

# Federal judge rules in favor of Brooklyn Museum of Art

Alan Whyte

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US District Judge Nina Gershon ruled Monday morning that New York City had to restore all funds withheld from the Brooklyn Museum of Art. In a 40-page decision the judge found in favor of the museum, which had filed suit asking for an injunction to halt attacks by New York Mayor Rudolph Giuliani, who not only stopped city funding but threatened to evict the institution from its city-owned building.

Giuliani launched a public attack on the museum in September, denouncing its exhibit of contemporary British art as immoral and anti-religious. He imposed sanctions when the museum, after the collapse of negotiations between the museum's chairman of the board and city officials, refused to withdraw the exhibit.

The museum's lawyers argued that the city's actions constituted an attack on Constitutionally-guaranteed civil liberties and free speech rights. The judge agreed, concluding the city had caused "irreparable harm." She declared the museum had established "a likelihood of success on its First amendment claim" and granted its request for a preliminary injunction against any further action against the institution. Her order proscribed "taking steps to inflict any punishment, retaliation, discrimination or sanction" against the museum.

The attack on the museum began September 22 when Mayor Giuliani held a news conference and condemned the museum's planned show "Sensation: Young British Artists from the Saatchi Collection." He singled out for attack a painting by Chris Ofili of a black Virgin Mary that was decorated with elephant dung. The artist, whose parents were born in Nigeria, uses the substance in much of his art to connote African influences in his work.

Giuliani proceeded to cut off the city's \$7.2 million subsidy, withholding its monthly check of \$497,554 for

October. The city then sued in a state court to remove the museum from the city building that it has leased for more than 100 years.

Prior to Monday's ruling by Judge Gershon, the city administration had already withdrawn its threat to block \$20 million earmarked for capital improvements of the building that houses the museum. The museum's lawyers called this a "tactical decision" and insisted that all punitive actions be reversed.

A Quinnipiac College poll that was conducted in October found that 69 percent of all New Yorkers believed the government did not have the right to withdraw funding for the museum. The poll also showed that 60 percent of Catholics surveyed felt the city was wrong to withdraw financial support from the institution. Of all respondents, 64 percent disapproved of the mayor's handling of the situation. This poll, conducted between October 13 and 18, agrees with the results of two previous polls on the controversy.

The exhibit has drawn record crowds from its opening day on October 2. The *World Socialist Web Site* interviewed a number of people who visited the exhibit. (For the WSWs' review of the exhibit, see "Some issues raised by the Brooklyn Museum exhibit: David Walsh reviews *Sensation*," October 18, 1999 <http://wsws.org/articles/1999/oct1999/sens-o18.shtml>.)

Jeff, 30, a librarian student from Cincinnati, said, "I am familiar with this art. Some of it is good, and some not so good. Only with state funding of the arts is it possible for history to determine what is worthwhile and what is not. It is certainly not up to the politicians to decide what is art and what is not. The government is becoming more reactionary and the right wing is becoming more dangerous. Artists have the right to be for religion, and against it."

A middle-aged woman said, "The exhibit is very

dramatic, and very colorful. I thought that the painting of the Virgin Mary was very beautiful. As a Catholic, I can tell you that I didn't feel that this was anti-Catholic at all, especially when you consider that the artist who did it was expressing his feelings through the African heritage of which he is a part.”

Janneke, 22, a student in New York for six months and originally from Holland, explained that “the papers in Holland are making a joke of this because they think the mayor's actions are so stupid. They write that the artwork is not worth getting excited about. There is a Dutch expression, which says this is like making an elephant out of a mosquito. In my opinion, this is like the impeachment of President Clinton. What happened between him and Monica is a private affair. Why should the president of the United States have to talk about such intimate details before millions of people on television? These kind of events shows that there is something very wrong with the political process.”



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