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The New York Times

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NEW YORK, THURSDAY, JULY 27, 1989

Senate Votes to Bar U.S. Support Of 'Obscene or Indecent' Artwork

Measure, Backed by Helms, Angers Arts Groups

By MICHAEL ORESKES

Special to The New York Times

WASHINGTON, July 26 — Brushing aside objections that Congress should not be deciding what is art or who is an artist, the Senate voted today to bar the National Endowment for the Arts from supporting "obscene or indecent" work and to cut off Federal funds to two arts groups because they supported exhibitions of work by two provocative photographers.

In a voice vote, the Senate approved restrictions proposed by Senator Jesse Helms, Republican of North Carolina,

to bar Federal arts funds from being used to "promote, disseminate or produce obscene or indecent materials, including but not limited to depictions of sadomasochism, homoeroticism, the exploitation of children, or individuals engaged in sex acts; or material which denigrates the objects or beliefs of the adherents of a particular religion or nonreligion."

The measure also bars grants for artwork that "denigrates, debases or reviles a person, group or class of citizens on the basis of race, creed, sex, handicap, age or national origin."

Arts Groups React

Spokesmen for arts organizations, including the two cited in today's legislation — the Southeastern Center for Contemporary Art in Winston-Salem, N.C., and the Institute for Contemporary Art at the University of Pennsylvania — said they were appalled by the action, which they described as the first time that Congress had tried to interfere directly in granting money to individual arts groups.

The officials said that the endowment and the groups it supported had faithfully followed the grant-making system approved by Congress. In the system, known as peer review, members of the arts community pass on grant applications in their respective fields.

But Senator Helms said on the floor of the Senate, "No artist has a pre-emptive claim on the tax dollars of the



Agence France-Presse

Senator Jesse Helms, who proposed the arts funds restrictions.

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American people to put forward such trash."

Referring to one work Mr. Helms said: "I don't even acknowledge the fellow who did it was an artist. I think he was a jerk."

"We're gradually approaching more and more the Congress telling the art world what is art," replied Senator Howard M. Metzenbaum, Democrat of Ohio, one of only two Senators to speak on the floor today against the Senate action. The other, Senator John H. Chaffee, Republican of Rhode Island, said, "We're getting into a slippery area here."

The action by the Senate was far more severe than actions taken a few weeks ago by the House of Representatives against the National Endowment for the Arts. Supporters of the endowment said they were optimistic that the Senate actions could be reversed in conference between the House and Senate.

The measure adopted goes well beyond what the House passed.

granted to support exhibitions of Serrano and Mapplethorpe works.

But the Senate went significantly further today. The action was included in a small corner of a bill appropriating \$10.9 billion for the Interior Department and some other agencies, including the arts endowment.

The Senate version included language barring grants for the next five years to the two arts groups that supported the Serrano and Mapplethorpe exhibitions. A spokesman for the endowment estimated that the Winston-Salem group had received \$759,400 during the past five fiscal years and

that the Institute for Contemporary art had received \$585,000 in the past three fiscal years.

The Senate accepted the \$45,000 cut the House had made. But it added a specific change with greater impact, cutting the amount the endowment could grant for support of visual arts by \$400,000 and increasing the amount for local projects and folk art by \$200,000 each.

Approved on a Voice Vote

All of these actions were in the appropriations bill as it arrived on the floor from the Appropriations Committee, which had approved the measures without debate. Supporters of the arts community in the Senate decided against making an issue of these measures on the floor, saying they feared debate would only make matters worse. They said their best hope was a fight to strike the Senate measures in the conference committee.

The issue was brought up on the floor today only because Senator Helms rose with his amendment.

Several hours after Mr. Helm's amendment was adopted, Senator Daniel Patrick Moynihan, Democrat of New York, rose to announce that he would vote against the entire appropriations measure because it singled out two specific groups for a cutoff of funds.

"Do we really want it to be recorded that the Senate of the United States is so insensible to the traditions of liberty in our land, so fearful of what is different and new and intentionally disturbing, so anxious to record our timidity that we would sanction institutions for acting precisely as they are meant to act? Which is to say art institutions supporting artists and exhibiting their work."

Mr. Moynihan said in his statement that he was aware that the manager of the bill, Senator Robert Byrd, Democrat of West Virginia, did not support the actions against the endowment and would allow them to be struck in conference. "Still, the event needs to be protested," Mr. Moynihan said.