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## Obscenity: News Articles (1989): News Article 29

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## IN THE NATION

Tom Wicker

NYT

# Art And Indecency

**N**o doubt Senator Jesse Helms's effort to legislate art, prohibit "indecent" depictions and protect religion will not survive final Congressional action. But the real purpose of the Senate's most persistent yahoo will have been served; the damage to Federal patronage of the arts will have been done.

The Raleigh, N.C., News and Observer frequently refers to Mr. Helms in his home state as Senator No; now it can make it Senator Know-Nothing. His amendment, adopted by voice vote, would prevent Federal funds from being used to "promote, disseminate or produce obscene or indecent materials ... or material which denigrates the objects or beliefs of the adherents of a particular religion or nonreligion."

That last clause would include, of course, "The Satanic Verses," by Salman Rushdie. Senator Chafee of Rhode Island observed that "material that reviled Hitler" also would be covered; it would offend the Fascists. "Adherents" of a "non-religion" called the Ku Klux Klan would be protected, too.

To my knowledge, no one is advocating Federal subsidies for Mr. Rushdie, critics of Hitler or those of us who regularly denigrate the Klan; but these examples show the mindless and indecent sweep of the Helms amendment. As Anne Murphy of the American Arts Alliance pointed out, the amendment would prohibit even Federal support for "any anti-Communist art," since Communism could be termed either a "religion or nonreligion," depending on your point of view.

That is not what Jesse Helms intended. He wanted ostensibly to show his anger at a photographic show by the late Robert Mapplethorpe and another photographic work by Andres Serrano, both of which received support from the National Endowment for the Arts. These works offended

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Jesse Helms's purpose, to chill U.S. arts patronage, will be served.

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Senator Know-Nothing, although it's a good bet he has never seen them in the original.

They also offended lots of other people, on grounds of religion or indecency, although they were approved for subsidy by the N.E.A.'s regular peer-review procedures. The House of Representatives already had rebuked the N.E.A., but lightly, for these grants; it cut \$45,000 — the sum of the Mapplethorpe and Serrano subsidies — from the arts agency's \$171 million budget. But it put no restrictions on that budget.

That was not enough for Jesse Helms. When the Senate considered the N.E.A. appropriation, he introduced his Know-Nothing amendment; and its approval put Congress in the position — as Senator Howard Metzenbaum pointed out — of "telling the art world what is art." That's what Jesse Helms really wanted, and what the Senate's acquiescence may have allowed him to achieve.

The voice vote by which the Know-Nothing amendment was passed will make it easier to overturn in conference with the House, as Jesse Helms — a master of the Senate's Byzantine rules — well knows. But his message to the N.E.A. is unmistakable and already delivered: Grants that encourage controversial, innovative, offbeat or irreverent art, especially if it deals with sex or religion, could lead Congress to crack down on Federal support for the arts in general.

The Mapplethorpe and Serrano cases probably are not enough to produce that result; the Know-Nothing amendment will be eliminated or watered down. But repeated complaints of the kind these works evoked eventually will bring strong Congressional response — next time on a roll-call vote. Members of Congress will not wish to go on the record in apparent support of Federal funding for indecency and obscenity, whatever they are, or assaults on religion, especially Christianity.

The N.E.A. will get the message. The likely result, as Jesse Helms intended, will be greater caution in the awarding of N.E.A. grants, with safer, non-controversial works being favored over the daring and the possibly offensive. Since taxpayers' money is involved, there may be some political validity to that approach; it's hard to justify disbursement of Federal funds for works that offend or baffle most of those who provide the money.

Political prudence is one thing, however; stifling artistic expression and creativity is quite another. The N.E.A., warned by Senator Know-Nothing, no doubt will try to strike a proper balance. But if public and Congressional pieties ultimately limit Federal support for the arts to the most conventional works, then foundation and other private funds will have a greater responsibility for underwriting new ways of seeing, original means of expression, however controversial. □