

NOTE: Mapplethorpe - Leis Cincinnati Case

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The Washington Post April 7, 1990, Saturday, Final Edition

9 of 10 DOCUMENTS

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## MAPPLETHORPE STANDOFF in CINCINNATI; Museum Braces for Battle After Judge Declines to Rule on Exhibition

BYLINE: Kim Masters, Washington Post Staff Writer

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An art museum here will open a controversial exhibit of photographs by Robert Mapplethorpe as scheduled Saturday after a county judge today rejected the museum's request for a ruling that the photos are not obscene.

Officials at the Cincinnati Contemporary Arts Center expressed fears that local authorities may try to confiscate pictures or close the show on obscenity charges, although tonight's preview of the exhibition -- which drew more than the expected 3,000 people -- was uneventful.

Arts Center Director Dennis Barrie said he hopes the police won't seize the dozen or so photographs that city or county authorities may deem obscene. "They may ask us to cover the work in question ... and we would comply," Barrie said. "Legally, we can do nothing else ... But I think it would be an affront to most Americans and most Cincinnatians."

The exhibit, which has inflamed passions in this conservative community, is the same one whose cancellation by the Corcoran Gallery of Art last summer fueled a national furor over public funding of the arts and freedom of expression. It includes homoerotic images and photos of children, nude or semi-nude. "People are saying this is the stand that should have been taken in Washington, D.C., last year," said one Cincinnati Arts Center board member.

During the day, phones at the gallery rang constantly with calls supporting or condemning the show.

"We've received excrement in the mail," said Arts Center spokeswoman Amy Bannister. "... We've had bomb threats. We've had spray-paint threats." She said security was stepped up at the gallery but declined to elaborate.

City and county authorities refused to say what, if any, steps they intend to take when the show opens. Cincinnati Police Chief Lawrence Whalen was tight-lipped, saying simply that he intended to spend this afternoon playing golf.

Hamilton County Sheriff Simon Leis has told reporters that a "concerned citizen" showed him some of the Mapplethorpe photos and that he thought they were "criminally obscene."

Tonight no protesters demonstrated as a large and well-heeled throng formed an orderly line that snaked around the block outside the Arts Center. Even as the temperature dropped to a chilly 44 degrees, the crowd showed no sign of abating.

The preview was scheduled to end at 10 p.m., but the museum agreed to stay open until all ticket-holders had a chance to see the show.

Most who came to see the exhibit seemed enthusiastic about the show and displeased with the controversy surrounding it.

"I'm really, truly embarrassed by the city that has taken an attitude that it isn't our constitutional right to see what may be interesting and challenging," said 77-year-old Irma Lazarus, whose family owns a Midwest department store chain. "The pictures themselves, what I've seen so far, are beautiful."

"We haven't had a single person that didn't like the show," said Arts Center board member Al Vontz.

But the show's most incendiary sadomasochistic and homoerotic images elicited mixed reactions as viewers filed by.

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"Some of these are pretty bad. They're nasty, they really are," said one woman.

"I don't think this stuff is new to anybody," said a man who identified himself only as an architect. But his friend, a psychologist, disagreed.

"Some of it is new to me, I'll tell you that," he replied.

This afternoon, Judge Edward J. Donnellon, ruling in the first court case arising from the current debate over art and freedom of expression, said tersely that he would not "identify and pinpoint any one item" that guided his decision.

Before the hearing, about 500 protesters gathered on the courthouse steps. Among the picket-sign messages: "Keep Cincinnati decent" and "Keep urination in the bathroom, not the art gallery."

City employee Earlene Salter, 47, said she was participating in her first protest. "I don't believe this stuff is art," she said. "It's pure pornographic material ... I know it is against the word of God."

Inside, attorneys representing the county and city asked the judge to throw out the suit, arguing that authorities have taken no action against the Arts Center and that they hadn't seen the show.

While the Arts Center invited local law enforcement authorities to see the photos before the opening, assistant county prosecutor Robert Taylor told the judge the invitation was meaningless because the gallery might make last-minute changes.

"What's important is how this exhibit is shown," he said. "What kind of lighting is used? ... I don't know if they're sitting there, switching pictures."

Taylor also told the court that the exhibit could violate state laws against child pornography -- a felony that would be outside Donnellon's jurisdiction.

Arts Center lawyers responded that a court decision could settle the obscenity question under state law regardless of whether exhibition of the works was deemed a felony or misdemeanor.

Acknowledging that officials have not yet interfered with the show, Arts Center attorney Louis Sirkin accused authorities of "playing a cat-and-mouse game."

"They are either going to do something or they are not," Sirkin told the court. "... If they tell us they have no intention of applying the obscenity statutes ... we'll dismiss the suit."

"Since when is a thorough and complete investigation a cat-and-mouse game?" responded Assistant City Solicitor Karl Kadon. "Since when is an investigation a conclusion? Since never."

After the court ruled, Arts Center lawyer Marc Mezibov said the judge's refusal to set a trial on the obscenity matter suggested "that there's no reason to believe that the materials are obscene or that law enforcement is contemplated."

But Kadon disagreed. "The ruling means that we're back where we should have been originally," he said. "The police are looking into it."

In the months since its Corcoran cancellation and subsequent exhibition at the Washington Project for the Arts, the Mapplethorpe exhibit has traveled to Hartford, Conn., and Berkeley, Calif., facing little protest.

Cincinnati is known, however, as a community with particularly strict standards on obscenity. The city allows no adult bookstores, no bars that permit nude dancing, no "Deep Throat" or "Devil in Miss Jones" on the shelves of its video stores.

Theaters avoided the controversy around the Martin Scorsese film "The Last Temptation of Christ" by not showing the movie.

Sheriff Leis has long battled works he perceives as pornographic, from "Hair" to "O! Calcutta" to "Equus." During his 12 years as county prosecutor, he targeted Hustler Publisher Larry Flynt and succeeded in banning the magazine from Cincinnati stores.

Arts Center board members say they have had support from the community, including 400 new memberships since the controversy began. A thousand demonstrators rallied in a public square in support of the show Wednesday. Playing on the title of the exhibit, some wore buttons saying, "Robert Mapplethorpe: The Perfect Moment to support the arts."

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But museum board members also say they are under pressure from some business leaders and local authorities to withdraw their support from the show. In March, board Chairman Chad Wick resigned from that post, saying that the controversy was "unfairly involving" the Central Trust Co., where Wick is an executive vice president.

Remaining board members are reluctant to discuss the pressure publicly. "At least now we can all kind of hold hands behind the scenes," said one. "If I were to say it [publicly], I'd have [community leaders] withdrawing millions of dollars from my company. We're not talking about potato chips here."

A leading organization in the fight against the Mapplethorpe show is Citizens for Community Values. Advisory board members include financier Carl Lindner III, Archbishop Daniel Pilarczyk and Cincinnati Bengals football coach Sam Wyche.

Citizens for Community Values President Monty Lobb Jr. said his organization has restricted its role to disseminating information. "We talk to and educate the people in the community, whether it's people in the media or law enforcement officials or our own mailing list," he said.

The Arts Center voluntarily withdrew from the Cincinnati Arts Fund, which supports eight major arts institutions and last year provided the Arts Center with \$ 300,000 of its \$ 1.2 million budget. Admission to the Mapplethorpe show is \$ 4 instead of the usual \$ 2 to defray the \$ 50,000 installation cost.

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GRAPHIC: PHOTO, CINCINNATI DEMONSTRATORS IN SUPPORT OF THE EXHIBITION OF ROBERT MAPPLETHORPE'S PHOTOGRAPHS, LEFT, AND VIEWERS AT LAST NIGHT'S PREVIEW. AP

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