

{ Letter of Protest from the Photography Panel to the National Council on the Arts }

August 9, 1994

The National Council on the Arts
Jane Alexander, Chair
National Endowment for the Arts
Nancy Hanks Center
1100 Pennsylvania Avenue, NW
Washington, DC 20506

Dear Members of the National Council,

As the members of the advisory peer panel that reviewed applications for photography fellowships last spring on behalf of the National Endowment for the Arts, we strongly take issue with your unprecedented actions on Friday. We cannot support your refusal to approve grants to three deserving photographers and find it politically expedient, procedurally unfair, and artistically unconscionable.

We recognize that under Endowment procedures we serve in an advisory capacity and that the National Council is empowered to review our deliberations and our artistic judgments as part of its charter. However, by all accounts of your public session, you failed your mandate to use aesthetic criteria in reviewing the fellowship recommendations for photographers (the same mandate we diligently followed as a panel) and instead made a seemingly political decision that will, we fear, undermine the effectiveness of the Endowment to a far greater extent than any of the sanctions or budget restrictions yet proposed on Capitol Hill.

It is clear to us that Andres Serrano was singled out for scrutiny because his previous work had become the center of controversy in the Congress. The work submitted in support of his current application is graphically strong and challenging to many viewers, but it is in no sense artistically suspect. Similarly, the work of Merry Alpern and Barbara DeGenevieve, while dealing with subject matter some might find difficult, deserves recognition and support, not sanction and opprobrium.

Your consideration of Mr. Serrano's application was particularly unfair in that you reviewed slides of his work that were not part of his original application. This was done with no other artist. To suggest that our panel comments allowed this extraordinary breach of procedure is ingenuous; throughout our panel deliberations last spring we commented frequently about our knowledge of applicants' work other than that contained in the application, yet in only one case did you examine additional work by a fellowship candidate.

Furthermore, your deliberations about the work of the three artists suggests a fundamental confusion about what gives a photograph artistic value. While subject matter is frequently of primary concern to a photographer, it is not the ultimate measure of aesthetic worth any more than it is in painting, drawing, or sculpture. All three artists to whom you denied fellowships employ disturbing or challenging subject matter to comment on broad social and cultural issues, and in doing so they work in a long tradition that includes Diane Arbus, Richard Avedon, Duane Michaels, W. Eugene Smith and many other widely admired photographers, not to mention painters from Edouard Manet to Andy Warhol.

We understand as you do that the National Endowment for the Arts is under intense scrutiny in the Congress and that its budget for the current fiscal year is currently being reviewed in conference committee to determine the extent of a decrease in funding. Unfortunately, by appointing yourselves preemptive guardians of artistic decency you have achieved precisely the effect that Senator Jesse Helms and others have labored unsuccessfully to achieve: the evisceration of the Endowment's 25-year commitment to artistic quality, independently addressed and assessed, without compromise or concession to non-aesthetic issues.

We unite as a panel to affirm our belief in the National Endowment for the Arts as a vital and important force in the United States and to vigorously protest any actions, such as the one just taken by the National Council on the Arts, that threaten its mission and its freedom from political interference. We urge you to immediately reconvene in special session to reconsider the damage that you have done to the Endowment's hard-earned reputation for fairness and for enlightened cultural leadership. We would be happy to attend such a meeting.

Sincerely,

Ellen Brooks
New York, NY

Mary Frey
Springfield, MA

Andy Grundberg
San Francisco, CA

William Larson
Collegeville, PA

Martina Lopez
Chicago, IL

David Madson
Minneapolis, MN

Patrick Nagatani
Albuquerque, NM

Special Section



Photo Grants Overtured by National Council

This past August, the National Council on the Arts overturned the recommendations of a Photography Peer Review Panel in what appears to be a politically-motivated move to stave off congressional criticism of work funded by the National Endowment for the Arts.

The Photography Panel, which included luminaries in the field such as Ellen Brooks and Mary Frey, presented recommended grants to the National Council in July, after their review of over 1700 applications. This batch of grants included applications by photographers Merry Alpern, Barbara DeGenevieve, and Andres Serrano, all of whom address difficult issues in unadulterated ways in their work. In their rejection of the grants, the National Council caused these artists to become emblematic of a growing and dangerous strategy on the part of the NEA and NCA to self-censor their grantmaking in conformity with a perceived lack of tolerance in Congress for controversial funding.

We have included in the following pages much of the information generated by this event, including a partial transcription of the National Council meeting in which the grants were discussed and, finally, rejected. The Visual Arts section of the dialogue begins 2/3 of the way through the transcription, after a discussion regarding voting procedures and the presentation of the Dance program recommendations by NEA staff. These sections are included to contextualize the dialogue revolving around the Alpern, DeGenevieve, and Serrano decisions, as well as to illuminate the process involved.

Also included are the voting tallies for all three grants, and statements by two of the artists involved in this event. Please take the time to read through the transcription and the other material—while considering the events of the past five years.

**Transcript of
a Meeting of
the National
Council
on the Arts**



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of the advancement of our culture.

This is a, this is a discussion and a fight that's not going to go away. But I think we have to be very careful, to not only be exceptionally responsive as Council members to procedure, and to making sure that we're responsible in giving out grants, but that we really are responsible to the fields by being creative, and by being energetic, and by promoting those things that really count for the arts in America.

CHAIRMAN ALEXANDER: Thank you. All right. We have a lot to do. So if we could move on to the -- thank you, Sall Ann.

VISUAL ARTS DISCUSSION

MR. FAUBION: Today we are presenting for your review the fiscal '94 visual artists fellowship recommendations. As you know, we're on a two-year funding cycle.

So this year's categories are photography, sculpture, and crafts. Last August, some of you approved fellowships in painting, works on paper, and other genres, and those will come up next year, as well.

This year, 5,168 applications were received and processed in January, February, and March. Three separate panels of seven members each -- and their descriptions are in your books -- met for five days each. And they recommended a total of 91 fellowships of \$20,000 each. And those names are listed on pages 17, 18, and 19, under your visual arts tab.

The panelists were extremely rigorous, recommending only 1.8 percent of the applications. Yesterday, I described the panel review process in detail to members of the working group, and it's also outlined in your pages. The working group also reviewed slides of the recommended artists' work.

We are also presenting one other item for your review: it's on page 21. It's an amendment in the amount of \$10,000 to an existing cooperative agreement, to support payment for three readers of periodicals that apply to our visual artists' organizations category. They will review and evaluate 25 to 30 publications, and their reports will be included in the visual artists' organizations panel book material, and will supplement those panelists' review.

CHAIRMAN ALEXANDER: Thank you. Are there any questions of Michael? (No response.) May I have a motion to accept or reject the visual arts program, as recommended by the panelists? Roger?

MR. HANDLE: Move to --

CHAIRMAN ALEXANDER: Well, okay. Seconded. Accept and reject the panel's recommendations; yes.

Seconded? Second.

MR. PETERS: Second. Seconded. Any discussion on the motion? George?

CHAIRMAN ALEXANDER: Seconded. Any discussion on the motion? George?

MR. WHITE: Yes. I have a problem with one grant, which is grant number A94005091, visual arts. It's listed on page 17, one, two, three, four, five, six, seven, eight down in the first column.

I feel that I cannot support this grant. And I do so because I feel that now that Congress has particularly given us the mandate no longer to be a "rubber stamp" for these things, and, indeed, gives us really the power to reject grants.

Also because of the fact that in the additional writing of our, of our mandate here in this particular book, it refers to, the government "must be sensitive to the nature of public sponsorship. Such funding should contribute to public support and confidence in the use of taxpayer funds."

I really am for this. I can't justify this expenditure of tax dollars on any basis. And I think that if we do so, we are -- I think we could be jeopardizing -- I mean, we're ignoring the clear instructions of Congress in setting forth the purposes of this agency, as well as an equally clear message that Congress has recently given this agency regarding the appropriation.

So therefore, I would -- I cannot support that particular grant.

CHAIRMAN ALEXANDER: Any other -- Bill Strickland?

MR. STRICKLAND: Just a point of information. Where did you get the application number from?

MR. WHITE: I got it off -- they're all on page 19, so

it's tough. You have to go through and look at that, under the -- if you look at the person mentioned, it's in MS. MORBY: The application numbers are -- we don't have them.

CHAIRMAN ALEXANDER: You don't have -- no, I think that, Michael, you may want to tell us, what, I think there's just names. There are no application numbers; is that correct?

MR. FAUBION: That's right. I think he got it from the separate notebook of -- UNIDENTIFIED: There's a separate notebook that has the applications in them, and they're stamped on the top of those pages.

MS. MORBY: Some of us don't have those with us. CHAIRMAN ALEXANDER: No. In this case, since you don't have them with you, don't bother to put the application number. I would just say put the category. If you have an exception, and put the name. Because we don't have the application number. I'm sorry.

Louise? MS. McCLURE: I don't know if the majority of you looked at this review, this new one; it was shown again. I was in the committee yesterday that reviewed these.

I concur with what George says. But I would also like to add to that. Your consideration of the first one in the first category? On the same page: 17. And the second one in the third category. Third column in the -- I'm sorry -- in that category.

MS. LUERS: Louise? Can you just repeat that? MS. McCLURE: I'm sorry. The first name in the first column in the visual artists' fellowships, along with concurring with George's. And also, add to that, in my opinion, the second name in the third column.

CHAIRMAN ALEXANDER: In the photography category?

MS. McCLURE: In the photography category.

UNIDENTIFIED: Third name in the second column? MS. McCLURE: Second name in the third column. I believe these are not within our guidelines. I'm going to have to say here, I was disappointed, really, in the -- in the full category of photography. And I am not an expert. I know I don't represent the middle ground of feeling here.

But as I said to them yesterday, surely there is something better than this out there. Not for content, but for lack of content, in my opinion.

CHAIRMAN ALEXANDER: Yes? Bill Bailey? MR. BAILEY: I believe very strongly in the panel system. I really hate to go second guess a panel. But I am second guessing a panel.

I thought the quality in photography was deplorable. Out of 1,700 applicants, if what I saw yesterday was the best photography in the country, there's something very wrong.

As a result of that, I am voting not to fund a full number of candidates. I don't ask anyone to follow me on that. I am simply following Roy Goodman's prescription, that I behave as a normal citizen and exercise my judgment on this.

As a member of this Council, I feel that I am obliged to do that. That's all I can say on the matter.

CHAIRMAN ALEXANDER: Roger? MR. HANDLE: I would like to speak out on behalf of the quality of the work in general, and say that it's a mixed bag. But I think that rather than describing it as lack of content, I think the problem with some of the specific grants we're talking about is specifically that it's content loaded.

Photography, just like many other art forms at this time in their history, is going through a tremendous revolution. Layered on top of that is the moment of time in which our own political history has gravitated artists toward issues of sexuality, issues of racism, issues of war and peace, et cetera, et cetera. I don't want to go through a vast litany, or an essay about the value of the arts, in terms of their descriptive value. But I think what we need to remind ourselves of is the artistic merit of these works of art that we have seen, and the intent of the artists to try to make art.

Some of that art is always going to be disturbing. And as the debates in Congress have always pointed out, with various people holding up various works of art for scrutiny, be they by Goya or Velasquez or by Picasso or anybody else, we can describe them

one way or another.

But, bottom line, those that are good art are going to survive. And there were, among those artists whose works we were considering for the awarding of a fellowship to make works of art in the future, artists whose work was both provocative, but also extremely good.

And I think we should not with the wave of a hand dismiss either the careers of those artists whose work we are looking at or the labor of a very respected group of judges, at a tumultuous time in the history of photography, as in many other of the more experimental art forms.

Photography is a medium that is trying to reinvent itself in many ways. There are certain artists in photography who are sticking to the frame through which the lens and the film record what they see. And even there, there are artists who are taking great risks to depict difficult subjects, and trying to make art out of them, because they value not only the subject, but moreover, they value the creation of the art itself.

I do -- I am troubled by some of the things that I saw, in terms of this artistic merit. But I am not troubled by the energy, and I am not troubled by the experimentation, and I am certainly not troubled by the valiant efforts of a panel to wrestle through 1,700 applications to come to grips with what they see, in a very tumultuous time. Is quality in a field.

So, therefore, I think we all have to draw our own conclusions. But I do want to stand up for the artists and the panels who deliberated about them. And I also want to say that, in terms of one particular artist, whose name was mentioned here and has been echoed in the halls of Congress, and who is standing for the possibility of a grant for a fellowship, that was among the most elegant and the most provocative and the most beautiful of the imagery. And if that ain't art, I don't know what is.

CHAIRMAN ALEXANDER: Thank you, Roger. Bill Bailey?

MR. BAILEY: Roger, I would not dismiss another artist with the wave of the hand. There was work of quality in this group.

By the same token, if we're going -- if we're asked to scrutinize this group and stand behind the choices that have been made, I am going to have to vote my own judgment. And I do that on the basis of what I think looks like art.

CHAIRMAN ALEXANDER: Roy Goodman? Excuse me. MR. BAILEY: I quite agree that content, there may be too much content. That there is a time when -- when content becomes simply propaganda, and we're out of the field of art altogether.

CHAIRMAN ALEXANDER: Roy? MR. GOODMAN: This is a situation in which we have been able as individual members of this Council to examine works of art, and a representational cross-section of some works of art, which enables us to exercise individual judgment.

I have done so. I don't think the specifics of my judgment are necessary to report upon, other than to say that they were not uniform. In some cases, my eye and my brain tells me that there were works of quality. And others -- and I put them in the plural -- there were works that did not meet my own subjective standard of what seemed to me to be quality art.

I would simply like to double-underline, however, the fact that my judgment is based not upon the whims of public opinion, not upon the question of whether the vote that I cast will or will not sink the Endowment, but simply upon a basic question: Is something quality art or isn't it?

Having been exposed to it eyeball to eyeball, I have reached that judgment. And I do so unhesitatingly, and with great respect for any dissenting opinions of my colleagues.

CHAIRMAN ALEXANDER: Yes? Bill Strickland? MR. STRICKLAND: Well, I just want to reassure everyone in the room that I am not an expert in all fields. In cases there was some notion to the contrary. We take an oath to give it our best shot, and to exercise our best judgment, based on our experience.

And this is a human process. And I hope we'll remember it, and continue to remember it as a human process. We're not -- this is not infallible, and it's not

ing to be perfect.

CHAIRMAN ALEXANDER: Thank you. Is there another category that you haven't covered?

MR. FAUBION: Page 21, special projects, the amendment to the cooperative agreement. I have described that already.

CHAIRMAN ALEXANDER: Oh, fine. Okay. If there's no more discussion, I'd like to call for a vote. Please pick up your pink folders for visual arts.

The one exception -- excuse me -- two affiliations. One is -- I'm going to have to -- well, I'm not going to read the applicant's name. Point of order? Yes?

MR. BAILEY: We were to be furnished today with the -- what do you call them? Rejections.

CHAIRMAN ALEXANDER: With the rejections. Oh? We're not furnished with the rejections? I'm sorry.

MR. BAILEY: We are not furnished, and I cannot vote without --

CHAIRMAN ALEXANDER: I'm sorry. Where are the rejections, please, Michael?

MR. FAUBION: There is a list of rejections, not in your book, but separately.

CHAIRMAN ALEXANDER: Well, they should be in the book. Would you please get them before we vote?

MR. FAUBION: (Pause.) Okay. These are the rejections. This is customary. The list of names of artists fellowship rejects are never in the Council book, because there are so many.

CHAIRMAN ALEXANDER: There are 1,700 of them.

MR. FAUBION: There is a separate print-out. If you would -- if you would like to see this.

MR. BAILEY: I'm sorry. But -- especially under the circumstances, I think that I need that information.

CHAIRMAN ALEXANDER: George White?

MR. WHITE: I would just go along with that, William. I think it's, it's terribly important, in light of all this discussion, that we do see that, to be aware of what was rejected.

MS. LUERS: Michael, this was from all four categories, right?

MR. FAUBION: Three categories.

MS. LUERS: What? Three categories?

MR. FAUBION: Three. Photography, crafts, and sculpture.

CHAIRMAN ALEXANDER: And special projects? MR. FAUBION: There were no rejections there.

CHAIRMAN ALEXANDER: Okay. Fine. Thank you. I would like to read the names of two people who are affiliated with two of the applicants. Ronald Feldman and Hugh Hardy.

If you don't know whom you're affiliated with, would you please come up and see the general counsel? (Laughter.)

UNIDENTIFIED: It's me, Hugh.

CHAIRMAN ALEXANDER: Otherwise, you're automatically excluded. Colleen, do you have a question? MS. JENNINGS-ROGGENSACK: No. Actually, I just wanted to say something. It is very interesting being a new Council member, and this being my first Council meeting. But I have spent a great deal of time thinking about this.

And last night, it came to me, just a little analogy I would share with the Council. When I was a small child, I was five years old, and I went to an elementary school. And at that elementary school, there were no teachers who looked like me, and there were no students who looked like me.

And the only representation that looked like me in the school was a painting that hung on the wall, that was a painting of slaves picking cotton.

And as a five-year-old, I remember walking way out of my way to avoid that painting. And then, at other times, when I had to cross in front of that painting, walking with my head held down.

Well, I'm no longer a child. I have since seen that painting. It is a fairly popular painting. I've seen reproductions of it. And when I look at it, somewhere in the deep recesses of my soul, the work still pains me.

So, I think, would I hang that painting in the hallways of my office? I would not. The quality of the work is good work, and it is good artistry. So, as an adult, I ask myself, would I grant that artist monies to paint that painting? And I would have to say I would.

CHAIRMAN ALEXANDER: Ronald?

MR. FELDMAN: Yes. This is my first Council

meeting. And I'm very pleased to be here. But I'm in a very different situation, as are we all, in voting for visual arts grants, some of which can be considered, because of their content and their look, controversial.

And I don't think that this is a problem we should say is alone for this Council. It's a societal problem. The understanding of contemporary art is very difficult. Artists do not take the easy road, do not always make pretty pictures, do not always make the most acceptable.

In one of the grants we're discussing today, I can see very clearly why many people would be disturbed by it, and would have difficulty understanding why this was art.

But it's art. It's actually good art. It meets our criteria. It meets my criteria. But I can still understand why many people would be disturbed by it, and have different expectations of art.

When Picasso presented his blue period pictures, and then his rose, those devastated figures were alarming and shocking. And he spoke to his society at that time, to his culture. And, in fact, that is the way we look back at the world now when we think of it.

In those dire moments, we look back. And if we want to see what it looked like, we can look at photographs, or we can look at Picasso. We can look at his Guernica, and we can see what he was telling us.

If we read the titles of the photographs that are in question in this particular category, one particular artist, we can get rid of the pictures, to begin, and we can begin to think of the daily newspapers, and of the nightly news. They are, indeed, a portrait of our time, whether we want to acknowledge it or not.

But is that the role of artists? It always has been, historically. Is it easy to accept that? No. It's not.

What often happens -- and we're not the only society to have to deal with this -- it's a difficult moment, and I understand it. Very often, time gives us an opportunity to reflect back and say, yes, that was difficult. But now we can see that the art was correct.

Sometimes, it's the context within which it's presented. And yes, the political context within which it's presented. And artists are very often critical of their times. It isn't so much a political criticism. It is actually a social criticism. It is actually a reflection on human nature.

I think our panels did well. I think the selection is good. It's diverse. Much of it is excellent quality work. And I commend the panels for the difficulty that they had and for the decisions that they made.

And I would also like to say that in this very short time, I have had a chance to talk to almost all the members of the Council, new and past. And I can only say that I know that they have reflected on this and that they are making decisions based on what they believe is the correct decision to make on the art.

And I think that the one thing that we all have that we can say is a very important value that we share is that we really have given time and consideration to this. And I hope that our decision will be respected based on that.

CHAIRMAN ALEXANDER: Barbara?

MS. GROSSMAN: I would have to echo Ron in that I, too, am a new Council member. And this is a difficult meeting to begin with. But in a sense, why not, I mean, wrestle with a complex problem? That's why we're here. Presumably, we have the ability to make a rational and sensitive decision.

I realize we're a bipartisan group. Some of us are Reagan, Bush, and Clinton appointees. But I will take the liberty to read from the Democratic Party platform, drafted in 1992, which says about the arts, "We believe in public support for the arts, including a national endowment for the arts, that is free from political manipulation, and firmly rooted in the First Amendment's freedom of expression guarantee."

By the same token, we have in our charter as a federal agency that "public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public monies."

"Such funding should contribute to public support and confidence in the use of taxpayer funds. Public funds provided by the federal government

must ultimately serve public purposes that Congress defines."

I don't think any member of this Council would say that art is simply about pretty pictures. I think that all of us believe in our souls that art should enliven, enlighten, enrich, uplift.

You look at the faces of children, the slides that we saw this morning on the arts in education. We hear about the cuts across the board, programs having to be slashed. And I think that we cannot be blind to the political reality, either.

And I would never, ever, ever limit an artist's ability to create what he or she needs to create, feels, wants to express. But I think that, given the volatile times in which we live, we cannot be myopic about the reality of funding, either.

CHAIRMAN ALEXANDER: Bill?

MR. STRICKLAND: If I have an opportunity in life to vote against a person whose work would humiliate children, by virtue of how they were brought into this life, and that they are innocent people who, through no fault of their own, were born in a certain way, I'm going to exercise that.

And if there's an opportunity to vote against the principal of a school who, under the guise of claiming to be an educator, would hand work that would humiliate a certain portion of the student body, you can be assured that I am going to vote against that person.

Because there is nothing in my experience that could justify a vote that would have you experience what you went through as a child.

CHAIRMAN ALEXANDER: Thank you. Bill Bailey?

MR. BAILEY: Just -- while I agree with many of the things that that Ron Feldman says, there is a problem with the sentimentalization of art, through claiming some sort of virtuous position, and showing it in somebody's face.

If we had, for example -- and then after showing it in the face, retreating and saying, "It's art, so don't touch me." If we had someone submitting work which had Nazi propaganda in it, or some other hateful sort of message, we'd jump right to it, I expect, in not backing the grant.

What we're about, I think, has to do with artistic excellence. And sometimes that gets very confused. What is artistic excellence? Right now, we're going through a period in art history, or social art history, where there is great confusion between social good and artistic good. And I don't know where it's all going to shake out.

But I do know this. I'm old enough, and I've been a painter long enough, that I've seen many such things come and go. I think this is very much a reflection of society. That doesn't mean that it really reflects our time. It reflects something that's going on in the society. I don't know why I have to accept that as art.

Now, the other quibble I have with Feldman is art historical. I don't believe that Picasso's blue period pictures disturbed people at all. In fact, that's where he gained his first success. It's far later that people were disturbed, and even then, he was successful.

Guernica was a painting which was done for the Spanish Pavilion World Exposition. And it was widely admired. I mean, I think there's a sort of sentimentalizing art history that's very tempting. And I just wanted to mention that.

CHAIRMAN ALEXANDER: Thank you. In the interest of time, I would like to move along. If there is no further discussion on this, I would like to call a vote. It is, again, in your pink, pink folders.

MR. GOODMAN: I move it.

CHAIRMAN ALEXANDER: Excuse me?

CHAIRMAN ALEXANDER: I think you need a motion, and if you do, here it is.

CHAIRMAN ALEXANDER: I think we had the motion on the floor for some time. Thank you.

(Pause.) Again, in this category, if you have any exceptions, we do not have the application numbers for all of you. Just put down the category and the name. Thank you.

I would like to take a break now for 15 minutes. We will return with Design Arts and Literature. Thank you very much, Michael Faubion.