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COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES AND
INTERNATIONAL INTERGROUP RELATIONS

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CULTURAL AFFAIRS,
LIBRARIES AND INTERNATIONAL
INTERGROUP RELATIONS

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December 17, 2019
Start: 10:23 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: JAMES G. VAN BRAMER,
Chairperson

COUNCIL MEMBERS:
Joseph C. Borelli
Laurie A. Cumbo
Mark Gjonaj
Francisco P. Moya

1 COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES AND
2 INTERNATIONAL INTERGROUP RELATIONS

2

3 A P P E A R A N C E S

3 Tom Finkelparl
4 Commissioner of New York City Department of
5 Cultural Affairs

6 Keri Butler
7 Public Design Commission

8 Charlotte Cohen
9 Executive Director of Brooklyn Arts Council

10 Savona Bailey McClain
11 Executive Director of the West Harlem Art Fund

12 Cora Fisher
13 Curator of Visual Art Programming for Brooklyn
14 Public Library

15 Jennifer McGregor
16 Senior Director of Arts Programs and Education at
17 Wave Hill

18 Janet Zweig
19 Artist and Educator

20 Xenobia Bailey
21 Artist

22 Jorge Luis Rodriguez
23 Artist

24 Rowe Rothblatt
25 Sisters in Freedom proposal

Jacob Morris
Harlem Historical Society

Margaret Blair
Performing artist

COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES AND
INTERNATIONAL INTERGROUP RELATIONS

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A P P E A R A N C E S (CONT.)

Todd Fine

President of the Washington Street Advocacy Group

Marina Ortiz

Harlem

1 COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES AND
2 INTERNATIONAL INTERGROUP RELATIONS

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3 CHAIRPERSON VAN BRAMER: [GAVEL] Good morning
4 everyone and thank you for being here. My name is
5 Jimmy Van Bramer and I am very proud to be the Chair
6 of the Committee on Cultural Affairs, Libraries and
7 International Intergroup Relations and Chairing this
8 Oversight hearing on Percent for Art and Public Art
9 in New York City.

10 We are joined by Committee Member and Council
11 Member Joe Borelli from Staten Island to my left and
12 I am certainly expecting more members to be joining
13 us this morning.

14 I want to thank Commissioner Finkelpearl for
15 being here. We, at the last hearing, believed that
16 might be his last public hearing but low and behold,
17 we have brought him back one last time. So, all of
18 those laudatory moments that we made at the last
19 hearing we're just going to stipulate again or
20 continue but I do want to say, thank you to the
21 Commissioner for his public service to the City of
22 New York, which I know will continue in one way or
23 another. And all of what he has done for culture and
24 art, not just in this position but also, his tenure
25 at the Queens Museum and MoMA PS1 and of course his

1 work as an artist and author and thinker on all
2 things culture and the arts.

3
4 So, with that, we will talk a little bit about
5 why we're here. Public art is an essential part of
6 cultural expression in New York City and vitally
7 important for enriching our communities and public
8 spaces.

9 The Percent for Art program is one of the most
10 important programs fostering the creation and
11 acquisitions of public art in the city. The Percent
12 for Art Law requires that one percent of the budget
13 for eligible city funded construction projects be
14 spent on public artwork and we've increased and made
15 a bit larger, the percent for our program over the
16 last few years here at the City Council.

17 Since the programs inception, several hundred
18 projects have been completed with more than 70 artist
19 commissions currently in progress. Of the
20 commissioned artists to date, an estimated 43 percent
21 are women, 34 percent are artists of color.

22 In 2017, the Council passed three laws that made
23 changes to the Percent for Art program. We increased
24 the budget for Percent for Arts projects, required
25 that advisory panels recommend works of art for

1
2 inclusion and required DCLA to publish information
3 about Percent for Art projects and make them more
4 transparent.

5 DCLA also coordinates Public Artists and
6 Residence, the PAIR program, and the City Canvas
7 Program, a new pilot program which permits selected
8 cultural organizations to install visual art on
9 sidewalks, sheds and construction fences. And our
10 city parks are home to over 1,000 public monuments.
11 The Department of Parks and Recreation has said that
12 the monuments and permanent art collection in New
13 York City's parks may constitute the greatest outdoor
14 public art museum in the U.S. But we all know and
15 understand that that art and that particular public
16 art museum does not adequately represent the city
17 that we currently live in and there are historic
18 inequities in just who is represented in our public
19 monuments throughout the City of New York.

20 So, there are a number of other programs
21 Department of Transportations, DOT Art program, which
22 works with community based organizations, local
23 artists to present temporary artwork on DOT property.
24 The New York City Mural Arts project and so many
25 others.

1
2 Lastly, we've all heard and read much about
3 public monuments and the She Built program and we're
4 also here to learn a little bit more about that
5 process and in particular, the decision making
6 process. Certainly, a Mother Cabrini issue dominated
7 a lot of the conversation and certainly, I will ask
8 about that but there are certainly many other
9 elements to be discussed as part of that. But most
10 of all, I want to certainly as the Commissioner
11 leaves his current position and we await a new
12 Cultural Affairs Commissioner, want to know from
13 this Administration just how committed they are and
14 the City is to increasing public art to making sure
15 that there are more monuments, that they are more
16 diverse and that we do it in a way that involves the
17 community, that listens to community, that respects
18 community and that all of that will reflect the
19 diversity of our great city.

20 So, I want to thank Commissioner Finkelppearl for
21 being here, all of you for being here, those who have
22 signed up to testify. I also want to thank my
23 Legislative Director Jack Bernatovicz, my Chief of
24 Staff Matt Wallace, our Committee's Finance Analyst

1
2 Aliya Ali, our Legislative Policy Analyst Cristy
3 Dwyer and our Committee Counsel Nell Beekman.

4 With that, we will start by swearing in
5 Commissioner Finkelppearl and welcome him to deliver
6 his testimony.

7 COUNCIL CLERK: Please raise your right hand. Do
8 you affirm to tell the truth, the whole truth and
9 nothing but the truth in your testimony before this
10 Committee and to respond honestly to Council Member
11 questions?

12 TOM FINKELPEARL: Yes, I do. Good morning Chair
13 Van Bramer and members of the Committee. I am here
14 today to testify in regards to today's topic, Percent
15 for Art and Public Art in New York.

16 This subject today is very close to my heart and
17 something I've dedicated my professional life to.
18 So, I appreciate the opportunity to speak about it on
19 the record as I approach the end of my tenure as
20 Commissioner.

21 I'll begin with a bit of history of the program.
22 Mayor Ed Koch signed a New York City's Percent for
23 Art law into law in 1982. The first American Percent
24 for Art program was set up in Philadelphia in 1959,
25 with dozens more following across the country. It's

1
2 early proponents saw Percent as a way to integrate
3 public artwork into the country's urban fabric which
4 had begun to fray in the post ward era.

5 The Percent for a movement was a quiet revolution
6 of our countries relationship to public art. Slowly
7 but surely public art came to be seen as a widely
8 embraced public good.

9 In the late 19th and early 20th century saw major
10 growth in the number of statues and monuments, from
11 the Statute of Liberty to countless figures on
12 horseback and war memorials installed across the
13 country.

14 Percent brought a radically different approach,
15 using public funds to commission professional artists
16 for site specific permanent public artwork. The
17 formula for how to commission these publicly funded
18 projects evolved to balance arts and design
19 professionals with city officials and community
20 representatives.

21 The results speak for themselves. There are more
22 than 350 Percent for Art programs across the United
23 States. The number of Percent for Art Commissions
24 completed here in New York City is approaching 400.
25 Nearly as many artists working across media have been

1
2 commissioned from mosaics to sculpture to an LED
3 chandelier that slices and dices phrases from the
4 plays of William Shakespeare.

5 A recent audit by the Public Design Commission
6 revealed some illuminating facts about our city's
7 collection of outdoor artwork. It examined pieces
8 installed from 1830 through the present day. In New
9 York City's Public Statuary, not a single Black
10 person was depicted from the period of 1830 to 1970.
11 Now the first 65 monuments built in New York over
12 those years, every last one was a man of European
13 decent.

14 Just imagine as the Harlem Renaissance pushed
15 American art and culture forward, not a single person
16 of color was celebrated among the city's dozens of
17 monuments. As women were increasingly represented in
18 public office in leadership roles in our society,
19 hardly any were recognized for their achievements.
20 And until the 1970's, 90 to 95 percent of monuments
21 were created by White men.

22 In a City that draws strength from its inclusive
23 diverse population, this is an appalling disconnect.
24 The great diversity of our city and its people only
25 began to be represented in new public artwork

1
2 commission in the 1970's. The rate increased
3 drastically over the course of the 80's and the 90's.
4 This can largely be credited to the program we are
5 here to discuss today and the shift in public
6 attitudes and practices that it helped foster.

7 According to the Public Designs Commissions
8 inventory, the percentage of women and of color
9 creating our public artworks has grown from 15
10 percent in the 60's to over 40 percent in the 80's to
11 75 percent in recent years. This is an incredible
12 leap forward.

13 When the public art process shifted from
14 privately driven campaigns with fund raising efforts
15 and wealthy benefactors, to professional panel review
16 process, both the artist commissioned and the work
17 created made a great leap into more diverse, engaging
18 and representative public artworks.

19 In the 34 years, since the first Percent for our
20 commission was installed in East Harlem, hundreds of
21 schools, parks, plaza's, libraries, court houses, and
22 other civic spaces, have had permanent artwork
23 installed. New York City's Built environment is
24 immeasurably richer for it.

1 So, now, to some contemporary issues and reform.
2
3 Even with the extraordinary legacy Percent for Art
4 has created, we are grateful to have partners in the
5 City Council who are committed to working with us to
6 make program even better. Percent's Commissioning
7 process balances community input, arts professionals,
8 historians, and a range of other voices to inform and
9 shape the design of an artwork.

10 Another key goal of the process is championing an
11 artist vision and avoiding artwork that is designed
12 by committee. It is essential to maintain this
13 balance while fostering an environment that mutual
14 respect among people who may have different views.
15 In 2015, Mayor de Blasio signed legislation sponsored
16 by Chair Van Bramer that expanded and formalized the
17 public notice for works of art. Our Percent for our
18 team has presented to dozens of community meetings
19 since then as a very first step in commissioning
20 process.

21 In 2017, the Mayor signed another suite of
22 reforms sponsored again by Chair Van Bramer and
23 Majority Leader Laurie Cumbo. This legislation
24 increased the amount that the City of New York can
25 spend on public art, revising the percent for art

1 formula for the first time in the programs history.

2 More funding for public art commissions means higher
3 quality, more ambitious and very importantly for
4 artworks installed outdoors, more durable artwork.
5

6 Other bills in this package formalize the makeup
7 of the Percent for Art panels and further expanded
8 requirements for public engagement.

9 For each new Commission, this is a balance we
10 have to strike carefully. Based on the specific
11 content of a given artwork and as many in this room
12 are well aware, even using the word community in the
13 singular can risk minimizing the differences of
14 viewpoints characterized by a group of passionate New
15 Yorkers. There are always multiple communities
16 involved, not to mention individual actors.

17 No process will ever be perfect but striving for
18 this balance has created a public art program that
19 has a remarkable track record of success and creates
20 buy in a consensus among participants. We value the
21 Council's partnership in every Percent project and
22 appreciate your role as stakeholders, advocates,
23 partners who are willing to have a constructive
24 dialogue about how to improve the program.
25

1
2 The reforms in progress achieved in this
3 legislation are testament to the collaborative spirit
4 you have fostered.

5 Let me talk for a moment about the Monuments
6 Commission. I've been working in New York's Public
7 Art community for most of my adult life. I ran the
8 Percent for Art program from 1990 to 1996, so I
9 believe I have a good perspective to say that there
10 has never been a brighter spotlight on the issues of
11 who we honor in our public monuments. Nationally,
12 this could be seen in the clashes around the
13 confederate monuments through the Southern United
14 States. In New York City, Mayor de Blasio
15 established the Mural Advisory Commission on City Art
16 Monuments and Markers to examine how these issues
17 were playing out here and to invite public weigh in.
18 They invite the public to weigh in. The Monuments
19 Commissions Chart was to review controversial items
20 in the city owned property, as DCLA's Commissioner, I
21 served as Co-Chair of the Monuments Commission
22 alongside Darren Walker of the Ford Foundation.

23 We hosted public hearings in all five boroughs to
24 listen to what New Yorkers had to say about
25 representation of the city's public art collection.

1 More than 500 individuals attended these hearing,
2 nearly 200 testified and an online survey received
3 more than 3,000 responses.
4

5 The Commission considered several pieces of art
6 on city property that were subject of sustained
7 controversy and worked to formulate recommendations
8 for addressing these in a considered inclusive way.

9 The Monuments Commission issued its final report
10 in January of 2018. In addition to proposals on
11 several artworks, works of art in the city's
12 collection, the reports most far reaching
13 recommendation was to take an additive approach.
14 Commissioning new works to expand the voices and
15 histories represented in the City's art collection.
16 The Mayor embraced this recommendation and allocated
17 \$10 million as a down payment on this long term
18 effort.

19 A number of new initiatives to make New York's
20 public spaces more inclusive, welcoming and
21 representative of our shared values grew from the
22 Monuments Commission. While we started a more
23 expansive audit of the city's art collection with the
24 Public Design Commission, one area of representation
25 was glaringly obvious. Of the nearly 150 figurative

1 statues on city owned park land, just four depicted
2 historical women.

3
4 So, with the Mayor's Office and Women. NYC, we
5 created She Built NYC to commission new artwork
6 honoring women who have been unfairly excluded from
7 this form of public commemoration.

8 We began with an open call for nominations which
9 yielded hundreds of extraordinary candidates. An
10 expert panel then reviewed the public nominations and
11 issued recommendations for future monuments. We have
12 since announced monuments honoring seven incredible
13 figures, all of them pulled from the public
14 nominations.

15 In May of this year, I joined the Mayor and the
16 First Lady to announce that the City would commission
17 a monument to the pioneering LGBTQ activists Marsha
18 P. Johnson and Sylvia Rivera in Greenwich Village.
19 This was the She Built NYC's panels top
20 recommendation. Shirley Chisholm was the first
21 honoree announced in November of 2018 and in March of
22 this year, the City announced that Billie Holiday,
23 Helen Rodriguez Trias, Elizabeth Jennings Graham and
24 Katherine Walker would be the next to be honored.
25 Bringing new public artwork to all five boroughs. As

1 these pieces are completed in the years ahead, we
2 will more than double the number of historical women
3 recognized in our public collection.
4

5 This will help to address the inequity that has
6 been generations in the making which we've moved
7 quickly and aggressively to address through this far
8 reaching initiative.

9 Another major outcome of the Monuments
10 Commission, Mayor de Blasio ordered the removal of
11 the statue honoring J. Marion Sims, located at the
12 edge of Central Park across from the New York Academy
13 of Medicine. Sims unethically performed medical
14 experiments on enslaved Black women and this statue
15 is the focus of sustained community opposition in
16 East Harlem for years.

17 The statues removal in April 2018, marked the
18 beginning of our efforts called, Beyond Sims, to work
19 with local community to commission new artwork for
20 the site. We cohosted in depth community discussion
21 to keep residents engaged in the Art Commissioning
22 process and to articulate what the community wants to
23 achieve through this new artwork.

24 From the very start, we recognized that this
25 commission was different from most and that the level

1
2 of community participation needed to reflect this
3 painful history, the local activism and the
4 incredible enthusiasm for the Sims removal and the
5 creation of the new artwork.

6 As a result, we worked with local residents and
7 other stakeholders on one of the most comprehensive
8 public engagement processes in the history of the
9 Percent program. We started working with local
10 stakeholders and the new commission immediately
11 following the removal of Sims in April 2018. In
12 October, was announced the formal creation of the
13 Committee to Empower Voices for Healing and Equity.
14 The committee consists of East Harlem residents,
15 advocacy groups, cultural organizations, City
16 Council, and Community Board representatives and city
17 agencies. We worked with the Committee for a full
18 year, hosting and participating in 19 public meetings
19 over that period. Through this intense engagement
20 process, four finalists were chosen at the initial
21 artist selection panel hosted at the Schomburg Center
22 in February.

23 Still, as many of you are aware, the final artist
24 selection held in October sparked intense debate.
25 After the panel voted in favor of artist Simon

1 Leigh's proposals, Leigh decided to withdraw in
2 recognition of the communities preference for artist
3 Vinnie Bagwell's proposal called, Victory Beyond
4 Sims.
5

6 We will work with Bagwell to bring her vision for
7 this site to life and the Percent for Art team will
8 continue to involve community as the design process
9 moves forward.

10 We took a hard look at how Percent for our
11 process which had so many successful experiences and
12 the vast majority of public art commissions ran into
13 trouble with Beyond Sims project.

14 One reform we've made is adding an additional
15 panel meeting, to all commissions of new monuments or
16 other sensitive projects. We believe that this way,
17 the community stakeholders and the panelists charged
18 with selecting the artists will have more time to
19 meet and familiarize themselves with the site, the
20 history, the Percent for Art process.

21 Understand the process and everyone's role in it
22 can go a long way to creating a sense of
23 collaboration and buy in and we think an additional
24 meeting will help foster this essential component.
25 For Beyond Sims, we followed the standard makeup of

1
2 the selection panel used by percent but in hindsight,
3 additional opportunities for the panelists and the
4 community to interact could have helped establish a
5 greater mutual understanding. We believe that this
6 additional meeting between panelists and stakeholders
7 will improve this relationship.

8 The year, the Public Design Commission also made
9 input from a historian, a requirement for monuments
10 and memorials, a practice we've employed three
11 percent for our panels but which we're glad to see
12 consistently applied citywide. We are open to
13 considering additional ideas for how to improve the
14 process particularly for monuments and memorials.

15 Controversy has always come with the territory of
16 public art and design. Michelangelo's David was
17 pelted with rocks when it was being installed for its
18 proceed political messaging. The Eiffel Tower was
19 loathed by many 19 Century Parisians. Closer in time
20 to us in space, Millen had to struggle against
21 charges of alienism when creating the Vietnam
22 Veterans Memorial. In the decades since it installed
23 it has become clear that its powerful memorial
24 ushered in a new era in public monuments.
25

1
2 Just last month, the city announced that a
3 privately funded monument honoring the Lyons Family
4 will be built at Central Park. This extraordinary
5 Black family fought for justice, equality and
6 humanity in the face of despicable racism in the 19th
7 and 20th century.

8 As the PDC audit made clear, our overall public
9 art collection needs to see major new advances to
10 break out of the narrow vision of New York City that
11 it currently depicts. But we believe that the
12 progress we've made together has set the city on a
13 new path.

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

17 CHAIRPERSON VAN BRAMER: Thank you very much
18 Commissioner for your testimony and for addressing
19 all of the issues that have received a lot of
20 attention over the last few months to say the least.

21 Because you spoke so much about it, I want to I
22 suppose start with the Monuments Commission and She
23 Built NYC. And you know, I think what folks want is
24 a little more transparency around that process but in
25 particular the decision making process because when

1 you have an open call for submissions, some folks
2 might have understood that to be a vote of some kind
3 and we all know that Mother Cabrini received a
4 significant number of submissions and nominations but
5 was not ultimately chosen.
6

7 And maybe you can walk us through that process
8 and who ultimately is the final decision maker there
9 and was it you, as the Commissioner of the Department
10 of Cultural Affairs and if not, who was it?

11 TOM FINKELPEARL: Okay, so, let me take one step
12 back and then I promise to answer your question. So,
13 there are couple of different times in this whole
14 process where we solicited ideas essentially from the
15 public. And another example was during the Monuments
16 Commission, we had an open portal, we asked for lots
17 of comments, over 3,000 people made comments about
18 the monuments but it was completely not perceived as
19 a vote. Nobody says there was a vote you know, in
20 the monuments and why didn't you follow the vote. It
21 was just very well understood as input.

22 So, the second time we solicited public input and
23 again, there were lots of public meetings and public
24 hearings but this online portal that you are
25 referring to, which was a nominations portal. We

1 asked for nominations of She Built, it was announced.
2 We're going to commission; we have money to
3 commission monuments to women. So, the nominations
4 came in, then there was a process which is an
5 interagency process between Cultural Affairs, City
6 Hall and Parks also to look around for sites. We
7 wanted to find a monument for each borough. This
8 being a citywide initiative and that list than which
9 created that list of five people that I referred to
10 was brought to the First Lady and Deputy Mayor Glenn
11 for the final approval.
12

13 So, again, it wasn't something where they were
14 choosing off of a list, it was a big interagency
15 process of evaluating. The other thing that is very
16 important to say is that this was not a final, you
17 know, final final. There is going to be a second
18 round as the Mayor said, Mother Cabrini who's an
19 amazing person; I want to also say that publicly.
20 I've said that before, what an incredible woman.
21 There are lot of incredible women on the list and it
22 was very you know, possible that that could be part
23 of the second round of She Built.

24 So, that process is about to happen; we're going
25 to go back and find more people from the list to

1
2 commission. So, that was the process that happened
3 and the interagency process that took into account
4 and by the way, let me also repeat that there was an
5 expert outside panel that made recommendations. So,
6 their top recommendation was or will be Commissioned
7 which is Marsha P. Johnson and Sylvia Rivera. We had
8 the outside panel and then we had the interagency
9 city decision making process.

10 CHAIRPERSON VAN BRAMER: Sure, so just to put a
11 finer point on this. You were not the final decision
12 maker on who would be honored in this way.

13 TOM FINKELPEARL: Yes, that's correct and again,
14 you know, Women. NYC was very involved in this.

15 CHAIRPERSON VAN BRAMER: But the final decision
16 rested with First Lady Chirlane McCray and Deputy
17 Mayor Alicia Glen.

18 TOM FINKELPEARL: They approved the list, that's
19 correct.

20 CHAIRPERSON VAN BRAMER: Right, and of course, as
21 it turns out, Mother Cabrini will be honored.

22 TOM FINKELPEARL: Yeah, it's fantastic in Battery
23 Park and I think everybody is very happy about that
24 and again, an incredible person. We're so glad that
25 the state you know, took up the mantle of something

1 we had started and a great site for it. There's a
2 commission going on, so congratulations. I am really
3 happy that that's happening.

4 CHAIRPERSON VAN BRAMER: Maybe people
5 underestimated how many people read the tablet,
6 particularly in the Queens and Brooklyn.

7 But I think as you prepare to leave particular
8 role, are there recommendations that you would make
9 to your successor and to the Mayor's Office and
10 obviously the First Lady and the Deputy Mayor that
11 the Commissioner of the Department of Cultural
12 Affairs reports to.

13 TOM FINKELPEARL: Yes.

14 CHAIRPERSON VAN BRAMER: About how future
15 decisions can be reached in a more transparent way
16 that create less confusion about just who is in
17 charge here. Right, because I think a lot of people
18 think that you are because you are the Department of
19 Cultural Affairs Commissioner.

20 TOM FINKELPEARL: Right.

21 CHAIRPERSON VAN BRAMER: And you were appointed
22 by the Mayor who was dully elected by the people of
23 the City of New York. But obviously, when it comes
24 to the public monuments and She Built NYC, there are
25

1
2 other significant players here and, in some cases,
3 those folks are actually making the final decisions
4 and not yourself. Obviously, you have input, as you
5 know, I respect greatly your tenure here at the
6 Department of Cultural Affairs, but are there ways in
7 which this could be done better to avoid some of the
8 controversy particularly since the commissioner is
9 not the final decision maker and the final arbiter,
10 but often you get the blow back because you're in
11 this role and people think, well Tom made that
12 decision but you didn't.

13 TOM FINKELPEARL: Right, well, I mean, I will say
14 just that the decision making process that I engage
15 in all the time is something where you know, stuff
16 happens at the agency, we'll all talk it over and
17 often, almost always, I will - if it's a major
18 decision, bring it up to the Deputy Mayor and
19 sometimes to the Mayor for you know, major
20 initiatives, that kind of what I've just described.
21 In other words, a bunch of city agencies getting
22 together and then going to the Deputy Mayor. That's
23 a very normal way that I operate.

24 I will say that you asked, do I have
25 recommendations? And the recommendations that I put

1
2 in my testimony are already – so I really think that
3 having an extra panel meeting, that we've talked this
4 over. So, everybody sits together, understands,
5 everybody is on the same page, I think is going to be
6 helpful. I also just don't think that there's any
7 way per say to avoid controversy in public art and we
8 have experienced this in your borough – I mean, you
9 district.

10 CHAIRPERSON VAN BRAMER: That's a great slip.

11 TOM FINKELPEARL: There you go but of course, so
12 that was a piece of very lighthearted public art,
13 which I think in the long run is popular, I believe
14 it to be, I see it all over Instagram etc., which
15 even that kind of thing can flip.

16 So, I'm just saying in the intensity of the
17 environment that we're in right now, in relationship
18 to monuments, stuff like this is happening in lots of
19 places across the country and I think it's very
20 important to put things in place to make it as clear
21 and transparent as possible. I will certainly
22 recommend that to my successor.

23 But again, it's part of what's happening in
24 America right now and things are inflamed in general
25 around monuments specifically.

1
2 CHAIRPERSON VAN BRAMER: So, you and I, I think
3 we did some good work around that particular
4 controversial piece, public art in Long Island City
5 and I, as you know, have said publicly in the New
6 York Times and other places that there is no perfect
7 process. We will never get to a place where everyone
8 agrees in subjecting public art to the public vote
9 and public taste is a very dangerous road to go down.
10 And this is why I think it's just important that
11 whoever is the Commissioner of the Department of
12 Cultural Affairs is in a place where there's clear
13 transparency. Just about how the decisions are made,
14 in particular because these are controversial things
15 by their very nature and I just wanted to be clear to
16 the people of the City of New York whose making those
17 decisions because it's fundamentally unfair for let's
18 say the Department of Cultural Affairs Commissioner
19 to be blamed for decisions that they didn't in fact
20 make. And I just want to say that publicly.

21 I have other questions but I know that Council
22 Member Borelli also would like to, so I want to give
23 him an opportunity and then I will ask some follow up
24 questions.

1
2 COUNCIL MEMBER BORELLI: Thank you Chairman. I
3 just want to say thank you for your service over the
4 past five years. I have always enjoyed your
5 frankness in addressing the concerns of some of the
6 institutions in my district and appreciate the
7 moments when you personally weighed in to help those.

8 I have one question and it's only because you
9 referenced the Statue of Liberty and we're having
10 almost like an exit interview now and I'm really
11 interested in your opinion of this.

12 You referenced the Statue of Liberty, after five
13 years in what is considered the highest echelon of
14 public art governance in New York City, do you think
15 given the controversy, the opposition, the
16 environmental regulations, the acquisitions, the
17 approvals from buildings and the City Planning
18 Commission, etc., etc., etc. Do you think it would
19 be possible for New York City in 2019 to build
20 something as grand as the Statue of Liberty?

21 TOM FINKELPEARL: Wow, that's a very deep
22 question.

23 COUNCIL MEMBER BORELLI: It is, it is.

24 TOM FINKELPEARL: Yeah.

25 COUNCIL MEMBER BORELLI: That was the point.

1
2 TOM FINKELPEARL: Yeah, wow. Look, I think that
3 the initiative that's going on right now, not as an
4 individual monument but collectively is on that scale
5 of ambition.

6 So, if you think of \$10 million being set aside
7 plus let's say, the Lyon's monument, which is the
8 first privately commission monument announced
9 recently, that's a big initiative and again, look,
10 there's a lot of time to make up. There are you
11 know, 145 monuments to man and only 4 to women in
12 parks. I think it's a multigenerational initiative
13 but I think that the initiative to tackle history in
14 a new way is on that scale.

15 I wouldn't say that we have any individual
16 monument obviously planned on the scale of the Statue
17 of Liberty. So, I think that would be my answer, but
18 I think the question of whether we could put
19 something, all of our eggs in one basket and weigh as
20 a city, is a very excellent question to ponder.

21 COUNCIL MEMBER BORELLI: Well, thank you and I
22 would submit myself as a model for said statue.
23 Thank you and I wish you good look.

24 TOM FINKELPEARL: Thank you Councilman.
25

1
2 CHAIRPERSON VAN BRAMER: So, I love Council
3 Member Borelli, but please do not erect of a statue
4 of Council Member Borelli. That will be privately
5 funded on Staten Island one day, but I want to follow
6 up actually on Council Member Borelli's question and
7 your response, because it is true, we don't have
8 anything of that incredible grand scale going on, but
9 you know, we saw what I think is this hideous
10 monstrosity called the Vessel built in Hudson Yards
11 and that is a significantly privately funded work of
12 I guess public art that you might call it that - if
13 you were generous. But it points to something that I
14 think you care a lot about to, which is you know,
15 grand, grand expressions like that shouldn't just be
16 reserved for the billionaires and millionaire class
17 right.

18 So, how do we get to a place where we're once
19 again thinking maybe on more grand scales for public
20 art that's publicly funded and that's actually for -

21 TOM FINKELPEARL: So, there is one example of
22 that going up in New York City next year, which is by
23 David Hammons. It's across the street from the
24 Whitney Museum on the water side, which is largely
25 publicly funded but there is Council money and

1
2 administration money in that. I believe it's a \$19
3 million project. It's larger than the Whitney Museum
4 itself. It is on the scale; I wonder if it's bigger,
5 I wonder if you could fit the Statue of Liberty
6 inside it, I'm not sure about that. But that's a
7 grand piece of public art. It's a public private
8 partnership, it was created you know, from a
9 curatorial vision of the Whitney Museum, I will
10 admit.

11 But I think with lots of good groundwork done in
12 the community, I feel like it's embraced the history
13 of that site. The LGBTQ history, the labor history,
14 to have a senior artist of his repute. I believe it
15 will be the largest piece of public art erected by an
16 African American artist ever in America. That's the
17 scale, it's ambition again, it's a public private
18 thing. It's not like the Vessel, which essentially
19 was decided by one; as I understand it, one person, a
20 developer. Very private, private, private
21 billionaire-ish initiative.

22 But also, very, very popular itself. I don't
23 want to you know, shed too much shade on that but the
24 vision of the David Hammons piece across from the
25 Whitney, I think is a wonderful legacy of public art.

1 So, it is possible to do things on grand scale still.

2 CHAIRPERSON VAN BRAMER: I think he's a
3 billionaire, not billionaire-ish. Extremely wealthy.

4 So, yeah, no, look, I'm a huge supporter of that
5 project as you know.

6 TOM FINKELPEARL: Yes.

7 CHAIRPERSON VAN BRAMER: And look forward to that
8 incredible piece. So, let's turn to the Sims process
9 and what you think can be changed there to make it
10 better.
11

12 So, I made a note when you were testifying,
13 right, there's the standard makeup of the panel and
14 of course this was consistent with the current
15 standard. But should we now take this opportunity to
16 change what is now the standard makeup of the panels
17 and make them more truly representative and amplify
18 the voice of local communities? Do you support that?
19 Do you think the next commissioner in this
20 administration should take this opportunity to change
21 the standard makeup of the panels?

22 TOM FINKELPEARL: So, look, what I believe
23 happened and there's a lot of people in this room who
24 were in the room with us when a lot of this unfolded,
25 was that there was getting to the four finalists,

1 there was sort of this belief that all four finalists
2 were completely embraced, which actually on the last
3 day turned out not to be the case.

4
5 Embraced by our communities and there were a lot
6 of people in the room had been this very same people
7 who fought valiantly and successfully to take down a
8 piece of what was deemed to be racist public art.

9 And you know, again, they're here and I do want to
10 recognize the incredible work that went into that.

11 That was very, very important for the city. One of
12 the best moving moments of my time as Commissioner
13 was to be there that morning, a cold early morning,
14 where everybody showed up to see Sims taken down.

15 That then the feeling about that site and the
16 legitimate sort of feeling of ownership of that site
17 was very intense.

18 So, again, what I'm recommending is in my
19 testimony. What I think could be done is if we'd all
20 been in the room with the panel, with the expert
21 panel, for a series of three meetings to really get
22 to know what's going on. To understand fully and
23 emotionally and intellectually the history of that
24 site and I'm not just talking about the history of
25 Sims, but the history of the activism of the

1
2 community. I believe that that would go a long way
3 towards getting people on the same page.

4 So, I'm not going to recommend any other changes
5 than what I've already said in my testimony. I think
6 that again, it's also a very small sample size,
7 right. That if you think of the nearly 400
8 Commissions, the vast majority of those, including
9 other monuments, have gone well. And so, I'm not
10 recommending any other changes than what I've already
11 proposed in the testimony, which again, is not my
12 recommendation, it's collectively decided and
13 discussed throughout my staff and city government.

14 CHAIRPERSON VAN BRAMER: So, I appreciate what
15 you've said and I realize that the experience that
16 you all have had with the Sims process and the Beyond
17 Sims project, is one of many that you've encountered
18 and have had many other good experiences or better
19 experiences or different experiences, but I'm still a
20 little surprised that after all of this, because
21 whatever process we've got, you know, I'm sure that
22 we can improve it and we can always create more
23 transparency. We can always create more community
24 involvement and I'm a little surprised that that's
25 your only recommendation with respect to this process

1 and not open to changing the standard makeup of the
2 panels as you call it.
3

4 TOM FINKELPEARL: Yeah, so, look, I also said in
5 testimony, we are open to new ideas. I'm just saying
6 this is the one idea we are proposing.

7 Again, I mean, and this is not unique to our
8 city. Across the country there is always this
9 balance in these makeup of these percent for our
10 panels between folks with sort of general artistic
11 public art knowledge. A balance of you know, folks
12 in particular subject area that's related to that
13 Commission and community representation.

14 So, you know, that's endemic to this field again,
15 is this idea that there can be controversy and sort
16 of disputes over ownership of the sites.

17 CHAIRPERSON VAN BRAMER: Well, I know that there
18 are lots of other folks who signed up to testify, who
19 will obviously share their thoughts and
20 recommendations as well.

21 TOM FINKELPEARL: Yes, they will.

22 CHAIRPERSON VAN BRAMER: I had a question about
23 staffing at the Department of Cultural Affairs,
24 particularly with respect to Percent for Art and even
25 some of your other programs but this hearing is

1 really about Percent for Art. Do you have enough,
2 obviously I know and respect the staff that you have
3 running this particular piece of the agencies work,
4 but as this work becomes even more complex, as we do
5 even more of it and as public attention in this space
6 is greater than ever, do you have the resources and
7 are there enough staff doing this work? Could it be
8 done better? Could more voices be included if you
9 had even more support in this particular part of the
10 agency?
11

12 TOM FINKELPEARL: So, look, more can be done with
13 more people always, but I do want to recognize one
14 thing. So, when the Monuments Commission results
15 were complete, when we looked at the workload of the
16 unit, we did add another full time position. So,
17 Kaila[SP?] is here. She is new to the group joining
18 Sergio and Kendall, so it's a 50 percent increase in
19 staff. We understood that the legislation which you
20 sponsored in the past, which requires the extra
21 community meetings already has the staff out and
22 about more. So, we did add an extra position
23 already.

24 I don't want to pass by the idea that yes, it is
25 more work. Monuments are more work and more

1
2 community engagement is more work, but we did already
3 add a staff member.

4 CHAIRPERSON VAN BRAMER: Right, I realize it's a
5 50 percent increase from one to two, but -

6 TOM FINKELPEARL: No, two to three.

7 CHAIRPERSON VAN BRAMER: Two to three but maybe
8 we can you know, give whoever is charged with this
9 incredibly important and as we note controversial
10 role, where you know, sometimes invariably whatever
11 decision is going to be made is going to be met with
12 intense opposition and to support Kendall and the
13 team in as many ways as we possibly can. Obviously,
14 that is not going to be your charge after a couple of
15 more weeks, but whoever becomes the next Commissioner
16 will obviously have to confront this head on and be
17 driving us all hopefully into a better space.

18 And I'm also asking you some of these questions
19 because this is probably the last time, I'm going to
20 be able to ask you any of these questions in this
21 particular venue with us in these two positions, so,
22 I want to say that.

23 You also talked a little bit about LGBTQ
24 representation, which as a gay man, it is
25 particularly important to me as well and do we have a

1 sense of how the LGBTQ community is represented
2 currently? Have we even looked at that, either you
3 or PDC and I know obviously, because I was at the
4 announcement with you about the Sylvia Rivera and
5 Marsha P. Johnson pieces but you know, have we even
6 taken an inventory about LGBTQ representation in the
7 City of New York?
8

9 TOM FINKELPEARL: I don't believe we have. I
10 have not seen any statistics.

11 CHAIRPERSON VAN BRAMER: Obviously, the sexual
12 orientation and or gender identity of some of those
13 folks who died hundreds of years ago is perhaps hard
14 to ascertain, but it certainly seems like something
15 we should take a look at because the LGBTQ community
16 is an important part of New York City, worthy of
17 representation. And it seems to me like we should
18 have a sense of how underrepresented, because I'm
19 just going to guess that our community is
20 underrepresented as well and would you support
21 something like that? Taking inventory of how LGBTQ
22 people are represented and therefore we know the
23 problem and we know how to fix it.

24 TOM FINKELPEARL: Yeah, I mean, I think that like
25 you say that going back in history to understand what

1 a 19th century figure – how they would self-identify
2 might be difficult but it sounds like a yeah, sure,
3 it sounds like a good idea.

4
5 CHAIRPERSON VAN BRAMER: Yeah, obviously we were
6 not allowed to self-identify for a very long time.

7 TOM FINKELPEARL: Yeah, I know. There was an
8 article recently about the question of the gender
9 identity of Pulaski of the Pulaski Bridge; I think
10 you probably read about that. Yeah, is that your
11 district?

12 CHAIRPERSON VAN BRAMER: It is. So, I know that
13 we have the Public Design Commission or a couple of
14 members of the Public Design Commission here and
15 we're obviously going to talk to them and then I want
16 to obviously hear from all of the members of the
17 public and the artists as well.

18 But I want to thank you Commissioner Finkelpearl
19 for your service to the City and all that you have
20 done for Culture and the Arts in the City of New
21 York. I think as your farewell toast on Friday
22 evening indicated while you were in the public realm
23 and therefore subject to folks who disagree with you
24 and who may attack you and that is part of the public
25 discourse as someone who is also in the public realm,

1 and often has the good and bad of that as well.

2 There are many who have worked with you for decades
3 and many who respect what you've done for the City of
4 New York.
5

6 I am one of those people and I want to thank you
7 again on behalf of the people of the City of New York
8 for everything you've done.

9 TOM FINKELPEARL: Thank you and no regrets, I am
10 happy to have done it for six years and I'm not
11 leaving the City but thank you very much. It's been
12 a great pleasure. I've been in many of these
13 hearings.

14 CHAIRPERSON VAN BRAMER: Will you really miss
15 these hearings Tom? That's what I really want to
16 know.

17 TOM FINKELPEARL: I will not comment on that but
18 I will miss public service. So, thanks a lot.

19 CHAIRPERSON VAN BRAMER: Thank you Commissioner
20 Finkelpearl for your service. I think we're going to
21 hear from a panel, mixing in some folks from the PDC
22 and the public.

23 So, Hank Thomas, is Hank Thomas -

24 UNIDENTIFIED: [INUAUDIBLE 17:04]

1
2 CHAIRPERSON VAN BRAMER: Oh, okay, okay, alright.
3 So, are you sitting in for Hank Thomas? Sure, sure,
4 sure, sure. Is Keri Butler — oh, you're Keri Butler
5 speaking on behalf of Hank Thomas?

6 KERI BUTLER: Well, I am speaking on behalf of
7 the entire team.

8 CHAIRPERSON VAN BRAMER: Okay.

9 KERI BUTLER: Oh, I'm sorry, that's not even on.

10 CHAIRPERSON VAN BRAMER: Wait, wait, wait, one
11 second because then I think we're going to have to
12 swear you in and I think we'll just have you testify
13 on behalf of the PDC. We'll swear you in and then
14 you can speak on behalf of everyone and maybe also
15 share what Mr. Thomas wanted to say and then we'll go
16 to the public testimony.

17 KERI BUTLER: Okay.

18 CHAIRPERSON VAN BRAMER: Is that fair?

19 COUNCIL CLERK: Could you please raise your right
20 hand.

21 KERI BUTLER: Yes.

22 COUNCIL CLERK: Do you affirm to tell the truth,
23 the whole truth and nothing but the truth in your
24 testimony before this Committee and to respond
25 honestly to Council Member questions.

1 KERI BUTLER: I do.

2 CHAIRPERSON VAN BRAMER: Feel free to – if you
3 have extra copies of your testimony, you can pass it
4 to the Sergeant at Arms.
5

6 KERI BUTLER: Okay.

7 CHAIRPERSON VAN BRAMER: And then, feel free to
8 begin your testimony.

9 KERI BUTLER: Okay, thank you. Good morning
10 Chair Van Bramer and members of the Committee. I am
11 here to testify today on behalf of the Public Design
12 Commission in support of the Percent for Art program.

13 The Public Design Commission reviews proposals
14 for permanent artworks, including monuments and
15 memorials on city owned property, both Percent for
16 Art projects such as the Harriet Tubman memorial and
17 non-Percent for Art projects like the Women's Rights
18 Pioneers monument in Central Park.

19 For the City Charter, the PDC also acts as a
20 caretaker and curator of the City's public art
21 collection. As Commissioner Finkelppearl noted, with
22 the help of Cultural Affairs, the PDC recently
23 completed an initial review of the city's outdoor
24 public art collection. This data, which is available
25 in our most recent annual report, reveals that the

1
2 Percent for Art program has been instrumental in
3 increasing the equity and diversity of our city's
4 public art collection. The data will also be used to
5 inform the upcoming monuments task force that the
6 City Council created with Local Law 1114.

7 The PDC has found that the Percent for Art
8 process is designed with a successful balance of
9 community engagement and guidance from art
10 professionals.

11 While each project is unique and we agree that
12 you can never please everyone, the Commission has
13 found that in general, the Percent for Art staff is
14 clear and professional and the panels are fair.

15 This year, the Public Design Commission created
16 new guidelines for monuments and memorials and added
17 new requirements for artwork proposals that will
18 ensure that this diversity and artistic integrity of
19 the collection continues and is increased.

20 The guidelines were developed in close
21 coordination with our colleagues and other city
22 agencies including Cultural Affairs and the Parks
23 Department.

24 One of the requirements is that for any artwork
25 that is commissioned outside of Percent for Art

1
2 program, the artist selection process must mimic the
3 City's Percent for Art program. So, it would be a
4 fair and open process and must include public input,
5 diverse list of artists and an artist selection panel
6 comprising at least three independent art
7 professionals and if possible, a member of the
8 Percent for Art staff.

9 The Percent for Art selection panel set the bar
10 for best practices in the field and this policy will
11 ensure it's implemented for all permanent public
12 artworks in the city's collection moving forward. As
13 Commissioner Finkelparl also mentioned, the PDC's
14 new requirements also stipulate that for monuments
15 and memorials a professional historian with relevant
16 expertise must establish the significance of the
17 subject and thoroughly vet any proposed text and
18 images. And this is something the Commission had
19 been doing on a case by case basis but now it's
20 implemented so the teams know in advance that this
21 will be expected.

22 As the curators of the City's art collection, it
23 is the PDC's responsibility to ensure high quality
24 public artworks that are site appropriate and
25 engaging, enhance the public realm, provide a

1
2 contribution to art historical narratives and will
3 stand the test of time. While we recognize that
4 controversy and strong opinions are always going to
5 be part of commissioning public art, our strong
6 partners at the Department of Cultural Affairs make
7 the PDC's job easier through their professionalism
8 and experience and we truly appreciate their work.

9 Can I read Hank's statement?

10 CHAIRPERSON VAN BRAMER: Yes, sure.

11 KERI BUTLER: Okay, and this is from Hank Willis
12 Thomas, who is one of our art members of the Public
13 Design Commission.

14 It is my great pleasure to write a letter in
15 support of New York City's Department of Cultural
16 Affairs Percent for Art. My name is Hank Willis
17 Thomas and I am conceptual artist based in Brooklyn
18 New York. I've created a number of large scale
19 public commissions including Raise Up in Montgomery
20 Alabama, Love Overrules in San Francisco, All Power
21 to the People in Opa-Locka Florida. I co-created a
22 number of artist run collaborative projects including
23 For Freedoms, The Writing on the Wall, Question
24 Bridge, Black Males. I'm also an Arts Commissioner
25

1
2 for the Public Design Commission of the City of New
3 York.

4 Having worked with a number of institutions and
5 city's across the country, my experience in working
6 with New York City's Department of Cultural Affairs
7 has been most rewarding. Kendall Henry and his
8 exceptional team made my first city permanent public
9 art commission unity successful. The entire process
10 was very hands on and seamless.

11 Mr. Henry and his team did everything they could
12 do to ensure everything went smoothly. Mr. Henry is
13 one of the most graceful and intelligent city
14 officials I have engaged with throughout my career.
15 Even as a multiyear process, the Percent for Art was
16 present every step of the way and available to help
17 at every juncture. They supported and understood the
18 artistic process. They were proven advocates from my
19 time and resources without losing site of the end
20 result.

21 As a Commissioner, I have had the privilege of
22 working with Percent for Art and various other
23 projects. I have always been impressed with their
24 diligence, professionalism, advocacy for the artists
25

1 and their projects as well as their commitment to
2 bringing creative excellence throughout the city.

3
4 In conclusion, I fully support efforts of the New
5 York City Department of Cultural Affairs Percent for
6 Art through their enormous support of artists and
7 ambitious projects. I believe their work is
8 extremely important in supporting these projects that
9 benefit our lives and community at large.

10 CHAIRPERSON VAN BRAMER: Thank you very much.
11 High praise for Kendall Henry indeed and I appreciate
12 you coming by and singing the praises of the
13 Department of Cultural Affairs and the Percent for
14 Art program. I think we are going to except that in
15 the record and thank you for your participation. And
16 now, we're going to move to hearing from members of
17 the public, in no particular order. We will hear
18 from - and I hope I am reading all these names right.
19 Charlotte Cohen, is Charlotte here? Yeah, Savona
20 Bailey McClain, did I get that right? I did, great.
21 Kora Fisher, is Cora Fisher here, great and Jennifer
22 McGregor, could that be right? Is Jennifer here?
23 Jennifer McGregor, great, thank you.

24 And there are two more panels after this one.
25 The next one will be I believe it's an artist panel.

1
2 Jorge Luis Rodriguez, Evelyn Rodriguez, Xenobia
3 Bailey – I hope I said that right and Janet Zweig
4 among others.

5 Who would like to speak first on this panel? Why
6 don't we go left to right. My left, yes, you're up
7 first.

8 CHARLOTTE COHEN: Good morning, I'm Charlotte
9 Cohen; Executive Director of Brooklyn Arts Council.
10 From late 1996 through mid-2005, I directed the New
11 York City Percent for Art program.

12 During my time at DCA, a pivot from the 100
13 schools built in the 1990's, most of which had at
14 least one if not more Percent for Art projects. The
15 increased its capital investment in parks and
16 waterfront areas as well as other infrastructure. We
17 were able to work with DOT for the first time in many
18 years and with the Department of Environmental
19 Protection.

20 I'm particularly proud of our work at the New
21 Town Creek Sewage Treatment Plant in Greenpoint,
22 where world renowned artist, George Trakas and Vito
23 Acconci were commissioned.

24 Trakas created the nature walk between the creek
25 and the water treatment plant transforming the

1 derelict superfund site into a lush garden. During
2 the projects development it was noted that people did
3 not live close by and the question rose as to who
4 would use it. Trakas argued that the area would be
5 completely different in 30 years, a Prashant
6 response. This example and numerous others including
7 Merrill Letterman, as many working at Fresh Kills
8 Landfill represent the programs ability to
9 participate and interpret incredible transformation
10 in our city. In economic development, land use and
11 environmental impact for example and to make these
12 changes legible to our citizens.

14 I worked on a number of memorial projects while
15 at Percent including those at Fredrick Douglas
16 Circle, Richard Rights Invisible Man Sculpture at
17 Riverside Park, which was the sculpture of Elizabeth
18 Catlett's last public work, Flight 587 in Rockaway,
19 Jackie Robinson and Pee Wee Reese in Coney Island and
20 the extraordinary Harriet Tubman memorial by Alison
21 Saar in Harlem.

22 I was and continued to be conflicted about the
23 process for developing these memorials because on the
24 one hand, the involvement of the percent program
25 means there is a fair method in the artist selection

1 that includes community members, art specialists,
2 government representatives and affiliated designers.
3

4 On the other hand, when I was there over 100
5 projects in the programs pipeline and dozens others
6 on the docket during those years with a staff of two
7 people. It was challenging to maintain the deep
8 involvement and focus these memorial projects demand
9 and deserve.

10 I urge DCA and the Design Commission to consider
11 the best way forward with the memorials currently
12 under consideration by the city. These examples of
13 permanent works of art demonstrate how artists
14 contribute to the enhancement of our daily experience
15 as a public space. Their inclusion means children
16 spend their days surrounded by beautiful, colorful
17 spaces while in school, rather than what would
18 otherwise be bare, sterile cinderblock buildings and
19 that we prepare the way for shared outdoor sites to
20 help us remember the past and honor our present while
21 looking towards the inevitable changes in the future.

22 I just want to add that I thank you so much for
23 increasing the annual allocation to Percent for Art
24 and I also want to urge City Council, DCA and the
25 Design Commission to find a path forward on a

1 maintenance plan for these works of art. It's
2 irresponsible to put them into the public realm
3 without a method and funding dedicated to maintaining
4 them.

5 Thank you.

6 CHAIRPERSON VAN BRAMER: Thank you.

7 SAVONA BAILEY-MCCLAIN: Good morning, my name is
8 Savona Bailey McClain and I am the Executive Director
9 of the West Harlem Art Fund. A very small
10 organization that presents public art throughout New
11 York City including Queens.

12 I didn't bring any prepared statement because I
13 wasn't quite sure how this was going to flow. I
14 rather this be a dialogue. I do support Percent for
15 Art because I've had a very positive experience with
16 Percent for Art when I served on my local community
17 board. Me and Charlotte presented NARI board whose
18 work received three standing ovations from the local
19 community board for his conception of West Harlem
20 Piers.

21 I also dealt with Percent for Art as they were
22 trying to do other types of projects as well. I have
23 to commend Kendall Henry. I've known him for many
24

1 years. He is a thoughtful, conscientious curator and
2 no one should question him.
3

4 Now, I feel that though Percent for Art is
5 important, it does not represent all of public art.
6 In the area that I work in, I don't deal with Percent
7 for Art and so, I have to rely on artists and others
8 to give funding for what I try to envision and I have
9 done some significant projects. Time Square, I've
10 done Harlem, the H in Harlem, I've done Queens, for
11 Sleeping Beauty. I've done Dumbo and I would not
12 have been able to do it without artists working with
13 me but I also feel the city has to have a way to get
14 the public more engaged because the city has changed
15 and I did make a proposal five years ago to Eric
16 Adams who was the incoming Borough President about
17 creating public art districts.

18 We have historic districts, we have business
19 improvement districts, why not public art districts?
20 Because the cost to bring a piece of work, whether
21 it's temporary or permanent is so expensive, it
22 prohibits a lot of communities from having public
23 art. The other problem is that often times
24 communities that are not accustomed to having art
25 will only want what they know. And given that we are

1 in the number one arts capital in the United States,
2 why are we limiting ourselves to just figurative
3 works. We can use new technologies, we can deal with
4 abstract works, we can deal with sound to make us the
5 premier city around the globe and we're not doing it,
6 because we're focused only on sculptures that are
7 difficult to get funding for, difficult to market,
8 difficult to get corporate support.
9

10 So, I am proposing public art districts,
11 strategically throughout all five boroughs. Where
12 the parameters would be such that insurance,
13 engineering cost could be reduced, so therefore, we
14 can therefore engage more of the public and they
15 would not fear processes like the one at Percent for
16 Art where they only want to see a statue and nothing
17 else.

18 Thank you.

19 CHAIRPERSON VAN BRAMER: Thank you, those were
20 powerful and good recommendations and I really
21 appreciate that and appreciate the work that you do.
22 And for recognizing the great borough of Queens in
23 all things. Next.

24 CORA FISHER: Good morning, my name is Cora
25 Fisher and I am the Curator of Visual Art Programming

1
2 for Brooklyn Public Library. Thank you, Chair Van
3 Bramer and members of the Committee, for the
4 opportunity to testify today.

5 We are at BPL grateful for the support you've
6 given us over the years. It's been instrumental in
7 helping us open our doors for the 2.6 million
8 residents of our borough and to begin transforming
9 our aging buildings.

10 With your help, BPL has made our most significant
11 era of rebuilding in history. One third of our 59
12 branches will be renovated or reconstructed over the
13 next five years. We are improving neighborhood
14 libraries with projects ranging from small
15 restorations to full scale renovations.

16 Today, I'd like to share examples of the
17 significant and positive impact Percent for Art has
18 had on our large scale renovations.

19 Through our major capital projects, Percent for
20 Art has provided a trusted and competitive draw for
21 public arts submissions by world class artists. The
22 process is inclusive, responsive, both to our
23 institutional needs and the way each library serves
24 its local community and has attracted artists of
25 excellence to submit proposals.

1
2 At Brownsville, New Utrecht and Eastern Parkway
3 Libraries Percent for Art has supported us in
4 engaging local communities and identifying and
5 selecting artists who will soon be starting on their
6 design process. And I'll just say a bit about these
7 projects that have started.

8 New Utrecht Library in Bensonhurst is a bustling
9 branch. The current building opened in 1956, but the
10 libraries history dates to 1894 with the opening of
11 the free library of the town of New Utrecht. Artist
12 Patrick Jacobs has been selected to design for this
13 diverse and busy branch. His proposal is to create a
14 trompe l'oeil vista of the neighborhood married with
15 natural landscapes through miniature handcrafted
16 dioramas which rival nature itself. We anticipate
17 visitors welcomed to this newly renovated branch
18 excited to experience this artwork. Percent for Art
19 staff were invaluable in supporting the selection and
20 proposal process and we're eager to see this work
21 take shape.

22 At Brownsville Library, our 111 year old historic
23 Carnegie building will be restored to its original
24 grandeur offering patrons upgraded and inspirational
25 spaces, thanks to the work of LTL architects. With

1
2 Percent for Arts leadership and support, we have been
3 able to nominate and select artist Chris Myers from a
4 truly excellent group of candidates. Myers, a visual
5 artist, children's book illustrator and theater
6 dormater will create a series of stained glass tab
7 low that tell stories of neighborhood luminaries with
8 notable activists, scientists and jazz musicians
9 among them in an installation that will inspire youth
10 engagement.

11 Again, Percent for Art, has been instrumental in
12 providing a framework that asks applicants to respond
13 meaningfully to the context of the neighborhood which
14 Myers has so elegantly realized in his proposal.

15 CHAIRPERSON VAN BRAMER: If you could just
16 summarize the last - because I know you got to -

17 CORA FISHER: Absolutely, we have an amazing
18 artist that was selected through the Percent for Art
19 process Waso Dovernet[SP?] in eastern Parkway and as
20 well, BPL has been a site of engagement for the
21 Shirley Chisholm monument project, so we're very
22 grateful for that.

23 And finally, I also just want to thank Kendall
24 Henry and his leadership and for all of his
25

1
2 colleagues at Department of Cultural Affairs. It's
3 been overall very positive for BPL, thank you.

4 CHAIRPERSON VAN BRAMER: So far, you've got to be
5 loving this hearing Kendall.

6 CORA FISHER: Getting a lot of love Kendall.

7 CHAIRPERSON VAN BRAMER: It's still early, it may
8 change but - is you mic on?

9 JENNIFER MCGREGOR: I think that's a little bit
10 better. I'm Jennifer McGregor, I'm the Senior
11 Director of Arts Programs and Education at Wave Hill.

12 Thank you, Council Member Van Bramer and the
13 entire Committee, for encouraging us to come forward
14 with our comments. Thank you to Commissioner
15 Finkelparl for your fearless leadership and
16 willingness to open new avenues, which we heard
17 today. Thank you, Kendal Henry and the Percent for
18 Art staff for your tireless work and to all the
19 agencies who enthusiastically participate in this
20 program.

21 So, I come to you today as the first director of
22 the Percent for Art program and a person who has been
23 in the trenches with many memorial projects. And
24 also, here right when the guidelines were originally
25 written. I also come as a Curator from Wave Hill and

1 I recognize the way that this program has helped so
2 many artists and the way that it has been a
3 foundation for many peoples careers and a way to
4 connect with the public.
5

6 Also, I'm a consultant who works nationally on
7 public art projects and I have a perspective of how
8 New York compares to other cities. The Percent for
9 Art legislation and original guidelines were written
10 based on the best practices of the early 1980's. And
11 the process has held up well over time and I'm very
12 happy to hear the changes that have been made in the
13 last couple of years.

14 The mix of panelists brings the distinct areas of
15 expertise in a focused conversation about what will
16 work best for the given situation. You will find
17 similar panels convening in Los Angeles, San
18 Francisco, Seattle, all over the country.

19 Controversy is an important component. I mean, it
20 happens at some point in every single project. I
21 don't think there's any project that doesn't have a
22 moment of controversy somewhere a long the way.

23 It is particularly prevalent in memorials where
24 so much is at stake, in terms of content, siting,
25 constituents and delivering a message. As a project

1 manager for the Flight 587 memorial in Belle Harbor
2 Queens, I was actually engaged by the Mayor's Office
3 as a consultant to work on this project and I had
4 first-hand experience of how important the healing
5 process is as part of making a memorial. This
6 project was created to honor the lives lost in the
7 crash of the flight on route to the Dominican
8 Republic on November 12, 2001.

9
10 Multiple city agencies were involved and met
11 weekly here in the Mayor's Office to fast track the
12 initiative. Social workers were at every community
13 meeting which was conducted in both English and
14 Spanish in Washington Heights and Belle Harbor.
15 Percent for Art was an integral part of the
16 infrastructure to deal with the considerable
17 skepticism along the way. An outpouring of support
18 at the dedication ceremony, confirmed that the
19 process had served the participants who were deeply
20 effected by the loss.

21 Oh, my gosh, we're almost at the end. The city
22 has embraced the challenge to do these new memorials
23 and it's very heartening to see the work that has
24 gone into the community engagement for each project.
25 I want Percent for Art to succeed, to be excellent.

1
2 The staff is strong, but let's be creative about how
3 we reinforce the efforts and tap into the immense
4 knowledge base in our city to commission, maintain,
5 and engage the public about these extraordinary
6 projects.

7 I have great faith in the process and support
8 finding ways to encourage and reinforce this
9 tremendously important program.

10 Thank you very much.

11 CHAIRPERSON VAN BRAMER: Thank you. So, between
12 Tom Finkelparl, Kendal and the two of you on the
13 committee, we have just two other percent of our
14 leaders who are not here but that's a pretty good
15 coverage.

16 So, for the two of you who used to run the
17 program and for you having been around when it was
18 essentially created, what recommendations would you
19 make and how would we change it? It's great to hear
20 that you think that it's held up well since the
21 beginning with some modifications that we at the
22 Council have actually recently made, but have we done
23 enough? Have we changed it enough or have we rested
24 on a set of guidelines that were made almost 40 years
25 ago where the city has changed dramatically in those

1
2 40 years, but the program has largely remained very
3 static.

4 JENNIFER MCGREGOR: Well, I would note and I did
5 say that this was based on those programs of the
6 early 1980's. Percent for Art programs that have
7 developed since then have been able to create a
8 formula that allowed a percentage of the percent to
9 go to maintenance and also administration and also
10 community outreach and engagement. You know, be it
11 apps or websites or all sorts of ways of engaging the
12 public. The way that our capital budget works here
13 in New York and the way our lives structured, doesn't
14 really allow for that but I think benchmarking some
15 of the other programs in the country to see if there
16 are ways that we could find other funding sources for
17 those things would be very important.

18 Because as staff, as we've noted, a staff of now
19 three, which is fabulous to have three people to
20 manage these monument projects and the important
21 Percent for Art projects throughout the five boroughs
22 is just really - you know, San Francisco, they have
23 like, I can't even tell you how many people they
24 have. Like, other cities have - you know - and they
25 have two percent.

1 CORA FISHER: Yeah, they have two percent.

2
3 JENNIFER MCGREGOR: I could spend a lot of time
4 comparing to other cities. New York is really well
5 respected but there could be other ways of doing
6 things that I don't think are the fault of the
7 program itself.

8 CORA FISHER: I agree entirely. It's really so
9 dependent on the capital budget process and how that
10 funding is allowed to be used. So, that dictates so
11 much of the process and as Jennifer noted, the way
12 that money can be spent.

13 CHAIRPERSON VAN BRAMER: And I realize first of
14 all, I just want to say to Cora, as a former library
15 staff person myself before I was elected and Chair of
16 this Committee, I think it is so cool that the
17 Brooklyn Public Library has a Curator of visual art
18 programming and BPL in particular, is taking that so
19 seriously.

20 CORA FISHER: Thank you, we are, absolutely.

21 CHAIRPERSON VAN BRAMER: And lastly, for this
22 panel and I realize that some of you on this panel
23 may have had zero involvement in the Sims project, so
24 you don't have to chime in. But if anyone would like
25 to, is there anything that you know about that

1 process, recognizing and I'm willing to stipulate
2 that virtually every project that we undertake here
3 is going to engage some controversy as you said, but
4 is there anything that you think could have been done
5 differently that might have reduced some of the
6 controversy there?
7

8 Again, you don't have to chime in but if you'd
9 like to.

10 SOVONA BAILEY-MCCLAIN: I'd just like to say that
11 I feel one of the biggest problems with New Yorkers
12 now adays because New York has really changed. A lot
13 of people don't understand how government agencies
14 work. So, that's number one, so, they don't
15 understand the process.

16 Two, a lot of people like I mentioned before,
17 they look at art from their own perspective, from
18 their knowledge and I know for a fact because for the
19 Tito Puente's where we were trying to get the public
20 in East Harlem to look at art differently. That
21 there were so many more options that they could have
22 to make a fabulous presentation, they rejected all of
23 them to go for a figurative piece because that's what
24 they're familiar with.
25

1
2 This is why I'm saying we need to engage the
3 public to look at art differently. It's no longer
4 this statue. It could be so many different things
5 but if you're not familiar with it, and that's no
6 fault to the community, you're only going to go with
7 what you know.

8 So, the community saw Vinnie Bagwell's work and I
9 know Vinnie Bagwell's work, and then they looked at
10 or maybe they didn't get to see Samone Lee's but if
11 you're familiar with Samone Lee, you know that that
12 was a stellar artist. That would have made your
13 community proud, but they didn't understand that.
14 They went with, here is the artist who came to visit.
15 Here is the artist who talked with us, they cared
16 about us. But when you're looking at public art,
17 particularly monuments, it's not just about your
18 community, it's about the City of New York and the
19 possibilities that could have come out of the Simone
20 Leigh selection would have been overwhelmingly
21 positive for the community if they understood.

22 So, I think it behooves us to explain better to
23 the public, opportunities so that they could see it
24 and therefore be trusting of those of us who do this
25 day in and day out. That we're going to look out for

1
2 you. We're not going to try to shortchange you or be
3 highbrow. We are going to care about you and they
4 would have looked at it a lot more differently.
5 That's my comment.

6 CHARLOTTE COHEN: Yeah, I appreciate those
7 comments so much and agree. I would just note,
8 something that someone - a resident from Harlem said
9 to me when we were starting on the projects I did,
10 that I mentioned the memorial project specifically,
11 which was until people see themselves on pedestals,
12 it's very hard to consider work that is not
13 figurative in nature. That is conceptual or
14 abstract.

15 So, I really appreciate that sort of need to
16 first cover those bases, right and for people to see
17 their own community reflected and their own selves
18 reflected.

19 This is taking a huge step back, my comment
20 around the Sims memorial but I think these things
21 have moved forward so quickly and perhaps without the
22 consideration that would have really benefited the
23 process if they had slowed down. In my opinion, I
24 don't really understand why we needed a memorial on
25 that pedestal beyond Sims quite frankly. The fact

1
2 that it was removed is really important for people
3 today, for people of the past and to recognize that
4 removal. Yes, I agree with that but I really have to
5 question whether people in the future will know who
6 that person was, care who he was, care why it was
7 replaced, understand the process that happened.

8 So, I think we have to think towards the future
9 as well as the past and our current feelings that are
10 so intense and significant right now when we're in
11 this moment and in this process. So, I recommend
12 slowing the process down tremendously to have real
13 reflection and community dialogue and consideration
14 around the process.

15 CHAIRPERSON VAN BRAMER: So, I want to thank this
16 panel for weighing in and for caring about public art
17 in the City of New York. So, I want to thank this
18 panel for being here and before I call the next
19 panel, I want to recognize we've been joined by
20 Majority Leader Laurie Cumbo on our Committee and I
21 think this next panel is artists right, who want to
22 speak to this issue. And that is as I mentioned,
23 Jorge Luis Rodriguez and Evelyn Rodriguez. Are they
24 here? Yeah, Xenobia Bailey, is that correct?

1 Xenobia, okay, great and Janet Zweig is here. Is
2 that three or four people? Four, okay.

3 Janet, then I think we'll start with you when you
4 when you are ready and when the Sergeant at Arms is
5 ready and has all of the testimony. And then, our
6 last panel will be Marina Ortiz is Marina is still
7 with us, Todd Fine, Rowe Rothblatt, I hope I'm saying
8 that correctly. Jacob Morris and Margaret Blair. I
9 hope I got all of those names right.

10 Okay, we were all distracted by the beautiful
11 book that Jorge Luis Rodriguez has presented us but
12 why don't we start with the testimony.

13 The light should be on right before you, the
14 little button.

15 JANET ZWEIG: Yes.

16 CHAIRPERSON VAN BRAMER: Great, thank you, now we
17 can hear you.

18 JANET ZWEIG: Thank you so much for the
19 opportunity to talk to you today. My name is Janet
20 Zweig; I'm an Artist and Educator.

21 In 1994, I received my first public art
22 commission from New York's Percent for Art program
23 for Walton High School in the Bronx. Since then,
24

1 I've completed many commissions around the United
2 States.

3
4 Currently, we are extremely lucky to have Kendal
5 Henry directing Percent for Art. He is one of the
6 countries best, most renowned, most accomplished
7 public art experts. He and his excellent staff of
8 two now are currently managing – I heard another
9 number but I think it's 137 projects.

10 This seems impossible and yet they are doing an
11 amazing job bringing world class artworks to five
12 boroughs year after year. Looking at other percent
13 programs in comparison, San Francisco has 10 staff
14 with 75 projects. And I have some other program
15 numbers but they probably could use some more staff
16 but mostly, I'd like to address the importance of art
17 expertise on artist selection panels.

18 In my experience Percent for Art does an
19 excellent job with this and their selection process
20 is extremely transparent. The panels are diverse in
21 comparison to other programs. I think their panels
22 are really well handled.

23 The current standards are to have art
24 professionals comprised more than half a selection
25 panel. Now, it's occasionally suggested that only

1
2 community members should chose artists and this
3 causes me to wonder why art is one field where
4 expertise is so undervalued. If you need a doctor,
5 you typically chose someone with expertise in
6 medicine. Why wouldn't we have people with expertise
7 help chose the art that will be part of the fabric of
8 New York for years to come? Here's an example, the
9 juror's for the Vietnam Memorial were eight
10 internationally recognized artists and designers.

11 One juror, speaking about Maya Lin's handwritten
12 proposal and her impressionist sketch of a black
13 wedge on a blue green background said, at first, I
14 didn't pick it out but the longer I looked at the
15 more convinced I was that it was the one. There was
16 extreme opposition once her proposal was chosen.
17 Many people just couldn't understand it. They
18 wouldn't have picked it out but the Veterans Fund
19 navigated the controversy with the help of government
20 allies and as you know, the Vietnam Memorial is one
21 of our best loved public works.

22 Public art very often draws controversy and more
23 often than not, it's initiated by only one person or
24 very few people. So, education and outreach are
25 crucial for success. Percent for Art currently does

1 this outreach extraordinarily well. I have to admit,
2 I was amazed by the fact that it was year of outreach
3 for the memorial that I just heard about and how much
4 art reach there was.

5 Perhaps more staff could bring deeper outreach,
6 but the most important thing they need is support
7 from city officials like you. With your support they
8 can turn controversy into productive civic discourse
9 and an understanding of the stakeholders needs and
10 desires.

11 Thank you so much.

12 CHAIRPERSON VAN BRAMER: Thank you very much.

13 XENOBIA BAILEY: Okay, I didn't know how to go
14 about putting this presentation together, so I just
15 put down my experience as an artist, public artist.

16 My name is Xenobia Bailey and thank you so very
17 much for inviting me to this testimony. I would like
18 to thank everyone at the Arts Transit and MTA program
19 for believing in my artwork enough for it to be
20 installed in such an amazing space at the Number 7
21 Hudson Yard Subway stop in 2015.

22 Around 20 years ago, so it seems, I submitted
23 images of my work to several arts organizations
24 slides, registers in hopes of possible public art
25

1 commission. After that, I had been short listed
2 several times to compete for public art commissions
3 in New York City, which I never won.

4 Each of these past submissions has their unique
5 stories, such as my application to the Jay Street
6 Borough Halls Train station in Brooklyn, which I did
7 not get. I was very nervous during my panel
8 presentation because I had really terrible renderings
9 for the presentation. I had created works of art
10 that I thought the panel wanted to see in the subway.
11 My concept did not read well and my printer had
12 really messed my image. When all of us artists were
13 waiting together, one of the artists among us had
14 applied for the same commission said, don't be
15 discouraged if you don't get it. He advised that I
16 should learn from this experience to strengthen me
17 for the next time.

18 Then he added that this was his sixth time trying
19 and he was going to keep trying. He said this like
20 it was part of our job as artists to be constantly
21 rejected and bounce back from the results. What he
22 had said had some comfort, but later, I saw that he
23 had gotten the commission. I witnessed the light at
24 the end of his tunnel and I was in that same tunnel.
25

1
2 At that point, I saw a victorious ride of rejection,
3 not my victory but his victory, yet it was my victory
4 also in a sloppy second kind of way.

5 Then came the Hudson Yard shortlist call to apply
6 to present artwork alongside three other established
7 artists. I was very intimidated about the project
8 because nothing was built yet and everyone at MTA
9 kept saying how big this project was. I was beyond
10 scared but the director and project manager and
11 everyone at MTA told me to do what I do and don't try
12 to please the panel.

13 Fear, hunger and MTA believed in me but I wanted
14 to just to say that after I got that commission, I
15 had received several other commissions, Coney Island,
16 which Kendal Henry, I too must praise him, was a
17 saint supporting me through that project. And my
18 notes are all messed up because -

19 CHAIRPERSON VAN BRAMER: No, feel free to read
20 your testimony Ms. Bailey.

21 XENOBIA BAILEY: Okay. I tried not to please the
22 panel. Fear, hunger and MTA believed in my work was
23 the motivation which resulted in winning the
24 commission. If truth be told, Hudson Yard commission
25 jump started the beginning of my art practice. I

1 don't know what my life and my career would be like
2 if I had not gotten that opportunity. I could not
3 have asked for a more supportive group of people than
4 everyone that I worked with at the Art for Transit
5 program at MTA. It was a major game changer for me
6 how my crochet was converted into three large
7 overhead glass tile mosaics created by the masterful
8 mosaic fabricator Steven Mayoto[SP?]. It all seems
9 like the natural evolution of materials of fiber to
10 fiber and glass public places. Okay, I messed up
11 here. But how my crochet was converted into glass
12 tiles for the mosaic.
13

14 Because of this opportunity, I have sense
15 received four public art commissions, a pedestrian
16 walkway paved and structural design for Coney Island,
17 which I was grateful to Kendal Henry for that support
18 that he gave me through a very challenging project.
19 A public art piece in Saint Petersburg Florida,
20 which was a mini-Hudson Yards project. The grand
21 reading room with Martin Luther King Library in
22 Washington D.C. Mies Van der Rohe architect, which
23 is like pulling a 50 year old dream out of a hat.
24 And a permanent installation at a sports arena in Los
25 Angeles which I'm just now starting.

1
2 All of this has afforded me the opportunity to
3 realize my fulfillment of practicing my art full time
4 for the first time in my life, which I was beginning
5 to believe I was delusional to pursue. Becoming a
6 fabric artist using a medium of crochet and the
7 esthetic of the domestic craft of the African
8 American homemaker and caregiver on a global scale, I
9 would not be in the position if it was not for the
10 Hudson Yards Commission and MTA believing in my work
11 and supporting the development of the project, which
12 has enabled me to contribute my vision to humanity.

13 CHAIRPERSON VAN BRAMER: Thank you so much and I
14 have seen your work, it's amazingly beautiful and
15 quite a success story. I'm also really glad your not
16 the artist behind the Vessel, based on my comments
17 earlier today about the Vessel.

18 So, thank you for your testimony and Kendal, Ms.
19 Bailey just called you a saint, so this joyride
20 you're on here today at this hearing, it can only go
21 downhill from here. I think we all understand that.

22 XENOBIA BAILEY: My I also make a comment?

23 CHAIRPERSON VAN BRAMER: Sure.

24 XENOBIA BAILEY: Laurie Cumbo has also been a
25 major support in my career, when she was Director of

1 the MoCada Museum. She was a major supporter of the
2 artists in the community. So, she too, is the reason
3 why I'm here.
4

5 CHAIRPERSON VAN BRAMER: That's wonderful. And
6 we'll finish this panel and then we can see if anyone
7 on this panel wants to ask any questions before we
8 hear from the last panel.

9 JORGE RODRIGUEZ: My name is Jorge Rodriguez and
10 I am having some problems with my vocal cords, so I'm
11 asking my beautiful wife to read my statement.

12 JORGE RODRIGUEZ'S WIFE: Thank you. So, I'm
13 going to kind of paraphrase and call from what we've
14 had here because its become more apparent what we're
15 trying to accomplish.

16 So, first of all, good morning. Good afternoon
17 actually, City Council Members and elected officials,
18 private citizens. We should thank the opportunity to
19 present here today.

20 And so, we're going back to the beginning because
21 Jorge was the first person selected and the first
22 commission completed. He was invited among a group
23 of artists in 1984 to be considered to develop public
24 artwork for the newly enacted Percent for Art
25 program. He had a portfolio of already 20 years of

1 artwork of graphic design, painting and sculpture in
2 different media. He was really very pleased to be
3 selected for a site specific project at Harlem Art
4 Park.
5

6 He had invested great years of teaching and
7 developing curriculum in the schools and cultural
8 community based organizations and museums including
9 residency at the Student Museum in Harlem. Actually,
10 he did residency with David Hammons in Child Delay,
11 child laborism at **[INAUDIBLE 2:23:33]**.

12 As the park was undergoing construction, it had
13 not yet been completed. He visited regularly, looked
14 at the dynamics in the park with particular focus on
15 nature, which is one of the running theme in his
16 works and what his impressions inspired him to do was
17 to concentrate on actually the concept of growth
18 because this would be the first project to be
19 completed and that's what the sculpture was
20 ultimately named growth. He was inspired by the
21 dynamics in the park as well as his experiences when
22 he was growing and in his tropical garden would plant
23 seeds, watch them grow and see the transformation in
24 them and he saw the correlation between that and what
25 he was trying to accomplish with the sculpture.

1
2 So, we were just talking on the way here how we
3 worked hand and hand with Jennifer McGregor and all
4 the people that were present at the ribbon cutting
5 ceremony in June of 1985, you know it's like, from
6 Jennifer - no longer with us. Bess Myerson was there
7 Mayor Koch, Anthony Gleeman, Henry Stern but we still
8 have long lasting relationships with the school that
9 is crossing from the park, their active
10 participation. There are some art programs where the
11 students do come in and visit the park.

12 Also, having the opportunity to have a 30th
13 anniversary celebration, sponsored by New York City
14 Parks. We also had a retrospective work at Center
15 for Puerto Rican Studies at Hunter College which is
16 just a block away. So, it revived the concept and
17 one of the most wonderful things that happened at
18 that occasion is that the park fulfilled its original
19 purpose, which is to have ongoing artist relations
20 and there have been 15 - it says here in the
21 statement 10, but we actually realize there have been
22 15 installations nearby through the coordinated
23 effort with Connie Lee of the Marcus Garvey Park
24 Alliance. They've made a corridor, public corridor
25 between Marcus Garvey Park, Harlem Park and the local

1
2 community business partners and cultural
3 institutions.

4 So, I'm welcome to ask questions.

5 CHAIRPERSON VAN BRAMER: Thank you. First of
6 all, this book is beautiful.

7 JORGE RODRIGUEZ: Well, thank you.

8 CHAIRPERSON VAN BRAMER: And we were just looking
9 at some of the photos from your residency and some of
10 those early photos with Mayor Koch and Bess Myers and
11 your career is incredibly impressive and your work.

12 JORGE RODRIGUEZ: Thank you.

13 CHAIRPERSON VAN BRAMER: Truly remarkable. It's
14 beautiful, that photo of yourself and David Hammons
15 and Charles Abramson is remarkable, absolutely
16 remarkable.

17 JORGE RODRIGUEZ: Yes.

18 CHAIRPERSON VAN BRAMER: So, thank you for your
19 legacy and a side note, I just read that your born in
20 San Juan Puerto Rico and I love Puerto Rico and have
21 a home there and it's great to see a Puerto Rican
22 born artist succeed and leave such a huge imprint
23 here in New York City. It's remarkable.

24 JORGE RODRIGUEZ: Thank you very much.

25 CHAIRPERSON VAN BRAMER: So -

1
2 COUNCIL MEMBER CUMBO: I just want to thank you
3 all for being here. It is such an honor to have so
4 many of our creative giants here today in the City
5 Council and I'm very much an energy and vibrations
6 and frequency person and it's so important to have
7 your energy here in City Hall.

8 It's important that what you're saying, the work
9 that you're talking about, the perspectives that you
10 bring are really very critical to the political
11 process. And so, I hope that through your
12 presentations and your testimonies here today, that
13 more individuals from the cultural community will
14 understand that their voice is equally important to
15 all of the many topics that we discuss here in City
16 Hall.

17 So, we thank you certainly for coming here, for
18 testifying and being a part of the political process.
19 Because often times we have many different political
20 views and some will say they have nothing to do with
21 politics but politics and government interfaces with
22 every part of our lives.

23 So, it's so important that you're here today and
24 I thank you so much for being here.

25 JORGE RODRIGUEZ: Thank you.

1
2 CHAIRPERSON VAN BRAMER: Thank you all very, very
3 much for participating and for creating a better New
4 York City.

5 Our final panel, this panel is excused, thank
6 you, is Margaret Blair, Rowe Rothblatt, Jacob Morris,
7 Todd Fine and Marina Ortiz.

8 The Sergeant at Arms will take your testimony.
9 There are five chairs up there and we will - is this
10 everyone?

11 UNIDENTIFIED: No.

12 CHAIRPERSON VAN BRAMER: You'll start and then
13 we'll go down the line.

14 ROWE ROTHBLATT: Alright, good afternoon, thank
15 you for hearing my testimony. My name is Rowe
16 Rothblatt and I'm here to present the Sisters in
17 Freedom proposal and I've given your Committee a
18 dozen letters of support. Actually, since this
19 morning, we have two more coming in the Council
20 Member Stephen Levin also signed on a letter and I'll
21 send that as well. As well as Assembly Member Jo
22 Anne Simon.

23 The process of creating a monument should live up
24 to the ideals you want to memorialize. Today, I'm
25 presenting the proposal to build a statue called

1 Sisters in Freedom at Willoughby Square Park,
2 recently renamed Abolitionist Place Park by Brooklyn
3 Community Board 2.
4

5 This proposal is a model for what the monument
6 process can look like. It's sited at a historically
7 significant location, rises up from grassroots,
8 exemplifies an educational design philosophy and
9 celebrates the voice of the descendants of the
10 honorees.

11 The city has already funded a contract requiring
12 Willoughby Square Park to build a monument, but this
13 legal commitment does not require Percent for Art.
14 This is the opportunity for the Cultural Committee to
15 try I would say a better process. Our choice of Ida
16 B. Wells and four other African American suffragists
17 would educate generations of New Yorkers about a
18 fierce group of women who fought against lynching and
19 for economic and civil rights.

20 This selection would elevate both these empowered
21 women and New York City's central role in the history
22 of their movement. After Ida B. Wells newspaper was
23 attacked by a racist mob in 1892 in Memphis, she
24 moved to downtown Brooklyn where many strong Black
25 institutions already operated. The women here

1
2 assisted her with public speaking, fund raising and
3 publicity. They drove the formation of the
4 influential Black women's club movement. It is
5 impossible to understand the progress of the civil
6 rights movement without understanding the work of
7 these women.

8 The selection of Sisters and Freedom by this
9 Committee is obvious and deserving. Their activism
10 is a model for us and we hope you chose it as a
11 template to build monuments citywide.

12 CHAIRPERSON VAN BRAMER: Thank you and under
13 time. Next.

14 JACOB MORRIS: Jacob Morris; Harlem Historical
15 Society. By the way, I was responsible for the co-
16 naming of Gold Street, Ida B. Wells place and I'm
17 responsible for originally coming up with the concept
18 of a group memorial honoring these five great women
19 from Brooklyn and I'm so glad that the Majority
20 Leader is here today because I know that she carries
21 on a tradition of these five great women from
22 Brooklyn. And that this Sisters in Freedom memorial
23 would honor - it would honor their struggle and it
24 would honor Brooklyn and in so doing it would also
25 honor New York City and there's the connection to

1 bringing history to life because Abolitionists Place
2 Park is one block from where Ida B. Wells lived.

3
4 And that leads me to my five points. Monuments
5 siting; now this is a real problem you know, with
6 what's going on. You got Elizabeth Jennings Graham
7 gets thrown off the streetcar in 1854 at the
8 intersection of Pearl and Chatham downtown Manhattan.
9 And by the way, you know, that was 100 years before
10 Rosa Parks.

11 They just did a statute of Rosa Parks in
12 Montgomery and that statue is located in the
13 immediate vicinity of where Rosa Parks refused to
14 move to the back of the bus and where they stopped
15 the bus and where she was taken off the bus and
16 arrested. And yet, somehow and I'm so glad Mr.
17 Chairman that you brought that out. Who makes these
18 decisions? Who really made that decision about
19 Mother Cabrini and these other siting decisions, are
20 verging on the inexplicable and we did requests.
21 We've gotten no response as to how the decisions were
22 arrived at for siting. That includes the decision
23 for the Lyon's family in Seneca Village in Central
24 Park. More than a mile from where Seneca Village
25 was, it makes no sense.

1 Elizabeth Jennings Graham at Grand Central
2 Station, when she was thrown off in her Sunday church
3 clothes, all the way downtown and the Colored Sailors
4 home by the way, was located at 330 Pearl Street.
5 You're going to honor the Lyon's family than it
6 should be by the Colored Sailors home.

8 CHAIRPERSON VAN BRAMER: So, I know you just
9 covered one of your five recommendations.

10 JACOB MORRIS: Yeah.

11 CHAIRPERSON VAN BRAMER: So, I'm going to ask you
12 Mr. Morris if you can -

13 JACOB MORRIS: Run through the rest quickly.

14 CHAIRPERSON VAN BRAMER: Be more concise, yes.

15 JACOB MORRIS: Okay, I just you know, that this
16 really - I feel very passionate about. That we can
17 do better here in New York City.

18 The Public Design Commission, they've adopted
19 some new guidelines in terms of historian input. I
20 would like that to become permanent. I would like
21 there to be a seat on the Public Design Commission
22 for a historian and this is especially critically
23 important to fulfill the educational function of
24 monuments that have historical themes.

1
2 There are two categories of monuments, not one.
3 There's the esthetic monuments and then there's the
4 historically theme monuments. Now, one of the prior
5 panelists said, oh, well the community, they like
6 figurative monuments when it comes to historic.
7 That's right, the people of the city they like
8 figurative monuments because of the educational
9 function of historically themed monuments. Not
10 abstract or "contemporary stylings". Figurative has
11 an educational function for the community.

12 Consideration of best practices around the United
13 States in regards to monument siting selection and
14 artist selection, should be examined and considered
15 for adoption here in New York City for approval and
16 to improve our selection criteria and processes. And
17 the Percent for Art program, you were right, this
18 would go downhill for Kendal, buddy, this isn't
19 anything I haven't expressed in person. Has an
20 abstract and contemporary art bias.

21 That's not his fault necessarily because we
22 haven't had a whole slew of monuments with historical
23 functions. Now that we do, we need to consider the
24 educational function of historically theme monuments.

25

1
2 And so, figurative art should not be discriminated
3 against.

4 Kendal has gone on the record, in public stating
5 that they were going to pick Simone Leigh when they
6 went back to the office, in spite of the overwhelming
7 strong sentiment of those wonderful ladies in East
8 Harlem who fought so long against Sims.

9 These are very knowledgeable group of women and I
10 just can't say enough about them.

11 CHAIRPERSON VAN BRAMER: That's fair.

12 JACOB MORRIS: Please Mr. Chairman, improve the
13 compliance mechanisms for transparency in the
14 legislation that you already passed.

15 CHAIRPERSON VAN BRAMER: Got it. I see that,
16 thank you very much Mr. Morris. Obviously, you've
17 invoked Kendal in a public statement. You know, I
18 don't know if he wants to respond in any way shape or
19 form but I just want to give him the opportunity if
20 he'd like to correct the record in any way or
21 respond.

22 Next panelist.

23 MARGARET BLAIR: Hello, my name is Margaret
24 Blair; I'm a performing artist and educator and a
25 scholar. For the record, we haven't spoken about

1 anything today. I haven't spoken to any of them and
2 it's amazing how I have like a similar sentiment.
3

4 When I'm not studying anthropology and education,
5 I teach dance in a couple of public schools in
6 Harlem. I've spent the last - I've spent many years
7 in the past drawing, painting and sculpting through
8 my studies at the fine arts program EDFIT but I care
9 very, very deeply about historical content, lack of
10 representation and of communities of color in public
11 spaces.

12 So, this is what I understand about why I'm here.
13 The process may have worked in the past, I'm not
14 taking anything away from Percent for Art. I'm not
15 saying that they haven't given so much to artists and
16 artists of color. I just really appreciate that
17 work. I think it's hard work, whether you're working
18 for the government or you're working for a private
19 industry, it's hard work.

20 But I understand also and I've spoken to Mr.
21 Finkelparl briefly about it. I understand also that
22 at the same time, the public can be regarded and
23 disregarded at the same time. So, the way public
24 involvement, the way and the manner that they are
25

1
2 being engaged in new works, seems broken or something
3 needs to be fixed, it's maybe outdated.

4 So, I think that the community, like myself, I'm
5 always in Councilman Maisel's office. I live in
6 Brooklyn, I'm in his office constantly about
7 everything. I think the public, like myself, we are
8 critical enough to actually chime in for some things
9 and the way they are being engaged and then
10 disengaged. Their opinions are disregarded at the
11 last minute; I think it's disrespectful. I think the
12 communities who live around these particular
13 projected works, can critically chime in and give
14 their recommendations and their advise as well. And
15 a lot of what's happening, it's just not aiding in
16 the process.

17 So, I heard someone say today that you know, we
18 need to slow this down. I don't think so. I don't
19 think we need to slow it down, I just think that the
20 way the communities involved needs to change.

21 I just want to thank you.

22 CHAIRPERSON VAN BRAMER: Thank you very much.

23 Next.

24 TODD FINE: Yes, Todd Fine; President of the
25 Washington Street Advocacy Group and I would first

1 like to offer my support for the Sisters in Freedom
2 initiative. I think that's the way that this process
3 could have been done. To talk to community groups,
4 see what sentiment is out there, rather than
5 executive decisions by politicians which was how all
6 of these major monuments were made.
7

8 Now, the Commissioner repeatedly said that public
9 art is inherently controversial and if we accept that
10 as a catch all explanation, we could say this was
11 inevitably going to be controversial. That this
12 large scale monument initiative would be inevitably
13 controversial but is that true? No, there are
14 reasons why this monument and boom initiative became
15 extremely controversial and they are the insufficient
16 funding and inferior processes for a widely ambitious
17 program at Percent for Art.

18 The ambition can be commended, the implementation
19 cannot. According to my count provided to members of
20 the Committee, at least twelve major large scale
21 monuments are underway, many with short term
22 deadlines in one or two years.

23 Major experts of public art process do not
24 believe this is possible. The former Director for
25 Percent for Arts just explained how a single large

1
2 scale monument taxed their resources. How about
3 twelve, and PDC said all privately proposed monuments
4 will also go through Percent for Art. Now, how is
5 any of this possible? It is irresponsible for this
6 Committee not to press further about how this new
7 initiative is possible. Percent for Art has invited
8 people to speak about past successes and the
9 capability of staff but no one has testified how the
10 specific program, which is distinct from the
11 commissions in the past can achieve this project on
12 this scale.

13 We have entered a twilight zone and there's no
14 road map and there's no oversight. Three staff at
15 Percent for Art, this is absurd. It's stressing all
16 agencies to breaking point, PDC and Parks as well as
17 PDC. The root of the scandal is one, ignoring and
18 neglecting the City Advisory Councils and two, a
19 rushed under resourced process that has led to rash
20 and sloppy decisions that may lead to inferior works
21 in considered locations.

22 There are several problems; first, weak responses
23 to community sentiment in organically driven
24 projects. Long before the monument initiative, their
25 existing public art initiatives for Tito Puente,

1
2 Brooklyn Abolitionism for the Literary Heritage of
3 Little Ceria. These initiatives developed
4 organically, but they're now at the back of the list
5 and they probably may not be completed for three,
6 four, five years and nobody knows how quickly any of
7 these initiatives are going to be completed with
8 dates or two or three years.

9 Second, is that we marginalized the blue ribbon
10 commissions. We have lots of testimony from people
11 from the Public Art program and from other artists,
12 but we don't have any of the members of those 40 -
13 the 18 member women commission on advising the women
14 selection. Harriet Senie; the CUNY Professor who is
15 on the Commission, said it was charade.

16 They recommended group monuments and those
17 recommendations were overruled and the people on the
18 Mayor's Monument Commission also said that their
19 recommendations were ignored. That the final
20 decisions only took place in fifteen minutes at the
21 end of the third meeting. So, they didn't feel they
22 had any agency. The decisions were made by political
23 leadership. There's no community involvement and
24 there needs to be more oversight.

3 Third, we're neglecting community knowledge and
4 sentiment in the selection of these monuments. These
5 can be seen in these location problems that my
6 colleague raised the Elizabeth Jennings Graham at
7 Central. Grand Central Station makes no sense.
8 Billy Holiday, which he didn't get into. There are
9 huge sentiment in **[INAUDIBLE 2:54:56]** Park to site
10 that in Queens where there was a huge jazz move. Why
11 do it a Queens Borough Hall? Why didn't anybody talk
12 to the people of Queens before we did this? This is
13 what this committee needs to do, have a rigorous
14 oversight into these specific siting decisions.
15 Explain why they were occurred and then we can sort
16 this out.

17 This monument initiative is not going to be
18 solved within the next year or two. There's 12
19 monuments in the process. Let's slow it down and
20 let's do them all properly. Let's scrutinize it and
21 do it properly, engage the community.

22 Thank you.

23 CHAIRPERSON VAN BRAMER: You speak really fast
24 but read remarkably well, remarkably fast, because
25 that was like 15 minutes of testimony condensed into

1 three and the truth is, I understood every word of it
2 because, yeah, no -

3
4 TODD FINE: High school debate.

5 CHAIRPERSON VAN BRAMER: Really, that was really
6 impressive actually. I mean, maybe some of the older
7 folks remember the commercials where the guy used to
8 like speak really fast, that's who you reminded me
9 of.

10 But I just want to say, you do raise a lot of
11 real issues and important issues and I share some of
12 the concerns which is part of why obviously in this
13 moment of transition, right, Tom is leaving and there
14 will be a new Commissioner. We hope soon but I did
15 start this hearing with talking to Tom and getting
16 him to talk on the record about exactly who is making
17 decisions and that is important to me and I think
18 important for all of us to understand what's
19 happening here.

20 So, there is more oversight to be done. There
21 are a lot more questions to be answered. We did talk
22 about the resources question and I just want to say I
23 have concerns. I want to let the next person speak
24 as well, because I'm afraid if I give you the mic
25

1 again, your going to give another 15 minutes in 3
2 minutes.
3

4 TODD FINE: One comment. No, I agree this
5 Committee can do good oversight, but we need to have
6 a road map of how this 12 monument boom is going to
7 happen. We can't just have to beg or information.

8 CHAIRPERSON VAN BRAMER: I agree, absolutely.
9 Last, but not least.

10 MARINA ORTIZ: Yes, I also can do that kind of
11 speed reading which I normally do at Community
12 Boards, but I'm not going to do that. I have a
13 written statement that you have there you can refer
14 to later. I am going to take the liberty of taking a
15 little bit of extra time, so I don't have to speed
16 talk but I appreciate everything you said.

17 So, I'm here to talk about the process for the
18 selection of the replacement of the Sims statue and
19 from a little bit what I'm hearing today, in
20 testimony and side comments, I'm actually going to
21 respond to some of those comments to clarify.

22 So, for example, there were not 19 meetings held
23 in terms of engaging the community in East Harlem,
24 regarding the replacement for the Sims statue. There
25 were three communitywide meetings held at the New

1
2 York Academy of Medicine, Schomburg Center and then
3 at **[INAUDIBLE 3:00:10]** for the final artist
4 selection.

5 So, those were three communitywide meetings; the
6 Committee that was formed did in fact meet beginning
7 after the statue was taken down but it does not total
8 19. And the Committee meetings did not always
9 include representatives from Department of Cultural
10 Affairs or Percent for Art. So, I just want to
11 clarify that.

12 We were promised in the beginning of all of this
13 that there would be one million dollars allocated for
14 this and is separate from Women's Monument project.
15 So, we just want to clarify that we want to make sure
16 that that promise is kept.

17 And talk about the process, so we were always
18 advised by Tom and Kendal that the communities voice
19 was an advisory voice. We were never promised that
20 we would have the final say. So, I just want to make
21 that clear. However, the process leading up to that,
22 the things that we were promised did not happen.

23 So, for example, we did not have that many
24 meetings. Towards the end as we got closer to the
25 artist selection panel, we were told that we were -

1
2 the Committee would have an opportunity to interview
3 the five – at that time, five finalists. That never
4 happened and we asked why. We asked to have someone
5 from the community represent us on that artist
6 selection panel and we only thought to ask that
7 towards the very end and I'm glad that we did. We
8 had to push back to get that. The person that was
9 appointed to the panel is an expert, so she
10 qualified, but we were never – we never got an
11 opportunity to speak to the artists. Not to
12 interrogate them or anything but just to get a sense
13 of their thoughts and their vision.

14 We were never told the names or titles or
15 credentials for the artist selection panel. We only
16 met them that very day. The artist selection panel
17 that we saw, again, I'm going to take the liberty of
18 more time, because this is important.

19 CHAIRPERSON VAN BRAMER: But I will – we will
20 certainly allow you to have extra time, as we have
21 several other people but I just want to say there are
22 also limitations.

23 MARINA ORTIZ: Thank you because going forward,
24 this needs to be corrected and addressed.

25 CHAIRPERSON VAN BRAMER: Sure.

1
2 MARINA ORTIZ: So, the artist selection panel
3 from what I can see, consisted of only one woman of
4 color and she is the woman that we pushed to have and
5 we had to push to have on that panel.

6 There were in fact only three women out of seven.
7 There were I believe four white people and three
8 people of color.

9 So, we were like kind of shocked when we walked
10 in. It's like, we didn't know. You know, they were
11 briefly introduced and all of that, but we just
12 didn't know. There was no literature handed out, no
13 information. So, we also questioned the budget for
14 community outreach because in fact, the community
15 members were the ones that did that outreach for
16 free. Everything from printing and posting flyers
17 and attending community board meetings and getting
18 people to the event, which we did.

19 So, we question the budget as well. We'd like to
20 see more transparency on that as well as one million
21 dollars. We want to make sure one million dollars is
22 applied to this particular project. And I say that
23 because I mean, okay, so you all know that Simone
24 Leigh was selected by the artists. When I walked
25 into that event, I had no prejudgment. Most of the

1 people that were okay, going back again, so, the city
2 also promised to have an online engagement process
3 two weeks prior the artist selection process, so that
4 the general public citywide could input on the
5 artists that were finalized, right.

6 So, that wasn't put up online until five days
7 before the event, which is ridiculous and we had to
8 promote it and the artist imagery that was presented
9 was also ridiculous. We couldn't even see or make
10 out the work of at least two of the artists very
11 clearly.

12 So, during the event, I walked in and many others
13 walked in surprised to hear that only one artist was
14 going to be joining us and so, I'm like, okay,
15 whatever. So, we're still looking at the
16 presentations on screen and we still can't make out
17 pretty much any of the artists work. And I'm going
18 to say, it's not a Simone versus Vinnie Bagwell.
19 What was shown to us on the screen of Simone Leigh's
20 work was a very shadowy outline of a woman reclined.

21 That's the same exact image that was put online
22 for the general public, for the citywide. We
23 couldn't make out what it was. Had Simone Leigh
24 attended and/or entrusted and respected our community
25

1
2 enough to show us her vision, things might have gone
3 differently. Had we seen, were able to see what she
4 was presenting, it might have gone very differently,
5 but she didn't show up and for whatever reason, we
6 were not entrusted or respected enough to see her
7 proposal.

8 Which is ridiculous and that's why people were
9 outraged, including the Chair of the Community Board,
10 Community Board 11. Including Councilwoman Diana
11 Ayala, who can't be here today, but who did speak out
12 on this formally at a press conference. And then
13 also, we're being subjected to after the fact,
14 hearing audio of people involved in that selection
15 process assuring that the artist - that Simone
16 Leigh's art will go up and their going to do whatever
17 they need to do to make that happen. This is after
18 the city and Tom Finkelppearl announced her withdraw.
19 And people even in this audience snickering and
20 saying that East Harlem, you all are a bunch of
21 bitching and complaining. Exactly what was said,
22 okay.

23 Bitching and complaining about the Tito Puente
24 statue. We've been waiting for that for ten years.

1
2 Okay, a certain amount of funding was given but we
3 need more funding for that in reality in 2019.

4 I really don't appreciate people involved in that
5 selection process ridiculing my community, calling us
6 stupid. Telling us we don't know good art, Vinnie
7 Bagwell's art sucks. She's a bad artist and these
8 are the people that are going to be carrying out and
9 fulfilling this mandate.

10 CHAIRPERSON VAN BRAMER: Well, obviously, all
11 that you just said there is unacceptable to say about
12 the East Harlem community and those who have a
13 different perspective. So, I appreciate everything
14 that you have said.

15 MARINA ORTIZ: Just two more points, two more
16 points.

17 Also, the figurative issue, Vinnie Bagwell's
18 presentations goes beyond figurative art. She's
19 talking about LED lighting and eternal flame. A lot
20 more than just figurative art, okay, and it's not bad
21 art. And so, she was there for seven hours, answered
22 every single one of our questions, presented an
23 actual model, said she's open to changing somewhat.

24 So, of course, people embraced her. And then
25 finally, the proposal or idea around insufficient

1 funding and possible public/private partnerships. I
2 totally do not support that at all, because you're
3 opening up a can of worms for developers to come in.
4 No, don't go there. The city needs to invest more
5 money into the Percent for Art agency and process
6 needs to be transparent and there are processes in
7 place that should be followed and respected.

8
9 CHAIRPERSON VAN BRAMER: Okay.

10 MARINA ORTIZ: But they're not being.

11 CHAIRPERSON VAN BRAMER: Thank you. Thank you
12 for all that you have to say. Council Member Barron
13 has joined us and I want to give her an opportunity
14 to weigh in on this important issue.

15 COUNCIL MEMBER BARRON: Thank you Mr. Chair and
16 thank you for holding this hearing and thank you to
17 the panels that have been here. I haven't heard all
18 of them, but I will certainly review them and make
19 sure. I just wanted to put some items onto the
20 record.

21 Much of this talk about having the statues and
22 having cultural representations is a result of the
23 fight that began against the statue of Dr. Marion
24 Sims who as we have found out, for those who didn't
25 know, conducted much of his gynecological experiments

1 on Black women who were enslaved and who he
2 administered no anesthesia. Although, when the
3 procedure was used on White women, he did use
4 anesthesia.
5

6 So, we talked about how terrible it was to be
7 able to say that this was a statue to this person and
8 it goes back about ten years and it was launched in
9 the community of Harlem by, I want to put onto the
10 record, we want to have Liola Plumbers[SP?] name
11 entered into the record as the person who began that
12 struggle.

13 So, as we all know the struggle continues. The
14 statue was removed and placed elsewhere. So, it's
15 not in storage, it's not hidden away, it was placed
16 at Greenwood Cemetery. So, that's where it is,
17 that's where his grave is. I've heard people say it
18 needs to go in the grave with him but that's where
19 his statue is.

20 So, our concern is that as we move forward in
21 this process that the community is engaged in a
22 meaningful, impactful, way that's not just cosmetic
23 and not just having hearings and committees and
24 participation without having a final say. Without
25 having the ability to except or reject what's coming

1 into their community. That they are going to be
2 subjected to.
3

4 I heard an earlier panel, perhaps it was on this
5 panel, talk about the argument over where should it
6 be? Where a particular statue should be located. We
7 need to make sure that the community is engaged, not
8 just in the process and then at the end. Nothing
9 that they have said has been reflected and I just
10 want to draw a parallel in terms of community
11 involvement and its impact to the fact that there
12 will be a new library, as you well know and new lots
13 and last night was their second community engagement
14 process. And all of their comments will be
15 considered and weighed and incorporated hopefully as
16 we then give the plan to the architect.

17 But we have laid out what it is that we want to
18 see in our brand new \$31 million library. And the
19 community has already gotten its first report back.
20 Okay, this is what you said at your previous
21 meetings. This is what we are planning to
22 incorporate and until that kind of respect is given
23 to the community for them to know that they are
24 respected. They are admired and they are valued,
25 then until we have that kind of clear process and

1
2 protocol laid out, we're going to continue to have
3 projects that don't reflect what it is that people
4 want to see in their community.

5 So, we've heard the presentation about the artist
6 selection panels and who was on it and who wasn't on
7 it and how the persons that were finalists were in
8 fact, it should have been, okay, this is what is
9 expected of you if you are finalists. So, that
10 people would know what to expect and how to
11 participate and how to present themselves.

12 So, I just think that it's important that
13 particularly as we're talking now about these
14 statues, how are we going to make sure that the
15 community is involved? What are the next steps? How
16 will they be identified? How will they be relayed to
17 the public that these are the next steps that are
18 coming and what is the role that the community will
19 play and have it clearly defined?

20 So, I just wanted to get all those points on the
21 record. There are others as well, but those were the
22 main ones. And I want to acknowledge that I have had
23 M. Indigo Washington attending those meetings and
24 she's also here and I want thank her for her
25 contributions.

1 Thank you.

2 CHAIRPERSON VAN BRAMER: Thank you very much.

3 UNIDENTIFIED: One second.

4 CHAIRPERSON VAN BRAMER: Hold on one second, I
5 just want to say something about Council Member
6 Barron and thank her for her participation, not just
7 in this hearing but over decades and you know how
8 much I respect and value your input and
9 recommendations and indeed, this hearing has been
10 all about some of the changes that we might be able
11 to implement. Particularly, of course, as we go
12 through this transition and have a new Commissioner
13 coming, we hope very soon.

14 We will see when they appoint – and also, about
15 who makes these decision. That was a big part of the
16 earlier part in particular.

17 COUNCIL MEMBER BARRON: Thank you very much. I
18 appreciate that.

19 CHAIRPERSON VAN BRAMER: Absolutely. Rowe, did
20 you want to say something.

21 ROWE ROTHBLATT: Yes, one of the themes that kept
22 coming up by people advocating for Percent for
23 Art, is like, oh, this controversy is inevitable and
24 I don't necessarily think so. If we start with the
25

1
2 Grassroots project going up, you're not going to
3 have the community resistance and there will be
4 debates, but I want to change the template that if we
5 can start from the process going up, so that they
6 listen to the community. The community has a lot of
7 expertise and I'm willing to listen to them too but
8 you know, I think the process should start with the
9 Grassroots.

10 CHAIRPERSON VAN BRAMER: I agree. Obviously,
11 Kendal has remained with us to listen to all of this
12 feedback but I do think it's incredibly important for
13 the Council to take another look at the program and
14 maybe there are some things legislatively that we can
15 do to further improve the program. Again, a program
16 that was created in 1982, which has done a lot of
17 great things for the City of New York can't remain
18 static, right and so, we have to change with the city
19 that's change along with it and the expectations,
20 right. I think the expectations of community
21 involvement and community decision making has also
22 changed and evolved and we're at a time of us
23 correctly understanding and believing that sorts of
24 projects like these need to be driven by community
25 involvement and input, not from a top down approach.

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2 So, with that, I want to thank this panel, all of
3 the members of the panel and thank everyone who
4 testified here today. Thank you to my colleagues,
5 Majority Leader Cumbo and Council Member Barron who
6 are with us. Council Member Borelli who was with us
7 earlier.

8 And with that, this hearing is adjourned. Thank
9 you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 1, 2018