

V. 4. KAREN FINLEY ET. AL. V. NEA AND JOHN FROHNMAYER-POLITICS AND THE MEDIA pdf

1: Karen Finley - Wikipedia

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Background[edit] The NEA is "dedicated to supporting excellence in the arts, both new and established; bringing the arts to all Americans; and providing leadership in arts education". This body consists of 14 individuals appointed by the President for their expertise and knowledge in the arts, in addition to six ex officio members of Congress who serve in a non-voting capacity. Grants for Arts Projects support exemplary projects in the discipline categories of artist communities, arts education, dance, design, folk and traditional arts, literature , local arts agencies, media arts, museums, music, musical theater, opera, presenting including multidisciplinary art forms , theater, and visual arts. The NEA also grants individual fellowships in literature to creative writers and translators of exceptional talent in the areas of prose and poetry. The NEA has partnerships in the areas of state and regional, federal, international activities, and design. Forty percent of all NEA funding goes to the state arts agencies and regional arts organizations. Stockman , thought the NEA and the National Endowment for the Humanities were "good [departments] to simply bring to a halt because they went too far, and they would be easy to defeat. The work at the center of the controversy was *Piss Christ* , a photo of a plastic crucifix submerged in a vial of an amber fluid described by the artist as his own urine. Republican representative Dick Armey , an opponent of federal arts funding, began to attack a planned exhibition of photographs by Robert Mapplethorpe at the Corcoran Museum of Art that was to receive NEA support. The cancellation was highly criticized and in September, , the Director of the Corcoran gallery, Christina Orr-Cahill, issued a formal statement of apology saying, "The Corcoran Gallery of Art in attempting to defuse the NEA funding controversy by removing itself from the political spotlight, has instead found itself in the center of controversy. By withdrawing from the Mapplethorpe exhibition, we, the board of trustees and the director, have inadvertently offended many members of the arts community which we deeply regret. Our course in the future will be to support art, artists and freedom of expression. Grants were overtly vetoed on the basis of subject matter after the artists had successfully passed through a peer review process. The artists won their case in court in and were awarded amounts equal to the grant money in question, though the case would make its way to the United States Supreme Court in *National Endowment for the Arts v. The court ruled in U. While some in Congress attacked the funding of controversial artists, others argued the endowment was wasteful and elitist. Suggested areas of focus mentioned in the call included preventative care, child nutrition, community cleanups, trail maintenance, reading tutoring, and homelessness. At another point he said, "This is just the beginning. This is the first telephone call of a brand new conversation. We are just now learning how to really bring this community together to speak with the government. What that looks like legally. This is all being sorted out. And we can really work together to move the needle to get stuff done. They also noted that the call had nothing to do with grantmaking. The White House budget proposed for fiscal year again called for elimination of funding, but Congress retained the funding for another year.*

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2: Seth P. Waxman - FIRE

Four artists—Karen Finley, John Fleck, Holly Hughes and Tim Miller, known collectively as the "NEA 4"—sued in federal court, claiming the so-called "decency clause" violated the First Amendment and forced artists to engage in self-censorship in order to obtain NEA funding.

The term censorship derives from the official duties of the Roman censor who, beginning in b. Originally neutral in tone, the term has come to mean the suppression of ideas or images by the government or others with authority. Throughout history, societies practiced various forms of censorship in the belief that the community, as represented by the government, was responsible for molding the individual. The English-speaking world began wrestling with issues of censorship in the seventeenth century. In his *Areopagitica*, John Milton argued in favor of the right to publish, free from government restraint. In the United States, the first amendment to the Constitution guarantees freedom of speech and freedom of the press. Such cases usually involve communication that the government perceives as harmful to itself or the public. Abortion In some cases, the government can constitutionally censor the speech of those who receive federal funding. For example, the Supreme Court ruled in *Rust v. Under the Supreme Court ruling in Procurier v.* Such censorship can be neither random nor excessively troublesome. Entertainment Perhaps the most visible form of censorship is that affecting the entertainment industry. Theater and film, as types of public entertainment, affect the common interest and can hence be subjected to certain types of governmental regulation. But attempts to regulate or censor often risk obstructing the free speech rights of playwrights, screenwriters, filmmakers, performers, and distributors. Supreme Court has ruled that it is lawful to censor obscene entertainment to safeguard children from pornography and to protect adults from unknowingly or involuntarily viewing indecent materials *Ginsberg v. New York*, U. Although Supreme Court interpretation permits individuals to view obscenity in the privacy of their homes *Stanley v.* The difficulty with such censorship is in trying to determine what is "obscene. The Court further ruled that interpretations of this definition may vary across the United States and that communities may apply their own local standards to determine obscenity. The system does not have statutory authority but is used to help the industry conform with statutes designed to protect children. Recognizing a Supreme Court decision that favored limited censorship for minors *Ginsberg v. A G rating signals that subject matter is suitable for general audiences; PG stands for Parental Guidance Suggested; PG strongly advises guidance for children under age 13 because of possibly inappropriate material; R requires accompaniment by an adult for children under age 17, or 18 in some states; and NC or X prohibit anyone under age 17, or 18 in some states, from entering the theater. Radio and television have also met with governmental pressure to control the content of their broadcasts. The various pieces of legislation raise questions about media self-censorship and the role of the federal communications commission FCC in regulating freedom of expression. In response to congressional pressure the national association of broadcasters adopted the Family Viewing Policy in to limit the first hour of prime-time programming to material suitable for families. The Television Violence Act 47 U. This act, which expired in , was intended to prompt the networks, cable industry, and independent stations to decrease the amount of violence shown on television. Although it did not constitute direct government regulation, the act was criticized as a governmental attempt to impose its values on society by discouraging, if not suppressing, unpopular ideas. The Telecommunications Act of , Stat. The chip, which has been installed in television sets manufactured since , operates in conjunction with a voluntary rating system implemented by TV broadcasters that rates programs for violence and sexual content. Radio broadcasts have also come under scrutiny. *Pacifica Foundation*, U. To many, this ruling gave the FCC further authority to censor speech and dictate values. Music Just as the entertainment industry has faced regulation or censorship for allegedly violent, obscene, or indecent material, so has the recording industry. Although the letter from the FBI was a protest, not an attempt at regulation, many in the music industry interpreted it as an example of indirect censorship through*

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intimidation. Perhaps the most famous legal proceedings to censor music involved the rap group 2 Live Crew. The group brought suit to have the ban lifted in *Skywalker Records v. A record store owner* was arrested for continuing to sell the album and two members of 2 Live Crew were arrested on obscenity charges after a performance. The band members were acquitted of all charges in October, but the debate continues between those demanding free expression in music and those seeking to censor allegedly obscene material. Ancient Athens, the Roman Empire, and the medieval Catholic Church financed many projects, whereas totalitarian regimes, for example, banned many works and repressed artists. Congress was reluctant to fund art that might subsequently be construed as national art, or as government-approved art until its activism encouraged it to do so. In 1965, the National Foundation on the Arts and the Humanities was established to foster excellence in the arts. Among its many interests, the NEA provides stipends to deserving artists. Controversy over the role of government support of the arts arose in the late 1970s with two artists who received NEA funding. Numerous senators sent letters of protest to the NEA, insisting that the agency cease underwriting vulgar art. A second furor arose in 1981 over the work of another photographer, Robert Mapplethorpe, who received NEA support for his work, which depicted flowers, nude children, and homosexuality and sadomasochism. Senator Jesse Helms (R-N.C.) introduced the Helms Amendment, adopted in October 1985, which gave the NEA great power and latitude to define obscenity and quash alternative artistic visions. To enforce the new amendment, the NEA established an "obscenity pledge," which required artists to promise they would not use government money to create works of an obscene nature. The art world strongly resisted this measure: Two important cases tested the power of the NEA to censor artistic production. In *Bella Lewitsky Dance Foundation v. A California district court* agreed that the pledge violated the First Amendment right to free speech and that its vagueness denied the dance company due process under the fifth amendment. In *New School v. Before the constitutionality of the prior restraint argument was decided*, the NEA released the school from its obligation to sign the pledge. The NEA abolished the obscenity pledge in November 1987, but in its place instituted a "decency clause" Amendment, Pub. Failure to comply with this demand could mean suspension of grant payments. Again the art world protested. A California district court agreed with the artists. The Finley court held that the decency clause, like the obscenity pledge, was unconstitutional because its vagueness denied the artists the due process guaranteed by the Fifth Amendment and because its too-general restriction suppressed speech. Conflict ensues when parents believe that certain schoolbooks contain material that is objectionable on political, moral, or religious grounds and should be banned in order to protect their children from exposure to allegedly harmful ideas. In some instances school boards have responded by physically removing books from school library shelves. In general, advocates of book banning maintain that censorship is warranted to redress social ills, whereas critics believe that freedom of speech is more important and useful to society than imposing values through censorship. Book banning as a way to remedy social problems was first tested by the Supreme Court in *Board of Education v. In Pico*, parents objected to nine books in the high school library, most of which were subsequently removed by the school board. *Pico* debated the authority of local school boards to censor material in the interest of protecting students. The case reached the Supreme Court because lower courts were unable to devise standards for testing the constitutionality of book removal. Although school boards have the power to determine which books should sit on library shelves, they do not have the authority to censor. Books published by commercial presses for sale to the general public sometimes meet with harsh condemnation and subsequent action that could be tantamount to censorship. The National Writers Union decried the cancellation as contrary to free speech and artistic expression and as censorship. The publishing house defended its editorial judgment by claiming it did not want to put its imprint on a book of questionable taste and value. Vintage Books, a division of Random House, soon acquired the novel, and published it in March 1982. In *Hazelwood School District v. The court in Hazelwood* held that a school newspaper is not a public forum, and thus granted school officials the right to determine what type of student speech is appropriate and to regulate such speech. Three years later, the ruling in *Planned Parenthood v. Clark County School District*, F. In *Planned Parenthood*, a public high school newspaper solicited advertisements from local businesses, including Planned Parenthood. The principal

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refused to allow Planned Parenthood to place an advertisement in school publications and Planned Parenthood sued the school district. The Ninth Circuit Court of Appeals upheld a district court decision that a public high school publication is not a public forum and that the school could therefore accept or reject advertisements. Both Hazelwood and Planned Parenthood concluded that because public high schools are nonpublic forums, school districts can apply a limited degree of censorship. Speech can be constitutionally curtailed in some circumstances. For example, public colleges and universities can forbid threats of violence, prohibit obscene language and conduct although it is extremely difficult to define or prove obscenity, and punish students for using defamatory speech against each other, all without violating the First Amendment. Numerous cases have successfully contested free speech limitations on campus, suggesting that a majority of these codes are unconstitutional. *University of Michigan, F.* The court also held that the overbroad nature of the code denied his due process rights. *Board of Regents, F.* Two years later school officials punished fraternity brothers at George Mason University for dressing in drag and staging an "ugly woman contest. *George Mason University, F.* Internet Computer-mediated communication grows explosively every year and in some ways outpaces and obviates current legal principles. The prevailing concept of law applies to real-world events and transactions, and, as those in the legal field are realizing, may unravel when exercised in cyberspace. As more and more people transmit widely divergent messages on the electronic highway, issues of free speech and censorship become increasingly complicated and regulations difficult to enforce. The first case of criminal prosecution of electronic communication involved the distribution of pornography over an electronic bulletin board system BBS. In *United States v. From their home in California, the Thomases ran an adults-only private BBS from which subscribers could download computer graphics files and order sexually explicit photographs and videotapes while on-line. To gather evidence against the couple, a Memphis postal inspector, under an assumed name, downloaded to his computer many of the pornographic electronic files and ordered tapes. The Thomases were charged with, among other things, transporting obscene materials across state lines. The district judge denied their request, noting that in obscenity prosecutions the trial can be held either in the district from which the material was sent or where it was received. The "virtual" nature of cyberspace poses a number of problems for courts and legislatures on the issue of obscenity. Among the most difficult of these is the issue of community standards.*

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3: NATIONAL ENDOWMENT FOR THE ARTS, et al. v. KAREN FINLEY, et al. - FIRE

Examines the social issues currently confronting the American public including aging, civil rights, health and medicine, immigration, reproductive issues, the environment, and more.

National Endowment for the Arts Save The National Endowment for the Arts NEA is an independent agency of the United States federal government that offers support and funding for projects exhibiting artistic excellence. Congress in as an independent agency of the federal government. This body consists of 14 individuals appointed by the President for their expertise and knowledge in the arts, in addition to six ex officio members of Congress who serve in a non-voting capacity. Grants for Arts Projects support exemplary projects in the discipline categories of artist communities, arts education, dance, design, folk and traditional arts, literature , local arts agencies, media arts, museums, music, musical theater, opera, presenting including multidisciplinary art forms , theater, and visual arts. The NEA also grants individual fellowships in literature to creative writers and translators of exceptional talent in the areas of prose and poetry. The NEA has partnerships in the areas of state and regional, federal, international activities, and design. Forty percent of all NEA funding goes to the state arts agencies and regional arts organizations. Stockman , thought the NEA and the National Endowment for the Humanities were "good [departments] to simply bring to a halt because they went too far, and they would be easy to defeat. The work at the center of the controversy was *Piss Christ* , a photo of a plastic crucifix submerged in a vial of an amber fluid described by the artist as his own urine. Republican representative Dick Armey , an opponent of federal arts funding, began to attack a planned exhibition of photographs by Robert Mapplethorpe at the Corcoran Museum of Art that was to receive NEA support. The cancellation was highly criticized and in September, , the Director of the Corcoran gallery, Christina Orr-Cahill, issued a formal statement of apology saying, "The Corcoran Gallery of Art in attempting to defuse the NEA funding controversy by removing itself from the political spotlight, has instead found itself in the center of controversy. By withdrawing from the Mapplethorpe exhibition, we, the board of trustees and the director, have inadvertently offended many members of the arts community which we deeply regret. Our course in the future will be to support art, artists and freedom of expression. Grants were overtly vetoed on the basis of subject matter after the artists had successfully passed through a peer review process. The artists won their case in court in and were awarded amounts equal to the grant money in question, though the case would make its way to the United States Supreme Court in *National Endowment for the Arts v. The court ruled in U.* While some in Congress attacked the funding of controversial artists, others argued the endowment was wasteful and elitist. Suggested areas of focus mentioned in the call included preventative care, child nutrition, community cleanups, trail maintenance, reading tutoring, and homelessness. At another point he said, "This is just the beginning. This is the first telephone call of a brand new conversation. We are just now learning how to really bring this community together to speak with the government. What that looks like legally. This is all being sorted out. And we can really work together to move the needle to get stuff done. They also noted that the call had nothing to do with grantmaking. The White House budget proposed for fiscal year again called for elimination of funding, but Congress retained the funding for another year.

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4: Time capsules:

The four individual respondents in this case, Karen Finley, John Fleck, Holly Hughes, and Tim Miller, are performance artists who applied for NEA grants before §(d)(1) was enacted. An advisory panel recommended approval of respondents' projects, both initially and after receiving Frohnmayer's request to reconsider three of the applications.

Biography[edit] Finley was born in Chicago and raised in Evanston, Illinois. She is a relative of the American humorist and writer Finley Peter Dunne. Her father was of Irish and Scottish descent [4] and her mother was of Native American , Romani , and Jewish ancestry. In , Finley performed in underground art galleries and music clubs such as Mabuhay Gardens and Club Foot , which hosted poetry readings, punk concerts, and alternative performance art acts. She was notably one of the NEA Four , four performance artists whose grants from the National Endowment for the Arts were vetoed in by John Frohnmayer after the process was condemned by Senator Jesse Helms under "decency" issues. Finley released a double-disc set on the Rykodisc label, *A Certain Level of Denial*, a studio version of the performance piece. Congress imposed restrictions on grants for indecent art. Finley , argued in front of the U. Supreme Court , was decided against Finley and the other artists. It was almost as if "Karen Finley" got in the way of the material, and Finley had already found herself at the center of a firestorm that made her persona a controversial national reference to nudity in art, in a public conversation that extended from Oprah to David Mamet to Seinfeld to Rush Limbaugh to David Letterman to Dennis Miller she was famously edited out of a Miller show at mid-show to Sean Hannity to Bill Maher to *Rent* , the Broadway musical, where the character of Maureen is often described as an homage to Finley. Finley also wrote a play, *George and Martha*, depicting an affair between Martha Stewart and George Bush ; the play has its roots in other versions of *George and Martha*, notably that of Edward Albee. In , Finley created a memorial at the concentration camp in Gusen , Austria to commemorate the murder by lethal injection to the heart of Jewish children by the Nazis in February The installation, *Open Heart*, was created with Austrian school children and Holocaust survivors. The exhibit, which blurred the lines between art, commerce, popular culture, private behavior, taboos and sexuality, allowed patrons to purchase a drawing that Finley created of a photographic image that they "sexted" to Finley from a private room in the museum. Finley developed a new performance based on her early writing about AIDS from the s and 90s. By fall , the performance *Written in Sand* was launched from these beginnings. In this performance, she satirizes both Donald Trump and Hillary Clinton. The film is narrated by George Takei. In , she was especially honored to read from her ten-year retrospective, *The Reality Shows* at City Lights Bookstore in San Francisco, the publisher of her first book *Shock Treatment*. In City Lights Books released a commemorative 25th Anniversary edition of "Shock Treatment" with an extended introduction.

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5: Preaching to the Perverted " Variety

RE: Karen Finley et al. v. National Endowment for the Arts Cabinet Affairs, Office of Casse, Daniel Letter From Stuart M. Gerson (DOJ) to John E. Frohnmayer 4 P

While there, he participated in a volunteer trip to the Calais refugee camp. Austin reflects upon his experience for us: I did not appreciate the gravity of the situation NYU London was signing me up for. It was until a few hours later when our vehicle entered a train which ran through a tunnel to the coast of France that it dawned upon me: I was in a very different place. Once we exited the train, we drove on a long dirt road along the coast. To our right, the small town of Calias. To our left, a chain wire fence separating us from an appalling site: Blues, reds, orange, tattered, high up, down low, and all dirty. All belonging to the refugee camp. We were brought to an isolated warehouse, surrounded by greenery, a quasi-secret base of operations. The moment we hopped out of the coach we were given forms indicating that we would not take photos advertising the location nor would we be handing out this sensitive information once we left. Quasi-base was turning into actual base. I was beginning to experience firsthand just how charged the subject of refugees, and more controversially helping them, was in Europe. Once signed and handed off, we were guided into the distribution center. The food for feeding, the clothing for warming, and the shelter for protecting. All things the refugees were fighting for. Each section had its own system of packaging and sending out their specific materials. The system was based around packaging boxes based on family size. For a family of ten: Hopefully, enough food to last the recipients a week. Surrounded by industrial racks holding large reserves of food, a collection of tables had bins filled with all of the supplies required. Warm folk music turns on, and people get moving. But as time passes, the newcomers find their stride and began filling up boxes just as quickly and effectively. Not much talking happens, everyone is laser-focused on filling up the boxes, as though if lives depended on it. I only realized later that lives did, and continue to, depend on it. Within hours, some two hundred boxes were packaged and ready to be delivered. After all of this work, lunch time came about and the community of volunteers came together to break bread. All walks of life were present. An old French pair, chatting while eating lentil soup. A gypsy couple tattooed from head-to-toe with ornate dreadlocks. The environment was so peaceful, removed from all of the politicking about the refugee crisis. These were just people who wanted to help. From the moment I entered the warehouse, I felt like I was a part of a community. A community of helpers, working towards something greater than all of us individually. It did not matter where we came from, or where we were going—the problems of the refugee were so great we all wanted to do something about it, even if only for a moment. The day was coming to a close. Packages had been sealed, clothes organized, and the warehouse a little tidier than when we found it. We said our goodbyes to newfound friends, walked out of the warehouse, and boarded the coach. On our way back to London, I just began realizing that the experience had been surreal. I accidentally became part of movement that is rocking a continent. The implications are huge, bringing in questions of human rights, national sovereignty, and international politics. These controversies played out in my head, inundating me into a deep sleep. A few hours later, I found myself waking up in Bloomsbury.

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6: National Endowment for the Arts v. Finley | Revolv

Finley et al v. the National Endowment for the Arts (NEA) comes before the high court on March The justices' decision could either break free or greatly tighten a conservative Congress's grip.

Aaron Peskin Prop A: Stuart Schuffman for mayor. Not that you would want him to actually be Mayor. I have remained oblivious to his run. I have stayed away. Weird that my run was 8 years ago! so much is different, so much is the same! Sheriff: Ross is hated by the downtown machine. Ed Lee hates Ross. The smear campaign against him was like watching fiction. Ross is endorsed by the beloved Sheriff Hennessey, also an enemy of the downtown machine. This is the right Sheriff for San Francisco. She is a draconian, dim-witted thug. I really liked him. Board of Supervisors D3: He brings a great deal of experience. The lady that is running against him is the person who was the swing vote who voted in favor of gutting the Air BnB legislation in the first place which is why we have a Prof F to vote on now. Aaron would have voted the other way, and your mailbox and recycling-can would have less paper in it. This women who was appointed by our mayor in January to cover for David Chiu who went to the legislature is just Ed Lee in a dress. Borrowing money to build housing is weird. But this is where we are. Yes, we should let people who have kids play with their kids while we pay them. OK, a little more than before. But just a little more and then you have to go back to work like the rest of us. Yes, we should make people who are doing lobbying things fill out forms like lobbyists. Even if they promise that the parks they are going to build will be for all San Franciscans they lie, they are behind locked gates. A thousand times no. You want to bang your fists against the podium get your fat ass down to City Hall. Reluctantly, against every molecule in my body I am telling you that I am going to vote! I detest the idea that the government wants to know my business. I get red with anger when I think of how Ed Lee and his shitheads wrote unenforceable legislation that led us to this place. But if you will do what I am about to ask you to, you will see that there is simply no other choice: Click that you are 2 people coming to SF in March. Go find a listing that is someone who lives in SF who is renting their apartment to make ends meet. Thousands and thousands and thousands of listings. I love the idea of Air BnB: Rent out your place to strangers. But the landlords broke it. Yes, we should stop building in the Mission for 18 months. What the fuck is that? Yes, we should give some of the outrageous property tax money we collect to keep the fucking shoe repair guy in SF. Is it absurd that we have to do this? Is it contrary to every tenet of self-respect a city should have? Do we have a choice? Give the cobbler a new lease! Prop K: It has a value. Why should we give it away? I have only really been paying attention to local politics since I ran for mayor 8 years ago. And I have to say that this election is really showing us how broken SF is. The propositions are ALL things that should have been decided at a board level. And I think that we are there. I think that this is as bad as it can get. This is the point where things bounce back from. The way things are changing is very very bad for a great many people. You have to work for it. You just have to see a longer view. We just lost a bunch of battles. We are going to lose a bunch on this ballot. But sometimes, you have to lose some battles to see how your enemy fights. Karen Finley interview Part 2. That is what is very inspiring tome: Patience is the key. And of course, my teaching at NYU. CALIF residents add 8. One features amazing guitarist Will Rogers! CRASS proto-Punk co-founder with Gee Vaucher , performer-philosopher-poet-writer-bread-maker, Penny has a lot to say about how to navigate through our increasingly-confusing media-sedated world. Must-Read Fiction by V. Counter Culture Hour " Sat Oct 10, 4: Support the Roxie Theater: The List Punk Rock. Bottom of the Hill. We enjoyed all the live acts we saw; all were different, just like in the early Punk Rock days! Meri St Mary sent us this: Fabio Frizzi 2 Fulci: Lasers, fog, immersive audio. Co-produced by Naut Humon. Burroughs, Industrial Musicians, experimental animation and more.

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7: "The Secret Battle for the NEA"

NEA head John Frohn Mayer, took the side of the targeted artists, which included Finley. The case, National Endowment for the Arts v. Finley (), argued in front of the U.S. Supreme Court, was decided against Finley and the other artists.

Historic Cases Schenck v. United States, U. Justice Oliver Wendell Holmes stated in this case his famous aphorism about "falsely shouting fire in a theatre" and set forth a "clear and present danger test" to judge whether speech is protected by the First Amendment. It is a question of proximity and degree. During wartime, the defendants mailed to new recruits and enlisted men leaflets that compared military conscription to involuntary servitude and urged them to assert constitutional rights. Below--all quotes from Justice Brandeis--are a few reasons why. Those who won our independence believed that the final end of the State was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears. Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. In this case, the Supreme Court interpreted the First and Fourteenth Amendments to forbid "previous restraints" upon publication of a newspaper. The Supreme Court established the modern version of the "clear and present danger" doctrine, holding that states only could restrict speech that "is directed to inciting or producing imminent lawless action, and is likely to incite or produce such action. The California State Supreme Court held that the King James version of the Bible was not a "publication of a sectarian, partisan, or denominational character" that a State statute required a public high school library to exclude from its collections. The "fact that the King James version is commonly used by Protestant Churches and not by Catholics" does not "make its character sectarian," the court stated. Rochester Community Schools, N. The students of Michigan are free to make of Slaughterhouse-Five what they will. Des Moines School District. School Committee of the City of Chelsea, F. School Committee decided to bar from the high school library a poetry anthology, Male and Female under 18, because of the inclusion of an "offensive" and "damaging" poem, "The City to a Young Girl," written by a fifteen-year-old girl. District Court, Joseph L. The student who discovers the magic of the library is on the way to a life-long experience of self-education and enrichment. That student learns that a library is a place to test or expand upon ideas presented to him, in or out of the classroom. The most effective antidote to the poison of mindless orthodoxy is ready access to a broad sweep of ideas and philosophies. There is no danger from such exposure. The danger is mind control. Nashua Board of Education, F. District Court decided for the student, teacher, and adult residents who had brought action against the school board, the court concluding: District Judge Orma R. Smith ruled that the criteria used were not justifiable grounds for rejecting the book. He held that the controversial racial matter was a factor leading to its rejection, and thus the authors had been denied their constitutionally guaranteed rights of freedom of speech and the press. Bureau of Police for Morristown, F. In detailed analysis, the court of appeals held that a municipal public library was a limited public forum, meaning

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open to the public for the specified purposes of exercising their First Amendment rights to read and receive information from library materials. The court then upheld three library rules which: Unified School District No. Tammany Parish School Board, 64 F. Public school district removed the book Voodoo and Hoodoo, a discussion of the origins, history, and practices of the voodoo and hoodoo religions that included an outline of some specific practices, from all district library shelves. Parents of several students sued and the district court granted summary judgment in their favor. The court of appeals reversed, finding that there was not enough evidence at that stage to determine that board members had an unconstitutional motivation, such as denying students access to ideas with which board members disagreed; the court remanded the case for a full trial at which all board members could be questioned about their reasons for removing the book. The parties settled the case before trial by returning the book to the libraries on specially designated reserve shelves. City of Wichita Falls, Texas, F. The City of Wichita Falls City Council voted to restrict access to the books if persons signed a petition asking for the restriction. Following a trial on the merits, the District Court permanently enjoined the city from enforcing the resolution permitting the removal of the two books. Cedarville School District, F. As a result of the vote, students in the Cedarville school district were required to obtain a signed permission slip from their parents or guardians before they would be allowed to borrow any of the Harry Potter books from school libraries. Board of School Commissioners of Mobile Ala. Hawkins County Board of Education, F. School Board of Columbia County, F. American Civil Liberties Union, U. In this seminal case considering the First Amendment rights of students John F. On appeal, the Court of Appeals for the Seventh Circuit ruled that the school board has the right to establish a curriculum on the basis of its own discretion, but it is forbidden to impose a "pall of orthodoxy. In , three school board members sought the removal of several books determined objectionable by a politically conservative organization. The following February, the board gave an "unofficial direction" that the books be removed from the school libraries, so that board members could read them. When the board action attracted press attention, the board described the books as "anti-American, anti-Christian, anti-Semitic, and just plain filthy. The board appointed a review committee that recommended that five of the books be returned to the shelves, two be placed on restricted shelves, and two be removed from the library. The full board voted to remove all but one book. After years of appeals, the U. The Court held that school boards do not have unrestricted authority to select library books and that the First Amendment is implicated when books are removed arbitrarily. Justice Brennan declared in the plurality opinion: Parents and other citizens brought a lawsuit against the school board, alleging that the school system was teaching the tenets of an anti-religious religion called "secular humanism. After an initial ruling in a federal district court in favor of the plaintiffs, the U. The Court found that the texts in question promoted important secular values tolerance, self-respect, logical decision making and thus the use of the textbooks neither unconstitutionally advanced a nontheistic religion nor inhibited theistic religions. Parents and students brought this action challenging the mandatory use of certain textbooks on the ground that the texts promoted values offensive to their religious beliefs. Hazelwood School District v. After a school principal removed two pages containing articles, among others, on teenage pregnancy and the impact of divorce on students from a newspaper produced as part of a high school journalism class, the student staff filed suit claiming violation of their First Amendment rights. The principal defended his action on the grounds that he was protecting the privacy of the pregnant students described, protecting younger students from inappropriate references to sexual activity and birth control, and protecting the school from a potential libel action. The school, thus, did not create a public forum for the expression of ideas, but instead maintained the newspaper "as supervised learning experience for journalism students. Circuit Court of Appeals concluded that a school board may, without contravening constitutional limits, take such action when the removal decision was "reasonably related" to the "legitimate pedagogical concern" of denying students access to "potentially sensitive topics. The Court held that educators may exercise greater editorial control over what students write for class than what they voluntarily submit to extracurricular publications. San Bernardino Valley College, 92 F. Kings County Todd v. Teri Kendrick, et al. Enacted in July , an Indianapolis, Ind. Only with the permission of an

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accompanying parent or guardian could children seventeen years old and younger play these types of video games. Supreme Court denied certiorari. Interactive Digital Software Association, et al. Louis County, Missouri, et al. Louis County passed an ordinance banned selling or renting violent video games to minors, or permitting them to play such games, without parental consent, and video game dealers sued to overturn the law. The Court of Appeals found the ordinance unconstitutional, holding that depictions of violence alone cannot fall within the legal definition of obscenity for either minors or adults, and that a government cannot silence protected speech for children by wrapping itself in the cloak of parental authority. In most circumstances, the values protected by the First Amendment are no less applicable when the government seeks to control the flow of information to minors. *West Virginia State Board of Education v. New York, U.* In the "Pentagon Papers" case, the U. Applying the doctrine of prior restraint from *Near v. Minnesota*, the Court found that the claims that publication of the documents would interfere with foreign policy and prolong the war were too speculative, and could not overcome the strong presumption against prior restraints. Jerry Falwell described his "first time" as a drunken encounter with his mother in an outhouse. A unanimous Supreme Court held that a public figure had to show actual malice in order to recover for intentional infliction of emotional distress as a result of a parody in a magazine. The Court held that political cartoons and satire such as this parody "have played a prominent role in public and political debate. And although the outrageous caricature in this case "is at best a distant cousin of political cartoons," the Court could see no standard to distinguish among types of parodies that would not harm public discourse, which would be poorer without such satire. *The New York Times v. In* , the West Virginia Board of Education issued regulations requiring every schoolchild to participate daily in a salute to the flag of the United States. The Supreme Court struck down the regulation on the grounds that the First Amendment barred any rule compelling an individual to salute the flag or participate in the Pledge of Allegiance. In strong language, the Court affirmed the right to dissent:

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8: Global Dimensions | News and notes from across NYU's Campuses and Sites | Page 10

The NEA 4 will disrupt The Carpenter Center with Holly Hughes and Tim Miller on Thursday, Sept. 27, and Karen Finley and John Fleck on Friday, Sept. E. Atherton St., Long Beach. ()

In what is perhaps her most notorious routine, Finley assumes the character of a drug addict who tortures and sexually abuses his grandmother on Thanksgiving. She then smears canned cooked yams over her buttocks. De Duve challenges that trite opposition between painting and the Duchampian legacy. Yet this fact is crucial in understanding the cultural changes that disrupted the tradition of painting. The following year, the first Zone Books ed. The books, designed by Bruce Mau, are alluring physical objects, sensuous yet pointy-headed. Reina Sofia opens in Madrid. Sculptures by 50 artists scattered around Park Sonsbeek. Many "outdoor" works are in fact sheltered within glass pavilions. The show includes installations and exhibitions in private homes by contemporary artists from Carla Accardi to Gilberto Zorio. Large public debate among historians spreads to include theorists, philosophers, and writers pitting the notion of the singularity of German guilt against the rightist idea that the 20th century witnessed a "global civil war" of comparable totalitarianisms. Argentine writer Jorge Luis Borges dies at age 83. Romance cements the Cologne-New York axis, as Boone mounts numerous shows of Werner associated artists e. The October crowd meets neo-geo. Notable in that the catalogue essays by Yve-Alain Bois and Hal Foster largely pan the work exhibited. The exhibition becomes one of the most widely discussed and hyped shows of the decade. Commodity critique in gleaming finish-fetish art objects. Kay Larson New York magazine, among others, is unamused, decrying the show as "Cynical, consumerist art. A broad, artist survey treating "Pictures," neo-geo, and appropriationist painting as interrelated phenomena, at a decidedly establishment venue. Like Pop, Minimalism, and Conceptualism before, much of this art finds its most enthusiastic audience and collectors in Europe. This evolving slide show debuted in at the Mudd Club and subsequently made the rounds at various other hour-of-the-wolf venues. From The Ballad of Sexual Dependency. Leaked report of arms sales instigates the Iran-Contra scandal. Desire and the Economy of the Object" cur. After the Great Divide: Rees and Frances Borzello, eds. The complaint is ostensibly not directed at Baudrillard himself but rather at the uses and abuses of his theories in the art world. If you want to effect some sort of change. Designed by Ken Woddard, the stickers proliferate ominously. A show of tires configured as various deadpan artworks, all of them making parody? Their "defections" to Boone addle sensibilities preferring clear-cut distinctions between "political" art practices and filthy lucre. The statue survived heavy Allied bombing, only to be destroyed by a tank. Koons kitsch meets Bavarian kitsch. Katharina Fritsch, Madonna Figure, Installation view, Salzstrasse, Munster. Catalogue essays by David Robbins, George W. Trow, and Thomas Lawson. Media-savvy art with an autocritical yet insistently Pop vibe. From the series "Total Recall. The revelation that the dean of American deconstructivist criticism, who had died four years earlier, had written articles tainted by anti-Semitism for a right-wing Belgian newspaper during the war years provokes responses of disbelief and outrage. Edited by Rasheed Araeen, the journal focuses on visual arts, attempting to disrupt the ideas reçues of imperialism, colonialism, and "Third World" culture. Frequented primarily by gay blacks and Hispanics, it had at least one famous white regular: A Boone for Feminists? Initial wave of fear that the flush art market will suffer a junk bond-style collapse subsides as money pours into art rather than the unstable stock market. The next two years witness the most profligate expenditures at auction to date. Paintings, drawings, and photographs roaming the 18th, 19th, and 20th centuries. Blau describes the associative exhibition as an "archeological excavation. As the decade wears on, Kiefer emerges as the big winner among German neo-expressionists. Installation view, Metro Pictures, New York. Martin Kippenberger, "Peter," Installation view, Galerie Max Hetzler, Cologne. The Critical Developments" cur. Jacqueline Barnitz; artist survey, Archer M. Art Bresilien du XXe Siecle" cur. Art with Community" cur. Capitalism and Schizophrenia [Capitalisme et schizophrénie tome 2: The catalogue, designed by Dan Friedman, is distinctive: Rather than the usual alteration of images and text, a kind

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of "visual essay" is constructed of the sort that is subsequently much imitated. She also reveals herself to be a steadfast supporter of the legacy of arte povera. Gerhard Richter begins painting his "Baader-Meinhof" series, "October 18, Louis, and elsewhere", the paintings provoke intense debate in the German press. From the series "October 18, Ballard, Vito Acconci, et al. The last consists of 42 banners bearing quotations by famous artists, writers, philosophers, etc. Paul Thek dies at age More than 1, activists stage demonstrations that result in some arrests. A historic event garnering international press coverage, the action demonstrates the lethargy of the bureaucracy in charge of testing possible aids treatments. Francois Mitterrand dedicates I. George Bush elected 41st president.

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9: Remember the Esperanza (lawsuit) | News Etc. | San Antonio Current

The four individual respondents in this case, Karen Finley, John Fleck, Holly Hughes, and Tim Miller, are performance artists who applied for NEA grants before Â§ (d)(1) was enacted. An advisory panel recommended approval of respondents' projects, both initially and after receiving Frohnmayer's request to reconsider three of the applications.

Sullivan ruling to cover arts funding. Had it succeeded at the NEA, the Justice Department would have established a second beachhead for Rust, reinforcing its position that the government would not fund intellectual pursuits whose political or social messages were unacceptable to the administration. A handwritten memo, dashed off by the President to his embattled friend in early , when fundamentalist attacks had reached a fever pitch, clearly indicates that Bush, at least initially, cited the Frohnmayer and the First Amendment. John Frohnmayer, a Republican loyalist whose brother had served as a GOP attorney general of the state of Oregon, arrived in Washington just as an NEA-funded exhibition of Robert Mapplethorpe photographs was being rejected by the Corcoran Gallery in Washington as offensive, and shortly after the fundamentalist war over the NEA funding for an Andres Serrano photograph entitled Piss Christ, which depicted a crucifix suspended in urine. The assumption was that Frohnmayer, as the appointee of an avowedly right-wing administration, would toe the conservative line regarding the arts. And in his first major decision as chair, in November , he certainly seemed to do just that. When the story hit the papers and Leonard Bernstein refused to go to the White House to receive a National Medal of Arts, embarrassing the president, Artists Space was told it could keep the money. Instead, he was instructed by Jeannette Naylor, now special assistant to the president and associate director of presidential personnel, to hire Alvin Felzenberg, the former chief cultural policy advisor to New Jersey Republican governor Thomas Kean and a visiting lecturer at Princeton. Felzenberg made it clear immediately after coming aboard on February 1, , that his agenda at the NEA was to keep the White House apprised of any potential trouble spots at the agency. Soon after this hesitant start, Frohnmayer accepted an invitation to speak before the National Press Club on March . His speech received a standing ovationâ€”and set off alarm bells at the White House. In the early spring of , Frohnmayer is said to have attended a meeting at the White House between the president and agency heads. During this meeting, Frohnmayer is reported to have expressed his views on arts funding. According to several sources close to the controversy, Frohnmayer sent the president a handwritten note on plain paper, dated March 9, explaining his opposition to content-based criteria for arts funding. The main role of the agency is to provide a climate where great American artists can express themselvesâ€”. With my greatest respect, John. One former NEA official who was shown the note recalled: On April 12, the AFA mailed each member of congress and , Christian pastors a letter protesting NEA policies and reproducing details of David Wojnarowicz paintings provoking a suit by the artist. To reassure Bush, Frohnmayer sent him another note, assuring that despite the public furor everything was under control at the agency. Boyden Gray, called Davis on the carpet. Tell him to handle things the way Sununu suggests. The Frohnmayer and his top aides immediately began to suspect his White House-imposed 2, of being the leaker. Felzenberg also wrote an unsigned memo around the time of the May 13 Council meeting that ridiculed a member of progressive filmmakers who were requesting money, and in particular Deep Dish Television, a New York-based documentary producer and distributor. Felzenberg was fired by Frohnmayer on Monday, June 4, only to be given immediate shelter at the White House as head of a government commission exploring delays in the appointment of federal officials. There Frohnmayer met along with John Sununu, not an unusual occurrence; but this time, the Voice has confirmed, the meeting included a particularly heated exchange. Again, Frohnmayer objected vehemently. The suit shifted the grounds of debate almost overnight. The issue no longer was what art to fund, but what strategy to pursue, a question that turned out to be every bit as controversial. According to former to NEA officials and confidential documents obtained by the Voice, this new conflict began in the first week of December , when a meeting was called to bring together the legal teams. Gerson, memos that have been obtained by the Voice. From early May through early

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July , the Department of Justice put pressure on Frohnmayer to stand squarely on the principles of the Rust decision, claiming that Rust gave the agency the right to withhold funding from the four artists based on the offensive content of their work. They wanted to use the NEA to see how much they could limit the speech of those receiving federal money. In order to do this, the Endowment must foster and support an atmosphere in which artists are free to pursue their creative impulses and focus on the artistic quality of their work. Gerson went on to compare the sexually explicit work of the NEA 4 to heinous acts of violence, using this as justification for employing Rust. While any idea may be presented artistically or otherwise made the topic of speech The Supreme Court recently the validity of the point in Rust vs. Sullivan and, as the Solicitor General argued for the United States, this rule follows a consistent line of decisions of the court. I am particularly troubled that you doubt my assertion that the Endowment awards grants without regard to the political message advanced in the work. You question whether it is even possible to assess artistic merit without passing on the message of the work. While this is an interesting question of philosophy, it has no relevance to the real world operations of the Endowment – Artistic merit not only can be evaluated completely separately from the consideration of viewpoint expressed in the work, it must be so judged. If viewpoint is a consideration, then the Endowment has utterly failed in its Congressionally mandated mission. Federal support for the arts will have become federal control. However, Frohnmayer was said to have considered the fact that it was a minor reference, and not the major defense of the case, to be a victory. With Frohnmayer out and the NEA 4 suit still pending, the battle for the agency continues. Anne-Imelda Radice, former director of National Museum of Women in the Arts, and former chief of the division of the creative arts in the conservative U. Observers fear that Radice or another conservative will willingly remake the agency into a political instrument, much in the way that Chairwoman Lynne Cheney has retooled the National Endowment for the Humanities. Finally, they could have panels like the NEH recommending the funding for a range of proposals, but let the agency staff actually pick the ones to be funded. That would do it. Interestingly, despite his treatment by the Bush administration, Frohnmayer continues to refuse to speak publicly about his tenure as head of the NEA. One of the fatal flaws of public funding for free expression is, as John Frohnmayer found, that there can be no middle ground.

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