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Legionnaire's Disease

An art exhibit featuring Old Glory has city and state officials scrambling to do something

BY MICHAEL KIEFER

Last Friday at the Phoenix Art Museum, a group of ladies on a tour stood around the infamous U.S. flag on the floor, peering over the edges, their faces frozen in smiles, looking for the emperor's new clothes.

The work in question, Dread Scott's 1988 "What Is the Proper Way to Display the U.S. Flag?", along with a 1970 piece titled "The American Dream Goes to Pot," by Kate Millet, which features a flag in a toilet in a jail cell, has been all over the news. Angry World War II veterans have twice yanked the flag from the toilet; others picked the flag from the Dread Scott piece off the floor and properly folded it.

All of which makes for wonderful theatre and good publicity for the museum.

"I think that people are talking about the First Amendment," says David Rubin, curator of the Phoenix Art Museum, "and that's a wonderful thing because perhaps we don't take a look at some of the things in our lives that are important as Americans. I think that's the purpose of art, and always has been."

Both of the offending works of art arose out of censorship. The Dread Scott piece was a vengeful response to a 1988 incident at the Chicago Art Institute in which a portrait of the late Chicago mayor Harold Washington depicted in women's lingerie was ripped from a student art show by angry aldermen; the Kate Millet display in part protested the 1966 arrest and sub-sequent conviction of a New York City art gallery owner who displayed sculpture made from U.S. flags. However trite those images are, they were conceived as expressions of free speech.

The show at the Phoenix Art Museum, "Old Glory: The American Flag in Contemporary Art," sets those obvious patriot-baiting works in a context that is lost to the TV audience watching American Legionnaires tussling over the flag.

And, unfortunately, the context was also lost to state and city officials who are seriously considering ways to censor the show and censure the museum for daring to show it (see the review on page 67).

"We got more of a reaction than I personally anticipated," says Woody Spivey, the Phoenix Art Museum's assistant director. The exhibit had been pulled together in 1994 by Rubin, who was then a curator at the Cleveland Center for Contemporary Art. It was displayed in Cleveland and in the archconservative city of Colorado Springs without incident and with nary a letter to the editor in either city.

Rubin is a pleasant-looking man with round wire-rimmed glasses and gray curls. In the catalogue he wrote for the Cleveland version of the show, he admits that he was inspired by the Dread Scott uproar in Chicago and the Robert Mapplethorpe fracas in Cincinnati.

"I feel very strongly the show should look at risk-taking art, art that has caused uproar," he told the Cleveland Plain Dealer, when "Old Glory" debuted in that city.

Before "Old Glory" opened here, however, museum staffers consulted with members of the Veterans of Foreign Wars (they won't say who) and sent a notice to the Maricopa County Attorney's Office, informing them of the show's content.

"The museum felt it was important to inform all parties that might be affected in some way by the exhibition that the exhibition was taking place and what the exhibition was," says Rubin.

And in the face of controversy, Rubin speaks a bit less strongly about risk-taking, as if the show's protest theme were an accident of art instead of a conscious collection on his part.

"My job as curator of contemporary art is to try to recognize the trends that are going on, document them as completely and accurately as I can and present them in an informative and educational fashion," he says.

"I'm excited that people are talking about contemporary art because contemporary art is a foreign language. It's a misunderstood language. And the fact that people are talking about art, that's a wonderful thing."

Some of those people talking, unfortunately for Rubin, are native speakers of the Philistine language. Last week, Rubin was forced to run from an angry mob of protesters outside the museum. And state and city politicians are still in hot pursuit.

A group of state legislators led by Representative Scott Bundgaard, Republican of Phoenix, petitioned the Phoenix city prosecutor's office, asking that it investigate the exhibit as a violation of the state's flag-desecration law.

Because violations of that law are misdemeanors, the prosecution of such offenses bypass the County Attorney's Office and fall to the city prosecutor.

A similar law in Texas was struck down as unconstitutional in 1989. No matter: "It hasn't gone through the process here," says Paul Badalucco of the city prosecutor's office.

Vice Mayor Frances Emma Barwood, besieged by calls from angry constituents, sent a memo to the other council members asking what the city could do to stop the show.

"There's such a thing as art, and such a thing as just being vulgar," Barwood tells New Times. "This is definitely into the vulgar category. Seeing as the City of Phoenix is the [museum's] landlord, we have a responsibility, and that's why the city attorney is looking into our contract agreement. We're looking at what we as a city council can do to make them realize that while we're totally 100 percent behind the First Amendment and the right to protest, when it borders on decency, then we need to look at it and say is this what we're going to allow?"

The city council forwarded the memo to the city manager's office, which forwarded it to the city attorney's office, wondering what the city could do to the museum's lease and funding to stop the show.

"My office has been flooded with calls from people wanting us to do something about it," says Councilman Sal DiCiccio. Mayor Skip Rimzsa asked DiCiccio to chair public hearings about the art show. When DiCiccio wrote the mayor asking for particulars, he received a nasty response.

"If you want a hearing, have it. If you don't, then don't. I think this nation, and the flag that symbolizes it, will withstand in either case. They are miraculously strong."

And so are the wills of Arizona politicians. The show is largely about censorship; it may soon be censored. Even if the First Amendment has been upheld in earlier flag protests, that may not stop Phoenix from drumming up its very own First Amendment case.

One of the works of art in the show features a mirror box filled with tiny flag-draped coffins. If you peer through the slits cut in the top of the box, it appears as if the coffins go off into the far distance.

The work's title is "Those Who Fail to Remember the Past Are Condemned to Repeat It."