

# ArtFBI

# ArtFax

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A Faxazine of Arts Information from Cyberspace to the Mid-Atlantic Community

## STREET ARTIST FEDERAL RULING STANDS SUPREME COURT REJECTS GIULIANI APPEAL

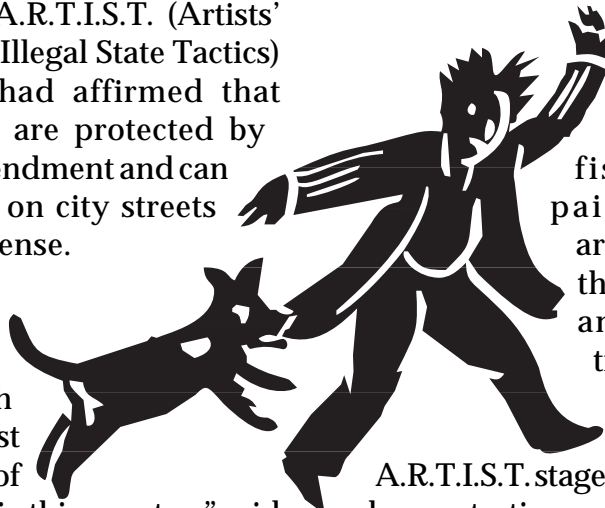
On June 2, the U.S. Supreme Court denied the New York City Giuliani Administration's appeal of the 2nd Circuit Federal Appeals Court decision in Lederman et al v. City of New York, according to an email report from A.R.T.I.S.T. (Artists' Response To Illegal State Tactics) The ruling had affirmed that street artists are protected by the First Amendment and can sell their art on city streets without a license.

"This decision protects the speech rights not just of artists, but of every person in this country," said Robert Lederman, President of A.R.T.I.S.T. about the Supreme Court's ruling.

Lederman expressed the hope that "the Mayor and Council Member Freed will carefully read the 2nd Circuit ruling and abide by it," A.R.T.I.S.T. reports. He pointed out that "Street artists benefit the City. It's time for the City to recognize the significant contribution


artists make to New York's culture and economy and to stop treating us like second class citizens."

According to A.R.T.I.S.T., police harrassment against artists



continued right up until this past Sunday, with confiscations of paintings and artist's displays, threats of arrest and numerous tickets being issued in SoHo, Members of

A.R.T.I.S.T. staged an impromptu demonstration on West Broadway last Saturday after the police attempted to clear the street of artists, claiming that "The landlords don't want artists here, we have many complaints", and, "Giuliani appealed your case, we don't have to follow the ruling".

A.R.T.I.S.T. explains that from 1993 until 1997, the N.Y.P.D., under pressure from City Council Member Kathryn 



Freed and a coalition of landlord advocacy groups including the Fifth Avenue Association and the SoHo Alliance, arrested more than 400 artists. Thousands of original paintings, photographs, prints and sculptures were confiscated and sold at a monthly police department auction or destroyed by the City.

“Visual art is as wide ranging in its depiction of ideas, concepts and emotions as any book, treatise, pamphlet or other writing, and is similarly entitled to full First Amendment protection,” the 2nd Circuit Federal Appeals Court ruling states. “...the City’s requirement that appellants be licensed in order to sell their artwork in public spaces constitutes an unconstitutional infringement of their First Amendment rights...Displaying art on the street has a different expressive purpose than gallery or museum shows; it reaches people who might not choose to go into a gallery or museum or who might feel excluded or alienated from these forums. The public display and sale of artwork is a form of communication between the artist and the public not possible in the enclosed, separated spaces of galleries and museums...: [Lederman et al v. City of New York 959089 United States Court of Appeals, Second Circuit. Argued April 26, 1996. Decided Oct. 10, 1996.]

For the entire text of the 2nd Circuit ruling and other detailed information on this issue visit the A.R.T.I.S.T. web site at: <http://www.openair.org/alerts/artist/nyc.html> or contact Robert Lederman at Email ARTISTpres@aol.com Tel: 718-369-2111; 212-334-


4327 Lawyers for the case: Wayne Cross and Randy Fox at Dewey Ballentine Tel: 212-259-8000

Source: Posted on Arts Wire

## North Carolina Passes Budget Bill With Censorship Provision

Raleigh, NC—After more than 12 twelve hours of debating 38 amendments, the North Carolina House passed a budget bill that included a provision that will impact arts council grants criteria and give city councils and county commissions the right to censor artwork in their communities, according to a June 5 legislative update from ARTS North Carolina.


ARTS North Carolina reports that the amendment that Rep. Alma Adams (D-Guilford) filed with House Speaker Howard Brubaker (R-Randolph) to remove this special provision was not debated.

The provision included in the budget bill allows local governing bodies (such as city councils and county commissions) to pass resolutions stopping or prohibiting performances or gallery showings they find objectionable, ARTS North Carolina explains. This provision covers activities that would take place in publicly funded facilities. Grantees of the NC Arts Council would have to agree to these terms through their grant contracts. Unlike the provision of 1995, this House provision is in the form of a permanent amendment to the General Statutes of North Carolina. 

## PA SCHOOL RESTRICTS ACCESS TO RENOIR BOOK

NEW WILMINGTON, PA — After a parent requested that THE LIFE AND WORKS OF RENOIR be pulled from the shelves of the elementary school, the Materials Review Committee voted 4-1 to pull the book from the general collection and placed it in a “restricted area,” according to a report in People for the American Way’s (PFAW) Attacks On The Freedom To Learn-Online.

PFAW reports that after her son brought the book home, the parent objected to the book because the reproductions of Renoir’s works included nudity. She felt the book was not “age-appropriate.”

A review committee was appointed to consider the objection to the book. School policy requires that an “appropriate teacher” be appointed to that committee and that several documents, including “The Library Bill of Rights;” “Instructions to the Evaluation Committee from the American Library Association;” and copies of the relevant school district policies be given to com- 

mittee members for consideration. But, according to Attacks on the Freedom to Learn-Online, none of these were distributed to the committee until after they had reached a decision.

Attacks on the Freedom to Learn-Online reports that disagreement persists yet as to whether an "appropriate teacher" was included in the process. The art teacher, who had voiced approval for the book, was considered but not selected as a member of the committee.

According to Attacks on the Freedom to Learn-Online, a librarian pointed out these discrepancies between school policy and action and, in six different letters to administrators and school board members, called for an admission of error in the process and a reevaluation of the situation. She has been reprimanded by the principal and superintendent for her correspondence.

For more information on this or to receive Attacks on Freedom to Learn-Online, contact People For the American Way, 2000 M Street NW, Washington, DC 20009 Tel: 202- 467-4999 Email: pfaw@pfaw.org; Website: http://pfaw.org

According to ARTS North Carolina, the only way to remove this special provision is by persuading the Senate leadership to throw it out in the conference committee. If that does not succeed, it will become law.

The House budget bill went to the Senate on June 9. A conference committee was formed to hammer out the differences. "That there are significant differences between the House and Senate on this budget could mean the beginning of a long, hot summer in the General Assembly," writes ARTS North Carolina.

For recommended actions, contact Rob Maddrey at 919/834-1411 or email at artsnc@aol.com

Source: Perry Mixter on AW

### Congressional Arts Advocates Form CMO

Congressional arts advocates have formed the bipartisan Congressional Member Organization (CMO) for the Arts, led by Chair Louise Slaughter (D-NY) and Vice-Chair Steve Horn (R-CA). The CMO currently includes 106 members.


In a call to her colleagues to "Support our Children: Join the CMO for the ARTS," Representative

Slaughter explains that "The primary objective of the CMO for the Arts is to organize like-minded Members from both parties to continue federal support for the arts." Noting that conservative members in both the House and Senate have renewed their effort to eliminate funding for the NEA, she states that "This renewed threat makes it imperative for us to work together to support continued dedication to the arts."

The former Congressional Arts Caucus ceased to exist when caucuses were abolished by the new leadership, Slaughter's office told Arts Wire. However, CMO's are allowed to exist.

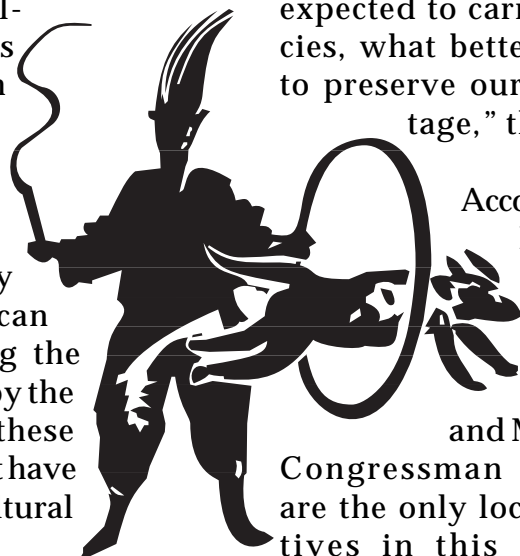
On April 28, CMO for the Arts members signed a letter to Ralph Regula, Chairman Subcommittee

on Interior House Committee on Appropriations, that strongly urged him to support continued federal funding for the National Endowment of the Arts. (NEA) "We well realize that this is a critical time for our government. The looming deficit and pressure to balance the budget are a shared concern. However, we are convinced that the NEA is deserving of this small, yet extremely vital, support," they wrote.

"The NEA has been the single largest donor to the arts for several decades," the letter continues. "We acknowledge that private investment provides some support of the arts, but it cannot be the sole contributor." 



The letter points out that while most private foundation dollars are given to large prestigious institutions, by statute, 35 percent of NEA funds must be passed through the state arts agencies. "Through passing these funds to the state and local level, we give local decision-makers the tools to promote the cultural programs most desired in their areas. We also ensure that rural and underserved urban areas, which many of us represent, can continue enjoying the benefits brought by the arts, especially if these individuals do not have access to major cultural organizations."



out that 79 percent of the American people support a government role in funding the arts.

"It is clear that the arts are more than a pastime or a hobby. They are an integral part of our society and our culture. If our children and our grandchildren are expected to carry on our legacies, what better way is there to preserve our nation's heritage," the letter states.

According to Joanna Misesy Boyer at NASAA, MD Congresspeople Cardin, Cummings, and Morella and VA Congressman James Moran are the only local Representatives in this organization.

Louise McIntosh Slaughter (D-NY-28th) can be contacted at Tel: 202-225-3615 Fax: 202-225-7822 District Phone: 716-232-4850 Email: louiseny@hr.house.gov

In the letter, CMO for the Arts members cite College Board studies which find that students who have four or more years of art classes have S.A.T. scores that are significantly higher than those who do not have art classes. They also point

Source: Arts Wire and ArtFBI

Just a note to all our faithful readers, ArtFBI ArtFax is taking off for the months of July and August. We hope that all of you have a good and productive summer.

While we're off, we encourage you to explore how artists are using new technologies on the Net and to continue to be ever vigilant about your legal and ethical rights as artists in this society.

One of the best ways to encourage art and artistic freedom is to talk about what you do as an artist in the communities you inhabit. Sometimes it's that simple.

See you in September!

Jeff Gates

End  
Transmission

