PS for 10/25/90

Congress Rewards the NEA Outrages

It's obvious that Congress isn't at all interested in saving the taxpayers' money or cutting spending. Congress just voted an increase in the budget for the National Endowment for the Arts (NEA) so that completely irresponsible agency can continue to offend the public by spending our money to produce indecent and sacrilegious works.

In a series of roll-call votes, Congress first rejected the Crane Amendment to allow the NEA to terminate peacefully and get the bureaucrats out of the business of deciding what is art. Congress then rejected the Rohrabacher Amendment which would have established some meaningful standards for the doling out of taxpayers' money.

Then the Congress passed the phony Williams-Coleman Amendment, which is a fraud on the public. It requires only that, if any material is "determined to be obscene" by a court under the U.S. Supreme Court standard in **Miller v. California**, then the grant recipient will be asked to pay the money within three years after all appeals are exhausted. If he doesn't repay it, he won't receive any more taxpayers' money during that three-year period.

The William-Coleman substitute is patently ridiculous. None of the NEA-funded works that have caused such an uproar would be held obscene under the **Miller** standard. Nothing in the three-part **Miller** test would bar such outrages as inviting spectators to walk on the American Flag, or photographing a crucifix in urine, or urinating on a picture of Christ in a toilet bowl on stage, or picturing Christ as a drug addict.

Just a few days ago, a Cincinnati court acquitted Robert Mapplethorpe S&M and child porn photographs on obscenity charges. These outrages are what started the entire NEA controversy. So now we are left with the situation that the American taxpayers can still be forced to pay for exhibiting pictures so indecent that no newspaper or TV news show dares to reproduce them. Speaker Tom Foley even forbade the Mapplethorpe photographs to be displayed in the House while Congressmen were debating the issue.

Under the **Miller** standard, even works that are offensive to community standards are not obscene if they can be said to have "serious" artistic value. But the arts

lobby asserts that, when the NEA gives money, that is proof per se that the work has artistic merit (no matter how indecent or offensive), and therefore no NEA-funded work could ever be declared "obscene."

Americans are entitled to hold materials funded by our tax dollars to a higher standard than is permitted for individuals when they produce and sell their own works. Individuals may have a First Amendment right to walk on the American flag or to dunk a crucifix in urine, but nobody has a right to receive tax dollars for those things.

Yet the majority in Congress not only voted to continue the NEA without any meaningful standards, but even gave a $4 million increase to the artsy handout hunters. No one can say the Congressmen didn't know what they were doing because Congress spent six hours debating the matter and the sponsor of the phony Williams-Coleman Amendment called it "one of the most difficult issues we've faced this year."

The decisions about who will get the $175 million that Congress just turned over to the NEA will be made by "peer panels." That's a back-scratching racket in which hungry handout hunters get themselves of their pals on the panels and then vote for each other's grants.

"Peer panels" approved taxpayer grants to Karen Finley, who appears on stage with her nude body coated only in chocolate and does an act celebrating the castration of men. The peer panel called her act "courageous and candid."

Peer panels approved taxpayer grants to John Fleck who urinates on a picture of Christ on stage. He boasted that this is "art" because "art professionals say it is, and I've got a pile of reviews saying how wonderful I am."

The NEA gave $20,000 to an outfit called Artpark, which in turn contracted with a San Francisco outfit called Survival Research Laboratories (SRL) to put on a show in a state park in Lewistown, New York on September 1. SRL distributed posters in art galleries all over the country advertising a "Bible Burn."

The poster said that "SRL will create large sexually explicit props covered with a generous layer of requisitioned Bibles. After employing these props in a wide variety of unholy rituals, SRL machines will proceed to burn them to ashes. Bibles can always be obtained for free from hotels, churches, and your parents' house."

When city officials discovered how their park was going to be defiled, they cancelled the show. Maybe now that Congress has given the NEA more money, the show can be produced with taxpayers' money in a more tolerant community.