

edited by *Clara Weyergraf-Serra and Martha Buskirk*

introduction by *Richard Serra*



The Destruction of *Tilted Arc*: Documents

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edited by Clara Weyergraf-Serra and Martha Buskirk

introduction by Richard Serra

An OCTOBER Book

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CHRONOLOGY

1979

The GSA (General Services Administration) requests the NEA (National Endowment for the Arts) to appoint an Artist Nomination Panel to suggest a sculptor able to conceive a sculpture for Federal Plaza, New York City.

The NEA panel's choices are presented to the GSA Design Review Panel, which recommends Richard Serra as the artist.

Richard Serra is officially commissioned to conceive a sculpture for Federal Plaza.

1980

Richard Serra's concept is approved by the GSA.

1981

Tilted Arc is installed in Federal Plaza.

Judge Edward Re begins a letter-writing campaign urging removal of *Tilted Arc*.

1984

William Diamond, the GSA's New York Regional Administrator, presses for a public hearing to decide whether *Tilted Arc* should be relocated.

1985

William Diamond appoints himself as chairman of the hearing and selects the panel which, based on the testimony, will make the decision whether or not to relocate *Tilted Arc*. The other panel members are Michael Findlay, vice-president of Christie's; Thomas Lewin, senior partner, Simpson, Thatcher and Barlett; Paul Chistolini, acting assistant regional administrator for the GSA's Public Buildings & Real Property division (a GSA employee and a subordinate of William Diamond); and Gerald Turetsky, acting deputy regional administrator for the GSA (also a GSA employee and a subordinate of William Diamond).

The public hearing is held from March 6 through March 8.

180 people speak at the public hearing. 122 testify in favor of retaining *Tilted Arc*; 58 testify for relocation or removal.

The panel recommends, by a four-to-one vote, to relocate *Tilted Arc*.

New York Regional Administrator William Diamond officially recommends that *Tilted Arc* be relocated.

The GSA's acting administrator in Washington, Dwight Ink, recommends in his "Decision on *Tilted Arc*" that the NEA form a panel to consider alternative sites for *Tilted Arc*.

1986

Richard Serra files a lawsuit to prevent the GSA from destroying *Tilted Arc*.

1987

The lawsuit is dismissed by Judge Milton Pollack, U.S. District Court, Southern District of New York.

The NEA *Tilted Arc* Site Review Advisory Panel reaches the conclusion that *Tilted Arc* is site-specific and ought to remain on its Federal Plaza site.

1988

Richard Serra files an appeal of the district court ruling in U.S. Court of Appeals for the Second Circuit.

The court of appeals affirms the district court's ruling to dismiss the suit.

President Reagan signs the Berne Convention Implementation Act.

1989

On March 15, at the instigation of Diamond, *Tilted Arc* is destroyed. Richard Austin, Administrator of the GSA, does nothing to prevent the destruction of this art work.

Introduction by Richard Serra

*It is not bad
to be pissed off
where there is any
condition imposed, by whomever, no
matter how close.*

—Charles Olson, *The Maximus Poems*

The United States government destroyed *Tilted Arc* on March 15, 1989. Exercising proprietary rights, authorities of the General Services Administration ordered the destruction of the public sculpture that their own agency had commissioned ten years earlier. The final desecration followed over five years of misrepresentations, false promises, and show trials in the media and in the courtroom—deceptions which in the end not only allowed the government to destroy *Tilted Arc*, but also established a precedent for the priority of property rights over free expression and the moral rights of artists. Even last-minute attempts to test the applicability of the Berne Convention (which Congress signed in the fall of 1988, and which went into effect March 1, 1989) proved futile. After an exhaustive analysis of the treaty, my attorneys concluded that the Berne Convention laws as abridged by the U.S. Congress were inadequate to protect my work.

Once my own say in the fate of the sculpture had been finally denied by the federal courts, William Diamond, the regional administrator of the GSA and the man most responsible for the campaign against *Tilted Arc*, acted immediately to have the sculpture removed. In a sinister all-night session on March 15, overtime work crews labored to dismantle *Tilted Arc*, brutally sawing and torching the piece. Finally, around 4:30 A.M., *Tilted Arc* was reduced to raw materials, to be carted off and stored in Brooklyn, reportedly pending relocation. “This is a day for the people to rejoice,” said Diamond, “because now the plaza returns rightfully to the people.”¹

Diamond announced repeatedly that he planned to relocate *Tilted Arc* to an alternate site (though a blue-ribbon NEA panel expressly stated that *Tilted Arc* could not be relocated). But *Tilted Arc* was created for one site and one site only. I made this clear from the start. When I first learned of the efforts to remove *Tilted Arc* in December 1984, I wrote to Diamond and to Donald Thalacker, then the director of the Art-in-Architecture Program that had originally commissioned the work. At that

time, I said, "I want to make it perfectly clear that *Tilted Arc* was commissioned and designed for one particular site: Federal Plaza. It is a site-specific work and as such not to be relocated. To remove the work is to destroy the work."² This has been accomplished; *Tilted Arc* is destroyed.

In 1979 I was commissioned by the General Services Administration to build an urban sculpture for permanent installation at 26 Federal Plaza in Manhattan. Although permanency is implicit in the commission of any site-specific work, I explicitly raised this issue with Donald Thalacker and with the GSA project manager, Julia Brown. In response to my insistent questioning, Thalacker said simply: "You get one chance in your lifetime to build one permanent work for one federal building. There is one permanent Oldenburg, one permanent Segal, one permanent Stella, one permanent Calder, and this is your one opportunity to build a permanent work for a federal site in America."³ Brown, who negotiated the GSA contract, later publicly attested to the fact that "in all stages of the decision-making process, it was understood by Serra, and by the government, that Serra was making a permanent work for that specific space."⁴ I felt that it was crucial for the issue of permanence to be fully understood, and I accepted the commission only after I had been assured repeatedly that my work would be, as stated in the GSA Manual, incorporated as "an integral part of the total architectural design." I was told that the GSA did not want it any other way.

Although Diamond later alleged that the decision to install *Tilted Arc* was made in Washington without any input from New York, his statement was untrue. Representatives from the GSA New York office were present at all important meetings in Washington and fully approved the aesthetic concept of *Tilted Arc*. The installation also had the support of representatives of the architectural firm that had originally designed the plaza and the office towers at 26 Federal Plaza.⁵ Furthermore, the contracting officer of the GSA in New York went so far as to request a detailed environmental-impact study for the sculpture, which included answers to specific questions about its effect on existing pedestrian traffic patterns, about whether it would inhibit surveillance, about what additional lighting would be needed, about whether it would interfere with drainage, and so forth. The GSA office in New York also requested that I slightly change the location of the steel curve on the plaza, which I did. In 1981, as soon as the final location of the sculpture was agreed upon, *Tilted Arc* was installed and anchored into the existing steel-and-concrete substructure of the plaza. After *Tilted Arc* was dedicated, I was invited by

the NEA to the White House and congratulated by President Jimmy Carter on my contribution to the cultural heritage of the United States.

During and immediately following the installation of *Tilted Arc*, the GSA received few complaints. However, Chief Judge Edward D. Re of the Court of International Trade (located at 1 Federal Plaza) developed a particular hostility toward the work. In July and August of 1981, while the installation was still in progress, he wrote letters to the GSA in Washington in an attempt to prevent the sculpture—which he characterized as a “rusted steel barrier”—from being “permanently affixed to the plaza.”⁶ He pointed out that he was not alone in his distaste for the piece, noting that *New York Times* art critic Grace Glueck had described *Tilted Arc* as “the ugliest outdoor work of art in the city.”⁷

Washington officials responded politely to Judge Re, and after the installation of *Tilted Arc* was completed, the criticism died down. According to GSA officials, no further complaints were received until 1984.⁸ For three years there were no protests whatsoever against *Tilted Arc*. Then, at the end of 1984, Judge Re resumed his letter-writing campaign to Washington. Not only did he reiterate “aesthetic distaste” for the sculpture; he also held *Tilted Arc* responsible for the plaza’s accumulation of graffiti, waste, and litter.⁹ He added the bizarre claim that *Tilted Arc* had caused the downtown rat problem. Let me quote: “We have never experienced a rodent problem of the present enormity in this area. Exterminators are called regularly, at considerable expense, to rid our courthouse of this hazard.”¹⁰ Judge Re equated *Tilted Arc* with garbage, and garbage, as we know, attracts rats. This false causality, which I can only construe as a smear tactic, initiated the government’s anti-*Tilted Arc* campaign. I agree with the judge that the courthouse is overrun with rats, but they were not attracted by *Tilted Arc*. They are of the two-legged variety.

In January 1985, William Diamond, then newly appointed regional administrator for the GSA, appeared on the scene. He adopted Judge Re’s position, until then unilaterally held, as part of his own political agenda. My sculpture had been approved, commissioned, and installed under a Democratic administration. A Republican administration decided that it should be destroyed. The governmental decree to remove and thereby destroy *Tilted Arc* is the direct outcome of a cynical Republican cultural policy that supports art only as a commodity. Relocation would, in fact, transform *Tilted Arc* into an exchange commodity in that it would annihilate the site-specific aspect of the work. *Tilted Arc* would become exactly what it was intended not to be: a mobile, marketable product.