GENERAL SERVICES ADMINISTRATION

NATIONAL CAPITAL REGION

SECTION 106 CONSULTATION

ON THE ARIEL RIOS MURALS

1:00– 4:00 PM

FRIDAY, APRIL 13, 2007

Transcript by:
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GARY PORTER:

I'd like to begin by stating the purpose of today's meeting and where GSA is in the process of considering the murals. We haven't made a decision on the treatment of the murals and one of the things we wanted to do today was to engage in a dialogue, with the various consultation participants.

To date we have had a series of exchanges of information, information coming in, information going out, but not really a dialogue or an exchange of ideas on the various treatments that could be considered for the murals. We've gotten strong statements for removal and strong statements for retaining the historic character of the setting, but GSA also wants to understand the potential for options that fall between those two extremes and of course that means retaining the murals in place. These other options include covering, screening or interpretive measures. Interpretive measures cover a wide range of options and should address how one experiences the spaces when the murals are retained.

The focus today is on gathering information for GSA to make its decision. We plan on making a decision by the end of May of this year, May 31st is our goal. That's approximately a little over five weeks away and that's why we're here today.

I wanted to thank everyone for coming and I apologize for some of the delays we've had, but we were finally able secure the services of a very qualified meeting facilitator to help us today with the discussion; I'd like to introduce Susan Podziba who will be leading us today. We'd like to now take this opportunity to do introductions.

I'm Gary Porter. I'm the national capital region historic preservation officer and I have been conducting the consultation on the murals since it began approximately two years ago.

SUSAN PODZIBA: I am Susan Podziba. I am a public policy mediator and I'll be facilitating the meeting today.

DAVID MALONEY: I'm David Maloney. I'm the acting state historic preservation officer for the District of Columbia.

SARAH CRAWFORD: My name is Sarah Crawford and I am an employment discrimination attorney with the Lawyers' Committee for Civil Rights and along with my colleagues Audrey Wiggins and Eddie Correia. Eddie Correia is with the law firm of Latham and Watkins. We represent Bob Smith and Roland Cyr as employees of the EPA.

BOB SMITH: I'm Bob Smith. I'm actually a former employee of the EPA. I'm now retired.

ROLAND CYR: I am Roland Cyr and I am an EPA employee and I'm still working away.

LORI WINDLE: My name is Lori Windle. I'm former chair, current secretary of the Society of American Indian Government Employees.

JAMES BIRD: I am James Bird. I am here as a member of the board of directors of the Society of American Indian Government Employees.

SHANA BAREHAND: Shana Barehand. I'm the treasurer of the Society of the American Indian Government Employees, former EPA employee, who actually worked on a floor with one of the murals.

RICHARD JENSEN: Rich Jensen. I'm from the Postal Service and I'm sitting in for Dallen Wordekemper the Federal Preservation officer.

PETER GRAY: I'm Peter Gray, a senior attorney advisor at the Office of Legal Counsel, the Equal Employment Opportunity Commission.

BETH SAVAGE: Beth Savage, the regional historic preservation officer for GSA's national capital region.

HECTOR ABREU: Hector Abreu with the Advisory Council on Historic Preservation.

MATT RADFORD: I am Matt Radford, deputy director of the Center for Historic Buildings in the office of the chief architect at GSA central office.

MICHAEL MECHAU: Hi, my name is Michael Mechau. I am the younger son of the artist Frank Mechau.

DORIK MECHAU: Hello, I am Dorik Mechau the eldest son of Frank Mechau.

VANNI LOWENSLAGER: And I'm Vanni. I'm the oldest daughter of Frank Mechau – very concerned about the preservation of my father's murals.

MR. PORTER: Thank you. I just wanted to clarify: I identified myself as the preservation officer. When the consultation first started I was the acting preservation officer. Since that time Beth has joined us and she is now the regional preservation officer, so in the future you might receive correspondence or interact with Beth as well as me as we team on the consultation.

MS. PODZIBA: I'm going to just take us through the agenda. I understood until a few moments ago that there were some people who wanted to make formal statements. So I'll still ask if anybody wants to make formal statements, but an alternative proposal was offered for a closing statement so we might do that instead.

Is there anybody who would like to make an early formal statement or shall we just move that to closing statements? Does that make sense to you? That works?

General agreement.

MS. PODZIBA: Okay, we'll do it that way then. The proposed agenda is that we'll start with a discussion of a shared vision of the space near and around the murals.

My understanding from talking with people at GSA is that the question has been they know what the formal positions are; everybody submitted formal comments to them and GSA's questions seem to be: Is there anything that the group together can coalesce around? Is there anyway of having a conversation that can lead to an integration of concerns and interests around the situation?

We'll try in the first stage to see if there's a way of coming up with a shared vision of what this space should do to and for visitors to the space as well as employees. If we are successful on that, after a break then we'll talk about strategies for achieving that vision. If we're not successful, then we'll either continue to try and develop that shared vision or we'll come up with another mechanism for talking about what to do with the latter part of the afternoon.

Does that make sense? Anyone have any comments or questions or suggestions.

MS. WINDLE: I do have a question and that is, Susan, I'm wondering if you have been personally to visit all of the murals and have a personal understanding of the space that they're in.

MS. PODZIBA: Yes, I was there yesterday.

MS. WINDLE: Good. Thank you.

MS. PODZIBA: Any other comments or questions before we proceed?

Okay, so I'd like to open up the floor to the first question, because I think people have a sense, but probably not a joint sense, of what happens to you when you walk into that space right now, and can we get an understanding from people of what it does to you now so that then we can talk about what we would like to see in the future.

Would anyone like to start us off? Yes, Shana.

MS. BAREHAND: I can start off, because every morning when I walked into the building for nine years, I walked up, got on the elevator, and the elevator opened and I had to look at those murals every morning.

I had to be reminded every single day what the American people thought about my people. A lot of people even still today think the redskins are the greatest things ever because, you know, they are fighters and this and that, but as an Indian person we know it's historically inaccurate. It perpetuates the negative feeling about our-selves within our community, I know I've told everybody the same thing, but when I first came to work at EPA, that's exactly what I got.

I got to sit at a table and when people found out I was Indian, one guy turned around and said, "Gee, I wish I had been Indian because I'd like to sit around and smoke peyote all day." You don't smoke peyote. I'm just sitting there, as a brand new employee, never in my life worked with non-Indian people. I came from Indian community, and that was my first experience within two weeks of going to EPA.

So that's what it should not be and that's what it does when people look at that. And when you go to work, you shouldn't have to be able to make assumptions about a people – a whole race – based on what you see on the wall.

MS. PODZIBA: Maybe it doesn't make sense to break out these two questions. Maybe it makes sense to put them together. So could you perhaps give some ideas about what you would like to feel when you walked into that setting?

MS. BAREHAND: Well, it would be nice to see some cheery pictures, flowers, pastel colors, smiling people. It's already a kind of darkish, grim place anyways: dark wood, all that kind of stuff, musty old smell. It would just be nice to have lights.

At one time, the administrator turned the lights down to lower wattages to save energy and that just was a horrible mess, but they fixed that. But you know, there's not a lot of light to begin with and so it would be nice just to have that.

MS. PODZIBA: Okay. Others?

MR. SMITH: I'm Bob Smith. When I first looked at these pictures EPA was in the process to moving in and I just couldn't believe the lack of cultural awareness and sensitivity, and I wasn't sure who was responsible for it. My emotions went all the way from disappointment to real anger that these would be on exhibit in my workplace.

So in one of the meetings that we went to with EPA, our group met this high level management group and one of the managers said that before EPA moved into the building that he was part of the tour that went through and he thought that the murals might have been a problem but he chose to look the other way, and there are any number of groups inside and outside of EPA that you could confer with, including. The American Indian Advisory Council, whose mission it is to advise the administrator.

There was an American Indian Environmental Office, the Tribal Operations Committee, and the National Indian Workgroup. And then outside there is the National Congress of American Indians (NCAI) and the Native American Rights Fund (NARV) and the Bureau of Indian Affaire (BIA), but we moved anyway.

I've looked at these and it just amazes me, I mean, this not only impacts us as employees, but outside visitors come in here. Other Indian people have asked me, "Are you guys doing anything about this?" I said, "We're just complaining."

EPA has its annual "Bring Your Daughter to Work Day" and I couldn't do that. I have a little girl and how would I stand her in front of this "Dangers of the Mail," for example? What would I say to her when she sees our people doing savage, brutal things to white people? What would I say to her? I mean, ask yourselves what you would do with your little girl. What would you say to your little girl standing in front of that? I mean, seriously, what would you say?

What would you say when your daughter said, "Why are these women naked?" What would your answer be? I mean, I have asked that question myself. So it's upsetting. Every time I see the mural I think of this administrator that ignored us. The paintings were taken down at one time and over the objections of EPA's American Indian Advisory Council (AIAC). We made our objections known to EPA that we didn't want them back up, but they were put back up.

When I look at these paintings, I see all of that. I don't see any paintings that paint a positive image of American Indians – nothing. It's all attacks and savagery and brutality. This is what I feel when I look at these paintings. You know, and there are so many distortions. EPA actually and GSA actually had these little lecterns set up where they had the artist's background information and they described the paintings, and for me it is just hard to even read that because some of it is actually racist. I read all of the comments that came in and I think we are really laboring under a misapprehension.

There were quite a few that said that we were thinking about recommending destroying these paintings. Well, that wasn't what we wanted to do. Our recommendation was to remove the paintings to a museum where they could be properly interpreted. I don't want to take up all the time here, but these murals are upsetting to people. They're very hurtful, and not only to the employees, but our families. I showed these to my wife and she said, particularly that one painting, "These were painted for men," and I said, "What do you mean by that?" She said, "They were painted for men, because at the time, in the WPA era, women's opinions weren't that important. They just got the right to vote in 1920. So these were painted for men, "The Dangers of the Mail." The women are naked; the men have clothing, this was for men's taste.

I'm somewhat of an artist myself, but this is not acceptable for me. Every time I think about it, it's hurtful that our employer doesn't care enough for our work environment and they have the responsibility for that, that we have a workplace that we can live with.

That was my reaction. Sorry it took so long.

MS. BAREHAND: There are physical feelings for all of us when we know that we have to walk by the mural and I couldn't avoid it because it was on my floor and even with the blinders up, you knew it's there and so you're like walking towards it and your heart is pounding.

MR. CYR: My name is Roland Cyr and I have been extraordinarily upset with our management at EPA that won't even provide a comment about their obligation to provide a reasonable working area free of such images, which are, by many people's accounts not appropriate for a workplace, let alone, can you bring a kindergarten class to see these images? Can you bring in even a high school class to see these images?

You know, I've heard stories – I haven't observed it personally, but I've heard stories where, people come in: "Look, look. Look at that big breast. Naked lady. Wow!" and "Look at that, that's awful. What are they doing there?" And then when you are an adult you see this and know that these images are inappropriate at our workplace and that even if these images were a screen saver on my computer, my manager would have a fit and order me to remove it. -If these images were on a co-worker's computer as a screen saver, I would raise objections to my supervisor if I walked by that.

To see these murals on these eight and a half by eleven inch pieces of paper does not do justice to a thirteen-foot wide, eight-foot high mural or painting. Your first approach when you come in to these corridors, you are surrounded, a big circular entryway, with two images on either side of you, it's pretty overwhelming the first time.

Unfortunately, after time goes by, you do become somewhat inured to that, but you also know I can't bring my family here, and that's not a good thing to say about your workplace. That's enough for me.

MS. WINDLE: This is Lori Windle, and I'd like to say that even though my workplace is in Denver, Colorado, I have been to the Ariel Rios Building a few times. The first time that I was taken to see the murals the "Dangers of the Mail" and "Pony Express Riders," up to that point I had known about the controversy, had seen the pictures and so on, but Roland is right, you don't really grasp it until you're right there in front of them and realize on this grand scale, which is pretty overwhelming, how that can affect people.

So for me being distant from it, it was primarily an intellectual and moral issue, but when I was right there, it was much different. I was there with some friends, and after looking at the murals and examining the details and so on, we kind of stepped off to the side and we were talking amongst ourselves. It was about 2:00 in the afternoon and the elevator doors burst open and a party of about five individuals came out. I think they probably had a two-martini lunch or something because they were pretty raucous and they were extremely well-dressed and coifed, and I took them to be either high level

government officials or attorneys or both. They ran right over to the "Dangers of the Mail." "Oh, is this the one?" and there was a lot of titillation that was going on.

The women were giggling and pointing, and the men were: "Oh, ho, ho," guffawing, you know, and suddenly my intellectual exercise turned into a deep-seated feeling in the pit of my stomach - what these native employees must have to go through every day. They are subjected to this kind of humiliation every day because of the murals and people's reaction to them.

MS. PODZIBA: Did someone on the phone want to make a comment?

MR. MICHAEL MECHAU: Sure, I wouldn't mind. This is Mike Mechau. I was listening to Bob Smith as well as all the others, I want to thank those who requested that the public comments be printed out, my brother and I have received all of the 400 and some comments.

I haven't read all of them, but one thing that was notable was that not all Indians and not all Indian employees at EPA have the same reaction. There are at least a number of them – I didn't read the whole – every one of the comments, but there are certainly several who are very familiar with the mural who don't believe that it should be removed. Now, why would that be?

They certainly seemed to be reasonable, thoughtful people and when they discussed the matter they did acknowledge that "The Dangers of the Mail" is a massacre scene and has some disturbing images, it's a massacre. They're a bloody thing. But **as** to whether the viewer, either employees or whoever the viewer is, is impelled by the painting to feel a disregard for American Indians I think is a very unwarranted conclusion.

I know, in fact, that my father was a great admirer of American Indians, but is that merely a personal recollection? Of course, it wouldn't have any bearing on this if in fact the painting itself is somehow overtly racist or full of some kind of evident intent to stir up people's hatred of American Indians. And in fact, as my sister noted in the letter that she submitted his first work of art that we still have is a drawing of an Indian brave on a black horse with in the distance on the horizon a few covered wagons.

He was obviously very interested in and loved a lot of things about Indian culture and life, and as an artist he studied a good deal of what he could find, which was, of course pretty ample He grew up in the West. The country as a whole if you look certainly still had plenty of things about Indian history and art that he could study and he did. And one of the things that I think a fair observer and a careful observer will note when you look at both paintings is the use of Indian motifs around the borders and the naming of about 20 Indian chiefs. As for my father, the reading of those names was a kind of poetry, I think, in the sense that it evoked the tremendous drama of the confrontation between cultures. If one looks at "The Dangers of the Mail" and you look

at the whites and the men who are depicted there, you don't find them in super-heroic postures or positions.

And sometimes people have said, "Well, Indians are faceless, which makes them more an object, and hence an object for destruction." The overall style that my father used was one of semi-abstraction in which he often didn't put details of bodies**;** their facial features are not drawn. When the murals were initially photographed (the National Archives and GSA I'm sure has them in its files) when Frank Mechau completed the two murals - he was photographed standing in front and he was wearing a wool Indian vest. It may have been made by Indians; I can't be sure. It was a kind of handsome vest with Indian motifs on it.

Why wasn't he wearing a buckskin jacket and holding a rifle? Those are points that I think can be considered, but the key thing is the way in which the scene is drawn, terrible as the actual events are and actions are, I think it really does evoke a kind of grandeur of the confrontation between people. It certainly indicates that these are savage acts, it's true. And I've noted in written comments, one of the small scenes of the companion mural, "Pony Express Riders," in the lower left-hand corner is a scene of the aftermath of the Sand Creek Massacre, in which are shown bodies of Indians among the tee-pee poles, the razed Indian village, in a winter landscape.

For a Colorado artist to do that scene leaves little doubt as to what he had in mind there is a little subscription below that image: "Death on the Prairie"; it doesn't explicitly identify it and it doesn't show the militia doing it. He might have done that, but there was a point in his putting that image there. Why did he show Indian bodies strewn in that landscape? That it is still done, I would say, you know, decorously does not negate its meaning as an image of an atrocity committed upon Indians by whites**.**

When the paintings or the studies were first presented to the government in the competition for the mural in the Ariel Rios, as many of you know a controversy ensued mainly about the nudes, but not exclusively.

The then commissioner of Indian affairs, John Collier, who was a very highly respected and dedicated administrator, took exception to "The Dangers of the Mail" because he was concerned, as many of the complainants are today, with presenting images of American Indians that might be viewed and that he viewed as being disturbing and not positive images. These were nasty, shameful deeds, and he registered that. He did it with a remarkable line of criticism, but my father respected that and he was ready to defend himself.

Certainly, he was ready to defend himself not on the grounds "that he was recording a historic event on a particular site on a particular date in "Dangers of the Mail," but rather was evoking the scene of a massacre of the sort, unfortunately, that did occur. There is no question that those encounters occurred. He noted the Sand Creek massacre in the companion mural, and he felt that, I think, that it's significant that he used Indian motifs at the borders of both murals. And I think that indicated that he meant

that as a kind of delicate, but a significant reminder to people who would be carefully viewing this, not when they come in as a crowd who have heard that a ruckus is being made about a mural after drinking a few martinis, but people who would take a few moments to look thoughtfully and carefully.

I think he meant to convey the idea by using those Indian designs that we are occupying this land, we live here in a land that indeed was taken from others, and that has certain implications that I think he would be the first to argue. And that's one reason why he was wearing the Indian vest. I'll stop there.

MR. DORIK MECHAU: This is Dorik Mechau. I would add only briefly a different line of thought, and that is that however accurately my brother Mike has spoken about intention and interpretation of something other than a negative sort, I don't think that what my brother has just said is likely to alter the sort of gut reaction that we have heard so often described: repulsion.

Those gut reactions are obviously very real and very potent to those who have them, and they're not to be denied. I think and I would assume, and maybe I'm wrong, but I would assume that those people, those folks there in the room who have spoken about their deep unhappiness and anger and their reaction to the murals would not find themselves moved by what my brother just said. May I ask if that's the case?

MS. WINDLE: That's the case for me.

MS. BAREHAND: As well, Shana. I understand the history and the nuances, and I can appreciate the artistic talent of the painting, but I don't feel like it's appropriate for a workplace.

MR. DORIK MECHAU: This is Dorik again. I think we may not be responding very well so far to Susan Podziba's suggestion that we consider the way in which the space affects us and what we might do in the future. Those two questions and those two points are to be considered in tandem. I think we certainly know the depth of concern and the many objections to the paintings. I think if we can manage to move on to the questions of options, alternatives, possibly some positive moves, I think would be really helpful.

MS. PODZIBA: I really want to let the conversation unfold in the way that it needs to unfold, so if you would like to answer – if you have some thoughts that you'd like to share at this point, I would suggest that you can do that.

MR. DORIK MECHAU: Well, I'm not sure that we have heard from everybody. I'm not trying to shut the conversation down at all. And I don't know that everyone in the room or on the teleconference has had a chance to speak.

MS. PODZIBA: I think we can let it just unfold, so I think you can go forward. It's seems to me that people don't seem shy. So why don't you go forward? Would you like to make a comment.

MR. ABREU: This is Hector with the Advisory Council. Again, we're allowing GSA to use these meetings to follow the 106 process, which again doesn't provide an end result to whatever is finally chosen. It's a process which allows everyone to provide input and then address the three main concerns in the 106 process would be ways of looking at avoiding, minimizing, or mitigating. Avoiding would be, of course, not doing anything to the murals, minimization would be kind of what's happening now with the screen and mitigation would come in when we're talking about the removal GSA would then have to find ways to mitigate.

Since the murals are still there now, there really isn't any action that's occurring at this moment. I did see a comment in the public comment record Gary sent me, that 106 is going to make the final choice and that's kind of a misconception. It's not the final decision, but it allows discussion to occur. GSA would have to prove avoidance, minimization, or mitigation – either one of those three options.

I don't want it to be construed that 106 is what going to cause these murals to either to stay or not to stay. It's the process which allows discussion, so from our standpoint at the Council, we hold GSA accountable to whatever decision they make, be it avoidance, minimization, or if they decide to remove it and mitigate. At that point, we'd have to decide what GSA would have to do to mitigate for the removal.

MS. CRAWFORD: This is Sarah Crawford from the Lawyers' Committee. So who will be making that decision?

MR. ABREU: GSA.

MS. CRAWFORD: But are the people who would be making that decision at the table here?

MR. ABREU: Oh, you mean within GSA?

MS. CRAWFORD: Right.

MR. ABREU: That they would have to answer – I guess Gary would have to answer that. I don't think it would be prudent for him only; it would be a discussion internally with whoever the person is.

MR. CYR: I understood from the 106 process, my read of this that it was the administrator of GSA that actually signed the document.

MR. ABREU: He or she in the case of NCR would be the final decision. Again, the process under 106 allows for what you're doing now actually providing input, giving

that data to GSA, and GSA will analyze all the input, consider all the comments, and come up with a final determination; again, be that avoidance, minimizing, or mitigating. And once they've done that, they – you know, they've complied with the 106 aspect of this. This has nothing at all to do with any civil lawsuit scenarios or any sort of other employee issues and their hostile work environments. That's totally out of the spectrum of 106. We only deal, and I should mention this also: it has to be understood what we're looking at under 106 is the resource, and the resource is the building.

The mural is a contributing factor to the building. So we're not looking at 106 for what to do with the murals; we're looking at 106 in a sense of how would the removal of these murals impact the historic resource, which is the building. The building is a historic resource. The murals are contributing resources to the building, and that's how we are looking at this under 106, because if they were to be removed, if that were an option, it is obviously considered what we call an adverse effect to the resource, which is the building.

That's something else I saw on the comments: 106 for the murals, 106 for the murals. It's actually 106 for the building, and the impact of what's done to these murals, which will have to the building, so that's important to understand.

MS. CRAWFORD: I guess I don't understand –

MS. PODZIBA: I think Gary can clarify for us. Could you the question was, what happens after this meeting? What happens in terms of who makes the final decision after the 106 process? Could you just walk them through where things are?

MR. PORTER: First, I want to acknowledge that Jason Edwards has joined us by phone. Jason is also a member of SAIGE and participating in the consultation. Thanks you for calling in Jason. Jason was at a funeral today so wasn't able to be here in person.

Responsibility in GSA is delegated to our regional administrator, who is Ann Everett. She's the acting regional administrator. As you all know, Donald Williams initiated the consultation. Mr. Williams is no longer with the agency and Ms. Everett now has that responsibility. Following this meeting and the receipt of the transcript, I will compile a summary of the consultation, not necessarily specific recommendations, but information that Ms. Everett and other members of GSA's management will review. The Region will coordinate with the Agency's Federal Preservation Officer and Fine Arts Officer to consider GSA polices on the treatment of artwork and historic preservation. GSA policy on artwork doesn't advocate removal as an option, so those aspects have to be discussed internally. We'll also discus with EPA what's being considered, and at that time a decision will be made.

MS. CRAWFORD: You just said something about that people generally don't consider removal an option?

MR. PORTER: GSA has a fine arts division and an extensive collection of art nationwide, so we have policies regarding the treatment of artwork. In general, with special exceptions, GSA policy calls for art work to remain in place. For example, if a building were to leave the federal inventory and it contained a mural, there would be special covenants that maintained the mural in place. The preference would be to maintain the mural in its original setting. So there are those kinds of efforts to keep art that is integral to the building in place whenever actions happen that might cause it to be removed.

MS. MECHAU: Could I make some very brief comments by asking you a question? Is it possible to move the employees who are so deeply wounded by what they see? Could their offices be moved or is that not feasible?

MR. PORTER: That's really an EPA decision. It's not a GSA decision, but a personnel decision within EPA to take that kind of action. I don't know if EPA would consider that or not. I know that people here could offer their opinion on that , being the affected individuals.

I want to acknowledge that Cinda Hughes with the National Congress of the American Indian has been able to join us.

MS. PODZIBA: Does everyone have clarity on the process?

MR. MICHAEL MECHAU: What is the name of the regional administrator?

MS. PODZIBA: Ann Everett.

MS. CRAWFORD: I'm just struggling to figure out the logic of some of what you said that right now we're trying to determine impact of the possibility of moving things or doing something (with them ?) on the building. And what does that mean? Because our interest has always been the impact of the paintings on employees, and I think that concern is what sparked all of this, so – and now I'm sort of hearing that that issue is not that.

MR. ABREU: I do want to clear that up, because concerns have been coming up, I guess some of the comments I saw had that kind of confusion, too. The way 106 works, it deals with what's called a historic resource. And what's defined as the historic resource in this case and there's a specific definition of what's considered historic following National Park Service criteria: age, significance and other criteria. In this case, the Ariel Rios Building itself is a historic resource within a National Historic Landmark District, which is in Federal Triangle and itself is a very significant building.

Things that are in that building that contribute to it being significant include the architecture, its facade, the details and the spaces, so there are some elements that comprise the building itself to make it a very significant building that if you were to

remove them or destroy them, could have an impact to that resource, which is the building.

The murals are part of the original building fabric, so when the building was built they were part of the original building. They weren't put there, you know, 50, 60 years after it was built. They're considered a contributive resource to the significance of that building, and based on the criteria of the Park Service, if you were to impact any contributing resource to a historic resource, it could potentially impact it negatively. So if you would like to punch a hole through the roof or something, that's a significant adverse effect. So the concept of 106 is that if you were to remove the murals, it could be construed as an adverse effect to the resource because it contributes to that resource.

The resource is the building, the murals are part of the historic building. Now, the murals were not individually listed, which could happen. There are buildings that have architectural historic artistic components of that building that are in themselves historically significant, for example a statue by Daniel Chester French. It's possible to have that individual resource listed at the National Register as an object.

In this case, from what I understand the murals themselves are listed as contributing resources on the National Register. They are part of this important building that's part of a National Landmark District, so what we have to look at is, and what we have to discuss amongst us is, how would the disposition of these murals impact the resource, which is the building?

MS. PODZIBA: But isn't it the case that the 106 consultation has been initiated as a result of the impact of the murals on the employees, who raised the issue?

MR. ABREU: 106 was not meant to access impacts to feeling, no.

MS. PODZIBA: I guess the reasoning why you wouldn't –

MR. ABREU: That's the reasoning behind it.

MS. PODZIBA: Right but –

MR. ABREU: Again, but 106 is not to be used as a mechanism for feelings of discomfort towards a historic resource because everyone interpret resources differently. For example, some people hate modernist architecture –

MS. CRAWFORD: As a lawyer, I mean, it's not just feelings of discontent. I mean, we're talking about employees who are saying this is a hostile work environment.

MR. ABREU: I understand.

MS. CRAWFORD: And the federal workplace has a responsibility to do something about that, so –

MS.PODZIBA: Let's also get Lori's comments here.

MS. WINDLE: I just wanted to boil this down a little. It's true that the 106 process is invoked whenever a federal action could impact a historic resource, and so that is how this 106 process was initiated, because of the employees' concerns and the call for removal of the murals from the building. That's how the 106 process was invoked, because it would impact the building. It's the process that decides whether that's going to be a negative impact or not, and so that's how it has evolved.

MR. RADFORD: There is anticipation of there being some type of adverse effect?

MS. WINDLE: There wouldn't have been a 106 process if there hadn't been –

MR. ABREU: Because of the concern of the EPA employees, it generated in GSA the possibility of the murals being removed, but it could have been another issue. It could have been a physical problem. Let's say that an area of the wall was imminently going to collapse or something, well, GSA will say, "We've got to remove this mural and keep it." So that may invoke 106 also because it was a situation that caused the possibility of this mural to be removed –

MS. PODZIBA: Right, but I think it's helpful if we keep to why this was invoked, as opposed to other hypothetical situations.

MR. ABREU: Yes

MR. PORTER: But also, Sarah, from the very beginning people have challenged, whether 106 was the right vehicle to use? We can be responsive to requests for an action, but we're using 106 because ultimately we would have to address the adverse impact that whatever action we take would create. So it's a vehicle for discussion, for public comment, for gathering information. It's not a vehicle for solving a legal issue about civil rights necessarily because there are other avenues to do that.

MS. WINDLE: When SAIGE was first engaged in this process with Donald Williams, the previous administrator, we became involved as a way to potentially work on resolution of these issues without litigation. That was the whole point.

MS. CRAWFORD: And that is certainly my hope as well, and I just am hoping that there's someone from the government's perspective, and maybe that's Mr. Gray from the EEOC, but who is providing some input as to some information that this isn't just that we don't have to just be thinking about the fact that, some employees are unhappy, but

that the federal government has an obligation to provide a workplace that does not promote a hostile work environment. And I guess I was hoping at the end of this that would have been considered and you know, be part of GSA's decision at the end of this process, and I don't know if it is or not.

MR. ABREU: And I want clarify that 106 does not provide for a set outcome. It itself is a process for considering outcomes.

MS. PODZIBA: Okay. Peter, could you enlighten us a little bit about the other side of this?

MR. GRAY: About why I'm here. (Laughter.) The Lawyers Committee first raised this protest to our attention a couple of years ago now and we've had an interest in the issue, but we don't have a live controversy; that is, no charge has been filed alleging a hostile work environment against EPA on this issue. So because of that we really don't have a position with respect to these murals in this building as to whether they create a hostile work environment. Until such time as a complaint is filed, it would be hard for us to render an opinion in the abstract.

We generally don't render opinions in the abstract. We are a law enforcement agency in the sense that when people allege violations of our statute, we investigate and then we would move. In this instance, because it's federal employees of course, there's a separate process where federal employees who would file with the agency and then the agency would investigate and issue a decision and that could of course be appealed through our Office of Federal Operations. But we don't at this point at least we unless you know differently than I, I don't believe a charge has been filed with the EPA alleging a hostile work environment.

MS. PODZIBA: So if I could try to summarize – just if you can tell me if I'm clarifying or if I'm misconstruing something. It seems like that 106 process leads to a recommendation, but can't account for civil rights questions, which need to be worked out in an alternative forum, which is with a different federal agency. So is that fair? Is that accurate?

MR. PORTER: I believe that's accurate, but just by GSA entering this process there is an indication that there's sensitivity to the issue of hostile work environment. We can't say in order to address the hostile work environment we're going to take such and such an action. The decision won't be framed that way, but I think just the fact that we're engaged in this discussion by choice is an indication that GSA has a sensitivity to this issue. It is my understanding that a formal review of the issue would be through an agency like the EEOC. GSA has chosen to address the issue in another way.

MS. CRAWFORD: I mean, part of our thinking in not filing a formal charge is the hope that this process could lead to a good resolution for everybody, filing an EEOC charge is a very serious thing, and at that point you are in an adversarial relationship, which we are hoping to avoid. And I just hope that – and it's a shame, I guess, no one

from EPA is involved because EPA has an obligation to provide this kind of workplace and in some ways I think it would be shortsighted of the government as a whole to compartmentalize their decision-making on this because in the end if we aren't able to reach an agreement, which is certainly my hope, but if we aren't, you know, we may find ourselves in a situation where we're dealing with litigation that is – nobody wants to be in that position.

And so I would hope someone who has expertise in Title VII and hostile work environment will be at the table to provide some advice. Understanding all of the historical significance of these paintings, they may create a hostile work environment and the government may be liable for that down the road. It's just my hope and recommendation that there's somebody involved in the discussion and who can provide that expertise.

VANNI LOWENSLAGER: I'm Vannie, Frank Mechau's oldest daughter, and I just would like to quote from your panel. Robert Weinstein, who's the architect, said and I quote and this is from your October meeting, "Art is an integral component of both exterior and interior of the buildings in the Federal Triangle." So that I think what adjustments can be made must come from the EPA rather than the GSA, who has (tons of other obligations. Am I wrong?

MS. PODZIBA (?): Who has authority to –

MR. PORTER: I certainly can't speak for EPA, but there are definitely employee issues at the basis of this complaint that one would think that as the employer, EPA would be responsible for addressing those.

MS. PODZIBA: Okay. What I would like to do is there are three people who have been waiting to make comments, and then we'll add Roland to that, and then try and move the conversation in a slightly different way. But, Shana, I think your hand was up and then Cinda and then James.

MS. BAREHAND: Well, I think as a basic procedural matter that we need to clarify exactly what our roles are here today. Gary, you just threw in that: "We have this policy that we don't remove stuff from our buildings." Well, you're going to need to address that policy. What does that policy say? I don't know, maybe you've sent it, I mean, it's what? Seven years now? Again, as an attorney, I want to know what that policy says. I want to know what I'm supposed to be saying to effectuate that policy because that's something that GSA internally is going to have to address.

Right now, as I found out, we are only working on the 106 process, which is to my understanding, whether or not there is going to be an adversarial effect to the historic

property if we decide to remove it. So going back to first-year law school, there is all these ifs, ands, buts and however and unless that we're going to have to meet.

We need a flowchart. What decisions need to be made first? Who needs to make them? Having been through EPA and their process for five years, at first they were like, "Oh, yeah, we're in charge. Here is a letter, here – well, we'll do this. We'll remove it, blah, blah, blah. Oh, oh, we're not in charge. Oh, GSA is in charge. Oh, oh, well maybe EPA is in charge, too." Well, you know, who's in charge?

MS. PODZIBA: Cinda?

MS. HUGHES: Yes, I'm with National Congress of American Indians representing the interests of tribal governments, and it affects far more than merely the employees who work in that building. Tribal leaders and the public go into that building. American Indians are a part of that public. And historical significance and adversarial impact or positive impact – those are relative terms. And whether or not it has a positive historical significance, there's going to be one view of that by one segment of society, and another segment of society is going to have an entirely different viewpoint. I've only been here a few minutes, but even within the context of the artistic merits, there are still debates over that, and that is totally subjective.

One of the reasons why NCAI is here is to represent the subjective viewpoints of tribal governments and tribal leaders and American Indians who go into and out of a public federal building and the impact that it will have upon them, and the impact that it has upon mainstream society and their viewpoints of American Indians currently living.

And at the last meeting, I made comments about how I, as a member of the public, was in that building and there were other employees of that building who walked by, saw us looking at the mural, and snickered. Now, that is an impact upon a public person inside that building by employees of that building and that is something that's going to continue to happen over and over and over again, so it is far more than just impacting the employees who work there.

MR. BIRD: Thank you. I wanted to go back to your original question about our vision, to express our vision for the building. If we followed our basic principles of the national register guidelines for the post office building, which was what the original purpose of the building was in its nomination as a Post Office, the only reference to the murals in the building are in the Federal Triangle nomination. It's in its general description and just mentions that the buildings contain numerous murals depicting elements of American history, and the guidelines for nominating post offices directs that the description should contain a statement of significance that addresses the history of the building itself.

Now, the general American history does not fit the purpose of the history of the post office in that building. I would imagine if I were to envision what that history would

be in that building I would see development around Washington, D.C., the carriage and horse-drawn carriages and muddy streets and, the springs where Andrew Jackson used to get his water, that sort of type of history that's local.

The significance details in the National District nomination did not check off on art. That's probably an oversight, but nominations can be updated and we have no issue with that, but it's just a detail that I thought I'd mention as well. If somebody wanted to take issue legally with the nomination and our discussion that there's ground for that issue. I have to catch my breath.

The murals that we're concerned about overall depict a stereotype image that, as mentioned earlier, is inaccurate and if we were to have a proposition, you know, I think that there needs to really think about depicting the history of the building itself. That's a reiteration I made early when I started.

Thank you.

MS. PODZIBA: Just to understand, so there would be artwork representing the local history of the building.

MR. BIRD: Well, I don't see that the depiction contained in "Dangers of the Mail" actually shows mail being delivered or any mail being carried. If we focused on the title and the depiction, there's no connect. If we want to place the history of the building and the significance in the artwork together we've got some broad general strokes of American history depicting its conquering of the West and Native people's conflict and so forth.

MS. PODZIBA: Okay. Thank you. Roland?

MR. CYR: Two thoughts. The presumption here in GSA's initiating the 106 action is to leave the murals in place. That was your stated purpose for this meeting, I believe, Gary. Is that correct? Come up with whatever we can to discuss options, but the presumption is that the murals would stay in place. Is that correct?

MR. PORTER: Well, no. At this time, as I said, a decision hasn't been made, but we hadn't really had the discussion about any sort of intermediate possibilities. So today's intent was to actually cover that ground. We've had multiple comments on removal versus really doing very little, and we wanted to see if we could explore the idea of any kind of intermediate ground that people could buy into.

MR. CYR: The other thought is a vision of the environment. That would be one alternative approach to artwork in this building. It's beautiful architecture. There is no question that it is a building. I love working in the Federal Triangle. It's great and I am not knocking GSA's building here, but it doesn't hold a candle to where we are. It's a beautiful place to work. It is dark. The wood paneling, some of the floors, it's very beautiful, but the images that these murals contain are just totally contrasting; mind-

blowing in a way. So that's what I would say a vision, the purpose of the building is now whatever, and James said historical of the building. That would not be the environment, so I don't have a good answer for you.

Options. I don't personally see many options. I understand those two paintings that are frescos and on the walls. It's possible that we could come up with some compromise position on instead of removing, screening them, providing something else like you have. I haven't been there in a while, so I don't know what the screening looks like now, but providing some alternative environmental type issues, if you will, or actions or even paintings from modern day artists depicting some kind of history related to, smiling faces, happy people, great environment thing. You know, something that makes you feel, "oh, this is a great place to be in," instead of "oh, God, I don't like to go to that building. I don't want to do that."

MS. PODZIBA: Okay. And we have Mike and then I'll go to Bob. Thank you.

MR. CYR: I think that's enough.

MS. PODZIBA: Mike?

MR. MICHAEL MECHAU: Thank you. Again, referring to those many, many comments that have been submitted and that are of record, you know, in the public comment process. Judging from some of the consulting party participants, one generally would gather that EPA employees and certainly people of any Indian extraction are very upset with the murals and find them - they wish that they could be removed, certainly concealed. But one thing needs to be noted and, of course, GSA will note when they review the records that there are many, many, many thoughtful comments by EPA employees praising the beauty of the building and the murals.

Now, of those who maintained and urged that those murals be left in place and not be concealed, many of them acknowledged with sympathy that there may be some reason to deal with the feelings of those who are troubled by the murals. And certainly there are many, many suggestions that have been made to move in that direction. One could have some of the Curtis photographs of early Indian life in the 20th century that are magnificent photos on display in different places. You can show the history of the Plains warfare, that talks about the travails of the Indians and the problems of the westward expansion and the heroic efforts of some of the chiefs who strove to maintain their way of life and protect their people and so forth.

And wouldn't that approach serve Indian interests much better than to remove all traces in the Ariel Rios Building all images that make a reference to American Indians? Wouldn't that be a basis for people to think about Indians today and their situation and our history and mistakes that have been made and good things have been done, and heroic deeds that have been woven into the fabric of our past?

So to me certainly the intermediate stage is very fertile ground for doing all sorts of things, including offering space to Indian artists to present some of their work, or to have exhibits of historic Indian artifacts. It doesn't need to be turned totally into a museum. If one goes through the Ariel Rios Building, however, one sees that aside from the elevator corridor ~~and~~ most of the hallways are fairly bleak even though the building as a whole is quite handsome. And there is plenty of room for images that would address some of the legitimate concerns.

But I would like to pose~~;~~ I think an essential question is: What makes the negative feelings that some feel a matter of such public concern as to require removal or concealment of historic murals? I think that even though it doesn't sound like a new question and it seems to suggest that people don't feel deeply about it who are complaining obviously some do, but in all of the things that I've heard and in all of the comments that I've read that have been submitted, there has been no indication that anyone who views those murals or who has viewed them and who has cared to comment on this has responded in such a way as to validate the claim that the murals encourage a sort of racism or a denigration or a demonization of Indian peoples or culture not one.

And hence the question is how should the genuinely troubled feelings of some who believe that those murals in fact somehow or another are a source of active influence to encourage people to belittle Indians be dealt with?**.** I am totally at a loss as to why concealing or removing the murals would improve the attitude of society toward Indians, and it seems to me, therefore, that given the very articulate and strong argument by many, many EPA employees supportive of the mural and so on, that there is a good, there are a lot of alternatives besides screening or removal available to address some of the concerns that have been made.

MS. PODZIBA: Mike, I've got Bob and then Shana and Cinda, but because you are on the phone and not here in person, you don't get to see the reactions that people have, so I just want to share with you a little bit that while you are speaking people or feeling a little shocked by your words, is that a fair word? I'm just sort of reading people's eyes and facial expressions and they are feeling a little shocked.

MR. MICHAEL MECHAU: Would they say exactly what is the point that shocked them?

MS. PODZIBA: I'm going to let them do that, but I have a hunch that they feel that they've already expressed to you

MR. MICHAEL MECHAU: I know that they are shocked, but the question is when they put their shock into an argument that claims that people who look at these murals walk away with an attitude of superiority vis-à-vis American Indians, in fact there's not. I cannot think of a single one of the hundreds of comments that I've read that suggests that that's the case, many of which of course call for removal of the murals because they claim that others are moved to have nasty thoughts about Indians, but.

MS. PODZIBA: Okay. I hear you, and I am going to let people speak for themselves, as should be the case, but I'm a little concerned about us going down a path with the time that we have remaining debating how to determine racism or not. If I can interpret what I hear you saying, and please correct me if I'm wrong, I'm sensing that you're feeling that your father is being charged with racism and that you feel that's unfair. And I think that's what I've heard from you and your brother and sister. I'm sensing that there's kind of a difference between what the intent of the paintings were and the unintended reaction or impact, and I wonder if we can kind of hold those two together so that nobody feels morally impugned by the others, that the intent of the paintings weren't racist, but that there is a negative impact to people who view them.

MS. PODZIBA: I want to let others speak, so it's not a conversation between you and I, so Bob?

MR. SMITH: I'd like to make a point that of course this is a historical building, but it is not a museum. It doesn't have the environmental protection systems in place. The Smithsonian would not lend materials from their collections to the Ariel Rios Building because they don't have the type of security that a museum does have and the preservation, conservation, and display techniques and it is in a public building.

If they were in the museum, they would be in an environment where it would be more protected. I've seen other frescoes on the lower floors where there are gouges and somebody painted, drew a moustache on one of the figures. To me that isn't any type of protection or even responsible protection.

I've read the entire transcript that you sent me, that book and there were a lot of recommendations in there. Some of the recommendations for Indian people were that we just to look the other way when we pass it or take different routes. It was recommended that all the employees be moved out of there. And one even recommended that EPA just completely move out. I wonder what would happen had other entities moved in like the Bureau of Indian Affairs or other Indian groups moved in. There would have been more consideration given to those paintings and there would have been something done earlier.

But one of the things that amazed me was that in this book that you sent us there were several recommendations; one was that we would of course move the murals out, but some of them were saying that we should, number one, leave them in place, put a placard up and that would solve the problem. But I've worked in museum field quite some time. I was director of our tribal museum in Oneida for ten years. I worked at the Smithsonian, and I actually worked at the state museum in Wisconsin and was on the board of curators for the state's historical society. I've got quite a few years in exhibits. I've done exhibits, even at the Smithsonian.

I can tell you that most people, and they've done studies, don't read the materials next to a painting. We're always concerned about what people take away when they see a painting or an exhibit and what interpretation may have. So if you have a placard next to it, most people won't read it. And the few that do start reading it, they probably

wouldn't even complete it. So even if you put up a really big one, it would be ineffective, you know, because these stereotypical messages that we object to are still there.

Another thing is that there were a number of people that said that we should paint, say, the picture of Wounded Knee or Sand Creek, but, do you have any idea how ghastly that would be? I don't think you can get an American Indian artist to paint it because they never have, because it wouldn't be like just one little picture where you have the aftermath. What you're seeing here, "Dangers of the Mail", is a live action painting.

Now, would you imagine what a mural would look like at Wounded Knee? Just take Wounded Knee, where you have U.S. soldiers shooting toddlers, infants, and children. General Miles recorded that he found when he toured the battlefield, he found four cradle boards with the babies' heads smashed in. They found one where it had five bullet holes in it with powder burns. And there were other recording of executions on that "battlefield," as they called it. That was a massacre. Both murals would be scenes of massacres. Since there are no pictures of the massacre at Sand Creek the artist must have used photos taken at Wounded Knee, you could almost use Wounded Knee as an overlay if you look at the pictures.

At Sand Creek, what happened was they ambushed an entire village of peaceful Indians that had a treaty, they had an American flag. Colonel Chivington's group went in there and butchered those people. Now again, live action. This mural would depict decapitating, cutting out parts and then parading some of those parts through the streets of Denver? This is recorded. So you can't you couldn't do that. No Indian artist would do that.

Or would you take this painting down and put up scenes, with nakedness of Dachau, Auschwitz, Buchenwald, to have those kinds of pictures up there? Jewish people wouldn't stand for it. Otherwise have the KKK, you know, with some of the lynchings and hangings and having men upside down with their heads burned. These are again actions. You wouldn't have them. There are so many controversial issues where people are really sensitive. Think of the reaction if you took the painting down and put the confederate flag up, people would object to that too or a Nazi flag.

So these are some of the suggestions. Exhibiting these paintings with a plaque, that's not acceptable to me. I don't think that would be acceptable to anybody. And we're not just a small group of Indians that they described as disgruntled; one called us lunatics. But we have a lot of people that are offended by this. The National Congress of American Indians, they represent a tremendous amount of people. The federal women's workgroup, they said they had a statement in there that they recommended removal and they represent over a million women.

See, this is offensive to Indian people and it is offensive to women. Now, I'm amazed myself that after reading this that people making comments didn't know the content. We're not just talking about two paintings that we find objectionable, we're

talking about six, and nobody even asked what did we find objectionable about the other six? I would be willing to and others would be willing to sit down to go through all six, you know, and explain to you what is so objectionable about it because they reek with discriminatory remarks on what was written up. They're stereotypical. They justify manifest destiny. Look at some of these paintings. It's all one-sided, but to go round the other side, I think I would find a scene of Wounded Knee or Sand Creek, I would find that as a hostile environment for me, just to look at that brutality.

We keep attacking this "Dangers of the Mail." Look at that painting and hear that woman scream as she's having her hair ripped off. You know, and just listen to her. Listen to that picture. You'd look at it, but you can just imagine what it would have been like, I don't want to monopolize the time because I think the discussion has been really good so far.

MS. PODZIBA: Okay. I've got Shana, then Cinda, then Lori, and then I think we'll take a five-minute break. Shana?

MS. BAREHAND: As long as we are wondering, I wonder what if we were a black community. What would happen?

I think its clear from my comments that I feel like this is creating discrimination, and I'm sorry that you didn't read that within my comments. And then getting to my other point, not all Indian people, or I should say not all people claiming to be American Indian do see them in a negative light. And then I also want to point out that according to our standards, the census standards anybody can claim to be American Indian, and that's true. And anybody does claim to be American-Indian. But not everybody lives in our community. Not everybody socializes culturally in our community. I do, Bob does, our kids do and this impacts our kids.

So I'm sorry I'm not sure who those other American Indian people are to say anything other than that, but I just wanted to clear that right out for everyone and that's something that we deal with every day. We have somebody claiming to be American Indian and representing something, you know, so you have various opinions.

A suggestion is that if we can take down the paintings, maybe we can put up one of the other Mechau paintings. Maybe we can put up some of the flowers and the birds that he painted in its place as a trade.

MS. PODZIBA: Okay. Thank you. Cinda?

MS. HUGHES: Yes. In answer to the gentleman who said that he didn't read in any of the comments how there was a modern impact upon mainstream America's view of American Indians by these paintings and how are we affected now, well, Sashi Smith directly addressed that during our last meeting in October when she described the scene about how she and I, and I just did it five minutes before this gentleman said that he didn't hear of any modern day impact.

When you were viewing the murals that there was a group of EPA employees who wore the EPA badge with their face and name underneath it who saw us looking at the paintings, and we are visibly American Indian and that day we were wearing our jewelry, so we're visibly American Indian – looked at us looking at the painting and five or six of them laughed openly – openly laughed. That's one instance.

Now, I would venture to say that since they were not ashamed of laughing, since they were not covering their laughter, since they were not in any way, shape or form embarrassed by their laughter, that that is a viewpoint that they have of American Indians, and that the viewpoint of American Indian males as being violent, as being prone to promiscuity, as being prone to committing rape and prone to violent crimes – that does have a direct correlation today.

We have the highest male suicide rate from 15 to 30 in the United States, the third highest in the world, and most of that is directly attributed to the fact that these males do not have a positive self-image. Why do they not have a positive self-image? Because of the mainstream viewpoint and the viewpoint of the educational system that whatever their learning disabilities are or may not be that they are prone to violent activity, that they are prone to being promiscuous, that they are prone to violence.

And so, yes, we do have a modern day impact on Indian society of negative, stereotypical views of American Indians. And if you would like, I would be happy to provide you with a whole list, a page full of studies and academic and scholarly studies that have been done that would prove that viewpoint.

MS. PODZIBA: Thank you.

MR. MICHAEL MECHAU: My only question –

MS. PODZIBA: Wait, wait, I've got Lori. Lori, did you put your hand up?

MS. WINDLE: Yes, I just wanted to make a couple of short comments. First of all, I don't know if you realize that James Bird here is an historic preservation officer with the National Park Service, and I just want to point that out because his expertise is appreciated when he makes his comments. He knows whereof he speaks.

And secondly, I want to say that I read also all 400-plus of those comments in one sitting and I do have a statement I want to go through here later, which I won't burden you with now. But it was surprising to me to hear Mr. Mechau's comments because I wondered if we were actually reading the same ones. I saw a lot of evidence of a lot of people's statements to the contrary of what he said, so I just wanted to point that out.

MS. PODZIBA: Okay. I don't mean to cut you off, Mike, but we need to take about a five or ten-minute break, give everyone a chance to stretch and then we'll come back. I've been keeping a tab of some of the alternatives that have been suggested and I'd like to start with those when we come back after the break.

So let's take a break; we're going to keep you on the line and be back in let's say five to ten minutes.

(Break.)

MS. PODZIBA: Thank you for coming back.

I just want to start by answering the question that I asked: is there a shared vision? The only thing I think that we can say everyone seemed to suggest is that the vision for the space is that it show respect for Native Americans. I think that would be a theme that I heard over and over and I don't think there would be any disagreement about that.

What I also heard from the conversation that I'd like to draw us to, were a number of alternatives and I'm not sure where they fit, but I'll just list out what I heard. So one was alternative art and that included art representative of EPA's mission, of the local history, art that was uplifting as opposed to depressing, Curtis photos or alternative Native American art, and alternative Mechau paintings or artwork.

Another strategy was screening – some form of screening, histories of Plains warfare, better explanations than those that are currently there which would be acceptable to Native Americans – that the text would be better than what's there now.

So those are the things that I picked out from the conversation, and I'd like to open the floor now to a discussion of those and any other alternatives that people have in mind.

Bob?

MR. SMITH: Like I said, I read the entire transcript that you sent to us and there were, looking at the comments for "Dangers of the Mail," there were quite a number of that came from Colorado. They're very supportive, about the art and, you know, how good the artist was and I can appreciate that, but I would think that if the paintings were removed that Colorado would be more than happy to take them into the art museum in Denver, and also the American Indian Museum or others.

Wouldn't it be possible for the GSA to take a look at contacting these various museums that would be interested in a trade, or just moving them where they could be cared for better and also interpreted. Because clearly, hearing what everybody says this is a chance for education, but I don't think that education can be done here at EPA. Like I said, putting up a plaque, it would have to be something far more involved, anyway, that would have been my other suggestion is that we explore the possibilities and see what the

options are of locating a museum that would be agreeable to the artist's relatives and then to EPA and also to GSA.

I don't know what EPA's opinion is because there's nobody here from EPA. You know, it's kind of amazing to me that they're not here at the table. I think they have pretty good representation, but they should be in on this and I would make them a party to this. Did you invite them?

MR. PORTER: We did, yes.

MR. SMITH: Oh, so they chose not to participate.

MS. PODZIBA: Okay. Others? Yes, Lori?

MS. WINDLE: I have a statement that I'd planned to read here and I will read the rest of it later, but right now since we're talking about alternatives, let me just read this part, which is at the end.

"SAIGE has never expressed any interest in destroying the art, merely relocating it to a more appropriate setting. As we've stated before, removal of the Mechau murals would do no harm to the artwork, nor would it impact the historic status of the building. We remain firm in our assertion that the diptych "The Dangers of the Mail," and "Pony Express Riders" be removed from the federal workplace. Our recommendation has always been to provide it to a museum where it can be cared for properly, viewed voluntarily, and interpreted within the context of its times.

I've discussed this final meeting with the SAIGE board, which consists of four officers and ten board members, and they sent me with this message: 'The Mechau murals must the removed. The others which are removable should also be removed. The Lockwood murals - which we haven't discussed yet - which are painted directly on the walls, on the plaster itself, should have interpretive plaques in front or beside them. The language on them should be composed by a committee comprised of art experts, historians, and Native persons well acquainted with both the history and art of the period and the objections which have been raised to them. This should be a consensus-based presentation that examines the issues without suggesting conclusions.'

There have been suggestions that the current artwork be replaced by others that reflect the current mission of the tenant agency, that of protecting the environment which sustains us all. Some have suggested that new artwork be that of American Indian or Alaska Native artists to help achieve some balance. We believe these are good suggestions and would help to promote healing the wounds of this controversy and this protracted process. This is not only necessary, but long overdue."

I believe that Shana's recommendation of maybe some other Mechau works would be appropriate. Definitely, I would also follow up on Bob Smith's

recommendation to contact the Denver Art Museum and see if they would be interested in receiving the Mechau murals on a 99-year loan or something along those lines.

MS. PODZIBA: Okay. Thank you. Yes?

MR. SMITH: Just as a part of what you said, removing the four murals that can be removed and then as an addendum to that what I would like to consider is that we put a screen in front of the two frescos and then behind that, much like what we have with "Dangers of the Mail," that there be a plaque back there discussing that for those that elect to go back there and look at it. I'd like to see that to be possibly considered.

MS. PODZIBA: Did anyone want to say anything about the screening – the type of screening? Yes?

MS. WINDLE: When this process first started, we were shown artists' renderings of panels that were opaque and went ceiling to floor and had text printed on them which explained the nature of the controversy, explained the 106 process and procedures for comments. This has given way to what's there now, which is this blocky, dark thing which actually doesn't really even shield the viewer from the mural itself, because you still see a portion of it above this screen.

I think that personally from an artist's perspective, and I'm an artist; I have two art degrees, that the screen that's in place now is blocky. It's offensive. It seems like those who object to the art work who are requesting this screen are actually putting the art in prison, which casts us again in a negative light as the bad guy, and I just really don't like that at all. I think that if we have screens, they should be more opaque, they should allow light so that people can go in there and view the murals at will. I know it's a historic building, but the panels that we saw initially in the artists' renderings were more contemporary-looking and I think that they would actually serve a lot better for that purpose. But I'm talking about the other murals and not the Mechau murals, because we still assert that the Mechau murals should be removed.

MS. PODZIBA: Okay. Sarah?

MS. CRAWFORD: I have a question about GSA's experience with the fine arts collection and any kind of history that you've had in moving paintings or loaning out paintings, or whether paintings have ever gone for display in museum. I mean, it seems like a lot of the comments made this point, that some of the folks here are promoting censorship. And at least with respect to the paintings we're suggesting could be moved to a museum, that's not censorship because the paintings would be more accessible to the public and could be put in a proper context and people could choose whether they want to see the paintings or not.

And so I was just wondering if GSA has any experience in loaning out paintings, or how that works?

MR. PORTER: I would like to ask Matt if he could speak to that. I don't have a lot of experience with the national program, but in general most of the works were commissioned with the buildings and a majority of them are attached, but again Matt can better speak directly to this question.

MR. RADFORD: GSA's art collection includes over 17,000 works of art and the majority of those are actually in non-federal repositories; that is, they're in museum collections and in universities. But a lot of those works are prints that were made during the WPA era, and artists would always give the government a print after making a series, and then sell the rest. Those are on long-term loan, but for the most part the portion of the collection that GSA actively manages are those works of art that are integral to the buildings. They were commissioned when the buildings were constructed and it includes art work that goes back to the middle of the 19th century up until art work that has been commissioned today for new construction.

I don't have the exact number of works that are the collection that GSA manages directly, but it's a fair amount, a couple thousand works of art. GSA's policy is to keep artwork in the building where it was commissioned, and in those instances when the artwork has been removed in the past to return it to that building where it was commissioned. There are instances of artwork where the original setting has been so altered that it can't go back to the exact location where it was, so it's someplace else within the building. But if the exact location is available then it goes back to that location.

I think there are some Mechau murals that were recently placed and they originally were in Colorado, I believe, and they were returned to the state, but not to the same buildings because they're no longer in the federal inventory, or the setting is no longer available, but they have recently been sent back for display.

MS. CRAWFORD: I understand the importance of the National Historic Preservation Act, but in some sense, we have the artist's family on the line who are talking about some of the artistic merit of the paintings, and really in some sense we are not here to discuss that, but if there are so many people who would like to view these paintings, it just seems to me in a museum they would be more able to see the paintings, and it almost seems a shame if there are some people who want, who so desperately want to see these paintings that they're sort of hidden away in this federal workplace, you know, where there are guards, very few tourists make their way up to see these.

So you know, that is our program, that paintings on canvas could be moved to a museum where they could be displayed there.

MS. PODZIBA: I think it's fair to say that we covered removal pretty in-depth, and I wonder if we can spend a little time on any alternatives so I understand where you're coming. I think, Lori, you were very clear on SAIGE's position on that. I think for GSA's purposes if we could spend a little time talking about the non-removal options,

just so they have a good sense where you stand on them, Would be helpful for GSA's purposes. Is that correct?

MS. BAREHAND: Painting over?

MR. PORTER: Excuse me, Shana?

MS. BAREHAND: Painting over?

MR. PORTER: I just wanted to respond to Bob Smith's comments, you made an interesting point about people having suggested creating other sort of matching or similar works of art from the other perspective, and all your examples were negative, they were violent depictions. They weren't positive imagery. When we were out on break, Shana was talking to us about some of the cultural aspects of the Native American culture that I think are unknown to the average non-Indian.

And I was wondering Bob, I know you've said that you don't think, any amount of text or interpretation will be valid because people just don't pay attention to it, but in my mind I guess what I would like here is there any opportunity to make it a positive experience. If you do provide educational information about your culture to other people to help offset the negative thinking that you're saying the pictures now bring? Is there an opportunity to do that or do you think that's completely impossible?

MR. SMITH: Well, it would be really difficult to do. Possibly you could contact the Smithsonian and the people over there that have that kind of expertise, but I have never seen anything that would fit in this particular situation with the enormity of the paintings as opposed to some, even the audio visual, if it ran all the time, it still wouldn't if people don't take the time to look at it, and museum studies have shown that people spend anywhere from ten to 15 seconds in front of any exhibit or painting on the average, and they take that away with them without even reading the text.

So it wouldn't be effective and I don't see that as an alternative. People don't stand, people that are working, you don't necessarily go over there on your lunch break, and somebody even suggested we have brown bags. Somebody came up with something like that, but that wouldn't be ongoing day after day after day. I mean, you might do that five, ten times and that would be the end of it.

So any kind of interpretive text unless it was huge and eye catching, I don't know. It has been tried, and a lot of times it's disappointing for people because there's more there than you really are able to absorb in that short a time. If you take the time and look at it, and then a lot of times you don't know what you're looking at. I mean, as you go through these paintings there's a lot of information there, but unfortunately, our education system about American Indians is really lacking. Very few people had Indians 101.

And, sad to say, I have seen even at Smithsonian people that were ignorant about our culture. People like myself, I grew up on a reservation. I've lived in a community

and interacted with the political and social systems. So we're talking about a people here. And when you're talking about Indians, generally most people think about the individual Indians. I mean, her, him, her, me, we're a people, not just one tribe. We're a group of tribes. We are a family of tribes. The nuclear family, the clans and extended family; the tribe in the overall. That's why I care about issues like Wounded Knee. I'm not a Sioux, I'm not a Cheyenne, but I care about Sand Creek. You know, that hurts me as an individual.

Now, I don't think I'm any more super-sensitive than any other Indian person, but when you have suffered a type of discrimination that I have, all the way through high school where our teachers put us down and made us think negatively of our cultures. I was in the military and stereotypes existed. I don't know how many of you were in the military, but there were stereotypes about our stealth and we ended up on point in Vietnam, stuff like that. The stereotypes are there. They're stale, they're old, and yet we still have to deal with them today. That's the way I see this, and then to break that with text or even pictures, it's so difficult. Anyway, that's my opinion.

MS. PODZIBA: Okay. Cinda?

MS. HUGHES: To answer your question a little directly about what would be some images that we could put forth. Okay, so we're going to juxtapose an image of an Indian man raping a white woman doggie style, so then we're going to juxtapose that with a positive image of Indians from that era and I doubt that there are. I have not seen any artistic works from that era or depicting that era where Indians were seen in a positive light, let alone Indian relations with a white woman, which would be what would be juxtaposed there.

What else would there be to juxtapose it? A family situation of an Indian family, you know, connecting well with traders? That was not a reality of that era. That's the era of the Indian wars. That was not an era where Indians and whites sat side by side singing "Kumbaya." So, we're not going to have any positive depictions of Indian and white relations from that time period. So what are we going to juxtapose it with?

MS. PODZIBA: Would it have to be from that era? I mean, I'm just curious about that. Or is it possible to have positive images from present, or –

MS. HUGHES: Well, of course, that's possible, but that's not going to negate that era, there's not going to be a positive image that is going to negate or supersede over the image of an Indian man raping a white woman.

MR. MICHAEL MECHAU: That's simply false.

MS. PODZIBA: Do you have a thought of an image, a preferable image, an image that we would put forward?

MR. MICHAEL MECHAU: Who are you asking?

MS. PODZIBA: I'm asking you. What alternative paintings or sculptures that you would suggest might work in that space to ameliorate the reactions that are currently felt by some?

MR. MICHAEL MECHAU: Oh, I have mentioned the Curtis photographs that were very extensive; he wrote a 20-some volume work with, photos of Indians trying to capture them in the context of their own cultures, and many of them were very, very beautiful-and are certainly aimed to inspire a feeling of great, awe and respect and fascination on the part of the viewer. I think everyone who's seen them would agree. Sometimes you could accuse him of romanticizing certain things, but I think he made a great effort to capture beautiful aspects of the lives of his subjects that were true to their own traditions probably wasn't always successful. That's one thing.

MS. PODZIBA: Are people familiar with those photographs?

AUDIENCE: Yes.

MS. PODZIBA: Yes? Okay.

MR. MICHAEL MECHAU: More specifically, I think that's also inaccurate historically to say that even in the terrific era of the Plains warfare and the terrible removals that Indians experienced and in the case of the Sand Creek massacre, atrocities which occurred while the Civil War was going on and there were Indian raids going on this was a very **t**roubled time, even in that era there were friendly relations and intermarriage with Indians In fact, one of the Bent men, of the famous Bent's Fort family, was married to an Indian and was present at the scene of the Sand Creek massacre and so on. I'm just saying that history is far more complex. There were points of contact between the races and cultures which were, in fact, very friendly.

I'd just like to say also that I think I was misunderstood somewhat earlier, and what I wanted to convey was the point that almost everyone who comments on the murals, from both sides, from all points of view, almost all of the commentators expressed – not every single one, but the vast, vast majority expressed sympathy for the sufferings of Indians. The reaction to the mural even in the case of almost all who argue for keeping the murals in place is one of sympathy expressed for the sufferings and the history of travails that the Indians experienced.

I think that's important. In other words, what people feel when they contemplate, Dangers of the Mail certainly the people who want it out of there are not unsympathetic to Indians, so they haven't been influenced by the murals to denigrate Indians. Quite the contrary, they're eager to respond to the massacre scene to justify and to defend the Indians and I understand how they see that. But what I'm saying is the actual influence of the murals does not indicate that it was the cause of that nastiness of the elevator corridor, but no need to go into all of that. I just wanted to try and express my own self a little bit better.

MS. PODZIBA: Okay. Thanks, and could you –

MR. MICHAEL MECHAU: I guess one other suggestion if it wouldn't take up too much more time. Should I go ahead?

MS. PODZIBA: Yes, please.

MR. MICHAEL MECHAU: I think one design that might be useful to consider as a way of dealing with some of the concerns is the use of video monitors. People could perhaps have earphones to hear relevant information \, national parks and museums use those a lot. That could be done for all of the Ariel Rios murals, not simply on a piecemeal basis. I think the electronic capabilities and resources today offer much better alternatives than simply wall space that's filled with print, I think Bob Smith is right that a lot of times people don't want to stand and read a lot print.

But I think often if they're at all interested, then they are quite likely to listen to something about the murals. And I think the things that should be covered will include the history of the WPA program, its general liberal inclusiveness, by the way. Certainly, some Indian artists were also involved in the federal art program, but in any case, I think information could be given about the history of this or that chief or the Plains warfare or Indian art. There are a lot of things which Indian artists and historians should be able to furnish which I think would further the concern that I hear from Bob Smith and others that the plight of Indians in our history and today should be much better understood by us. And to remove the murals would defeat that opportunity, I think. It may not of course be the place where one does extensive research, but it may stimulate the interest that would begin to enlarge people's understanding.

MS. VANNI LOWENSLAGER: And discussion.

MR. MICHAEL MECHAU: Yes.

MS. BAREHAND: I apologize. I have to go. But before I went, I just thought of something. You could keep the big screen up, maybe perhaps a white screen and then in 50-plus font in black bold letters you could put something like: "This is the negative and historically inaccurate portrayal of American Indians that created a negative view of American Indians." Then go into, but it would have to be huge font that you could immediately see as soon as you get out of the elevators. This is an R-rated.

MS. CRAWFORD: I mean, I think the point that is getting lost is that the Ariel Rios Building as it is being used now is primarily a workplace, and it's not a museum and it's not a place I don't think where it's appropriate for in the hallways to be sparking some debate over images in which American Indians are portrayed. And I don't think any amount of other type of artwork that can be posted undoes the damage that is done by these large murals, and I understand it may not have been intended by the artist, but it is the effect that is being felt by the employees.

MS. PODZIBA: Okay. Other comments? Dorik or Mike or Vannie, do want to – or Jason, do you want to respond to some of the comments about removal or screening?

MS. VANNI LOWENSLAGER: Well, I would. I'm Vannie. I assume you don't like the idea of screening. I don't know what weight we can put on the panels, the GSA panel where all these people were called in to comment, but certainly the greater numbers think discussion is appropriate, and one of them says that if you don't like stereotypes, discussion is the best way to dispel any notion of stereotypes. And I thought that as, you know, Americans this discussion about these things can be truthful. Actually, contrary to what I believe Mr. Smith said, Jews like to put up pictures of the holocaust so that people never forget the past. I don't think we should forget our past or even what's disgraceful in our past.

MS. PODZIBA: And do you have any comments about alternative museums or alternative works by your father?

MS. VANNI LOWENSLAGER: Well, I would be very happy, of course, if they were well displayed and there were real public access because I understand from people I know who've tried to get into the Ariel Rios Building, it's very difficult. You have to make appointments beforehand. I myself would be very happy if they were, if it was permitted by the guidelines, but if we're really committed and they could find a fine place for those murals, I would be delighted. I don't know what my brothers think, but –

MS. PODZIBA: Do you mean an alternative place for the murals?

MS. VANNI LOWENSLAGER: Well, yes. It's the screens I dislike. I don't like at all because, I think that's a stop-gap measure and I don't think the people like the screens either.

MS. PODZIBA: Nobody – yes?

MR. DORIK MECHAU: This is Dorik Mechau. I agree pretty much with what my sister just said, though as I wrote months back in my comments, my early comments, I am really quite contorted about the options available. I sympathize, you know, with the people who have spoken, whose views about the repugnance they feel toward the murals. I regret that very much. I also regret they what I think few have spoken about, few critics have spoken about the very unhappy issue of censorship, of removal. Some of them have said, "Well, removal would not be censorship," but that's a debatable point.

I would hope that all who are most critical would spend some time contemplating that larger question of public policy with respect to artwork. So I on the one hand, I have never felt over the years when I have visited the Ariel Rios Building, and that goes back a long time, that the building, that the situation of those murals was attractive from the point of view of viewers, just looking at it from a physical standpoint, notwithstanding the fact that the murals were inherent to the design of the building and were contemplated

in the part of the building. You can't really stand back far enough and with good light illumination to view those murals, if you do want to view them as I did.

So I'm torn in the sense that I don't like the idea of censorship of this kind if they were to be removed, but I would support the idea of their removal to a suitable museum. I don't know whether there's been any, I'd be interested in knowing whether there has been any exploration on the part of GSA on that score.

MS. VANNI LOWENSLAGER: Or whether the guidelines, excuse me, this is Vannie – whether the guidelines that GSA follows would allow it. What I've read suggests that the GSA isn't entirely free to dispose of the murals even if they could find a wonderful place for them and we would all be pleased, whether that's within their purview.

MR. DORIK MECHAU: Gary, can you comment?

MR. PORTER: On whether or not GSA has done any research for checking out if there are other locations?

MS. PODZIBA: Or the legality of the movement to another location.

MR. PORTER: Under Section 106, the federal agency is the decision-maker once due process has followed. With regards to the fine arts policies, these are not laws, so from a legal standpoint I suppose it is possible that they could be moved based on GSA policy because it is not federal law, it is agency policy.

MR. RADFORD: Well, actually from a legal perspective artwork is considered real property, which is why when we sell a building or dispose of it, the artwork conveys with the building. It cannot be taken out and sold separately or anything by GSA. It's part of the real estate and it goes with the building. If GSA were to remove the artwork, I would most likely think that it'll probably go into the fine arts storage facility and that GSA would not look for an alternative venue to display it, most likely because of the overwhelming collections that most museums have and limited display space that they have that the likelihood of murals of this size being displayed anywhere is probably very, very small. And so I think that's a reality of the museum world that would need to be taken into consideration along with the real property issue.

MS. PODZIBA: Could I ask you a question? If there was a request from a museum for borrowing these murals, could GSA say yes? Yes?

MR. RADFORD: I think so, yes.

MS. PODZIBA: Of course, they could.

MR. MALONEY: Another question in response to that.

MR. DORIK MECHAU: What was the answer to that?

MS. PODZIBA: The answer was yes.

MR. MALONEY: Another question in response to that. This is David Maloney, D.C. Preservation Office. Would GSA consider identifying another location in this building where the murals could be relocated to a more appropriate situation?

MR. PORTER: Well, that is an option. There are limited opportunities to do that, but it is possible to explore, absolutely.

MR. DORIK MECHAU: This is Dorik Mechau. It does seem to me a critical issue. Perhaps we have been going along – too long a while with the presupposition that this kind of removal and replacement elsewhere in the appropriate setting was eminently doable, but there seems to be some real questions here.

MS. PODZIBA: In any case, maybe a next step is to get better information about the possibility of this option. And is the family – do you have opportunities to possibly find alternative locations or to recommend alternative locations?

MS. VANNI LOWENSLAGER: Well, I might say this. One of the gentlemen who just spoke said that it's somewhat difficult because most museums have, you know, painting stores, collection stores and only limited space to have especially large paintings. It's limited, so I think it would not be easy.

MS. PODZIBA: Lori, did you have a comment?

MS. WINDLE: I just wanted to say that SAIGE would be very happy to work with the Mechau family in order to find a museum that would be willing to take these, and I'm certainly willing to be proactive in that effort myself.

MS. HUGHES: And the National Congress of American Indians would also offer their support and their services in helping to locate a suitable museum or collection that would want to display the murals in an appropriate manner that would show respect.

MR. SMITH: I believe JoAllyn Archambault that works at the National History Museum has offered to get us the name of the curator and contact the National Museum of Art at the Smithsonian, so, I mean, there are people out there who are willing to be contacted.

MR. MICHAEL MECHAU: This is Mike Mechau. I also agree that it would be, from the family standpoint and many who want to be able to see Frank Mechau's works, that it will be easier to see if a suitable location were found and the paintings stayed up, that they were actually seeable. It would be preferable to have that, than to have the difficulty of seeing them, which is the case in the Ariel Rios Building. I thank you who have just spoken to offer your good offices to find such a place –

MS. VANNI LOWENSLAGER: Yes, I do too.

MR. MICHAEL MECHAU: But the problem is that it is the principle on which the paintings would be moved, of course, I think is a very, it's a mistaken one fundamentally and that's the problem I think that GSA is going to have, and that's what my brother was referring to with regard to setting a precedent of removal for art that arouses anyone's strong feelings. It'd be very difficult for GSA **not** to say, "Well, okay. Maybe we better remove this or that." You know, if has that significance, then it has that problem.

So that's the most disturbing thing to me and I would – that's why I felt that the – that there has been much that has been mistaken from my point of view about the way the art is seen. I appreciate what Bob Smith said about how most people, including me a lot of times, you go into a museum, you scan the paintings. Sometimes you see people read what's on the wall with more attention than is the case of the attention that they give to **t**he painting itself. They don't look. They actually take somebody else's words for it: what's this thing all about and what does it mean, and I've read that and I move on to the next.

In other words, I think that may be one of the problems, that often people don't look at art that much, and so there's a whole question of why have public art.

MS. PODZIBA: Okay. We've got about ten minutes left and I promised people time for closing statements. So Hector wanted to make a comment, but I want to ask does it make sense for this group to recommend to GSA some amount of time to allow the family and the organizations to do some initial research about the possibility of garnering a request to GSA for those murals, to borrow those murals and then we let GSA determine what that means in terms of its procedural nature or not? Does it make sense to proceed in that way?

MR. MICHAEL MECHAU: I think we have to have absolute clarity about whether or not GSA is prepared to do that, and I think GSA should not be taken off of the hot seat as far as deciding what its responsibilities are toward –

MS. PODZIBA: Okay. Hector?

MR. ABREU: Part of my comment is towards that. I just want it clear: are we talking about the possibility of moving just the Frank Mechau murals because we've always talked about those two and then six and the numbers keep going back and forth. So we're talking about four murals removal, potentially, and finding a place for those four. So two of those are Frank's and two of those are the other ones, I think – I didn't know which was which. What is this six number? I heard six a while ago, too.

MR. Porter : The two Ward Lockwood murals are frescos, painted directly on the wall. Four murals are on canvas and potentially removable.

MS. PODZIBA: They're in your packet.

MR. ABREU: So we're talking about finding a repository potentially for four murals: two of them Frank Mechau and two that apparently are not. Okay.

MS. PODZIBA: Okay. I'm going to call time, and give people the opportunity to make closing statements who requested that. And Lori, I know that you have one, so I'm going to ask you to go first. And comments –

MR. DORIK MECHAU: May I just interrupt for a moment? I'm Dorik Mechau. I have to go leave and go to another meeting. I appreciate being able to participate in this and hope that it closes on a positive note. Thank you.

MS. PODZIBA: Okay, and thank you for your participation.

MS. WINDLE: Is Jason on the line and does he have any comment to make? I want to give him the opportunity to speak.

MR. PORTER: Jason, are you still there? He did call in initially, but I'm not sure if he's still on the line.

MS. WINDLE: Yes, I haven't heard anything from him, so I wondered. Okay. My name is Lori Windle. I'm here as a representative of the Society of the American Indian Government Employees, also known as SAIGE. I'm an enrolled member of the Minnesota Chippewa Tribe at White Earth, Mississippi Band, and I've worked for the federal government for 16 years. I want to thank Gary Porter and the GSA for setting this meeting up and giving us opportunity to provide comments.

SAIGE became involved in this issue in 2003. Please bear with me because some of you are here who weren't around at that time, so I wanted to just give a short encapsulation of how we got involved in it. We became involved in 2003 at the request of some of the EPA employees who worked at the Ariel Rios Building. Our initial meetings with the GSA in 2004, before Mr. Porter was hired, revolved around a way to find a mutually acceptable resolution as a means of preventing litigation against the GSA and EPA.

In March of 2005, prior to the public announcement, the GSA Capital Region Administrator requested a meeting with then president of the National Congress of American Indians, Tex Hall, and myself, then Chair of SAIGE. The NCAI had passed a resolution at their convention in late 2004 objecting to offensive art in federal offices. At that time, we also met with Mr. Porter and other representatives of the GSA with an interest in the murals. Chairman Hall and I were shown drawings of the lightweight opaque panels that were to be installed temporarily in front of the art in question with

printed text explaining the controversy, the 106 process, and information on how to make comments.

As the process continued, many changes were made. The panels became one panel which was not opaque and does not allow any light on the mural, and obscures the "Dangers of the Mail." This, along with its companion, "Pony Express Riders," was the mural to which SAIGE had voiced its objections. Other complainants objected to four more murals and SAIGE, in examining them, also supported their position. GSA experienced personnel turnovers, dates were extended and re-extended. A panel of art experts was convened to discuss the art and a broad scope of general topics, such as education, censorship, history and public art. Not one person was invited or allowed to represent a civil rights perspective, which is the crux of the whole matter or we would not be sitting here today.

After this panel, SAIGE asked for and received all the 400-plus comments the GSA received during the process. While I did not record how many were for keeping the art in place and how many were against it, it seemed to me – and this again is a perception thing because I didn't keep count – they were fairly even, but slightly more weighted on keeping the art in place. In reading the comments in one sitting, I did notice several trends and misconceptions that repeatedly surfaced. Some were based on inadequate research and sloppy reporting done by journalists who promoted their own opinions.

Let me run through the more common misconceptions. Of those who did not want to see the murals removed, a great number of people were under the impression that removal meant the murals would be destroyed, which we all know is not the case. Maybe I'm naïve, but I was surprised at the number of people who compared those of us who have objected to the murals to al Qaeda, somehow threatening a peaceful way of life or smashing 2,000-year-old Buddhas. This was not just one comment. There were several – many.

Another particularly common comparison was that which characterized us as Nazis burning books, and this I found particularly ironic considering that Adolf Hitler was known to have admired the U.S. for its handling of the Natives and actually studied the American Indian reservation system in setting up his concentration camps. He was not nearly as successful in his efforts, however, as he only killed six million. (Jews) In spite of the horrors he committed, he did nothing to eradicate the culture, religion, or language, which was sustained U.S. policy towards Natives throughout the centuries. Today, we call that ethnic cleansing.

Another misconception: that it's a small group of thin-skinned whiners who want the murals removed. Opinions expressed were that they should have their offices moved so they wouldn't have to look at them or they should find employment elsewhere. First, several employees did leave EPA for other agencies or retired early due to the inaction on the murals; and that I consider EPA's loss. Secondly, these writers obviously don't understand anything about laws against discrimination in the workplace. Third, not only

does SAIGE object, with approximately 400 members to date, but so do Blacks in Government, Federally Employed Women, the Federal Asian Pacific Americans' Council and National Image, which represent hundreds of thousands, if not millions of federal employees nationwide.

The National Congress of American Indians, representing over 250 sovereign tribal nations, also wants to see them removed. Not only do they inflict pain upon the Native workers who are exposed to them daily, but they insult Tribal officials there on business and have a detrimental effect on developing a positive government-to-government relationship.

Third misconception: an attitude that majority rules in the U.S.A., and that makes the people who have objections to the murals anti-American. This is not a popularity contest. Being the first Americans, this of course to us seems sort of ridiculous. But primarily, the ignorance of the Constitution and its protection of minority civil rights was downright shocking to me. As the minority of minorities, roughly 1 percent of the population, attempts to maintain our civil rights are denigrated, laughed off, and mocked. We're told, "You lost the war. Get over it." Yet the war against us continues by this relentless assertion of white privilege.

Fourth misconception: by keeping the murals in place, it's somehow offering an opportunity for educating the public about the times in which they were painted and the attitudes which prevailed. This is in celebration or hopes that these stereotypical images would be understood as historic relics of racism and not the way that we live today. It's not public art because this is not really a publicly accessible building any more. So the only education that could take place might be that of employees or visitors there on business. And having personally observed the titillation they provoke, it's unlikely that many would see the murals in that way even with interpretive panels or plaques.

By insisting on maintaining the murals in place, the GSA and EPA would be reemphasizing that this is the status quo that will always be defended, beyond any constitutional consideration of protections. This in and of itself is the antithesis of both agencies' oft-stated objectives of diversity and equality in the workplace.

Misconception number five: removing the art work would result in history being lost or sanitized. There were accusations of revisionism as if these paintings actually reflected a true history, or that these representations were somehow sacred depictions of the times in which they were created. Again, we say they belong in a museum where the mission is to protect and preserve objects from the past. Removing paintings from a workplace does not erase or affect history.

And then there is the fallacy of the intent of the artist. Many of the comments invoked the intent of the artist argument. First, it's not possible for anyone to say whether someone else should or should not be offended based on their own perspective. Secondly, any first-year art student will tell you that it's driven into them in school that the intent of the artist doesn't mean a whit; that viewers will react to art based on their

own experience. This "intent of the artist" game is played out in shows and in galleries everywhere, sometimes with a posting of the artist's statement to help inform the viewers as to his or her philosophy, or abstract statements which tend to confuse people more than illuminate. This is an argument not worth pursuing, as to me it's like the moon shining in your mouth; you can't get hold of it, it's not real.

One of the Mechau brothers brought up the borders around the murals as an homage to the Native chiefs whose names appear there. These borders around the murals are a neo-classical archetype, sort of a device that was used in neo-classicalism, and it's used by the artist to bring up these names of the chiefs that he may have admired. I can't say that in his own way this particular artist did not have respect or admiration for Native peoples. There were comments by those who knew Mr. Mechau and his family and thought very highly of them. He may have very well been a very compassionate, gentle man to those around him. He may have been doing what he thought was an homage, unaware of the consequences of his actions.

Unfortunately, the character of the individual is irrelevant to the result of his actions. This result has been to harm others and it will continue to if the art remains in place. There were numerous public comments – and I don't want to pass them by – that demonstrated very well thought out and balanced approaches. Many came to no conclusion, but tried to offer assistance to the GSA by providing information that they thought perhaps they didn't have or to acknowledge the complexities involved in decision-making.

There were also very well-educated comments on both sides and some pretty ignorant and racist ones. With that I would just like to say that SAIGE's formal statement is on record, and again, we appreciate the opportunity to comment here today.

MS. PODZIBA: Thank you. Others who'd like to make a closing statement?

MR. SMITH: Yes, I'm trying to make this real quick. So far we've discussed the two paintings, "Pony Express" and "Dangers of the Mail." I think we pretty well have gone through it, except, if you look at them, they're all attack, attack, attack, attack and savagery. That's why, you know "Pony Express," of course, and we all know that that only lasted for 19 months. One rider lost his life but, a lot of this art is dedicated to chasing and attacking the pony express rider. I just wanted to run through the other murals real quickly. I think you all have copies of these in your packets. Covered wagon attacked by Indians, the Indians have very, very primitive stone weapons and their fire sticks and maybe some feathers, while the well-armed settlers, pioneers, explorers, whatever and all those other euphemisms have Winchester rifles and then of course, they're nursing their wounded with a kind of a Florence Nightingale, heroic posture some of the women have very protected look on their faces and men are defending them against, this horrible attack by Indians. Just that one quickly.

The others – this French explorers, American Indian men didn't run around naked. That didn't happen and this can't be classified as historic because you know, here we have buffaloes, this is Florida. The French, they were there only a very short time and then the ruler of Spain sent a military expedition and they were all wiped out. So, you know, this was a small historical event. And then the artist borrowed this painting from an earlier 1500 watercolor that was done in Virginia. The artist exaggerated the women's breasts. He added the black men, and then just to kind of give it a coastal flavor, he added a ship in the back because they probably used ships to transport the mail.

The other two frescos, if you look at "Opening of the West," we had the Indian portrayed with a snake in his mouth. A lot of them say he's eating a snake. This is a very sacred ceremony with the Hopi. I can't really describe it, but that's in opposition to the padre with the very pious-looking look on his face with the crucifix and then in between the mean look on the Spanish guy's face, it's forward-looking manifest destiny. I mean, geez, why don't they just put that on there. And then the Indians and their primitive weapons are in the back there chasing buffalo. And then we have the wagon train moving west.

Then the other one "Consolidation of the West." You know, this woman sitting there with a Madonna-type looking face, holding a naked white child. I mean, the message here is really clear. She's sitting on her hope chest and here is a military officer with his hand disarming an American Indian, you know, paving the way for further expansion and exploring the West.

By the way, in that little lectern in the front, what it says on there is that the general and Indian are exchanging weapons. Come on. I mean, that's the stuff like – and this covered wagon, you know, there is only two recorded attacks of a covered wagon. In all those covered wagons that went through, there's only two. And then one of them was actually at Mountain Meadows, where the Mormon militia and the Indians attacked the covered wagon, and they separated the men and the women, and the Mormon militia took the men and shot all of them, and then the rest were given to the Indians.

But I mean, these are not that historic. I don't look at that as historic. I look at that as propaganda, you know, to enforce and perpetuate stereotypes, you know, against American Indians. I mean, you know, if you had time we can really go through these and you know, ascertain exactly what is offensive to Indians, but that's kind of a – (unintelligible).

MS. PODZIBA: Okay, thanks. Anybody else want to make a closing statement?

MS. CRAWFORD: I would just like to make a point that, I think I've tried to express that we feel that GSA and EPA together have a legal duty to do the right thing here and under Title VII and beyond that, I think that as an employer, the federal government here has a moral obligation to these employees and others to hear what they're saying. And I've actually been looking over at these posters and I don't know if they were put up for this meeting or not.

I mean, looking at the GSA's mission, values and goals, you know, showing respect for fellow associates, professionalism, maintaining a world class workforce and a world class workplace, and quality work environment. I mean, these are things that clearly you need to be thinking about in carrying out your duties here, and I'm of the opinion that these paintings today would not be hung in the workplace, and I have some experience working in federal government. I know how slowly things can move, but I really think that the government has an obligation to take some action here to respond to these concerns that have been raised.

MR. MICHAEL MECHAU: Well, with all due respect, I think we have heard to a considerable extent a fairly extreme, politically correct kind of sensitivity which is carried too far. I think that there indeed should be more confidence placed in the viewer of these murals to see and judge for himself those instances of stereotypical images that are alleged and perhaps in some cases correctly noted. Whether or not, by the way, the rifle is being given or taken is a serious question in that painting.

There are indeed a lot of things that can be discussed, but if the EPA employees are to be regarded as reflective, reasonably thoughtful people, then it seems to me that you have to give, that you have to give them the opportunity to think about things instead of immediately jumping to the conclusion that they're going to be impressed with a view of American Indians that is derogatory, which all the comments that I've seen – almost all – there are a few, of course, noted that are nasty, but those are very few. All the others from both sides express sympathy for the American Indians.

I would like to, if I may, read a paragraph from one of the letters that was submitted, which has to do with the appropriateness of keeping these murals in the Ariel Rios Building now that it is the EPA Building. I haven't seen this argued this way. It struck me that ~~there~~ this was something which people would find interesting, if not persuasive. The letter writer's name is Kurt Pluntke "I believe the murals should be preserved and left publicly viewable and that is because the policy implemented at the EPA has a direct impact on those landscapes, our way of life, and what is valued and protected. The murals have a unique message by way of its style and theme in highlighting the struggle for, quote, "progress" defined by westward expansion and embodied in the context of manifest destiny. This continues in some form or another in the present and has taken on new actors standing in the way of progress.

Before, it was the Natives and their way of life, now it is the small farmer against the more efficient agro-business. The encroachment of cultivation on the prairie is replaced by the encroachment of development on farms. Open spaces, farm landscapes, and active lifestyles are replaced by more urbanized spaces and sedentary lifestyles. The works presents a context in which we find ourselves in the 21st century. The graphic struggles are now embodied in legal and political battles over land use, water rights, and regulatory ownership. Decisions made have a dramatic effect on the natural landscape, which includes the species struggling to survive in it against the backdrop of habitat loss, exposure to multiple chemicals, and disrupted natural processes."

So the point being I think the reference to the work of EPA and the context of some of the tremendous actions which resulted in losses tremendous mistakes these people**,** EPA employees**,** can open their eyes and see and perhaps relate to some of these things in the work that they do in the environmental arena. That's all. Thank you.

MS. PODZIBA: Thank you. Anyone else? Yes, Cinda?

MS. HUGHES: Yes, the National Congress of American Indians is the oldest and largest national organization of American Indian and Alaskan Native Tribal governments. And we did adopt a resolution that opposes the depiction offensive to American Indians that are located in federal buildings. And we are not arguing the artistic merit or wanting to censor any of the art, but perhaps a federal government building that is not a museum is not an appropriate location to view or understand such artistic impressions – that what has been suggested here – moving them to a museum to where they could be viewed by the general public where they are not able to be viewed by the general public, but federal employees who once they view it the first time are not going to have a change of opinion over time, that the EPA, a federal government building where business is conducted, is probably not an appropriate location to educate the general public about historical implications that these artistic impressions create and that they would be better preserved in an environment that is cognizant of what is meant about preservation, in an environment where education could take place, in an environment where artistic impressions could be better appreciated by those who wish to view them, and by those who wish to be educated about history and about the historical implications behind it, and that there was a remark made that if a museum or another appropriate location wanted to borrow these murals, that that would probably be something that the GSA would be amenable to and that that would probably be a wonderful alternative rather than having them where they are now where they're not viewed in an appropriate light.

There's not an appropriate venue for that. It's dark, it's dank, it's probably – would be a detriment to the art preservation itself in that environment. But if it were put with curators who would be able to take care of it, would be able to preserve it, be able to teach about it, and a general public who wanted to view them with a more appropriate background information provided – that that would be an amenable to all concerned.

And so I think that that would be the suggestion that NCAI would make – that perhaps not censoring them, not in any way prohibiting people from viewing them, but putting them in a more appropriate location where the general public could view them and where the artistic merit could be appreciated would be a more appropriate recommendation.

MS. PODZIBA: Thank you. Anyone else? Okay, Gary, would you like to close the meeting?

MR. PORTER: Thank you, everyone. I know this is a challenging and emotional experience for you all and I know we've taken a number of opportunities to put you

through this. But I appreciate you doing it again for us because I think we really hadn't addressed certain issues in our previous discussions. Today's exchange will help our decision-makers understand better your positions. I believe we have taken the opportunity to explore as much as we could, if it was viable to have an integration of ideas and create opportunities for understanding. It has been expressed by the group that opposes the artwork that it's not feasible to do this within the building with "Dangers of the Mail" in place and that will be shared with GSA management. Later we'll have a complete transcript of these proceedings and our leadership will have full access to your words and not just my minutes or notes. So you can be assured that people will hear these messages. But, you must also know that GSA does still have stewardship obligations for its art and preservation programs and must take these into consideration. Deliberations that will take place over the next month and at the end of May, GSA will make its decision on how it will proceed.

Yes, Roland?

MR. CYR: Notwithstanding Mr. Gray's comments earlier, is it possible that the deliberations might include a representative from EEOC?

MR. PORTER: I'm doubtful they would.

MR. CYR: That's noted for the record. Thank you.

MR. MICHAEL MECHAU: Gary, what will you do with the transcript.

MR. PORTER: I hope to have the transcript toward the middle of next week, and I will share with the consulting parties and of course make it available to the GSA leadership, and it will be posted on the website as well as part of the public record.

MR. PORTER: May 31st is our target for a decision

MR. SMITH: So (having a ?) conference is on the agenda as the next step?

MR. PORTER: The next step is the decision-making process for GSA at this point. The transcript will be posted. GSA feels like we've gone through the effort of gathering, a adequate amount of public input from the website, the comments, the forum, and now the consulting party meetings. I think it's time for GSA to take that input and deliberate on what it has learned and make a decision.

MS. VANNI LOWENSLAGER: Could I ask a question, please?

MR. PORTER: Yes.

MS. VANNI LOWENSLAGER: How are you going to weight, say, the comments of EPA employees as against, for example, your panel of experts? How do you deal with that?

MR. PORTER: Well, that's a hard question, but that's really something that GSA has to look at in its decision making process. While there's a general consensus here today for the removal of the murals for display outside of the building, there are laws and other considerations GSA will need to balance as it reaches a decision and even if we agree on the removal option and that opportunity does not materialize, then there will need to be ways to look at how we resolve the issues.

MS. VANNI LOWENSLAGER: I see. Well, for my part, I'd like to thank everybody who has spoken and I feel especially for the gentleman who had a difficult time with his child coming in and explaining things and I wonder how he does at his local supermarket. Thank you.

MR. PORTER: With no further comments, we'll close the meeting at this time.

MS. PODZIBA: Thank you, everybody, for your full participation.

MR. PORTER: Yes, much appreciated.

(END)