

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** David Sykes

**SUBJECT:** *HOLDING THE MOMENT* EXHIBIT AND “AMERICANA” ARTWORK  
**DATE:** December 16, 2020

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## INFORMATION

### OVERVIEW

The purpose of this information memorandum is to provide the Mayor and City Council an overview of the *Holding the Moment* public art exhibition, its public process, and to address concerns pertaining to one of the selected artworks entitled “AMERICANA.”

The artwork “AMERICANA” is one of 96 artworks selected as part of a collective body of work by local artists called *Holding the Moment*. San José-based artists were invited by the City of San José (“City”) Office of Cultural Affairs division of the Office of Economic Development to submit artworks reflecting and commenting on the global pandemic crisis and this challenging time. More than 327 submissions were received, and a six-person panel comprised of five art professionals and one City employee selected 96 winning artworks for the exhibition.

One of the chosen works entitled “AMERICANA” has generated concerns from some employees and community members. Subsequently, after having met the commitment to the artists for a one-month exhibition, this work along with the first round of the rotating exhibition was deinstalled three days early and the next round was installed. This memorandum will speak to the challenges associated with these concerns.

### ABOUT THE *HOLDING THE MOMENT* PUBLIC ART EXHIBITION

***Date of Artist/Artwork Selection:*** September 9, 2020

***Exhibition Dates:*** November 1, 2020 – May 31, 2021

***Project Budget:*** \$280,000. \$240,000 for 96 individual artworks, paid to 77 San José-based artists. \$25,000 for production costs. \$15,000 for overhead/administration/coordination costs. The project budget was reviewed and recommended by the Public Art Committee, Arts Commission and approved as part of the annual Capital Improvement Program budgeting process by City Council on June 16, 2020.

**Location:** Norman Y. Mineta San José International Airport (“airport”) Terminal B Showcases and online via the City’s website and social media platforms.

***Project Description:***

The COVID-19 virus is an unprecedented health and economic crisis that is changing our lives. We are bearing witness to rapid loss of life and loss of jobs. Enterprises of all sizes, and in most sectors, including the arts, have been economically crushed by the pandemic. In March 2020, at the start of California’s shelter-in-place order, a [study](#)<sup>1</sup> by the California Arts Council confirmed the estimated average income loss per artist to be \$23,857 and that 85% of individual artists have had commissions/projects canceled. This data helped to compel the City to create a project addressing these economic, cultural, and community needs.

It is in these times of profound change that artists can help our communities make sense of circumstances by reflecting on, and interpreting, the world around us. Recognizing the value of our local creative sector, the *Holding the Moment* project was developed to value artists for their vision by providing a platform to amplify their voices and increase their visibility.

On July 15, 2020, a Call for Submissions was released inviting artists who currently live or have a studio in San José to submit new or previously created two-dimensional work reflecting, commenting, and/or interpreting the impacts of COVID-19 and this challenging year. Artists were also asked to submit a narrative statement reflecting on the artwork’s relevance to this time. The artworks selected for the exhibition were professionally reproduced in poster size (24 inches by 36 inches) for display at the airport in the large showcases located in Terminal B Arrival Hall. The artworks and narrative statements are also shared on the City’s social media platforms for further visibility and promotion of these local artists. All copyrights are to remain with the artists and City-produced prints will be gifted to artists upon de-installation. Artists were given the opportunity to submit up to three artworks and awarded \$2,500 per selected submission with a limit of no more than two awards per artist. When the Call for Submissions closed on August 18, 2020, 327 artworks had been received from 143 artists. On September 9, 2020, a diverse panel of artists and arts professionals met on-line to select the 96 artworks for the exhibition.

The selection criteria included:

- Artistic caliber of the individual artworks;
- Relevancy to the *Holding the Moment* initiative;
- Compelling combination of visual imagery and conceptual statement; and
- Potential to be thought-provoking and accessible to a variety of audiences.

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<sup>1</sup> Study by the California Arts Council:

<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Farts.ca.gov%2Fnews%2Fprdetail.php%3Fid%3D309&data=01%7C01%7Cmichael.ogilvie%40sanjoseca.gov%7C78b0fb923174490c1e1708d823793fbb%7C0fe33be061424f969b8d7817d5c26139%7C1&sdata=gBqC26ahnqLsBdsNwF8PudEEBK1aMQ6BIGs%2FhXweTxA%3D&reserved=0>

The aspiration is that the combination of imagery and its conceptual statement will in some way move and/or provide a compelling reflection on this time. Ultimately, the panel selected 96 artworks by 77 artists. These 96 artworks were recommended to the Public Art Committee for approval. The artworks were approved by the Public Art Committee on October 6, 2020. The full Committee memo and recommendation can be found here on the [City’s website](#).<sup>2</sup>

The Public Arts Committee (a sub-committee of the Arts Commission) was delegated authority via the Public Art Masterplan approved by City Council in May 2007, to review and approve artist selection recommendations. The Arts Commission is an advisory commission to the City Council.

The artworks are temporarily displayed at the airport in groups of 16, rotating on a monthly basis through May 2021. “AMERICANA” is part of the first exhibition group which opened on November 1, 2020. From November 1, 2020 through May 31, 2021 the artworks are to be displayed in six groups of sixteen; each group exhibited at the airport for one month, and the artworks from the 77 artists would be displayed online indefinitely. Staff worked with local exhibit designer Cynthia Cao to develop a fixed display system that will remain in place for the duration of the exhibition and simplify the installation and dismantling process. Staff concurrently worked with the Information Technology Department staff to create a platform online and social media for the exhibit to allow access for those who may not be able to make it to the airport to view the exhibit.

To achieve a comprehensive outreach to local artists, staff reached out to local artists directly via email, and social media, and enlisted support from local organizations including, but not limited to: Anno Domini, Citadel Art Studios, Empire Seven Studios, San Jose Institute of Contemporary Art, Local Color, Movimiento de Arte y Cultura Latino Americana (MACLA), School of Visual Philosophy, School of Arts and Culture at MHP (Mexican Heritage Plaza), SVCcreates, and Works Gallery. The Artist Selection Panel was a diverse group of stakeholders from the local community, local and regional artists. The artworks were approved by the Public Art Committee at their regularly scheduled meeting on October 6, 2020. This virtual meeting was open to the public and 55 members of the public attended.

### **DISCOURSE OVER THE ART AND THE CITY’S RESPONSE**

The first group of artworks was to be installed at the Airport from November 1 through December 5, 2020. However, the City heard concerns from some employees, the Police Officers Association, and members of the public that one of the artworks entitled “AMERICANA” exhibited in a public facility could be seen to encourage violence against police. I directed the artwork be deinstalled with the other works three days early on December 2, having met the commitment to the artists for a one-month exhibition.

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<sup>2</sup> Committee memo and recommendation: <https://www.sanjoseca.gov/Home/ShowDocument?id=64583>

The inclusion of the artwork in the exhibition is not a commentary on how the City of San José values its police officers in serving and protecting our residents. Our Police Officers put their lives on the line everyday and I am very proud of the work they do in serving our community. Any concerns regarding violence against police officers must be taken seriously.

Concurrently, the City seeks to protect First Amendment freedom of expression rights, all perspectives, and the public process involved in the selection of the artworks in this exhibition. The artist has clearly expressed his intent that the creation of the work was not to encourage or promote violence, but rather to document a time of distress in our nation (see statements below).

### **ABOUT THE ARTWORK “AMERICANA”**

The artwork “AMERICANA” was created by San José artist Eric Bui. He submitted this statement about his work when he responded to the *Holding the Moment* Call for Submissions:

*This piece was inspired by the worldwide protests in 2020 condemning the rampant police brutality that continues to plague the United States. The imagery reflects a nation frustrated with an ongoing pandemic, as well as atrocities committed by those who were sworn to protect the public. Displaying an upside-down U.S. flag is a signal of dire distress in instances of extreme danger to life or property. The US Flag Code allows this use of the flag.*

After learning of the concerns expressed about the artwork, artist Eric Bui issued further explanation in the following statement on December 3, 2020:

*As some of you know, one of my art pieces - AMERICANA - was put on display at SJC Airport for the @sjculture “Holding the Moment” exhibition. It was a really great moment in my art career to be featured amongst other incredibly amazing artists in such a public place. This morning, I woke up to some media outlets reaching out to me about the piece, as it had started to drum up controversy due to local public outcry. There were concerns that the piece itself was promoting violence against police officers, and some viewers had interpreted the broken glass / cracks on the windows I’d drawn as blood splatters instead.*

*I wanted to address this publicly, because I feel that having a dialogue about this is the correct approach. I want to be sensitive to the reactions of these people, and to acknowledge and understand why they responded the way they did. The piece itself and the subject matter it portrays are inherently controversial. That I know. It was created as a direct outlet of my emotions in that point of time: a time in which our country was at odds with each other over the killings of George Floyd, Breonna Taylor and countless others. The ethos of the art piece is very much anti-violence. The upside-down flag signifies the US Flag Code for times of great distress or danger. The broken glass is just*

December 16, 2020

**Subject:** *HOLDING THE MOMENT* PUBLIC ART EXHIBITION AND 'AMERICANA' ARTWORK

Page 5

*that: broken glass. A consequence of the clash between police and protestors. To deny that unrest and violence occurred during the protests--whether on the part of the police, protestors, or rioters--is to deny the truth of what occurred. As a society, we do have to look at these things and understand that they happen in order to learn from them.*

*Police officers of San Jose had a particular reaction to seeing this piece, and their reaction is just as valid as mine as the creator. In creating something of this nature, I must be willing to accept the emotional reactions from those who see it. I would like to say to those who believe that this piece promotes violence: That was not nor has it ever been my intent. To be honest, I never even considered the broken glass to be construed as blood splatter, but I'm glad some people interpret it that way because it shows how subjective art is. What these differing interpretations allow is for us to have a conversation with those who have opposing perspectives, and to talk about their experiences and what led them to come to the conclusion they did when seeing my art.*

*I am against police brutality. I also understand the role of police officers in our society and recognize that they have an incredibly difficult task at hand. They risk their lives to protect people like me, and are faced with scrutiny by the actions of those who may not represent them and their duty. They, too, are normal people like you and I, and we must be able to hear them and find common ground.*

*I encourage everyone to be sensitive and receptive to those who may not share your view points. To be able to learn why people are the way they are, and see that most people live their lives with good intentions. This year has been absolute insanity, and getting through it will be easier when we work together, regardless of how different we are.*

*I am thankful for the City of San Jose and for the Department of Cultural Affairs (@sjculture) for their support of the public arts and local artists. Hope everyone has a safe and wonderful holiday season.*

The "Holding the Moment" exhibition was created and approved in a public forum using the decision-making process approved by City Council in the 2007 Public Art Masterplan. Reconsideration of any of the City's approved artworks would need to go through the Public Art Committee of the Arts Commission.



DAVID SYKES  
City Manager

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