

November 18, 2005

Mr. Gary L. Porter
Regional Historic Preservation Officer,
National Capital Region
301 7th Street, S.W.
Room 7600
Washington, D.C. 20407

Re: Public Comments on Frank Mechau Murals in Rios Building

Dear Mr. Porter:

This letter is to express my objection to possible censorship of public artworks owned by the federal government.

Statement of Relevance

I am an attorney, with background in legal issues relating to art and artists, as well as representation of public agencies on first amendment and employment discrimination issues. I have represented several Estates of artists on legal matters. Also, when I served as counsel to numerous public institutions over a period of ten years, I advised them on both hostile work environment and free speech issues. For several years I chaired a lawyers' committee on sexual harassment for a national association of institutional lawyers. I also have lengthy experience in historic preservation and community arts issues. I served as chairman of the board of directors of a regional arts center for several years. At that center, we had to deal with public pressures against a major public artwork that some people in the community did not like.

I also have experience with public art murals. My grandmother was an artist who painted two post office murals in the 1930s as part of the Treasury Fine Arts program. My grandmother was very proud that she had won a blind juried competition to be selected to paint these murals. She took this responsibility very seriously. When there was an opening exhibit in New York in 1940 before the mural's installation in Tennessee, Eleanor Roosevelt attended. My grandmother was a close friend and colleague of another muralist, Reginald Marsh. Marsh was selected to do a Washington mural in 1935 in the same announcement selecting Mechau to do the murals now in question.

I too am very proud of my grandmother's murals. I have visited them myself. I worked with public officials on the successful relocation of one of them, when the post office where it had been was closed down in the 1970s. I have a special appreciation for the public murals from the Thirties. Such murals have important historic importance, independent of their esthetic appeal.

While many people have heard of the WPA arts programs, most do not know about the Treasury Fine Arts Program. It is very important to keep in mind that the Treasury Fine

Arts Program involved *competition based on merit*—these commissions were not awarded on the basis of the artist's need or income status. The selection process was rigorous, and being chosen was a significant recognition of talent and quality. The commissioning of a federally funded mural meant that the federal government gave its badge of approval for what was intended to be a permanent installation.

My grandmother lectured around the world on art. She deeply believed in the importance of individual freedom of expression. She devoted her life to expressing herself through her art, and through art education of others. During the McCarthy era of the 1950s, she wrote a piece where she asserted the importance of this individual freedom of expression in America, and denounced Russia for its totalitarian treatment of artists. She specifically talked about how awful it was for artists in Russia not to be able to express themselves freely in their art.

I love murals. I have collected photographs of murals, and books about them, for many years. When I travel, I make a point of seeking out murals to view. Murals constitute a valuable public amenity, which enhance our quality of life.

As an activist on community arts issues, I believe that the arts are fundamental to our culture. Art is especially valuable when it makes us think, when it is not necessarily predictable or formulaic. Just as our society and landscape is diverse, and made up of wildly different kinds of people and views, art cannot and should not be uniform either. Some people think that art should be provocative. Whether or not we agree with that view, it is legally clear that just because a piece is provocative, its first amendment protection does not go away.

By our Constitution, the government is not allowed to set itself up as arbiter of taste or viewpoint. Moreover, to do so would be a futile task, inasmuch as opinions change over the years. With respect to the First Amendment, the United States Supreme Court has long established the concept of "the marketplace of ideas". In essence, the cure for an offensive idea is discussion of more ideas—not suppression of the idea in contention.

Your public record should be clear that the art of Frank Mechau is distinguished and highly acclaimed. His work is in major museum collections. He is an important American artist, whose work should not be trifled with. The federal government is fortunate to own these two major murals. The government has a stewardship responsibility to preserve these assets for future generations of the public.

If, indeed, some employees in the building where the murals hang do not like the murals, that is legally irrelevant. There are certainly things you can do, in terms of interpretive display materials to address those concerns. Ironically, Mechau was an early appreciator of Native American Art. He was not trying to disparage Native Americans in his art. Certainly there are many aspects of history which are distasteful, but it would be reprehensible to pretend to rewrite history and paper over hard facts. Education is the key. We can all learn through looking back at changing views. It would be frightening to

think that the government might try to exercise historical revisionism by censoring public art.

These Mechau murals were highly praised by critics at the time of their creation. The murals were selected from a highly competitive process. The federal government thus has already decided that they are worthy of adorning federal buildings. And, I understand, the federal government recently has already gone to significant expense on conservation and restoration work on the murals.

You also should know that just this summer a major Retrospective Exhibition of the work of Frank Mechau was held in Denver, at a public institution, the Denver Public Library. The exhibit received great critical praise and was very popular. The art critics here in Denver have shown that they are very interested in future promotion of the work of Mechau. The studies for your two murals were part of this exhibit in Denver.

I urge you to recognize the importance of these Mechau works, and the importance of the principles at stake here. There are steps you can take to address any concerns, which will not jeopardize the art or the United States Constitution.

Christiane H. Citron, Esq.