

Pontiac, Michigan to proceed with obscenity case against artist

David Walsh
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City officials in Pontiac, Michigan are pressing ahead with obscenity charges against Detroit-area artist Jef Bourgeau. A pretrial hearing is scheduled in district court on June 28.

The case against Bourgeau is a travesty and an attack on democratic rights. It stems from an exhibition he mounted in a Pontiac gallery in early March. The show—an arrangement of reproductions of paintings and photographs of nudes—was a compressed version of his “Art Until Now” exhibit, which was shut down by officials at the Detroit Institute of Arts in November. The opening of the March exhibit coincided with a public forum on art and censorship, “FEAR NO ART: The Politics of Correctness.”

Bourgeau explains: “I was approached by the owner of the Oakland Arts Center; he said that he would like to put together a panel discussion on censorship. He asked me to curate a complementary exhibition in a recently vacated gallery space in the building. The panel itself would occur in a small hall upstairs. ‘FEAR NO ART’ was born. Two thousand invitations were sent out.

“Taking the preconceived notion that all this art, and perhaps most of contemporary art, is ‘bad’ or ‘naughty’ or plain ‘obscene,’ I decided to present the material much as you’d find in a ‘bad’ person’s room or locker. I attached close to one thousand images on the walls of the borrowed gallery in a dense collage. Images cut and torn from all of the prestigious art mags much as one would from the porn mags. Magazines purchased at Borders Books and the Detroit Institute of the Arts.” (We list below the artists whose works were reproduced in the show.)

The collage was mounted on a wall at right angles to the street. As Bourgeau notes, “Someone would have to press hard against the glass and squint to make out the small images attached to walls that fell away perpendicular to the street itself.”

As Bourgeau worked on his show one individual, a maintenance man in the building, began to complain about the nudes. He “began shouting and lecturing about the images’ perverse nature and that we should protect the children,” Bourgeau says. “I covered the plate windows to the lobby so that he and any errant children would be unable to view the exhibit.”

On the day of the opening, according to Bourgeau, the individual returned, demanding that the street window also be covered and that he be given equal space within the gallery to mount his own exhibit. The latter would consist of several bottles of water, which he would claim to be wine, since Bourgeau was insisting that the offending images constituted “art.” When the artist rejected the proposal, the man threatened to call the FBI, the police and the press.

A crew from a local television station duly arrived that afternoon. Bourgeau explains: “They interviewed the janitor for quite some time. They spoke briefly with me, and I impressed upon them the importance of the panel discussion the next day [March 4] to answer all their questions by experts.” When the television reporter asked about “little children,” Bourgeau explained how difficult it would be for anyone to make out the images from the street.

The comedy continues. “The TV van parked in front of the building for the next three hours,” Bourgeau says. “The occupant starting it every so often to warm himself or spoke on his cell phone.... At dark, at seven PM, the lights in the gallery went up and the doors opened for the wine and cheese crowd traveling to Pontiac for the gallery crawl. The TV crew repositioned themselves in front of the street window. The janitor had gone and retrieved his daughter from her mother. She was placed in front of the window for the cameras and stared at the show.”

The symposium was scheduled for the next day at 1 p.m. When Bourgeau arrived at 11 a.m. to open up the gallery, the police were waiting for him. “They insist that I let them into the locked gallery. I say that I’m not sure of my rights. They say that if I don’t let them in, they’ll arrest me. But I say the complaint is about viewing from the street window. Then, the gallery owner from upstairs comes down and says that he has called his lawyer and at his advice [the lawyer’s]—not to let the police in. The police turn to him and threaten to arrest him. They confide that they wouldn’t be there if the news media hadn’t gotten involved. I say we haven’t many options then, and unlock the gallery.

“They take Polaroids in extreme close-up of those works they find the most ‘obscene’ and charge and cite me with presenting ‘obscene materials.’ After they leave, I ask a friend to cover the street window. He does as I hurriedly prepare for the panel upstairs on censorship.”

The penalty for displaying “obscenity” is three months in jail or a \$500 fine.

An episode such as this has quite far-reaching implications, and not simply for artists. Bourgeau’s exhibit had not generated any public outcry. No one walking by on the street had noticed a thing, or at any rate complained about it. Yet one “individual citizen,” with the compliance of the media and the police, has managed to haul a respected artist before the courts on obscenity charges, with the possibility of a jail sentence hanging over him.

The state of democratic rights in the US at present is fragile. At the instigation of Christian fundamentalists or some other group of right-wingers, the authorities are ready and willing to assault basic rights, knowing that they can count on the support of the media and the silence, or at best passive opposition, of the liberal cultural elite.

A petition is being circulated in the Detroit area in Bourgeau’s defense. It states that governments “are neither qualified nor charged” to decide the issues of contemporary art and that the signers “support any artist or curator’s right to create and present exhibitions of art. We also support the public’s independent right to choose the art they view, without outside bias or censorship.”

We urge artists and other readers to write Pontiac city officials and call on them to drop the charges against Bourgeau.

Letters of protest should be mailed or emailed to:

Mayor Walter Moore

City of Pontiac

47450 Woodward Avenue

Pontiac, Michigan 48342
Email: wmoore@pontiac.mi.us

Here is the list of artists—provided by Jef Bourgeau—included in the FEAR NO ART exhibition and the dates (when known) of the works:

1. Gustave Courbet, 1867
2. Marcel Duchamp, 1945
3. Rodin, 1890
4. Pablo Picasso, 1902
5. Rembrandt, 1631
6. Christo, 1963
7. Man Ray, 1920
8. Robert Mapplethorpe, 1982
9. Sally Mann, 1992
10. Ingres, 1808
11. Magritte, 1934
12. Cindy Sherman, 1988
13. Yves Klein, 1960
14. Gerhard Richter, 1966
15. Lucio Fontana, 1956
16. Francisco Goya, 1790
17. Pierre Bonnard, 1908
18. Egon Schiele, 1914
19. Helmut Newton, 1976
20. Brassai, 1933
21. Chuck Close, 1984
22. Judy Chicago
23. Barbara Kruger, 1989
24. Francesca Woodman, 1975
25. Harry Callahan, 1949
26. Nan Goldin, 1991
27. Francesco Clemente, 1988
28. Greek Plate, 5th century BC
29. Joel-Peter Witkin, 1992
30. Mike Kelley, 1987
31. Max Ernst, 1962
32. Amedeo Modigliani, 1917
33. Sue Williams, 1989
34. Lucas Samaras, 1975
35. Mantegna, 1473
36. John Coplans, 1985
37. Minor White, 1940
38. Eric Fischl
39. Kiki Smith, 1994
40. Jock Sturges, 1996
41. Edouard Manet, 1863
42. Andy Warhol, 1980
43. Lewis Carroll, 1879
44. Henri Cartier-Bresson, 1934
45. Mary Cassatt
46. Edvard Munch
47. Velasquez, 1648
48. Jeff Koons, 1988
49. David Hockney, 1982
50. Andres Serrano, 1997
51. Francis Bacon, 1953
52. Jean Cocteau, 1924
53. Gilbert & George, 1997
54. Otto Dix, 1920
55. Jean Dubuffet, 1949
56. William Wegman, 1993
57. Lovis Corinth, 1915
58. Bruce Nauman, 1967

59. Herb Ritts
60. Josephine Baker, 1927
61. Edward Weston, 1935
62. Araki
63. Morimura
64. Ecole de Fontainebleau, 1490's
65. Duane Michals, 1968
66. Jan Saudek, 1985
67. Nadar, 1885
68. Jeanne Dunning, 1997
69. Rudolf Koppitz, 1925
70. O.G. Mason, 1878
71. Nic Nicosia, 1996
72. Sam Taylor-Wood, 1997
73. Jana Sterbak, 1995
74. Pierre Molinier, 1975
75. Zoe Leonard, 1994
76. Ralph Steiner, 1931
77. Arman, 1967
78. Lucien Freud, 1998
79. David Salle, 1980
80. Imogen Cunningham, 1932
82. Gottfried Helnwein, 1988
83. Martin Kippenberger, 1990
84. Laurie Simmons, 1990
85. Steve McQueen, 1996
86. Rineke Dijkstra, 1994
87. Mat Collishaw, 1997
88. Balthus, 1934
89. Anne Geddes, 1997
90. Kara Walker, 1995
91. Alfred Stieglitz, 1918
92. Adolphe de Meyer, 1912
93. Piero Manzoni, 1961
94. Hans Bellmer, 1935
95. Clarence White, 1906
96. Raymond Pettibon, 1986
97. Ana Mendieta, 1972
98. Tom Wesselmann, 1966
99. Josef Sudek, 1951
100. Jack Pierson, 1993
101. Starn Twins, 1987
102. Annette Messager, 1987
103. Hannah Wilke, 1978
104. Catherine Opie, 1985
105. Sarah Lucas, 1997
106. Jenny Saville, 1993
107. David Armstrong, 1991
108. Arthur Tress, 1980
109. Wols, 1941
110. Mario Crevo Neto, 1993
111. Paul Outerbridge, 1937
112. Heinrich Kuhn, 1920
113. Louise Bourgeois



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