

NOTE: Mapplethorpe - Leis Cincinnati Case

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Museum Takes Art Debate to Ohio Court; Ruling Sought on Mapplethorpe Show

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A Cincinnati art museum filed suit yesterday asking a local court to rule on whether an exhibit of Robert Mapplethorpe photographs is pornographic under Ohio laws.

The suit marks the first time the ongoing national debate over controversial art and freedom of expression has reached the courts. It comes in the face of a growing battle over the exhibit, scheduled to open April 6 at the Cincinnati Contemporary Arts Center, and has already resulted in the resignation of the center's board chairman. The Mapplethorpe exhibit is the same one that was canceled last year by Washington's Corcoran Gallery of Art and that has in the meantime traveled without incident to Hartford, Conn., and Berkeley, Calif.

The suit, filed by the museum, the Mapplethorpe estate and the Robert Mapplethorpe Foundation, is an attempt to preempt legal action by local elected officials, who have said they will ask the police vice squad to decide if the show violates pornography laws.

The dispute in Cincinnati focuses on the sexually explicit nature of the pictures -- some of which are homoerotic or show nude children -- and not the fact that the show was funded by the National Endowment for the Arts. But arts advocates trace a direct connection between the funding debate, which was in part sparked by the same Mapplethorpe exhibit, and the criticisms that have greeted the show in Cincinnati.

"I think the issue is, is artistic vision to be defined by a minority for the majority?" said Arts Center Director Dennis Barrie. "I think that's the fundamental issue here. The NEA will probably survive, but there will be attempts over and over again to set limits on what you can see, hear, paint and watch."

Barrie, who said he fears the authorities might arrest him or seize some of the Mapplethorpe photographs, said the museum intends to open the show regardless of the results of the suit, but the legal action is intended to "bring the issue out, to have a hearing and to take the proactive stance on this."

Hamilton County Sheriff Simon Leis, a former county prosecutor known for his aggressive anti-pornography stance, has said he believes the Mapplethorpe pictures to be "criminally obscene."

"In a situation like this, what will happen is that the matter will be brought up before a grand jury to determine whether or not it meets the community standard," Leis said before the museum announced its suit. "This is my personal opinion and my personal opinion doesn't count, but if that is art, this country is running downhill to mediocrity so fast you can't stop it."

None of the named defendants in the case -- Leis, the county prosecutor, the city solicitor and the city chief of police -- could be reached for comment on the suit after it was announced late yesterday.

Cincinnati has a long history of strong anti-pornography campaigns and has closed all adult bookstores and prosecuted publisher Larry Flint for distributing Hustler magazine. Leaders of two Cincinnati anti-pornography groups have also condemned the Mapplethorpe show, spurring a letter-writing and phone call campaign to the Arts Center and other institutions connected to the museum.

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"Somebody else is coming into our city and trying to tell us what our community standards are," said Monty Lobb Jr., president of Citizens for Community Action, one of the groups opposing the show. "If we do not alert the people to what some of the pictures are, then silence is acceptance."

The public opposition to the show led last week to the resignation of Arts Center board chairman Chad Wick, who said he felt the controversy was "unfairly involving" the Central Trust Co., where Wick is an executive vice president. Central Trust did not support the exhibit, but like the Arts Center and a number of Cincinnati organizations, had become the target of letters and phone calls opposing the exhibit.

The Arts Center has also withdrawn for a year from the Cincinnati Arts Fund, a central fund-raising organization that supports the city's eight major arts institutions, in order to avoid damaging the fund's reputation. A museum spokeswoman said the withdrawal could cost the museum \$ 300,000.

When the Corcoran canceled the Mapplethorpe exhibit last summer, Director Christina Orr-Cahall, who has since resigned, said the move was an attempt to avoid exacerbating a brewing political battle. But later Orr-Cahall and others said the Corcoran's board had been concerned that the exhibit might violate local pornography laws.

Barrie said the Arts Center's board knew the public reaction to the exhibit "would be tough. ... Way back in June when the Corcoran announcement was made, we took it back to our board and said now look, this is no longer just another show. To the credit of the board, they reviewed all the photos, they reviewed our contract, and said we must honor our contract."

Last summer's arts conflict led to an attempt by Sen. Jesse Helms (R-N.C.) to impose severe restrictions on the content of federally funded art. Helms's legislative language was eventually watered down to a provision that prevents the NEA from funding art it deems to be obscene and without artistic merit.

One arts advocate found yesterday's legal turn in the debate appropriate.

"In order for something to be obscene it must have no redeeming artistic value, and that is a question that will have to be answered in each locality," said American Arts Alliance Executive Director Anne Murphy. "That's why the federal government can't make this decision. It must be made in each locality."

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