

# Journal

Vol. 1/4/June 78

News of The Cultural  
Council Foundation  
Artists Project

## Contracts As a Way of Life

By BETSY JAEGER

**I:** The stereotype portrait of the artist as a young pigeon in his dealings with wily coyote businessmen was one of the topics examined at a workshop recently sponsored by the Volunteer Lawyers for the Arts at Manhattan Plaza. The VLA lawyers who addressed the CCF artists and answered their questions offered valuable insights into taking care of the business of being an artist.

VLA attorney Alan J. Pomerantz, who spoke about contracts and the process of negotiating agreements, began the seminar by scrutinizing the crippling myth of the artist who sees himself on a crusade against the businessman's values. According to Pomerantz, what the artist must do to protect himself from being "taken" is develop "contract thinking." Not only must the artist be aware of his legal rights, he also needs to acquire an attitude, a "business presence,"

that expresses an unwillingness to be preyed upon.

Pomerantz explored some of the most prevalent myths about contracts. First and foremost, he stressed that the best kind of contract is one that has been written down, but pointed out that an oral contract is frequently as valid. Very simply, a contract is a statement, oral or written, of what the contractee (the artist) will do and when, what the contractor will do and when, and some sense of agreement. An oral agreement is far more difficult for a lawyer to prove, but it is nevertheless binding (except where the performance or service will take longer than one year to complete).

Then why a written contract? "Not for law but for life," Pomerantz suggested. "People have bad memories and a piece of paper, signed by both parties, is still the best protection you can have. If you didn't get an agreement down in writing, don't despair — you still have access to legal remedies. But remember you, the artist, are as much bound by an oral or written agreement as is the businessman, and changing your mind doesn't release you from your obligation. The law will not protect your mistakes unless you're defrauded. And besides," Pomerantz noted, "the psychological advantage of looking like you know what you're doing will keep you out of trouble."

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## Daffodils Revolution and the Toad

By GROVER AMEN

The pretty daffodils will, hopefully, always be with us, but so too, alas, will the paintings of the pretty daffodils. Indeed, they are most with us when we know it least. A modern French critic, commenting on the novels of Robbe-Grillet, made a shrewd if cynical observation: that things rejected by consciousness become charged by that which consciousness rejects. If I understand this remark even partially, it would seem to have two implications. On the anarchic level, obsessive criminal sexuality can not be willed away any more by psychiatric theory than by legislation. And on the bourgeois, aesthetic level, pretty paintings of pretty daffodils will always be with us no matter how much their banality is ignored and despised.

Ezra Pound wrote "What thou lovest well remains." And he might have added "What thou hatest well remains" too. Which is as it should be, since the whole point of culture, if there is any, is not to accept a little of everything in a liberal spirit of complacent smugness (the way the public seems too in the galleries today) or even to accept everything in a great, cosmic, transcendent yea-saying spirit; but rather to love some things and to hate others, and, by so doing, to know one's own heart. But how long has it been since you've heard some one standing in a gallery say, "I really *hate* that painting." The most negative reaction is the indifferent, bemused snicker. Can anyone today imagine what it must have been like when the Irish audience literally *attacked* the stage after the first performance of Synge's *Playboy of the Western World*?

Aside from this, of course, it's a commonplace that the "interesting" has long since replaced "the beautiful," much less "the pretty," as a common criterion in the galleries and even the museums. But it's no good. It's part of the same sickness. It sometimes seems that the more purely bizarre the work of art, the more reaction is, *by necessity*, one of easy acceptance and indifference. It's an example of Herbert Marcuse's paradoxical comment on the phenomenon of rejection by acceptance.

But to come back to the quotation about Robbe-Grillet: *things rejected by consciousness become charged by that which consciousness rejects*. What it comes down to is that nothing can be evaded, neither bad nor good art, neither interesting nor dull art. We delude ourselves into believing that we live in a time of open confrontation, passionate pronouncements, and liberated actions. The truth is we live in a time and

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Foundation for Independent Video and Film's Marc Levin (r) and Michael Jacobson (l) of Media Works filming a Union Mtg. George Malave

# Artists Seek Larger Role in Picking Projects

In light of the possibility that the CCF Artists Project will be renewed, in one form or another, during the year 1979, a number of major issues about the program itself were raised at a meeting of the 200 CCF artists and the 100 under sub-contractors June 9 at Bernard Baruch College.

Both the House and the Senate have completed committee hearings on the reauthorization of the CETA legislation, each recommending slightly different versions as to the period of extension. Title VI, under which the CCF Artists Project operates, would remain essentially the same. The final legislation will be voted on probably late in August and certainly by Sept. 16, 1978, the deadline for the new budget.

The suggestion most frequently made from the floor was that the artists in the future play a stronger role somehow in selecting their own community assignments. In the past, good and bad luck have played too large a part in whether or not individual assignments have worked out successfully. Many artists felt too that the three-month quarterly placements were too short a time in which to establish viability and rapport within local communities. Four-month terms were suggested, and, at the other extreme, more full-year residencies. The administrative difficulties of these issues were bandied back and forth with good grace, but repeatedly the central issue was that the artist, not the staff, should have more authority to make these choices.

Another important issue that arose was whether in fact the CETA community jobs are actually making it easier for artists to find jobs in private industry when CETA does end. Title II jobs do provide for future job training, but, as it stands now, the Title VI contract covering artists is oriented strictly toward public service — a direction that may, hopefully, be altered in the new 1979 contract.

Some artists complained that they had jobs like teaching which they didn't want any part of anyway; others complained that they were practising skills they were already proficient in and were, in effect, learning nothing. A connected idea which emerged was that perhaps during the CETA program alternate ways of earning a living should be scientifically explored, especially part-time jobs that might have nothing to do with teaching or commercial art.

A note of light and welcome relief was provided by the introduction of new bi-weekly work forms to replace the nightmare forms of old. Everything will now be on one form with no more separate "chits" to worry about. Also, the distinction between transportation/preparation time and self-initiated work time has been eliminated. These categories are no longer separate. In other words, the two-week total of 35 hours can now be all transportation and preparation or, more likely, all artist-initiated time.

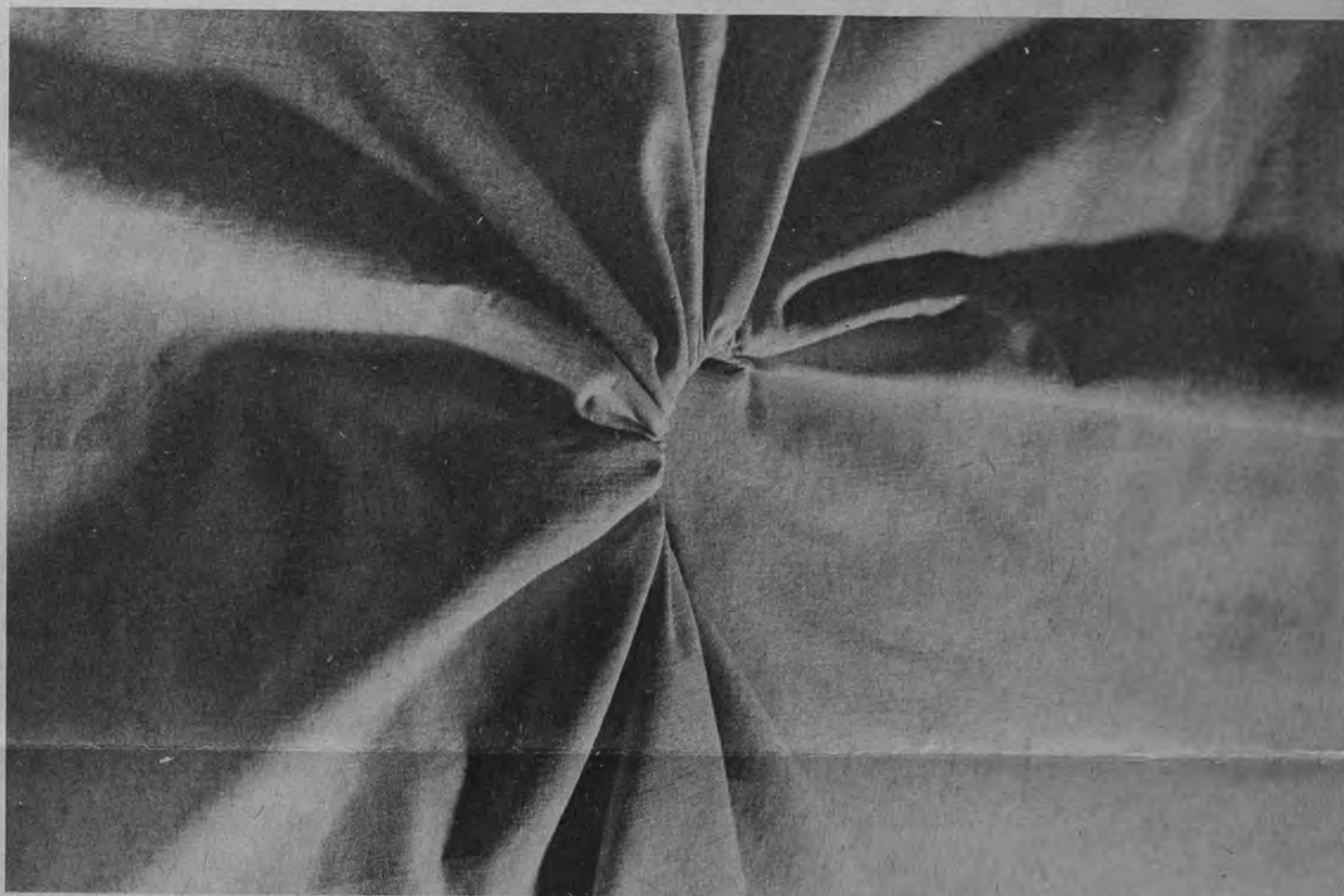
Other issues discussed were:

1. Such matters as "recuperation" time between intensely active projects such as dramatic performances.

2. Obtaining some form of recompense from community sponsors at least for traveling expenses, when excessive.

3. More cooperative ventures between artists in separate disciplines. This issue has frequently arisen since the start of the project, but the feeling was that it has been difficult to get many such projects off the ground.

4. Almost unanimously, the gathering of 300 artists voted to go to Washington together, probably in July, to lobby for the new 1979 CETA legislation.



Sandra Erickson's canvas work project, *Push/Pull*.

Photo by Sandra Erickson Raphael

## Short Takes

*This new feature column will be devoted each month to short interviews with several CCF artists from different disciplines, describing their community and individual work projects and their personal views on a variety of subjects.*

### Susan Horton . . . . .

I have been teaching weaving both at a Senior Citizens Center in the Bronx and also at the Bedford-Stuyvesant Magnolia Tree Earth Center. There is much variety in what I do and teach. I work with beginners and with older people who have had some previous experience in weaving. We use very primitive equipment and also highly sophisticated looms. I don't feel I'm just keeping people busy; they become almost spiritually involved. They're into techniques and processes — not just products. Learning to see weaving as an activity close to their sense of humanity, they develop a sensitivity to their clothing and immediate tactile environment. As a result, they're more comfortable with this art form than, for instance, with painting which perhaps seems more remote from their personal lives. I am making new connections myself. Because of my job security, I find myself less afraid to take large risks. I'm working in two seemingly opposite but actually complementary directions. On the one hand, I'm working on becoming self-supporting by the time CETA ends by weaving accessories I can sell: shawls, handbags, and clothing. On the other hand, I'm executing a fantasy I've had all my life — to weave a total environment, a whole room. So I'm working on the practical and on the ideal, too. What could be better?

### Ron Whyte . . . . .

I am currently assigned playwright-in-residence at John Jay College of Criminal Justice where I am setting up a drama library, assembling a collection of

found poems, and writing a play based on material from court transcripts and exciting books like *Dependent, Defective and Delinquent Classes* published in 1893.

Two weeks ago I participated with several faculty members on a panel discussion with students entitled "Choice: Existential, Legal, Personal, Artistic." Here's how that worked: First the Drama Department presented a reading of MacLeigh's *Fall Of The City*, then staged a production of Sartre's *No Exit* which was followed by the discussion.

Come mid-June I am slated to be a victim (or a defendant) in a two-day series of mock trials, a joint effort of John Jay, Harvard Law School, the U.S. Attorney's Office and the Office of Special Corruption Prosecutor.

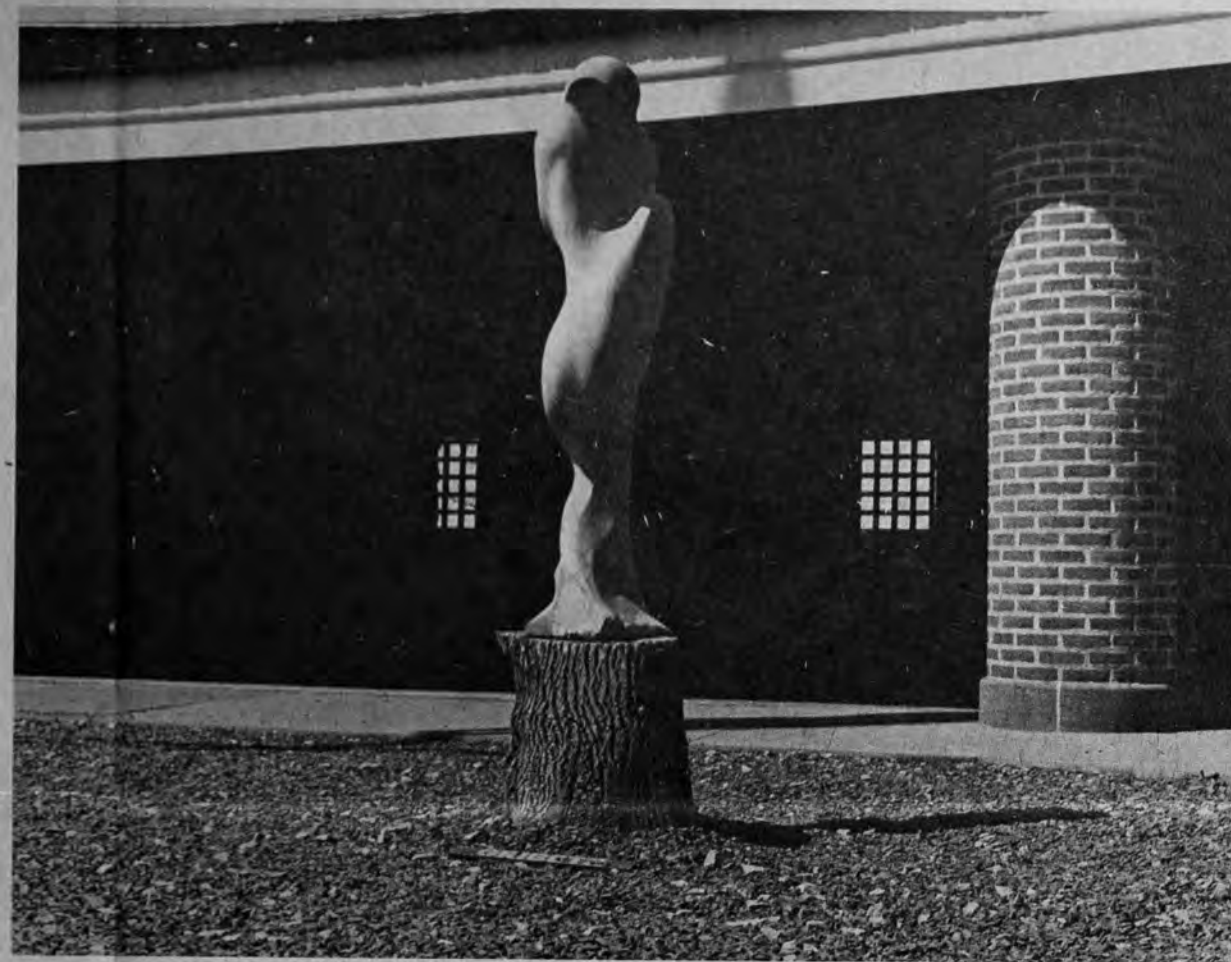
On a part-time basis, I'm also assigned Associate Editor of *The American Book Review* (circulation 10,000) and we have a third issue coming up that should be really fine.

With all this, I still moonlight occasionally. In May, I did a workshop production of my play, *Funeral March For A One-Man Band* at Westbeth. On Memorial Day weekend, the UCC Church sent me to San Antonio for the Fourth International Congress on Religion, the Arts, Architecture and the Environment. Speakers included Coretta Scott King and Stewart Udall. I gave a seminar entitled "Out of the Attic: Surviving Disability, Liberation and the Arts." The Congress was successful and gave me, a disabled artist, a chance to remind everybody that CETA programs could be lifesavers for other disabled artists. The delegates listened. God knows what sank in. (While in San Antonio, I also saw the Alamo by moonlight and barely avoided staying at the Davy Crockett Hotel.)

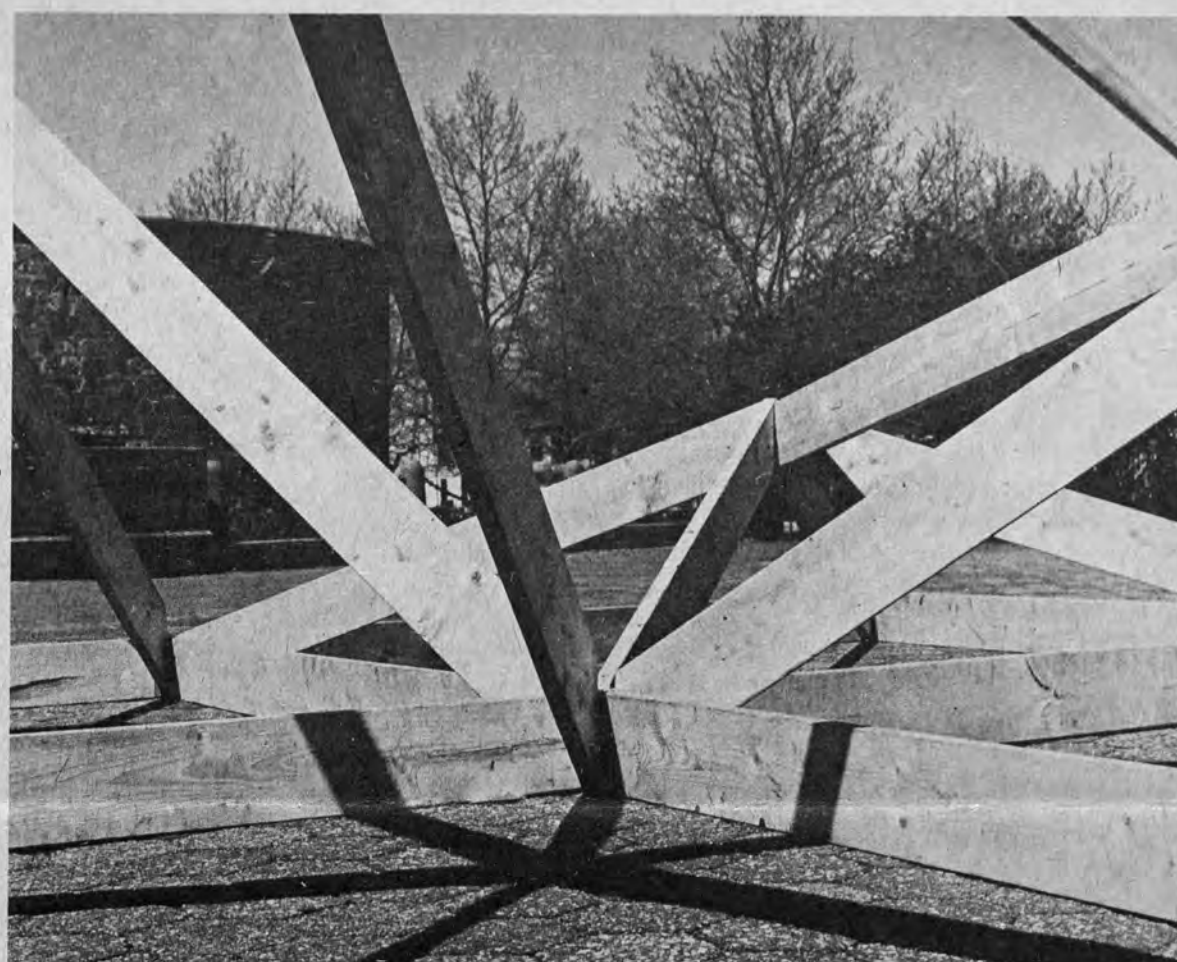
What are found poems? Here's one I found etched on a JJC desktop:

### ASK QUESTIONS ABOUT PYGMIES!

What we do  
How we do  
When we do  
Then we do



Raphael Gribetz's limestone sculpture in Battery Park show.



Kenn Stepman's construction in wood at outdoor sculpture show in Battery Park.

Photo by Blaise Tobia

Photo by Blaise Tobia

Now we do  
Think we do  
ASK QUESTIONS ABOUT PYGMIES?!

#### Cynthia Mailman . . . . .

I'm essentially a painter, but in this past quarter my first assignment was at the Staten Island Historical Society at Richmondtown Restoration where I was to work as a display curator artist, as well as to redesign brochures. Richmondtown is a "restoration in progress," an historical village comprised of 17th, 18th, and 19th century buildings, including period demonstrations of crafts and a museum, all set on a beautiful 96-acre rural environment. I never did work on any displays (the last time any real work was done on the museum displays was during the WPA), but I did get to work with two other CCF artists, writer Martha Tack and photographer Margaret Schnare. Our assignment was to do the brochure, to acquaint people with the Richmondtown project. Since the photos had to relate to the writing and it all had to fit together in a certain size and format, we found that we had to work together very closely. This was the aspect I enjoyed the most. Through this project, I acquired skills in two areas which I feel will help me in the future. First, I gained experience in art production and printing techniques. Secondly, I learned to see a project through every phase from start to finish.

#### John Gruen . . . . .

I've been documenting performances at "The Kitchen," an important New York multi-media art center and have developed a mutually rewarding relationship with its artists. Since working there, I have acquired a finer understanding of the dancer's art, and through experimentation, I am developing a technique for capturing on flat film what the dancer does in three-dimensional space. I offer "The Kitchen" my ten years of experience as a photojournalist, a sense of anticipation — a feeling for when an event will break, and where to be to fully capture it.

A second placement, at the Staten Island Museum, requires my skill and special interest in still photography.

I take pictures of historical sites for the museum's archives. Barnet Shepherd, the museum's curator, has introduced me to such places as Jersey Street. Once it was Staten Island's Park Avenue but now, except for some little shops, it is almost deserted. The people who still live there invite me in for coffee and tell stories about the street's heyday.

I feel revitalized as an artist since entering the CETA program and my work has started to sell. I think the best thing about the program is the chance to meet other artists and explore new techniques and ideas. I am collaborating with some CETA sculptors, and the pictures I'm taking of their work have brought out certain features that the sculptors themselves did not see. And a mural project, planned for the PATH Stations, will give me a chance to do large still-life photos measuring 5' x 7'.

CETA has taken a step in the direction of educating the country, sensitizing it to artwork and to the people who do artwork.

## Contracts . . . . .

**II: Attorneys** Fred Koenigsberg, Barbara Kibbe, and Colleen McMahon spoke about the Copyright Revision of 1976 that went into effect on Jan. 1, 1978. This Act ushers in a "new era" for the American arts community because it gives the artist greater control over use of his/her works than did previous laws. The critical assumption that it makes consists of shifting ownership of a work from the purchaser to its creator.

Derived originally from property rights, copyrights are also subject to certain limitations and formalities, and under the new law copyright protection has been extended from the maximum of 56 years to the life of the creator and for 50 posthumous years. The five categories of right are: 1) to copy, 2) to distribute, sell, lease the copies, 3) to make derivative works (e.g. from a novel into a movie) 4) to perform the work publicly (requiring the creator's consent for a performance) and 5) to display (e.g. visual works, choreography).

From the moment the artist completes the work, all of these rights are his. However, a simple three-step

## Contracts . . . . .

procedure will safeguard these rights:

1) Notice. A notice of copyright consisting of a circled "c" along with your name and the date of composition must be permanently and overtly affixed somewhere on the work. The mat, frame, pedestal, or back of a work will do, though placing it underneath a huge sculpture will not. Where do you place the notice of a choreographed work? No, not on the dancer's forehead, but on the program.

2) Deposit. Within three months after publication in the United States you *must* deposit two copies or tapes of the best edition of the work. For three-dimensional objects, a photo suffices; for choreography, a videotape or standard dance notation.

3) Registration. A fee of \$10 along with a completed application form supplied by the Library of

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## Contracts . . . . .

Congress will register your work at the Library. Registration is optional but it is your best proof and does make you eligible to recoup your attorney's fees and ask for statutory damages if you go to court. Even an unpublished work can be registered by sending one good copy along with the application and fee. (Application forms may be obtained from the Library of Congress or at the Information Office on the first floor of 26 Federal Plaza in New York.)

(It is advisable to perform steps 2 and 3 simultaneously.)

Should you register everything you've produced? Take a good look and register your most significant work. Must you register each song or photograph individually? You can collect them in a single volume or folio and register them as "Twenty New Songs" or "Photos — March 1977." (For more information, send for the *General Guide to the Copyright Act of 1976*. Write the Copyright Office, Library of Congress, Washington, D.C. 20559 or call (202) 557-8700. The *Visual Artist's Guide to the New Copyright Law* by Tad Crawford can be purchased through FCA, 220 Fifth Avenue, New York, N.Y. 10011. It costs \$3.50 plus 25¢ mailing and handling.)

**III: A recent amendment** to the Cultural Council Foundation contract with the New York City Department of Employment has established a special relationship for the artist with his sponsor and with the government. Unlike WPA which granted exclusive ownership of a work of art to the government, this amendment protects the artist's rights to his work and to benefits derived from it.

During this contract year ending Dec. 31, 1978, the CCF artist may copyright all his works of art, but income obtained as a consequence of selling those works reverts to the City of New York. After that date, the artist may receive that income. In cases where the work of art has been created for a community sponsor which has paid for materials and supplies, the artist and sponsor will be asked to sign separate letters of agreement that are based upon individual circumstances. For example, a public work of art such as a mural will become the property of the sponsor. In another case, the artist may own the original work but the sponsor may have the right to reproduce it in the

future. During the contract year, any income derived from the work reverts to the city; at the end of the year, the sponsor and/or artist is permitted to receive income from your work or reproduction of it.

CETA artists are advised to obtain a letter of agreement with the sponsor so that at the end of the contract year, the artist can benefit from any derived income. The Cultural Council Foundation has developed these new community sponsor agreements which include ownership and copyright provisions. However, in some cases artists may wish to have special agreements in addition to those prepared by CCF.

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## Daffodils . . . . .

culture of abject evasion, resignation, and squalid compromise of the spirit. It was Wilhelm Reich, differentiating between individual neurosis and an endemic human condition, who first characterized "the whole emotional plague of man . . . as being human *evasiveness* with regard to living Life."

Considering the vast advertising sway of over 200 galleries stretching from upper Madison Avenue down through Soho and beyond — a sway that in terms of attention-gathering makes the antics of Madison Avenue itself look like Sunday School exercises in restraint, I remember an incident over ten years ago on one of the television talk shows. It was a short bit involving an old woman from the hill country somewhere down South who had been brought onto the stage to test the validity of the myth (or fact) that touching toads caused warts, or worse. She was offered a new color television set, a microwave wall oven, an aluminum porch, if only she would take the toad, live with it, promise to touch it every day for a month, just to see if the myth had validity. Her answer was a polite, grateful, but decisive no. Stronger bribes were offered. At last, in despair, the talk host gave up all future rewards and simply offered her \$5,000 if she would touch the toad once, with one finger, on television. She looked at the audience, she looked at the talk show host and said quietly, "Look, Mister, you can offer me ten Cadillacs and a half million dollars in cash, but get one thing straight—I ain't *never* going to touch that dirty old toad."

Well, that's not art exactly, but it's perilously close to where the real thing starts.

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## Outdoor Concerts Scheduled

**With the arrival of summer** there is an increase in the number of concerts planned for outdoors — in parks and open public spaces.

The Cooper-Hewitt Museum garden at 2 East 91st Street will be the location for a series of special concerts by ensembles from the Philharmonia CETA Orchestra. The three garden concerts will be at 7:00 p.m. on Tuesdays, July 11, July 25, and August 1.

The Vic Stormant Ballet Company, led by CCF Dancer Vic Stormant, will perform with the full Philharmonia CETA Orchestra at Riverside Church (Riverside Drive and 122nd Street) on Friday and Saturday, June 30 and July 1. The Friday performances will be at 5 and 8 P.M.; the Saturday performance will be at 2 p.m. The music for the new choreography was composed by CCF composer David Frost.

Other musical events during July will include:

**July 9:** Philharmonia CETA Orchestra outdoors at Interboro Hospital at noon (2749 Linden Blvd., Brooklyn) for a concert sponsored by a group of senior centers and the hospital.

**July 9:** Philharmonia CETA Orchestra outdoors at Theatre-in-the Back at the Brooklyn Museum (200 Eastern Parkway) at 3 p.m. This concert is sponsored by BACA.

**July 13:** Jazzmobile CETA Jazz Band sponsored by the Department of Cultural Affairs at the Bethune Houses Courtyard (157th St. and Amsterdam Avenue) at 7 p.m. (Rain date July 14).

**July 17:** Jazzmobile CETA Jazz Band at 12:30 p.m. at Union Square Park. A series of CCF music and dance performances will be held in the park on all Mondays in July and August; the series is called "Sweet 14" and is sponsored by The 14th Street Union Square Area Project, Inc.

**July 18:** Philharmonia CETA Orchestra outdoors at Fort Tryon Park at 190th St. at 7:00 p.m. sponsored by the Department of Cultural Affairs (Rain date July 19).

**July 19:** Jazzmobile CETA Afro-Latin Band outdoors at noon at the St. George Branch of the Public Library on Staten Island (10 Hyatt St.).

**July 24:** Jazzmobile CETA Afro-Latin Band outdoors at Union Square Park (14th St. at 12:30 p.m.)

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# Journal <sup>1/4</sup>

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