subgrants -- was made available to NAMAC for dispersal to subgrantees in accordance with the terms and conditions of NAMAC's 1993 grant. Under the 1993 grant, allowable costs for film festivals include activities such as symposia and lectures on the art of film; not the exhibition of films.