

Helms Right To Question NEA

By James J. Kilpatrick

WASHINGTON — Jesse Helms, the owlish senior senator from North Carolina, is a gentleman who dearly loves a knock-down-and-drag-out fight. In taking on the whole arts establishment, he has provoked a lulu. His amendment will vanish in the smoke-filled air of a conference committee, but meanwhile he merits applause for raising questions that cry out for public debate.



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This is the background. The National Endowment for the Arts (NEA) last year approved grants totaling \$45,000 to promote the work of a couple of far-out photographers, Andres Serrano and Robert Mapplethorpe. Serrano's idea of art was to depict Jesus Christ submerged in a flask of the artist's urine. Mapplethorpe gained his measure of notoriety by photographing explicitly homosexual acts.

Eventually word of these patently offensive works reached Capitol Hill. The senator regarded them as "immoral trash," a not unreasonable judgment. On the evening of July 26, he offered an amendment to the pending bill to appropriate funds for the NEA for the coming fiscal year.

An impression has been created that Helms pulled a fast one on his colleagues. Not so. His amendment had been agreed to in advance by the managers of the bill. Eleven senators were in the chamber when he took the floor. Any one of them could have prevented adoption of the amendment, but senatorial protocol dictates otherwise. The amendment passed on a barely audible voice vote.

It prohibits the NEA from using public funds to promote, disseminate or produce "obscene or indecent materials" or materials that blaspheme religion. The ban also reaches to materials that denigrate, debase or revile any person or group on the basis of race, creed, sex, handicap, age or national origin.

"Arts Supporters Denounce Helms," read the headline in *The Washington Post*. A *Post* columnist called the senator "contemptible," which he most certainly is not, and assorted literati spent the weekend in fervent howls against "censorship."

The Helms amendment sweeps too broadly. Taken literally, it would prevent the NEA from supporting a public museum that displayed the sculptures of

Rodin or the bare-breasted paintings of Paul Gauguin. It is amazing what some people regard as "indecent." But these objections beg the question.

The fundamental issue, as Helms himself defined it, is whether the federal government has any business in the arts business. It is axiomatic that Congress may exercise only those powers delegated to it by the Constitution. Only by stretching the "general welfare" clause to its furthest limit can any authority be cited for these grants and subsidies.

Since the NEA was created in 1964, the endowment has given away \$2.3 billion, more or less, in the form of 85,000 grants to individuals and institutions. Last year saw 4,600 grants totaling \$156.3 million. Here is a random sample of individual grants (the seventh name in each list):

To choreographer Sarah L. Brumgart of Austin, Texas, \$7,000; to creative writer Sandra Cisneros of Chicago, \$20,000; to filmmaker Ken Feingold of New York City, \$20,000 for an experimental videotape; to translator Stephen Mitchell of Berkeley, Calif., \$20,000 to support the translation from German of "Last Poems" by Rainer Maria Rilke and translation from Hebrew of "The Selected Poetry of Dan Pagis"; to Lee J. Hyla of New York City, \$11,000 to support the composition of a concerto for bass clarinet and chamber orchestra.

Do such grants provide for the *general welfare* of the United States? I would deny it absolutely. There is no valid way under moon or sun that these outlays can be justified. Doubtless the grants benefit the lucky novelists, musicians and poets. Bully for them. But how in the name of the Founding Fathers may Congress authorize a grant of \$5,000 to a jazz drummer in Brooklyn "to support intensive one-on-one study with percussionist Warren Smith"? This is not why our taxes are taken from us.

To be sure, Congress itself does not authorize the individual grants. Neither does the NEA, exactly. The authorization comes from panels of peer groups who are unelected, unaccountable, and, so far as the federal payroll is concerned, unemployed. It is the peer panels that recommend grants to such photographers as Serrano and Mapplethorpe. The top people at the NEA wash their hands of any responsibility.

In our free country, artists have a right to produce whatever works they wish. They have no right to produce it at the taxpayers' expense.

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