

MINUTES OF THE ART IN PUBLIC PLACES COMMITTEE MEETING
Thursday, May 18, 1989

PRESENT: Tom Witt, Chair
Pat Canterbury
Kim Heckes, staff
Maru Hoeber
Donna Shelloe
Consuelo Underwood, staff

ABSENT: Julia Couzens
DR Wagner
Susie Williams

Guests included David Brewer.

The meeting was called to order at 3:35 p.m. by Tom Witt.

Canterbury moved to approve the minutes of April 20, 1989;
Shelloe seconded the motion. Unanimous approval.

New Business

APPC will meet at the Glen Hall Pool building on Monday,
May 22, 1989 at 2:00 p.m. to view the CETA artwork.

Witt turned the meeting over to Consuelo Underwood to conduct
the artwork selection process for City Murals.

ARTWORK SELECTION PANEL MEETING
CITY MURAL PROJECT

The APPC served as the artwork selection panel. The Advisory
Board was comprised of David Taylor of Lankford and Cook, and
Steve Dee, City Planning Department.

Julia Couzens was not present at the meeting but informed
Consuelo Underwood of her vote for the commission.

APPC and Advisory Board reviewed slides, resumes and letters of
interest from nine applicants. The finalists were narrowed down
to Ronnie Stelling/Humberto Gonzalez, Pat Carrillo,
David Brewer, and Matt Parker. Pat Carrillo was selected for
the commission. The panel and Advisory Board felt she had good
past work and good use of color; her work would challenge the
space and read from a distance. David Brewer was selected as an
alternate, and would be offered a commission if funding were
received for an additional City Mural site.

Meeting adjourned 4:50 p.m.



*A Non-Profit Organization
Dedicated to the Preservation and Promotion
of Traditional Jazz Music*

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The Sacramento Jazz Jubilee
Community Concerts Programs
Jazz Education Programs

May 18, 1998

Ms. Laurie Heller
Grants Coordinator
Metropolitan Arts Partnership
800 Tenth Street, Suite 1
Sacramento, California 95814

Reference: Exclusionary Language, Cultural Arts Awards Program Guidelines, Eligibility, Item 2

Dear Laurie:

After receiving the latest issue of your newsletter and having had time to think about our recent conversation — and your letter of April 20th, I feel compelled to again petition you to reconsider the language which excludes us from grant eligibility. Many arts agencies have language which is inclusive since the grantee must either have primary offices within a given district OR provide substantial benefit to that District. Again, we are the Sacramento Traditional Jazz Society and a major arts organization for Sacramento. To keep language which prohibits us from participating in the Sacramento Arts community is ultimately unfair.

Please reconsider. Although your suggestion that we funnel our applications through our foundation has been considered, we feel that it is a "storefront" tactic and we would rather resolve this situation in a direct fashion.

Thank you for your help and support.

Sincerely,


Julia K. McMichael
Grants and Sponsor Relations

'Decency' rule OK'd in giving arts funds

It's not censorship, Supreme Court says

By David G. Savage
and Faye Fiore
Los Angeles Times

WASHINGTON — Ending one battle in the nation's culture wars, the Supreme Court ruled Thursday that "decency" can be considered in awarding federal arts grants, rejecting a claim by artists in Los Angeles and New York that such a policy is censorship.

While the government may not restrict what artists say or do, the court said Congress can set limits when public money is being distributed to them.

The 8-1 decision restores a 1990 law spawned by congressional conservatives in an uproar over funding by the National Endowment for the Arts of several controversial art works — including the homoerotic photograph of the late Robert Mapplethorpe and Andres Serrano's depiction of a crucifix dipped in urine.

In other actions Thursday, the court:

- Ruled that companies formerly involved in coal mining cannot be forced retroactively to help pay lifetime health care for retired miners and their families, a decision that will save those companies millions of dollars.

- Said witnesses cannot invoke the Fifth Amendment privilege against self-incrimination based solely on their fear of being prosecuted in a foreign country.

Since its inception in 1965, the NEA had awarded grants based on "artistic excellence and artistic merit." In 1990, Congress added a requirement that grant-givers "take into consideration general standards of decency and respect for the diverse beliefs and values of the American people."

The restriction was challenged as a violation of free speech by a group of four performance artists led by New Yorker Karen Finley — best known for appearing on stage covered in nothing but melted chocolate.

U.S. District Judge A. Wallace Tashima in Los Angeles agreed and struck down the rule in 1992,



Karen Finley led a legal challenge by fellow performance artists to "decency" guidelines for the awarding of grants by the National Endowment for the Arts. Finley is best known for appearing onstage wearing nothing but melted chocolate.

Associated Press file photograph

a decision affirmed four years later by the 9th U.S. Circuit Court of Appeals in San Francisco.

But without significant dispute, the Supreme Court reversed those rulings and threw out the constitutional challenge brought in *NEA vs. Finley*.

"Congress has wide latitude to set spending priorities," said Justice Sandra Day O'Connor, citing as precedent school libraries rejecting books deemed indecent and unsuitable for children. Only Justice David Souter dissented.

Conservative groups hailed the decision. "This case is not about whether free speech rights have been violated. It's about whether federal tax dollars must be used to underwrite patently lewd art," said Matthew D. Staver, president of the Liberty Council in Florida.

But the ruling was met with mixed reactions in the arts and civil rights community. Some denounced it as censorship while others said the decision might have had the practical effect of strengthening the NEA in its perennial battle with conservative lawmakers.

The endowment relies on citizen review boards to evaluate grant applications and bring to the table "their diverse community standards."

Efforts by Republican House leaders in recent years to abolish the NEA have been thwarted. And just as the high court's decision was announced Thursday, the House Appropriations Committee voted to restore the agency's \$98

million budget for next year, reversing a subcommittee's decision just days ago to zero out the agency entirely. The Senate, meanwhile, is poised to fund the endowment at \$100 million.

Some critics warned the court's ruling sets a dangerous legal precedent. While the justices held that the decency rule did not actually result in NEA censorship, they left for another day the question of whether actual content restriction is constitutional.

"The doors are open for other kinds of language proposals and restrictions from Congress regarding the arts and other areas of expression," said Bob Lynch, president of Americans for the Arts in Washington.

The Associated Press contributed to this report.