



**New York City Council  
Committee on Cultural Affairs, Libraries and International Intergroup Relations**

**Oversight Hearing - Percent for Art and Public Art in NY  
Tuesday, December 17, 2019 | 10:00AM**

Testimony Presented by NYC Department of Cultural Affairs  
Commissioner Tom Finkelpearl

Good morning, Chair Van Bramer and members of the committee. I am here today to testify in regards to today's topic: Percent for Art and Public Art in New York. This is a subject that is very close to my heart, and something I've dedicated my professional life to. So I appreciate the opportunity to speak about it on the record as I approach the end of my tenure as commissioner.

I'll begin with a bit of history on the program. Mayor Ed Koch signed New York City's Percent for Art law 1982. The first American Percent program was set up in Philadelphia in 1959, with dozens more following across the U.S. Its early proponents saw Percent as a way to integrate public artwork into the country's urban fabric, which had begun to fray in the postwar era. The Percent for Art movement was a quiet revolution in our country's relationship to public art. Slowly but surely, public art came to be seen as a widely embraced public good. The late 19<sup>th</sup> and early 20<sup>th</sup> centuries saw major growth in the number of statues and monuments – from the Statue of Liberty to countless figures on horseback and war memorials installed across the country. Percent brought a radically different approach: using public funds to commission professional artists for site-specific, permanent public artwork. The formula for how to commission these publicly-funded projects evolved to balance arts and design professionals, city officials, and community representatives.

The results speak for themselves. There are more than 350 percent for art programs across the U.S. The number of Percent for Art commissions completed here in New York is approaching 400. Nearly as many artists working across media have been commissioned, from mosaics to sculpture to an LED chandelier that slices and dices phrases from the plays of Shakespeare.

A recent audit by the Public Design Commission revealed some illuminating facts about our city's collection of outdoor artwork. It examined pieces installed from 1830 through the present day.

In NYC's public statuary, not a single black person was depicted in the period from 1830 to 1970. Of the first 65 monuments built in New York over these years, every last one was man of European descent. Just imagine – as the Harlem Renaissance pushed American art and culture forward, not a single person of color was celebrated among the City's dozens of monuments. As women were increasingly represented in public office and leadership roles in our society, hardly any were recognized for their achievements. And until the 1970's, 90-95% of monuments were created by white men. In a city that draws its strength from its inclusive, diverse population, this is an appalling disconnect.

The great diversity of our city and its people only began to be represented in new public artwork commissioned in the 1970s. The rate increased drastically over the course of the 1980s and 90s. This can largely be credited to the program we are here to discuss today, and the shift in public attitudes and practice that it helped foster. According to PDC's inventory, the percentage of

women artists and artists of color creating our public artwork has grown from 15% in the 1960s, to over 40% in the 1980s, to 75% in recent years. This is an incredible leap forward. When the public art process shifted from privately-driven campaigns with fundraising efforts and wealthy benefactors, to a professional panel review process, both the artists commissioned and the work created made a great leap into more diverse, engaging, and representative public artwork.

In the 34 years since the first Percent commission was installed in East Harlem, hundreds of schools, parks, plazas, libraries, courthouses, and other civic spaces have had permanent artwork installed. New York City's built environment is immeasurably richer for it.

Even with the extraordinary legacy Percent for Art has created, we are grateful to have partners on the City Council who are committed to working with us to make the program even better. Percent's commissioning process balances community input, arts professionals, historians, and a range of other voices to inform and shape the design of an artwork. Another key goal of the process is championing an artist's vision and avoiding artwork that is "designed by committee." It is essential to maintain this balance while fostering an environment of mutual respect among people who may have very different views.

In 2015, Mayor de Blasio signed legislation sponsored by Chair Van Bramer that expanded and formalized the public notice for works of art. Our Percent for Art team has presented to dozens of community meetings since then as a very first step in the commissioning process.

In 2017, the Mayor signed another suite of reforms, sponsored again by Chair Van Bramer and Majority Leader Laurie Cumbo. This legislation increased the amount the City of New York can spend on public art, revising the Percent for Art formula for the first time in the program's history. More funding for public art commissions means higher quality, more ambitious, and (importantly for artwork installed outdoors) more durable artwork. Other bills in this package formalized the makeup of Percent for Art panels, and further expanded requirements for public engagement.

For each new commission, this is a balance we have to strike carefully, based on the specific context of a given artwork. And as many in this room are well aware, even using the word "community" in the singular can risk minimizing the differences of viewpoint that characterize any group of passionate New Yorkers. There are always multiple communities involved, not to mention individual actors. No process will ever be perfect, but striving for this balance has created a public art program that has had a remarkable track record of success, and creates buy-in and consensus among participants.

We value Council's partnership on every Percent project, and appreciate your role as stakeholders, advocates, and partners who are willing to have a constructive dialogue about how to improve the program. The reforms and progress achieved in this legislation are a testament to the collaborative spirit you have fostered.

I've been working in New York's public art community for most of my adult life. I ran the Percent for Art program from 1990-96. So I believe I have a good perspective to say that there has never been a brighter spotlight on the issues of who we honor and how in our public monuments. Nationally, this could be seen in the clashes around Confederate monuments through the southern U.S. Here in New York, Mayor de Blasio established the Mayoral Advisory Commission on City Art, Monuments, and Markers to examine how these issues were playing out here, and to invite the public weigh in.

The Monuments Commission's charge was to review controversial items on City-owned property. As DCLA's commissioner, I served as co-chair of the Monuments Commission alongside Darren Walker of the Ford Foundation. We hosted public hearings in all five boroughs to listen to what New Yorkers had to say about representation in our City's public art collection. More than 500 individuals attended these hearings, nearly 200 testified, and an online survey received more than 3,000 responses. The Commission considered several pieces of art on City property that were the subject of sustained controversy and worked to formulate recommendations for addressing these in a considered, inclusive way.

The Monuments Commission issued its final report in January 2018. In addition to proposals on several works of art in the City's collection, the report's most far-reaching recommendation was to take an additive approach, commissioning new works to expand the voices and histories represented in the city's art collection. The Mayor embraced this recommendation, and allocated \$10 million as a down payment on this long-term effort.

A number of new initiatives to make New York's public spaces more inclusive, welcoming, and representative of our shared values grew from the Monuments Commission. While we started a more expansive audit of the City's art collection with the Public Design Commission, one area of representation was glaringly obvious: of the nearly 150 figurative statues on City-owned parkland, just four depicted historical women. So with the Mayor's Office and Women.NYC, we created "She Built NYC" to commission new artwork honoring women who have been unfairly excluded from this form of public commemoration.

We began with an open call for nominations, which yielded hundreds of extraordinary candidates. An expert panel then reviewed the public nominations and issued recommendations for future monuments. We've since announced monuments honoring seven incredible figures, all of them pulled from the public nominations. In May of this year, I joined the Mayor and First Lady to announce that the City would commission a monument to pioneering LGBTQ activists Marsha P. Johnson and Sylvia Rivera in Greenwich Village. This was the She Built NYC panel's top recommendation. Shirley Chisholm was the first honoree announced in November 2018. And in March of this year, the City announced that Billie Holiday, Dr. Helen Rodríguez Trías, Elizabeth Jennings Graham, and Katherine Walker would be the next to be honored, bringing new public artwork to all five boroughs. As these pieces are completed in the years ahead, we will more than double the number of historical women recognized in our public art collection. This will help to address an inequity that has been generations in the making, which we've moved quickly and aggressively to address through this far-reaching initiative.

In another major outcome of the Monuments Commission, Mayor de Blasio ordered the removal of the statue honoring J. Marion Sims, located on the edge of Central Park across from the New York Academy of Medicine. Sims unethically performed medical experiments on enslaved black women, and this statue was the focus of sustained community opposition in East Harlem for years. The statue's removal in April 2018 marked the beginning of our efforts called "Beyond Sims" to work with the local community to commission new artwork for the site. We co-hosted in-depth community discussions to keep residents engaged in the art commissioning process and to articulate what the community wants to achieve through this new artwork.

From the very start, we recognized that this commission was different from most, and that the level of community participation had to reflect the painful history, the local activism, and the incredible enthusiasm for Sims' removal and the creation of a new artwork. As a result, we worked local residents and other stakeholders on one of the most comprehensive public engagement processes in the history of the Percent program. We started working with local

stakeholders on the new commission immediately following the removal of Sims in April 2018. In October, we announced the formal creation of the Committee to Empower Voices for Healing and Equity. The committee consists of East Harlem residents, advocacy groups, cultural organizations, City Council and Community Board representatives, and City agencies. We worked with the Committee for a full year, hosting or participating in 19 public meetings over that period. Through this intensive engagement process, four artist finalists were chosen at the initial artist selection panel, hosted at the Schomburg Center in February.

Still, as many of you are aware, the final artist selection panel we held in October sparked intense debate. After the Percent panel voted in favor of artist Simone Leigh's proposal, Leigh decided to withdraw in recognition of the community's preference for artist Vinnie Bagwell's proposal, called "Victory Beyond Sims." We will work with Bagwell to bring her vision for this site to life, and the Percent for Art team will continue to involve the community as the design process moves forward.

We took a hard look at how the Percent process, which is so successful in the vast majority of public art commissions, ran into trouble with the Beyond Sims project. One reform we've made is adding an additional panel meeting to all commissions of new monuments or other sensitive projects. We believe that this way, the community stakeholders and panelists charged with selecting an artist will have more time to meet and familiarize themselves with the site, the history, and the Percent process. Understanding the process and everyone's role in it can go a long way in creating a sense of collaboration and buy-in, and we think this additional meeting will help foster this essential component. For Beyond Sims, we followed the standard makeup of the selection panel used for Percent. But in hindsight, additional opportunities for the panelists and the community to interact could have helped establish greater mutual understanding. We believe that this additional meeting between panelists and stakeholders will improve this relationship.

This year the PDC also made input from a historian a requirement for monuments and memorials, a practice we've employed through Percent for Art panels but which we're glad to see consistently applied citywide. We are open to considering additional ideas for how to improve this process, particularly for monuments and memorials.

Controversy has always come with the territory in public art and design. Michelangelo's David was pelted with rocks when it was being installed for its perceived political messaging. The Eiffel Tower was loathed by many 19<sup>th</sup> century Parisians. Closer to us in time and space, Maya Lin had to struggle against charges of elitism when creating the Vietnam Veterans Memorial. In the decades since it was installed, it has become clear that this powerful memorial ushered in a new era of public monuments.

Just last month, the City announced that a privately-funded monument honoring the Lyons Family will be built in Central Park. This extraordinary black family fought for justice, equality, and humanity in the face of despicable racism in the 19<sup>th</sup> and 20<sup>th</sup> century. As the PDC audit made clear, our overall public art collection needs to see major new additions to break out from the narrow vision of New York City that it currently depicts. But we believe that the progress we've made together has set the city on a new path.

Thank you for the opportunity to testify on such an important issue. I'm happy to answer any questions you may have.

Testimony for New York City Council Hearing on Percent for Art

Jennifer McGregor, Senior Director of Arts, Programs and Education, Wave Hill

December 17, 2019

Thank you Council Members Jimmy Van Bramer, Mark Gjonaj, Francisco Moya, Lauri A. Cumbo, and Joseph C. Borelli for the opportunity to speak today. It is encouraging the Committee on Cultural Affairs, Libraries and International Intergroup Relations is asking for our comments.

Thank you Commissioner Tom Finkelpearl for your fearless leadership and willingness to open new avenues. Thank you Kendal Henry and the Percent for Art Staff for your tireless work. And to the many agencies whom enthusiastically participate in this program.

I come to you today to share my perspective:

- As the first Director of the Percent for Art Program and a person who has been in the trenches with many memorial projects over the years, including the Flight 597 Memorial in Belle Harbor Queens;
- As a Curator at Wave Hill who recognizes the many ways this program has provided important opportunities for artists;
- And, as a consultant working nationally on public art projects and master plans, with a perspective on how New York compares to other cities.

The Percent for Art legislation and original guidelines were written based on best practices for public art in early 1980s. The process has held up very well over time. The mix of panelists brings distinct areas of expertise to a focused conversation about what will work best in the given situation. You will find similar panels convening to select artists in Los Angeles, Seattle, Dallas, Miami, San Francisco and other cities throughout the country.

Controversy is a component of most public art projects and can erupt at any time, but is particularly prevalent in memorials where there is much at stake in terms of content, siting, constituents and delivering a message.

As the project manager for the Flight 587 Memorial in Belle Harbor, Queens, I know first-hand about how important healing is in the process of making a memorial. This

project was created to honor the lives lost in the crash of the flight en route to the Dominican Republic on November 12, 2001. Multiple city agencies were involved and met weekly in the Mayor's office to fast track the initiative, social workers were at all community meetings, which were conducted in English and Spanish in Washington Heights and Belle Harbor. Percent for Art was part of an infrastructure to deal with was considerable skepticism along the way. An outpouring of support at the dedication ceremony confirmed that the process had served the participants deeply affected by the loss.

The city has embraced the challenge to create to new memorials that right the wrongs of centuries of neglect. The recent criticism shows that a physical object alone cannot address all the concerns. Now is the time to review what is needed to steward these important, sensitive projects and to provide the necessary support in terms of expertise and time.

I want NYC Percent for Art to succeed, to be excellent. The staff is strong, but let's be creative about how reinforce their efforts. To tap into the immense knowledge base in our city to commission, maintain and engage the public about these extraordinary projects. It is not just a discussion about the demographics of the panel, but a clear intention about the purpose. I have great faith in the process and support finding ways to encourage and reinforce this tremendously important program.

Thank you for the opportunity to speak with you today.

## **TESTIMONY OF JORGE LUIS RODRIGUEZ, ARTIST**

### ***Percent for Art and Public Art in NY***

#### **Committee on Cultural Affairs, Libraries and International Intergroup Relations**

#### **Council Chambers, City Hall, New York, NY**

**Tuesday, December 17, 2019 - 10:00 A.M.**

Good Morning, City Council members, elected and appointed officials and private citizens present today.

I thank the Committee on Cultural Affairs, Libraries and International Intergroup Relations for scheduling this important public hearing on ***Percent for Art and Public Art in NY***.

I am Jorge Luis Rodriguez and pleased to be invited to offer my reflections as the first artist commissioned under the New York City Percent for Art program organized by the New York City Department of Cultural Affairs.

In 1984 I was notified that I was among a group of artists being considered to develop public artwork by the newly enacted Percent for Art program. I presented my portfolio consisting of nearly 20 years of artwork, including graphic design, painting and sculpture in a variety of media.

I was awarded a commission to create a site-specific project that would be a permanent, monumental public sculpture for Harlem Art Park at 120th Street and Sylvan Place. I was excited to work in a community I knew well, having developed and conducted art and art education classes in local schools, cultural and community based organizations as well as museums, including The Studio Museum in Harlem and El Museo del Barrio.

As the park was undergoing construction, I visited regularly with particular interest in observing the existing elements of nature, the surrounding architecture and the dynamics of community life. My impressions inspired me to render a sculpture that complemented all these elements. In particular, I was especially moved to symbolically mark the historical inception of the Percent for Art program.

My concept was simple, I intended to 'plant' the first seed that would sprout from the grounds of Harlem Art Park. **Growth** would be a metaphor of the first monumental sculpture installed by the newly created program. This sculpture also references memories from my childhood; the wonder of planting seeds in my tropical garden, observing them grow and transform through time.

While I benefited from the advisement and direction of architects and design consultants, I was most fortunate to find a skilled fabricator near my art studio. Their staff collaborated in all aspects and facilitated the production, transportation and installation in close coordination with city agencies involved and within budget. This was a unique and successful experience for me considering a project of this scale.

On June, 26, 1985, a ribbon cutting ceremony at Harlem Art Park brought together Department of Cultural Affairs Commissioner Bess Myerson, NYC Percent for Art Director Jennifer McGregor, Honorable Mayor Edward I. Koch, Department of Housing Commissioner Anthony Gliedman, Parks and Recreation Department Commissioner Henry Stern, a host of community leaders and the Press to present **Growth** to the East Harlem community. We celebrated on a sunny day with adjacent residents of Casabe Housing for senior citizens, students from the public school across the park and the community at large.

In 2015 NYC Parks presented five temporary installations of my sculptures at Harlem Art Park and Tompkins Square Park as part of the 30th Anniversary celebration of **Growth**. This marked a renewed effort to fulfill the original purpose of Harlem Art Park: to include ongoing art installations. With the enthusiastic support of Harlem cultural leaders such as former Community Board Member Deborah Quiñones and Marcus Garvey Park Alliance President Connie Lee, a public art corridor has been developed between Marcus Garvey Park and Harlem Art Park with ten (10) temporary installations to date exemplified by collaborations with local business and cultural partners.

I support the NYC Percent for Art program for continuously setting a high bar in implementing public artworks. It has offered unique opportunities to artists from diverse backgrounds to permanently install their artworks throughout the city that benefit the general public and visitors. Art provides a meaningful connection to self awareness, social expression, enjoyment, creative solutions, critical thinking and hope. Individuals of all ages benefit from art in their surroundings.

## **Testimony of Brooklyn Public Library**

### **Committee on Cultural Affairs, Libraries and International Intergroup Relations Oversight - Percent for Art and Public Art in NY**

**December 17, 2019, NYC Council Chambers**

Good morning. My name is Cora Fisher and I am the Curator of Visual Art Programming for Brooklyn Public Library. Thank you, Chair Van Bramer, Majority Leader Cumbo and members of the committee, for the opportunity to testify today.

We are grateful for the support you have given Brooklyn Public Library (BPL) over the years. It has been instrumental in helping us open our doors for the 2.6 million residents of our borough and to begin transforming our aging buildings. With your help, BPL is amid our most significant era of rebuilding in history. One third of our 59 branches will be renovated or reconstructed over the next five years. We are improving neighborhood libraries with projects ranging from small restorations to full-scale renovations. Today, I'd like to share examples of the significant and positive impact Percent for Art has on our large-scale renovations.

Through our major capital projects, Percent for Art has provided a trusted and competitive draw for public art submissions by world class artists. The process is inclusive, responsive both to our institutional needs and to the way each library serves its local community, and has attracted artists of excellence to submit proposals. At Brownsville, New Utrecht, and Eastern Parkway Libraries, Percent for Art has supported us in engaging local communities and identifying and selecting artists who will soon be starting on their design processes.

New Utrecht Library in Bensonhurst, is a bustling branch. The current building opened in 1956, but the library's history dates to 1894 with the opening of the Free Library of the Town of New Utrecht. Artist Patrick Jacobs has been selected to design for this diverse and busy branch. His proposal is to create trompe l'oeil vistas of the neighborhood married with natural landscapes through miniature, hand-crafted dioramas which rival nature itself. We anticipate visitors welcomed to this newly renovated branch excited to experience this artwork. Percent for Art staff were invaluable in supporting the selection and proposal process and we are all eager to see this work take shape.

At Brownsville Library, our 111 years old historic Carnegie building will be restored to its original grandeur offering patrons upgraded and inspirational spaces, thanks to the beautiful work of LTL Architects. With Percent for Art's leadership and support, we have

been able to nominate and select artist Chris Myers from a truly excellent group of candidates. Myers, a visual artist, children's book illustrator, and theater dramaturg, will create a series of stained glass tableaux that tell the stories of neighborhood luminaries, with notable activists, scientists and musicians among them in an installation that will inspire youth engagement. Again, Percent for Art has been instrumental in providing a framework that asks applicants to respond meaningfully to the context of the neighborhood, which Myers has so elegantly realized in his proposal.

Our Eastern Parkway Library is also a beautiful Carnegie Library, at 105 years old, it will be getting the restoration and rehabilitation it deserves. For this project, Percent for Art has enabled us to identify a community-based artist whose work is widely exhibited and is making an impact in conversations around inclusion and representation: Oasa DuVerney. Using a narrative approach, DuVerney will celebrate Black and diverse literary figures through distinctive portraits etched on mirrored glass, reflecting the community as much as the writers portrayed. We are confident that the Percent for Art design and development process will also help us develop this proposal to share the excellence of the artist's vision and the wishes of the community in equal measure.

In addition to the excellent experience we have had selecting artists for some of our upcoming branch overhauls, BPL also worked closely with Percent for Art and the City of New York as it invited artists to develop and submit proposals for a public monument to visionary community leader Shirley Chisholm. We were delighted to serve as the venue for both the call for artists and the presentations of artist proposals. Hosting such an important community engagement for this project is directly in line with our mission.

Finally, I would like to express a note of gratitude to Kendal Henry, Program Director of the Percent for Art Program, for his leadership and to all of his colleagues at the NYC Department of Cultural Affairs Percent for Art Program who work tirelessly to make sure that our most vital institutions can provide long-term, significant works of art for everyone to enjoy, in neighborhoods across the City. Mr. Henry and his team bring curatorial acumen, elegance and a collegial and collaborative spirit to their work, and we are delighted to work with them.

The Percent for Art program has allowed Brooklyn Public Library to be a benefactor and steward for visual artwork of excellence. A few years from now, when we cut the ribbons on our newly remodeled libraries, we will also be proudly showcasing the transformative role that art can play in our public institutions and everyday lives. We look forward to continuing this important work together.

Thank you for your time.

Good morning. I'm Charlotte Cohen, Executive director of Brooklyn Arts Council and from late 1996 through mid-2005, I directed the NYC Percent for Art Program.

During my time at DCA, in a pivot from the hundred schools built in the mid-90s, most of which had at least one Percent project and often more, the city increased its capital investment in parks and waterfront areas, as well as other infrastructure. We were able to work with DOT for the first time in many years and with the Department of Environmental Protection. I'm particularly proud of our work at the Newtown Creek sewage treatment plant in Greenpoint where world-renowned artists George Trakas and Vito Acconci were commissioned. Trakas created the Nature Walk between the creek and the water treatment plant, transforming the derelict superfund site into a lush garden. During the project's development it was noted that people did not live close by and the question arose as to who would use it. Trakas argued that the area would be completely different in 30 years – a prescient response. This example, and numerous, others including Mierle Laderman Ukeles' many years working at Fresh Kills landfill, represent the program's ability to anticipate and interpret incredible transformation in our city – in economic development, land use, and environmental impact, for example, and to make these changes legible to our citizens.

I worked on a number of memorial projects while at Percent including those at Frederick Douglass Circle; Richard Wright's Invisible Man sculpture at Riverside Park (which was Elizabeth Catlett's last public work); Flight 587 in Rockaway; Jackie Robinson and Pee Wee Reese in Coney Island; and the extraordinary Harriet Tubman memorial by Alison Saar in Harlem. I was, and continue to be, conflicted about the process for developing these memorials because, on the

one hand, the involvement of the Percent program means there is a fair method in the artist's selection that includes community members, art specialists, government representatives, and affiliated designers. On the other hand, with over 100 projects in the program's pipeline (and dozens more on the docket) during the years I was there, and a staff of two people, it was challenging to maintain the deep involvement and focus these projects demand and deserve. I urge DCA and the Design Commission to consider the best way forward with the memorials currently under consideration by the City.

These examples of permanent works of art demonstrate how artists contribute to the enhancement of our daily experiences of public space; their inclusion means children spend their days surrounded by beautiful, colorful, spaces while in school rather than in what would otherwise be bare, sterile, cinderblock buildings; and that we prepare the way for shared outdoor sites to help us remember the past and honor our present, while looking towards the inevitable changes in the future.

HANK  
WILLIS THOMAS SONGHA  
& COMPANY · LLC

To Whom It May Concern:

It is my great pleasure to write a letter in support of New York City's The Department of Cultural Affairs Percent for Art.

My name is Hank Willis Thomas and I am a conceptual artist based in Brooklyn, New York. I've created a number of large-scale public commissions, including *Raise Up* (2018) in Montgomery, AL, *Love Over Rules* (2017) in San Francisco, CA, and *All Power to All People* (2017) in Opa Locka, FL. I co-created a number of artist-run collaborative projects, including *For Freedoms*, *The Writing on the Wall*, and *Question Bridge: Black Males*. I am also an arts commissioner for the Public Design Commission of the City of New York.

Having worked with a number of institutions and cities across the country, my experience in working with New York City's Department of Cultural Affairs has been the most rewarding. Kendal Henry and his exceptional team made my first New York City permanent public art commission *Unity* successful. The entire process was very hands-on and seamless. Mr. Henry and his team did everything they could to ensure that everything went smoothly. Mr. Henry is one of the most graceful and intelligent city officials I have engaged with throughout my career.

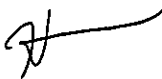
Even as a multi-year process, the Percent for Art was present every step of the way and available to help at every juncture. They supported and understood the artistic process. They were proven advocates for my time and resources without losing sight of the end result.

As a commissioner, I have also had the privilege of working with the Percent For Art in various other projects. I have always been impressed with their diligence, professionalism, advocacy for the artists and their projects, as well as their commitment to bringing creative excellence throughout the city.

In conclusion, I fully support the efforts of New York City's The Department of Cultural Affairs Percent for Art through their enormous support of artists and ambitious projects. I believe their work is extremely important in supporting these projects that benefit our lives and community at large.

Please do not hesitate to contact me if you have any further questions.

Sincerely,



Hank Willis Thomas

**Questions/Comments re DCLA/Percent for Art Regarding Replacement of Sims Statue  
Presented by Marina Ortiz, East Harlem Preservation, December 17, 2019**

**1. Community Engagement**

- a. It's my understanding that a committee was established to assist with informing community residents about the artist selection process. How would you describe the role of this committee in achieving your overall goals?
- b. What impact did their efforts play in the process, i.e., pros/cons?
- c. Please describe the times during the process that community members were asked to participate in the process.
- d. Was there a budget allocated to assist with community engagement?
  - 1) If no, why not?
  - 2) Please describe the outreach efforts

**2. Artist Selection Panels**

- a. Note two were held – one in February 2018 – where approximately 54 artists responded to an RFP and the community engaged in identify several artists who would move to the next round. This activity took place at the Schomburg.
- b. Who decides the participants of the panel; what is the selection criteria, i.e., historian, cultural background, relationship to community where artwork will be placed?
- c. Final Artist Selection was held in Oct 2019
  - i. Note: Five finalists were selected, and one dropped out
  - ii. Only one artist (Vinnie Bagwell showed up and discussed her design concept; she answered questions posed by the panelists and the audience
  - iii. The other artists sent representatives; we were told Simone Leigh was out sick
  - iv. Community was invited to participate and was informed via flyers that there would be a panel; who would decide and name the final artists after presentations

**3. Artist Selected Next Steps**

- a. Has a contract been signed and what is required from the artist to move forward with the process?
- b. Please describe the next steps in the process. What does it entail?
- c. What role if any, will the community have in the process?
- d. Is there a time in the process where the community has an opportunity to meet the artist?

**Testimony re: DCLA/Percent for Art Re: Replacement of Sims Statue  
Presented by Marina Ortiz, East Harlem Preservation, December 17, 2019**

- **We thank DCLA for hearing the community's plea and responding appropriately.**
- **We look forward to continuing to work with community residents to see their vision to fruition**
  - Vinnie Bagwell (VB) created an artwork that was aligned with the results of the survey asking the community what they would like to see.
  - VB proposal incorporated artwork, landscaping and other work that will create a safe space that extended out on the sidewalk
  - VB was the only artist that made a personal visit to the selection event to pitch her proposal
  - There was an overwhelming support and preference by the community for VB's work
- **The community will continue to be the driving force behind the changes and commits to be an involved partner in the ongoing process of creating and erecting the new artwork**
  - The community wants to ensure that the vision VB demonstrated is kept to and no compromises, other than those agreed to by VB, resulting in a final work that looks like the proposal presented
  - The community wants to take VB up on her offer of lending insight into the development of the statue
  - The community wants to ensure that the money dedicated to the commissioning of the statue is in no way compromised, decreased, delayed or redirected to cause any disturbance in the completion of the statue
  - The community is committed to keeping DCLA, Parks, and any other city agency and the Mayor's office accountable for ensuring the completion of the statue as proposed by VB
- **The community is disturbed by the Percent for Art process**
  - Arbitrary deadlines were created for the process that was belatedly relayed to the community
  - The community was not fully versed of the artist selection process the day of selection
  - The link to submit comments was over a short window and the community wants confirmation that the submitted comments were used by the panel in making a decision
  - From tweeter remarks by one of the panelists, it appears the voting panel was not properly informed as to the nature of the voting process
  - There were previous arbitrary changes to the timeline when the community protested, indicating a knee-jerk reaction to protests from the community but yet still Percent for Art did not include the community in determining timelines
- **Further misgivings identified and noticed**
  - Funding was not provided to support the dissemination of information to properly inform the community about this process
  - Lack of communication by DCLA jeopardized the process by delaying information getting out to the community

# **TESTIMONY POINTS**

## **1) Monument Siteing**

*Where is just as important as who or what* is honored historically in regards to bringing history to life

## **2) *The public design commission needs to include a historian***

representative on that panel because when it comes to historically themed monuments scholarship is critically important to fulfill the educational function of the Monument

## **3) *There are two categories of monuments or public art in New York City - the first would be aesthetic, the second would be***

***historically themed***, it's important to understand that historically themed monuments have a critical educational function and a more naturalistic design philosophy is much more suited to fulfill that function

**4) *Consideration of best practices from around the United States*** in regards to monument selection siteing and artist selection should be examined and considered for adoption here in New York City for approval and to improve our selection criteria and processes

**5) *The percent for art program absolutely has an abstract art bias*** which is manifested by the director of the program selecting judges that share his bias for abstract art which is absolutely not suited for historically themed monuments -

They also arrogantly have no problem imposing their will and choices on a community absolutely opposed to their predilections - there's something wrong with that - the East Harlem controversy is a perfect example of what happens when they tried to do that

IMPROVE COMPLIANCE MECHANISMS  
IN LEGISLATION

12/17/2019 NEW YORK CITY COUNCIL

Thank you for the opportunity to talk to you today. My name is Janet Zweig, I am an artist and educator. In 1994, I received my first public art commission from New York's Percent for Art Program for Walton High School in the Bronx. Since then I have completed many commissions around the United States.

#### PERCENT FOR ART AND STAFFING

Currently, we are extremely lucky to have Kendal Henry directing Percent for Art; he is one of the country's best and most accomplished public art experts. He and his excellent staff of two are currently managing 137 projects. This seems impossible, and yet they are doing an amazing job bringing world class artworks to 5 boroughs year after year. Looking at other Percent programs, San Francisco has 10 staff with 75 projects; Austin has 7 staff with 70 projects; Denver has 5 staff with 40 projects.\* Simply put, New York's Percent for Art is understaffed.

#### SELECTION PANELS

I'd also like to address the importance of art expertise on artist selection panels. In my experience, Percent for Art does an excellent job with this, and their selection process is extremely transparent. Current standards are to have art professionals comprise more than half a selection panel.

Now, it's occasionally suggested that only community members should choose artists. This causes me to wonder why art is one field where expertise is so under-valued. If you need a doctor, you typically choose someone with expertise in medicine. Why wouldn't we have people with expertise help choose the art that will be part of the fabric of New York for years to come?

Here's an example: the jurors for the Vietnam Memorial were eight internationally recognized artists and designers. One juror, speaking about Maya Lin's hand-written proposal, and her impressionistic sketch of a black wedge in a blue and green background, said: "At first I didn't pick it out...[But] the longer I looked at it, the more convinced I was that it was THE one."\* There was extreme opposition once her proposal was chosen; many people just couldn't understand it; they wouldn't have picked it out. But the Veterans Fund navigated the controversy with the help of government allies, and, as you know, the Vietnam Memorial is one of our best loved public works.

#### CONTROVERSIES

Public art very often draws controversy. And more often than not it's initiated by only one person. So, education and outreach are crucial for success. Percent for Art currently does this outreach extraordinarily well. Perhaps more staff could bring deeper outreach, but the most important thing they need is support from city officials like you. With your support, they can turn controversy into productive civic discourse, and an understanding of the stakeholder's needs and desires.

\*Data collected from current members of Americans for the Arts Public Art Network

\*Grady Clay, speaking in the film, *Maya Lin, A Strong Clear Vision*, by Freida Mock

## **Written Testimony: City Council – 17 December 2019**

Harriet F. Senie (harrietsenie.com)

I am an art historian and professor who has written several books and numerous articles about public art and memorials, and taught classes on the subject at the undergrad and graduate levels at City College and The CUNY Graduate Center. I have also as served on the Mayoral Advisory Commission on City Art, Monuments, and Markers, as well as She Built NYC, and any number of public art and memorial selection committees.

I have three key points I wish to make:

- 1)The Percent for Art program has done an amazing job.
- 2)Memorials are a special category of public art and require a distinct commissioning process.
- 3)The issue of community involvement needs to be rethought.

1)For the past 30 years plus years directors of the Percent for Art program have taken the time to discuss their job and the works they have commissioned with both undergrad and grad classes that I have taught at City College and The CUNY Graduate Center. Thus I have been able to observe the program's expansion and evolution and have been truly amazed at their success, especially considering their small staff. The City as a whole is infinitely improved as a result of their efforts. The selection processes in which I have participated have been meticulously conducted and in all instances a unanimous decision was reached; they really were models of democracy in action.

2)Memorials are a special category of public art in that the stakes in codifying history are high and stakeholders are typically more passionate. These works require more background information for jurors and a more rigorous study of stakeholders' positions. When I served on the Flight 587 memorial selection committee the process was run by an outside consultant, in this case Jennifer McGregor, who has served as Director of Percent for Art and was well familiar with potential problems and conflicts, and thus able to avoid them. I firmly believe that the relatively small extra cost for a consultant would result in better memorials that more truly reflect their time and place.

3)Community involvement in the public art process is absolutely essential and has increased greatly under Tom Finkelpearl's directorship. However, I recently witnessed the way the process can get out of control. Community involvement in first the removal of the Dr. Sims memorial and then in commissioning its replacement had been so prominent that there was a pervasive and passionate feeling that the community should decide. I believe, however, that community representation on the selection panel should suffice. It is critical that the panel be informed about local needs and issues and the community be apprised of the committee's thinking. This can be realized if the process is clearly articulated from the start and the community representative is conscientious about their role. One thing that emerged at the Dr. Sims community meeting was that the process wasn't clear to these participants and the rancor that was expressed when the official selection committee didn't coincide with community wishes was truly alarming.



October 28, 2019

Dear SheBuiltNYC and Ms. Chirlane McCray,

We ask you to honor Ida B. Wells and her sister activists in Brooklyn. They were truly “Sisters In Freedom.” This group choice would make a powerful statement, and the monument would educate generations of New Yorkers about a talented and fierce group of women who fought for anti-lynching legislation, equal suffrage, economic well-being, and civil rights. This selection would elevate not only these great, empowered women but also Brooklyn and New York City’s central role in the history of their movement.

After the Memphis, Tennessee newspaper edited by Ida B. Wells was attacked by a racist mob in 1892, she decided to settle in Brooklyn, where many strong black institutions were already operating. Continuing to speak and write, Ida intensified the work of her world-famous anti-lynching campaign, where she lived for three years at 395 Gold Street, one block from what is now named “Abolitionist Place Park.”

A remarkable collection of accomplished black women assisted her with public speaking, fundraising, and publicity. This sisterhood also established crucial social services and advocacy organizations, which drove the formation of the influential black women’s club movement in the United States.

The public nominations for SheBuiltNYC already include Ida B. Wells and her colleagues, Sarah Smith Garnet—the first African-American woman principal in New York, and her sister, Dr. Susan Smith McKinney—the first African-American woman doctor in New York. SheBuiltNYC is working to honor groups of women, we believe that a proper monument to them in Brooklyn include them with their partners Maritcha Lyons and Victoria Earle Matthews. Together, a statue to them would have unique power to encourage the young girls and others of our community who aspire to be great leaders.

It is impossible to understand the progress of the civil rights movement of the 20th century without understanding the work of these women. The selection of the “Sisters in Freedom” by SheBuiltNYC is obvious and deserving.

Sincerely,  
PS9 Brooklyn Parent Teacher Organization

Nzingah Diallo & Raul Rothblatt, Co-Presidents

More info:  
<https://www.pbs.org/wgbh/americanexperience/features/gilded-age-ida-b-wells/>

PS 9 Sarah Smith Garnet Parent Teacher Organization  
80 Underhill Avenue  
Brooklyn, NY 11238

Fiber Artist  
Xenobia Bailey

Percent for the Arts Testimony  
Dec 17, 2019

I would like to thank everyone at the Arts for Transit MTA Program for believing in my artwork enough for it to be installed in such an amazing space as the #7 Hudson Yards Subway Stop in 2015.

Around 20 years ago (so it seems) I submitted images of my work to several arts organizations slide registers, in hopes of a possible public arts commission. After that I had been short listed several times to compete for public arts commission in New York City which I never won.

Each of those past submission has their unique story, such as my application to the Jay Street Borough Hall train station in Brooklyn, (which I did not get). I was very nervous during my panel presentation, because I had a really terrible rendering for my presentation, I had created a work of art, that I thought the panel wanted to see in the subway, but my concept did not read that well, and my printer had really messed up my image. When all of us artists were waiting together, one of the artists among us who had applied for the same commission, said, "don't be discouraged if you don't get it. He advised that I should learn from this experience to strengthen me for the next time. Then he added that this was his 6th time trying, and he was going to keep trying. He said this like it was part of our job as artists to be continuously rejected and bounce back from the results.

What he had said had some comfort to it, but later after I saw that he had gotten the commission I witnessed the light at the end of his tunnel, and I was in that same tunnel.

At that point I saw the victorious side of rejection (not my victory, it was his victory, yet, it was my victory also in a sloppy-seconds kind of way.

Then came the Hudson Yards short listed call to apply to present artwork alongside 3 other established artists. I was very intimidated about this project, because nothing was built yet, and everyone at MTA kept saying how big this project was. I was way beyond scared, but the director, project manager and everyone at MTA told me to just do what I do, and don't try to please the panel. Fear, hunger and MTA's belief in my work was the motivation which resulted in me winning the commission.

If truth be told, the Hudson Yards commission jump-started the beginning of my art practice. I don't know what my life, not only my career, would be like if I had not gotten that opportunity. I could not have asked for a more supportive group of people than everyone that I worked with at the Art for Transit Program at MTA.

It was a major game changer for me how my crochet was converted into 3 large overhead glass tiles mosaics created by the masterful mosaic fabricator Stephen Miotto. It all seemed like a natural evolution of materials of fiber to glass for a public Arts architectural structure. I could go

on and on nonstop about how inspiring the Arts for Transit Director Sandra Bloodworth, who is a practicing artist herself was such a supporter. The project manager Lester Burgs calmed my jittering nerves, and everyone was so very encouraging how they introduced me, so graciously to the technical and construction worlds of making the vision for this project happen in the grandest way possible.

Because of this opportunity, I have since received 4 public Arts commissions.

1. A Percent for the Arts, pedestrian walkway paver and structural design for Coney Island, in Brooklyn (which had its challenges) Thanks to the Saintly Kendal Henry, The Director of Percent for Arts Program at the NYC Department of Cultural Affairs, the project was completed successfully.
2. St. Petersburg, Florida (which was a mini Hudson Yards),
3. The Grand Reading Room of the Martin Luther King Library in Washington DC (which is like pulling a 50-year-old Dream out of a hat).
4. A permanent architectural structure and installation on the grounds of a sports arena in Los Angeles, California.

All this has afforded me the opportunity to realize my fulfillment of practicing my art full time for the first time in my life, which I was beginning to believe, I was delusional to pursue becoming an fiber artist, using the medium of crochet, the aesthetic of “FUNK” and the domestic crafts of the African American Homemaker/Caregiver on a global scale.

I would not be in this position, pursuing my creative practice as social needs be, if it was not for the Hudson Yards Commission and MTA believing in my work and supporting the development of the project which has enabled me to contribute my vision to Humanity.

Thank You

Xenobia Bailey

**THE COUNCIL  
THE CITY OF NEW YORK**

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: RAUL ROTHBLATT  
Address: 119 PROSPECT PLACE, BROOKLYN 11217  
I represent: PS9 BROOKLYN + D13 PRESIDENTS COUNCIL  
Address: 80 UNDERHILL AVE, BROOKLYN 11238

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 12/17/2019

(PLEASE PRINT)

Name: Savona Pauley McClair  
Address: 131 Edgecombe Ave, 5D  
I represent: West Harlem Post Fund  
Address: 131 Edgecombe Ave NY 10029

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: Marina Ortiz  
Address: 1622 Madison Avenue NY NY 10029  
I represent: East Harlem Preservation  
Address: P.O. Box 763, NY NY 10029

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THE CITY OF NEW YORK**

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☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jennifer McGovern

Address: 91 Payson Avenue, W Y C 10034

I represent: Wave Hill

Address: 675 West 252 St. Bronx NY 10471

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THE CITY OF NEW YORK**

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☒ in favor ☐ in opposition

Date: 12-17-19

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Name: Jorge Luis Rodriguez

Address: 240 E 13 St. #25

I represent: Percent for Art

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

speaking on ☐ in favor ☐ in opposition

Dept of Cultural Affairs Date: 12/17/19

(PLEASE PRINT)

Name: Janet Zweig

Address: 54 Willow Street, Brooklyn

I represent: myself

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JACOB W. MORRIS

Address: 160 W. 96<sup>th</sup> St. NYC

I represent: HARLEM HISTORICAL SOCIETY

Address: SANB

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tom Finkelpearl

Address: 31 Chambers St

I represent: NYC Dept. of Cultural Affairs

Address: "

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: HANK THOMAS

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: Cora Fisher

Address: 10 Grand Army Plaza, Bk, NY 11238

I represent: Brooklyn Public Library

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

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Name: Jorge Luis Rodriguez + Evelyn Rodriguez

Address: 240 E. 13<sup>th</sup> St, NY, NY

I represent: Self-Artist

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 12/17/19

(PLEASE PRINT)

Name: Keri Butler

Address: \_\_\_\_\_

I represent: Public Design Commission

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 12-17-2019

**(PLEASE PRINT)**

Name: XENOBIA BAILEY

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 12/17/19

**(PLEASE PRINT)**

Name: Todd Fine

Address: 26 Broadway

I represent: Washington Street Advocacy Group

Address: 26 Broadway

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# THE COUNCIL THE CITY OF NEW YORK

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☐ in favor ☐ in opposition

Date: 12/17/19

(PLEASE PRINT)  
Name: Charlotte Cohen

Address: 20 Jay St BK NY

I represent: BK Arts Council

Address: ~~41 St BK~~

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Margaret Blair

Address: 2034 Mill Avenue

I represent: ~~Brooklyn~~

Address: Brooklyn NY 11234

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