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NYSCA AGAIN

Toward the end of 1976, The New York State Council on the Arts (NYSCA) brought itself to my attention by refusing to refund the application of WXXI-FM to produce a third Intergalactic Poetry Energy Circus. The first two had been an immense success. The audiotapes I made at WXXI's incomparable studios had already been broadcast over Modular Arts Service of National Public Radio, and would later be heard over stations around the world; and the entire series would soon win a prize for innovative local programming from the Corporation for Public Broadcasting. In response to the prize, National Public Radio commissioned WXXI-FM, its affiliate, to produce a 90-minute selective program devoted to these audiotapes, and this was distributed to the entire National Public Radio network.

A critical examination of the history and personnel of the NYSCA literature department revealed why a program elsewhere judged so excellent had been defunded. Historically, the department was set up in 1973-74, when Ms. Galen Williams was the principal literature consultant to NYSCA. She had participated in the selection of the initial-NYSCA literature panel (which makes the preliminary decisions on applications); and she had asked her protégée, June Fortess, who had succeeded her through a previous job, to administer the literary department. Given this coziness, it is scarcely surprising that eight of the eight panelists for 1974-75, seven of the nine panelists for 1975-76, four of the nine for 1976-77, and two of the nine for 1977-78 were initially selected back in 1973, when Ms. Williams helped organize the program.

Ms. Williams has been throughout this period the executive director of Poets & Writers, Inc.; and given her role in setting up the NYSCA literature program, it should be no surprise that her organization has been the principal recipient of literature funds. In 1975-76, \$152,000 of the total literature budget of \$560,000 went to Poets & Writers, Inc. (which had formally requested \$175,000). The following year, when the NYSCA literature budget had been drastically trimmed to \$474,343, this organization received a whopping \$148,000 (of their request for \$150,000). No other arts organization anywhere in New York State takes as large a percentage of any departmental pie as Poets & Writers, Inc. A press release from NYSCA (Dec., 1976) describes this 148 grand as "providing fee money to poets and writers." However, as is typical with NYSCA, this is not quite what it seems. In fact, NYSCA provided Poets & Writers, Inc. (which is scarcely synonymous with "poets and writers") with \$60,650 (of

\$152,500) for its own administrative costs in 1975-76 and \$68,000 (of \$148,000) in 1976-77; the real "poets and writers" received the rest. In an essay initially drafted at the end of 1976, I wrote, "Would it be fair to characterize the NYSCA literature program as rigged, in the selection of both its director and its grants jury, to insure that Poets & Writers, Inc. gets nearly all the funds and 45%+ administrative expenses it requests?" No one has ever said this hypothesis was wrong.

Panels can be rigged not only to favor a particular recipient; they can also be rigged to exclude whole classes of possibly competitive recipients, simply by excluding representatives of those classes from the decision-making jury. For instance, if the jury included no women, no one would be surprised if feminist projects were completely excluded from the granting; if it included no blacks, no one would be surprised if black literature were ignored. Well, in part because so much of the NYSCA literature pie is covertly committed to a single recipient, the panel is rigged to exclude strong competitors. In 1976-77, it included no blacks, no hispanics, no one from anywhere upstate in New York (outside of New York City), no one committed to experimental writing in any of its current forms. Thus, it is apparent that one reason why the WXXI project was defunded was that the panel contained no one to advocate it; another, more crucial reason was that the Intergalactic Poetry Energy Circus was first-rate and thus "threatening" to the commercial and conservative writers and editors who dominated the panel (e.g., in 1976-77 and 1977-78, Donald Barthelme, Elizabeth Janeway, Frances McCullough, Nancy Milford, Victor Navasky).

On April 20, 1977, the executive director of NYSCA, Robert Mayer, issued a "Memorandum to All Members of Advisory Panels," in which he says, quite explicitly, that panelists may "remain on the panel up to a maximum of three years." Nonetheless, neither Mayer nor anyone else at NYSCA enforced this exclusionary rule. On that literature panel for 1977-78, whose members presumably read the memorandum as part of their job, one panelist was then in his fourth year (Victor Navasky) and another was then in his fifth (Donald Barthelme). These facts suggest that either Mayer is scandalously lax, or he is simply letting everyone know that his statements are not to be believed. Or both.

At the end of 1976, I wrote for *Margins* an essay exposing NYSCA-Lit. Unfortunately, the magazine dis-

especially in the operation of a government-funded literature program.

Let it be further noted that, as a general principle, no administrator allows his own rules to be violated unless he receives a favor in return. What this might be I do not know; but the lack of responses from NYSCA certainly leaves us free to conjecture. There is no doubt that these are the kinds of peculiarities that ought to come to the attention of the State's Attorney General, with his powers of subpoena and indictment.

To repeat, NYSCA invented an unwritten exclusionary rule to deprive organizations with which I am connected of benefits that would otherwise be theirs. When an organization like yours willfully and vindictively defrauds organizations like mine, there are corrections to be made and penalties to be paid. It seems appropriate therefore that the 1977 applications of both the Future Press and Assembling Press be fully funded by NYSCA and that, as a further cost of such cheating, a surcharge of 50% also be paid to these presses. Such penalties are, like most punishment in Anglo-Saxon law, proffered not only to recompense us for the nuisance of obtaining justice—our lawyer must be paid, just like yours—but also to insure by its expense that such chicanery does not happen again. Perhaps this incident can prompt NYSCA to remove the liars and cheaters who can only get it into yet more trouble. Unless you take the cynical position, which I personally do not hold, that such corruptions are inevitable in government cultural agencies and that they inevitably attract unscrupulous people, then the surest way to eliminate lying and cheating at NYSCA is to eliminate the liars and the cheats.

Furthermore, the panel for the next few years should contain at least three people, or 25%, whichever is greater, from that class of writers who have previously been totally excluded from the NYSCA literature panel (and thus excluded from NYSCA beneficence)—I'm speaking of experimental writers; and since the names of several appropriate people have been solicited from me, you should have no trouble finding at least three. Need I also say that the generous *inclusion* of representatives from that class previously excluded will indicate that fascism of any kind—whether anti-Semitism or anti-experimentalism—will no longer be characteristic of NYSCA.

It seems to me that something should still be done as well about the WXXI scandal—the defunding of a project that won a national award not from a jury of dolts, dopes and dummies, like the notorious NYSCA panels (see before), but from radio professionals. I've had many occasions to tell audiences of the WXXI story. Nearly every time my own audiotapes are played—over NPR, at concerts, over foreign radio networks—the WXXI scandal comes up. And the unarti-

mous conclusion is not just that NYSCA is culturally irresponsible but that it wants to be known by one and all as culturally irresponsible; it must relish the ignominy it deserves.

Since so much of the available NYSCA literature budget was siphoned off by a single beneficiary, whose director participated in creating the NYSCA literature program, the WXXI defunding raises general questions about corruptions at NYSCA; and since that panel for 1976-77 included no one at all from upstate, it is clear that all short-changed upstate applicants could sue NYSCA for moneys unjustly lost.

I'd prefer to let NYSCA figure out a way to repair the WXXI damage—after all, it is your reputation that is at stake; but rest assured that I'll be writing and talking about it in the months to come, for what you decide will be a measure of your cultural responsibility that we can see—it will tell us how intelligent and sensitive you want us, your constituency, to think you are. Conversely, NYSCA's inability to repair the mistakes of its literature program will lead us to believe that all other departments *must* be similarly mismanaged.

Your refusal to contest, or refute any of these criticisms, these facts, and these conclusions persuades us to believe that *they all must indeed be true*.

Let me also make it clear that in coming here and in contacting a lawyer, I am representing not myself but Assembling Press and the Future Press. If you affirm our claim, the principal beneficiaries will be not myself but the hundreds of artists and writers who would be invited to contribute to *A Critical Assembling*; the dozens of North American text-sound artists who would be included in the anthology *Text-Sound Texts*, and such literary artists as Henry James Korn, Jackson Mac Low, Bob Heman and, incidentally, Richard Kostelanetz. At least two of the last four are major American writers, if we use the familiar criteria of people whose names appear in the history books, and about whom critical articles are written—*major writers*, which means that, by the standards for generally acknowledged quality, they are already more consequential than 90%, or 99%, of what your literature program presently supports. Also, Assembling Press is the first alternative book publisher that anyone can remember that will be honored with a retrospective exhibition in an arts institution. If you affirm our claim, you'll be advancing the dissemination of the work of these people. There is no question that NYSCA did something wrong, that you got caught, and that you've offered no defense. The question before you now is how large a penalty you want to pay? Are you inviting a \$2 million suit on behalf of all those you have ever cheated? And all the attendant publicity?

If perchance you are piggish enough to reject our claim, the principal beneficiary will be... *myself*, for

integrated in the course of 1977, but not until the late summer was I able to retrieve the original manuscript. *Artworkers News* verbally accepted it for publication, but then typically lost courage in its constant flattery of the powers-that-be. Pamela and Charles Plymell accepted it for *Northeast Rising Sun*, which did not appear until the end of spring, 1978. By then I had already incorporated the critique into a booklet on *Grants & the Future of Literature* that became *Precisely: Two* (RK Editions, P.O. Box 73, Canal St., New York, NY 10013). Again, no response from NYSCA.

The NYSCA administrators had known about the critique the previous fall; and as an act of vengeance, NYSCA invented an unwritten rule completely to exclude support to two small presses with which I am connected, Assembling Press and the Future Press. Ms. Barbara Haspiel, director of the NYSCA division that includes literature, told me, in a telephone conversation, Dec. 15, 1977, 9:25 am, that the literature subcommittee of the Council had established a "rule" against supporting presses whose applications included books by their principals. This previously unannounced rule may have been more credible if it were true. However, examination of NYSCA's own files reveals that top prizes in the same sweepstakes went to three small presses that violated either the letter or the spirit of this jerry-built rule: Reed, Cannon & Johnson, whose two-book application included a history by name-partner Joe Johnson that will feature the early activities of Messrs. Cannon and Reed; TVRT, whose application included two books by Leandro Katz, a principal of the press from the beginning and a long-term resident of its official premises; and Cherry Valley Editions, officially run by Pamela Beach Plymell, to do two books and a record by her husband Charles, two books of translations by her mother Mary Beach, and another book by her mother's long-term paramour Claude Pelieu-Washburn! Obviously, Ms. Haspiel was letting us know that nothing she says is meant to be believed either; dishonesty is, shall we say, the NYSCA way of doing its business.

Whenever I attempted to find out how this chicanery happened, NYSCA officials have doggedly refused to respond to any questions or to any drafts of criticism that were considerably sent to them for advance response. Both NYSCA staff and counselors have failed to return telephone calls, to send promised information, to keep verbal promises, etc. To all charges, the response has been *nolo contendere*—we do not wish to contend. This "stonewalling" is the response we associate with those who do not wish to admit that, indeed, they cannot possibly proffer their innocence. If the NYSCA officials were not so obnoxiously arrogant, they wouldn't get into so much trouble; but then the suspicion is that such provocative obnoxiousness is really a cover for malfeasance.

Finding ourselves unable to obtain justice in polite ways, we sought a lawyer, who wrote an appropriate letter. In return, we received from Mr. Harvey Horowitz, lawyer, a note promising all the research we wanted and proposing "a meeting between our respective clients." On the afternoon of May 31, in midtown Manhattan, I met Mr. Horowitz and Ms. Joan Firestone, a senior officer of NYSCA. I invited them to make a statement. None, typically, was forthcoming. The following statement, slightly different in detail, was then read to them by me:

Let it be understood at the beginning that I'll not be saying anything that I've not already said in lectures across the country and over media outside New York, which I've intentionally avoided so far, not to prejudice our claim; so if NYSCA's intelligence is good, this information and analysis should not be new to you. (On the other hand, when a friend of yours is called a crook in public, you always question whether you should tell him, or trust that he will find out about it on his own.) But let me say it to your face, in part so that you can know firsthand what is being said, but also so that I can get a response from you; for one of the questions most commonly asked when this material is presented, whether before live audiences or over media, is why you don't respond—why you don't return telephone calls, why you don't send requested information, and so on. The most common answer to that question, not from me but from others, is that you are far more guilty than we already know. Whether you are in fact a bunch of crooks is debatable; there is no doubt that in certain respects you behave like a bunch of crooks.

The evidence suggests that, as an act of petty vengeance against criticism, NYSCA invented an unwritten rule to exclude presses with which I am associated, and you thought you could get away with this dirty trick for a reason so vulgar I hesitate to mention it in your presence, except that we all know what it is. What makes the invention of an *unwritten* exclusionary rule so despicable is the fact that NYSCA has elsewhere shown that it cannot follow its own *written* exclusionary rules in the operation of the literary program. Need I remind you that the Executive Director's memorandum from last April says explicitly that no panelist shall serve more than three years, yet a quick review of the literature panelists should indicate that in 1977-78 one of them was then serving his fourth full year and another his fifth. Those facts raise questions not only about the integrity of rules at NYSCA but also about the literacy of its panelists and officials—or whether, simply, they know how to read not only the rules but the applications submitted to them. Although in favor of most affirmative action, I feel that NYSCA should draw a line at including people who have a demonstrated incapacity for reading—

I'll have another juicy episode to add to my popular lecture on "The Gangsters of Grantdom." Any writer who tours a lot, as you know I do, needs lively lectures, and you guys have so far been doing everything you possibly can to make my hottest lecture even better. People outside New York State relish hearing about jury-rigging, rule-breaking, till-filching, cultural fascism and probable kickbacks, as well as lying, cheating, and other malfeasance, at the New York State Council on the Arts; and given your penchant for generating solid evidence of your own misdeeds, it is as much of a pleasure, a sheer pleasure, for me to tell it as it is for them to hear. Your auditors will tell you that you guys are working like beavers, overtime, for me. Thanks.

There was no response at that meeting, no response at all, other than the pious promise to send us a response—a promise that two months later has, typically, not been fulfilled. Since we were talking not to

lackeys but to the Executive Director's immediate assistant and the Council's counsel, this continued silence suggests that such malfeasance is not, as I initially thought, an isolated development in the literature program but, instead, something so deeply engrained and pervasive at NYSCA, from its bottom to its top, that self-extraction is impossible. How large, one wonders, must their "take" be to make such continued silence worthwhile? So, in accordance with common editorial courtesy, an advance copy of this critique was sent to Robert Mayer, who was invited to reply in these pages on behalf of NYSCA. If a contribution arrives, and if it is free of libel and slander, it will appear in its appropriate alphabetical place (either under NYSCA or under his name). By its acts, or lack of them, are NYSCA's values revealed, and will its executives and councilors be judged. Q.E.D.

RICHARD KOSTELANETZ, 31 July, 1978.

P.S. When a public organization is accused of doing something wrong, it will respond in one of three basic ways, each of which reflects a certain kind of self-awareness. If the organization knows it is innocent, its officials will offer a substantial, persuasive refutation. If it can afford to acknowledge error, then appropriate corrections will be made on its own initiative. If, however, the criticisms are right but, for disreputable reasons (or criminal activity), they cannot be acknowledged, then the organization's people will engage in stonewalling, prevarications, evasions, cover-up and, more indicatively, personal vendettas against its critics and yet further wrong-doing. (After all, no organization needs to lie and to cheat in response to criticisms that are either false or acceptable.)

In general, each of these is an instinctive response, an unpremeditated reaction, which needs not be fully discussed within the organization; for everyone who knows whether the criticisms are accurate also knows whether they can be acknowledged, whether changes can be made without jeopardizing current promises and, thus, how he or she should respond. Precisely because they are veteran organization people, they

know how to swing with the bureaucracy's leaders, even at a cost to themselves of their claims to personal integrity (and perhaps of future employment as well). Yet precisely in its mode of response does an organization give us on the outside a sure sign of whether the charges made against it are indeed true. (For a prominent historical example, think back no further than the post-Watergate episode.) With these options in mind, we can see that certain questions need not be asked of NYSCA, for the answers are already known.

The more pressing question, for now, is what can be done about it?

Sometimes an organization's reaction can be merely a reflection of the person in charge. When NEA-Literature was accused of jury-rigging, esthetic exclusion and self-dealing, the initial response was a series of personal vendettas, petty vengeance and megalomaniacal abuses of power; but how that the program director of NEA-Literature is leaving his position, criticisms can be acknowledged and corrections made.

Once administrators get drunk on the abuse of power, perhaps the surest cure is a drying out.

28 August, 1978