

The Living /

The New York Times

Private Donors Unite to Support Art Sp

By JUDITH H. DOBRZYNSKI

Nearly two dozen foundations and philanthropists, reacting to cuts in Federal arts spending, have joined forces to support artists who challenge convention. The new group will attempt to make up for some of the individual grants the Government ended in 1994 after years of controversy over works dealing with nudity, sexuality and other provocative themes.

The new nonprofit organization, called Creative Capital Foundation, will be announced officially next week. But it has already made it clear that it will not shy away from the kind of innovative art that incited protests by religious and political conservatives.

"This is a boisterous, diverse country, and

we have always had art that upsets people," said Archibald L. Gillies, president of the Andy Warhol Foundation for the Visual Arts and one of the new group's organizers. "Controversy," he added, "won't bother us at all."

Creative Capital hopes to raise \$40 million over the next 20 years. With current assets of more than \$5 million, it plans to make its first round of grants, totaling up to \$1 million, early next year.

Going a step further, the organization will actively proselytize for freedom of expression. The grants it plans to give each year to 50 to 60 artists will require the winners to work with experts to develop audiences for their art and to market it.

At its peak in the late 1980's the National Endowment for the Arts awarded as much as \$10.5 million a year to more than 750 individual artists in grants of \$1,100 to

\$45,000. But since then the endowment has almost been eliminated several times by members of Congress upset by those grants and by what they said was the agency's distance from American values. It has survived, but with a budget cut nearly in half from its peak to \$98 million in the current fiscal year and no appetite to make awards that would restart the cultural wars of the last decade.

Creative Capital is stepping into that breach. "The Supreme Court has ruled about pornography, but anything beyond that is fair game," Mr. Gillies said. "In this organization's absolute principles, one comes first and that is funding experimental, challenging art on its merits. Then after selecting it, we see what the marketing potential is. The nature of the content is not a factor."

With such talk, Creative Capital is throw-

Arts

MONDAY, MAY 3, 1999

urned by the Government

ing down the gauntlet to conservatives who in recent years have tried to shut down some exhibitions and performances. Though the fights have most often been about public financing of controversial art, mainly by the endowment, some conflicts have also centered on state and local arts grants and the commercial availability of provocative art.

The president of the Christian Coalition, Randy Tate, said on learning on Friday of the new group, "They can fund what they feel they need to fund." But referring to the Colorado school shootings, he said, "Especially in the context of the last week and a half, we have learned that images have consequences."

"I won't condemn anything until I see it," he added. "But I would hope they use great discretion and put forward images that strengthen society and family values."

Creative Capital's founders say they believe that this kind of art easily wins financing, unlike the difficult art they will focus on. The group's grants come with a twist straight out of Wall Street and reflecting the business background of some of its leaders (like Jeffrey Soros, nephew of George Soros, the billionaire financier). The group says this is the era of the deal, and winners must agree to develop a plan of any proceeds from their work. The cash will go back into Creative Capital's fund, increasing its capacity to finance additional artists.

The Warhol Foundation, which hopes to give \$400,000 a year for the next 10 years, is Creative Capital's largest contributor. Others, including the Norton Family Foundation, the Rockefeller Foundation, the Joe

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Donors to Support Art Spurned by the Government

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and Emily Lowe Foundation, the Joyce Mertz-Gilmore Foundation and the Eli Broad Family Foundation, have each promised up to \$100,000 a year.

Creative Capital's executive director, Ruby Lerner, said contributors knew that the group would seek out and not shrink from artists like Karen Finley, who often performs in the nude and famously smears her body in chocolate; Robert Mapplethorpe, whose homoerotic photographs offended many, and other artists who caused headline-making conflicts.

Ms. Lerner said she told the contributors, "We might get through the first 20 years and not have a single controversy, but we might have 50 of them in the first year."

Creative Capital plans to award grants of \$5,000 to \$20,000 to performing, visual and film or video artists, as well as those who make hybrid works. The money will be split roughly equally among the four categories each year.

In the hope that the culture wars are over, William J. Ivey, the national endowment's new director, has put in a \$150 million budget request for the next fiscal year, up \$52 million from the endowment's current allocation, and has raised the possibility of resuming individual grants. But he has made no promises about when that might happen.

Supporters of the arts say they

A foundation's plan calls for individual grants as large as \$20,000.

cannot wait. "The arts are filled with energy, yet sources of public finance are more and more precarious," said Catharine R. Stimpson, dean of the Graduate School of Arts and Science at New York University. "The important issue is supporting creativity."

Ms. Stimpson has agreed to serve on Creative Capital's board, as have Laurie Anderson, the performance artist; Lewis Hyde, the writer; Ronald Feldman, a New York art dealer, and Louise A. Velázquez, a senior business adviser at the Interval Research Corporation, a Silicon Valley company that is trying to engage the arts and high-tech in new ventures.

As the first big, national response to cuts in endowment grants, Creative Capital could make a difference. "Direct support is important," Mr. Ivey of the endowment said. "Our grants had a significant impact on the careers of a large range of artists." But he and others agree that an equally important effect may



Sara Krulwich/The New York Times



Susanne DeChillo/The New York Times

Archibald L. Gillies, left, and Jeffrey Soros are among benefactors of a new foundation that hopes to support artists who challenge convention.

stem from the attempt to enlarge the audience for contemporary art. "Whenever individuals engage art and artists in a personal way with good interpretation and explanation, it always expands the audience," Mr. Ivey said.

Mr. Gillies described the process that Creative Capital's founders envisioned as broader than marketing. "We will ask, 'What does this project need to succeed, what does an artist need to get to the next level?'" he said. Artists will get individual advice from an array of volunteer curators, producers, publicity agents and others who can help artists devise a plan to present their work to the widest possible audience.

That plan helped woo contributors. "Emerging artists get a lot of one-time cash awards, but this affords them something else," said Dini S. Merz, a program officer at the Emily Hall Tremain Foundation, which is giving \$300,000 over four years. "It will answer the question 'How can we help artists help themselves?'"

But will artists agree to such interference, and an untested idea at that? Yong Soon Min, a Korean-born artist who lives in California and is known for politically charged, feminist work, said she had no problems with it. "A marketing plan can be very helpful," she said. Rather, her concerns centered on Creative Capital's administrative ability to deliver on the promise.

She appears to be typical. Ms. Lerner said that in meetings Creative Capital has had with artists around the country not a single one has raised objections.

Randall Bourscheidt, president of Alliance for the Arts, an advocacy group in New York, is not surprised. "Anyone looking for a grant can't afford to ignore this," he said, adding that the conditions would not sound ominous to artists. "It's a series of expectations, but it doesn't limit

their voice or stifle their creativity."

Besides, as Mr. Gillies pointed out: "If they don't like that aspect, they can say, 'We're not going to apply.' Some artists will say, 'I want to do what I do, and I don't want anyone hassling me,' and they will go and get a fellowship like the Guggenheim."

The revenue-sharing requirements apparently did not disturb anyone either, though the details are sketchy. Ms. Lerner said they would be worked out individually with each grant agreement, and Mr. Gillies said Creative Capital would probably

ask for 10 to 15 percent of a project's gross revenues. Creative Capital would also have a cut if, say, a film, video or performance moved from a nonprofit space to a commercial theater, as the musical "Rent" did, for example.

The group has other plans to shore up the nation's artistic infrastructure: annual round tables to assess the state of the arts, an annual retreat for grant recipients, a quarterly publication, a database of arts businesses and nonprofit groups, public events and a Web site where artists can sell their art.

All that is in the future. Creative Capital, with its small staff, first has to hustle to erect a structure for doling out money. Ms. Lerner wants to cast a wide net, and so is sending staff members into studios, theaters and other arts centers looking for prospects, is soliciting nominations from arts experts and on July 1 will start accepting applications from artists themselves.

Those who make the initial cut will be asked for work samples, a detailed budget for their project and a schedule. The applications will go through a peer panel review process, with the winners chosen or approved by the trustees.

Ideology aside, Mr. Gillies said the winners would have projects that have artistic merit, not simply shock value. Creative Capital, he said, will not foment confrontation.

"It's not that we'll support everything controversial," he said. "We will support what people across the country are saying is good art, is exciting, interesting art."

Jury acquits art museum in obscenity case

Houston Chronicle News Services

CINCINNATI — A jury acquitted an art museum and its director Friday of obscenity charges in a trial closely watched by art institutions and anti-pornography groups across the country.

After deliberating 2½ hours, the jury returned not-guilty verdicts against the Contemporary Arts Center and its director, Dennis Barrie, for displaying photographs by the

See OBSCENITY on Page 18A.

Houston Chronicle
Sat. Oct. 6, 1990
p. 1



Associated Press

Dennis Barrie, director of the Contemporary Arts Center in Cincinnati, hugs Ann Mazibov, wife of one of his attorneys, after hearing he had been found not guilty of misdemeanor charges of pan-

dering obscenity and using children in nudity-related material by displaying sexually graphic Robert Mapplethorpe photos. "We stood up for the First Amendment," Barrie said later.

Obscenity

Continued from Page 1A.

late Robert Mapplethorpe. "It's a great day for this city," Barrie said. "It's a great day for America."

When the verdict was read, loud whoops went up from the arts center's supporters, who leaped to their feet to hug and congratulate Barrie and other staff members.

Hamilton County Municipal Court Judge David Albanese ordered two men, arts center board Chairman Roger Ach and Robert Allen of Lightbore Communications, the show's corporate sponsor, out of the courtroom because of their display of emotion.

Art experts from across the country had testified in the trial, which prosecutors said was the first time a museum or art gallery has been tried for obscenity in this country.

"It (the verdict) sends a very important message that these museums are protected," Barrie said.

The trial also was considered a watershed in the growing national controversy over artistic freedom of expression, which is most prominently symbolized by the fight in Congress over proposals to restrict the kinds of work that may be supported by the National Endowment for the Arts.

Congress' NEA debate is scheduled for next week.

Benjamin Bull, general counsel to the Rev. Donald Wildmon's American Family Association, which has

fought NEA funding of exhibits such as Mapplethorpe's, said the verdict will intensify the assault on the NEA.

The legislation renewing the NEA prohibits funding of pornography, but verdicts like the one Friday "means that NEA could fund Mapplethorpe again," because community standards define obscenity, Wildmon said. "Rather than looking at the verdict, let's look at the art."

"I think this really puts the NEA issue right back in the political arena where it belongs," Wildmon said.

But backers of the NEA took heart as well.

"I hope that (the verdict) possibly says to Congress that here's one of the more conservative cities in the world turning its back on a kind of reckless attempt to call this stuff obscene," said John Walsh, director of the J. Paul Getty Museum in Malibu, Calif., and a witness for the defense.

The arts center and Barrie were charged April 7 with pandering obscenity and displaying children in "nudity-oriented material" in connection with the retrospective exhibit, "Robert Mapplethorpe: The Perfect Moment."

Barrie could have been sentenced to one year in jail and fined \$2,000, and the gallery fined \$10,000, if convicted on both counts.

Five of the 175 photos depicted homoerotic images, and two showed a child with exposed genitals.

The exhibit, which ended a seven-city, two-year national tour Friday in Boston, was held at the arts center for seven weeks last spring.

Defense attorneys painted the case as a battle over First Amendment

rights and artistic freedom. Prosecutor Frank Prouty told jurors in closing statements Friday, however, that "the First Amendment doesn't enter into play."

The thrust of his case simply was that the seven photographs at issue were obscene by local standards and that the defendants had violated the law by displaying them.

Prouty insisted that the children's portraits were not "morally innocent," a defense under Ohio law.

He also disparaged the defense argument that Mapplethorpe was exploring his own psychology in the five allegedly obscene pictures. The defense had compared the sadomasochistic works to the portrait of van Gogh with an ear cut off.

"Are these van Goghs, these five pictures?" he asked.

"A forearm rammed up a rectum — that's art? A finger stuck in the head of a penis — is that art? A canister or something stuck up your rectum — is that art? Another picture where you have a man urinating into another man's mouth — is that art?"

The fifth photo is a self-portrait of Mapplethorpe with a bullwhip in his rectum.

Mapplethorpe gained international acclaim for the photographs he took in the 15 years before his death.

He died of AIDS at 42 in March 1989.

The traveling show encompassed the full range of his work, including elegant flower studies, still lifes, celebrity portraits and sculptural male and female nudes in addition to homoerotic images.

MFA reacts to victory in Cincinnati

by BOB TUTT

Jury reached its verdict indicated they believed the testimony of not

"No one is an artist on the basis of

'They were gross'

But juror says right to see Mapplethorpe photos key issue

Baltimore Sun

CINCINNATI — If Jennifer Loesling never hears Robert Mapplethorpe's name again, it will be too soon. And as far as the photographer's sexually explicit photographs are concerned, Loesling can only say: "Gross."

But the 28-year-old X-ray technician said she and seven other jurors acquitted a Cincinnati museum and its director of obscenity charges on Friday because, as much as they were repulsed by the homoerotic images, jurors were convinced the photographs had artistic merit.

"We all agreed they were gross — I think most people would find them so," Loesling said Saturday. "As a person going into a museum, I would not appreciate that as art. But even though my moral beliefs may be different, this is the United States of America, and this is a country that values freedom of choice."

Artists and advocates for freedom of expression placed much significance Saturday on the fact that a jury of mostly church-going suburbanites in America's heartland acquitted the Contemporary Arts Center and its director, Dennis Barrie, on misdemeanor charges stemming from the exhibition, *Robert Mapplethorpe: The Perfect Moment*.

"We're delighted that this decision was rendered in a community like Cincinnati, which has been known as one of the most conservative communities in the U.S.," said Arnold Lehman, director of the Baltimore Museum of Art and president of the Association of Art Museum Directors.

But the leader of the Cincinnati anti-pornography coalition that had

pushed for the prosecution — the first prosecution of a U.S. museum on obscenity charges — sought to minimize the significance of the verdict.

Loesling, who is married and has an 11-month-old daughter, said some jurors believed that the homoerotic photographs appealed to a prurient interest in sex and depicted sexual

conduct in a patently offensive way — two tests of the U.S. Supreme Court test of obscenity.

However, none of the jurors — only one of whom completed college — believed that the photographs lacked artistic value, which is the third segment of the test.

"I walked out of that courtroom feeling good," Loesling said.

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WASHINGTON, D.C.

Win One, Lose One

For a moment this fall, the National Endowment for the Arts seemed to be enjoying a brief break from the dissension and uncertainty that have become status quo for the beleaguered arts agency over the last ten years. Just weeks earlier, the House of Representatives, by a one-vote margin, elected to eliminate the agency's entire budget from the \$13 billion allocated for the Interior Department and cultural programs. But in a reversal of the House's decision, a joint committee of the Senate and House voted in late September to keep the agency alive for at least another year. The endowment's budget for the coming year is \$98 million, just slightly off from last year's budget of \$99 million.

While the endowment has emerged intact from the annual imbroglio over funding, it now faces a new hurdle: the departure of its high-profile leader, Jane Alexander. Alexander, the sixth chairperson in the agency's 32-year history, resigned in late October. Former deputy chair for grants and partnerships Scott Shanklin-Peterson will manage agency operations while the president and Senate select a successor.

One of Alexander's last acts as head of the endowment was the creation of "American Canvas, an Arts Legacy for Our Communities," a 193-page report on the state of the American arts scene released just days after her resignation announcement. The most talked-about conclusion of the report—based

on a series of endowment-sponsored public forums around the country—is that artists and institutions are themselves partly to blame for the general public's negative attitudes toward contemporary culture. The report suggests that arts workers must expand their notions of their communities and strive for a less elitist tone in their production and programming if they want to reconnect with a public increasingly disenfranchised from the arts.

The controversial report, which has been alternately commended and assailed by arts leaders around the country, is remarkable mostly for how closely it seems to parallel current political opinion about the endowment, as expressed in a number of new conditions attached to the recent congressional actions. Continued funding comes at the cost of greater restrictions on the agency's freedom to decide how its money is spent. Congress will play a more active role in the distribution of grants and fellowships, and for the first time will appoint members of its own to the arts agency's board. One part of the legislation, which seems to target New York in particular, is a cap on the amount of money that will be given to individual states. Up until now, New York has received 21 to 23 percent of the total agency budget; under the new laws, that amount will be limited to 15 percent of the total. As Texas Republican Kay Bailey Hutchinson, an endowment opponent, explains, "I want the budding artists of Iowa to have equal access . . . [to what] budding artists in New York have."

MUNRO GALLOWAY

Fairfield Porter

1907-1975

Red Flowers in a Vase, 1974

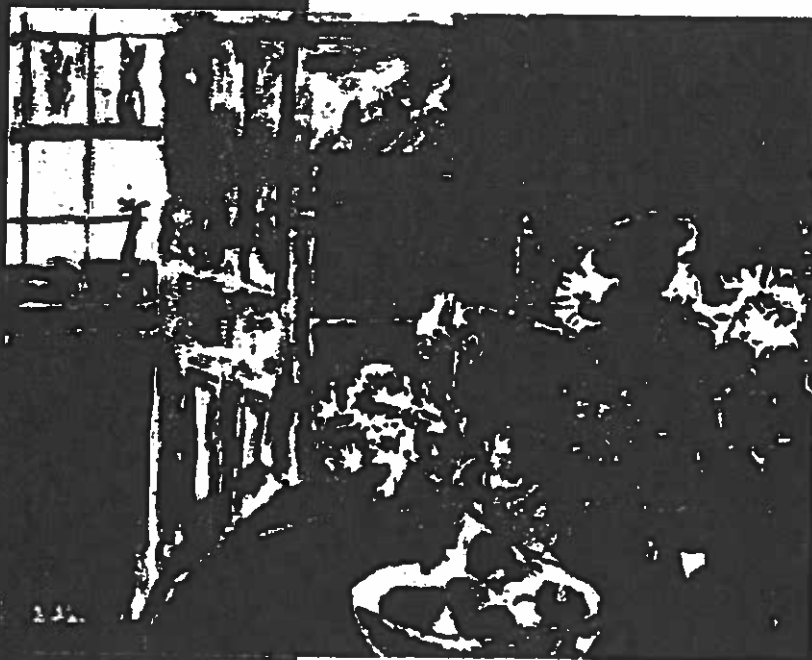
Oil on canvas, 16 x 24 inches
 Signed, dated, and inscribed on the reverse

The artist's interest in still life was a constant throughout his career. In the 1930s and 40s, he painted a series of still lifes, often featuring a vase of flowers. These works were characterized by their simplicity and clarity, reflecting the artist's desire to capture the essence of the subject matter. The painting "Red Flowers in a Vase" is a prime example of this style, featuring a simple arrangement of red flowers in a vase, set against a dark background.

Provenance: Acquired by the artist in 1974.
 From the collection of the artist.

Exhibited at the Museum of Modern Art, New York, 1975.
 Acquired by the Museum of Modern Art, New York, 1975.
 From the collection of the Museum of Modern Art, New York.

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