

22-101  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of the Application of

NYC FREEDOM TRAIL FOUNDATION INC.,

Index No. 150659/2022

Petitioner(s),

AFFIDAVIT OF  
VINNIE BAGWELL

-against-

PUBLIC DESIGN COMMISSION OF THE CITY OF NEW YORK,

Respondent(s).

For a Judgment under Article 78 of the CPLR.

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STATE OF NEW YORK    }  
                                  } ss.:  
COUNTY OF                }

VINNIE BAGWELL, being duly sworn, deposes and states the following:

1. I submit this affidavit in support of Petitioner’s petition seeking to set aside the determination of the Respondent dated September 20, 2021, with respect to Agenda 27861, wherein the Respondent determined to move Agenda Item 27861 from the “Public Hearing Agenda” to the “Consent Agenda”.

2. I am providing this affidavit in support of the New York City Freedom Trail legal action appealing the decision of the Public-Design Commission with respect to the “provisional approval” of the artist concept design for a memorial in downtown Brooklyn to ostensibly honor Brooklyn’s great role in the Abolitionist movement.

3. I have been creating art for public places since 1995. Over the years, I have won numerous commissions in municipalities around the United States, and I have been a finalist in a myriad of design competitions. Thus, I am well aware of best practices.

4. The City of New York's Department of Cultural Affairs' Percent-for-Art Public-Art Program issued a Call for Artists to create a public artwork to replace the J. Marion Sims statue that was removed from Fifth Avenue at 103rd Street in Manhattan, now 14 years ago. I responded to the call and became a finalist.

5. The finalist process should have included civic engagement with the community, particularly because of the communities of Harlem, East Harlem, and Upper East Side spent many (10) years of protests against the brutality of J. Marion Sim's experiments on enslaved-African women that led to him being called the "Father of Gynecology" in American medicine.

6. My personal experience, which includes witnessing the community's outraged about New York City's artist-selection process, the appointed judging panel, and the lack of community engagement in the development of the artists' proposals, is relevant to subsequent commission malpractices, i.e., the Department of Cultural Affairs has become secretive in its practices and reluctant to engage the community in the process of the selection of artists to commission public art. That is problematic.

7. I was awarded the commission for "Victory Beyond Sims" because the Cultural Affairs' Percent-for-Art Public-Art Program's selected artist stepped down after the community extreme protest against their choice.

8. With respect to the current proposed design for Abolitionist Place Park, the

Public-Design Commission ignored its own rules and procedures: In the public-art arena, when we talk about history, particularly about enslaved Africans and African-Americans throughout American history, it is important to include representational, figurative art to humanize black people/people of color because black people, our history, and our stories have been marginalized in the public-art arena. History is about the truth and the memory of a people. It is not acceptable for an artist to take artistic license and present inaccurate history.

9. In respect for accuracy about history, in respect for the subject matter, in respect to the public-art approval process, in respect for the artists, and also in respect for the community—which really is critically important—the City of New York lacks a sense of duty, is blatantly biased, and has fallen woefully short and shown itself to be inept in my more-than-25-years’ experience in the public-art arena.

10. Given the mission of the Public-Design Commission, which is to give the community a voice in major artworks that are placed in the public arena, it is inappropriate for the Respondent to bypass its own rules and procedures to become a handmaid to the Economic-Development Corporation, to expedite the completion of monument and memorial projects that have been allocated with public funding.

11. I have put in a request to meet with Mayor Eric Adams on this very subject. It is my sincere hope that the Court finds my experience helpful, and I hope this case can help reform the City of New York’s Percent-for-Art Program’s process for conducting and executing public-art calls.

  
Vinnie Bagwell

Sworn before me this 2nd day of August, 2022:

  
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Notary Public

CONSTANCE WALKER-FOWLER  
Notary Public, State of New York  
No. 01WA6113805  
Qualified in Westchester County  
Term Expires August 2, 2023

