Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair.

AMENDMENT NO. 419

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 419.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 13, strike "$53,629,000" and insert in lieu thereof: "$53,579,000."

On page 20, line 20, strike "$140,500,000" and insert in lieu thereof: "$140,851,000."

Mr. HELMS. Mr. President, on July 4, the most famous symbol of the city of Greensboro, NC, the 74 year old volcanic monument to Gen. Nathaniel Greene at the Guilford Courthouse National Military Park, was maliciously vandalized. Five other monuments in the park were also desecrated.

Shortly, after the park closed on Independence Day, the Greene Monument, the largest bronze statue in North Carolina, was attacked. Some mindless thug—or thugs—decided to take a pick ax to the granite base of the memorial. When Park Rangers arrived the next day, they found thousands of granite chips strewn around the park. The heat of the sun had spray painted the monument and removed many of the bronze letters from the stone tablets.

Mr. President, the National Park Service estimates that repairs to the Greene statue could cost as much as one-quarter million dollars.

Guilford Courthouse National Military Park is not only a special place for North Carolinians, it is a lasting memorial to all Americans who sacrificed everything in the battle for our new country's freedom. It is a simple tribute to the men whose efforts started Cornwallis' army on its long death March to Yorktown.

Mr. President, in October 1780 George Washington appointed one of his most trusted subordinates, Nathaniel Greene, to take command of the American Army in the South. Prior to Greene's assumption of command, colonial troops had suffered setback after setback at the hands of the British.

Upon reaching North Carolina, Greene quickly reorganized the army and restored its flagging morale.

Facing a much larger British force, Greene daringly divided his troops, sending half of his army to strike the British at Queen's, NC, in January 1781. The American force won a stunning victory. The British commander, Lord Cornwallis, sought to avenge this defeat by following the Americans to the north. He did not realize that Greene was luring the cumbersome British into the North Carolina wilderness.

On March 15, 1781, Greene attacked Cornwallis at Guilford Courthouse. Both sides suffered heavy losses. Tactically, Cornwallis' regulars held the field while the Americans withdrew. It was a meaningless victory. The battles in the Carolinas had cost Cornwallis a quarter of his men, the flower of the British Army in the South. These were the men his exhausted troops sorely missed as they moved toward the decisive battle at Yorktown a few months later.

Mr. President, the battle at Guilford Courthouse marked the beginning of the end of British rule in the Colonies. The celebration of American freedom and why the restoration of the Guilford Courthouse Battlefield Park is important.

There is something heartwarming about the aftermath of the tragedy in Greensboro. Already, thousands of North Carolinians have responded to the emergency in the battlefield. Civic leaders, radio and television stations, and ordinary citizens have collected thousands of dollars to return the monuments to their former glory.

It is hard to describe the feeling of pride in the actions so many of my fellow community and their country. In the days following the Supreme Court's blow to American patriotism, average men and women have expressed their true feelings about this battle, all of the good things that it stands for.

Mr. President, this amendment shifts $250,000 into the National Park Service construction account for the repair of the six monuments at Guilford Courthouse from those amounts earmarked in the committee report for the Alligator River Visitors Center.

Mr. BYRD. Mr. President, the Senator's amendment would shift funds from one project into another in the State of North Carolina. It would not increase the outlays and I am prepared to accept the amendment on this side.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island, Mr. CHAPEE, be allowed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the distinguished managers of the bill for accepting a second amendment.

Mr. CHAPEE. Mr. President, Nathaniel Greene was born in the State of Rhode Island. He is one of our great heroes. Who those scoundrels were down there to desecrate that statue, I do not know. But I praise the Senator from North Carolina for seeing that the statue is restored to its original majesty. I thank him for his amendment.

Mr. MCCLURE. Mr. President, I commend the Senator from North Carolina for the manner in which he has approached the problem and assisting the committee to accommodate the needs he had for a project which was not known at the time we were going through the hearings, and do so in a way that is neutral with respect to the interests of other States.

I very much appreciate it, commend the Senator for the amendment, and urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 419) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 420

(Purpose: To prohibit the use of appropriated funds for the dissemination, promotion, or production of obscene or indecent materials or materials denigrating a particular religion)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 420.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, line 18, strike the period and insert the following: "...provided that this section will become effective one day after the date of enactment.

Mr. HELMS. None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce—

(1) obscene or indecent materials, including but not limited to depictions of sadomasochism, homo-eroticism, the exploitation of children, or individuals engaged in sex acts; or

(2) material which denigrates the objects or beliefs of the adherents of a particular religion or non-religion; or

(3) material which denigrates, debase, or reduces a person or class of citizens on the basis of race, creed, sex, handicap, age or national origin.

Mr. HELMS. Mr. President, this amendment has been agreed to on both sides, I believe, I very much appreciate it.
Mr. President, I believe we are all aware of the controversy surrounding the use of Federal funds, via the National Endowment for the Arts (NEA), to support so-called works of art by Andres Serrano and Robert Mapplethorpe. My amendment would prevent the NEA from funding such immoral trash in the future. Specifically, my amendment would prevent the use of the NEA's funds to support obscene or indecent materials, or materials which denigrate the objects or beliefs of a particular religion.

I applaud the efforts of my distinguished colleagues from West Virginia, Mr. Rockefeller, and Mr. McCain, to address this issue in both the Appropriations Subcommittee on the Interior, and the full Appropriations Committee. Cutting off funding to the Southeastern Center for Contemporary Art (SECCA) in Winston-Salem and the Philadelphia Institute for Contemporary Art will certainly prevent them from misusing Federal funds for the next 5 years. However, as much as I agree with the measures, the committee's efforts do not go far enough because they will not prevent such blasphemy.

Mr. Southern's letter goes on to endorse the Endowment's panel review system as a means of ensuring competence and integrity in grant decisions, and he states that the Endowment will review their processes to be sure they are effective and maintain the highest artistic standards. However, Mr. President, shortly after receiving Mr. Southern's response, I became aware of another example of the incompetence, integrity, and quality of the Endowment's panel review system. It is a federally supported show titled "Mapplethorpe: The Perfect Moment." The Corcoran Gallery of Art had planned to open the show here in Washington on July 1, but abruptly canceled it citing the danger the exhibit poses to future Federal funding for the arts. The Washington Post recently reported that the artists had not agreed to make their facilities available and opened the show last Friday, July 21.

Mr. President, the National Endowment, the Corcoran, and others in the arts community felt the Mapplethorpe exhibit endangered Federal funding for the arts. It is of great concern to me that the offensive collection of homo-erotic pornography and sexually explicit nude children was put together with the help of a $30,000 grant from the Endowment. The exhibit was assembled by the University of Pennsylvania's Institute for Contemporary Art as a retrospective look at M. Mapplethorpe's work after his recent death from AIDS. It has already appeared in Philadelphia and Chicago with the Endowment's official endorsement.

I have a catalog of the show and Senators need to see it to believe it. The catalog does not provide a list of what was in the Endowment's show. If Senators are interested, I have a list and description of the photographs appearing in the show but not in the catalog because even the catalog's publishers knew they were too vulgar to be included—as sick as that book is.

Vanity Fair magazine ran an article on another collection of Mapplethorpe's works which appears at the Whitney Museum of Modern Art in New York. This collection included many of the photographs currently in the NEA funded exhibit. There are unspeakable portrayals which I cannot describe on the floor of the Senate. Mr. President, this pornography is sick. But Mapplethorpe's sick art does not seem to be an isolated incident. Yet another artist exhibited some of this sickening obscenity in my own State. The Duke Museum of Art at Duke University had a show deceptively titled "Morality: Tales; History Painting in the 19th Century." One painting, entitled "Flirt," depicted a nude woman on her back, legs open, knees up, and a little boy leaning against her leg looking into her face while two sexually aroused older boys wait in the background. Another work shows a man urinating on a boy lying in a gutter. Other, more despicable, works are on display.

I could go on and on, Mr. President, about the sick art that has been displayed around the country. These shows are outrageous. And, like Serrano's blasphemy, the most outrageous thing is that some of the shows, like Mapplethorpe's, are financed with our tax dollars. Again, I invite Senators to see what taxpayers got for $30,000 dollars.

Mr. President, how did the Endowment's vaunted panel review system approve a grant for this pornography? It was approved because the panel only received a description, provided by the Endowment's staff, which read as follows:

To support a mid-career summary of the work of photographer Robert Mapplethorpe. Although all aspects of the artist's work—still lifes, nudes, and portraits—will be included, the focus will focus on Mapplethorpe's unique pieces where photographic images interact with richly textured fabrics within carefully designed frames.

Mr. President, what a useless and misleading description. No legitimate panel would describe a collection of homo-erotic pornography and child obscenity as such. Yet none of the descriptions for other projects funded by the Endowment at the time were any better. Indeed, Mr. Jack Neusner—who sat on the panel approving the Mapplethorpe exhibit—was mystified as to how he had approved a show of this character. He knows now that he was misled.

Mr. President, I was hopeful Washington would be spared this exhibit when the Corcoran canceled the show. I only wish the Corcoran had had the courage to show out of a sense of public decency and not as part of a calculated attempt to shield themselves and the Endowment from criticism in Congress.

Some accuse us of censorship because we threaten to cut off Federal funding, yet they are the ones who threaten to share the contents of their exhibits with the taxpayers' elected representatives. For example, the Southeastern Center for Contemporary Art in Winston-Salem refused to send me copies of requested works despite their earlier promises to the contrary. If such institutions promote and exhibit explicit pornographic and child obscene art, then why are they afraid of the tax-
The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I think the Senator addresses the question that is before the Senate, and many people. The exact formulation of the response is very difficult to debate. But we have looked at this amendment. We are willing to accept it, and, as the Senator from West Virginia says, take it to the conference to see what we can work out in the conference.

Mr. HELMS. I thank the Senator. I thank both managers of the bill.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise not to oppose this amendment, and I certainly do not rise to support it, but I want to rise to indicate my concern about an amendment that in essence reads well. Nobody thinks you ought to be using funds to promote, disseminate, or produce the various items that are included in this amendment. But I have a concern, and I feel I should express it, about the U.S. Congress deciding what is and what is not art. In all fairness to the Senator from North Carolina, he does not do that directly in this amendment. When you pass the amendment, it is very hard to say this part is objectionable or that part is objectionable. I do not rise for that purpose.

I rise to say that the Senator has a concern about whether politicians, people who run for public office, are determining the basis of whether you like or do not like it probly it is easier to dislike some of the art that has been in the public eye more recently—and whether or not we ought to be making a determination of art standards for this country.

Certainly, I wonder whether or not we ought to be doing it on the floor of the Senate, if an amendment that has just come to the attention I think of probably most of us. I am not certain whether the manager of the bill knew about the amendment before. Certainly, I had not seen the amendment before. And I am not going to support it because it is hard to oppose an amendment of this kind. It sounds so right.

Yet, I feel there is a strong concern that I have that we are gradually encroaching more and more in the whole area of the Congress telling the art world what art, what is not art, what funds can be spent for, and what they cannot be spent for. I do not think it will be adding to the fulfillment of the culture of this Nation if we do that.

It is for that reason that I rise to say a word about the amendment. As previously mentioned, I am not going to oppose it. But I think it is the kind of precedent that does not speak well for the Congress of the United States.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I offer my amendment precisely because the so-called art community fails to understand—or deliberately refuses to understand—that a difference exists between government's free expression, and his right to have the Government, that is to say the taxpayers, pay him for his work.

I cannot go into detail about the crudeness and depravity of the art in question. I will not even acknowledge that it is art. I do not even acknowledge that the fellow who did it was an artist. I think he was a jerk and I said not look on to, and therefore, censor is something that...
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is anything but objectionable to millions of Americans: the Bible.

I was recently given a rare and, I'm sure, unintended peek into the network mindset in an incident involving ABC's morning TV program, "Good Morning America."

A GMA producer called me after reading a column I had written on the "domestic partnership" law passed by the state Board of Supervisors, allowing unmarried homosexual and heterosexual couples to receive many of the benefits married people enjoy.

In that column I quoted several Supreme Court cases affirming the traditional male-female marriage as the norm. I also said that that relationship was not a recent invention but ancient. I also quoted a verse from Genesis, Chapter 2: "A man shall leave his mother and father and cleave unto his wife.

The GMA producer, Sue Hester, asked me to be on the show the following morning. I agreed.

Another ABC staff person called to conduct a "live interview" in which my views on the subject were aired. It also happened that the GMA co-hosts, Charlie Gibson and Joanne Lunden, would know what to expect.

As I was preparing to leave for New York, Hester asked me to read from the script that I was to make on the show. I had been canceled and someone else chosen.

"Why?" I asked.

In what must have been an unguarded moment, Hester gave me this response: "The producer wasn't comfortable with your quotation from the Bible (in the newspaper column). She was concerned that you might quote some Bible verses."

"That's a problem?" I asked.

"GMA has no problems with 'comedians' like Howie Mandell using sexual double entendres on the air. I asked for the name of the producer who made the call.

"Rickle Gaffney," said Hester.

"I didn't try repeatedly to reach Gaffney, she finally called me claimed.

"Before I tell you what you were quoted as saying, I would like you to tell me why I was yanked from the program," I said.

"We were looking for a certain kind of mix," said Gaffney. "Asked, to explain, she responded, 'I don't think that's worth elaborating on, quite frankly.'

I then asked her whether she had any concern over my quoting the Bible verses on the show, as Hester had indicated.

"That was her initial position," she said.

"You mean you never expressed any concern about me quoting from the Bible?"

In an answer reminiscent of those given by defendants at trials and congressional hearings, Gaffney said, "I don't recall."

If this were an isolated incident, it might be discussed as an aberration, but it wasn't.

Mr. CHAFFEE. Mr. President, I have great reservations about this amendment. I just would refer to paragraph 3. It says that none of the funds authorized to be appropriated pursuant to this act may be used to promote, disseminate, or produce material which denigrates, devalues, or revalues a person, group, or society and so on.

I suppose that if you had material which denigrates or revalues Hitler, for example, that was prohibited under this amendment. I shall not be very impressed with this approach that we are getting into a slippery area here. I think it is unfortunate that the Congress tries to do this, and I will attempt to do this in the Senate. I am not in favor of it.

So, at the proper time, I would like as the record as voting against this amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 420) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay the table was agreed to.

Mr. COATS. Mr. President, I have no interest today in engaging in subtle aesthetic debate. The definition of art is an issue for the Academy, not the Legislature.

The Senate has no role as art critic. And it certainly has no role as censor.

But its primary and defining role is to determine if public funds are spent in the interests of public welfare.

I come to this debate with only one question: Do we in Congress have the right to take money from citizens, on penalty of imprisonment, and then use it to offend their most deeply held religious and moral beliefs?

It is no question that those beliefs have been purposefully and maliciously assaulted. Over the last few months we have been exposed to publicly funded images that were intended to provoke outrage—erotic photography of children, pictures of one man urinating into the mouth of another, presentations of homoerotic sadomasochism.

They remind a balanced mind of nothing so much as the snapshots of a tourist in hell.

Religious images have also seen degrading elements of the public expense—including a crucifix superimposed on a Spring Albert Camus once talked of people who "climb on the cross to be seen from afar, trampling on him who has hung their so long." This is the spirit that animates these unspeakable works of a deformed and calloused conscience.

The question before us is not a determination of artistic merit. It is not a debate over the imposition of State censorship. It is an argument over the use of public funds.

And here the issue is unmistakably clear. There is no possible justification, even in the most exalted dreams and pronouncements of the artistic establishment, to appropriate taxpayer's money for these ends. It is a formula for even more shameful social resentment, with large numbers of citizens viewing their own Government as an enemy of the cherished beliefs by which they order their lives. And it adds insult to their pain by forcing them to pay for it.

Mr. President, I add my enthusiastic support to Senator Helms' bill. And I can muster little patience with those who imagine that artistic freedom is identical to feeding at the public trough.

Mr. KENNEDY. Mr. President, I share the reservations expressed about this amendment, and I hope that the conferees will give careful consideration to whether the Congress should pursue this course in funding the arts.

In 1965, when the National Foundation for the Arts and Humanities was created, Congress agreed that the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter of private and local initiative, is also an appropriate matter of concern to the Federal Government.

We have had a quarter century to monitor the Arts and Humanities Endowments. I am pleased with the growth and development of these small but effective agencies. Many important cultural and scholarly works have been funded. Quality programming and outreach to new audiences have been a hallmark of these activities.

Much of the success of the Endowments can be attributed to the peer panel review system. When Congress instituted the Endowments, it wisely assigned the review and assessment of program grants to professionals in the arts, who can most accurately weigh the qualitative merits of individual applicants.

It was a conscious effort at that time to separate the review process from political interference. Nothing has occurred in the intervening quarter century which diminishes the wisdom of that decision or that suggests a long-term benefit in undermining the peer system.

We have heard a great deal in recent months about several controversial grants awarded in the past year by the Arts Endowment. Without the peer system, this would have been persistent and chronic controversies over grant awards throughout the last 24 years.

A responsible discussion of funding for the Endowment should recognize that controversial grants are aberrations, and not commonplace occurrences, in the grant-making process.

No grant more controversial is foolproof, but the peer system comes as close to that goal as is possible.

The grants in question, totaling $45,000, have subsidized work that is provocative and that is distasteful and offensive to large numbers of Americans.

But it is also disturbing to me that the response of Congress threatens the peer system of review and overall funding for the already underfunded Arts Endowment.

It is foolish for Congress because of the questionable awards to jeopardize a well-respected program with a 24-year track record.

A more responsible approach would be to enact stricter accountability in
the grant-making process, especially when funds are channeled through intermediary agencies. The ultimate responsibility and accountability for all grants rests with the National Council on the Arts. Congress intended that result, and steps should be taken to ensure that the Council carries out its mandate as effectively and judiciously as possible. A tight rein on sub-grants would go a long way toward preventing future congressional second-guessing in situations such as the present.

A new chairman of the Arts Endowment will be coming on board in the fall. I am involved in the search for more effective ways to continue the Endowment on a long-term path of growth and excellence—which has been its path for the last 24 years, under both Republican and Democratic chairmen.

The Federal Government has a role and responsibility to support the arts and create an environment in our country which encourages a lively cultural community. Congress must not fall back in the position of serving as a board of censors for the arts.

I ask unanimous consent that correspondence I have received in my office from concerned citizens in the arts community be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ARTS AND HUMANITIES, Boston, MA, June 30, 1989.

Hon. Edward M. Kennedy, Washington, DC.

Dear Senator Kennedy: I would like to ask for both your financial and philosophical support of the National Endowment for the Arts (NEA). Federal support has never been as crucial as now. As a delegate from Massachusetts, you are in a unique position. In FY90, state support for the Massachusetts Council on the Arts and Humanities will be reduced by 36%. This reduction, coupled with the business slowdown, has already had a negative impact on this state's vibrant cultural scene. Does not bode well for the future of the arts in Massachusetts.

Many individual artists and cultural organizations across the Commonwealth receive support directly from the NEA. Every year the NEA receives approximately 18,000 grant applications; about 4,500 are approved for funding. Last year 234 Massachusetts artists and arts organizations received grants totaling $5,067,483, a figure which testifies to the high quality of the Commonwealth's cultural institutions and presentations.

The Council itself receives $332,600 in various NEA grants which are desperately needed to staff programs and maintain programs.

A 36% cut in state support—and new funding sources available to make up this devastating loss of $7,343,727 million—the cultural community in the Commonwealth will be in dire need of increased federal support for the arts. Last year the Council received requests totaling $38,659,971.

I urge you to support full funding for the Arts Endowment during consideration of the FY90 Interior bill. Please oppose any efforts to reduce the Endowment or to single out any grantee for penalization. A current controversy surrounding two particular grants should not overshadow the Endowment's track record. Through its peer panel process, the Endowment has distributed over 85,000 grants, many of which have benefited institutions, artists, and countless individuals in our State.

Sincerely yours,

Clifford S. Ackley,
Curator, Department of Prints, Drawings and Photographs.

Boston Symphony Orchestra

Hon. Edward M. Kennedy, Russell Senate Office Building, Washington, DC.

Dear Ted: We are alarmed by proposals to abolish the National Endowment for the Arts. To sever federal support is a result of the controversy surrounding the work of Andres Serrano and Robert Mapplethorpe. Whatever may be the merits of each side of this controversy, we urge Congress not to let this obscure the tremendous importance of the NEA to hundreds of cultural institutions and the millions of citizens whom they serve.

Allow me to briefly cite what some of the NEA grants have done for the Boston Symphony Orchestra: two challenge grants of $1 million each resulted in more than $15 million contributed by the private sector; eight Music Professional Training grants to the Tanglewood Music Center provided fellowships to as many as 60 emerging American artists who are now pursuing distinguished careers in music; some 16 grants awarded artists the support to engage outstanding guest artists and conductors who have appeared with the Boston Symphony Orchestra at Symphony Hall and Tanglewood before audiences numbering over six million persons; and the $1 million in NEA grants to the Boston Symphony Orchestra and the Boston Symphony Chamber Players to produce recordings of contemporary American music, including works commissioned for the Boston Centennial celebration. These achievements would not have been possible without federal support and the loss of these funds in the future will seriously harm the quality of our artistic endeavors.

Sincerely yours,

John P. Zanuck, Artistic Director, Boston Pops.
It appears that much of the outrage directed at the NEA is fueled by a longstanding belief that would deny any role or recognition to the arts within the federal government. The Serrano/Mappethorpe episode has become an excuse for attacking an institution that cannot be faulted on ordinary grounds. The real reason for much of this controversy the NEA has been able to work with a remarkably broad consensus that its decisions have been professional, fair, and prudent. These decisions are based on the culture of this country's vibrant cultural scene. The NEA has assembled over the years to carry out its mission.

All of us support for continued funding for the NEA and the very important contribution it makes to our society.

Yours sincerely,

GEORGE H. KIDDER.


Honorable Edward M. Kennedy, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express our grave concern about what we perceive as a total withdrawal of support for the arts from the United States, for the country's artists and for the public.

The withholding of appropriations is a threat to the survival of the arts in the United States, to the country's artists and the audiences they serve, and to the businesses that depend on them for their own prosperity. The arts bring jobs and vitality to the economy, as well as education and recreation to the underprivileged.

The NEA has, for the past ten years, been sending a horrid message to anyone involved in the arts, a denial of the importance of arts and culture. This is a devastating effect. The NEA's artists and humanists, many of whom rely on NEA funding to support their imaginations, contribute to our society. We are concerned by how much time we spend in these dark and beleaguered days for the arts pleading for the right to exist as a cultural institution. We believe that this is the freedom to imagine, and to create, to explore new territories. We are disappointed and frustrated. The creative spirit that is so much a part of our national character.

We urge you to defend the NEA and support its appropriation in the upcoming debate.

Sincerely,

Robert Brunstein, Artistic Director.
Robert J. Orchard, Managing Director.


Senator Edward M. Kennedy,
John F. Kennedy Federal Office Building, Boston, MA.

DEAR SENATOR KENNEDY: Today, I have been given my time as a citizen to a Board meeting of the American Symphony Orchestra, a non-profit organization of which I am a Director.

I learned at this meeting that there is a possibility of a major cut in the federal budget this year, which could result in the Arts Endowment for the Arts. This is an organization that has submitted a large number of requests for funding over the years, only to see them rejected.

One of these exhibits was a visual presentation in an exhibit administered by the Metropolitan Center for Contemporary Art of Winston Salem. It included a number of pieces funded in part by a grant from the National Endowment for the Arts. The exhibit, as I understand it, is part of a larger project that the museum is undertaking, and I think it's important that we support the arts in this country.

To call into question the entire funding of the Arts Endowment for the Arts over these isolated decisions is grossly unfair. I think it's important that we support the arts in this country.

I hope you will vote to continue funding for the Arts Endowment for the Arts.

Sincerely,

J.P. Barger, President and Chief Executive Officer.


Honorable Edward M. Kennedy, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to urge you to give your support to full funding of the Arts Endowment for the Arts during consideration of appropriations for the next fiscal year. Please oppose any efforts to cut the endowment or to single out any grantee for penalty.

Sometimes the public will be told that this is not a matter of concern. It is.

We are a university museum and receive no funding from our parent institution for public programming of any kind. Our exhibitions and publications therefore exist without NEA support. The exhibitions supported by NEA over the years, such as World of Art: Masterpieces of Early 20th Century Painting, Master Drawings, Matisse, Jacob van Ruisdael, and El Lissitzky, were among the most popular and best attended shows we've had--the majority of our visitors coming from Cambridge and greater Boston. They were also the first of their kind in this country and an important show of pioneering show that corporate sponsors are unlikely to support. It would have been lost to the public and to scholarship without NEA support.

The NEA and IMA have supported us in many other ways as well. In numerous conservation efforts and various expansion programs, and in cataloguing and dissemination projects. Without the NEA, NEH, IMS and similar cultural organizations, we would be much diminished as an institution.

Controversies over a tiny number of NEA-supported projects should not jeopardize funding for the thousands of artists and arts organizations across the nation. Indeed, anyone familiar with the controversies that surrounded the NEA and IMA in the past--including Ingles, Cooke, Manet, Eakins, Turner, Carpaggio, and a host of others--would consider it rema-
ple that so few NEA programs generate any criticism at all. We urge you to take the longer view and continue your support for the Arts Endowment and for the funding recommendations now being considered. Its work, after all, is devoted to the artistic culture of centuries past and national endowments to the future, not the passing political flurry of the moment.

Sincerely yours, 

EDGAR PETERS BOWRON, 
Elizabeth and John Moors Cabot Director. 

WILLIAMS COLLEGE MUSEUM OF ART, 

HON. EDWARD KENNEDY, 
U.S. Senate, Washington, DC. 

DEAR SENOAR KENNEDY: The staff at the Williams College Museum of Art is certain you are aware of its efforts to enrich Western Massachusetts with some special exhibitions and outreach programs. Although we are supported by Williams College, we could not have accomplished nearly as much public outreach, had it not been for the Federal grants we have been fortunate to receive in the past.

It is therefore with a sense of great urgency that we approach you regarding the FY 90 Interior Appropriation Bill which will be on the House floor tomorrow. We urge you to support Appropriations Committee’s funding recommendations for the Institute of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies, or to undermine their grant process.

If you or your staff is interested in a detailed account of the special programs we have been able to mount in the past, please do not hesitate to get in touch. Meanwhile we hope you will consider for next year’s budget what I think we’re going to visit the Berkshires and see our current exhibitions featuring African-American contemporary artists, African-American stories, and "100 Years of Social Protest," photographs by noted black craftsmen, photo-journalists, and artists. These shows have been drawing school and other visitors as far away as Springfield and Boston and have been targets of departure for several public programs.

As always, funding is essential for making available quality programs, and we hope you will do all you can to ensure that our Government continues to support the arts at least at the same level as in the past.

Sincerely yours, 

W. ROD PAULIS, 
Associate Director. 

CONCORD, MA, July 12, 1989. 

Senator Edward M. Kennedy, 
U.S. Senate, Washington, DC. 

When the FY90 Interior Appropriations bill is brought to the House floor, I urge you to support Appropriations Committee’s funding recommendations for the Institute of Museum Services, National Endowments for the Arts, and Humanities. Please oppose any floor amendments to cut funding for these agencies, or to undermine their grant process.

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Sincerely yours, 

W. ROD PAULIS, 
Associate Director. 

CONCORD, MA, July 12, 1989. 

Boston Symphony 
Association of Volunteers, 
Boston, MA, July 6, 1989. 

DEAR SENATOR KENNEDY: As President of the Boston Symphony Association of Volunteers, I represent the women and men who believe in the tremendous importance of cultural institutions like the Boston Sym-
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July 26, 1989

ESSEX INSTITUTE,
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: When the FY90 Interior Appropriations bill is brought to the House floor, I urge you to support Appropriations Committee’s funding recommendation for the State of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies or to undermine their grants process. They are vital to museums in your district and across the country.

The Essex Institute, a historical museum and library in Salem, Massachusetts, has recently received a beneficial effect of the NEA, a $175,000 grant for a special exhibition and public programs on Federal period sleds, a $57,000 general operating support grant (three years in a row) from IMS and an IMS conservation grant. The support of these federal agencies has been crucial to the development of new programs for new audiences at the Essex Institute. Recent controversies surrounding isolated incidents should not be used as a weapon against agencies which have deeply cultural awareness and understanding of millions of Americans.

The financial support these agencies give to cultural institutions is crucial and must continue to grow.

Sincerely,

ANNE FARNAM,
President

CHICAGO, I11.
June 27, 1989.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to urge your support of the National Endowment for the Arts (NEA), a vital force in creating a rich and diverse culture in America. Thousands of artists and organizations have benefited from its support including the development of new programs and direct grants and through funds channeled through the Illinois Arts Council. The Illinois Arts Council Arts in Education programs are a recent beneficiary of NEA funding.

Being on the Board of Directors of The Chicago Opera Theater, I am able to see first hand the beneficial effects of the NEA grant awarded this 15 year old Company which brings Opera to Chicago in English. It would be shameful to see any reduction in funding for the arts which is far less than what this country deserves ($70 cents/person). I urge you to defend the National Endowment for the Arts against attacks and do everything in your power to increase the support devoted to art and culture.

Yours truly,

H. GAEL NEKSON

WILLIAMSTOWN, MASS.,

Senator EDWARD KENNEDY.
Senate Office Building,
Washington, DC.

When the FY90 Interior Appropriations bill is brought to the House floor, I urge you to support Appropriations Committee’s funding recommendation for Institute of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies or to undermine their grants process.

They are vital to museums in your district and across the country.

The financial support these agencies give to cultural institutions is crucial and must continue to grow.

DAVIS S. BROOKS,
Director, Clark Art Institute.

Mr. WIRTH. Mr. President, I rise today to speak about funding in the National Endowment for the Arts (NEA) and in the fiscal 1990 funding amendment for the National Endowment of the Arts (NEA). Recently, the NEA has come under severe criticism for its support of programs which provided grants for exhibits of two artists noted for their controversial topics.

In response to the work of Andres Serrano and Robert Mapplethorpe, the Senate Interior Appropriations Subcommittee chose to include language prohibiting the National Endowment for the Arts from issuing a direct grant award for 5 years to either the Southern Center for Contemporary Art, Charlotte, North Carolina or the Institute of Contemporary Art (ICA) at the University of Pennsylvania.

Mr. President, I believe that this provision is an overreaction and unwarranted. Both these organizations have undergone a rigorous review process by both their peers and by members of the Presidentially appointed National Council on the Arts to receive NEA grants. The organizations, in an effort to ensure that the projects were within the scope of the grant. Also, the matching dollar-for-dollar funds from individuals, State, and local art agencies, foundations, and corporations. It is wrong to punish these individual organizations simply for their involvement in projects that created some controversy when, in fact, the organizations were in compliance with the established review system and the grants were approved by the National Council on the Arts.

In this case, The Senate is inappropriately micromanaging by singling out SECCA and ICA.

I am also concerned that this provision sets a very dangerous precedent of legislating a moral code on the value of particular works of art. This action could effectively censor all artists and museums for years to come. Museums will refrain or suppress work in providing quality exhibits to the public for fear of loss of Federal funds. This will assuredly lead to the loss of private, local funding as well. Will Congress next end Federal funding for public radio and television if a controversial story or documentary were aired? This section comes perilously close to the kind of censorship that has not been tolerated in our Nation since its inception.

The formulation of policy from heated reaction to public controversy is a sure way to make bad decisions. A sole criterion that the funding awards to SECCA and ICA is not fair to the affected agencies and bodes ill for the continued public support of art organizations in Colorado and the rest of the Nation. I hope my colleagues carefully consider the ramifications this action when this legislation is reviewed.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I want to comment on the portion of this bill that provides funding for various agencies related to the arts.

As cochairman of the Congressional Arts Caucus and a longtime supporter of the arts, I am encouraged that the Appropriations Committee has provided modest increases in funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. The National Endowments fulfill an important, dual role of stimulating development and access to the arts across the Nation, while also providing a significant catalyst for private support of the arts.

The committee has recommended $171.2 million for NEA for fiscal year 1990, an increase of $2.1 million over this year’s level. These funds will provide grants to individual artists and organizations, including those in rural areas, small cities, and major urban centers.

On numerous occasions, I have heard from Vermont organizations and individuals about their personal involvement with the Endowments and the IMS. These people—ranging from the dance instructor, the casual art enthusiast, to the performing artists—join in enthusiastic support for these programs. They also share the belief that the arts and humanities, as a reflection of ourselves as a culture and society, are essential and deserve continued support.

I am extremely disturbed by the restrictions placed upon arts funding by the committee. I think that in cutting off funds for two very fine institutions, the Institute of Contemporary Art in Philadelphia, and the Southern Center for Contemporary Art in Georgia, we are edging dangerously close to censorship. The arguments used in defense of what amounts to punishment of these two organizations sounds dangerously close to those used by those who wish to banish certain books from our public schools. Worse yet, by cutting off funding for such organizations, we are forcing funding for other organizations in question, we are censoring artists and works which we have not even seen, and which, because of this legislation, many people may not get to see.

Mr. President I do not wish to begin a debate here over the merits of the art in question. That we could have devoted more time here in the Congress to such a great debate, a very eloquent debate, I think would have been beneficial and indeed educationally enlightening. The kind of debate is taking place in the public schools, in classrooms, in art galleries and on the streets. Perhaps the greater good that is to come of all this controversy is that people are taking notice of the
credible power that is inherent in art. A power, and this has been said before, that cuts to the raw nerve of the individual and the life blood of individual freedom.

Artistic expression is perhaps one of the most individual of all freedoms we hold for society, and one which the National Endowment for the Arts has sought to promote, and which I hope the members of this body will agree to protect.

That this discussion has been sulled into a debate over what kind of punishment should fit a perceived crime against analytical individuals is an insult to those who are involved in creative endeavors everywhere. It is ironic that after having witnessed the millions of Chinese students in Tiananmen Square, many of them the children of those who were punished severely for so-called offenses during the Chinese cultural revolution, that we are face forward on the precipice of our own dangerous cultural revolution.

Censorship in the arts, as imposed by this bill, to censor those organizations in question in this legislation that we are, at least, guilty of this. No, just taxpayers who find the work in question morally offensive, but those who may have a completely different interpretation of them. Taxpayers who may actually like them. I am worried about setting this dangerous precedent, where once those organizations who promote works deemed acceptable on one, will find the reward of public funds awaiting them.

The arts in this country have taken a drubbing for too long. They have suffered from a lack of promotion on a large public scale. Some might even say a lack of understanding. Are we promoting better appreciation of the arts by cutting funds during a debate that attempts to make an excuse for direct censorship? We are threatening to eliminate organizations that have incredible potential to bring various kinds of art to many people. We are, not surrounded, as Europeans are, by generations and generations of art that so permeates society that it almost numbs the senses. We have to create it for ourselves. What we create should be a reflection of ourselves. It will be diverse. It may at times be provocative. I hope it will always remain uncensored.

If I may quote someone who has said this, I am, with J. Carter Brown, director of the National Gallery of Art.

There is a principle involved here, which is at the heart of what it means to be an American, and that is freedom. All of us in this country were emigrated here, and a great number for a reason, which was the kind of freedom denied under other systems. And as we watch those other systems and realize what we have, is a contradiction to that the soviet did to suppress their artists, and what is happening in capitals in the Far East.

Mr. President, I yield the floor.

Mr. FELL. Mr. President, as one member of this body who was deeply involved in helping establish the National Endowment for the Arts 25 years ago, I want to convey to my colleagues some of my views of the current controversy regarding grant-review procedures.

The National Endowment for the Arts is a remarkable agency that was set up after careful and lengthy debate as to just what role the Government can and should play in the support of culture in the United States. The landmark public law of 1965 states that it is "appropriate for the Federal Government to encourage and keep not only a climate encouraging freedom of thought, imagination and inquiry but the conditions facilitating the release of this creative talent.

The success of this unique agency has, in fact, exceeded all my expectations. The leadership of the Endowment in cultural support has helped bring arts programs into the far corners of every State in the country. It has led to a tremendous expansion in the fields of opera, dance, painting and sculpture, and symphony orchestras and it has helped nurture the creative talents of our writers, composers, and artists. A relatively modest investment of Federal funds has done so much to enrich the lives of the American people.

In regard to the current controversy over a few works of art, I can understand the depth of feeling of many of my colleagues. I find the works in question fully as offensive, objectionable and obscene as they do. In my mind, serious errors in judgment were made when such works were recommended for funding by their respective review panels.

But it is precisely this system of review by peer panels that has been responsible for the broad-based effectiveness of the National Endowment for the Arts over the years.

The Endowment has made over 83,000 grants to projects and individuals in the United States with an amazing degree of impartiality and good judgment. Of this number, only a handful have aroused any kind of controversy at all. The Endowment's record for fairness in funding quality and diversity is hard to equal anywhere else in the Federal Government.

When we structured the Endowment, we were intent to put the artistic decisionmaking in the hands of outside experts and away from the influence of government where it would be almost impossible to agree on standards. These peer reviewers, with very few exceptions, have served us well in making objective and balanced judgments.

No such system can be infallible, however, and for this reason, I have repeatedly sought ways to improve upon peer panel and review in my role as chairman of the Subcommittee on Education, Arts, and Humanities. To this day no one has come up with a fairer and more intelligent method of disbursing Federal funds to the arts. But I am always willing to hear any proposals. The 1990 reauthorization of the Endowment will provide a forum for further debate in this regard.

In light of the current controversy, I have asked the Acting Chairman of the Endowment to set aside time for an indepth discussion of agency review procedures at the upcoming meeting of the National Council on the Arts. The Council members are Presidential appointees and are charged with advising the Chairman in all policies, programs, and procedures. Any recommendations they may have to strengthen these procedures will be carefully considered in the reauthorization process.

I have reservations about the provisio in the Senate bill that would deny Endowment funds to the Institute of Contemporary Art at the University of Pennsylvania and the Southeastern Center for Contemporary Art in North Carolina. These are fine institutions which serve as important cultural resources in their communities. I believe such action is unnecessary and unwarranted. I impose the views of a branch of government on a process that was intended to be free of such involvement.

My colleagues should know that this action may well have a dire chilling effect on other cultural communities and weaken the Endowment as a whole.

I fully understand the sentiment which gave rise to this provision. But to my mind, we should not take precipitous action in the heat of a controversy. Rather, we should look at this situation in the place where it belongs, namely the reauthorization of the Arts Endowment, a process that will begin later this year. I believe we should strike this provision, but I know where the votes are on this matter and that such an effort would be fruitless due to political reasons. The amendment proposed by Senator HELMS troubles me as well. It moves us even closer to government censorship which is odious to our basic American values. It also restricts the ability of the Endowment to use impartial experts to judge excellence in the arts. I have faith in the review system and its ability to decide what art is worthy of our Nation's support.

I am equally aware of the importance of much of this legislation. It provides crucial funding for the National Endowments for the Arts and Humanities and the Institute of Museum Services which must go forward.

In addition, this legislation funds the Department of the Interior, including the National Park Service. It continues funding for the Endowment for energy conservation programs for the Historic Preservation Fund and for our outstanding Lighthouse Funds.

This legislation also includes vital environmental protection, in the form of offshore oil moratoria, for our more
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R. MOYNIHAN. Mr. President, I rise in opposition. For the first time in the near quarter century life of the National Endowment for the Arts, we have before us an appropriations bill which prohibits the grant of funds to two named institutions. Specifically it is provided—

That until October 1, 1994, none of the funds provided to the National Endowment for the Arts shall be available for a distribution to the Southeastern Center for Contemporary Art (SECCA) in Winston Salem, North Carolina or for the Institute of Contemporary Art on the artistic selection;

This prohibition arises in consequence of a grant made to one photographer, and the exhibit of the work of another photographer.

The Senate report of June 8, 1985, which amended the legislation establishing the foundation clearly foresaw that such efforts as this might be made in the years to come, and just as clearly recorded the view of the Congress that they should be resisted in the most adamantly and absolute degree.

*** The committee affirms that the intent of this act should be the encouragement of free inquiry and expression. The committee wishes to make clear that conformity for its own sake is not to be encouraged, and that no undue preference should be given to any particular style or school of thought.

I have no wish to escalate the issues involved here. We are not dealing with censorship, per se. Nothing in the bill before us in any way inhibits the first amendment right of these artists to exhibit their work, and it would be nothing new in our experience if the present controversies brought their work to a wider audience than might otherwise be the case. For generations the Senate has hoped of many a writer was that this or that book would "be 'burned in Boston' in the expectation that sales elsewhere might thereby be considerably improved. Nor yet need we be over-apprehensive of the effect of this action on the arts community which is not unfamiliar with controversy, nor yet especially averse to it. It is after all just half a century since the painter John Sloan wrote:

It would be good to have a Ministry of Fine Arts. Then we would know where the enemy is.

I would accordingly suggest to the Senate that the issue is not "them" but us. Do we really want it to be recorded that the Senate of the United States, in the 101st Congress of this Republic, is so insensitive 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 we do not want to? Which is to say, art institutions supporting artists and exhibiting their work?

More, Are we so little mindful of the diversity of our Nation, and the centrality of censorship and persecution in the experience of not just a few but many of us? Would we almost say every religious and ethnic inheritance in this land? I think of the hymn sung at Catholic masses when I was a child.

Faith of our fathers! living still
Inspite of dungeon, fire and sword,
Oh how our hearts be high with joy,
Whene'er we hear the glorious word.

Faith of our fathers, Holy faith!
We will be true to thee till death.
Is there a congregation in the land today that would not denounce the same sentiments with the same conviction that what once was in no more, certainly no more in these United States?

And most poignant of all, are we so insensitive to the shining witness to the all-important value of freedom of expression which we see displayed in nations across Europe and Asia which so recently seemed lost in totalitarian darkness.

This too will pass. I wish to record that I am fully aware of the disqualification of the principal manager of the bill to see these provisions become law. I fully expect that good sense and good humor prevail.

Still, the event needs to be protested.

Milton's was not the first voice raised in this abiding struggle, but surely the greatest. Wordsworth invoked his name in a subsequent age.

"Dine the Madding Crowd" is the theme of this hour. England hath need of thee.

Nur is ours a land bereft of sages.
Milton, yes, but I am a man.
Mr. President, I will vote "no."

Mr. HEINZ. Mr. President, I would like to briefly share with the distinguished managers of the fiscal year 1990 Interior appropriations bill my strong opposition to the section of this measure—title II—relating to the specific treatment of funding for the National Endowment for the Arts (NEA). According to language in H.R. 2788, Mr. President, two art exhibitors and NEA gratees, one located in Philadelphia, the Institute of Contemporary Art at the University of Pennsylvania, would be unable to receive direct NEA grants until late 1994. I am strongly opposed to unjustly targeting and essentially singling out these two art facilities, and urge Members during the consideration committee to eliminate this provision.

Mr. President, I am extremely concerned with the dangerous precedent Congress is setting and the unfortunate message we are sending to artists, art organizations, patrons, and those with an appreciation for experiencing the variety of American and international art. With this action, we are not only in essence serving as a censor of art to be displayed throughout our Nation's public galleries, but being punitive and even downright mean.

Let's face it, this provision puts Congress on record as penalizing two non-Federal and private institutions organized and/or supported the controversial works of photographers Robert Mapplethorpe and Andres Serrano.

To my knowledge, the University of Pennsylvania--Institute of Contemporary Art followed proper NEA procedures in securing NEA grant money. Now, the Institute is being penalized for its desire to present a variety of artistic expressions to its patrons. If there is fault, it lies not with the Institute, but with the NEA for lax or inappropriate guidelines.

I urge my colleagues to oppose this ban on NEA grants to the Institute of Contemporary Art at the University of Pennsylvania and the Southern Center for Contemporary Art in North Carolina is both artistically and fiscally devastating to those fine institutions and their patrons. There is no obligation for Congress to use taxpayers money to support art the public finds offensive. But let us understand that it is not the artist nor the private patron that we should call to account. To do so sets an unprecedented and chilling parameter we would be well advised to avoid.

Mr. BYRD. Mr. President, the following amendments are, I believe, the only remaining amendments: A Caucus-Burns-Wallopp-Simpson, et al., Yellowstone fire compensation amendment; a Conrad amendment; wildlife refuge fund; and an amendment by Mr. HANSEN of forest roads reductions amendment.

May I inquire of my distinguished colleague, Mr. McCLELLAN, as to whether or not he knows of any other amendments? I would like to ask that further amendments be limited to those that I have enumerated.

Mr. McCLELLAN. Mr. President, if the Senator will yield?

Mr. BYRD. Yes, I yield.

Mr. McCLELLAN. I know of no further amendments on this side. I was going to offer another amendment but I will not do it in view of the 5 hour. I know of no other amendments.

Mr. HEINZ. Mr. President, I wonder if I might ask for the accommodation that one more amendment be included for me and let me discuss it with the managers of the bill. I will not offer it up unless the discussion is extended.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.