

**Something to See Here: Staged Violence in Contemporary Art**

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Nicole Frances Scalissi, PhD

University of Pittsburgh, 2019

This dissertation focuses on artists working in the United States who, during the 1970s and beyond, stage violence against women, Latinx, Afro-Latinx, and Black/African American people—marginalized identities with which the artists themselves identify. In so doing, they call attention to the prevalence of disproportionate violence committed against women and people of color in the United States at a broader societal level. I examine how women, Black/African American, Afro-Latinx, and Latinx artists perform or stage scenes of violence as a means of making visible, palpable, and inescapable the effects of the real victimization their communities disproportionately face. Through surprise encounter, reality effects, and viewer participation, artists such as Ana Mendieta, Harry Gamboa Jr., and Shaun Leonardo convey the feeling of looming violence to viewers who, by perception or statistics, feel themselves to be safely outside of threats of identity-based violence. These artists take up and re-deploy violence, often in live or embodied artworks, to counter stereotypes about their communities, challenge their own historical exclusion from mainstream art networks, and open up affective space for viewers themselves to confront the disparities of violence in the US. Throughout, I put forth a theory of Permanent-Potential-Victimhood, a traumatic identity unique to marginalized communities in the United States. I characterize this condition as a kind of future trauma, the pervasive feeling that you are never far from being victimized on the basis of your visual presentation of racial, ethnic, and/or gendered identity—actual or presumed, and over which you have no control. By implicating viewers as witnesses, perpetrators, and/or as victims in scenes of violence against

bodies of color, these artworks activate feelings of being equally close to the type of brutality in question, as a means to impact upon the viewer-participant's feelings about actual violence.

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## Preface

I began writing this dissertation 2014, but most of my work has been in the context the heightened contestation of what it means to be American since the current president launched his campaign in 2015, promising an administration based on isolationist, nationalist, and discriminatory policies that effectively strip the rights, dignity, and safety of women, and people of color, as well as the sense of belonging and aspirational citizenship of people who have newly arrived at our southern border.

Growing up in California between the sanctuary city of Los Angeles and the border we share with Mexico, American-ness and issues of belonging have been freighted terms within my own life, as well as within my family's history. Two people in my family, who could not be more different, have shaped my sense of what it means to live here and be *of* this place. The first, my dad Pete, from a Sicilian family who arrived here in the early 20<sup>th</sup> century seeking economic opportunity. For most of his life, my father was not literate, but skilled, dedicated, and hardworking. He held a black belt in karate and taught me self-defense. He was a member of the NRA and taught me how to shoot. He was obsessed with both television news and true crime shows; as a result he was both prepared and paranoid, all of which I carry on myself. His job as a prototype machinist meant he was always at the whim of the Department of Defense, and benefitted from America's long investment in ongoing war and violence. The second, my grandfather Habeeb, my mother's father, who was not born a citizen of any nation but a British subject in the colony of British Guiana in South America (now the sovereign nation of Guyana). He graduated high school at fourteen; at sixteen moved to the US in 1945 to attend Howard University as an undergraduate; and by twenty-one, he had graduated from George Washington

University with a Master's degree, his medical degree, and his PhD in Physiology. He soon became an American citizen and when he began his medical practice in this nation's capital, some White people refused to receive care from him—a prodigy, but a very Brown East Indian man with a slight and vaguely British accent that showed he was not originally from the United States. Nevertheless, he believed in the democratic values of this country and his life was dedicated to teaching here.

These two men, who were both failed in some ways by the promise of the United States, asked me the same question growing up: Do you know how lucky you are to be born here? Do you know how lucky you are to be an American? I am not sure if either knew the other had asked me the same question, and I am honestly not sure what I did or said that prompted them to ask me these questions, to remind me of my privilege, luck, and opportunity. These remain, to me, fraught questions, as I feel both lucky and proud to be of this place, but also deeply torn and ashamed. I feel Brown, but often illegibly so and sometimes dangerously close to invisibility, and equally White with the privilege to be generally safe and to achieve my doctoral degree. I hope this tension or ambivalence is palpable throughout the dissertation, as I hope this work to be a contribution to not just contemporary or American art history, but also to shifting ideas of citizenship and belonging in these United States.

This dissertation was developed through supportive and challenging relationships with advisors and mentors, blood family and chosen family, and my loves big and little. I must thank, first, my advisor Terry Smith who, with grace and generosity, has guided me through a decade of anxieties, bad ideas, and unfamiliar academic, intellectual, and personal territories. He taught me as an undergraduate how to think and write with clarity and precision, how to look at art, how to wade into big ideas and to come up with my own.

Barbara McCloskey has been a role model perhaps longer than she realizes, and drove this project from perspectives I would have never considered on my own; she supported me with strength and compassion through several projects on trauma that threatened to exhaust me. Jennifer Josten immediately supported me and this project, even when I could not articulate what it was; she graciously always saw me clearly and taught me how to make sure I am seen. Jennifer Doyle greeted me and this work with openness and rigor; I remain inspired by the brilliance, sensitivity, and urgency embedded in her work and spirit. Kirk Savage provided encouragement, strategy, and care when it was needed most. Sarah Rich showed me how to be dynamic, bold, and get into the messiness of research. I am forever grateful for the investment you all have made in me.

Harry Gamboa Jr. generously gave his time, memories, and trust to me in support of this project. It has been a great honor to be trusted to tell these stories. Harry, I hope my research and writing rises, at least somewhat, to meet your work. I am humbled by the artists who help us see, not just differently, but to see at all. My deep gratitude goes to the memory and legacy of Ana Mendieta; to Shaun Leonardo; Emma Sulkowicz; Suzanne Lacy; Charles E. Williams; Dread Scott; Claudia Rankine; and to the late Chris Burden.

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I cannot thank sufficiently my family who have encouraged and supported me—without hesitation, question, or pause—in this and every other endeavor. Ma, you always told me I should be an art historian, so here ya go. There is no way to thank you here. Christopher, my brother and best friend, there's no way to thank you either. (How can you thank the people that make you possible in the first place?) Aunt Paula and Uncle Nick Roby supported this project with love, memories, and references, and challenged it to be a useful and activist project. Uncles Michael Bacchus and Stephen Hinton generously listened and believed when it did not make sense, fed me and cheered me on many research visits—I am grateful for both your attention and refuge. Dylan Roby helped me make it all make sense outside of my discipline (as well as helped make sense of graduate school generally). Brooke Coglianese, Shannon Kriha-Kagay, Diana Mankaruse, and Meg Cushing: twelve years ago you supported me, maybe blindly, to cross the country to go to college and you have all continued to support me through this, and all the things that have surrounded and interrupted it. Mokie, all-time great dog, sweetly napped, encouragingly, by my side for much of my early grad school reading. And Samantha Dewberry Scalissi: sis, you never made me talk about this work or school generally, and for that I am forever grateful. I miss you as much as I love you, and I love you desperately.

My two best loves, John P. Taylor and Maggle Cole, have made everything possible. John witnessed every minute, every high, and every low of this project. He read and proofed much of the writing; talked through every aspect of this project; listened to a litany of complaints

and heartbreaks; and supported me with references, new ideas, technical as well as canine support. He saw me through the many times I did not believe in the work or the future. John, thank you for helping me think better thoughts, write better words, and envision a more hopeful future. Maggle, my littlest love, demanded that I take breaks and attend to our life outside of work. Thank you, my wise little pup.

## 1.0 Introduction

“Wolfson is interested in violence as a rupture or distortion of our everyday consciousness. Presented as it is here with no motive or backstory, the assault is almost a distillation of pure intensity...”

So reads the explanatory text for the virtual reality video by Jordan Wolfson (b. 1980, New York) in the *2017 Whitney Biennial*. You follow the thin black cords of the stanchions to the queue to see *Real violence* (2016). Ten Oculus Rift headsets and ten sets of headphones sit on a sleek and otherwise empty tabletop. Once the previous viewers finish, a team of museum attendants quickly cleans each headset with disinfectant wipes, a practical yet theatrically-clinical display of both the institution’s care and liability. As you approach your place at the long white table, they warn that the work contains “extreme violence,” that those prone to motion sickness should keep in mind that the 360° video may be disorienting. That you can hold onto a railing in front of you, should you become disoriented. That no one under seventeen is allowed. That you should enjoy the film.

The video counts down from 20, each second pacing by in black and white. You adjust the lens, quickly, to tighten the blurry numerals into focus and adjust your headphones before the countdown ends. *Real violence* opens looking up at a stretch of bright blue sky framed between tall office buildings. It might be New York but it looks like Los Angeles; it could be most any city’s downtown.<sup>1</sup> A man’s voice begins to sing in Hebrew with an intelligibly religious

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<sup>1</sup> The scene was shot in Los Angeles but some critics, such as Alexandra Schwartz in the *New Yorker* identify the setting of *Real violence* as Manhattan. Alexandra Schwartz, “Confronting the ‘Shocking’ Virtual-Reality Artwork at the Whitney Biennial,” *The New Yorker*, March 20, 2017, <https://www.newyorker.com/culture/cultural-comment/confronting-the-shocking-virtual-reality-artwork-at-the-whitney-biennial>. See also Nate Freeman, “A History of Violence: Jordan Wolfson on His Shocking Foray into

intonation. The camera tilts up and into a bewildering backspin, abruptly stopping on two men on the sidewalk who both face the camera. You have one beat to take them in: on our left, a man with cropped dark hair (the artist) stands with his shoulders squared in a plain grey T-shirt and pale jeans. On our right, a kneeling man in a burgundy hoodie and jeans looks down at the dirty sidewalk in front of him through his shaggy blonde hair. When the kneeling man raises his eyes to meet ours, the artist suddenly picks up a baseball bat from off the ground, winds it back and, at full strength, hits the man on the jaw, knocking him on his side so his head dangles off the curb. Dropping the bat in the street, he hurriedly drags the man by his ankles until he is flat on his back on the sidewalk, his head flopping to face the camera. The prayers cease, replaced by thick fibrous sounds of flesh tearing and bones breaking under the impact of the artist's heel as he sinks it into the victim's face, over and over again. As Wolfson stomps through the man's jaw, the victim's body convulses, his fingers curl, and his face—which increasingly breaks down to red pulp—remains turned toward the camera, suggesting sustained eye contact with the viewer. Groaning exhalations are audible only in the right earphone, mirroring the victim's placement in the visual field and thus seem to emerge only from the him, emphasizing his fleshy realness and effectively making the artist seem less human, more like a video game avatar and not himself a breathing, straining human. Once the blood really begins soaking the sidewalk, the camera quickly rotates again. After a confusing and blurry spin, the men are now upside-down, a flip that puts the victim's face—as it spreads onto the sidewalk—nearly dead-center, heightening the sense that he is making eye-contact, or attempting to, through the blood and his busted eye socket. *Real violence* goes silent. The artist uses the bat again, this time bending at the waist and

putting his whole body into bringing the bat down on the man's head repeatedly. Silently. Until the screen goes black.

I watch the full 2:25 minute video again and again over several days at the Whitney Museum of American Art (WMAA). I watch other people watch the video. I hear their uncomfortable silence, sometimes their awkward laughter, as they remove their headsets. *Real violence*—its sound, its reddening sidewalk—makes me angry. Angry because both the Audio Guide and the label on the gallery wall, the official explanations accessible to the Whitney viewer, resist a link to actual violence in the United States and deny interpretations that the video has to do with the ongoing, national, and necessary conversation on violence—a conversation that is happening throughout the *2017 Whitney Biennial*, as well as outside the WMAA in data-driven studies, in headlines, in the streets. Instead, on the Audio Guide we hear Wolfson say: “I’m imagining violence within this piece as a distortion, and as this distortion that lets you hypothetically look at violence anew.”<sup>2</sup> His reference to uncontextualized and abstract violence is reiterated by the curators’ wall label: “Presented as it is here with no motive or backstory, the assault is almost a distillation of pure intensity.” As a contextless episode, the beating aspires to be distilled, pure—*Real*—violence, unattached to any narrative, politics, or specific social historical moment.<sup>3</sup> Yet for many of us in the United States, violence is not a concept, not abstract, not de-contextualized from our bodies, identities, and/or visual presentation. For people who are marginalized on the basis of race, ethnicity, and gender and/or gender expression,

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<sup>2</sup> Jordan Wolfson, “612: Jordan Wolfson,” Audio Guides, Whitney Biennial 2017, Whitney Museum of American Art, accessed March 24, 2019, <https://whitney.org/audio-guides/40?language=english&type=general&night=false&stop=44>.

<sup>3</sup> In an interview in anticipation of the *2017 Whitney Biennial* before *Real violence* was in its final state, Wolfson also described the work using the terms “abstract” and “pure”: “I assault this person to the point where to you, as the viewer, it is ambiguous whether or not he will survive...That’s the contextual distortion. You’re experiencing pure violence, you’re experiencing real violence. The depiction of actual, real violence is a kind of abstraction.” See Freeman, “A History of Violence.”



violence is a real, concrete, and looming thing that has either happened to them as individuals, or that they are far more likely to experience in their lifetime than others.

I can't help but think of *Real violence* and Wolfson's statements within the context of disparities in safety in the United States that indicate specific forms of violence are more proximate to certain identities than to others. For example, women in the US experience sexual victimization twice as often as men (44.6 percent of women, 22.2 percent of men), and one in five, or 19 percent, of all women experience completed or attempted rape (compare to one in 71 or 1.4 percent for men), meaning that women are seventeen times more likely than men to be raped.<sup>4</sup> One in three women experience some form of contact sexualized violence, a number that increases steeply for multiracial and Native American or Indigenous women who experience it at a rate of approximately one in two.<sup>5</sup> One in four of people who identify as transgender experience physical attack or assault, and since 2013 there has been a steady rise in reports of homicides of transgender women of color—the trans\* group in the US who experience the highest rate of all victimizations.<sup>6</sup>

Based on recent data reported by the Federal Bureau of Investigation (FBI), the overall homicide rate for Latinx<sup>7</sup> or Hispanic people in the US is about twice as high as that for White individuals (5.10 per 100,000 compared to 2.59 per 100,000), homicide is the second leading

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<sup>4</sup> Center for Disease Control defined “other sexual violence” for women as “sexual coercion,” “unwanted sexual contact,” and “non-contact unwanted sexual experiences”; “made to penetrate” is added to this list for men. Michele C. Black et al., *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*, November 2011, [https://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](https://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf), 18-19.

<sup>5</sup> Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*, April 2017, <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>, 1 and 18.

<sup>6</sup> Lauren Lee, “Transgender Community Faces its Deadliest Year, But This Group Wants to Help,” *CNN*, February 26, 2019, <https://www.cnn.com/2018/06/11/us/sproj-iyw-anti-violence-project-transgender-violence/index.html>.

<sup>7</sup> A note on terms: to the best of my ability, I use ethnic descriptors in accordance with how the people I write about use such terms to self-identify. I use “Latinx” to refer to the diverse community of people living in the United States who locate their heritage in Latin America. I use the “x” to be inclusive of people of all genders, and use traditionally gendered terms “Latino” or “Latina” when referring to people who self-identify as men or women, respectively. I the term “Hispanic” here because the studies identified their subject using this descriptor; I avoid using this term, however, because it was a term developed by the US government to describe this community based on their use of the Spanish language and/or surname, which effectively identifies this group of people by the language of their historical colonizers. See Chapter Two for a fuller description of all terms.

cause of death for Latinx or Hispanic youth (aged 15 to 24), all of whom are killed mostly by guns.<sup>8</sup> For the same years, Black or African Americans were also disproportionately affected by homicide. Although African American or Black individuals represent 13 percent of the US population, they account for 50 percent of all homicide victims<sup>9</sup> and their homicide risk is about six times the overall homicide risk in the US.<sup>10</sup> Black men are particularly and increasingly affected: the homicide rate for Black men is more than 37 per 100,000;<sup>11</sup> compare this to the significantly lower rate of White male homicide victims, 3.65 per 100,000.<sup>12</sup>

All people of color are more likely to die in encounters with police in the US than are White people, although racial and ethnic minorities make up less than half of the US total population at 37.4 percent.<sup>13</sup> Of all people killed by police, 46.6 percent are non-White, and 62.7 percent of all unarmed people killed by police are non-White.<sup>14</sup> 2015 data also shows the rate of police-involved deaths for young Black men (aged 15-34) was five times higher than their White counterparts, and they were nine times more likely than White Americans to be killed by police officers.<sup>15</sup> The next highest rate of people killed by police (adjusted for population per million) were Latinx or Hispanic.<sup>16</sup> Indigenous or Native Americans are killed in police encounters at a

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<sup>8</sup> Guns were present in 68 percent of homicides of Latinx/Hispanic victims. Violence Policy Center, “Hispanic Victims of Lethal Firearms Violence in the United States, February 2018, <http://vpc.org/studies/hispanic18.pdf>, i.

<sup>9</sup> Violence Policy Center, *Black Homicide Victimization in the United States: An Analysis of 2014 Homicide Data*, March 2017, <http://vpc.org/studies/blackhomicide17.pdf>, 1.

<sup>10</sup> Richard Berk, “What are the Chances of Becoming a Homicide Victim?,” Department of Criminology, School of Arts and Sciences, University of Pennsylvania, accessed March 29, 2019, <https://crim.sas.upenn.edu/fact-check/what-are-chances-becoming-homicide-victim>.

<sup>11</sup> Berk, “What are the Chances of Becoming a Homicide Victim?”

<sup>12</sup> Violence Policy Center (2017), 1.

<sup>13</sup> German Lopez, “There Are Huge Racial Disparities in How US Police Use Force,” *Vox*, November 14, 2018, <https://www.vox.com/identities/2016/8/13/17938186/police-shootings-killings-racism-racial-disparities>.

<sup>14</sup> Lopez, “There Are Huge Racial Disparities in How US Police Use Force.”

<sup>15</sup> Jon Swaine, Oliver Laughland, Jamiles Lartey and Ciara McCarthy, “Young Black Men Killed by US Police at Highest Rate in Year of 1,134 deaths,” *The Guardian*, December 31, 2015, <https://www.theguardian.com/us-news/2015/dec/31/the-counted-police-killings-2015-young-black-men>.

<sup>16</sup> Lopez, “There Are Huge Racial Disparities in How US Police Use Force.”

higher rate than any other racial and ethnic groups in the US.<sup>17</sup> Across the board, disparities in safety as they intersect with race and ethnicity have only increased over the past three years.<sup>18</sup>

For these and other marginalized communities, violence is not so distant from daily life experience as they live with close proximity to multiple and specific kinds of real violence. All of this information, based on data from the Center for Disease Control and FBI, comes from popular news outlets with broad circulation, easily accessible online and on social media, and often on television news broadcast. Moreover, some of these identity-based violences are the visible basis for artworks in the same *2017 Whitney Biennial*, an exhibition explicitly invested in issues of social justice and art's role in the global contemporary moment from its position in the United States. For example, Cauleen Smith's banners of *In the Wake* (2017) festoon the entrance hall ceiling, calling out the epidemic devaluation of Black lives in sequined but grim text: "We were never meant to survive," "camera pen or gun?," "I'm so black that I blind you," and emphasizing both the exhaustion of waiting for things to change and the necessity that they do: "I am holding my breath." Smith's invectives immediately foreground the sustained attention to issues of identity, and economic and social inequity that course through the *2017 Whitney Biennial*. These issues of identity-based violence, these facts about risk and race, are out there.

It is surprising, then, that someone living in the United States in 2016 would propose that a quick dose of intense screen violence could be, as Wolfson suggests, a "rupture or distortion" of someone's "everyday consciousness." Even if these claims were made sincerely (or naively) and in good faith, they are untenable both within this exhibition and in the world just outside the Whitney's walls. To believe that violence could be an aberration is to feel that it is far enough

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<sup>17</sup> Elise Hansen, "The Forgotten Minority in Police Shootings," *CNN*, November 13, 2017, <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>.

<sup>18</sup> Lopez, "There Are Huge Racial Disparities in How US Police Use Force."

outside of one's (Wolfson's and his presumption of his viewers') daily experience for it to be novel or unusual, a breach of normal life. Intended as an artistic statement, his words are a telling social statement, one that demonstrates a disregard or obliviousness of the facts about safety in the US, that women and people of color (perhaps his viewers) are impacted by actual violence, or the threat of impending violence, on the basis of their identities everyday.

In the Audio Guide, Wolfson continues that *Real violence* is “a body sculpture...the sculpture is the body you're standing in and that experience of you standing there in your body experiencing the work is the sculpted effects of the artwork.”<sup>19</sup> There is no space, however, in *Real violence* for the viewer's body: although the viewer can turn their head and see the 360-degree VR world, the viewer's body cannot register in the visual field or effectively in the action. The activated viewer's body is mentioned yet there is no acknowledgement that each viewing body comes to *Real violence* with different relationships to actual violence in their own lives, and—more important—the artist does not acknowledge the ways in which our bodies are marked.

The issue is not only Wolfson's position—whose identity is fair to bring into this calculus since his actual body (a White, cis-gendered man) is at the center of *Real violence*—but also who he imagines his viewer to be, and what he assumes a universal American experience or relationship with violence to be. For violence to be an abstract concept, the figures who embody it must also be somehow abstract, universal; that violence in Wolfson's video is enacted between healthy-appearing White men's bodies perhaps suggests Whiteness is presumed all around, a perspective that does not acknowledge specific and known relationships between violence and people whose bodies are marked by race, ethnicity, (dis)ability, and non-male/non-cisgender

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<sup>19</sup> Wolfson, “612: Jordan Wolfson.”

expressions. This is not “real” violence as Wolfson’s title implies, so much as “violence” imagined by someone who occupies a position of relative safety, who feels or believes themselves to be far from not only the kind of beat-down in *Real violence*, but also feels distant from violence in general—that is to say, a life lived less-threatened or even unthreatened by sexualized violence, lived on the presumption that encounters with police will not turn fatal, and/or that death by homicide is highly unlikely.

What does the image of apparent consensual violence (voluntary battery and passive reception) between two White men actually tell us about violence in 2017 in the United States?<sup>20</sup> Because the WMAA is an institution of American art, it seems fair to ask, fair that we question *Real violence* in these ways to consider what it says about what it means to live in the United States now. On the one hand, the American fascination with violence is itself banal: this is a culture with a long history of spectacularized violence such as public hangings and executions, complete with audience seating and applause, to say nothing of a Constitutionally-enshrined dedication to gun ownership. In a way, it is hard to imagine that a short clip of violence in the form of a random, one-sided beat-down would be shocking to any American who has even minimal access to movies, cable television, video games, or the Internet. On the other hand—and despite this shared cultural patrimony of popular violence—in the United States we do not all share the same risk of actual violence. Although constant “Breaking News” updates seem to suggest that violence is never far from anyone, the proximity to violence is not equally shared, nor are types of violence equitably distributed among all people.

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<sup>20</sup> The event in *Real violence* actually happens between Wolfson and an animatronic dummy who received the beating. The victim’s face, hands, and blood were computer generated and added in post-production. Wolfson explained in an interview with ARTnews that he decided not to use a stunt person in the final work after doing tests with one because “It’s never going to look real with stunt people because no one’s ever going to take a real hit. And I was like, well, then, the only thing to do is get an animatronic dummy and actually beat the shit out of it.” Freeman, “A History of Violence.”

This dissertation focuses on artists working in the United States who, during the 1970s and beyond, stage violence against women, Latinx, Afro-Latinx, and Black/African American people—marginalized identities with which the artists themselves identify. In so doing, they call attention to the prevalence of disproportionate violence committed against women and people of color in the United States at a broader societal level. I examine how women, Black/African American, Afro-Latinx, and Latinx artists perform or stage scenes of violence as a means of making visible, palpable, and inescapable the effects of the real victimization their communities disproportionately face. Through surprise encounter, reality effects, and viewer participation, artists such as Ana Mendieta, Harry Gamboa Jr., and Shaun Leonardo convey the feeling of looming violence to viewers who, by perception or statistics, normally feel themselves to be safely *outside* of threats of identity-based violence. These artists take up and re-deploy violence, often in live or embodied artworks, to counter stereotypes about their communities, challenge their own historical exclusion from mainstream art networks, and open up affective space for viewers themselves to confront the realities of violence in the United States differently, or “anew.” By implicating this kind of viewer as witness, perpetrator, and/or as victim in scenes of violence against bodies of color, these artworks activate feelings of being equally close to the type of brutality in question, as a means to impact upon the viewer-participant’s feelings about actual violence. Such situations ask the viewer-participant: *now that the distance between you and the suffering of people of color in the United States has been collapsed, how will you respond?*

I view these artworks as acts of democratic engagement in the face of multiple forms of contemporary disenfranchisement, including weakened access to voting and impeded civic

participation,<sup>21</sup> biased media representation, and exclusion from mainstream art networks.<sup>22</sup> These artists decode the optics of oppression by activating the victimized body through strategies of obvious and dramatic erasure, or visceral and live presence, staging or re-enacting scenes ripped from the headlines to make visible the ways in which the past remains in our present. At times, these artists deliberately draw on a history of crime scene photography, news broadcasts, and videos from amateur eyewitnesses and police body-cameras, and they play on the association between veracity and photography in their appropriation of photojournalism and documentary aesthetics to produce false, staged events. Many of the artworks included in this study were conceived across media including live performance or installation and photographic/video components, the latter of which is how subsequent audiences encounter the works, often in the context of a museum or art publications. My study tracks the life of these iterations, attentive to how and, importantly, when they are acquired by collections or shown in exhibitions, if ever.

### 1.1 Notes on Context and Terms

These artistic representations of graphic social violence emerged in the larger context of an American visual culture that glamorizes and fetishizes violence against women and villainizes men of color as the invariable perpetrators of violence while simultaneously victimizing their

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<sup>21</sup> By Supreme Court decision in 2013, states became allowed to change their election laws and procedures such as enact voter identification laws, move or eliminate polling locations, and draw redistricting maps without advance federal approval. Adam Liptak, "Supreme Court Invalidates Key Part of Voting Rights Act," *New York Times*, June 25, 2013, <https://www.nytimes.com/2013/06/26/us/supreme-court-ruling.html>.

<sup>22</sup> Museums are not the only art networks in question and they are perhaps the most exclusionary of all, yet it is important to note how very exclusionary they are in the US: a 2018 Williams College data mining study on the demographic diversity in art collections across the US showed that 85 percent of artists in the collection were White and 87 percent where male. "More than 75% of Artists in US Museums are White Men, Data Mining Reveals," MIT Technology Review, December 19, 2018, <https://www.technologyreview.com/s/612637/more-than-75-of-artists-in-us-museums-are-white-men-data-mining-reveals/out>.

bodies for (or as) entertainment. Increasingly realistic, bloody, and long representations of violence—especially the victimization of women and people of color—proliferated on screen in the late 1960s in both cinema (via the relaxed 1966 Production Code, which allowed more and longer scenes of violence on screen, and the 1970s emergence of “Snuff” films) and news reporting (in both nightly television broadcast and weekly newsmagazines during and after the US intervention in Vietnam). These factors normalized violence generally, and against women and people of color in particular, to the point where such violence is no longer even newsworthy, thereby associating victimization with members of these communities as a core way of describing them.

I’ll clarify briefly how I understand and use some important and recurrent terms, namely what I mean when I say “violence” and “trauma,” and why I emphasize “victimhood” over something like “survivorship.” Violence appears to us in multiple forms—from the obviously gory to the surreptitious and subtle forms that take their hold mentally, emotionally, or spiritually without breaking the skin. In this dissertation, “violence” will refer to acts of physical victimization and/or violation—including coercive, non-consensual, and/or forced sexual acts—that cause corporeal harm to an unwilling or unsuspecting human being; brutal acts that cause a body to buckle in pain, acts that spill blood, crack skulls, bust teeth, end lives or come just short of doing so. On an individual level to a genocidal scale, these kinds of scared-for-your-life experiences can be triggering events that often result in a condition of psychic trauma, defined by the American Psychological Association (APA) as the “emotional response to a terrible event like an accident, rape or natural disaster” which may include invasive symptoms such as



“unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches and nausea.”<sup>23</sup>

I am mindful of the baggage associated with the terms “victim”/“victimhood,” especially as it contrasts the emancipatory term “survivor” used within sexualized violence discourse, and I intentionally carry that baggage through this dissertation. Understandably, the association of “victimhood” with women and people of color may be seen as problematically furthering the disempowerment of historically marginalized communities, a rhetorical violence that may seem to remove their agency or subjectivity and replaces it with a depersonalized identity of “victim.” Nevertheless, I use this term deliberately to articulate and underscore how real violence, in concert with the wider visual culture of news and media, has created this inherently negative condition. The artists and artworks in my study create the circumstances for the feelings of Permanent-Potential-Victimhood to be affectively transmitted to or experienced by a viewer of a different identity. By the staged (rather than documentary or actual) nature of this experience, the category of “victim” is shown to be outside of or mapped onto themselves, ultimately showing how victimization actually exists as a *potential* event. And this is where there may be power: if the violence has not yet happened, there is still time to stop it, or this case, to begin the slow and difficult work of dismantling the cultures and systems that breed, maintain, and widen such disparities in safety.

I capitalize the terms “White” and “Black” when describing Anglo/Caucasian and African American or those of African descent in order to emphasize these are identity categories. If another author I quote does not capitalize either term, I preserve their original case in order to be accurate to their words and ideas.

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<sup>23</sup> “Trauma,” American Psychological Association, accessed August 10, 2018, <https://www.apa.org/topics/trauma>.

Throughout the dissertation I use the terms “real” and “affect.” Avoiding theoretical explanations of the term, when I say “real,” what I mean is that it (whatever it is) is part of the observable and documentable world; if it is an event, the thing actually happened somewhere and/or to someone; and I use “actual” interchangeably with “real.” When I use “affect,” I am referring to not just the realm of personal human emotions, but I mean both emotion as involuntary reaction, which can be personal and private, and also the social component of exhibiting or experiencing emotions, which are influenced by the social environment—who else is present, how they seem to be reacting, if I am in a church or a deli, if I am with a close friend in private or with a close friend in public, in a room of unfamiliar professional colleagues or standing alone in front of that room. For this dissertation, affect is emotion, but also emotion expressed within the social thus subject to cultural norms, perceptions of safety or similarity, and inconsistent across locations, groups, times, etc.

## **1.2 Structure of the Dissertation**

I trace these relationships between violence, affect, and marginalized identities in three chapters, each focusing on the ways in which one kind of pervasive social violence disproportionately affects one specific identity or community: women and sexualized violence; Latinx men and discriminatory stereotyping; and Black or African American (including Afro-Latinx) men and homicide by police. Each study addresses a specific community and historical moment. These chapters cohere into parts, I and II, that are organized by the type of relationship envisioned between artist(s) and audience.

Part I, “Sexualized Violence and Women: Self, Shock, Spectacle,” demonstrates the subject-to-subject relationship between artist and viewer: the artworks are based in live, corporeal media and become an interpellation between the artist and viewer(s) who are both envisioned as individual subjects. This section considers the stakes of bearing witness to scenes of the sexual brutalization of women and the value of staged violence in its form of the one-on-one encounter with an uninformed viewer. “Woman/women” throughout this dissertation are broadly defined and refer to people who self-identify as such—regardless of anatomy—and is inclusive of non-traditional femininities, as well as queer and trans\* identities. I show how artists have demonstrated how sexualized violence is a pervasive threat to women in the US through artistic modes of varying public invasiveness including live installation, endurance performance, and media intervention.

At the center of Part I is the work Cuban American artist Ana Mendieta (b. 1948, Havana, Cuba—d. 1985, New York) created in the early 1970s as an Master of Fine Arts student in the Intermedia program at the University of Iowa. Her work specifically addresses the disparity in safety experienced by women of color in the US. In 1973 Mendieta installed her own body without warning as though a “victim” of a violent rape—left, possibly, for “dead”—to be discovered by an unsuspecting “witness.” In these stagings, Mendieta makes the threat of sexualized violence visible and palpable through her installation of her own body as a bloodied victim of rape, performed for unprepared art colleagues in her apartment and totally unwarned passers-by in wooded areas. In her intentionally graphic and jarring tableaux, it is as if Mendieta was saying to unprepared viewers in the predominately White state of Iowa: in the broader context of pervasive sexualized violence, *what if it were me, what if I am next—and would that change your feelings about the threat of sexualized violence that all women face?*

Mendieta's practice based in, across, and through the media of live performance and theater; installation of bodies, objects, and environments; photography; and Super8 film is indicative of both her Intermedia training at the University of Iowa and a broader shift toward non-traditional and multiple media, and the post-studio practice that distinguishes contemporary art. The photographs through which we now encounter her work were part of the original conception of the work, but they were not distributed widely at the time and were only sold and exhibited posthumously. At the time of the original initiation of her Intermedia works, Mendieta leveraged the staging of graphic, realistic violence using her actual body in the moment (rather than representations of her body) aimed at individual viewers/bystanders, bringing them into a scene of the specific violence that disproportionately affects women in order to make that unsuspecting viewer feel that this violence is actually in close proximity to them. I argue Mendieta, like the other artists at the heart of this dissertation, used a catch-and-release strategy with the intention of provoking an affective *then* intellectual or analytical response in a viewer.

I situate Mendieta's work in the broader art historical and popular media contexts of the early 1970s as a means to better understand her work and legacy outside of the existing narratives in scholarship surrounding her personal life. I describe the art historical context of "masochistic" performance against the artist's body such as Chris Burden's *Shoot*, a performance in which the artist operates as an individual subject and directs someone to inflict bodily harm upon him (actually shoot his body using a rifle) in front of an invited audience in a small art gallery. I compare Mendieta's *Rape Scene* to Les Krims's photographs of staged scenes or "fictions" that similarly depict sexually victimized women but also problematically instrumentalize their bodies and unfortunate narratives as comic props in his photographs. I also show how popular cinema at this time trended toward increasingly long and vivid scenes of

violence, especially rape and other forms of sexualized violence, as a context in which to understand these artworks.

Mendieta's work, with its relative spectacularity, references rape as a violence inflicted upon individual subjects by individual subjects; she signaled, secondarily, sexualized violence against women generally (what Mendieta called "all sexual violence"). Part I begins to transition into Part II—from subject-to-subject address to community-to-community interpellation—through the work of Suzanne Lacy (b. 1945, Wasco, CA), whose artistic practice throughout the 1970s is an early example of a political movement-based method of address from a community to a broader public on the topic of sexualized violence against women.

Trained in the feminist artistic strategies of consciousness raising and public demonstration, Lacy operated within the official Women's Liberation Movement, a movement that Mendieta described as a "white middle class movement" that excluded "Third World" women like her.<sup>24</sup> Lacy worked with multiple collaborators (mostly White artists and municipal authorities) to realize *Three Weeks in May*, an "expanded public pedagogy" intervention that used crime data furnished by the LAPD to mark streets with the physical locations where women had been raped in Los Angeles, and then telegraphed that information to a city-wide audience through an exhibition of maps near City Hall and live programming specifically designed for broadcast media attention. *Three Weeks in May* used a megaphone, literally and figuratively, to address a city-wide public with a multi-part message that rape was not rare but in fact an epidemic, pervasive social violence; as such, all forms of sexualized victimization must be

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<sup>24</sup> Mendieta wrote this in 1981, but we might think of her experience migrating from Cuba, becoming a new USAmerican, and being one in a small population of women of color in Iowa impacted her perception of being a woman of color and/or feminist in the United States long before articulating it in this publication. See Mendieta, "Introduction," in *Dialectics of Isolation: An Exhibition of Third World Women Artists of the United States*, (New York: A.I.R., 1981), n.p.

reckoned with; and that actual and potential victims shall not silenced by a justice system they view as complicit in the victimization of women.

The use of media channels to speak to a general public from the Women's Liberation community was a key component that shaped of the work, and allowed Lacy and her collaborators to impugn the authorities and public for their complicity in the continued victimization of women. Lacy articulated rape, from what seemed like individual and separate acts of violence (i.e., how Mendieta staged the problem), to an acknowledgement of it as a widespread social issue born of a national rape culture.

The final section of Part I tracks this mode of address to the present digital moment in the mid-2010s work of Emma Sulkowicz (b. 1992, New York) whose body-based work operates in the legacies of both Lacy's demonstration-based work and Mendieta's durational, photographed performances. Part of an emerging social media-savvy intersectional and gender-queer feminism before the #MeToo era, Sulkowicz created live performances for an immediate audience that were equally well-designed for the optics of social and news media channels. In this way, Sulkowicz brings attention not just to their own survival stories and those of others, but also a call to an international online audience to agitate for changes to how institutions (mis)handle sexualized violence.<sup>25</sup>

Part II, "Marginalized Masculinities: Collective Trauma and Community-to-Community Address," telescopes outward: the artist and/or artist collective operates as member of a community, a representative identity that usually resonates intentionally with a larger political movement and speaks to a broad public, sometimes within designated art spaces. The two chapters that make up Part II, Chapters Two and Three, examine how artists address a

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<sup>25</sup> Sulkowicz uses the gender-neutral pronouns they/them/their.

mainstream public from their positions within defined communities and/or political movements to confront the ways in which Black and Latinx men experience social inequity and abuses of state power through unequal enforcement of the law.

In Chapter Two, “‘Think of Them as Rotting Flesh’: Performing Violence and Resisting Chicano Stereotypes Through the Work of Harry Gamboa Jr.,” I show how Gamboa’s career, as a solo artist and as part of the East Los Angeles-based collective Asco, represents a striking and sustained effort by an artist to acknowledge, disrupt, and counter stereotypes about Chicano/x men (more broadly, Latino/x men) as dangerous, under-educated, or hot-tempered—in a word, violent.<sup>26</sup> Early in his career, Gamboa (b. 1951, East Los Angeles) was a founding member of Asco, as well as the group’s main photographer and writer, and as a collective they produced conceptual artwork between and across media including photographs, performance, photographed performance, Xerox art, and mail art. Asco worked in, and against, a context of stark economic disparity and racialized social stratification in Los Angeles between 1972 and 1987, a moment that overlapped with US intervention in Viet Nam, protests of that involvement and its effects on American men of color, the Chicano Civil Rights Movement, as well as the broader activist groups and coalitions of the era, including the American Indian Movement and Black Power Movement.

This chapter is based on two salient examples, among many from Gamboa’s forty-year career, that clearly show how he has theorized, initiated, and recorded performative enactments

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<sup>26</sup> The term Chicano/a/x describes a population within the broader Latinx community. As newspaper reporter Ruben Salazar iconically defined the “Chicano,” it is not simply a Mexican American person but a “Mexican American with a non-Anglo image of himself.” As Jennifer González notes in her introduction to *Chicano and Chicana Art: A Critical Anthology*, this is a distinct political inflection based in self-definition and inseparable from the Chicano Civil Rights movement of the late 1960s and 1970s. I use the term “Chicano/a” when discussing Asco and its individual members for historical specificity and to reflect how they identified themselves and their work; I use the term Chicanx when I refer to the broader contemporary community, intending the “x” to be inclusive of all genders. Ruben Salazar, “Who Is a Chicano? And What Is It the Chicanos Want?,” *Los Angeles Times*, February 6, 1970, B7. ProQuest Historical Newspapers. Cited in Jennifer A. González, “Introduction,” in *Chicano and Chicana Art: A Critical Anthology*, eds. Jennifer A. González, C. Ondine Chavoya, Chon Noriega, Terezita Romo,. (Raleigh, NC: Duke University Press, 2019), 1.

of the “violent-tempered Chicano” in order to show it as absurd, inaccurate, and dangerous. The first part of this chapter focuses on Asco’s *Decoy Gang War Victim* (1974), a work comprising a live installation of a “dead” Chicano man captured by Gamboa’s camera, and an extended performance by Asco intended to distribute the photograph as a documentary image. *Decoy Gang War Victim* clearly and elegantly stages the issues of anti-Chicano stereotypes, performed violence, media infiltration, and its recent popularity in exhibitions, museum marketing materials, and on book and magazine covers. I trace the artwork from its forty years of art world obscurity to its recent afterlife, contributing to scholarship that has not yet attended to the issues of its popularity as a problematic consumption of the victimized Chicano/x body, showing how it is indicative of broader concerns about media representations of people of color.

In the second example *L.A. Familia* (1993), a “conceptual documentary video,” Gamboa’s characters play out multiple stereotypes about Chicano/as and Chicano/a families and domestic violence, gang affiliation, intelligence, religiosity, and lawlessness in a narrative that begins in deadpan noir and escalates to an absurd, slapstick tragic comedy.<sup>27</sup> *L.A. Familia* is an example of Gamboa’s practice of creating situations for unscripted acting and actions, opening space for performers to enact aggression, hyperbole, melodrama, and even spontaneous violence—such firing real ammo from a real gun—or as Gamboa has described it, a creative act based on placing “people in situations where they are given the liberty to be violent and abusive to one another without retribution or without inflicting real pain on people.”<sup>28</sup> Both of these examples of indicate the artistic strategies that operate between art and life, such as

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<sup>27</sup> Harry Gamboa Jr., “Refractions of Home (1994)” in *Urban Exile*, ed. Chon Noriega (Minneapolis: University of Minnesota Press, 1998), 125.

<sup>28</sup> C. Ondine Chavoya and Harry Gamboa Jr., “Social Unwest,” *Wide Angle* 20, 3 (July 1998), 76.



improvisation and conceptual performance, as well as the concerns of representation, equity, and identity that characterize Gamboa's work.

Chapter Three, “‘I Didn’t Think They Would Get Away With it Because it Was Televised’: Artistic Ethics and Documenting, Viewing, and Performing Black Suffering in the Legacy of the Rodney King Video,” is motivated by the question of how curators, artists, and publics have engaged with images showing the victimization of Black or African American men at the hands of police.<sup>29</sup> The work of artists Danny Tisdale, Charles E. Williams, Marcus Kiser, Jason Woodberry, Dread Scott, Shaun Leonardo, and Henry Taylor show the ways in which Black men are, on the one hand, made to occupy a stubborn category of perpetrator (or at least permanently suspect), and on the other hand, live under the threat of institutionalized violence. I examine the implications of such artworks as they are encountered in three exhibitions, the 1993 and 2017 Biennial Exhibitions of the WMAA, and *The World is a Mirror of My Freedom* at the McColl Center for Art + Innovation (Charlotte, NC) in 2017.

The foundational object of this chapter is the eyewitness video recorded by bystander George Holliday of the beating of Rodney King administered by several Los Angeles Police Department (LAPD) officers in 1991, an influential and early example of citizen journalism and video evidence that became an icon of racial disparity within the American legal system when the LAPD officers were acquitted of violating King's civil rights in 1992. Viewing Holliday's video and its reception as a precedent for the many similar videos that have followed, this chapter looks closely at how the video was replayed, edited, distorted, and re-interpreted as it entered various distribution streams including television news; the court of law as well as the

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<sup>29</sup> An Inglewood, CA resident is quoted as saying this in response to the verdict in the trial of the Los Angeles Police Department officers who beat Rodney King. “LA Riots 25 Years Later: What You Need to Know About Rodney King, the LAPD and More,” *Los Angeles Daily News*, April 20, 2017, <https://www.dailynews.com/2017/04/20/la-riots-25-years-later-what-you-need-to-know-about-rodney-king-the-lapd-and-more/>.

court of public opinion; museum exhibition at the WMAA in 1993; as well as became the basis of individual works of art.

I interpret the WMAA's curatorial decision to screen the video during the *1993 Biennial Exhibition* as raising several issues that I attend to over the course of this chapter: what are the ethics of the institution, curators, and spectators in viewing images of anti-Black violence in general and as "art" specifically; considering the case of the 1993 and 2017 WMAA Biennial Exhibitions, what are the political and social responsibilities of museums to the public and their local community; who is allowed—socially and ethically—to take up, create, document, or deploy the image of actual Black suffering to be looked at as art; and how can the re-imaging or re-enacting of such violence, familiar to spectators from frequent news reporting and social media-based activism, create the potential for radical empathy through embodiment, as well as the critical re-thinking of allowable force, safety, and equality?

In an array of media including painting, drawing, and performance—all encountered in the relative safety of art-designated settings—the artists detailed in this chapter seize upon images of the deaths of individual and unarmed (or legally armed) Black men at the hands of law enforcement, images that are familiar to many of us from their broadcast on news media. In so doing, these artists make visible and felt the threat to Black lives, emphatically and urgently re-presenting to viewers something that should already be known from news reporting and statistics about safety in the US, yet still somehow have not impacted policies surrounding police use of force and trial outcomes for officers who have taken the life of unarmed Black men: that African American men live under a real and disproportionate threat that everyday encounters with law enforcement will turn violent or fatal.

The 2017 exhibition *The World is the Mirror of my Freedom* brought together artwork made by alumni of the McColl Center artist-in-residence program in response to proliferation of egregious violence against Black communities since the early history of the United States. I focus on the work of Shaun Leonardo (b. 1979, Queens, New York) who uses an aesthetic of radical fragmentation in his drawings based on images familiar from news reporting—such as the beating of Rodney King, and the deaths of Michael Brown and Eric Garner—an approach to visual representation that suggests news coverage to be equally and inherently partial.

During the exhibition, Leonardo staged a live collaborative performance *I Can't Breathe*, a “self-defense workshop” based on the final words of Garner, whose death following the chokehold of a New York Police Department (NYPD) officer was captured on video, screened on national news, and entered as evidence in the grand jury trial of the officer. Leonardo, an Afro-Latino man, places himself along with viewer-participants into the spaces of Black suffering, as both the victim and the assailant. *I Can't Breathe* takes place, importantly, within the safety of an art space so it cannot be confused with real violence or political resistance. I raise the question whether it would be possible for Leonardo to safely perform *I Can't Breathe* as an unannounced intervention outside of art-designated space. Would it be too risky for a Black artist to stage a live intervention that directly imaged violence and/or political resistance? Would the performers risk actual harm from a duped police officer or unsympathetic passers-by? Or, if an artist were to stage a victimization of a Black person, in the vein of Ana Mendieta, would the artwork even register as an artwork, or have we—with help from news media and popular culture—so accepted, so taken for granted the brutalization of Black men, that such a scene would not even be recognized as staged or as an artistic intervention?

To conclude Chapter Three, I compare two large paintings exhibited in the 2017 *Whitney Biennial* that were both based on well-known examples of the devaluation of Black life: in *Open Casket* (2016) a White woman Dana Schutz (b. 1976, Livonia, MI) conjured, in rich and swelling paint, the abstracted image of what was left of young Emmett Till after he was lynched in 1955; Henry Taylor (b. 1958, Oxnard, CA), an African American man, depicted in bright, flat, agitated color the moment of Philando Castile's death after he was shot by a police officer during a traffic stop in 2016 in his painting *THE TIMES THAY AINT A CHANGING, FAST ENOUGH!* (2017). I compare the paintings in terms of how the artists and curators described both their intent and impact, the aesthetic decisions and artistic edits Schutz and Taylor made to the source images and narratives, as well as the self- and community-identities in which the artists operate in order to understand the reception of the work, especially the high-profile outrage that met Schutz, her painting, and the curators of the 2017 *Whitney Biennial*. I analyze the decision made by the 2017 *Whitney Biennial* curators, Schutz, and Taylor to take up legible images and stories of Black suffering as points within the broader debate on who can use anti-Black traumatic history as raw material for artwork and how should such images be shown (if at all), as well as the role and responsibility of museums as civic institutions in the context of racialized violence and inequity in the US.

### **1.3 Trauma out of Time**

Throughout, I put forth a theory of Permanent-Potential-Victimhood, a traumatic identity unique to marginalized communities in the United States. I characterize this condition as the pervasive feeling that you are never far from being victimized on the basis of your visual

presentation of racial, ethnic, and/or gendered identity—actual or presumed, and over which you have no control—and that the threat of violence feels imminent. For example, Gamboa has described living-while-Chicano in Los Angeles as life lived with the expectation of violence: “it’s that kind of fear and hatred that just exists much like the earthquakes here. Although everything may look calm and nice, underneath the surface something is boiling and waiting to explode. Anything and everything is a potential landmine; somewhere, someone is waiting to snap.”<sup>30</sup> I argue this is an identity-shaping condition, reinforced by media narratives, amplified in pop culture, and backed up by US crime statistics. Whether or not you have actually been the victim of a previous act of violence, you feel that you will become one and organize your life in an active attempt to avoid, brace for, or escape actual victimization. The feeling is that of *future* victim, temporally displacing the violent event to *after* the onset of the feeling of victimization, yet the violent event is still felt or interpreted as part of your life story, a feeling that disrupts linear time.

Although the last two decades have seen a proliferation of research interested in possible links between human behavior and violent representations in movies, broadcast news, and video games, very little attention within these studies has been paid to art. Within the field of art history, violence against the bodies of the artist(s) and/or audience within the context of performance has been well documented by scholars as such Kathy O’Dell, Jane Blocker, and Claire Bishop, yet there remains no systematic account of artworks that incorporate performance, live witnesses, and photography into an event that realistically stages violence, or restages an actual violent event.<sup>31</sup> The *effect* of violence, however, is at the heart of the expansive and related

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<sup>30</sup> Chavoya and Gamboa Jr., “Social Unwest,” 75-76.

<sup>31</sup> See Kathy O’Dell, *Contract with the Skin: Masochism, Performance Art, and the 1970s* (Minneapolis: University of Minnesota Press, 1998); Jane Blocker, *What the Body Cost: Desire, History, and Performance* (Minneapolis: University of Minnesota Press,

literature on trauma in (or, and) cultural production. With varying commitments to psychoanalytic theory, scholars in trauma studies have discussed how artists address the grim memory spasm and overwhelming anxiety provoked by the triggering violent event, and an inability to fully and directly articulate, in either image or language, traumatic experience.<sup>32</sup>

As there remains no firm and universally agreed upon definition of trauma, I rely on the APA's current definition because it indicates "trauma" as the subsequent "emotional response" following, and distinct from, the "terrible event," clarifying the temporal and causal relationship between violence and trauma.<sup>33</sup> My theory of Permanent-Potential-Victimhood further nuances the relationship between violence and trauma—the actual event and its effect—to suggest that it *is* traumatic to live in anticipation, expectation, in active avoidance, or otherwise feeling in close proximity to identity-based violence, whether or not it has happened to you personally. That, for people who identify as part of a community who has historically experienced disproportionate violence and continues to live under threat of that violence, to exist is to do so as a traumatized subject within a traumatized community.

The body-based artworks I analyze throughout this dissertation—"crime scenes" set by Mendieta and Asco, Leonardo's embodied workshop—do not appear in existing studies on contemporary art and trauma, ostensibly because of they are regarded as images of "violence" and not of "trauma" since the prevailing theories argue that trauma cannot be represented. For

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2004); and Claire Bishop, *Artificial Hells: Participatory Art and the Politics of Spectatorship* (London and New York: Verso, 2012).

<sup>32</sup> Lisa Saltzman sketches out the hallmark arguments of trauma studies as they relate to art history (through the language of psychoanalysis) in the introduction of the volume she co-edited with Eric Rosenberg, *Trauma and Visuality in Modernity* (Hanover, New Hampshire: Dartmouth College Press, 2006), ix-xvii.

<sup>33</sup> For a history of the inception of the term in 19<sup>th</sup> century European medicine and its shifting definition and use over time, see Wolfgang Schivelbusch, "Railway Accident, 'Railway Spine' and Traumatic Neurosis," and "Excursus: The History of Shock," in *The Railway Journey: The Industrialization of Time and Space in the Nineteenth Century*. See, rev. ed. (Berkeley: University of California Press, 2014), 130-147. Page numbers refer to unpaginated version on ProQuest Ebook Central, accessed August 10, 2018. For a history of the idea of trauma and attempts of defining it in the years immediately before trauma studies emerged in the humanities, see Charles R. Figley, *Trauma and Its Wake*, vols. 1 and 2 (New York: Brunner-Mazel, 1985 and 1986).

example, in *Unclaimed Experience: Trauma, Narrative and History* (1996) Cathy Caruth suggests that trauma, the mental wound left by shocking violence such as identity-based genocide, is levied so suddenly and unexpectedly that it cannot be *known* while it is happening, and since it “is not fully assimilated as it occurs,” it cannot be dealt with later because it remains, always, unapprehended. In describing trauma as “a wound that cries out, that addresses us in the attempt to tell us of a reality or truth that is not otherwise available...[one that] cannot be linked only to what is known, but also to what remains unknown,” Caruth makes a link between what is left unseen and the unseeable or unrepresentable, that the experience of something truly horrible cannot be conveyed through an image.<sup>34</sup> Caruth proposes that while visual media, such as film in her example, are not capable of representing trauma, they can present to a viewer some sense of living with trauma (i.e., flashbacks, sudden shifts in mood, mentally reliving a moment of the violent event) through their aesthetics (i.e., confusing and abrupt film editing, cryptic dialogue and conversations *toward* but not *with* another character) in order to narrow the distance between a viewer and the traumatic experience of the on-screen character—yet this space made for “witnessing” remains the witnessing of someone else’s trauma.<sup>35</sup>

Lisa Saltzman also acknowledges trauma as unrepresentable, suggesting that art attempts to handle trauma through dislocation and abstraction. In her essay “When Memory Speaks: A Monument Bears Witness” (2006) on Krzysztof Wodiczko’s video *Bunker Hill Project* (1998), a video projected on a public monument in Boston showing a mother’s wringing hands as she talks of her slain son, Saltzman suggests artworks of this character act as testimony for the silenced victims of violence. Her son, the gun violence that took him, her grieving face are not pictured;

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<sup>34</sup> Cathy Caruth, *Unclaimed Experience: Trauma, Narrative and History* (Baltimore: Johns Hopkins University, 1996), 4.

<sup>35</sup> Caruth analyzes the 1959 film *Hiroshima mon amour* (directed by Alain Resnais, screenplay by Marguerite Duras). See “Literature and the Enactment of Memory (Duras, Resnais, *Hiroshima mon amour*),” 26-58.

the incomprehensible event of losing her son is, in Saltzman's terms, unrepresentable. The value of such work, Saltzman argues, is that it became a site where the victims were reanimated in public space by the video, their stories transmitted to the entire community, and a site where locals could share their thoughts and memories.<sup>36</sup> Like Caruth, Saltzman suggests the *Bunker Hill Project* as a site for witnessing someone else's experience of trauma.

In *Empathic Vision* (2005) Jill Bennett traces the process by which works of trauma-based contemporary art can generate affective experience and, she argues, new ways of thinking about violence. Ominous, but not gory, artworks are brought together in *Empathic Vision* for their shared content of broadly defined "trauma" and aesthetic qualities of abstraction. Bennett argues these qualities incite in the viewer an emotional experience in order to initiate their cognition, resulting in an oscillation between affective and intellectual operations. The artworks in Bennett's study, such as Doris Salcedo's cement-filled furniture pieces, display inanimate objects or places rather than the bloodied bodies of victims. Bennett excludes vivid depictions or simulations of violent acts on the basis that such works attempt to traumatize the viewer, and create experiences based in "shock," rather than create sites of encounter. This dissertation builds on Bennett's notion of "empathic vision" and its political potential, but I suggest that realistic scenes of violence, as artistic encounter and sites of democratic engagement, have similar affective and activist qualities, and that "shock" itself is an affective experience that can lead to cognitive experience and impact upon how viewers understand and react to real violence in the contemporary world.

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<sup>36</sup> Lisa Saltzman, "When Memory Speaks: A Monument Bears Witness," in *Trauma and Visuality in Modernity*, eds. Saltzman and Eric Rosenberg (Hanover, New Hampshire: Dartmouth College Press, 2006), 82-102.



I acknowledge trauma studies scholarship and the artistic strategies outlined therein as important and useful in conveying or working through the effects of event-based trauma as subject matter. My study, however, pushes back the timeline to the violent event itself, asking: what happens when time is stuck in a moment of brutality, when the viewer is subjected to witnessing or being close to the violence (that which wrought trauma)?

The unique provocations of corporeal materiality in the work of Mendieta, Asco/Gamboa, and Leonardo are precisely what make their practice so interesting in terms of their relationship to trauma. Over the course of this study, I intend to respond to questions emerging from the performing body, images of violence, and trauma theory that have motivated my research: what are the ethics of an artwork that conjures realistic violence into the real world and plays at the edges of traumatic experience? Do artists court traumatic experience when they seek “affective experience” in their audience? What does it mean for an innocent viewer or unsuspecting bystander to appear as a perpetrator in these works? What does it mean for a healthy body to occupy the space of the victim? And whether and/or how can we interpret the role of the artist’s own (personal, racialized, gendered, and/or classed) identity in their performance?

#### **1.4 Frameworks of Ethical Looking, Affect, and Believability**

This dissertation is in conversation with several scholars across the humanities who have developed transformational theories on viewing the pain of others; they are the empathic and ethical viewers, creators, and citizens whose work has made my own possible. I intend my study

to build upon their examples, theories, and methods, for how they advocate for opening critical and art historical practice to affective experience; find, foster, and insist upon our shared humanity; empower subjects through emphatic recognition of difference in race, ethnicity, ability, genders, and sexualities; and question the ethics of our looking and of showing violent images.

My work relies on and is enriched by theories of how race, gender, and class are intertwined for, as Jennifer A. González suggests, race discourse “is never just about race.”<sup>37</sup> As González explains in *Subject to Display: Reframing Race in Contemporary Installation Art* (2008), “race discourse” is the “intricate intersection of philosophies, regimes of representation, and systems of enforcement” that co-operate to “define human beings as racial types,” a complicated discursive formation that—since it is not anchored in essential biological categories—changes with the “shifting currents” of culture, including language, representational methods, and “scientific imperatives.”<sup>38</sup> Although race discourse cannot be “reduced to visibility,” visual representation is one of “the most powerful techniques” by which it operates, a technique under which the human body slips between object and subject to become a “form of material evidence of social and historical events.” The body, between object and subject, is “part of a broad iconographic history that serves as a reservoir of circulating signs” which characterize the body as a “site of disgust or affect because of its phenotype or color.”<sup>39</sup> Thus, González concludes, because race has different “consequences” for differently-classed (and –classified) bodies, it “is also always about gender, class, and geography.”<sup>40</sup> Further, and through the work of Cherise Smith, I understand the performing body to represent “concatenations of class, ethnicity,

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<sup>37</sup> Jennifer A. González, *Subject to Display: Reframing Race in Contemporary Installation Art* (Cambridge, MA: MIT Press, 2008), 6.

<sup>38</sup> González (2008), 3.

<sup>39</sup> González (2008), 5-6.

<sup>40</sup> González (2008), 6.

gender, and race.” As Smith argues in *Enacting Others: Politics of Identity in Eleanor Antin, Nikki S. Lee, Adrian Piper, and Anna Deavere Smith* (2011), we might think of these categories as separate, but they “actually deepen and involve themselves with one another.”<sup>41</sup>

With these understandings of identity and the artist’s performing body in a live artwork, as part of an installation, or captured on film, I follow the line of provocation Susan Sontag presents in *Regarding the Pain of Others*, to consider the ethics of looking at them when their artwork shows them as “victims.” Sontag suggested the “exploitative” nature of looking at photographs of “other people’s pain in an art gallery,” and considered how such images “weigh differently when seen in a photography museum... in a gallery of contemporary art, in a museum catalogue, on television, in the pages of *The New York Times*,” and so on.<sup>42</sup> Building on Sontag’s work, I ask how are images of violence, both real and staged, transformed (or not) within the contemplative space of the art exhibition, where images of real violence risk being aestheticized out of their communicative power?

Judith Butler also address how we look and what we see when we view images of conflict and victimization, especially of people in other countries, in other cultures, and representing people in identity groups different from our own. In *Precarious Life: The Powers of Mourning and Violence* (2004), Butler considers what makes a victimized body “grievable” and the political potential of the enactment of grief. True grief and mourning reveal the invisible ties between us, revealing our precariousness and dependence on others, which Butler argues are fundamental to being human.<sup>43</sup> Butler links retributive violence to a widespread resistance to

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<sup>41</sup> Cherise Smith, *Enacting Others: Politics of Identity in Eleanor Antin, Nikki S. Lee, Adrian Piper, and Anna Deavere Smith* (Durham and London: Duke University Press, 2011), 4.

<sup>42</sup> Sontag questions where we can find the appropriate place, “the equivalent of a sacred or meditative space,” to view images of real human suffering since such a space, she finds, is “hard to come by in a modern society, whose chief model of a public space is the mega-store.” Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Straus, and Giroux, 2003), 119-120.

<sup>43</sup> Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London and New York: Verso, 2004), 20.

enact grieving and mourning within American culture; without grief or the acknowledgement of shared precariousness, violence begets violence. What short-circuits our ability to grieve is twofold: one, a failure to submit to the transformative process of grief out of fear of admitting vulnerability, and, two, a failure to recognize as “human,” and therefore precious, those not like “us.”<sup>44</sup> In *Frames of War: When Is Life Grievable?* (first edition 2009) Butler further defines how the state and the media operate together to condition our evasion of grief, and encourage the de-valuing of life outside of mainstream culture (read: heteronormative, White, healthy, affluent, and patriotic).<sup>45</sup> By literally framing the world for our televisions through reporters and photojournalists embedded in war conditions, who operate on behalf of the state, the media reinforces the hegemonic order of the state, dehumanizing the people on the outside of that frame. I apply Butler’s theory to how local and national news reporting (on television, in print, and online) also frame Americans or people within the US as outside of that order for their ethnic/racialized identity, religious or other cultural practice that are somehow out of alignment with the state’s values; when the news does not show marginalized people or communities as subjects (according to the state’s normative order), the mainstream viewing audience also does not apprehend them as truly, and equally, human. The artworks in this study bring this process of dehumanization—a procedure we commit on visual terms—into stark visibility, throwing into question how we interpret the significance of violence, and the visual processes we use to make such determinations.

In *Hold it Against Me: Difficulty and Emotion in Contemporary Art* (2013), Jennifer Doyle makes room for the scholar’s own affective experience in responding to artworks that, in their vivid imaging of bodily pain, are often cast-off as “controversial” or “scandalous,” a term

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<sup>44</sup> Butler (2004), 33.

<sup>45</sup> Judith Butler, *Frames of War: When Is Life Grievable?* (London and New York: Verso, 2016), 1-32.

that often “[relieves] the critic of the need to discuss it” and ignores the possibility that the work of the artwork is actually done through affect.<sup>46</sup> The strong, unresolved feelings brought on by graphic images of pain force us to deal with the artwork, critically, emotionally, and politically, as well as press us “to keep company with vulnerability, intimacy, and desire,” the same feelings speak directly to what it means to be a human being.<sup>47</sup> Doyle’s use of the term “difficulty” is a way for me, as an art historian, critic, and viewer, to approach contemporary artworks that bring, in their form and subject matter, emotional intimacy to the fore. Openness to the artwork’s “difficulty,” rather than automatic dismissal, allows for critical engagement with images of violence to see “how political work is done in and through emotion as a site of connection and intimacy, of alienation and radicalization.”<sup>48</sup> Issues of racialized, ethnic, and/or gendered identities operate here as well, as affective experiences and witnessing depend on the type of body seen subjected to victimization, the spatial and social context in which it is viewed, as well as the individual viewer’s own processes of identification, or what Doyle calls the “fleshy complexity of viewership and audience.”<sup>49</sup>

Because the artworks in question draw on news or documentary aesthetics and traffic within non-artistic spaces, my work necessarily addresses how perceiving victimhood is complicated by mechanisms of wider cultural viewing. I draw on theories from Media Studies to understand how news reporting uses both linguistic and aesthetic strategies to construct official narratives, usually biased against people of color and in support of law enforcement and the dominant hegemonic systems they protect.

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<sup>46</sup> Jennifer Doyle, *Hold it Against Me: Difficulty and Emotion in Contemporary Art* (Durham and London: Duke University Press, 2013), 21.

<sup>47</sup> Doyle, 20.

<sup>48</sup> Doyle, 124 and 125.

<sup>49</sup> Doyle, 14.

In their study *Violence and the Media*, Cynthia Carter and W. Kay Weaver suggest that how the media presents violence in general legitimizes and reinforces “inequalities based on class difference, ‘race,’ gender, [and] sexuality” within the mainstream viewing culture.<sup>50</sup> On broadcast news, in print, and online, the media informs us who in our culture is allowed to use violence, and who deserves violence to be used against them and for what reasons. Drawing on Johann Galtung’s work on how news reporting sanitizes and compounds violence, Carter and Weaver underline the tendency of western journalism to “assume” that *some* types of violence—mostly those “perpetrated by the military and police representing ‘us’ [of the hegemonic order]”—are legitimate, while others such as violence committed by “‘them,’ namely those who challenge ‘our’ norms, values, and beliefs” are illegitimate.<sup>51</sup> In tandem with Butler’s theories surrounding “grievability” and mediated de-humanization, Weaver and Carter’s analysis helps us understand the broader social and image culture in which these artists are working, wherein news reporting sanctions the use of violence by the hegemonic (White, male) order, reserving its effects for marginalized people, and constructing narratives to deny the agency, safety, and humanity of those people, specifically people of color.

Gwyn Symond’s analysis of the aesthetics of representations of violence in various media forms and their affective role in audience reception is helpful in understanding how we perceive reality and might be affected by non-real constructions such as artworks, which are not themselves actual and true events or documents of the real and the true. Symond’s work reveals that it is not an image’s factuality or grotesqueness that produces strong affect, but its aesthetic as it relates to believability. Believability is based on the image’s relationship to real violence the viewer believes to be “‘out there,’ beyond the screen or page,” further understood as “directly a

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<sup>50</sup> Cynthia Carter and C. Kay Weaver, *Violence and the Media* (Buckingham and Philadelphia: Open University Press, 2003), 5.

<sup>51</sup> Carter and Weaver, 22.

product of collective cultural anxieties about violence in the community.”<sup>52</sup> That is, an image that is monstrously gory (as one from a horror film) does not produce a higher-pitched affective experience (more fright, more fear) on account of its high volume of blood and destruction, than would something like Mendieta’s *Rape Scene*, which deploys some, but not much, blood and does so in a way that *feels* accurate to how we may fear actual rapes really happen.

Believability, or how we get past the artifice of artworks, has also been usefully addressed by art historian Ernst van Alphen in *Caught by History: Holocaust Effects in Contemporary Art, Literature, and Theory* (1998). Writing about works of art that show or describe the violence of the Holocaust, van Alphen suggests such representations are ultimately ineffective at conveying much to us because the viewer sees “them as art objects...and we do not allow ourselves to become directly engaged” because, instead, we see it as a representation within a medium and “we do not see a registered violent event.”<sup>53</sup> Presentations such as reenactments, not *representations*, van Alphen suggests, are more effective in their immediacy; artworks that dissolve their medium and present the violent event allow us as viewers to have a direct, firsthand experience of that event, or at least more closely simulate experience so that a viewer may have a more authentic affective experience of the artwork’s content. Outside of an art gallery, unannounced and with no visible demarcation between where the artwork ends and the regular world begins, artworks like Mendieta’s *Rape Scene* obscure their “art object” status, gripping us into witnessing and feeling, and release us once we realize she has staged the event; it provokes an affective and intellectual response that news images or (abstracted) trauma art cannot. It is important for me to note that this describes the possible experience for Mendieta’s

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<sup>52</sup> Gwyn Symonds, *The Aesthetics of Violence in Contemporary Media* (New York and London: Continuum International Publishing Group, 2008), 2.

<sup>53</sup> Ernst van Alphen, *Caught by History: Holocaust Effects in Contemporary Art, Literature, and Theory* (Stanford, CA: Stanford University Press, 1998), 238.

original viewers especially, but also applies to contemporary viewers who encounter the work through photographs, since they are equally realistic in their approximation of crime scene photography.

## **1.5 Conclusion**

I view witnessing “violence” made to feel surprisingly real or embodied through an art-viewing experience as capable of producing affect that potentially impacts the viewer’s feelings about actual violence in real life—differently and more so than data, anecdotal information, or intellectual “awareness” might do. Through artistic form and content, the artists in this dissertation create artworks that trigger an affective experience for the viewer as a means to convey the feelings of Permanent-Potential-Victimhood of whatever violence uniquely and pervasively threatens the artist and the community with which they identify.

I emphasize the necessity of learning how to see, analyze, and discuss images of implied violence as an essential skill in the contemporary United States, where social divisions have widened and violence is on the rise, including hate crimes against marginalized people; the deaths of Black men following police interactions; and gun massacres, which, although still rare, have increased in frequency since 2015. Understanding representations of violence and victimization, especially as they intersect with ethnicity, race, and gender, are especially urgent in our present US context of an increasingly divided electorate, the pressurized southern border, a national White supremacist movement increasing in force and number, an emergent image culture of live-streamed fatal encounters with police, and renewed high-profile protests against racial inequality in the American criminal justice and immigration systems.



## 2.0 Sexualized Violence And Women: Self, Shock, Spectacle

On an April evening in 1973, Ana Mendieta invited her artist friends and colleagues at the University of Iowa to view her new art project at her off-campus apartment. The small group let themselves in when they found the door ajar, and entered the darkened kitchen. Shattered dishes littered the floor. An unraveled wire hanger sat in a bloody clot on the linoleum. And their friend Ana was bent over, tied to her kitchen tabletop, and not moving—underwear pulled to her ankles, blood smeared up her bare legs, facedown in pooling blood. The washes of blood—applied to her skin after her body had released it in pain—were patterned with linear tracks and swirling prints left by fingertips, as if applied to humiliate or toy with her. As if the perpetrator was reminding her of her vulnerability—his power—by painting her in her own blood. As if her body was being prepared for some ritual, for something else, for something even worse. Nestled atop the shards of broken dishes, an ashtray cradles a cigarette—as if he'd had stopped for a break, righting the overturned ashtray to have a leisurely and tidy smoke while Ana was tied up, incapacitated.

It's hard to imagine how her friends felt when they encountered Ana half-naked and doubled over like this: shock, disbelief, fear, nausea, whatever you feel when you see something horrific—but surreal because the body is only 3 feet in front of you and it's someone you know. What had to have been activated immediately that night was the feeling that their friend had been brutally assaulted, and a fear that Ana was the next victim of the killer on the loose, the person who had murdered, and apparently raped, that U of I student in the dorms just a few weeks ago—who the cops still had not found. Did they worry that the assailant was still in the apartment, did

they fear for their own safety? How fast can you think, can you feel, when a limp body is right in front of you?

Whatever their response was, the initial shock probably wore off once the group came to find that Ana was actually unharmed (perhaps they saw her breathing, checked her pulse, or asked if *this* was the “art piece”?).<sup>54</sup> Now informed that Ana was fine and *performing*, they were released from “witnessing” and shifted back into artist-colleagues, beginning their work as an audience. Set into motion by Mendieta’s stillness, the group operated like detectives, photographing the *mise en scene* and the disruptions around the apartment. Although the photographs are clearly shot by trained image-makers and correspond to compositional conventions of balance and lighting, they preserve the scene’s suddenness and sharpness. These are not still lifes, not gentle, not affected; instead they mimic the deadpan aesthetic of police photography.<sup>55</sup> Skeins of white and red viscera in the toilet bowl are centered in the frame, evenly-lit and crisply-focused as if for clinical review. Dramatically spotlighted by a single lamp, Mendieta’s bloodied lower body emerges from the darkness cloaking the rest of her, like a Caravaggio saint. In other pictures, the lighting shifts, the crown of her head now bathed in a halo of light.<sup>56</sup> For an hour they photographed and talked while Mendieta remained bent over the

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<sup>54</sup> In the “true crime” book about Mendieta’s death *Naked by the Window*, investigative journalist Robert Katz quotes Hans Breder as “Nobody knew what was happening. We walked in. She was tied up, leaning across a table, half-nude but nude from the waist down, and the floor was splattered with blood and blood clots and a coat hanger was lying on the floor, somehow suggesting rape.” See Robert Katz, *Naked By the Window: The Fatal Marriage of Carl Andre and Ana Mendieta* (New York: Atlantic Monthly Press, 1990), 144.

<sup>55</sup> Ana Mendieta, *Rape Scene* or *Untitled (Rape Scene)*, 1973, printed date unknown, photograph on paper, 100 x 80” (254 x 203 cm), Tate, London, <https://www.tate.org.uk/art/artworks/mendieta-untitled-rape-scene-t13355>.

<sup>56</sup> In a catalogue essay for *Ana Mendieta* Charles Merewether describes the scene as a “darkened room except for one light over a table where Mendieta lay”; there is no citation and this appears to be Merewether’s visual analysis of the photographs. It is unclear if the single light source apparent in the *Rape Scene* photographs was a lamp that Mendieta herself had staged, and where or how she had positioned it, or if it is a light that the audience began using in order to take photographs (which they could have brought with them, or found in her apartment and began using). See Merewether, “From Inscription to Dissolution: An Essay on Expenditure in the Work of Ana Mendieta,” in *Ana Mendieta* (Barcelona: Ediciones Polígrafa, 1996), 90.

tabletop with her cheek in a puddle of cow's blood, her blue plaid shirtsleeves turning red.<sup>57</sup> The "crime scene" they had entered would collectively (the performance, installation, and photographs) become known as *Rape Scene*, the first of a handful of intermedia artworks with similar titles and content that Mendieta would produce (with the assistance of photographers) in the mid-1970s.<sup>58</sup>

Just few months prior, Mendieta had spilt blood in the studio: standing in front of a Super-8 camera and her classmates, she had held the feet of a freshly-decapitated chicken at her chest as its shuddering body exsanguinated onto her nude body and the white walls of the studio around her.<sup>59</sup> Perhaps her use of blood as artistic material was not unfamiliar to this audience, yet neither *Untitled (Death of a Chicken)* nor any other of her previous performances had relied on

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<sup>57</sup> Art historian Julia Ann Herzberg's dissertation details the installation of *Rape Scene* through interviews captured with Mendieta's friends and colleagues. Sheila Kelly, one of two close friends who helped install the work, recalled that she and Mendieta went to Whiteway Super Market in downtown Iowa City to buy a "couple buckets of beef blood." Herzberg notes that classmates entered her apartment for a "period of some two hours" but does not cite where this time measurement comes from. It is unclear if she is referring to the total duration of the work or just the amount of time once her classmates began their discussion. Julia Ann Herzberg, "Ana Mendieta, the Iowa years: A critical study, 1969 through 1977" (PhD dissertation, City University of New York, 1998), 163 and 190 note 51-2, <http://pitt.idm.oclc.org/login?url=http://search.proquest.com/docview/304427093?accountid=14709>. In 1977, however, Mendieta recalled to the *Daily Iowan* that she had "stayed in position about an hour." See Kittredge Cherry, "Mendieta incorporates herself, earth and art," *The Daily Iowan* (Dec. 6, 1977), 7, <http://dailyiowan.lib.uiowa.edu/DI/1977/di1977-12-06.pdf>

<sup>58</sup> I use the term "intermedia" to describe the format of these works for a few reasons: first, it was the title of the MFA course in/for which these works were produced; second, the term suggests that the artwork exists through, or connects between mediums, rather than "multimedia" which suggests more than one media brought together. Following Kaira M. Cabañas, this term conveys how Mendieta's work "is situated between media," and, evoking Hal Foster, that it is not "located in only one form, medium, or site." The term "intermedia," here, reflects my belief (and I think Mendieta's, too), that the artwork should not be broken up into its constituent parts, which might treat the photographs or video of a live performance as the artwork; or, on the other hand, privilege the live aspects and relegate photographs to "documentation" or "ephemera" status. I use "intermedia" to suggest that the photographs are an inherent, not allied or residual, aspect of the work, and that Mendieta conceived of all of these parts working together when she created these artworks. Mendieta did, however, refer to these artworks as "performances" when she reflected on them in 1985 (see note 19.) For the purpose of this dissertation, I use "intermedia" to mean about all parts of an artwork. I also see the scare quotes Jane Blocker (2012) deploys around the term "performance" in her writing about the *Rape Scene* works as a similar hesitation to define this work by that term. See Cabañas, "Ana Mendieta: 'Pain of Cuba, Body I Am,'" *Woman's Art Journal* (Spring/Summer 1999): 12.

<sup>59</sup> This work is referred to using different titles, often referred to as either a performance or a film, since both still photographs and Super-8 footage survive. Both refer to the artwork described above, which had a live performance component that was photographed and filmed on Super-8 in the Intermedia studio in November 1972. In a preparatory rehearsal of *Untitled (Death of a Chicken)*, Mendieta cut the head off the chicken herself and a friend, Jane (Noble) Hedrick handed her the chicken's body. In the final version, performed in front of the Intermedia workshop, Hans Breder decapitated the chicken using an ax, and fellow student Dan De Prenger handed Mendieta the flailing bird. Herzberg (1998), referring to it as a performance, uses the title *Untitled (Death of a Chicken)*. In *Covered in Time and History: The Films of Ana Mendieta*, the most comprehensive volume to date on the subject of her films, the film is called *Chicken Movie*, *Chicken Piece*. See Herzberg (1998), 157-8. See also Laura Wertheim Joseph, "Filmography," in Howard Oransky, ed., *Covered in Time and History: The Films of Ana Mendieta* (Berkeley: University of California Press, 2015), 207.

surprise, suspense, or suggested real violence against her own body to the degree found in *Rape Scene*. Not even Hans Breder, the professor of the Intermedia course for which *Rape Scene* was produced, knew the content of the project, not had Mendieta informed him of her intention to perform such a piece, and no other student in the program had created a piece on the subject of rape.<sup>60</sup> That she thought of this work, in its liberal use of blood and realistic staging, as a departure from her work or as shocking in general is bolstered by a recollection of Mendieta's friend who assisted in setting up *Rape Scene*, who said that Mendieta explicitly hoped to jolt her fellow students—all male<sup>61</sup>—who were “invited but unprepared” for this encounter, to borrow Anna Chave's phrase.<sup>62</sup>

Taking Mendieta's many provocations as a starting point, this chapter considers the stakes of bearing witness to scenes of sexual brutalization of women and the value of surprise-encounters with staged violence. Although Ernst van Alphen has argued that works of art that show or describe violence are ultimately ineffective because the viewer sees “them as art objects... and we do not allow ourselves to become directly engaged... we do not see a registered violent event,” but instead we see a film or an artwork.<sup>63</sup> In the artworks presented here, the “art object” status is obscured, gripping us first into witnessing and feeling, and then releasing us once we realize that the artist has staged the event. When Mendieta immersed her viewer, I argue, in the perceived threat of lurking violence through corporeal materiality and reality effect across multiple formats (installation, live performance, photographs), she carved out a safe space

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<sup>60</sup> See Herzberg (1998), 164 and 190 note 54.

<sup>61</sup> Herzberg notes that Sheila Kelly remembered Mendieta “hoped the piece would shock her fellow students, who, with the exception of the artist herself, were male.” Kelly was not in the MFA in Intermedia program but was a close friend of Mendieta's. Herzberg (1998), 163.

<sup>62</sup> Although Chave referred to as *Rape Piece* from 1972, the description makes it clear that *Rape Scene* is the work in question. See Anna C. Chave, “‘Normal ills’: On Embodiment, Victimization, and the Origins of Feminist Art,” in *Trauma and Visuality in Modernity*, eds. Lisa Saltzman and Eric Rosenberg (Hanover, NH: Dartmouth College Press, 2006), 142.

<sup>63</sup> Van Alphen was speaking here of the art films of Christian Boltanski, where the artist intercut unrelated films with unannounced frames of violent content. See Ernst van Alphen, *Caught by History: Holocaust Effects in Contemporary Art, Literature, and Theory*, 222-242.

for her viewer to face threatening situations, ultimately to arrive at new understandings of violence. Conjuring a contemporary sublime, artworks like *Rape Scene* show that witnessing “violence” (made to feel surprisingly real) through an art-viewing experience produces affect that potentially impacts the viewer’s feelings about actual violence in real life—differently and more so than data, anecdotal information, or intellectual “awareness.” Mendieta’s catch-and-release strategy provoked an affective *then* intellectual response that violence images on the news or in the cinema cannot.

To clarify the many factors that brought *Rape Scene* into being, I will first situate the work within its historical moment, including the real-life circumstances of the triggering event and the art historical and popular cultural context in which Mendieta was working. I compare Mendieta’s approach to the strategies of other artists and curators who have taken up this subject matter including Suzanne Lacy’s live performances, produced around the same time; more recently, Emma Sulkowicz has initiated durational performances that put their body and personal safety in a position of risk and vulnerability. At once indebted to Mendieta’s work yet speaking to the current and ongoing crisis of victimization of women while investigating the concept of consent, Sulkowicz’s work demonstrates the hostile, anti-woman climate of the Internet, and reveals how women’s identities and behavior are shaped by real threats in spaces both virtual and real, including institutions of art and learning.<sup>64</sup> I also trace the exhibition of the *Rape Scene*

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<sup>64</sup> In a 2016 survey, of those who experienced harassment online, women were four times as likely to have experienced sexist harassment compared to men. “How Big a Problem is Online Harassment in 2016,” 2016 Harassment, Online Harassment Data, accessed April 11, 2019, <http://onlineharassmentdata.org/2016/>. In a 2017 the Pew Research Center found that “women – and especially young women – receive sexualized forms of online abuse at much higher rates than men. Some 21 percent of women ages 18 to 29 have been sexually harassed online, a figure that is more than double that of men in the same age group (9 percent). Overall, 11 percent of women have specifically been harassed because of their gender, compared with 5% of men.” Maeve Duggan, “Men, Women Experience and View Online Harassment Differently,” Pew Research Center, July 14, 2017, <http://www.pewresearch.org/fact-tank/2017/07/14/men-women-experience-and-view-online-harassment-differently/>.

photographs, including the unprecedented 1985 exhibition *RAPE* at Ohio State University and *The Subject of Rape* at the Whitney Museum of American Art in 1993.

It is not the intent of this chapter to catalog every time a contemporary artist has engaged with the topic of sexual assault or rape. Instead, I selected these artworks because they are representative of art practice in their time(s), and because the exhibitions uniquely addressed the topic. I have chosen to put them into conversation with Mendieta's work in order to show they ways in which works such as *Rape Scene* do not fit easily alongside these other approaches to the subject. Building on the work of Susan Brownmiller who argued in 1975 that rape is "a conscious process of intimidation by which *all men* keep *all women* in a state of fear," I introduce in this chapter the idea of "permanent potential victimhood" as a term to describe the condition that Mendieta, Lacy, and Sulkowicz made visible—a concept that runs throughout this dissertation.<sup>65</sup> Through a realistic staging or otherwise emphatic conjuring of violence, Mendieta and the artists in the following chapters create artworks that are capable of triggering an affective experience as a means of conveying the feelings of permanent potential victimhood (of whatever violence uniquely and pervasively threatens them: rape, police brutality, gun massacres, etc.) directly to viewers who, by perception or statistics, live safely *outside* of this experience, by implicating viewers and activating feelings of being equally at risk of the type of violence in question.

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<sup>65</sup> Italics as in 1975 Bantam paperback edition. Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York, Toronto, London: Bantam, 1975), 5.

## 2.1 Women Urged to be Cautious: Ana Mendieta's "Rape Scene"

*Does the body speak? Does it tell us, during autopsy, how many violations,  
dismemberments,  
deaths it has endured? Does this corpse exhale in fear or in exhaustion?  
Does it seek exposure, this cadaver, there under the sheets?*<sup>66</sup>  
Suzanne Lacy, 2010

Although the assault depicted in *Rape Scene* was not real and Mendieta was not physically harmed, she did take a risk with her own safety just by staging the piece: it was conceived, at least in part, in response to a recent murder of a fellow but unfamiliar University of Iowa student, for which there were no suspects at the time. We can imagine that Iowa City kept its doors locked tight while there was a killer on the loose, yet Mendieta dared to leave her apartment door unlocked while she was half-naked and tied up.

On the morning of March 14, 1973, about four weeks prior to Mendieta's live installation, the Iowa-City Press Citizen ran a disturbing headline smack in the middle of the front page: "UI COED APPARENTLY SLAIN, BODY FOUND IN RIENOW HALL." Reportage of the murder of Sara Ann Ottens, a 20-year old White nursing student, dominated the front page of newspapers for the next several days all over Iowa and the victim's home state of Illinois. As the first homicide recorded in the university's nearly 126 years, stories surrounding Ottens's murder would remain in the papers over the next two years as the criminal investigation and legal proceedings developed.

The earliest accounts of the incident explain that at about 11:45pm the night of March 13, 1973, a female student and friend of Ottens's found her "badly bruised," bloody, and lifeless body "partly clad" with her scant clothing "in disarray." The sink basin was partly filled with

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<sup>66</sup> Suzanne Lacy, *Leaving Art* (Durham, NC: Duke University, 2010), 101.

water and “what [was] thought to be blood.”<sup>67</sup> The autopsy revealed Ottens had “died of suffocation ‘due to multiple injuries,’” but the medical examiner refused to publicly comment on reports that claimed Ottens’s had been sexually assaulted.<sup>68</sup> Her half-nude body supplied reason enough to speculate early on that Ottens had been raped, and although it was reported that autopsy report suggested Ottens “apparently was not sexually molested,” it seems that the official autopsy data was insufficient in dissuading popular opinion that Ottens was indeed a victim of sexualized violence.<sup>69</sup>

In the weeks immediately following her death, recollections in newspapers from her classmates, friends, and teachers brought Sarah Ann Ottens to life, characterizing her as “an active, outgoing, and popular girl”, a “favorite” of the teachers, and, in the (inappropriate) words of her employer, “such a nice, sweet girl, very attractive.”<sup>70</sup> For weeks, the murder remained visible in the papers, and updates in the case often published with the same yearbook-style photograph of a well-coiffed Ottens, smiling demurely and gazing sidelong.<sup>71</sup> With sensationalized, threatening headlines such as “QUESTION HAUNTS DORM AT U OF I: WHO KILLED COED?” and “WOMEN URGED TO BE CAUTIOUS,” it is not hard to imagine how anyone—especially other young women—could get caught up in the very real nightmare on

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<sup>67</sup> Brenda Simpson, a sophomore, discovered the body. See “UI Coed Apparently Slain, Body Found in Rienow Hall,” *Iowa City Press-Citizen*, March 14, 1973, 1A.

<sup>68</sup> “UI Coed Died of Suffocation,” *Iowa City Press –Citizen*, March 15, 1973, 1A. Official cause of death is also recorded in a decision by the Iowa Supreme Court: “An autopsy disclosed she had died of asphyxiation by strangulation... Her body was nude from the waist down, and she had been brutally beaten and assaulted. However, there is no evidence of sexual attack.” See *State v. Hall* 235 N.W.2d 702 (1975), *State of Iowa, Appellee, v. James Wendell HALL, Appellant*. No. 57467, accessed March 10, 2017, <http://law.justia.com/cases/iowa/supreme-court/1975/57467-0.html>.

<sup>69</sup> Larry Eckholt, “Autopsy Data on Dead Co-Ed,” *The Des Moines Register*, November 14, 1973, 11. In interviews for a narrative report by *The Guardian*, Ottens’s sister Susan stated that county coroner T.T. Bozek—the same one who completed the autopsy—called the Ottens home hours after Sara’s body was discovered and informed Susan that her sister had been “been raped and beaten to death.” Weinman, “In Death, an Artist and a Young Woman Meet,” *The Guardian*, accessed November 6, 2017, <https://www.theguardian.com/us-news/2016/apr/21/ana-mendieta-death-sarah-ottens-university-of-iowa>.

<sup>70</sup> John R. Munson, “Slain UI Coed Remembered as ‘Outgoing,’” *Iowa City Press Citizen*, March 16, 1973, 12.

<sup>71</sup> Larry Eckholt, “Question Haunts Dorm at U of I: Who Killed Coed?,” *Des Moines Register*, April 12, 1973, 23. Decades later, journalist Sara Weinman said that Ottens was wearing a dark brown wig in the photograph, which was her high school graduation portrait. Weinman, “In Death, an Artist and a Young Woman Meet.”



campus. It wasn't for a full eight months that there was a break in the case, when a fingerprint found on the dorm room sink was finally matched to James Hall, a graduate student and former university football player who lived in the Slater Hall dormitory across the street. Fourteen months after Ottens's body was found, Hall would be convicted of second-degree murder and sentenced to a 50-year prison term in May 1974, news that was reported widely.

### 2.1.1 Misinterpretations

Mendieta did not know Sarah Ann Ottens, but the artist followed the developing story in the newspapers. In interviews conducted two decades later by art historian Julia Herzberg, Mendieta's friends recalled that she not only read the coverage in newspapers, but also talked often about the event and was especially preoccupied with the rumors that the violence against Ottens had been sexualized.<sup>72</sup> Reflecting on *Rape Scene* work nearly a decade later, the artist wrote "when a young student at the University of Iowa was found murdered after having been brutally raped...I started doing performances as well as placing objects and installations in public places in order to bring attention to this crime and all sexual violence."<sup>73</sup> Mendieta's statement suggests that she believed Ottens was sexually assaulted—although newspapers continually reported that the authorities maintained otherwise—and that she created *Rape Scene* in response to both that crime and to sexual violence more broadly.

My interest in engaging with the details of Ottens's story is corrective: first, many of the details surrounding Ottens's case vary in the scholarship (inaccurate dates; misspelled names;

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<sup>72</sup> Herzberg (1998), 163.

<sup>73</sup> Arlene Raven notes Mendieta's thoughts in a letter to Stephanie Blackwood, the curator of the *Rape* exhibition at the Ohio State University in the fall of 1985. See Arlene Raven, "We Did Not Move from Theory We Moved to the Sores of Wounds," *Rape* exhibition catalogue (Columbus: Ohio State University, Sherman L. Hoyt Gallery of Fine Art, 1985), 5 note 1.

operating on the suspicion of rape, without confirmation), which limits our understanding of the depths of Mendieta's artistic intervention, as well as the agency of *Rape Scene* itself.<sup>74</sup> Second, much of the existing scholarship suggests *Rape Scene* is *about* Ottens and/or constitutes Mendieta's own working-through of the trauma in the wake of a local murder, which characterizes the artwork as memorial or autobiographical. Although we understand, from the artist's own words, that the *Rape Scene* works are *in conversation* with the Ottens tragedy, the artworks do more than simply register a moment in a community member's (Ottens's) life or for use in some kind of therapeutic psychodrama played out by Mendieta for herself and/or her audience.

We understand from Mendieta's friends that the artist was preoccupied with the rumors of rape, but because she followed the news story closely, Mendieta likely would have read that those claims were never fully substantiated and later totally denied by the medical examiner.<sup>75</sup> As curator Howard Oransky has suggested, that we think of the waist-down removal of Ottens's clothing as "sexualized removal" and, in conjunction with "the recognized national backlog of thousands of untested rape kits," may "lead one to question the opinion that she was not the victim of a sexual attack."<sup>76</sup> Beyond the papers, the Supreme Court of the State of Iowa, based on law enforcement data, gave the final official record on Ottens: "Her body was nude from the waist down, and she had been brutally beaten and assaulted. However, there is no evidence of

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<sup>74</sup> For example, Julia Herzberg's dissertation, although exceptionally detailed in its reconstruction of Mendieta's work in Iowa and a landmark contribution to scholarship on her work, refers to the victim as "Sara Jane Ottens"; her name appears corrected in Herzberg, "The Iowa Years," in *Ana Mendieta: Earth Body*, ed. Olga Viso (Ostfildern-Ruit: Hatje Cantz, 2004). According to the City Clerk of Morrison, IL where Ottens was born and buried, the accurate name is Sarah Ann Ottens. See Howard Oransky, *Covered in Time and History: The Films of Ana Mendieta* (Berkeley: University of California, 2015), 83 note 1. Regarding the attack on Ottens, Jane Blocker (2012), Anna Chave, Herzberg (1998 and 2004), Donald Kuspit, Charles Merewether among others, record the crime against Ottens as both rape and murder without clarifying that the rape was not substantiated by any officials, regardless of how likely it seemed that Ottens was sexually abused.

<sup>75</sup> Larry Eckholt, "Autopsy Data on Dead Co-Ed," *The Des Moines Register*, (November 14, 1973), 11.

<sup>76</sup> Howard Oransky, *Covered in Time and History: The Films of Ana Mendieta*, ed. Howard Oransky (Berkeley: University of California Press, 2015), 83 FN 2.

sexual attack.”<sup>77</sup> To be clear, I do not want to rate one horrific crime as more horrific than the other, and although we may regard the official denial of rape as suspect, it remains that the primary or overarching fact of Ottens’s victimhood was that she was slain. It was the investigation of unprecedented murder—the first on-campus homicide in university history—that kept the Ottens story in the papers, not the rumor of sexual assault, which would have been a familiar crime on the campus (read: sexual assault was so common, it was not newsworthy).<sup>78</sup>

Some clarifications: although Herzberg writes that Mendieta left herself to be found in the “guise of a dead person,” and Johanna Fateman recently wrote of *Rape Scene* as a “*tableau vivant* of a corpse,” I believe these to be misinterpreting the information presented in the photographs and further distracts from a richer understanding the work.<sup>79</sup> Mendieta, I argue, does not depict a murdered woman in *Rape Scene*. The photographs show the artist positioned in a way that only a living body could hold: feet planted on the floor, torso stretched over the tabletop, standing on straight legs that supported her weight—a lifeless body could not stand like this and would have buckled, pulling her body and perhaps the table to the ground. For a dead body to hold this position, it would have had to been supported in this position while rigor mortis took hold, which seems unlikely (as there are no traces of supports) and seriously inconvenient for an assailant. Instead, with her bloodied rear pushed out and toward the door, Mendieta situated her body in a way that would have appeared vulnerable yet still signal that she was alive. This is important because although it was Ottens’s murder that the media focused on as the

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<sup>77</sup> The decision of the Iowa Supreme Court can be found here: State v. Hall 235 N.W.2d 702 (1975), State of Iowa, Appellee, v. James Wendell HALL, Appellant. No. 57467, accessed March 10, 2017, <http://law.justia.com/cases/iowa/supreme-court/1975/57467-0.html>.

<sup>78</sup> Early in the murder investigation, detectives questioned “women who [had] been recent victims of assaults in the UI campus area” implying that there were several, and their cases did not take over the news cycle for weeks. See Mark F. Rohner, “Detectives Seek Clues From Friends of Slain Coed,” *Iowa City Press-Citizen*, March 16, 1973, section A, 1A and 12A.

<sup>79</sup> Herzberg (1998), 163. See also Johanna Fateman, “Fully Loaded,” *Artforum* online, January 2018, <https://www.artforum.com/inprint/issue=201801&id=73188>

authorities tried to find the killer, Mendieta did not put herself in the position of a murder victim and instead depicted the rumored rape.

Further, Mendieta's title clarifies what we are looking at: a rape scene. "Rape Scene" is the label that Mendieta handwrote on the cardboard frames of these 35mm slides, although over forty years other titles have been appended to these works including *Untitled (Rape/Murder)*, *Rape Piece*, or *Rape Performance*—each iteration insists upon "rape."<sup>80</sup> While this may seem like splitting hairs, it is important that the woman in the scene is not (or, not yet at least) dead: this means she has lived through the horrific abuse brought upon her, this means she might yet speak of it from the position of a survivor, this suggests a narrative outside of what the photographs offer.

Mendieta's vulnerable but still-breathing position muddies the idea that *Rape Scene* is a direct response to what happened to Ottens: because it remains unclear if Ottens was sexually assaulted, this scene then is more about rape and the brutalization of women broadly, and while having a connection to Ottens's experience, Mendieta's scene is not Ottens's. Other components of the tableau further indicate that Mendieta was working outside the bounds of Sarah Ann Ottens's story. Some details of the crime scene from initial reports appear to be reflected in Mendieta's scene, such as the victim was "partly clad and her clothing was in disarray."<sup>81</sup> Yet a salient image described at the crime scene, the "blood-covered broomstick" that was likely the murder weapon, was not part of the artist's staging.<sup>82</sup> Nothing in Mendieta's tableau suggested

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<sup>80</sup> This is the title convention that the Estate of Ana Mendieta and Galerie Lelong (her gallery representation which also maintains the Estate) honor. Sarah Landry, Assistant Director of Archives and Estates, Galerie Lelong, email message to author, August 25, 2015.

<sup>81</sup> "UI Coed Apparently Slain, Body Found in Rienow Hall," *Iowa City Press-Citizen*, March 14, 1973, 1A.

<sup>82</sup> "Apparently the murderer had held a broom handle against her throat, a maneuver which medical testimony established could cause death within one minute." See *State v. Hall* 235 N.W.2d 702 (1975), *State of Iowa, Appellee, v. James Wendell HALL, Appellant*. No. 57467, accessed March 10, 2017, <http://law.justia.com/cases/iowa/supreme-court/1975/57467-0.html>. For more details about the crime scene, see "UI Coed Died of Suffocation," *Iowa City Press-Citizen*, March 15, 1973, 2A.

severe beating at the throat and strangulation, which was the cause of death, and in fact her face and throat were obscured in her face-down position.<sup>83</sup> Mendieta instead drew attention to her lower body and forced disrobement by emphasizing her nude legs and rear by covering them in blood. Although the front page story and its accompanying photograph showed that Ottens had been found in a dorm bedroom, Mendieta purposely staged her scene so that she would have been immediately visible upon entering her apartment; the specific architecture of her apartment dictated that this would be the kitchen.<sup>84</sup> The scene she staged also deliberately suggested an altercation—dishes shattered on the kitchen floor, blood tracked across the tabletop by flailing arms and desperate fingers, a rumpled cowskin rug—although the initial report of the Ottens crime scene stated that “furnishings and other articles in relative order...there appeared to be no signs of a struggle.”<sup>85</sup> In these aesthetic and presentational decisions, we see the artist was not re-creating Ottens’s murder, memorializing her, or staging a “second” crime scene following the patterns of Ottens’s killer, since *Rape Scene* varies so greatly from how the crime was described. Instead, Mendieta was intent on constructing a perceptual, durational, and affective experience for the viewer.

### 2.1.2 Scholarship

*Rape Scene* appears with greater frequency in new writing on Mendieta, making it something of the hallmark of her early work. Existing scholarly interpretations of this staging,

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<sup>83</sup> Quoting the county Medical Examiner Dr. T.T. Bozek, the *Iowa City Press-Citizen* reported that ““Ottens met death by means of multiple injuries to the neck resulting in swelling of tissue that resulted in asphyxiation...[which] was the cause of death.”” See “UI Coed Died of Suffocation,” *Iowa City Press-Citizen*, March 15, 1973, 1A.

<sup>84</sup> In fact, a friend who helped Mendieta prepare for the piece Jane Hedrick (née Noble), stated that the two women re-angled the table several times so that Mendieta’s body would be immediately visible upon entering the apartment. Herzberg (1998), 162-3.

<sup>85</sup> Claren F. Dale, “IU Coed Apparently Slain, Body Found in Rienow Hall,” *Iowa Press Citizen*, March 14, 1973, 2A.

however, often claim that the work was made in response to the rape and murder of Ottens ultimately emphasizing this spur to action and foreclosing, or at least not exploring, further possibilities of the work.

Outside of the Ottens-specific interpretation, here are some other troublesome lines of thinking: Donald Kuspit, in a 1996 catalogue essay, does not mention the Ottens murder as a generative event, but instead interprets the work as a statement about Mendieta's personal sexuality and relationship to men, arguing that she made it because she was "[a]ngered by the violence of patriarchal culture." Kuspit's argument that the *Rape Scene* is "an attempt to see a woman's body from opposite sides of the sexual equation" relies heavily on a psychoanalytic method that assumes rigid heterosexuality and traditional gender roles. Most problematically, it equates "rape" with "sex," a dangerous elision that conceals the true physical and psychological effects of forced sexual violation while suggesting that heterosexual intercourse is an act of abuse based on an uneven power dynamic between inherently-aggressive men and always-victimized women.<sup>86</sup> Further, interpreting *Rape Scene*, and Mendieta's other works like it, as solely autobiographical presentations precludes any discussion of how such a work, in terms of its construction and aesthetic, is in conversation with a larger social and art historical context. This reading, then, reinforces the criticism of early female body artists as "narcissistic," negating how seriously these artists were engaged in their contemporary context of art and culture.<sup>87</sup>

At the other extreme, curator-scholar Olga Viso suggests that, "violence is the subject...although embodied by Mendieta, seems anonymous; the identity of the artist is not central to the meaning of the work. The objective distance and the deflection of erotic

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<sup>86</sup> All quotes Donald Kuspit, "Ana Mendieta: Autonomous Body," in *Ana Mendieta*, ed. Gloria Moure (Barcelona: Ediciones Poligrafa, 1996), 38.

<sup>87</sup> See David E. James, "Hollywood Extras: One Tradition of 'Avant-Garde' Film in Los Angeles," *October*, 90 (Fall 1999): 3-24, <https://doi.org/10.2307/779077>.

objectification of the artist's body were qualities that Mendieta maintained in subsequent works.”<sup>88</sup> In this case, Viso regards Mendieta's body as sufficiently evacuated of specificity to allow the concept or allegory of violence to enter. Here, I disagree that Mendieta is somehow removed from the scene but perhaps that we should think of the piece as holding both her specificity and universality in tension with each other, that the image evokes both Rape and Violence generally, while at once also still being a victimized version of herself, especially for those who knew her because that is truly where the shock would have been: our friend Ana has been hurt. Writing in 1999, Kaira M. Cabañas wrote a portrait piece on Mendieta for *Woman's Art Journal* suggesting a similar interpretation, describing “*Rape-Murder*” (aka *Rape Scene*) as that Mendieta's

body was the subject and object of the work. She used it to emphasize the societal conditions by which the female body is colonized as the object of male desire and ravaged under masculine aggression. Mendieta's corporeal presence demanded the recognition of a female subject. The previously invisible, unnamed victim of rape gained an identity. The audience was forced to reflect on its responsibility; its empathy was elicited and translated to the space of awareness in which sexual violence could be addressed.<sup>89</sup>

Others have interpreted *Rape Scene* through Mendieta's Cuban heritage and personal interest in Santería, an Afro-Cuban spirituality that blends religions of the Yoruba and the Americas with Catholicism, a faith neither Mendieta nor her family practiced.<sup>90</sup> In 1991, before many of Mendieta's *Rape Scene* artworks were known through Herzberg's crucial and thorough excavation work, curator Mary Jane Jacob discussed Mendieta's “chilling *tableaux vivants*”

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<sup>88</sup> In the exhibition catalogue *Ana Mendieta: Earth Body*, Viso refers to the apartment scene as *Untitled (Rape Scene)* and the outdoor stagings as *Untitled (Rape Performance)*. Viso, “The Memory of History,” in *Ana Mendieta: Earth Body*, ed. Olga Viso (Ostfildern-Ruit: Hatje Cantz, 2004), 75.

<sup>89</sup> Kaira M. Cabañas, “Ana Mendieta: ‘Pain of Cuba, Body I Am,’” *Woman's Art Journal* 20, no. 1 (Spring/Summer 1999), 12-17, <https://doi.org/10.2307/1358840>.

<sup>90</sup> John Perreault writes poetically to speculate on Mendieta's relationship with blood, emphasizing the Catholic use and fascination with blood. John Perreault, “Ana Mendieta: The Politics of Spirituality,” in *Covered in Time and History: The Films of Ana Mendieta*, ed. Howard Oransky (Berkeley: University of California Press, 2015), 25-51, especially 26-30.

staged in her apartment and Iowa woods as “feminist statements,...a means of personal and cultural exorcism of this brutal act [of rape], and with these works she aimed to give women *àshe* [divine power], empowering them to regain control of their bodies.”<sup>91</sup> For Mendieta, it seems evoking these gods, rituals, and beliefs functioned as a means of recalling the specificity of her Cuban homeland and the alternative ways of knowing and being that Santería encouraged in her artwork throughout the 1970s. Scholars, including Jacob, have worked to excavate and clarify Mendieta’s association with Santería as a means of understanding the complicated cultural references and coping with the liberal use of real blood that characterize her artwork. Jacob’s own essay represents an early, thorough tracing of Santería as a “conceptual framework” for her art, how it had “a place in Mendieta’s growing feminist consciousness” because of its inclusion of women as priestesses and gods, and its “closeness to natural resources” that represented the sense of “reality” Mendieta wanted in her work.<sup>92</sup>

Jacob demonstrates that Mendieta had deeply personal understanding of, or relationship with, Santería by drawing on Mendieta’s interviews from the 1980s, where the artist expressed some Santería-inspired personal beliefs: that water, air, and earth are “deities,” that a “Universal Energy...runs through all being and matter, all space and time”; and that “[blood is] a very powerful magical thing. I don’t see it as a negative force.”<sup>93</sup> Jacob argues that in *Rape Scene* Mendieta “invest[ed] the image of blood with an ancient meaning and Santería’s more positive interpretation of blood as the essence of life... its ability to purify and empower,” concluding that the artwork is about healing or is itself a means of healing—healing herself, her community, and women generally. I argue, however, that Mendieta’s words about blood cannot be applied

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<sup>91</sup> Mary Jane Jacob in *Ana Mendieta: The “Silueta” Series, 1973-1980* (New York: Galerie Lelong, 1991), 10.

<sup>92</sup> Ana Mendieta with Judith Wilson, “Ana Mendieta Plants her Garden,” *Village Voice*, August 13-19, 1980, 4 and 8.

<sup>93</sup> Ana Mendieta with Judith Wilson, 8.



equally over the course of her practice, especially in *Rape Scene* where the use of blood comes out of the actions implied by the scene, therefore it is a mimetic or practical material (rather than a spiritual or ritually used material) true to the scene she staged. I take issue with Jacob's interpretation that this particular instance of blood—blood spilled as the result of a brutal rape—is redeemed through Santería (again, a religion that Mendieta, who was raised Catholic, was inspired by but did not practice). This interpretation suggests that the assaulted body is somehow “purified” through this blood—her one blood—the most visceral symbol of her victimization. Instead I see the blood in *Rape Scene* as descriptive of the titular event, as Mendieta's means to signal, intentionally and unequivocally, the pain and brutality inherent in rape, applied to deliberately conjure an emotional reaction in her viewer, rather than a symbolic application for religious or metaphoric purposes.

### **2.1.3 Permanent Potential Victimhood**

In *Rape Scene*, Mendieta demonstrates what it means to feel like you are already the next victim, to live within the space of permanent-potential-victimhood. She installs a scene from an imagined near-future (yet not so imaginative, not so far from now) or from a parallel universe (not so different from our own). By positioning herself within a scene of staged violence, Mendieta at once conjures the real violent event that happened on campus as well as the risk for additional local violence by the assailant at large. In her drift from the circumstances of the Ottens murder, however, Mendieta also calls up the much larger reality, beyond Iowa City, of sexual violence against women.

What she communicates is a general condition of permanent-potential-victimhood, which I characterize as a pervasive feeling that you are never far from being victimized on the basis of

your racialized, ethnic, and/or gendered identity—actual or presumed, and which you have no control over—and that the threat of violence is looming. This feeling, I argue, is a life-shaping condition, encouraged by media narratives and backed up by US crime statistics, and is a component of certain identities in the United States. Whether or not you have actually been the victim of violence previously, you feel that you will be and organize your life in an active attempt to escape actual victimization—which is itself a type of victimization. The feeling is that of future victim, that the actual violent event has been temporally displaced. This is an idea that runs through each chapter of this dissertation, understood from different viewpoints and regarding different types of violence, identities, and victimization.

What I mean in this particular case is that when women (biologically or not, cisgendered or otherwise) do things like plan their day around thoughts like *would I be able to run in these shoes? with this backpack?*, don't make plans after dark, grasp their keys between their fingers, they are shaping their behaviors and operating on the assumption that they are not just a target but that they are being targeted by virtue of their identity. The oft-quoted first line of feminist author Susan Griffin's landmark 1971 essay "Rape: The All-American Crime" conveys this clearly from the start: "I have never been free of the fear of rape. From a very early age I, like most women, have thought of rape as part of my natural environment—something to be feared and prayed against like fire or lighting."<sup>94</sup>

Mendieta makes this feeling visible and tangible in *Rape Scene*, but not for herself (or not just) but to communicate this feeling to others who do not have to live it and therefore can and/or do ignore it. By realistically staging sexualized violence—the type of violence that women are uniquely in close proximity to—she externalized this condition in a way that cannot be dismissed

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<sup>94</sup> Susan Griffin, "Rape: The All-American Crime," *Ramparts* (September 1971), 26.

or ignored by those who do not live in this space, those who *do not feel themselves to be permanently targeted*—i.e. the men she invited.

Mendieta's work sought not just intellectual awareness of her viewer but emotional activation through highly-charged affective experiences that emerged from her realistic staging. As performance theorist Patrick Duggan has explained, a shared, "unbounded, desegregated" performance space allows the "possibility of generating a sense of being more fully present at the performance," one that is received through the body/ies of the audience." The performance dynamic that emerges from this space is one where "the audience was unlikely to be engaged in a process of self objectification/elimination or distancing from the performance and so might more fully experience the performance and ourselves within in it."<sup>95</sup>

He continues, "a kinaesthetic empathy with the bodies of the performers an embodied and experiential experience of performance can give the effect of trauma's presence."<sup>96</sup> For the original audience, they were immediately implicated and conscripted into *Rape Scene* as co-performers, their own bodies experiencing, with Mendieta, the traumatic staging.

As she incorporated herself into this scene of victimhood, something else happens: she enters a Brown body—the only body she has—into a space where the original victim in the triggering event was White. What I am insisting here is that we attend to the issue of identity and racial difference when we look at *Rape Scene*, and think toward the implications it raises beyond Ottens and/or rape/violence against women "generally." Knowingly or not, Mendieta instigated this issue of difference when she entered her own (Brown) body into this scene, which she (and we, as an audience) read as at least residually registering Ottens's identity. The assumption that

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<sup>95</sup> Duggan speaks here of Kira O'Reilly's *Untitled (Syncope)*—which involved the artist slicing open past wounds on her legs with a scalpel—performed at the SPILL Festival in 2007. Patrick Duggan, "Feeling Performance, Remembering Trauma," *Platform* 2, no. 2 (Autumn 2007): 46-47, <https://www.royalholloway.ac.uk/dramaandtheatre/documents/pdf/platform/022/feelingtraumafinal.pdf>

<sup>96</sup> Duggan, 55-56.

Mendieta could “re-enact” what happened to Ottens—the experience of a White, middle class woman—with her own body also equates the experiences of White women with women of color, a conflation that Mendieta herself argued against. I will develop later in this chapter how Mendieta, speaking from her identity as a “Third World” woman in the United States, felt that feminism in the US since the 1960s was a “white middle class movement” and she resisted her absorption into that movement, emphasizing her will “to continue being ‘other.’”<sup>97</sup>

What complicates this corporeal swap is that women of color face the risk for sexual assault at higher rates than White women in the United States, and barriers to support—legal guidance, medical attention and long-term healthcare, assistance of law enforcement, as well as family support—intersect to make their survivor experience fundamentally different from that of White women.<sup>98</sup> Although the statistics collected by the Bureau of Justice Statistics suggest that “Hispanics and non-Hispanics were equally likely to experience overall violent crime, [including] rape or sexual assault,” that does not mean that the Latinx community actually experiences sexualized victimization at the same rates, and this number inaccurate because of factors that impact the likelihood of reporting such incidents: for instance, Latinx might report these crimes with even less frequency than victims of other races for cultural reasons surrounding concepts of masculinity, femininity, and sexuality; fear of encountering a racist or unsympathetic police and justice system that would not take their testimonies seriously; and/or

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<sup>97</sup> She wrote this in 1981, but we might think of her experience migrating from Cuba, becoming a new American, and being one of few women of color in Iowa impacted her perception of being a woman of color and/or feminist in the United States long before articulating it in this publication. Mendieta (1981), n.p.

<sup>98</sup> Women of color often encounter a criminal justice system that has historically exercised disparate treatment between “European American perpetrators and perpetrators of color or between European American victims and victims of color.” See *Women of Color Network Facts & Stats: Domestic Violence in Communities of Color* (June 2006) [http://www.doj.state.or.us/victims/pdf/women\\_of\\_color\\_network\\_facts\\_sexual\\_violence\\_2006.pdf](http://www.doj.state.or.us/victims/pdf/women_of_color_network_facts_sexual_violence_2006.pdf). See also Victoria C. Olive, “Sexual Assault and Women of Color,” *Journal of Student Research* 1 (2012): 1, <http://www.jofsr.com/index.php/path/article/view/27/19>

survivors who are un- or under-documented immigrants might avoid law enforcement altogether and not report the event based on their precarious immigration status.<sup>99</sup>

#### 2.1.4 Grievability

We must consider Mendieta's practice in light of how violence against women, particularly women of color, is treated by the American media. Judith Butler's theory of "precarious life" is a helpful frame to begin to understand what it is in such images, or our experience of viewing them, that allows the victim pictured to be worthy of our grief. When we encounter images like Mendieta's, multiple—sometimes conflicting—identifications and objectifications surface, which enable or disable our enactment of the affective experience of grief. I use "grief" here in its fuller definition meaning hardship and suffering, distress over affliction or sharp sorrow, beyond its association to bereavement following loss of human life.<sup>100</sup>

The politics of witnessing these events that feel real are, however, complicated by mechanisms of wider cultural viewing. In the context of witnessing violence, all bodies are not held as equal, despite the fact that our shared corporeal reality as humans is that we are equally easily killed. As Judith Butler shows, the type of body, as well as our processes of identification, matter. In *Precarious Life: The Powers of Mourning and Violence*, Butler considers what makes a body that has been subjected to violence "grievable." Large-scale traumatic events experienced as a community, such as 9/11 in Butler's example, are painful revelations about our own

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<sup>99</sup> For statistics, see Jennifer L. Truman and Michael R. Rand, "National Crime Victimization Survey, Criminal Victimization, 2009," October 2010, <https://www.bjs.gov/content/pub/pdf/cv09.pdf>, accessed February 8, 2018.

<sup>100</sup> An understanding of grief from two dictionary sources: "Deep and poignant distress caused by or as if by bereavement," *Merriam-Webster*, s.v. "grief (n.)," accessed December 21, 2017, <http://www.merriam-webster.com/dictionary/grief>. "Hardship, suffering; a kind, or cause, of hardship or suffering," *Oxford English Dictionary Online*, "grief, n.," accessed December 21, 2017, <http://www.oed.com.pitt.idm.oclc.org/view/Entry/81389?rskey=EAKfEH&result=1>.

vulnerability—the inherent, unavoidable aspect of what it means to be human. This “precariousness” or vulnerability has both physical and social aspects. “Loss and vulnerability,” Butler explains, “seem to follow from our being socially constituted bodies, attached to others.”<sup>101</sup> True grief and mourning reveal the invisible ties between us, revealing our precariousness and dependence on others, which Butler argues is fundamental to being human.

Instead of widespread cultural acknowledgment of the preciousness of all lives—not just White American lives—the US response has consistently been to deny vulnerability by committing retributive violence (or so-called “justice”). Retributive violence and a widespread resistance to the enactment of grief are problematically linked within American culture: without grief, without an acknowledgment of shared precariousness, and violence begets violence.

What short-circuits our ability to grieve is twofold: one, a failure to submit to the transformative process of grief, and, two, a failure to recognize as “human,” and therefore precious, those who do not look like us or belong to our culture. I would add to this a point made by sociologist Johann Galtung, who cites the news media’s exclusion of the bereaved as a factor that contributes to public misunderstandings of the complexities of violence.<sup>102</sup> Perhaps part of the reason we lack a cultural enactment of grief is the lack of images of the bereaved we are shown in the first place. For Butler, this evasion of grief is a media-conditioned inability to value human life if it is inside a body of a different color, a different gender expression, or located in a geographically and culturally distant place. Essentially, a failure to look at a differently-appearing body and recognize it as human as myself. When violence is perpetrated against those

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<sup>101</sup> Judith Butler, *Precarious Life: The Powers of Grief and Mourning* (London and New York: Verso, 2004), 20.

<sup>102</sup> Joahnn Galtung found the Peace Research Institute in Oslo (PRIO) in Norway in 1959 and has served as a professor for Peace Studies for number universities, including Columbia, Princeton, and the University of Oslo among many others. Galtung presented his twelve points at a conference in 2001. Also cited in Cynthia Carter and W. Kay Weaver, 22.

who we do not recognize as human, violence “fails to injure or negate those lives since those lives are already negated.”<sup>103</sup>

It is the disruptive and activist quality of Mendieta’s *Rape Scene* photographs, that stimulates time and space for the possibility of grief, and the radical political potential of its enactment. By achieving a reality effect (the viewer not forewarned about the encounter), then easing up to show its contrived staging, works like *Rape Scene* carve out a moment for the viewer to have, then recognize, their own affective, emotional experience, and the power of that experience. Although the experience will be different for each viewer, some of these experiences will likely occur on a spectrum of shock, anxiety, sadness, disgust, and distress. We might think of it as a sublime experience, where we can become immersed, yet are aware we remain safe, in terrifying experiences. And it is this safety—here, how we and the original viewers become aware of the staged quality of Mendieta’s work—that allows us the space to enter into the dark space of the “crime scene,” to attempt to absorb what is otherwise a gruesome scene. Mendieta draws from reality, and uses staging or re-enactment to bring that past moment back to life, making time both stop and extend through her tableau. The momentarily-real allows the shock of being a witness to what seems to be a real, horrific event, and it is also what allows viewers, once they realize they are safe, to address real violence later, in real life. This fantastical puncture into our reality is what has the capacity to change our experience of reality. As witnesses, as viewers, when our daily lives are interrupted by works like *Rape Scene*, we are shocked into belief, we are forced into having to confront not just violence but victimization and our culpability in witnessing.

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<sup>103</sup> Butler (2004), 33.

### 2.1.5 Women's Bodily Autonomy in Context

Rape, however, has a history; as historian Joanna Bourke who has noted, rape “varies between countries; it changes over time. There is nothing timeless or random about it...rape and sexual violence are deeply rooted in *specific* political, economic, and cultural environments.”<sup>104</sup> I will now contextualize the “rape” in *Rape Scene* as it would have been understood legally and socially in its moment, which I have not found in the previous scholarship on Mendieta's *Rape Scene*.

Writing just a few years earlier in 1971, Griffin hits on the internalized fear surrounding rape while raising the issue as not just a personal issue for women, but as a cultural issue that had been actively ignored. She draws out the paradox of rape's ubiquity in practice and scarcity in public discussion at this time:

But though rape and the fear of rape are a daily part of every woman's consciousness, the subject is so rarely discussed by that unofficial staff of male intellectuals (who write the books which study seemingly every other form of male activity) that one begins to suspect a conspiracy of silence. And indeed, the obscurity of rape in print exists in marked contrast to the frequency of rape in reality, for *forcible rape is the most frequently committed violence crime in America today*.<sup>105</sup>

Griffin's article was part of the woman-led agitation in publications, public actions, and community anti-rape coalitions that powerfully pushed for reform and rethinking of rape in the early 1970s. I argue it is essential to our understanding of *Rape Scene* to address that it was at this time that rape was being redefined both legally and socially. As individual states redefined their rape statutes and evidentiary requirements for indictment, they situated rape as the focus of

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<sup>104</sup> Joanna Bourke, *RAPE: Sex, Violence, and History* (Emeryville, CA: Shoemaker & Hoard, 2007), 6-7. Emphasis in original.

<sup>105</sup> Susan Griffin, “Rape: The All-American Crime,” *Ramparts Magazine*, September 1971, 27, <http://www.unz.org/Pub/Ramparts-1971sep-00026>



nationwide social scrutiny. The White Paper *Forcible Rape: A Literature Review and Annotated Bibliography* (1978), produced in association with the US Department of Justice and published much closer to the changing discussion at the end of the decade, conveys the sea-change by first quoting its earlier 1974 edition, explaining that

‘...forcible rape has become, since about 1969, a rallying topic of the women’s liberation movement...transforming what until that time had largely been the subject of only criminological and legal concern to one with considerably extended social notoriety’... [and since] 1974, that notoriety has extended still further... no single crime has received so sustained and widespread attention from so diverse a range of sources.<sup>106</sup>

The idea that until 1969, rape had been the concern of “only” law and order venues ignores that it has always been on the mind of victims, past, potential, and mostly women. It also glosses over that sexualized violence often, then and now, goes unreported by the survivor or is otherwise silenced by law enforcement—and perhaps that even when the issue was raised publicly, it may be in venues that were ignored by the mainstream anyway. That aside, *Forcible Rape* characterizes “the awakening of real concern and interest in the victim” that emerged in the 1970s by social changes (women’s liberation movement, controversial but landmark mass-market books about rape by Susan Brownmiller and Menachem Amir published in the early 1970s), new widespread legal patterns (37 states enacted new laws related to the crime of rape between 1975 and 1978), and new police procedures (a national survey in 1975 found that 50% of the 200 agencies in the sample “had instituted changes during the past 3 years in the handling of rape cases.”<sup>107</sup>

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<sup>106</sup> Duncan Chappell, *Forcible Rape: A Literature Review and Annotated Bibliography* (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Dept. of Justice, 1978, 1, [https://babel.hathitrust.org/cgi/pt?id=uc1.\\$c194332;view=1up;seq=9](https://babel.hathitrust.org/cgi/pt?id=uc1.$c194332;view=1up;seq=9)

<sup>107</sup> Chappell, 1, 6-7.

Because the crime was (and still is) widely committed but underreported, thus limiting access to care, grassroots resources emerged around this same time to support survivors of sexualized violence outside of the criminal justice system. For example, the first Rape Crisis Centers (RCCs) were established in the United States in the early 1970s. Among the earliest was the Washington, D.C. Rape Crisis Center (DCRCC) which was founded in 1972 and published papers on how to establish an RCC in other areas. In order to create awareness of the unfamiliar resource, the DCRCC used the tactics of street theater to promote their telephone hotline, which was run out of a home and manned by volunteer community members.<sup>108</sup> RCC hotlines, however remained local until the Rape Abuse Incest National Network (RAINN) established the National Sexual Assault Hotline in 1994, the same year as the passage of the Violence Against Women Act.<sup>109</sup>

Further, it was during this period that the federal government recognized issue as a public health and safety crisis by creating, by act of Congress in 1975, the National Center for the Prevention and Control of Rape (NCPCR) in the National Institute of Mental Health, a body that published and awarded grants for research on rape.<sup>110</sup> In terms of research on rape (and later, sexual assault as that term was more frequently used over the 1980s), Mary P. Koss has found that publication rate of research on rape surged in the mid-1970s. Between 1872 and 1958, she found total of four journal articles were published on “rape” (“sexual assault” yielded two more articles); between 1959 and 1973, twelve articles were published. In 1974, however, publication

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<sup>108</sup> “History,” About Us, DCRCC, accessed April 10, 2019, <http://dcrcc.org/about-us/history/>.

<sup>109</sup> RAINN works in partnership with more than 1,000 local sexual assault service providers across the United States to connect callers with care. RAINN also operates the Safe Helpline for survivors of sexual assault in the military for the Department of Defense. See “About RAINN,” RAINN, accessed January 27, 2018, <https://www.rainn.org/about-rainn>.

<sup>110</sup> The NCPCR was recommended to be de-funded by President Ronald Reagan and was eventually phased out in 1987. To fill this gap at the federal level, the Violence Against Women Act was passed by Congress in 1994, which established the Violence Against Women Office in the National Institute of Justice. In 2003, this office was re-conceptualized and renamed the Violence Against Women and Family Violence Research and Evaluation Program. See Mary P. Koss, “Empirically Enhanced Reflections on 20 Years of Rape Research,” *Journal of Interpersonal Violence* 20, 1 (January 2005): 102, <https://doi.org/10.1177/0886260504268601>.

rate on rape in English “exploded,” yielding eighty articles between 1974 and 1978—which includes the years following the establishment of the NCPCR—and 166 from 1979 to 1983.<sup>111</sup> “Although approximately 42% of journals articles and 98% of chapters and books on rape were produced within the past 20 years [1985-2005],” Koss wrote in 2005, “the largest percentage increases in the rates of publication occurred between [*sic*] 1974 to 1978.”<sup>112</sup> Between 1979 and 1983, the research topics surrounding sexualized violence proliferated: assessments of rape myths were developed; new language such as date-, acquaintance-, and marital rape were introduced; prevalence among youth and on college campuses; treatment of anxiety and depression in rape victims; male rape; rape in the military; rape and race, among others.<sup>113</sup>

That we think of rape and sexual assault as socially permissible to discuss (by people of all genders) in public and in politics, that it is a prosecutable and violent crime rather than just “a man who is suddenly overcome by sexual needs society does not allow him to fulfill,” that married women have legal rights over their own bodies, that sexualized violence takes many forms and that all of it is “forcible”—this is all to say that how we think of rape and sexual assault *now* is owed to the research, activism, and legislation that emerged in the early 1970s.<sup>114</sup> The aggressiveness and directness, then, with which Ana Mendieta and Suzanne Lacy addressed this topic would have been unthinkable just a few years prior and, for this reason, we need to remember that rape had then only recently taken on the level of social attention that it receives now. Part of understanding the urgency, and perhaps anger, that informed Mendieta, as well as

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<sup>111</sup> The numbers continue to grow over the five year increments Koss presents, although the percentage growth has fallen in each five year period starting in 1989: “207 (1984-1988), 226 (1989-1993), 237 (1994-1998), and 245 (1999-2003). The numbers for books and chapters revealed that they increased from 4 prior to 1984 to 185 in the past 20 years.” Koss, 101.

<sup>112</sup> Koss, 101.

<sup>113</sup> Ibid. 103

<sup>114</sup> This is how Susan Griffin describes apologist attitudes toward rapists. Using then-current research, she discredits the idea that “if it were not for learned social controls, all men would rape. Rape is held to be a natural behavior, and not to rape must be learned” while also showing that “far from being compulsive behavior, most rape is planned.” Griffin, 27.

Lacy, is understanding that rape as a national crisis was only just emerging—and that *Rape Scene* was installed *before* the US Congress, state statutes, local law enforcement, and health research had even caught up to the changing social and symbolic tide that was led by the women's movement.

At this time “rape,” not “sexual assault” or “sexual abuse,” was the term in both common usage and the Code of Iowa (the biannually published set of applicable state statutes), a term with a single, narrow definition that greatly limited the type of violation that was recognized by the authorities and prosecutable. In 1973, Iowa's statute defined “rape” as “if any person ravish and carnally know any female by force or against her will,” which was further defined through the evidentiary requirement that the woman's testimony be “corroborated by other evidence tending to connect the defendant with the commission of the offense” or by physical evidence of “actual penetration of the body” (such as bruises/marks and/or the presence of ejaculate) for indictment.<sup>115</sup> “Rape” was an inflexible and limited term based on biblical language and dated back to Iowa's first set of laws issued in 1839 when it became a US territory.<sup>116</sup> Amendments over the years sought to rectify the previous system that was thought to be “rigged to leave men virtually defenseless against a laying or vengeful woman,” resulting in a standard of proof so

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<sup>115</sup> In 1973, the two ways to meet the evidentiary requirement for indictment of the accused were as follows: “Proof of actual penetration into the body is sufficient to sustain an indictment for rape.” Or “The defendant in a prosecution for rape, or assault with intent to commit rape, or enticing or taking away an unmarried female of previously chaste character for the purpose of prostitution, or aiding or assisting therein, or seducing and debauching any unmarried woman of previously chaste character, cannot be convicted upon the testimony of the person injured, unless she be corroborated by other evidence tending to connect the defendant with the commission of the offense.” See 1973 Code Of Iowa, Title XXXV (Criminal Law), chapter 782 (Evidence), 782.3 and 782.4, p. 3356. A digitized version of the 1973 Code of Iowa, see

<https://www.legis.iowa.gov/docs/shelves/code/ocr/1973%20Iowa%20Code.pdf>

<sup>116</sup> Section 21 reads: “Any person above the age of fourteen years, who shall have carnal knowledge of any woman forcibly and against her will, shall be deemed guilty of a rape, and upon conviction thereof, shall be punished by imprisonment not exceeding ten years, and fined not exceeding five hundred dollars.” In the first code published (1851) following Iowa's statehood (1846), the statute lowered the age to ten years and changed the penalty to include “any term of years” up to and including “penitentiary for life.” See *The Statute Laws of the Territory of Iowa, enacted at the first session of the legislative assembly of said territory, held at Burlington, A.D. 1838-'39* (Dubuque: Russell & Reeves, Printers, 1839), 154; for digitized version, see <https://www.legis.iowa.gov/docs/shelves/code/ocr/1839%20Iowa%20Statute%20Laws.pdf>. See *Code of Iowa, Passed at the Session of the General Assembly of 1850-1, and Approved 5th February, 1851* (Iowa City: Palmer & Paul, State Printers, 1851), 351; for digitized version see <https://www.legis.iowa.gov/docs/shelves/code/ocr/1851%20Iowa%20Code.pdf>

thoroughly lopsided in the other direction that it made “the victim’s testimony alone insufficient for conviction” made exceptionally complicated since the “very nature of the offense means that there are rarely corroborating witnesses.”<sup>117</sup>

The plaintiff’s sexual past was also still admissible in court in 1973, which—although unrelated to the circumstances of rape—could be used to discredit the “prosecutrix” and protect the defendant. That meant that following the traumatic event, survivors seeking justice would be levied with a high standard of proof that depended on specific physical marks or the vaguely-defined “corroborating evidence” (including the testimony of others) to bring the issue to law enforcement and the courts—and in either case the plaintiff could then find herself the subject of an invasive examination where her personal life and sexual history would be used, in the course of basic litigative protocol, to determine if she essentially shared culpability in the event. There was little or no incentive, then, for a survivor—who must be female—to report anything other than an attack that met those criteria to the police and that she could evidence in prescribed ways; additionally, law enforcement and/or the state might similarly not see these other types violations as “rape” (such as an attack wherein the victim did not mount a physical fight or the assailant did not ejaculate, did not use a penis, or instead coerced oral sex acts, etc.) or might simply not believe her.<sup>118</sup> With built-in policies to essentially dissolve a survivor’s access to recourse, rape was, at this time, among the least punished of all American crimes.<sup>119</sup>

The following year Iowa amended the statute to restrict how and when the plaintiff’s sexual history could be admitted into court, and the next published Code of Iowa (1975) is the

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<sup>117</sup> Joseph Slabey Roucek, *Sexual Attack and the Crime of Rape* (Charlottesville, NY: SamHar Press, 1975), 3.

<sup>118</sup> The full text of the statute 698.1 reads: “If any person ravish and carnally know any female by force or against her will, or if any person carnally know and abuse any female child under the age of sixteen years, or if any person over the age of twenty-five years carnally know and abuse any female under the age of seventeen years, he shall be imprisoned in the penitentiary for life, or any term of years, not less than five, and the court may pronounce sentence for a lesser period than the maximum, the provisions of the indeterminate sentence law to the contrary notwithstanding.” Code of Iowa 1973, Title XXXV, chapter 698.1 (1972), 3220.

<sup>119</sup> Roucek, 3.

first to use the term “Sexual Abuse” rather than “Rape,” which shows how, at this as a moment, Iowa along with other states was rethinking sexualized violence.<sup>120</sup> The legal reforms of the 1970s notwithstanding, sexualized violence is still characterized by underreporting and case attrition.<sup>121</sup> Currently, most states (including Iowa) have changed their statutes to make it possible for more survivors (of any gender) to articulate and validate their experience, and seek legal justice by replacing “rape” with several gender-neutral offenses which are graded by severity and have commensurate punishments, reduced or eliminated the physical resistance and corroboration evidentiary requirements, repealed marital rape exemptions, and enacted shield laws that restricted the use of evidence of the victim’s prior sexual conduct.<sup>122</sup> Despite these major changes over the past forty years, however, the Bureau of Justice Statistics (BJS) estimates 65% of rape or sexual assault victimizations still went unreported between 2006 and 2010.<sup>123</sup> Even though survivors today continue to face similar barriers to legal, medical, and social support, I do want to emphasize the historical specificity of “rape.” If we think of Mendieta’s *Rape Scene* as anti-rape, then we ought to be mindful of the legal and social meanings of “rape” at the time she staged the work, rather than map contemporary understandings of that term (i.e. sexual assault, gender-neutral terms, etc.) onto *Rape Scene* and its context. “Rape” meant not just the immediate attack, but also the very little means of recourse due to the nearly insurmountable

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<sup>120</sup> Chapter 1271 of the 1974 Iowa Regular Session, approved May 11, 1974, detailed an act that repealed section 782.4, the “requirement of corroboration of the testimony of the victim in a rape and relating to the introduction of evidence of past sexual conduct.” The new section of Chapter 782 (Code of Iowa 1973) advised “evidence of the prosecuting witness’ previous sexual conduct shall not be admitted, nor reference made thereto in the presence of a jury...[it] shall be admissible if the defendant shall make application to the court before or during the trial.” The 1974 Code of Iowa clarified that “In no event shall such evidence of previous sexual conduct of the prosecuting witness committed more than one year prior to the date of the alleged crime be admissible upon the trial, except previous sexual conduct with the defendant.” See State of Iowa 1974 Acts and Joint Resolutions, 1974 Regular Session, 65th General Assembly, General Laws, p. 981-2. See 1974 Code of Iowa, section 782.4, 3407.

<sup>121</sup> Cassia Spohn and Katharine Tellis, “The Criminal Justice System’s Response to Sexual Violence,” *Violence Against Women* 18, no. 2 (February 2012): 169, <http://doi.org/10.1177/1077801212440020>.

<sup>122</sup> Spohn and Tellis, 169.

<sup>123</sup> Lynn Langton et al., “Victimizations Not Reported To The Police, 2006-2010,” Bureau of Justice Statistics, August 9, 2012, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4962>.

barriers to justice set by an archaic legal system, developed to protect the accused and make proving the victim's claims an uphill battle.

As the national discourse and state legislation on rape was shifting, so too was the conversation surrounding abortion, as these laws—which also regulated women's bodily autonomy—were under radical debate at state and federal levels. The *Rape Scene* photographs show a unwound wire hanger lying on the tile between the kitchen entrance and Mendieta's feet; then and still now, the wire hanger has been used as a symbol of the dangerous procedures women undertook to relieve themselves of unwanted pregnancies, often by themselves using improvised instruments (such as the wire hanger) in the absence of legal, medically-assisted, and socially-acceptable abortion procedures. The hanger in Mendieta's installation, which had been unraveled from its triangular shape and re-bent into a deep sideways V, is the central focus of at least two photographs. In one, the curved hook of the hanger rests in a red mass in a puddle of blood; in the other, the hanger's position is shifted a few degrees on its fulcrum so the mass is untouched but highlighted, framed by the hook and jagged tip of the wire, both of which rest in blood smeared on either side of the viscera. This re-positioning shows us that the hanger was an important component of the scene to the original live audience, although it is unclear how they interpreted its presence. Further it shows that they did not photograph the tableau as they found it or as Mendieta (and Sheila Kelly and Jane [Noble] Hedrick, who assisted Mendieta with installation and planning) had left it; instead they adjusted the scene so that the photographs would convey Mendieta's staging certain way.<sup>124</sup>

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<sup>124</sup> Although it is possible that Mendieta could have instructed them to move the hanger (it is unclear if she spoke), or moved the hanger herself since her foot may have been close enough to do so, it is very unlikely since the clothing around her ankles appears completely unchanged across the photographs, and it would have been very difficult to move a hanger that was directly behind her. The light source similarly changes across the image suite, suggesting that the photographers had either moved lamps that were already in the apartment or brought lighting equipment with them (initially, or left and returned with equipment after they had been oriented to the event).

Although Mendieta “insisted on including a hanger [in the live event of *Rape Scene*], despite its association with abortion,” as Julia Herzberg reported via Sheila Kelly’s recollection, it remains difficult to read the hanger as unattached to debates about reproductive rights, now and especially in the context of 1973. For the immediate audience, *Roe v. Wade* would have surely been in the air, since the decision—which affirmed a woman’s limited constitutional right to have an abortion in the first trimester of pregnancy as provided by the right to personal liberty and privacy under the Ninth and Fourteenth Amendments—had been issued on January 22, 1973, just a few weeks before Mendieta’s installation. Although individual states—Iowa included—had been reforming or repealing their abortion-related statutes with increasing frequency since the 1950s, *Roe* made abortion policy a national discourse when it federalized women’s right to reproductive choice and privacy. Additionally, in the days following the decision Justice Harry Blackmun, author of the majority opinion, traveled to Iowa to speak about the decision where he was greeted by about fifty anti-abortion protesters in Cedar Rapids.<sup>125</sup>

Indeed, abortion laws in Iowa were especially turbulent in the years before *Roe*: the state legislature had been addressing inconsistencies in Iowa’s abortion-related statutes radically since the 1950s (resolving or more strictly enforcing existing laws, and proposals to totally re-draft them), the abortion policy debate between 1969 and 1973 was “one of the most tumultuous and emotional battles in Iowa political history.”<sup>126</sup> The issue was present on the University of Iowa campus as well: in the fall semester of 1971, the student government in Iowa City voted for funds for abortion counseling and abortion services to students who could not afford them. When university authorities overruled their action, the students created a special loan fund for the same

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<sup>125</sup> “Blackmun Defends Abortion Decision,” *The Washington Post*, January 26, 1973, A2.. ProQuest.

<sup>126</sup> James C. Mohr, “Iowa’s Abortion Battles of the Late 1960s and Early 1970s: Long-Term Perspectives and Short-Term Analyses,” *The Annals of Iowa* 50 (1989): 70-71, <http://ir.uiowa.edu/annals-of-iowa/vol50/iss1/5>.



purpose.<sup>127</sup> As Helene Arnstein wrote in her guidebook *What Every Woman Needs to Know About Abortion*, published in the months following *Roe*, “As in the case of civil rights, where some injustices continue even after laws to prevent them have been passed, on abortion rights there will be those who continue to drag their feet.”<sup>128</sup>

Although not stated in the decision or the reporting surrounding it, *Roe v. Wade* also had its prehistory in rape: the woman who would become “Jane Roe” (self-identified a decade later as Norma McCorvey) had initially claimed that her pregnancy was the result of being raped in the hopes that it would allow her to obtain a legal abortion in Texas where she lived, even though at the time Texas law made no such exception.<sup>129</sup> McCorvey’s life or health would not be put at risk if the pregnancy continued, so McCorvey was not able to legally end her pregnancy. She later admitted she had lied about the rape.<sup>130</sup> That McCorvey presumed a longstanding relationship between rape and abortion would not have been unusual since a handful of other states permitted legal abortions in cases of rape in the immediate pre-*Roe* period.<sup>131</sup>

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<sup>127</sup> James C. Mohr, 75.

<sup>128</sup> A practical and sympathetic guide for women seeking information on procedures, rights, and dealing with a resistant medical establishment, Arnstein’s book was first published in November 1973. See Helene Arnstein, *What Every Woman Needs to Know About Abortion* (New York: Charles Scribner’s Sons, 1973), 64.

<sup>129</sup> Texas law was based on an 1857 statute that made it a crime to procure an abortion, except to save the woman’s life. See Mary Segers and Timothy A. Byrnes, eds. *Abortion Politics in American States* (Armonk, New York: M.E. Sharpe, Inc., 1995), 5. In her autobiography, McCorvey twice claims the pregnancy to be the result of a rape: “Maybe if I had been raped, *surely* if I had been raped, it would make me an exception to the rule against getting an abortion.” See Norma McCorvey with Andy Meisler, *I Am Roe: My Life, Roe v. Wade, and Freedom of Choice* (New York: HarperCollins, 1994), 109 and 122. Emphasis in original.

<sup>130</sup> In her testimony before the US Senate—when she sought to reverse *Roe* in the early 2000s after she had a change of mind—McCorvey said “I made up the story that I had been raped to help justify my abortion.” See *Testimony of Norma McCorvey, The Former Row of Roe v. Wade, Before the Subcommittee on the Constitution of the Senate Judiciary Committee* (June 23, 2005), <https://www.judiciary.senate.gov/imo/media/doc/McCorvey%20Testimony%20062305.pdf>.

<sup>131</sup> Between 1965 and 1972, thirteen states liberalized their statutes to allow “therapeutic” abortion under certain circumstances: the mother’s health was endangered, and in case of rape, incest, and fetal deformity. In this same period, Pennsylvania was the one state that made abortions more difficult to obtain, while New York repealed their own laws. The remaining thirty-five states retained their laws, which prohibited abortion except when the mother’s life was in danger. In the companion case *Doe v. Bolton*, the Supreme Court struck down Georgia statutes which prohibited abortion unless “performed by a physician duly licensed” in Georgia and that abortion was necessary based upon his best clinical judgment and three exceptions: continuation of the pregnancy would endanger the life or health of the pregnant woman or would seriously and permanently injure her health; the fetus would likely be born with a grave, permanent, and irremediable mental or physical defect; or the pregnancy resulted from forcible or statutory rape. Rosemary Nossiff, *Before Roe: Abortion Policy in the States* (Philadelphia: Temple University Press: 2001), 2. See also Charles E. Rice, “Overruling *Roe v. Wade*: An Analysis of the Proposed Constitutional Amendments,” *Boston College Law Review* 15, 12 (December 1973), 308, <https://lawdigitalcommons.bc.edu/bclr/vol15/iss2/3>.

*Roe* federalized abortion rights in 1973, but it did not resolve the abortion debate: battles on abortion policy in state legislatures and within the federal government only intensified throughout the 1970s and 80s.<sup>132</sup> Ultimately, the ruling left questions surrounding the abortion debate unanswered (if public funding can be used for procedures, which procedures can be performed and at what point, what consent looks like and from whom, etc.). Without providing details of what the Court thought were acceptable restrictions, the ruling effectively “stood as an open invitation to states to regulate and litigate.”<sup>133</sup> The ruling immediately met with social and political backlash, perhaps familiar to Mendieta and her classmates at the time of *Rape Scene*. *Roe* triggered the swift development of the right-to-life movement led by the Roman Catholic Church. Individual state governments became “reactive, enacting measures to test the limits of the Supreme Court decision and to carve out some degree of state autonomy and control.”<sup>134</sup> And “right to life” amendments were proposed in Congress: just eight days after the ruling, House Representative Lawrence Hogan (R—MD) introduced a Constitutional Amendment “guaranteeing the right to life to the unborn,” one of several joint resolutions with this intent introduced over the course of 1973;<sup>135</sup> soon after, US Senator James F. Buckley (Conservative, R—NY) introduced a similar bill in the Senate.<sup>136</sup> In the three years following *Roe*, more than 50 bills were introduced in Congress to limit abortion, paralleled by more than 400 bills considered in state legislatures, the effect of which created a “patchwork” of regulations that addressed issues such as the use of public funds for abortions, requirements of consent beyond the mother

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<sup>132</sup> See Mary Segers and Timothy A. Byrnes, eds. *Abortion Politics in American States* (Armonk, New York: M.E. Sharpe, Inc., 1995), 6.

<sup>133</sup> Segers and Byrnes, 6.

<sup>134</sup> Segers and Byrnes, 5.

<sup>135</sup> Joint Resolution Proposing an Amendment to the Constitution of the United States Guaranteeing the Right to Life to the Unborn, the Ill, the Aged, or the Incapacitated, H.J.Res.261, 93<sup>rd</sup> Congress (1973), <https://www.congress.gov/bill/93rd-congress/house-joint-resolution/261>.

<sup>136</sup> Joint Resolution Proposing an Amendment to the Constitution of the United States for the Protection of Unborn Children and Other Persons, S.J.119, 93<sup>rd</sup> Congress (1973), <https://www.congress.gov/bill/93rd-congress/senate-joint-resolution/119?q=%7B%22search%22%3A%22sJ+119%22%7D>

(including parents, spouses, fathers), and the length of time in which a woman could legally procure an abortion.<sup>137</sup> As states sought—only days after *Roe* became the law of the land—to restrict abortion, often making them more expensive, involved, and time consuming, Mendieta's hanger would have reminded its immediate audience that a return to back-alley and illegal abortions without exceptions for rape victims was a credible threat.

### 2.1.6 Mendieta's Sustained Attention to Violence Against Women

*Rape Scene* represents an important moment in Mendieta's practice because it was the first of several scenes of the aftermath of violence the artist realistically staged for an unsuspecting public. Not long after this staging, Mendieta again installed herself in wooded areas around campus as a victim of sexual assault. For this set of untitled images, Mendieta is completely bare from the waist down and has bright, saturated red "blood" applied to her rear and legs.<sup>138</sup> She installed herself in various positions in the woods surrounding the University of Iowa: bent backwards over a fallen tree trunk; nearly covered under piles of leaves; prone, spread-legged, and partially hidden by brush.<sup>139</sup> In each photograph—again taken by an Intermedia classmate—her face is always hidden from view. Positioned in a way that her body appears variously dismembered or decapitated, Mendieta staged herself as the discarded nameless, faceless victim of yet another brutal assault who has been left for dead.

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<sup>137</sup> Laurie Collier Hillstrom, *Defining Moments: Roe v. Wade* (Detroit: Omnigraphics, Inc, 2008), 69.

<sup>138</sup> Jane Blocker calls the substance "stage blood all too convincingly applied," although it seems likely it could be red paint instead since it is bright red and uniform in color and consistency throughout (which is not the case in *Rape Scene* and other works that we know use real blood). Jane Blocker, *Where Is Ana Mendieta?: Identity, Performativity, and Exile* (Durham: Duke University Press, 2012), 12.

<sup>139</sup> The exhibition catalogue for *Ana Mendieta: Traces* lists the series as "*Rape* (1973)." Stephanie Rosenthal, ed., *Ana Mendieta: Traces* (London: Hayward Gallery, 2013), 20 and 85.

Because she wears the same blue plaid shirt in the woods as she did in *Rape Scene* in her apartment, I read these outdoor stagings as connected to *Rape Scene* as in a sequence of events or parts of a larger narrative, as though this same woman, after having been raped in her apartment, was then dumped in the nearby wood and left to die in a swale. Although re-wearing the bloodied shirt in successive *Rape Scene* stagings might simply be the economics of being a studio arts graduate student (this one has right look for the new scenes, why spend the time or the money to distress another shirt?), destroying her own commodities and getting messy for her work never seemed to be an issue for Mendieta (for example, she broke her own dishes and covered her white table in beef blood for the apartment tableau; she bought and killed a chicken for an earlier performance). For whatever reason Mendieta decided to don the same shirt, the effect of its reappearance combined with her bloodied bare legs is that it appears to be the same woman from the scene staged in her apartment, re-victimized after her rape by being slain in the woods, or as the visualization of the persistent fears of so many American women: the daily and multiple thoughts of the many ways one can be attacked, sexually assaulted, and never make it back home.

In her use of the logic of sequencing or establishing scenes within a story, Mendieta brings a cinematic conceptualization to these intermedia stagings, even if she did not utilize moving film. Because Mendieta also created films and was involved in both the Center for New Performance Art and the interdisciplinary Intermedia program, the rhetoric of live theatre and filmmaking was available within her circle. Although often a “scene depicts a different location or different day or time,” in live theatre parlance the term also is used to describe “any portion of

a dramatic work taken by itself as a unit of action.”<sup>140</sup> And looking to the language of film studies, “sequence” is “a moderately large section of film, involving one complete stretch of action...often equivalent to a *scene*.”<sup>141</sup> In terms of production, scenes are often not shot in order of a plot and scenes are shot multiple times as “takes,” with many not making it to the final film. We might think of *Rape Scene* as working from or as an adaptation of theatrical/cinematic logic of sequencing. They are not only iterations/scenes of the narrative of everyday victimization, but they are a re-performable repertoire available for re-enactment. Creating multiple studies may be a way for an artist to find the best representation of a concept, but I don’t think that is what is happening here since Mendieta did not choose one or a few photographs out of many to be *the* artwork, nor did she stick with one staging of the victim to be seen from different views, and discard the rest—instead, all of these photographs in their conflicting excess, constitute a multi-sequence *Rape Scene*.

A few weeks after these series that centered on sexual assault, Mendieta performed what may have been her last display of live performed victimhood in Iowa as part of UI’s Center for New Performing Arts (CNPA) programming. In May 1973, CNPA traveled on National Endowment for the Arts funds to exhibit in Clinton, ninety miles east of Iowa City near the Illinois border. When the audience exited the auditorium, assuming that all programming had been completed for the evening, they encountered Mendieta lying motionless in a pool of blood while a man, a fellow CNPA performer, snapped flash photographs of her like a tabloid or police crime scene photographer. Recalling this piece, *Clinton Piece, Dead on Street*, the photographer Bill Rowley remembered the gathering crowd’s confusion about whether they should call an

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<sup>140</sup> “Theatre Terms,” American Association of Community Theatre, accessed March 12, 2017, <https://www.aact.org/theatre-terms>.

<sup>141</sup> David Bordwell, Kristin Thompson, and Jeff Smith, *Film Art: An Introduction*, 11<sup>th</sup> ed. (New York: McGraw Hill, 2017), G-5.

ambulance.<sup>142</sup> As in *Rape Scene*, this unannounced performance sets an unsuspecting audience into motion, putting them into a position where they have to assess the situation and determine their involvement in it (*is she okay? Should I try to help, or will I?*). Their rubbernecking is mirrored and spectacularized by Rowley's picture-taking. We can infer from the surviving photographs that Rowley (who does not appear in any photograph) circled Mendieta, making himself more visible to the circling crowd. Rowley's performance-as-photographer further emphasizes the viewers' dilemma: he has decided to photograph her victimized body, rather than to help her.<sup>143</sup> It is a possibility that Rowley's nightcrawler-like snapping is actually what gives the scene away as a performance and not a legitimate crime scene, and yet, his single-minded paparazzing still literalizes the viewers' decision to passively look rather than actively help. Mendieta and Rowley's staging dramatically stages Susan Sontag's hallmark discussion on the ethics of photographing and witnessing suffering in *Regarding the Pain of Others*.<sup>144</sup>

By the end of the spring 1973 semester, Mendieta had installed various bloodied and bleeding objects in public locations, including wadded-up jeans with sanguine stains between the legs left in Iowa City alleys and a suitcase left in a park, full of unknown objects bleeding though their gauze swaddling. Some of these installations included bones with the assemblages of materials. Each was executed as a work of art, but not framed as such and, instead, each was left anonymously to be found by unsuspecting passers-by.<sup>145</sup>

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<sup>142</sup> Herzberg (2004), 256 note 62.

<sup>143</sup> In the few photographs that survive in Mendieta's archive, Rowley's focus was on her body from various angles. There are no images in which the crowd as a whole or as individuals seem to be the main focus, and instead the crowd appears in the photographs as incidental to Mendieta's prone body.

<sup>144</sup> See Sontag's discussion of the camera and agency of the photographers during the Holocaust and American Civil War. Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Straus, and Giroux, 2003), 24-30 and 51-63.

<sup>145</sup> It is unclear if anyone ever saw the works, since it seems that no one confronted the artist about them or called the police to her knowledge. Although it is unclear if Mendieta titled these installations, Herzberg refers to them as "Alley Pieces." See Herzberg (2004), 155.

Perhaps Mendieta's work most similar to *Rape Scene* in its convincing and shocking quality was Mendieta's intervention in an abandoned farmhouse, where she soaked the left-behind furniture red. Classmate Charles Ray, now a major contemporary artist, is said to have found the scene in the house, and could not determine if it was real or fictitious until Mendieta admitted that he had found her latest artwork.<sup>146</sup> In her deployment of surprise and ambiguity, as well as the frequency of her artistic attacks on an unwarned public or unprepared audience, Mendieta dramatized the generalized feeling that violence is everywhere and, worse, victimization is imminent—demonstrating what it is like to feel like you are living in close proximity to (certain kinds of) violence on a daily basis.

Mendieta's staging and re-staging of scenes of sexualized violence profoundly addressed the politics of witnessing and victimhood by staging spaces for both identities (witness/by-stander and victim) to play out. Repeating the images of victimization in different poses and places, as though victimized several times over, Mendieta imagined (and imaged) different ways to occupy that space: tied up in her own apartment, victimized in public, buried under brush in the woods, tossed over a dead log, face-down in a dark parking lot.

Mendieta staged scenes may address violence against women generally, but also specifically against women of color. By swapping out Ottens's White, "grievable" body with her own brown Cuban-American body, Mendieta threw into question how we interpret the significance of violence, and the visual processes we use to make such determinations. In Mendieta's corporeal exchange of her own Cuban-American body for Ottens's White body, we are challenged in how we interpret the significance and stakes of violence we are witnessing, but also the durability of personal identities of those involved. Perhaps the most terrifying aspect of

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<sup>146</sup> It is unclear if the artist titled this piece, but it is often referred to as *Untitled (Bloody Mattresses)* in publications. Herzberg (2004), 156-7.

Mendieta's *Rape Scene* is that by calling forth of two identities at once, it shows personal identity to be easily unfixed.

## 2.2 Violence Everywhere: Popular Visual Culture

The film industry, both in the United States and abroad, was also trending toward increasingly rich and abundant violent scenes in both mainstream and horror films.<sup>147</sup> The work of two directors in particular, Alfred Hitchcock (b. 1899, London—d. 1980, California) and Sam Peckinpah (b. 1925—d. 1984, California), are emblematic of ratcheting up bloodbaths and rape on the silver screen in their wide-release films. Although Hitchcock's early thriller *Psycho* (1960) played a monumental role in the development of the violent cinematic imagination, by the end of the 1960s such depictions took on a new, grislier texture.<sup>148</sup> Allowing such aesthetic exploration was the 1966 revision of the industry-standard codes governing film content, which relaxed stipulations on most types of violence, recommending that the taking of a human life be handled with discretion.<sup>149</sup> Peckinpah's classics *Bonnie and Clyde* (1967) and *The Wild Bunch* (1969) exemplify this shift with their famous sprays of bullets and splattering of blood. Central to this visual culture was the association of male power and female subjugation with violence, as exemplified by Hitchcock's *Frenzy* (1972) and Peckinpah's *Straw Dogs* (1971), both of which

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<sup>147</sup> The effects of which have been linked to the erosion of American public support of the Vietnam War. Cynthia Carter and C. Kay Weaver, *Violence and the Media* (Buckingham and Philadelphia: Open University Press, 2003), 23.

<sup>148</sup> As film historian Neil Jackson explains, many commentators see *Psycho* as the horror genre's early turn away from its gothic roots and toward the "realist" horror that culminated in New Hollywood films like *Texas Chainsaw Massacre* and *Deliverance*. Neil Jackson, "Shot, Cut, and Slaughtered: The Cultural Mythology of Snuff," in *Snuff: Real Death and Screen Media*, ed. Neil Jackson et al. (New York: Bloomsbury Academic, 2016), 2.

<sup>149</sup> The Motion Picture Association of America's (MPAA) Production Code (popularly known as the Hays Code, after Will H. Hays, the MPAA president under whom the code was drafted) had been enforced since 1934. Stephen Prince, "Graphic Violence and the Cinema: Origins, Aesthetic Design, and Social effects," in *Screening Violence*, ed. Stephen Prince (London: Athlone Press, 2000), 6.



became known for their long and lurid rape scenes. These were among the first mainstream films to make rape visible to the audience by showing its full duration onscreen, which defied previous conventions of implying sexualized violence through a series of well-timed cuts.

*Straw Dogs* follows the story of Amy, a Cornish woman (Susan George) who returns to her hometown village with her American peacenik husband David (Dustin Hoffman), who find themselves on the wrong side of the tight-knit lawless locals, who are shown taking turns raping Amy (or attempting to) and mocking David's masculinity until he snaps, eventually killing them all when the local gang tries to take over their home, and by extension his masculinity. Often interpreted as Peckinpah's filmic statement against pacifism, *Straw Dogs* has been subjected to several edits and bans from the British Board of Film Classification since its release in 1971. The US critical response to the film, however, was substantially more positive with some reviews celebrating its gratuitous violence as "beautiful, terrifying, and absolutely brilliant" and hailing it as the "finest movie of the year."<sup>150</sup>

Arguably the scene most controversial on either side of the Atlantic is the double-rape sequence, when Amy's former lover forces himself upon her and is followed by his friend, who continues the assault even more aggressively. The scene, cross-cut with David on a snipe hunt the locals organized for him, lasts nearly nine minutes. Although Amy's response to her former lover is ambiguous (it begins with what appears to be a consensual kiss, and Amy both pushes and stops pushing the man away), the sheer terror she experiences during and following the second assault is palpable.<sup>151</sup> In its initial American release, however, this second assault was

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<sup>150</sup> These positive reviews are from, respectively, Arthur Knight of the *Saturday Review* and *The Greensboro Daily News*, as cited in Stevie Simkin, *Controversies: Straw Dogs* (New York: Palgrave/MacMillan, 2011), 36.

<sup>151</sup> Amy's reaction over the duration of the sequence is important since the scene has been cut in half for time, which truncates the second rape and, importantly, her disgusted and distraught reaction to the overall situation she has just endured. A detailed history of how critical reviews of the original film, actress' Susan George refusal to perform the rape scene, and the editing

heavily edited down per ABC Pictures in order to achieve an “R,” rather than an “X” rating, by the new Classification and Rating Administration (CARA) system of the Motion Picture Association of America (MPAA).<sup>152</sup> Without the unambiguous violence and terror experienced by Amy during this assault as a counterbalance the first “semi-consensual” or “erotic” rape, the wide-release version of the film problematically reinforced the myth that “no means yes.”<sup>153</sup>

Hitchcock’s *Frenzy* is similarly known for showing the full duration of sexual assaults. The enormous popularity of *Frenzy* began the summer before Ottens’ murder and Mendieta’s *Rape Scene*, with its release in the United States in the summer of 1972. *Frenzy* is a thriller that follows a serial killer Robert Rusk, a fashionable but romantically-challenged London man who rapes then strangles his victims with his silk neckties. What is really off-putting about Rusk is that he doesn’t “snap” and never seems out of control; instead his rape-murders are planned, he clearly sizes up each woman he encounters as a potential victim, and that he enjoys the rapes as sex—problematic because it reinforces an antiquated idea that rape is about sex, pleasure, or an uncontrollable sex drive, rather than what it is really about: control, power, and predation. *Frenzy* was ranked on a number of critic’s 1972 “Ten Best” lists across the US, registered at #33 on *Variety*’s 1972 “50 top-grossing films” list, broke box office records including those previously set by Hitchcock’s own *Psycho* over a decade before.<sup>154</sup> The film’s detractors compared it to Hitchcock’s previous films, citing *Frenzy*’s dialogue and plot as mediocre, glib, and boring.<sup>155</sup>

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mandates that shaped the VHS and DVD releases with special reference to the rape sequence can be found in Simkin, 4-19, 34-50.

<sup>152</sup> The MPAA at this time was shifting from the revised Production Code to the CARA system. Simkin, 30-33.

<sup>153</sup> For discussion of the “semi-consensual rape” and its feminist problematization, see Susan Faludi, “Part Two: The Backlash in Popular Culture,” in *Backlash: The Undeclared War Against American Women* (New York: Three Rivers Press, 2006), 89-240.

<sup>154</sup> The first major release date of the film in the United States was June 21, 1972 and in theaters across the US by July 5, 1972.

Raymond Foery, *Alfred Hitchcock’s Frenzy* (Lantham, UK: The Scarecrow Press, 2012), 114 and 117.

<sup>155</sup> For bibliography and characterizations of the critical reviews, see Foery, 121-24.

New York Times reviewer Victoria Sullivan suggested that *Frenzy* (and its ilk) “panders to a taste for the perverse,” not simply a cause and effect relationship of seeing then doing, but that

sex and violence are so close to the surface in many people’s lives—men still beat up their wives; over 37,000 rapes were reported in the U.S. In 1970, while countless rapes went unreported—that it is quite possible that a certain percentage of the movie audience is really titillated by the loving camera treatment of the murder, the lingering focus on the slowly expiring victim, the flashback strangulation, the frequent shots of nude dead female bodies.<sup>156</sup>

Feminist scholars such as Molly Haskell and Susan Faludi have registered this rise in cinematic violence perpetrated on female characters as a symbolic backlash against the women’s liberation movement. As women came closer to “claiming their rights and achieving independence in real life,” Haskell suggests, films “loudly and stridently” asserted that “it’s a man’s world.”<sup>157</sup> Not surprisingly, female movie characters weren’t just murdered but sexually brutalized before being killed, not unlike the initial rumors surrounding the death of Sarah Ann Ottens. The *Rape Scenes* Mendieta set in the woods especially resonate with this cinematic trope that emerged in the 1970s.

Also at this time, the elusive “snuff” film entered into popular cultural fears. Taking the cinematic tropes of rape and murder to the extreme, this porn-horror hybrid is purported to capture real and explicit torture, rape (and/or “hardcore sex”), and murder on film, usually taking women as the victim. Snuff is slippery because the phenomenon has “no proven starting point, merely speculation, conjecture, and confusion,” yet has been perpetuated through fictional films that explore its production or attempt to “emulate what it could look like.”<sup>158</sup> Scholars of exploitation cinema suggest there has been no documented evidence of someone killed on

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<sup>156</sup> Victoria Sullivan, “Does ‘Frenzy’ Degrade Women?,” *New York Times*, July 30, 1972, D9.

<sup>157</sup> Molly Haskell, *From Reverence to Rape: The Treatment of Women in the Movies*, 2<sup>nd</sup> ed. (Chicago: University of Chicago Press, 1987), 363.

<sup>158</sup> Steve Jones, “Dying to be Seen: Snuff-Fiction’s Problematic Fantasies of ‘Reality,’” *Scope: An Online Journal of Film and Television Studies* 19 (February 2011): 1, <http://www.nottingham.ac.uk/scope/documents/2011/february-2011/jones.pdf>

camera for the purpose of commercial cinematic entertainment.<sup>159</sup> Yet snuff as myth, then and now, remains powerful: it promises a visual encounter with death that cannot be confirmed, “feeding ongoing questions of what is real and encouraging the production of ‘faux’ snuff,” where the marker of success “is measured by the extent to which death *could* be real.”<sup>160</sup> Present “within popular and subcultural discourse, yet absent as a ‘proven’ artifact,” snuff as a concept intentionally blurs the lines between sexual and violent pleasures, between authenticity and fantasy.<sup>161</sup> As Steve Jones suggests, “recognising that the film is fake is of little comfort compared with the reality effect: the possibility that it *could* be real.”<sup>162</sup> Once again, sexualized violence against women—with the added titillation that it might be real—is deployed for viewer pleasure as well as a tool to press against the cinematic medium’s traditional boundaries.

This is all to say that, at the moment where the national dialogue on rape was resulting in tangible changes surrounding rape—an energized women’s liberation movement that brought the issue of sexualized violence to the fore, nationwide changes to legislation and police protocol, and expanded definitions of rape and sexual assault—there was this simultaneous rising interest in graphic on-screen sexualized violence, made possible by the recently-relaxed film production code, and brought to its full expression in slasher movies and snuff films.

Mendieta herself was a prolific maker of short films, which the 2015 exhibition *Covered in Time and History: The Films of Ana Mendieta* makes clear. Between the spring of 1971 and the fall of 1981, Mendieta created more than one hundred films, several of which were discovered as recently as 2012, when the Estate of Ana Mendieta Collection and art historian

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<sup>159</sup> Julian Petley, “Snuffed Out: Nightmares in a Trading Standards Officers Brain,” in *Unruly Pleasures: The Cult Film and Its Critics*, eds. Xavier Mendik and Graeme Harper (Guildford, UK: FAB Press, 2000), 205-19.

<sup>160</sup> Misha Kavka, “The Affective Reality of Snuff,” in *Snuff: Real Death and Screen Media*, ed. Neil Jackson et al (New York: Bloomsbury Academic, 2016), 48.

<sup>161</sup> Jackson, 1.

<sup>162</sup> Steve Jones, 2.

Laura Wertheim Joseph compiled Mendieta's filmography.<sup>163</sup> Although most of her films do not use blood, she has become known best for her films that do, all of which were shot on Super 8: *Moffitt Building Piece* (or *People Looking at Blood*, May 1973), *Sweating Blood* (November 1973), *Blood Writing* (February 1974), *Blood Sign* (March 1974), *Body Tracks* films (all March 1974).<sup>164</sup> In these and others, her deployment of blood varied from using it as part of an ambiguously spiritual actions such as adhering feathers to her nude body or writing cryptic phrases like "SHE GOT LOVE" and "There is a Devil inside ME" on blank white walls.

Perhaps what is most relevant here is *Moffitt Building Piece*, a 3:17 minute silent Super 8 film (and 35mm photographs) where Mendieta poured blood and viscera on the sloping sidewalk in front of white building in downtown Iowa City, making it look as though something terrible had happened near the H.E Moffitt Building's entrance. Mendieta, with the help of her sister Raqué! and Raqué!'s co-worker, spilled the blood then hopped in a car parked out front to begin surreptitiously film the passing sidewalk traffic. The publicly and randomly-sited puddle of chunky blood functioned as a decoy, both attracting, but usually repelling, the unwarned and unprepared passers-by. The film feels like a social experiment: an unusual situation created to play on the curiosity or fear of a random sample of citizens in order to stimulate them toward action, while implicating and monitoring their individual morality.

The short film is edited to show Iowa City pedestrians as Mendieta's camera follows them as they pass along the sidewalk in front of the Moffitt Building. The short film opens on the building's two white doors, the edge of the frame just above the stoop, before the camera tilts down to the sidewalk soiled with streaking blood and goopy red tissue. The first subject (one

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<sup>163</sup> The exhibition catalogue describes 104 films. Laura Wertheim Joseph, "Filmography," in Oransky, *Covered in Time and History*, 205.

<sup>164</sup> These are four short films shot in the Intermedia studio, perhaps on the same day, where Mendieta presses then drags her blood-coated arms, hands, and chest on the white wall. For information about each film and 197 for titling information, see Wertheim Joseph, 214-216.

woman) walks by quickly; her head turns slightly toward the building, but it is ambiguous if it is the wind just caught her hair, or if she turned her head, where she was looking. That we can tell her head moved but cannot tell if she was responding to the blood charges the film with immediate anxiety. The second (another lone woman) walks by and also does not seem to notice the blood. The tension of the film is established in the passing of the first two subjects: we are immediately unnerved that there's meaty blood puddle and no one seems concerned about it. Questions about morality, social psychology, and the ethics of the public emerge, but the film cannot answer: *Why aren't they looking? Why is no one doing anything? Shouldn't someone do something?* And, perhaps most unsettling: *if I were there, would I do something?* As if to underline our discomfort and to clarify that "yes, that is blood," Mendieta's camera zooms in at this point, holding steady on the fullest swell of the puddle for about twenty seconds.

Over the course of the next two minutes Mendieta uses jump cuts, looking down the street in both directions through the rear window or windshield, making us aware of hidden position in the passenger seat of the car. Her handheld camera pans 90-degrees to follow the pedestrians as they approach and pass the puddle. Of the fifteen women who pass, twelve of them look down at the blood and three do not; none of them appear to look up at the building's facade. Similarly, most of the eleven men also visibly lower their head to look at the puddle as they pass while two do not. None of the twenty-six pedestrians in the final film who are shown as they passing or look at the puddle do not look directly at the camera. Another man—legibly Black, carrying what look like the long scrolls of architectural plans—pops on the screen for just a half-second, looking directly at the camera; in Mendieta's choppy editing, he is not seen coming or going, but only as he takes one step near the car. In his abrupt presence and disappearance, he appears as both an editing error and an intentional little jolt to the viewer,

reminding us not only how close Mendieta was to her experiment, but also that her work operates on the fine line between reality and staging.

Over the course of the film only one woman, dressed in white pants and shoes like a nurse, draws near to the puddle. She returns later, pauses, and lingers. She pokes the viscera with the tip of her umbrella, inspects it. She wheels back around and walks away. There is otherwise very little curiosity about the inexplicable blood, no visible jolt incited in Mendieta's unknowing collaborator-subjects; if there is an affective or intellectual experience here, they keep it to themselves (or Mendieta made an editorial decision to cut those reactions from the film, if there were any). We can only speculate on what people thought or felt, or what was edited out, but a corresponding set of slides reveal a little more drama. A woman walking a bicycle looks down at the puddle, her mouth parted and left hand brought up over her heart, registers the surprised, confused emotional response that has been absent. And, as a finale in three slides, an older man in work clothes (probably the building's super) inspects the blood from the doorstep; leaves the door open behind him after he entered the Moffitt building; and then as he kneels to clean it up, using a flat board to push the guts into a cardboard box.

We might interpret the relative non-reaction presented in the film might as that, if there is no immediate threat or suffering body, then blood is regarded as the residue of a *past* incident (i.e. here, it is clearly not seeping from under the door, indicating a location of a violent event). Most pedestrians pass without issue as if there is nothing they can do about now anyway; or that life in an American city (even quaint Iowa City) is weird enough or rough enough that a little pile of blood is not so far out of the ordinary as to become concerned about it; or a sense that someone else will take care of it, or has—it is not my responsibility to do anything.

## 2.3 Broader Artistic Context

Mendieta's films and body-based intermedia works were created in the larger context of an emergent performance practice that involved real or potential violence against the artist's own body that also emerged in the early 1970s, a tendency toward violence in art practice that included artists such as Marina Abramović, Gina Pane, VALIE EXPORT, Vito Acconci, and Chris Burden.<sup>165</sup> Although mainstream national coverage of their work was not immediate, Mendieta did meet Acconci on his visit to the UI and it is not unlikely she would have been exposed to the others, and others like them, in the progressive and innovative Intermedia program at the University of Iowa.

Initiated in 1968 as a course in Intermedia practice taught by Hans Breder, by 1970 the Multimedia MFA program and the Center for New Performing Arts were established at UI by Breder and his colleagues in film, new music, and theatre. As the first interdisciplinary art programs in the United States, these were the most progressive university-based art curriculums in the country. Multimedia, which changed its name to Intermedia in 1994, focused on experimental and hybrid practice with new materials (such as synthetics, plastics, and video), as well as incorporating writing, dance, photography, and performance into fine arts practice.<sup>166</sup> In the first ten years of the program, Breder invited an impressive line-up of critics and artists

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<sup>165</sup> Kathy O'Dell carefully treats of the work of performance artists such as Marina Abramović, Ulay, and Vito Acconci. O'Dell, *Contract with the Skin: Masochism, Performance Art, and the 1970s* (Minneapolis: University of Minnesota Press, 1998), 2.

<sup>166</sup> To be clear, at the time Mendieta was at UI, "Intermedia" was a series of graduate courses and "Multimedia" was the name of the program or area of concentration for the MFA. Herzberg supplies a careful account of how the Multimedia and CNPA programs came into being. Herzberg uses Intermedia to refer to the courses and Multimedia to refer to the MFA program throughout her text, although other authors write about the program while Mendieta attended as though the MFA program was called "Intermedia." According to Herzberg's research, Breder initially called the program "Intermedia," but changed the name to Multimedia when it became an official degree program in 1970, before Mendieta was enrolled in the program (she took her first Multimedia course in fall 1971 as she was working toward her MFA in Painting at UI. When the term "multimedia" became associated with technology in the 1990s, Breder changed the program's name back to "Intermedia." Herzberg (1998) 91-94, and 131-32, note 12. Olga Viso echoes this in her essay "Intermedia" in *Unseen Mendieta* (New York: Prestel Verlag, 2008), 21. For information about the contemporary program, see "Intermedia," School of Art and Art History, University of Iowa, last modified November 8, 2018, <https://art.uiowa.edu/areas/media-social-practice-and-design/intermedia>.



similarly working across media in addition to Acconci, including Willoughby Sharp, Mary Beth Edelson, and Lucy Lippard.<sup>167</sup> We know that Mendieta and her classmates were exposed to work of the Vienna Actionists through Peter Gorsen's book *Sexualästhetik zur bürgerlichen Rezeption von Obszönität und Pornographie*.<sup>168</sup> Breder introduced the Intermedia students to Hermann Nitsch, Günter Brus, and Rudolf Schwarzkogler's 1960s photographs that showed the artists performing constructed, quasi-religious rituals that included goring the bellies of quartered lambs; covering nude human bodies in animal entrails; and graphic sexual acts between bloodied men and women. Although the influence of the Vienna Actionists on Mendieta's early work is visible in works like *Untitled (Death of a Chicken)*, it is important to note here that the violence in their photographed performances is the keyed-up and hyper-performative sadistic violence of horror movies—not the disappointingly common cruelty that Mendieta staged in *Rape Scene*. However much the Vienna Actionists' photographs might shock us with their real and excessive bloodiness, their violence is not the kind that is frightening in its ordinariness, lurking in a real alley or just behind a classmate's dorm room door.

That strain of performance art based on “individual acts of bodily violence” wherein artists (around the world) used their own body as part of what Kathy O'Dell calls “masochistic performance,” is perhaps most saliently represented by Chris Burden's performances when he was an MFA student at the University of California, Irvine (UCI).<sup>169</sup> On November 19, 1971, Burden invited an audience to F Space Gallery (Santa Ana, CA) for his performance *Shoot*, where his friend and fellow art student at UCI Bruce Dunlap, a trained sharpshooter, fired a rifle at the artist's arm from a distance of about fifteen feet, releasing a bullet that went through the

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<sup>167</sup> Herzberg (2004), 21.

<sup>168</sup> Herzberg (2004), 150 and 225 note 51. Peter Gorsen's book described and illustrated the group's early works. *Sexualästhetik zur bürgerlichen Rezeption von Obszönität und Pornographie* (Reinbek bei Hamburg: Rowohlt, 1972).

<sup>169</sup> O'Dell begins *Contract with the Skin* with a description of *Shoot*, and this work is her first example of “masochism” in performance art. O'Dell, 2.

soft outer edge of his arm—a little more invasive than the light “scratch” and “one drop of blood” that Burden had envisioned.<sup>170</sup> Unlike Mendieta in *Rape Scene*, Burden actually subjected his body—under contrived and controlled conditions—to the pain of the violent encounter between flesh and bullet. In 1971, witnessing the live shooting event perhaps brought to mind the active conflict in Vietnam, and gave the feeling that performance art had reached an extreme, but the artist could not have expected his audience to be outright shocked: those assembled had prior knowledge that Burden planned a performance with a gun and, with the exception of the bullet’s violent puncturing rather than gently grazing the skin, the art event went according to its stated, transparent plan. Burden’s blood may have been his own, real, and spilled by an actual bullet, yet the risk was taken in the name of art, and developed to press on art’s acceptable disciplinary limits, a logic that is as art-centric as the gallery space in which it was performed.

A handful of photographs taken by photographer Alfred Lutjeans (husband of Newport Harbor Art Museum curator Phyllis Lutjeans, who was friends with Burden) document the performance, mostly in black-and-white and from a safe distance from the marksman and his target. The famous photographs show us what happened from the position of a spectator: about fifteen feet behind and to the left of Dunlap, looking over his shoulder, we see Burden another fifteen feet away. Two taken right before the shot are characterized by stillness: Dunlap holds his rifle upright by the stock, loading it while Burden stands with his arms bent slightly along his sides; the other, Burden’s posture tightens as he holds his arms slightly away from his torso, bracing himself for the shot as Dunlap aligns the sights and takes aim. The original video brings

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<sup>170</sup> Burden described his plan in a 2015 interview this way: “the bullet would whiz by my arm and would scratch it, and one drop of blood would roll down my forearm. That was the ideal, ideal.” Eric Kutner, “Shot in the Name of Art,” May 20, 2015, video, 04:49, <https://www.nytimes.com/2015/05/20/opinion/shot-in-the-name-of-art.html>.

us a little close to the action, and we can tell the moment of impact from the POP and Burden reaching up to his new wound, immediately stepping forward in a burst of what looks like amped up, nervous energy. In the post-shot photographs, Burden roves around looking a little stunned, his undamaged arm crossed over his chest with blood dripping from the front of his bicep down behind his elbow in one long glistening line; another hole—the exit wound—is clean, and a few dots of blood are visible on his jeans. Behind him, a woman (perhaps artist Nancy Buchanan) at the Super-8 tripod smiles with her hands on her hips. In another, Burden is sitting down again, his eyes dilated and his wound bleeding through the gauze tightly taped like a tourniquet on his bicep; someone (maybe Dunlap, since his sweater matches) grasps Burden’s upper arm in the moments before Burden went to the hospital for treatment, lying that the shot was an accident. Nearly a decade later at a performance festival in Florence, Italy, Burden performed *Show the Hole*, an intimate performance where Burden pointed to the two scars left by the bullet’s entrance- and exit-wounds, emphasizing that the shot was real, that he had actually subjected his body to a real bullet, by putting his body on display as a simultaneous performance archive, relic, and as live performance to 300 spectators individually.<sup>171</sup>

Writing on the occasion of an early retrospective of Burden’s work in 1988, curator Paul Schimmel argued that the artist’s early performances—which “took the jaded art work by surprise as an example of what the most extreme art could be”—had “an American directness” and were different than those of his contemporaries:

Burden’s performances differed, however, from the very start: they were an individual’s empirical investigations, uncluttered with religious, literary or historical references. Rather than being narcissistic explorations into human

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<sup>171</sup> *Show the Hole* was performed on March 4, 1980 at the Italian Per/form/ance Festival in Florence. For description and analysis of performance see Amelia Jones, “Chris Burden’s Bridges, Relationality, and Conceptual Body,” in *Chris Burden: Extreme Measures*, ed. Lisa Phillips (New York: Skira Rizzoli and the New Museum, 2013), 111-131, especially 127.

psychology, his performances created a single minimalist image, a force moment that captured the essence of a very pure action.<sup>172</sup>

Burden's performance work questioned the validity of his own university education and intentionally disconcerted his institutional sponsors, needling the trust between artist, viewer, and patrons. For Schimmel, however, these actions were "self-contained, nonreferential" and it wasn't until Burden's object-based works in the later 1970s and early 1980s that the artist made works that were politically confrontational, operating like an artist-engineer to "turn the cards on the institutions of power, universities, museums, art galleries, the defense department, and the economy."<sup>173</sup> Amelia Jones, writing in 2012, recognized that Burden's work (like that of Paul McCarthy and Allan Kaprow) from the early 1970s is "not now generally viewed as having been politically motivated or, in fact, linked to any coalitional or identity-related political concerns... [despite] whatever explicit comments all three of these artists have made about their political concerns, particularly in relation to World War II and the Vietnam War."<sup>174</sup> Indeed, Burden, speaking in 2015, described the inception of *Shoot* as directly related to its context of the US intervention in Vietnam: "first of all, you saw a lot of people being shot on TV every night in Vietnam, guys my age."<sup>175</sup>

Howard Singerman, writing in the same retrospective catalogue, however read Burden's early performances in a wider context of violence and reality. He argues that Burden's performances were based "in the familiar present" through his use mundane materials ("lockers,

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<sup>172</sup> To draw out the uniqueness of Burden's work, Schimmel goes on to compare his performances to those of Joseph Beuys and Vito Acconci. The curator said little of *Shoot*: "In *Shoot*, a friend had to be found who was willing to 'graze' Burden's arm while others watched the 'crime.'" Schimmel, "Just the Facts," in *Chris Burden: A Twenty-Year Survey*, eds. Anne Ayres and Paul Schimmel (Newport Beach, CA: Newport Harbor Art Museum, 1988), 13.

<sup>173</sup> Here Schimmel references a 1974 statement Burden made that reflected upon the efficacy of his "job" as an artist. Schimmel was thinking here of works like the installation *The Reason for the Neutron Bomb* (1979), performance with objects *The Citadel* (1978), and *B-Car* (1975), Burden's transportation solution in the middle of an oil crisis. Schimmel, 16-17.

<sup>174</sup> Amelia Jones, "Lost Bodies: Early 1970s Los Angeles Performance Art in Art History," in *Live Art in LA: Performance in Southern California, 1970-1983*, ed. Peggy Phelan (New York: Routledge, 2012), 129.

<sup>175</sup> Burden in Kutner, "Shot in the Name of Art."

gasoline, electric wires”), and that they allowed Burden “to imagine and know violence for himself and to return its reality and its specific horror to his audience.”<sup>176</sup> When Singerman noted *Shoot* was performed during the height of the Vietnam War, the images of which were already “familiar, even iconic,” and that the performance was outside “surrounded by a host of urban and video violence, of fictional and nonfictional shootings, stabbings, and fires,” he presumably meant that the audience would have recognized their everyday, familiar relationship with violence in *Shoot*. Although I think Singerman is precisely right that viewers of *Shoot* would have immediately intuited these relationships to violence, I would like to press on this a little further. Burden’s early performances, as Amelia Jones suggests, was consciously rooted in its context of increasing violence in the US, abroad, and on-screen, but I still think it is important to emphasize the work’s totally contrived situation made clear by his performance structure. Burden did not stage violence (as an affective strategy) so much as he enacted an event of consensual violence against his own body in a controlled viewing environment that was interested in an art audience.

Burden, the Vienna Actionists, and Mendieta comprise an abbreviated list of the artistic strategies surfacing in the early 1970s, but are representative of the then-emerging interest in increasingly graphic imagery. O’Dell locates the artistic interest in the performance of self-harm that emerged in the late 1960s within the context of widespread disaffection with the ongoing Vietnam War, and the dissolution of social contracts that the conflict engendered and represented. As Jane Blocker has noted, although male artists such as Burden and Nitsch “experimented with the unfamiliar experience of making themselves the object of the viewer’s

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<sup>176</sup> Howard Singerman, “Chris Burden’s Pragmatism,” in Ayres and Schimmel, *Chris Burden*, 21.

gaze,” female artists such as Mendieta “worked to expose the violence and control that can lie behind the gaze, which for them (us) is neither novel nor escapable.”<sup>177</sup>

A few years before Mendieta installed herself in live performances of victimhood, Les Krims (b. 1943, New York) staged a strikingly similar composition. At the center of his photograph *Pussy and Crime Scene Fiction with Visible Tampon String, Buffalo, New York* (1969) is a big pile of raked leaves. A woman, her upper body stuffed under the right edge of the pile, lies on a lawn. She is barefoot and without underwear, her pale legs slightly bent, and parted ungracefully and just enough to suggest the slack of a dead body—or to encourage a viewer to look for the tampon string named in the title. Like Mendieta’s body, the woman in Krims’s photograph is lifeless, half-clothed, and her head is obscured by the landscape. Only her right hand and nude lower body are visible from under the leaves, the nakedness of her lower body emphasized by the gingham fabric pulled up to her waist and the cuff of her sleeve at her wrist. A black cat sits opposite her, anchoring the left side of the composition and looking directly at us with the bright reflective eyes of animal. The nearby siding-covered wall, the curious pet cat, and manicured garden filled with decorative shrubs suggest a yard surrounding a suburban home, an absurd setting for a casual display of a victimized body since suburbs have a reputation as being safe and, although privacy is paramount, neighbors are supposed to look out for one another.<sup>178</sup>

Krims’s figure is not gory, but she still visually recalls clandestine, Weegee-style crime photography like that of the “Black Dahlia” murder, the gruesome killing of Elizabeth Short, whose body was found severed and posed with her legs spread in a vacant lot in a Los Angeles neighborhood in January 1947. *Pussy and Crime Scene Fiction* also evokes Marcel Duchamp’s

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<sup>177</sup> Blocker (2004), 15.

<sup>178</sup> Local forebears of the National Neighborhood Watch program emerged in the late 1960s. The national program, through the National Sheriff’s Association, was established in 1972. “Our History,” National Neighborhood Watch, accessed January 25, 2018, <https://www.nnw.org/our-history>.

masterwork *Étant donnés: 1° la chute d'eau, 2° le gaz d'éclairage . . .* (Given: 1. The Waterfall, 2. The Illuminating Gas . . . ) (1946-1966), which similarly shows, through the peepholes of a heavy wooden Spanish door, a realistic nude female mannequin lying on twigs and leaves, her splayed legs greeting the viewer.<sup>179</sup> Her head is out of view (or missing?) and her inexplicable presence and nudity in the scenic landscape gives the installation an overall sense of unease. *Étant donnés* opened to public viewing by July 7, 1969, the same year that Krims had a one-man show at Garrick Fine Arts Gallery in Philadelphia, though it is unclear if he visited the Philadelphia Museum of Art to see it and/or if he had seen photographs of Duchamp's installation. Further, it is unclear when in 1969 he shot *Pussy and Crime Scene Fiction*, so it is not possible to say if Krims was aware of or impacted by *Étant donnés*.<sup>180</sup> *Pussy and Crime Scene Fiction* takes on the operation of voyeurism, of encouraging gazing at nude vulnerable women in various degrees of consciousness in both tabloid crime photos and *Étant donnés*.

Like how Duchamp's poetic and oblique title for *Étant donnés* fails to shed light on the major visual component of the installation—the woman and the reason for her naked, illuminating repose—Krims's title similarly, but snarkily, misaligns description. In its naming of a subject, location, and year, the title *Pussy and Crime Scene Fiction with Visible Tampon String, Buffalo, New York, 1969* appears like the Social Realist documentary style photography of Dorothea Lange and Walker Evans from the 1930s. If we read it straight, we are told that we are

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<sup>179</sup> Mendieta studied and responded to Duchamp's work over the course of her MFA in program in Intermedia. Among these responses are her photographed self-portraits using her friend Morty Sklar's facial hair as a mustache and beard on her own face (*Untitled [Facial Hair Transplants]*, 1972), inspired by Duchamp's mustachioed Mona Lisa in *L.H.O.O.Q* and his *Rrose Sélavy* persona. The following spring, she responded directly to *Étant donnés* in *Door Piece* (March 1973). In this piece the woman (performed by Mendieta) is active and uses her face (arguably the part of a person most invested with their personal identity) to foreclose upon the viewer's voyeuristic desires. Mendieta pressed her face against the glass panel of a door that she had made opaque except for a peephole at the center of the glass. It was first performed live in Dan de Prenger's studio during a collaborative event between Breder's Intermedia class and University of Iowa's Center for the New Performing Arts (CNPA); Mendieta reenacted the piece after the event to film it on Super 8. See Herzberg (1998), 122-129, and Wertheim Joseph, 207.

<sup>180</sup> Les Krims, "Vita," Les Krims, accessed January 28, 2018, <http://www.leskrims.com/leskrims-vita.pdf>. See page 15 of vita in the downloadable PDF at this URL.

looking at a cat and a fictionalized crime scene (which the tampon string is a part of, thus the woman not a person so much anymore as a component of a crime scene). Krims's use of the serious and political trope of documentary photography titling, however, is what makes it humorous, and the sexual innuendo embedded in the visual pun of both of the cat and the woman's exposed pubis as both "pussy" is inescapable. Humor runs throughout Krims's oeuvre, so the inclusion of either "pussy" in this case is surely intended for laughs—at the expense of the woman, not the cat. This humor perhaps psychically releases the viewer and allows them to enjoy the scene's absurdity and even the implication of violence. This reading foregrounds part of the woman, reducing her to her genitalia, while still leaving her as a person, and what happened to her, as left unaccounted for (or understood, again, as a component of the "crime scene.") In both interpretations of the title, neither the woman nor the abuse her body suffered to get to the bottom of a leaf pile, then, is not the subject here.

Krims himself has described the relationship between his text and photographs: "if a text [a title or caption] is noticed and read, I believe it enhances and changes the image in a unique way. The combination of picture and text is a parody of the propaganda that was known as 'concerned photography,' and most journalism."<sup>181</sup> Elsewhere, Krims emphasized his fraught relationship with progressive, social activist photography, arguing that by "[s]atirizing leftist practice in photography," he believed his work actively "marginalized [Social Realist-style] 'activist' photographers [who were] complicit in corrupting and ghettoizing photography;" through his ribbing on their aesthetic, subjects, and titles, then, he saw his work as "making room

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<sup>181</sup> Les Krims and VICE staff, "An interview with Les Krims," *VICE*, August 14, 2010, [https://www.vice.com/en\\_us/article/znyz4e/an-interview-with-les-krims](https://www.vice.com/en_us/article/znyz4e/an-interview-with-les-krims).



for other manner of expression” within the practice of photography.<sup>182</sup> As Moa Goysdotter suggests, often Krims’s titles “give us clues as to the picture, makes us see more, and directs our interpretation.” In this case, Goysdotter continues, Krims’s title “ensures it is a parody, not of forensic photography as such” but of photography as evidence.<sup>183</sup> The victimized female body, then, is instrumentalized as a prop to prove something about the medium and the viewer’s association of veracity of photography in its many forms. The punch line of the parody is in the vagina of a dead (or dying) woman, and the fact of her casual victimization seems to be part of what ostensibly makes the image “funny,” rather than pornographic. Another layer to his joke: our search to verify the tampon string’s existence. The reference to the tampon string and titular inclusion feels intentionally ridiculous as hyperbolic attention to detail, yet it also encourages the viewer to investigate Krims’s title—which is to say, that part of the joke is that he gets the viewer to inspect the victim’s vagina, without her awareness or consent.<sup>184</sup>

If we think of this photograph as having a narrative beyond confirming the title, our attention to the tampon string is important because its presence might suggest that the woman was not vaginally penetrated or raped in a conventional sense, as might be suspected from the naked display of her lower body, her hiked-up skirt, and her parted legs. If Krims is showing us just a murder (not a sexual assault *and* murder), then her nudity is superfluous and perhaps sexual, there for the pleasure (whatever that is) of the photographer and his anticipated viewer. Or is this also part of the joke? That her assailant was so turned off by her menstruation, he could

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<sup>182</sup> Les Krims in an interview with Jen Brill, “Les Krims,” *Purple Magazine* 15 (spring-summer, 2011), <http://purple.fr/magazine/ss-2011-issue-15/les-krims/>. See also Les Krims, “Satire Inspired by Wishful Thinking, The Culture Wars, and the Left’s [She]Nanigans,” *This Long Century*, September 8, 2010, <http://www.thislongcentury.com/?p=7099>.

<sup>183</sup> Moa Goysdotter, *Impure Vision: American Staged Art Photography of the 1970s* (Lund: Nordic Academic Press, 2013), 64.

<sup>184</sup> The body of Elizabeth Short (“The Black Dahlia”) was also found with an object inserted into her vagina, her tattoo of a rose that had been cut from her body, a popularly-known precedent for the humiliating hide-and-seek using the vagina of a murdered woman. For a researched study of the murder and its contemporary resonance, see Piu Marie Eatwell, *Black Dahlia, Red Rose: The Crime, Corruption, and Cover-up of America’s Greatest Unsolved Murder* (New York: Liveright Publishing Company, 2017).

not rape her and, frustrated, murdered her instead? Or if rape was not part of the calculus of the scene, did the perpetrator leave her exposed in this way to further embarrass her in death—another kind of sexual violence: a sexualized humiliation?

Throughout his career Krims has established an ambiguous and satirical relationship between the female body and sexuality, identity, and abuse. He is best known for his investigations (or perhaps presentations) of taboos in photography and writing that satirize various facets of contemporary American culture, such as consumerism and pop culture, race and gender issues, and liberal politics. For example, *Mom's Snaps* (1970) is a portrait of his nude mother, surrounded by photographs on the walls around her and with family photographs affixed to her body, which covers nearly everything except for her breasts. His title also plays on the visual referent of innocuous snapshot photography and another sexual innuendo for women's genitalia. In addition to many White female nudes staged controversially or comically (i.e. stuck, by the nipple, to a table by chewing gum; reclining on a made bed as smoke or steam rises from between her legs), Krims also staged photographs with people with differently-abled bodies such as a man with significantly underdeveloped legs and families who appear to have Dwarfism. This resulted in comparisons to the work of Diane Arbus, which he responded to directly with a 1974 photograph showing shows a person who appears to have Down's Syndrome with a black sign hanging around their neck with the all-caps phrase in white letters, "*DIANE ARBUS LIVES IN US.*"

His *Fictions* took on a hyperbolic quality a few years after *Pussy and Crime Scene Fiction* in *The Incredible Case of the Stack o' Wheats Murders* (1972), a book of black-and-white photographs of nude women "murdered" in domestic spaces. The women's faces are usually obscured, but their undamaged, highly sexualized bodies are carefully and erotically displayed as

they lie in comically large pools of “blood” that look suspiciously like chocolate syrup. Each figure is young, White, and trim, her full breasts exposed and visible regardless of the position of the body (in only one image the breasts are not displayed, since the woman is bent over in the shower; instead her full, exposed rear faces the viewer). The cover image is the most iconic of this series: a mostly nude woman lies on a bathroom floor, her camisole neckline pulled down to expose both breasts, her eyes and mouth covered by thin cords, and her left hand resting provocatively on her lower hip. “Blood” is splashed on her left hip, but there are no obvious wounds to suggest its origin, nor are there other signs damage to the body to indicate how she died. The fictional serial killer signed his name in goopy “blood” on floor alongside the woman’s mouth, like a sticky word-bubble saying “Wheats.” His calling card, a tall stack of pancakes or a “stack o’ wheats,” rests on the toilet lid. Other images in the book show women looking relaxed (yet “dead”) and fully nude, sometimes reclining—knees widely parted—on the front steps of a home; laying in front of a washer and dryer, her legs gently crossed at the ankle and a hamper overturned on her head; or curled up in the corner of a room in the fetal position with a hand grasping her belly, underneath nearly two dozen pictures of Jesus, Mary, and the Pope tacked onto the two walls behind her. The photobook conveys a strange association between sexy dead women and sugary-sweetness, playing uncomfortably on the consumability of women’s bodies in Krims’s link to the absurd deaths inflicted by a serial (cereal?) killer.

Writing in *Artforum* in 1976, critic A.D. Coleman named Krims as a “pioneer” of what he called Directorial Mode, an “atheistic branch of photography...[wherein] the photographer consciously and intentionally *creates* events of the express purpose of making images thereof...[which] may be achieved by intervening in ongoing ‘real’ events or by staging tableaux.” These “falsified ‘documents’” exploit viewers’ ready trust in photography,

challenging their “initial assumption of credibility by evoking it for events and relationships generated by the photographer’s deliberate structuring of what takes place in front of the lens as well as of the resulting image.” As Krims explained his practice in 1969 (the same year as *Pussy with Crime Scene Fiction*): “I am not a Historian, I create History...The greatest potential source of photographic imagery is in the mind.”<sup>185</sup> Coleman’s “directorial mode” is based on an inherent ambivalence of the image: the scene photographed was contrived by the artist for the purpose of photographing it and “would not have occurred except for the photographer’s imagination”; yet the resulting photographs are documentary in that they document what the artist staged: “those events (or a reasonable facsimile thereof) did actually take place, as the photographs demonstrate.”<sup>186</sup> Citing historical examples of photographers who staged still lives (Edward Weston placing “a green pepper inside a tin funnel in his studio”) or documentary scenes (Alexander Gardner’s moving of “the body of a Confederate soldier for compositional effect” in *Home of a Rebel Sharpshooter*), Coleman clarifies that artists working in the “directorial mode” (such as Duane Michals, Lucas Samaras, and Paul Diamond) do not see the external world as a given to be altered in service of a final image, but as “raw material, to be itself manipulated as much as desired prior to the exposure of the negative.”<sup>187</sup> Had Coleman written about more than a handful of female artists, he might have included Mendieta in the group of artists for her photographed tableaux; though she was often not the one behind the camera, she did stage fictional scenes and direct others to photograph them.

Working at the same time as Mendieta, Krims’s work was in deliberate contention with the reality effect achieved by feminist artists like her. Indeed: reflecting back from 2010, Krims

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<sup>185</sup> Les Krims 1970 letter originally published in *Camera Mainichi* 8 (1970), quoted in A.D. Coleman, “The Directorial Mode,” in *Light Readings: A Photography Critic’s Writings 1968-1978* (New York: Oxford University Press, 1979), 252.

<sup>186</sup> Coleman, 251.

<sup>187</sup> Coleman, 257.

argued—writing, coincidentally, on the date of the 25th anniversary of Mendieta’s death—that in the 1970s he was the “scapegoat” for feminist photographers and target of a “libelous attack by radical anti-porn feminists” who emerged from the Society for Photographic Education. Although Krims speaks of “feminist” artists in general, it is unclear if he and Mendieta were familiar with each other’s work. Unlike Krims, however, Mendieta’s work resonates with concerns about (under-) valuation of non-White bodies in public discourse that remain unsettled.

## 2.4 Suzanne Lacy: Another Approach to the Public

Around the same time that Mendieta initiated artworks centered on sexualized violence, Suzanne Lacy was also developing artwork in an MFA program at Fresno State (now California State University Fresno), under the direction of Judy Chicago.

Lacy took up the subject in the early 1970s in her artist book *Rape Is*, a limited edition book first published 1972.<sup>188</sup> Four years later, *Rape Is* was printed as a second edition of 1000 copies—perhaps seeking wider distribution of its consciousness-raising message. In order to read the small white book, the reader had to break the red sticker that sealed the cover flaps together. Written as 1-line responses to the provocation of the title, and in parody of popular “happiness is...” books, *Rape Is* provides nuanced interpretations of “rape” beyond intercourse coerced by a stranger at gunpoint, which was both its popular and narrow legal definition in many states at this time:

when you are sitting on your grandpa’s knee, and he slips his hand in your panties.

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<sup>188</sup> Suzanne Lacy, *Rape Is*, 2nd ed. (Los Angeles: Women’s Graphic Center, 1976), back cover (unpaginated booklet).

...  
when your case is weakened in the eyes of the law, because the rapist did not ejaculate.

...  
when he pinches your ass and assumes you will be flattered.<sup>189</sup>

Soon after, Lacy drew public attention to the prevalence and frequency of rape in Los Angeles by taking it to the streets in the multi-format activist artwork *Three Weeks in May* that would become a hallmark of both Lacy's career and 1970s feminist art.<sup>190</sup> *Three Weeks in May* is productively compared to Mendieta's *Rape Scene* because both works aggressively foreground the then-taboo discussion of rape in a watershed moment of legislating female bodily autonomy (crystallized in 1973 in *Roe v. Wade*), the emerging national Take Back the Night movement, and continued agitation by women activists for progressive redefinitions of "rape" to encompass broader sexual assault—yet Lacy and Mendieta's approach and effect differed significantly.<sup>191</sup> Although *Three Weeks in May* and *Rape Scene* are sometimes mentioned together in the literature on both artists, there is no sustained comparison that brings out fully the ways in which the strategies, audiences, intent, and especially personal and ethnic background of each artist intersected to create very different works of art with very different impacts.<sup>192</sup>

Treading the "uncertain area between art and social action," *Three Weeks in May* was comprised of public performances and an installation of maps that visualized recent instances of rape in Los Angeles.<sup>193</sup> The "political art performance" took place, as its title indicates, for

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<sup>189</sup> Lacy (1976), unpaginated.

<sup>190</sup> Lacy describes the booklet as among her works that "significantly paved the way" for *Three Weeks in May*. See Lacy, *Three Weeks in May* (Los Angeles: Studio Watts Workshop, 1980), 8.

<sup>191</sup> The Take Back the Night movement, which became an official foundation in the early 2000s, tracks their history back to marches independently organized in the US and Europe, often on college campuses, beginning in 1972. "History," Take Back the Night Foundation, January 2, 2018, <https://takebackthenight.org/history/>.

<sup>192</sup> Mary Jane Jacob makes the short comparison in a footnote in the exhibition catalogue, noting that Lacy "like Mendieta, evoked a sacrifice in the conclusionary aspect of this multipart piece [Three Weeks in May] entitled *She Who Would Fly*." Jacob, 36 note 10.

<sup>193</sup> Lacy (1980), 6.

nearly a month in 1977 and was developed by Lacy and supported by her feminist collaborators Barbara Cohen, Jill Soderholm, Leslie Labowitz, and Melissa Hoffman, as well as local institutions.<sup>194</sup> Seeking multiple audiences through different strategies, Lacy developed artistic performances, public demonstrations, self-defense workshops, and talks hosted by community organizations, including the LAPD.<sup>195</sup> The issues central to the piece aggregate in a set of maps of Los Angeles County, one panel documenting the locations of rapes reported to the Los Angeles Police Department (LAPD) and the second mapping the resistance.<sup>196</sup> The large yellow panels—each five feet tall and twenty-five feet long and marked with the seal of the Los Angeles Fire Department—were first installed on Mother’s Day, May 8, 1977 in the City Mall, a public shopping arcade below Los Angeles City Hall. For twenty-one days, Lacy marked the locations of reported rapes using data provided daily to the artist by the LAPD, using saturated red paint to crisply stencil “RAPE” at the geographical location of the reported assault. Lacy placed the community at the center of the artwork, similar to how Mendieta made her Iowa City community an essential component of her medium. Each site was then haloed with the word in faint red pigment, this time using a stamp with each letter in outline—a symbolic marking of the many more assaults that go un-reported.<sup>197</sup> From Santa Monica east to Eagle Rock, up to Universal City and down through Watts, Los Angeles was stained red with “RAPE.”

On the second panel, Lacy plotted out safe spaces, pinpointing resources for survivors such as police stations, hospitals, women’s shelters, and the L.A. Commission on Assaults

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<sup>194</sup> Lacy (1980), title page.

<sup>195</sup> For a careful account of *Three Weeks in May* in the context of Lacy’s career, see Irish, 62-66.

<sup>196</sup> I am careful here to use the term “rape” rather than “sexual assault” because it is the term that Lacy used and was typically used throughout the 1970s. It was not until rape was seen as one of multiple types of traumatizing sexualized violence in the 1990s that the more expansive term “sexual assault” came to common usage.

<sup>197</sup> This was Lacy’s process according to the artist’s website. Her site also states that she stamped “RAPE” an additional nine times around the reported rape site/stencil, “symbolizing of the estimated nine additional rapes for every one reported; the statistic is not cited. “Three Weeks in May (1977),” Works, Suzanne Lacy, accessed April 10, 2019, <http://www.suzannelacy.com/early-works/#/three-weeks-in-may/>.

Against Women (now Peace Over Violence). Lacy also stenciled their phone numbers on the map, making both the location and contact information easily visible to someone in need of support. Comparing the two panels, it becomes clear the city was under-prepared to deal with the amount of reported assaults its residents faced, approximately only one-third of the estimated actual number of sexual assaults. Multiple rapes were reported daily throughout LA and concentrated in central and south-central Los Angeles, yet resources were sparse across the Southland except for a handful of mostly county-affiliated institutions that fringed the eastern edge of town.<sup>198</sup> For the three weeks the diptych was installed, one map bled daily, stamped with at least ninety wounds, while the other remained unchanged.<sup>199</sup>

Framed in yellow-and-black striped tape, the map appeared more as a way-finding aid or a public notice posted by a municipal authority, and did not call attention to itself as a work of art. Lacy's original plan was to install the maps in an art gallery and update it daily with rape reports for three weeks.<sup>200</sup> She credits the inspiration to take the artwork out of the gallery and into the city, and to work the city into the artwork, to Sheila de Bretteville, graphic designer and one of Lacy's mentors at California Institute of the Arts (CalArts), who advised that the work be

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<sup>198</sup> Recent statistics indicate that between 15.8 and 35 percent of all sexual assaults are reported. It is plausible that during the 1970s that number was even lower, since there were fewer dedicated resources and less public education about rape and sexual assault; it was not until 1972 that the first support centers were established (San Francisco and Washington, DC), and rape wasn't even defined until 1962, a very narrow definition that has since been expanded, but varying state-by-state, over the course of fifty years to include non-female victims, activity other than vaginal penetration by a penis, and non-consent between married partners. A 2011 study based on a national sample of women interviewed in 2006 found that only 15.8 percent of survivors of sexual assault report the crime to the police. The US Bureau of Justice indicates that 35.3 percent of women report a sexual assault (average percentage between 1994 and 2010). See Kate B. Wolitzky-Taylor et al, "Is Reporting of Rape on the Rise? A Comparison of Women with Reported Versus Unreported Rape Experiences in the National Women's Study-Replication," *Journal of Interpersonal Violence*, 26, no. 4 (2011): 807–832, <https://doi.org/10.1177/0886260510365869>. See also Michael Planty et al, "Female Victims of Sexual Violence, 1994-2010," March 2013 (Revised May 31, 2016), <https://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>. For more information on the history of terms and research on rape, see Estelle B. Freedman, "Women's Long Battle to Define Rape," *Washington Post*, August 24, 2012, [https://www.washingtonpost.com/opinions/womens-long-battle-to-define-rape/2012/08/24/aa960280-ed34-11e1-a80b-9f898562d010\\_story.html?utm\\_term=.581a3ef9be84](https://www.washingtonpost.com/opinions/womens-long-battle-to-define-rape/2012/08/24/aa960280-ed34-11e1-a80b-9f898562d010_story.html?utm_term=.581a3ef9be84).

<sup>199</sup> This is the total count that Susan Irish notes in her description of this work (no citation). Irish, 62.

<sup>200</sup> Lacy recounts de Bretteville's involvement and her original plans in the short film *Los Angeles Contemporary Exhibitions (LACE)*, "Documenting *Three Weeks in May* by Suzanne Lacy (1977)," November 3, 2011, video, 08:50, <https://vimeo.com/31566097>.



a fully public address by making it “look like a road... like something that people travel through that’s very much part of their experience.”<sup>201</sup> At the City Mall, the maps became part of the daily experience of city workers. Shoppers and public employees on their lunch break were the main audience for the maps, but this unlikely location, as Jeff Kelley has noted, situated Lacy and her work “in the middle of a network of people, agencies, and funding sources that contributed to a greater degree of public visibility.”<sup>202</sup>

These relationships, Lacy later commented, allowed her to “[convince] people that this was an important area of public concern.”<sup>203</sup> It also led to a widened network of support: in addition to its two original sponsors, the Women’s Building and the Studio Watts Workshop, *Three Weeks in May* was supported by many local institutions, among them the City Attorney’s office, the Commission on Public Works, the LAPD and the Sheriff’s office, and the American Civil Liberties Union. With this support, Lacy and her colleagues inspired and curated thirty related events and activities that, as Lacy remembers, “modeled strength, resiliency, and mutual support” in the forms of press conferences called by elected officials, radio programs, speak-outs, and public theatrical performance.<sup>204</sup> Lacy explained that “by filtering women’s experience into mass culture, we would create an awareness which would somehow provoke social action...Above all I wanted to make the reality of women’s experience of rape, and their perspectives on that experience, public before the people of Los Angeles.”<sup>205</sup> Reflecting on these events in 1982, Lacy recalled that the performances were “designed to look enough like

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<sup>201</sup> Suzanne Lacy with Moira Roth, “Oral History Interview with Suzanne Lacy, 1990 Mar. 16-Sept. 27,” Archives of American Art, Smithsonian Institution, accessed April 10, 2019, [https://www.aaa.si.edu/download\\_pdf\\_transcript/ajax?record\\_id=edanmdm-AAADCD\\_oh\\_215585](https://www.aaa.si.edu/download_pdf_transcript/ajax?record_id=edanmdm-AAADCD_oh_215585). For this quote in the transcript version of the oral history see page 25 of the downloadable PDF at this URL.

<sup>202</sup> Jeff Kelley, “The Body Politics of Suzanne Lacy,” in *But is it Art?: The Spirit of Art as Activism*, ed. Nina Felshin (Seattle: Bay Press, 1995), 235.

<sup>203</sup> LACE, “Documenting *Three Weeks in May* by Suzanne Lacy (1977).”

<sup>204</sup> Lacy (2010), 103.

<sup>205</sup> Lacy (1980), 3.

television's normal bill of fare to slip, as it were, into mainstream media."<sup>206</sup> Lacy, like Mendieta, courted a type of realism or simulated reality—specifically, the aesthetic of local broadcast news—in order to slyly infiltrate and maintain the attention of an unsuspecting but present viewership.

With a goal of inclusivity or saturation, Lacy felt the work should have different types of events for different communities—some large and public-facing, some “very personal, private events for the women’s community, and art events for art community.”<sup>207</sup> Among the more surreptitious were the sidewalk interventions by Phranc and Judith Loischild who worked from the LAPD data that was given to Lacy and drew body outlines in chalk on Los Angeles sidewalks, sometimes with flowers laid where the figure’s heart would be, and captioned them with the alarmingly-true text: “2 WOMEN WERE RAPED NEAR HERE MAY 9 MAY 21.” Inserted into the community for the public to encounter underfoot, the chalk interventions were meant to bring into relief for the passing-by public how rape occurs each night on the very streets they walk each day, or as Lacy described the situation: “rapes continued to occur out of sight and out of mind, relentlessly, inevitably, and ongoingly in the city of LA.”<sup>208</sup>

Typically reserved for marking the fall-spot of a slain body, the chalk outline suggests the grim proposition of homicide, yet the chalk figure in *Three Weeks in May* was attended by text that indicates “rape” with no further description or clarification of the crime. Are these the spots of rape-murders? (Nowhere in the literature on Lacy does it indicate that she was given data on a crime like that.) Or, by subtending the symbols of murder—funereal flowers, corpse outline—to the text A WOMAN WAS RAPED, did Phranc and Loischild intend to suggest that this crime is

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<sup>206</sup> Suzanne Lacy, “Made for TV: California Performance in Mass Media,” *Performing Arts Journal* 6, no. 2 (1982): 54.

<sup>207</sup> LACE, “Documenting *Three Weeks in May* by Suzanne Lacy (1977).”

<sup>208</sup> LACE, “Documenting *Three Weeks in May* by Suzanne Lacy (1977).”

equal to homicide, which, in terms of jurisprudential hierarchy, remains a more seriously punished crime than rape? Were they encouraging the viewer to allow grief, generally associated with the loss of life, as part of the viewer's affective experience upon being confronted with this intervention?

In their use of text and cartoonish drawing, Loischild and Phranc sought to inform the public of the invisible violence that haunted the city but didn't bring rape as a real and painful experience into clearer visibility—unlike Mendieta's projects. By this point, it was widely known that Los Angeles was a dangerous city, so the knowledge that rape was occurring throughout the city (especially in central and southern points) was likely already well-known by the public that Lacy and her collaborators targeted. Perhaps the issue isn't that they didn't *know*, it's that they didn't *care*. Is the question then: *what* makes people care?

Reflecting on organizing *Three Weeks in May*, Lacy later commented “if you just show how women are victimized, went the current thinking, you will contribute to the problem of women experiencing themselves as victims.”<sup>209</sup> At this point in 1977, it is unlikely that Lacy knew anything of Mendieta's *Rape Scene* works, and it is unclear in this general statement if Lacy had in mind any specific artists or representations in film or broadcast media that showed the sexual victimization of women. In either case, it seems that Lacy's critique of Mendieta's *Rape Scene* would be that it contributed to this issue, that in her staging of a woman—herself—as a victim, Mendieta did not directly do anything to change the perception of women as victims. Perhaps it was not Mendieta's point to show women as anything other than victims in order to convey the feeling of permanent potential victimhood. In fact, I argue, she staged her scenes in

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<sup>209</sup> LACE, “Documenting *Three Weeks in May* by Suzanne Lacy (1977).”

realistic and graphic violence to clearly show the threat of victimization that women live with on a daily basis, even in sleepy green college towns like Iowa City.

Phranc and Loischild's sidewalk interventions are perhaps the clearest connection between Mendieta's and Lacy's anti-rape projects. Lacy and her colleagues relied on a data-driven, practical, and direct campaign of rape awareness-raising multiple fronts, but like de Brattveille suggested, the work became like a "street," something that feels like part of normal experience and not out of the ordinary. Like avoiding leafleteers, sidewalk ministers, and homeless denizens, it would have been easy to see Lacy and her sign-holding collaborators coming, and to ignore them. Although based on and in the streets of LA, *Three Weeks in May* was not an unavoidable, intrusive action and it did not demand the attention—intellectual or emotional—of its audience. We might consider, then, how this compares to the potential shock of Mendieta's *Rape Scene* works staged in the woods surrounding Iowa City just a few years earlier. Mendieta's installation-performances would have inserted the unsuspecting viewer *into* the violent scene with her, into the ambiguity, anxiety, and perhaps even excitement of the space of violation, crime, and trauma. We might interpret Mendieta's staging as her attempt to get viewers not to *know* about epidemic rates of sexual assault, but to *care* about the women that has happened to and will happen to by feeling personally implicated in the violence. By delivering an unprepared viewer into the murky space of a witness or perpetrator, Mendieta's *Rape Scene* attempts to make the threat of sexualized violence just as conspicuous, immediate, and unavoidable as it is to millions of American women on a daily basis. The fact that Mendieta's performances made the rape seem like it had just happened moments ago locates the viewer in an in-progress crime scene and in a world of violence, pressing them to think of assault not as a past phenomenon, but as in 'look at this thing right before you and acknowledge that you are part

of—and touched by—this horror.’ In contrast, the statistics Lacy made available to the public were staggering and based on the real horrific acts of sexualized victimization as documented in police reports, yet her careful cartographical accounting necessary takes place *after* the LAPD had taken the report and cleaned up the mess. Although they prefigure additional assaults (i.e. each day’s reporting revealed the statistical likelihood of future assaults), these are past events dislocated from the viewer’s experience (unless they were the officer or victim of the crime).

I am arguing that Mendieta’s simulation inserts the viewer into the uncertain world occupied by women, creating a situation in which a viewer, regardless of their personal identity, has an affective experience of this uncertainty, precariousness, and/or fear, and that these are productive feelings that that may make them reconsider their understanding of violence by putting them into this close proximity with the gory details of a simulated crime.

Lacy’s continued attention the issue of sexual assault continued to her established media of public performance, community-involved programming, and small-run artist books. *Three Weeks in May* culminated in a limited edition book of the same name (1980) and a January 2012 recreation of the project at LACE. Commissioned by Studio Watts Workshop and pressed as a limited edition of ten, the *Three Weeks in May* book includes Lacy’s essays on the conceptual framing of the piece and materials (maps, letters, and notes) documenting the planning and execution of *Three Weeks in May*, punctuated with photographs and quotes from feminist literature that influenced the project.<sup>210</sup> Because she thought the “piece itself was a model for action”, the book’s purpose was to show her “intuitive process” that culminated in the construction of the event and function as a “source book” for understanding the form and process of *Three Weeks in May* as something that another artist can “translate to fit their own issues and

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<sup>210</sup> Lacy (1980), title page.

develop their unique art forms.”<sup>211</sup> The book does not appear to be an inherent part of the artwork, but establishes a basis for its interpretation in essays articulating the context of performance and conceptual art practice, feminist ideologies, and descriptions of Lacy’s previous related art works.

#### **2.4.1 Biographical Comparisons: Lacy and Mendieta**

While this dissertation resists understanding the work of marginalized artists/artists of color only in the established terms of White/mainstream artists by inserting the former into the canon, I do feel that thinking about the work of Lacy (and Chris Burden) alongside Mendieta is useful to a larger critical reassessment of art historical practice as well as indicative of how Mendieta’s approach, motivations, and legacy differ from her contemporaries who engaged in similar strategies and subject matter. Pulling apart artworks that directly engage with sexualized violence made by an array of artists and their context, I hope, will help cultivate a greater understanding of how artworks process this type of violence more broadly.

Lacy and Mendieta were on very different trajectories when they set to work on these public-facing works focused on rape, and perhaps some of these components directly impacted their aesthetic strategies. They were at very different stages in their careers when they produced these works: Lacy was a professional artist; Mendieta was an MFA student in the Intermedia program. Their educational programs had very different philosophies: Lacy was trained in a strictly women-only program based on feminist principles of consciousness-raising, a network she maintained beyond her time at Fresno State, a small state school, and art-focused CalArts;

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<sup>211</sup> Lacy (1980), 3-4.

Mendieta earned an MFA in a traditional painting program at the University of Iowa before continuing there for the Intermedia program, which stressed conceptual development, technical skills in new media, and developing experimental practice through creative research—an interdisciplinary program where she was the only female student. They were working in very different locations with different publics: in 1973, Iowa City was a small town of approximately 47,000 residents and whose art community was concentrated almost entirely on the university campus.<sup>212</sup> Los Angeles, by comparison, had population of nearly 3 million people in the city and over 7 million in the county, which included eastern areas that were on the *Three Weeks in May* but not yet incorporated.<sup>213</sup>

In 1991, Lacy reflected on how her class background impacted her trajectory: “I think that being from a working-class or lower middle-class background has always been a bit of a problem in that there were opportunities that were never even revealed to me.”<sup>214</sup> Lacy was born in 1945 to a White, working-class family in the small farming community of Wasco in central California’s San Joaquin Valley. Although interested in art from a young age, perhaps influenced by her creative father, Lacy was dissuaded from pursuing it once her high school art teacher advised that it would not be possible for her to become a professional artist.<sup>215</sup> The first in her family to go to college, Lacy followed her parallel interest in medicine at Bakersfield Junior

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<sup>212</sup> Iowa City’s population in 1973 was likely between the total population of 46,850 recorded in 1970 and 50,508 recorded in 1980. “Total Population for Iowa’s Incorporated Places: 1850-2010,” State Library of Iowa, State Data Center Program, accessed April 10, 2019, <https://www.iowadatacenter.org/archive/2011/02/citypop.pdf>. See page 11 in the downloadable PDF at this URL. Figures for the Iowa City metropolitan area totaled 91,094 in 1970 and 101,858 in the 1980 census. David J. Peters, “Iowa Population Over 100 Years,” *Extension Community and Economic Development Publications* 9 (May 2011): 14, [http://lib.dr.iastate.edu/extension\\_communities\\_pubs/9](http://lib.dr.iastate.edu/extension_communities_pubs/9).

<sup>213</sup> The 1970 census for Los Angeles recorded 2,816,061 in the city and 7,032,075 county. The 1980 populations were slightly higher, 2,950,010 in the City of Los Angeles (7,477,657 in Los Angeles County). The 1977 population was between these counts. “Historical General Population City & County of Los Angeles, 1850 to 2010,” Los Angeles Almanac, accessed April 10, 2019, <http://www.laalmanac.com/population/po02.php>.

<sup>214</sup> Lacy (1990), 5.

<sup>215</sup> Lacy describes her father, WWII veteran and electrician who later sold life insurance, as an “intensely creative” man who wrote two unpublished books, sang, and painted. All following biographical information is self-reported by the artist in interview with Moira Roth for the Archives of American Art in 1990. Lacy (1990), 2.

College (now Bakersfield College), thirty miles southeast of Wasco, where she studied pre-medical sciences. After earning an Associate's degree, she then transferred to the University of California at Santa Barbara to graduate as a Bachelor in Art in Zoological Sciences, with a minor in Chemistry, in 1968, taking an extra year to incorporate humanities courses in dance, drawing, literature, and writing. She was an excellent student and continued on to a psychology graduate program at Fresno State College (which became California State University Fresno in 1972) after she decided not to pursue a medical degree, although the three medical schools she applied to offered her an interview.

At Fresno, she met fellow graduate student Faith Wilding, then an English graduate student who would also become a prolific performance artist, and together they organized a consciousness-raising feminist group on campus. After her first year in the psychology program Lacy was already, as she says, "far out of academic psychology... [and] was working in sociology and race relations" and became interested in working with Judy Chicago, then a newly-hired professor in the studio arts department.<sup>216</sup> By 1970, Chicago established the Feminist Art Program (FAP) at Fresno State—the first of its kind in the United States—and accepted Lacy after she proved she was committed to becoming a professional artist. Lacy and Wilding officially left their original graduate programs and joined Chicago in the art department.<sup>217</sup>

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<sup>216</sup> Lacy (1990), 7.

<sup>217</sup> The Feminist Art Program developed by Judy Chicago at Fresno would move with her to CalArts in Valencia, CA in the fall of 1971. For a thorough account of Chicago's pedagogical methods, the early stages of the program, and recollections of artists associated with FAP, see Jill Fields, ed., *Entering the Picture: Judy Chicago, The Fresno Feminist Art Program, and the Collective Visions of Women Artists* (New York and London: Routledge, 2012). Moira Roth writes that Lacy was not in the FAP but in the "Women's Design Program" directed by Sheila de Bretteville. See Moira Roth, "Suzanne Lacy: Three Decades of Performing and Writing/Writing and Performing," in Lacy, *Leaving Art*, xvii.



In the early 1970s, both Fresno and Fresno State were predominantly White.<sup>218</sup> As Susan Irish notes, both Lacy and Wilding were “increasingly aware of the broader issues” that linked feminism to other civil rights because they organized with United Farm Workers for migrant rights and against the Vietnam War, and as Irish explains, “White women who were receptive could learn much politically and culturally from observing and working in coalition with people of color.”<sup>219</sup> Despite Lacy’s activism outside of women-specific causes, as well as her academic training in race relations, her collaborators in FAP and afterwards were mostly White. Similarly, her strategies of feminist consciousness-raising remained focused on issues of sexual freedom, bodily autonomy, and female body acceptance through performances enacted by White female bodies—her own and those of her collaborators. The charge to expose oneself through emotional acting-out, or to liberate oneself through anger in testimony of personal experiences—often sexual or romantic—may not have been a possibility for all “feminists.” It is important here to consider philosopher Maria Lugones’s assessment of second wave feminist consciousness-raising strategies: “Even though I am told over and over by White feminists that we must reveal ourselves, open ourselves, I keep secrets. Disclosing our secrets threatens survival.”<sup>220</sup> Although it was an important strategy of affirming women’s experience, acknowledging emotion as politically valid, and removing the stigma of women discussing their sexlives in public, consciousness-raising enactments like these relied heavily on women having access and being welcomed to spaces to express personal experience without retribution. It also privileged one own personal experience over imagining potential experiences or reenacting the experience of

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<sup>218</sup> The 1970 census (based on a 15 percent sample) lists that 72.6 percent of Fresno was White, Non-Hispanic. Campbell Gibson and Kay Jung, “Historical Census Statistics On Population Totals By Race, 1790 to 1990, and By Hispanic Origin, 1970 to 1990, For Large Cities And Other Urban Places In The United States,” Working Paper No. 76, Population Division, United States Census Bureau, February 2005, <https://www.census.gov/population/www/documentation/twps0076/twps0076.html>.

<sup>219</sup> Irish provides no citation. See Irish, 25.

<sup>220</sup> Maria Lugones, *Pilgrimages/Peregrinajes: Theorizing Coalition Against Multiple Oppressions* (Lanham, MD: Rowman & Littlefield Publishers, INC, 2003), 23, ProQuest Ebook Central.

another. According to Lacy, this was a major tenet of Chicago's instruction at FAP: "She intentionally steered us away from anything that was conceptual, that was removed from a direct engagement with our feelings. We made art of our experience."<sup>221</sup>

I bring in Lacy's background and educational trajectory here as a means of putting her artistic strategies and identity into perspective. As Amelia Jones notes, "as a White middle-class woman... [Lacy] already had access to a range of strategies and to a kind of visibility that other artists did not have."<sup>222</sup> Susan Irish begins the first chapter of her monograph *Suzanne Lacy: Spaces Between* by stating that "[e]ach person's particular body and life experience matter." Social categories of "race, gender, sexual orientation, or family history" are "key," although they do not determine "everything," and these "bodily characteristics hardly sum up anyone's identity." Irish underlines that issues of race and gender are among "central concerns" of Lacy's education and art practice, and reminds us to keep Lacy's own "white, female body" in mind when we approach her work.<sup>223</sup> I agree with Irish that our awareness of how the artist's personal identity and lived experience is an essential aspect to how their work came into being (or not), which may have serious bearing on its meaning and/or how it functioned in the world (or not). Yet the reference to Lacy's White skin and that of her peers in the Feminist Art Program are not fully fleshed out in Irish's comparison to Ana Mendieta's *Rape Scene*. In fact, when Irish directly compares *Three Weeks in May* and *Rape Scene* (staged in Mendieta's apartment), she suggests that Mendieta staged the piece in response to a recent on-campus rape-murder (without explaining that circumstance and Mendieta's relationship to it), and that Mendieta's work was

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<sup>221</sup> Lacy (1990), 6.

<sup>222</sup> Amelia Jones is talking here in the context of 1970s performance art in Los Angeles, and notes that this visibility was "often linked to the very oppression she and [Leslie] Labowitz protest[ed] in *In Mourning and in Rage*", a public performance on the steps of Los Angeles City Hall that sought to draw attention to the victims of the "Hillside Strangler," and the extensive sexual assaults that happen all the time that go unreported or are not met with police intervention or public outcry. Amelia Jones (2012), 151.

<sup>223</sup> Irish, 23.

made to “shock” her viewer, without an explanation of who that viewer was, and the value of or intention for that shock. Irish pointedly raises Lacy’s Whiteness early in her insightful monograph, but only gestures towards Mendieta’s non-White identity with a nod to her Cuban birth, with no further remark on her racialized identity in the US, and how the appearance of the racialized body into the context of rape fundamentally changes the subject.

Although Petra Barreras Del Rio has argued that “with this dramatic work [of *Rape Scene*],... she joined other artists who were likewise concerned with a feminist approach to making art,” I suggest that because Mendieta did not have a feminist network or training in consciousness-raising strategies at this time, and was exclusively working with and instructed by men, Mendieta actually did not have a significant feminist art framework, and was developing her own aesthetic strategies for her work that dealt with gendered subject matter.<sup>224</sup> Later she worked with artists would ascribed to these, and other, feminist strategies through her work at A.I.R. Gallery (originally Artists in Residence, Inc.), and would clearly identify the ways in which the Women’s Movement had excluded her, which certainly began before she joined that all-woman collective in 1978, her first year living in New York. In the early 1970s in Iowa, however, she developed new artistic strategies to reach an audience and be taken seriously (as a woman, as a person of color), as manifest in *Rape Scene*. I argue that staging realistic, expected, and deadpan scenes of violence, she immersed an unsuspecting viewer in the reality women, especially non-White women, face daily. I doubt the effectiveness if Mendieta had adopted typical (read: White) strategies of feminist performance: raising consciousness of those around her by chanting rape facts, telling experiences of sexual victimization (which might not have been possible for her: there is no evidence she had survived a sexual assault), and sharing her

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<sup>224</sup> Petra Barreras Del Rio, “Ana Mendieta: A Historical Overview,” in *Ana Mendieta: A Retrospective* (New York: New Museum of Contemporary Art, 1987), 28.

own personal experience. I argue that she, through alternative ways of knowing (resulting from her childhood in Cuba, exposure to hybrid Catholic-Santería faiths, migration to Iowa as a child, being one of few Cuban/Latina immigrants where she lived), found an aesthetic strategy that got her artistic concept, politics, and message through to a blind-sided viewership through surreptitious means, effectively getting her audience to know through feeling—to understand through an alternative way of knowing.

Mendieta's experience as a non-White woman led her to denounce mainstream feminism, arguing that "Third World" women had been left behind by "American Feminism." Her critique, from the position of a "Third World" woman in the United States, was Mendieta's introduction to the 1980 exhibition *Dialectics of Isolation*, curated by A.I.R., the woman-owned collective gallery of which Mendieta was an early member:

During the mid to late sixties as women in the United States politicized themselves and came together in the Feminist Movement with the purpose to end the domination and exploitation by the white male culture, they failed to remember us. American Feminism as it stands is basically a white middle class movement.

As non-white women our struggles are two-fold.<sup>225</sup>

Her single-page essay is brief but passionate, and constitutes a public stance of dissent, perhaps born not just from her general distaste of the wider feminist culture, but also her tensions within the mostly-White microcosm of feminism of A.I.R.

Mendieta's various *Rape Scene* installations around Iowa City may have functioned as warnings about the real threat of violence (if they were in fact seen), but more than a paranoid reaction to her local context these works speak beyond her neighborhood and the aftermath of

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<sup>225</sup> Ana Mendieta, "Introduction," in *Dialectics of Isolation* (New York: A.I.R. Gallery, 1980), n.p. For a thorough account of Mendieta's involvement and separation from A.I.R., see Kat Griefen, "Ana Mendieta at A.I.R. Gallery, 1977-82," *Women & Performance: A Journal of Feminist Theory* 21, no. 2 (2011): 171-81, <http://doi.org/10.1080/0740770X.2011.607595>.

Ottens's murder. This selection of works reveal the interventionist thrust of Mendieta's early career. By inserting her body into the land, into the position of a victim, she makes the violence of rape and the victimization of women, a concrete thing to be contemplated through the experience of witnessing, an experience that maintains its gravity in our contemporary viewing of the surviving photographs.

## 2.5 Rape in the Museum in the 1980s and 1990s

In the 1980s and 1990s, I observe is a trend toward gallery-sanctioned presentations of artworks in traditional media. Among these exhibitions is the *RAPE* exhibition at the Ohio State University (November 13–December 13, 1985), dedicated to Mendieta on the year of her sudden death, and *The Subject of Rape* at the Whitney Museum of American Art (WMAA). Both exhibited photographs of *Rape Scene* staged in Mendieta's apartment.

At Ohio State University the *RAPE* exhibition featured mostly paintings and sculptures with a few installations and a sound piece, chosen by an artist selection committee comprised of Jenny Holzer (who, just three years prior, had her first large-scale LED sign in Times Square based on her "truisms") and Barbara Kruger (who had recently begun the text/picture collages for which she is now known), and feminist journalist and author Susan Brownmiller, famous especially in feminist circles for her controversial 1975 book *Against Our Will: Men, Women, and Rape*. The artworks in *RAPE* are linked in content, and the twenty artists (including one man) referenced their shared subject using different aesthetic methods to make direct and oblique references to attacks, using text-only strategies, collage, and abstraction. The attendant month-

long programing, most of which took place in the gallery, took up focused issues such as race and rape, and practical workshops for self-defense training.<sup>226</sup>

Among the thirty-one artworks, Mendieta's is one of only two photographic works in the exhibition. The catalogue records her work, comprised of two images, as *Rape-Murder* from 1973, "photo documentation of outdoor performance in Iowa City, Iowa." Neither is of the rape scene she staged in her apartment. One image shows a debris-covered mattress covered in blood spatter (sometimes referred to as *Untitled [Bloody Mattress]* or *Mattresses [Abandoned Farmhouse in Iowa City]*); the second is one of her outdoor scenes where Mendieta lies face down in a wooded area, partially obscured by a tree near the picture plane, her bare lower body covered in in blood.

The title of the exhibition catalogue appends the all-caps exhibition title with "dedicated to the memory of Ana Mendieta, whose unexpected death on September 8, 1985, underscores the violence in our society," permanently linking Mendieta's legacy with sexualized violence against women. As one of the earliest publications to mention Mendieta's death, Raven's introduction links her accidental death, which was possibly a murder, and "violence in our society" specifically to rape, which actually have little correlation. On the title page, the "RAPE" graphic is crisply printed in faintly-visible matte white ink on glossy white paper, the letters casting long shadows, immediately visible and stretching across the page in grey ink, fuzzy at the edges. Rape is established as an obscured and silenced issue, the impacts of which extend multifold into darker, hazier territories. The catalogue unfolds with attention to how the exhibition developed.

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<sup>226</sup> Two of the related programs directly addressed the issue of diversity and race: African-American performer Vinie Burrows's *Sister, Sister* was sponsored by the Afro-American Museum and sought to celebrate and tell the stories of "women of all ages, backgrounds, and religions in villages and cities world-wide." A workshop sponsored by Rape Education and Prevention Program, "Rape, Racism, and Reality: Rape Prevention for Black Women," addressed how race impacts risk of rape. See complete listing of programs in exhibition catalogue, *The Ohio State University Gallery of Fine Art presents Rape: dedicated to the memory of Ana Mendieta, whose unexpected death on September 8 1985, underscores the violence in our society*, ed. Stephanie K. Blackwood (Columbus: Ohio State University, 1985), 104.

Curator Stephanie K. Blackwood notes that she found, during the planning of *RAPE*, that “violent images by the European and American neo-expressionists dominated the art scene...[yet] rape—itsself one of the most devastating human assaults—was seldom represented.”<sup>227</sup>

*The Subject of Rape* opened days after the closing of the 1993 Biennial Exhibition (93WB) (June 23–August 29, 1993) and was organized by students in the Whitney’s Independent Study Program. Williams had also participated in the 93WB, exhibiting *Irresistible*, a life-sized figural sculpture of a woman crumpled on the floor, her white surface covered in handwritten anti-woman sentiment; a series of large paintings with cartoonish drawings skewering the exploitation of women in pornography; and a realistic puddle of “vomit” that viscerally conjured up bulimia). One review suggested how unwelcome Williams, as well as issues related to women, were in the 93WB, while also playing into the dark joke at the heart of *Irresistible*’s title: “artists indulge in simplistic finger-pointing, blaming men...and society in general for everything from some women’s low self-esteem to bulimia and rape. Prime example...[is] Sue Williams’ pathetic installation of bad paintings, bulimia statistics, stomped-upon torso and puddle of plastic vomit. Williams’ installation is the nadir of the show: an annoying display of juvenilia that inspires indifference at best and, at worst, a nasty desire to kick the victim.”<sup>228</sup>

Holland Cotter, in his *New York Times* review, describes the appearance of *The Subject of Rape* as “less like an art exhibition than a public-service project,” an overall effect that may have been intended but “prompts the question: What public is being served?...The chances are that everybody visiting the show already thinks the way the art does.” Cotter then raised the issue

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<sup>227</sup> Stephanie K. Blackwood, “Curator’s Notes,” in Blackwood, *The Ohio State University Gallery of Fine Art presents Rape*, 3.

<sup>228</sup> Mary Abbe, “Complex Whitney Biennial is Politically, Socially Sensitive,” *Star Tribune (Minneapolis)*, March 14, 1993), 1F, ProQuest.

of the museum itself; when the anti-rape conversation happens within the art museum, “this may just mean that no converts are made, [but] it may also lend a subtle glamour to victimization...itself.”<sup>229</sup>

## 2.6 Still Carrying That Weight: The Victimization of Women in the Digital Age

The legacy of Mendieta and Lacy on art practice is visible in Emma Sulkowicz’s student work at Columbia University, most notably *Mattress Performance (Carry That Weight)* (2014–5), a live artwork distributed online through news and social media, and online video *Ceci N’est Past Un Viol (This Is Not A Rape)* (2015). Although Sulkowicz’s body-based art is indebted to 1970s live and durational performances by Adrian Piper, Leslie Labowitz, Lacy, and Mendieta, Sulkowicz’s work is born from and continues to resonate with the current US context of relaxed Title IX regulations<sup>230</sup>—which has led to increased obfuscation of the internal protocol within university investigations of claims sexualized violence—and high-profile statements of survivors<sup>231</sup> whose stories, and their believability, are of national concern.<sup>232</sup> Sulkowicz’s work,

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<sup>229</sup> Holland Cotter, “At the Whitney, Provocation and Theory Meet Head-On,” *New York Times*, August 13, 1993, C23, <https://www.nytimes.com/1993/08/13/arts/review-art-at-the-whitney-provocation-and-theory-meet-head-on.html>.

<sup>230</sup> Among Secretary of Education Betsy DeVos’s changes include allowing the accused student to cross-examine their accuser, a policy that may lead survivors, who may feel this questioning to be re-traumatizing, to not come forward at all. See Susan Svrluga and Nick Anderson, “DeVos Decries ‘failed system’ on Campus Sexual Assault, Vows to Replace it,” *Washington Post*, September 7, 2017, [https://www.washingtonpost.com/news/grade-point/wp/2017/09/07/protesters-gather-anticipating-devos-speech-on-campus-sexual-assault/?utm\\_term=.231ccbe4615e](https://www.washingtonpost.com/news/grade-point/wp/2017/09/07/protesters-gather-anticipating-devos-speech-on-campus-sexual-assault/?utm_term=.231ccbe4615e). See also Megan Cerullo, “Betsy DeVos Proposes Sexual Misconduct Rules That Would Protect Alleged Offenders,” *Los Angeles Times*, August 29, 2018, <http://www.latimes.com/ny-news-betsy-devos-sexual-misconduct-rules-20180829-story.html#>. See also the Department of Education’s 2017 guidelines that withdrew the guidance set forth under President Obama in 2011 and 2014, US Department of Education, “New Interim Guidelines on Campus Sexual Misconduct,” press release, September 22, 2017, <https://www.ed.gov/news/press-releases/departments-education-issues-new-interim-guidance-campus-sexual-misconduct>.

<sup>231</sup> Dr. Christine Blasey Ford’s testimony before the Senate Judiciary Committee during Judge Brett Kavanaugh’s confirmation to the US Supreme Court. See Melissa Healy, “Here’s What Experts Who Study Sexual Violence say About the Credibility of Christine Blasey Ford’s Testimony,” *Los Angeles Times*, September 28, 2018, <http://www.latimes.com/science/sciencenow/la-sci-sn-ford-testimony-credibility-memory-20180928-story.html>.



often accessed online, also powerfully illustrates how the culture of online commenting and doxxing<sup>233</sup> have created a particularly hostile Internet environment for women (including, and as well as, queer or non-cis-gendered people and especially people of color), as the public threats, denigration, and trolling the artist and their artworks receive is made clear in the presentation of Sulkowicz's artwork.<sup>234</sup>

At the beginning of the fall semester in 2014, working in consultation with their faculty advisor, Sulkowicz developed the endurance artwork *Mattress Performance (Carry That Weight)* as their senior thesis work in partial fulfillment of their Bachelor of Fine Arts requirements at Columbia University (CU). Essentially a live artwork wherein the artist carries a 50-pound mattress everywhere they traveled on university property for nearly the full academic year, *Mattress Piece* came to national attention through major news outlets. It was the first of several artworks Sulkowicz produced between 2014 and 2018 that would place their body into a position of risk and vulnerability as a process of engagement with issues of sexualized violence, consent, and public accessibility of artists' personal lives.

The artist has said *Mattress Piece* is a reaction to Columbia University's non-response to their report in 2012 that they had been sexually assaulted in their dorm room by a fourth-year student and German national Paul Nungesser, a former sexual or romantic partner. The work had

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<sup>232</sup> For instance, at least twenty-two women have come forward since the 2016 presidential campaign accusing Donald Trump of sexual misconduct. Eliza Relman, "The 22 Women Who Have Accused Trump of Sexual Misconduct," *Business Insider*, September 26, 2018, <https://www.businessinsider.com/women-accused-trump-sexual-misconduct-list-2017-12>.

<sup>233</sup> To "dox" to publicly identify or publish private information about (someone) especially as a form of punishment or revenge." See *Merriam-Webster*, s.v. "dox," accessed April 10, 2019, <https://www.merriam-webster.com/dictionary/dox>

<sup>234</sup> Although many reviews and news reports, especially from 2014 to 2017, about these works refer to Sulkowicz with female gender pronouns, the artist uses the gender neutral/inclusive terms "they/them" although they still discuss the position and subjectivity of women in their work. An early public citation of the artist's preferred pronoun use and statement of gender-fluidity appeared in *VICE's Broadly*. online blog: "I've started asking everyone in my community to start using the pronoun 'they' for me. I've identified as gender nonconforming for a few years now but only recently have I actually decided to [use 'they' publicly]." See Linda Yang, "Emma Sulkowicz: 2017's Sexual Assault Reckoning Is a 'Marker for Change'," *Broadly*, December 3, 2017, [https://broadly.vice.com/en\\_us/article/pazdby/emma-sulkowicz-2017s-sexual-assault-reckoning-is-a-marker-for-change](https://broadly.vice.com/en_us/article/pazdby/emma-sulkowicz-2017s-sexual-assault-reckoning-is-a-marker-for-change). See also Zachary Small, "Queer Identity in the MeToo Movement: A Conversation with Emma Sulkowicz," *Hyperallergic*, August 31, 2018, <https://hyperallergic.com/458257/conversation-with-emma-sulkowicz/>.

five components including a set of pre-determined rules governing the artist's behaviors and the duration of the artwork; the performance itself; objects used in the performance (one XL-twin mattress similar to those in Columbia dorms, gloves, plastic covers to protect the mattress); public reception (in person, in press, and online); and Sulkowicz's concurrent chronicling of the piece, which resulted in a 60,000-word diary.<sup>235</sup> According to the Rules of Engagement hand-painted in black on the white walls of the studio provided by CU, Sulkowicz was required to carry the mattress with them everywhere on campus, without asking for help (but able to accept if freely offered), and to safely store the mattress when the artist was not on university property. Rule #6 acknowledges how the piece might impact upon her classmates' and professors' experience: "I must notify all my professors about the performance before classes begin. They may deny me a spot in their classes at their own discretion."<sup>236</sup> The piece was to end when the accused student left the university (voluntarily or by expulsion). What resulted was a heavy, inconvenient nine months of having to account for the plastic-covered mattress as a dead-weight partner in Sulkowicz's daily life. The accused student did not leave CU before Sulkowicz's own graduation; *Mattress Performance* was thus completed on May 19, 2015, when Sulkowicz with the help of other students, all in powder-blue CU graduation robes, carried the white-plastic-covered mattress across the stage during Class Day, a graduation event for seniors in Columbia College—despite an email message from CU administration dated May 18, 2015 that seemed to anticipate Sulkowicz's project: "Graduates should not bring into the ceremonial area large

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<sup>235</sup> Components as listed on Sulkowicz's website. Emma Sulkowicz, "Overview," *Mattress Performance (Carry That Weight)*, Emma Sulkowicz, accessed September 25, 2018, <http://www.emmasulkowicz.com/overview/>.

<sup>236</sup> Sulkowicz, "Overview."

objects which could interfere with the proceedings or create discomfort to others in close, crowded spaces shared by thousands of people.”<sup>237</sup>

The piece evokes Tracey Emin’s *My Bed* (1998)—a confessional installation that was controversial in its time, consisting of a rumpled bed strewn with pantyhose and a rug littered with cigarette cartons, vodka bottles, newspapers, slippers, and other ephemera that seems to share intimate information about the artist—as well as Carol Bove’s *Disgusting Mattress* (2012) which, made of a “deteriorated mattress, plastic bag, Styrofoam cup, and cigarette” appears as an assemblage of trash, the residue of furniture destroyed by unknown but aggressive forces.<sup>238</sup> Cumbersome but clean, *Mattress Performance* was symbolic, asking the viewer to associate the weight of the mattress with the emotional weight of surviving sexual assault, but not asking the viewer to carry the affective burden of shock that Mendieta’s graphic work demanded.

For Sulkowicz herself, the “weight” was both literal and metaphorical, and emotional and physical pain was embedded in the piece, which literalized their feeling that “I was raped in my own bed and I carry that weight with me wherever I go.”<sup>239</sup> At the beginning of the performance, Sulkowicz experienced physical pain from carrying 50-pounds all day, everyday, sometimes without the help of others. “It’s a lot of physical pain,” Sulkowicz said in an early interview, “By day three, I couldn’t get out of bed.”<sup>240</sup> The symbolic transformation of becoming stronger emotionally was made literal in the actual physical strength Sulkowicz gained by

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<sup>237</sup> The text of the email message was reported in CU’s student newspaper. Teo Armus, “Sulkowicz May Not be Allowed to Bring Mattress to CC Class Day,” *Columbia Spectator*, May 19, 2015, <https://www.columbiaspectator.com/news/2015/05/18/sulkowicz-may-not-be-allowed-bring-mattress-cc-class-day/>.

<sup>238</sup> Material description from the website of MoMA, who owns the piece. “Carol Bove, *Disgusting Mattress*, 2012,” Collection, Museum of Modern Art, accessed April 10, 2019, <https://www.moma.org/collection/works/169930>.

<sup>239</sup> Sulkowicz in interview with Noel Duan, “Going From Class to Class With Emma Sulkowicz and Her Mattress,” *Elle*, September 9, 2014, <https://www.elle.com/culture/career-politics/a14546/columbia-university-sexual-assault-mattress-performance-emma-sulkowicz/>.

<sup>240</sup> Sulkowicz with Duan, “Going From Class to Class.”

essentially lifting weights all day over the course of the semester; they said they could easily carry the mattress alone by the end of the performance.<sup>241</sup>

Sulkowicz's story and the performance were made visible through social media and mainstream media reports, bringing to light, once again, the alarming rates of sexual assault on American colleges campuses, and the often ineffective response of authorities. Additionally, the intersection of Sulkowicz's work and social media presence demonstrates the quick, sustained, and vicious backlash of total strangers online. People (and likely bots, or automated social media accounts) left comments on the artist's social media posts, which often did not reference *Mattress Performance*, accusing Sulkowicz of lying about the sexual assault. For example, nearly every Instagram post, including Sulkowicz's inaugural post (dated August 13, 2012) has been hit, perhaps retroactively, with comments such as "#Pualdidnothingwrong" (a misspelled hashtag that is likely repeated automatically by a bot).<sup>242</sup> Even a post of Sulkowicz with a dog prompted comments of "Feel sorry for that dog. Wait for criminal charges in any moment now, furry friend," and "Did the puppy ask for consent?"<sup>243</sup> When Sulkowicz posted that they had been awarded a Woman of Courage Award on June 24, 2016, the comments were considerably more aggressive: "You're a piece of shit, please die you fucking cunt," "Racist lying cunt, I hope you rot in jail," "BITCH YOU'RE WHITE FOR FUCK'S SAKE," and "Please kill yourself."<sup>244</sup> At the time of this writing, Sulkowicz's social media posts, unrelated to *Mattress Performance*,

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<sup>241</sup> For a discussion with the artist on the physicality of their work and practice of touch between audience and artist, see interview by Caroline D'Arcy Gorman in "Emma Sulkowicz," *DRØME 2*, September 2017, <http://www.wearedrome.com/emma-sulkowicz/>.

<sup>242</sup> Emma Sulkowicz (@emsulk), "40 kits for CMS tits," Instagram photo, August 13, 2012, <https://www.instagram.com/p/OR7WRbAUDn/>.

<sup>243</sup> Sulkowicz (@emsulk), "Thank you @oliviasulko, Instagram photo, July 7, 2015 <https://www.instagram.com/p/42q39jgUAx/>.

<sup>244</sup> Sulkowicz (@emsulk), "@oliviasulko caught me looking derpy with the Woman of Courage Award," Instagram photo, June 24, 2016, See <https://www.instagram.com/p/BHDhbIrjy3F/>

continue to accrue comments challenging their identity as a person of color, the veracity of their sexual assault complaint, and the value of their work as art.

The visual rhetoric of Sulkowicz's mattress was taken up by student activists across the US, as *Mattress Piece (Carry That Weight)* inspired demonstrations on over 130 American campuses: in solidarity with survivors of sexual and domestic violence on college campuses, students took up their own mattresses, often labeled with text, in a national day of protest on October 29, 2014 entitled "Carry That Weight."<sup>245</sup>

Sulkowicz's next public work *Ceci N'est Past Un Viol (This Is Not A Rape)* directly places the issue of consent in the hands of the online viewer. Its title a reference to Rene Magritte's *The Treachery of Images*, Sulkowicz's artwork is encountered as a website, with a landing page that looks like an artist statement or class writing assignment with the title, artist's name, and date in the top left corner. The video's text introduction is a "trigger warning" that claims to that "[e]verything that takes place in the following video is consensual but may resemble rape...If at any point you are triggered or upset, please proceed with caution and/or exit this website," continuing in an apparent effort to account for multiple types of viewer's interest and experience, "However, I do not mean to be prescriptive, for many people find pleasure in feeling upset." Aware of that *Mattress Performance* and its precipitating incident would be on the mind of a viewer, the text states clearly "*Ceci N'est Pas Un Viol* is not about one night in August, 2012. It's about your decisions, starting now. It's only a reenactment if you disregard my words. It's about you, not him [Paul Nungesser]." The viewer must provide "consent" to view the video and agree to the terms set out in Sulkowicz's introduction, including: "Do not watch this

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<sup>245</sup> Rebecca Nathanson, "How 'Carry That Weight' is Changing the Conversation on College Sexual Assault," *Rollingstone*, December 1, 2014, <https://www.rollingstone.com/politics/politics-news/how-carry-that-weight-is-changing-the-conversation-on-campus-sexual-assault-77543/>.

video if your motives would upset me, my desires are unclear to you, or my nuances are indecipherable.”<sup>246</sup> Because I am unable to affirm the present reader’s consent, I would be unable to reproduce the images here; I do, however, describe the on-screen events below. Consent was embedded into the work before the performance began: the actor signed three consent forms and the pair developed safe words; there was nothing spontaneous or improvised in the performance.

The scene is captured from four vantage points, as though four security or surveillance cameras are installed in the dorm room. Each feed is numbered—“CAM 1,” “CAM 2”—and all four feeds run at once in a grid, CAM 1 and CAM 2 on the top row, and CAM 3 and CAM 4 comprising the lower row. One camera is positioned, at varying heights, on three of the four dorm walls, allowing us to see the performance nearly in the round: CAM 1, mounted on the sill of the only window in the room, faces the wall with the door, an armoire, and dresser, and with its wide-angle lens and low-angle position, it also captures half of the bed, the desk (partially obscured by the bed), and a couch parallel and opposite the bed. CAM 2 is mounted above the door and facing the opposite direction, showing the reverse image—including the window—from a birds-eye view. CAM 3 shoots from above, opposite the bed and facing the window as though mounted atop the armoire; CAM 3 offers a full view of the pillow-less bed. CAM 4 offers a full view of the bed, on its long side, and the desk as it peers down from the top of the wall above the couch. And in each top right corner of each feed, a date in white text reads “08/27/2012,” although we know the piece to be made and distributed in 2015.

As the sex act on the screen accelerates from conspicuously consensual to problematically violent, it becomes less and less clear which is accurate, which is real: the introductory text that claims mutual consent, or what is happening on screen. Sulkowicz is

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<sup>246</sup> All quotes from Emma Sulkowicz, “Ceci N’est Pas Un Viol,” accessed September 2017, <http://www.cecineestpasunviol.com>. At the time of this publication, Sulkowicz’s website is not accessible online.

physically held down while screaming in an apparent withdrawal of consent; later they dress, detachedly, and fall asleep alone with the lights still on.

Although the disclaimer *Ceci N'est Pas Un Viol* (above) suggests it is not a “reenactment” of Nungesser’s attack on Sulkowicz, the artist has described it as a reenactment of their own rape: “This is something that I do not really have any answer to, but I wonder if [*Ceci N'est Pas Un Viol*] was a way of sublimating some sort of repetition compulsion: this event happened once in my life and it was completely non-consensual, and then I did it again, but this time it was completely consensual. So even though it was a reenactment of rape, it was actually a consensual practice.”<sup>247</sup> The artist has described it as two endurance performances: the first being where they “re-perform the rape,” and the second is that Sulkowicz must read “every single comment” on the website. Below the button that the viewer must click to make the video appear, the artist has provided a space for comments via Disqus, with the instructions: “Please be mindful of what you desire to gain from expressing yourself in the comment section below.”<sup>248</sup> The range of comments runs mostly between two poles, supportive and focusing on the “art”-status of the piece:

Look at all the questions and discussion this has produced. It made me take about 9 steps back and think. Absolutely fantastic. What art is all about. We need more Emmas in this world.

And at the other extreme, people who either threaten her or wish Emma Sulkowicz would die:

You're a fucking cunt Emma, making men's lives miserable just because you regretted sleeping with someone you liked. I hope you burn in hell bitch.<sup>249</sup>

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<sup>247</sup> Sulkowicz in Gorman, “Emma Sulkowicz.”

<sup>248</sup> As of September 22, 2017, there were 5385 comments on the webpage.

<sup>249</sup> Both comments on Sulkowicz, “Ceci N'est Pas Un Viol.”

Threats of rape and personal harm to Sulkowicz run throughout the comments section. While the staged assault component—which Sulkowicz has described as “not physically fun in any way, shape, or form”—may have reactivated pain for the artist at the time of the performance, the unending comments section perpetuate it on a regular basis.<sup>250</sup> Sulkowicz’s play between text and image, authenticity and performance, the voluntary and the violent, provokes the questions and strategies that Mendieta raised forty years earlier in her use of realistic staging, now in digital space for a new generation.

I have argued that both Mendieta and Sulkowicz, in their public conjurings of violence, created artistic situations that are capable of triggering powerful affective experiences as a means of conveying a feeling of perhaps being “next.” What I mean is, these artists—regardless of if either experienced sexualized violence and/or rape as they have imaged it—dramatically stage the specific type of violence that uniquely and pervasively threatens them as women (broadly defined) for viewers who live safely *outside* of this experience—for example, a mainstream news and social media and its imagined audience of heteronormative, cis-gendered White men.

## **2.7 Conclusion: After #MeToo, What Now?**

At the time of this writing, sexual assault or misconduct allegations made against major figures throughout the media, entertainment, and politics dominate the headlines, each figure facing multiple accusations from both women and men: *Artforum* publisher Knight Landesman; National Public Radio’s executive staff; Fox News’ Chief Executive Officer and Chairman Roger

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<sup>250</sup> Sulkowicz on reading the comments: “It hurts and there really is no getting over it. There is never really going to be a moment in my life when a rape threat is not going to bother me. As a person who receives a lot of internet bullying, it is important to be very vocal about the fact that internet bullying is real and sit with the pain.” Sulkowicz in Gorman, “Emma Sulkowicz.”



Ailes and commentator Bill O'Reilly; high-profile Hollywood figures such as producer Harvey Weinstein, actor Kevin Spacey, comedians Bill Cosby and Louis C.K.; US Senator Al Franken and Senate candidate Roy Moore; and perhaps at the highest stakes for this nation's understanding of sexualized violence and its ability or inability to believe its bravest survivors are the claims of sexual assault made in 2018 against Judge Brett Kavanaugh during his senate confirmation to the US Supreme Court. Some of these allegations resulted in legal convictions and more testimonies, memories, claims, denials, and apologies seem to emerge daily.

Amid and because of these public reckonings, #MeToo—the social media movement started by activist Tarana Burke in 2006—gained momentum via actress Alyssa Milano's use of the hashtag on Twitter in late 2017, encouraging survivors of sexual violence and harassment to show solidarity with each other online by sharing their stories with the hashtag. Inspired by and as part of #MeToo, a number of artists performed actions during Art Basel Miami Beach (the largest art event in the US following #MeToo's emergence as a viral movement) that engaged directly with the concerns of #MeToo including FlucT's (artists Sigrid Lauren & Monica Mirabile) athletic and dystopic choreography impugning rape culture, and conceptual artist Michele Pred's "Parade Against Patriarchy" through the streets of South Beach.

Among these was *Synaptic Fatigue/Dear in the Headlight*, a collaboration between friends artist/actress Tara Subkoff and actress Selma Blair, and hosted by the Hole Gallery (New York). On the rooftop patio of the EDITION Hotel-Miami on December 5, 2017, Blair, and fourteen additional performers wearing long-sleeved black leotards with black tights and glossy red manicures. For one hour under the night sky, they stood in pairs facing the audience in two lines, each stationary, silent, shoeless, and blinded by floodlights that opposite them. Each woman emoted—often weeping and staring in anguish and anger—based on their own memories

of sexual harassment or assault. Both Blair and Subkoff had previously gone public with their own stories of sexual harassment. Opera singer Rebecca Ringle, white carnations precariously pinned to her flowing nude bodysuit, walked between them singing pieces that had been selected for their themes of misogyny, alienation, paralysis, grief, rape, and rage, from composers Monteverdi, Handel, Bach, Schumann, Bizet, Verdi, and Britten.<sup>251</sup>

Knowingly or not, Subkoff evoked the consciousness-raising performative catharses that emerged in the early 1970s by Leslie Labowicz, Suzanne Lacy, Faith Wilding, and others. In its live presentation or performance of women's trauma, *Synaptic Fatigue/Dear in the Headlight* intensely showcases the real grief and trauma experienced by survivors, yet its components are problematic: although the group as a whole is legibly racially and ethnically diverse, all of the women are able-bodied, youthful, and slender with model-like features. Part of why it feels uncomfortable or tone-deaf that the women are perfectly and traditionally pretty is that it may foreclose upon many others actually finding themselves reflected in the performers, and being able to relate to them. Their uniformly extra-beautiful-model-quality visually characterizes the performance as about sexual misconduct within Hollywood, rather than about the rest of us, elsewhere.<sup>252</sup> More problematic: although *Synaptic Fatigue/Dear in the Headlight* is engaged with a movement that is motivated by restoring voice to survivors who are often encouraged to remain silent about abuse, the women here are literally silent. The only figure permitted to vocalize (or to be well-clothed, or to be larger than a size 2) within the constraints of the artwork is Ringle; her performance, although moving, is not her personal story and, as opera sang in

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<sup>251</sup> Sarah Cascone, "Selma Blair Stars in Tara Subkoff's Art Basel Performance on the Aftermath of Weinstein," *Artnet News*, Dec. 6, 2017, <https://news.artnet.com/art-world/tara-subkoff-selma-blair-basel-miami-1170926>.

<sup>252</sup> Blair, in contrast, has suggested a universality of sexual harassment: "The power of the entertainment industry can really protect its predators and put women up against a real machine, but it also happens in any industry." See Stephanie Eckardt, "Selma Blair on Baring Her Soul and Weeping at Art Basel Miami In a Post-James Toback Catharsis," *W Magazine*, December 7, 2017, <https://www.wmagazine.com/story/selma-blair-art-basel-miami-performance-james-toback>.

multiple languages, the songs' content may not have often been legible to its audience. Speaking immediately after the performance, Blair explained:

I was already into it but the show actually started when the opera singer, Rebecca Ringle, started singing. She sang stories in five different languages about women going through despair, rape, futility, sorrow, and some of the music was 400 years old, so sometimes it was jarring and sometimes it happened to be right in time with my emotions. But it was an incredible thing to have her there being the voice of all us.<sup>253</sup>

In speaking for “all” of them, Ringle’s vocal performance would have likely drown out any sounds the performers would have made anyway.

In raising voice online in solidarity with other survivors, the strength of #MeToo is that it identifies resistance-leading survivors rather than passive victims, but here, women are locked in their trauma by being asked to relive it, to mentally and emotionally return to memories of sexual victimization before the eyes of an audience, and to communicate that to their audience without language. *Synaptic Fatigue/Dear in the Headlight* is a face-off of weeping and witnessing, leaving physical distance between us and the performers—their obvious costumes, the intense operatic atmosphere, and the bank of lighting create barriers—and emotional distance between our feelings and their trauma.

#MeToo’s point, as well as Subkoff’s, is visible solidarity—an unintended effect of both parties is that the burden remains on women to identify themselves, even though the statistics of sexual assault are already well-known. Although data for sexual harassment is less publicized, we already know that survivors of harassment and abuse abound: a 2017 Washington Post study found that 54% of American women have experienced unwanted sexual advances in general (30 percent of American women experienced it at work), 75 percent of all surveyed called sexual

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<sup>253</sup> Eckardt, “Selma Blair.”

harassment in the workplace a problem in U.S. society, and 64 percent call it a serious problem.<sup>254</sup> So, could it be that people (read: men, especially men in power) are not ignorant of the fact that many women experience sexual victimization—women around them, women they personally know—but it is that they don't *care*, or don't think of it as their issue. #MeToo identifies the widespread incidence of sexual harassment and assault, made emphatic and impressive through sheer numbers, and ubiquity of women deploying the hashtag, but perhaps intellectual awareness is not the only awareness that needs to be raised.

To be clear: this is in no way to detract from the positive effects of #MeToo or to diminish the bravery of the people across the gender spectrum who have come forward with their own stories of sexual harassment and assault. Instead, I argue that an offense that operates in the way *Synaptic Fatigue/Dear in the Headlight* does is deeply problematic: it places women in a position of re-performing their trauma, only believed in a condition of active distress; it makes women relive the pain of the past trauma for the purpose of being looked at by an art spectator; all with very little acknowledgment of the perpetrator who, and culture that, is responsible for this mistreatment of women. Is it not problematic that the only way women are believed about their trauma is when they are asked to publicly relive it, to literally show us their pain? Does this inspire grief and trauma in the audience who stood there and watched it and the audience who receives it now in video, photographic, and journalistic documentation—all of which have no interaction with the performers? Unlike Ana Mendieta's *Rape Scene* or Emma Sulkowicz's *Mattress Performance*, the performance's design foreclosed any interaction/intervention with the immediate audience by nature of its highly theatrical tone, which is translated to the documentation.

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<sup>254</sup> ABC News/Washington Post, "Unwanted Sexual Advances: Not Just a Hollywood," accessed April 11, 2019, <http://www.langerresearch.com/wp-content/uploads/1192a1SexualHarassment.pdf>, 2.

Meanwhile, alt-right activist/artist known as Sabo entered the #MeToo conversation in late-December 2017: about a dozen posters showing a black-and-white photograph of Meryl Streep, beaming, leaning toward Harvey Weinstein (whose face is half-cropped by the frame) with a red banner across her eyes stating in stark white text “She knew,” were pasted in Los Angeles near the Screen Actors Guild-American Federation of Television and Radio Artists’ headquarters. Mimicking the work of artist Barbara Kruger in composition and tone, Sabo created the poster to discredit Streep, suggesting she had enabled and benefitted from Weinstein’s sexual misconduct. Sabo’s posters followed several statements Streep made against the Trump administration which Sabo opposed. In an interview with *The Guardian*, Sabo admitted he did not know if Streep had in fact enabled Weinstein’s alleged decades of abuse, saying, “I wasn’t sitting in a room with her. I can’t say 100%. But I’d say anyone in the (film) industry had a pretty good idea. I think she knew. Maybe she was providing Weinstein with the fresh meat.”<sup>255</sup> Sabo criticizes the film industry and Streep together as corrupt for covering up rampant sexual misconduct as a dirty open secret—ostensibly, Sabo agrees that sexual harassment and assault are bad. Second, he pinpoints women’s complacency in the abuse (here, Streep) as a culprit to be dragged out before the light, more so than the man pictured in the poster, Weinstein, whose actions Sabo doesn’t comment on—so, here women’s inability to control men’s behaviors and knowing about their misconduct is worse than the behavior itself. Again, women’s emotions (in this case, Streep’s smiley joy) are presented as to be looked at, examined, impugned. Further, women are made responsible for men’s misconduct and that, as complicit, they are worse than the abuser (even though Sabo admits he has no evidence that

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<sup>255</sup> Parentheses in original. Sabo quoted in Rory Carroll, “Rightwing Artist Put up Meryl Streep ‘She Knew’ Posters as Revenge for Trump,” *The Guardian*, December 20, 2017, <https://www.theguardian.com/film/2017/dec/20/meryl-streep-she-knew-harvey-weinstein-posters-sabo-artist>.

Streep knew, and Streep continues to deny that she did). Sabo's posters derail the conversation about sexual harassment and assault, using it—the trauma of the victims and survivors—to “take a swipe back” against those who have generally opposed President Trump. Yet, discussing Trump's relationship to sexual misconduct, particularly the *Access Hollywood* tape on which the pre-Presidential Trump brags about sexually assaulting women in 2005, Sabo says: “I don't know a man who I've had a beer [with] who doesn't talk shit like that. We don't have proof of Trump doing it. Who am I to judge him on that?”<sup>256</sup>

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<sup>256</sup> Sabo in Carroll, “Rightwing Artist.”

### **3.0 Marginalized Masculinities: Collective Trauma and Community-to-Community**

#### **Address**

In this second part of the dissertation I trace how the artist and/or artist collective operates as member of a community, a representative identity that usually resonates intentionally with a larger political movement and speaks to a broad public, sometimes within designated art spaces. The two chapters that make up this part, Chapters Two and Three, examine how artists address a mainstream public from their positions within defined communities and/or political movements to confront the ways in which Black and Latinx men experience social inequity and abuses of state power through unequal enforcement of the law.

#### **3.1 “Think of Them as Rotting Flesh”: Resisting Latinx Stereotypes and the Consumption of the Chicanx Body in the Work of Harry Gamboa Jr.**

It is jewel-like and striking, where ever it is encountered. On the white wall of the Whitney Museum of American Art, tucked into a binder of 35mm slides in Harry Gamboa’s archives, or on the cover of *Artforum*, *Decoy Gang War Victim* pops like a radiant gem—a peacock-blue precious stone sparkling with rose and white aventurescence.<sup>257</sup> Parked cars glimmer, their slick enamel dotted with light. The photograph glows cerulean from its center with the haze of mercury-vapor streetlamps; its edges fall into the dimness of night. For all its

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<sup>257</sup> Asco, *Decoy Gang War Victim*, 1974, printed 2010, chromogenic print, 16 x 20” (40.6 x 50.8 cm), Smithsonian American Art Museum, Washington, D.C., <https://americanart.si.edu/artwork/decoy-gang-war-victim-83907>.

immediate radiance, however, the scene depicted in *Decoy* is grim: near the center of the frame a man lies supine on a city street, his arm along his side. We encounter the lifeless man on his long side, funereally toe-up on the asphalt and flanked by pinky-red bursts of light. These beams—ignited hazard flares—repeat in a neat row beyond him, barring oncoming traffic. Up the block a handful of figures linger along the horizon at an intersection: two are in clear focus at the dead-center of the image, but it is uncertain if they are looking over the fallen body or if they have turned their backs to him. A trio of lights glowing red-white-red seems to sketch out the light bar of a police cruiser in the distance, its headlights facing toward the fallen man and the viewer.

Produced by the self-identified Chicano collective Asco in late 1974, *Decoy* emerged from a context of stark economic disparity and racialized social stratification in Los Angeles during the final years of the Vietnam War. It is an artwork convened among and across multiple mediums and temporalities, existing intermedially through a live staging of a “dead” man played by Asco artist Gronk (not gang-affiliated) and captured by Harry Gamboa Jr.’s still camera. The work culminated in an extended conceptual performance by the artists to circulate the image not as art but as if it were a “documentary” photograph via local television news broadcast.

It is this image of a presumably-slain man on an empty East Los Angeles street that has, only in recent years, come to represent Asco, the collective’s photographer and later a solo artist Gamboa, contemporary Chicanx art, and at times, American art in general. Between 2011 and 2017, *Decoy* appeared in exhibitions and promotional materials of major institutions such as the Whitney Museum of American Art (WMAA) and the Getty Foundation, as well as in high-profile publications such as *Artforum*. This essay traces the ways in which *Decoy* has been recently displayed and reproduced to consider the stakes of its art-world ascension, and how this photograph has been made to represent—as well as advertise—Asco, entire art historical



moments and geographic contexts, exhibitions and collections. At the heart of this inquiry is the question of how it is possible, or what it means, that an image implying serious violence against the Chicana body became so popular, and how this rise implicates a much broader and pervasive relationship to the victimization of Latinx or Brown Americans.

The broad purpose of the present study is to explore how artists have staged or implied violence against the Chicano and/or Latino body, and how the stereotyping of Chicano/Latino masculinity as inherently violent is itself a kind of violence. The work of Asco and Gamboa—in which *Decoy* is a key work—are compelling examples of how artists have challenged negative Latinx stereotypes, as well as it is a case study on the position of Latinx art within the broader landscape of international contemporary art. First, I situate *Decoy* within its generative artistic and social circumstances, and trace its shift from an artwork across media that emerged from East Los Angeles to its new position as a photograph in contemporary art spaces to understand how it has been cultivated, after forty years in obscurity, as the quintessential Asco artwork. Finally, I show how over the course of his career Gamboa has used performative violence as an act of resistance. Second, I observe *Decoy*'s afterlife or new life as the image rose to prominence—often unmoored from its origin story—in the late 2010s. In detailing the photograph's art world saturation, I emphasize that *Decoy* is a picture of a seemingly dead person of color. I problematize the recent eager reproduction of *Decoy* as an instance of a broader ready consumption of the victimized Brown body. Through close visual analysis of this photograph—it is the only known or extant photographic manifestation of the artwork—I will argue that it is not commensurate with the established understanding of the work as a successful simulation of documentary photography. Instead, I suggest that its aesthetic is more seductive

than documentary, resulting in a deeply problematic but intentional beauty that has been yet to be investigated in scholarship.

Extending the concerns of my previous work, here I question how we view victimized bodies when they are Chicano (or, more broadly, Latinx or Hispanic, or, simply, “Brown,” a term I will define shortly), with the added complication that the body in the shot is often implicated in the mainstream media as a potential perpetrator of similar crimes. Proof is not required to criminalize this (type of) body (consider: there is no visual marker that the figure is an aggressor or “gang member” and thus deserving of this fate). This complication becomes more urgent when we consider recent publications and exhibitions of the photograph provide neither interpretive remarks on the body’s identity, nor on how we might understand the title, the broader context of *Decoy*, or its making—curatorial decisions that effectively aestheticize and fetishize *Decoy* as a single image, rather than a dense and critical work that was intended to function across media and over time. Although the work and the artists certainly deserve the attention of the art-world, this spotlight often washes both of them out: the artwork loses its rich context and, I argue, some of the major components that charge the work with meaning. This, in turn, essentially obscures the agency and legacy of Asco and the work itself.

We might understand the lasting resonance of Asco’s practice and this kind of excavatory work through the writing of filmmaker-activist-author Rafael Flores. Writing in 2014—in the moment of early Congressional opposition to the Obama-era implementation and expansions of the Deferred Action for Childhood Arrivals (DACA) policy, and before the Trump administration’s re-ignition of border wall rhetoric and the installation of wall prototypes, Flores explained the circumstances that make Asco/Gamboa’s work from the 1970s is relevant to our

current context: “Considering the increased militarization of the border in recent years,” he writes,

the demise of La Raza Unida Party, the abandonment of and even scorn for the word Chicano, the mounting rates of incarceration among Latinos, the exponential growth of the Mexican immigrant population, and the almost non-existent representation of Chicanos in popular media (due in part to the FCC abolition of affirmative action), it is not surprising that the unresolved issues of the 60s and 70s are coming back to haunt us.<sup>258</sup>

### 3.1.1 A Note on Terminology

My use of “Brown” to describe individuals based on their visual presentation requires explanation. My use of this term, on the one hand, intentionally and brutally replicates a broader phenomenon of erasure, of lumping people of various (and dissimilar) ethnicities into the same category. On the other hand, the term has been used to the empowerment and pride of marginalized, non-White people as an identifier of coalitional power based on a range of non-White visual presentations. In his essay “Feeling Brown, Feeling Down,” José Esteban Muñoz conceptualized “brown feelings” as “a certain ethics of the self that is utilized and deployed by people of color and other minoritarian subjects who don’t feel quite right within the protocols of normative affect and comportment.”<sup>259</sup> Theorizing the response to being Brown within a White heteronormative hegemony, Muñoz explains that “brown feelings are not individualized affective particularity...[but] a larger collective mapping of self and other,” and that “brownness is a mode of attentiveness to the self for others that is cognizant of the way in which it is not and can never be whiteness...[which is] a cultural logic that prescribes and regulates national feelings

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<sup>258</sup> Rafael Flores, “Towards a Rasquache Cinema: Chicano 3rd Cinema,” *cineSOURCE*, April 24, 2014, [http://cinesourcemagazine.com/index.php?/site/comments/towards\\_a\\_rasquache\\_cinema\\_chicano\\_third\\_cinema\\_in\\_the\\_first\\_world/#.WabXw7GZMRF](http://cinesourcemagazine.com/index.php?/site/comments/towards_a_rasquache_cinema_chicano_third_cinema_in_the_first_world/#.WabXw7GZMRF).

<sup>259</sup> José Esteban Muñoz, “Feeling Brown, Feeling Down: Latina Affect, the Performativity of Race, and the Depressive Position,” *Signs* 31, no. 3, *New Feminist Theories of Visual Culture* (Spring 2006): 676.

and comportment.”<sup>260</sup> Muñoz provides a vocabulary for allies within Brownness, based on other people’s perceptions rather than on any actual similarities in culture, ethnicity, or history.

Beyond mediatized “diversity” and collective support in and through Brownness, this visual presentation can be a liability in the US. Real life assumptions of the origins of another’s Brownness, often mis-readings that see Brownness in the context of whichever community the US is currently and officially in conflict with—Afghanistan and Pakistan in 2001, Mexico since 2016—a conflation of identities that allows for an economical and efficient hierarchy of race or ethnicity without having to sort out actual or individual origins. As dismissive as it is dangerous, this conflation charges all Brown skin with an unconfirmability of ethnic specificity that might feel like a dangerous ambiguity to a non-Brown and anti-Brown (or pro-White) person. For example, when Adam Purinton, a White middle-aged man, shot Alok Madasani and killed Srinivas Kuchibholta, both Indian men, while yelling “get out of my country,” he later turned himself in claiming that he had killed “some Iranians.”<sup>261</sup> Purinton may have shot to kill because he saw “Iranians,” but Kuchibholta died because he was Brown.

Throughout this chapter, I use the term “Latinx” to refer to the broad community of people living in the United States who locate their heritage in Latin America, using the “x” to be inclusive of people of all genders. I use “Latino” or “Latina” when I am referring to people who self-identify as men or women, respectively. The term Chicanx describes a population within that broader Latinx community. As newspaper reporter Ruben Salazar iconically defined the “Chicano/a,” it is not simply a Mexican American but a “Mexican American with a non-Anglo

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<sup>260</sup> Muñoz, 66.

<sup>261</sup> “Olathe, Kansas, shooting suspect ‘said he killed Iranians,’” *BBC News*, February 28, 2017, <https://www.bbc.co.uk/news/world-us-canada-39108060>.

image of himself.”<sup>262</sup> As Jennifer González notes in her introduction to *Chicano and Chicana Art: A Critical Anthology*, this is a distinct political inflection inseparable from the Chicano Civil Rights movement of the late 1960s and 1970s and based in self-definition.<sup>263</sup> Once used in a derogatory way, it became a self-defining term of pride for those who worked to improve farm labor conditions, education and housing access. I use the term “Chicano/a” when discussing Asco and its individual members for historical specificity and to reflect how they identified themselves and their work.

Their continued use of the term, as well as mine, is in acknowledgment of the historical (and re-ignited) Chicano Civil Rights Movement, or El Movimiento, a movement in which the original members had been involved. Speaking in 1994, Gamboa explained of how his personal identity, artwork, and the movement intersect: “I always identify myself as a Chicano in my work because I think it's necessary. I see what I do as part of an ongoing Chicano movement and I've never intentionally made a work that wasn't political.”<sup>264</sup> As has been thoroughly described elsewhere, Asco's art practice and self-fashioning throughout the 1970s was often at odds with the “authentic” character of Chicano art and identity proscribed by the Chicano arts movement.<sup>265</sup> Reflecting on the work Asco members did (between 1970-1975) with the Chicano activist magazine *Regeneración*, Gamboa described how they approached what it meant to be “Chicano” and/or a “Chicano artist,” the balance of remaining legible while visualizing

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<sup>262</sup> Ruben Salazar, “Who Is a Chicano? And What Is It the Chicanos Want?,” *Los Angeles Times*, February 6, 1970, B7, ProQuest Historical Newspapers. Cited in Jennifer A. González, “Introduction,” in *Chicano and Chicana Art: A Critical Anthology*, eds. Jennifer A. González, C. Ondine Chavoya, Chon Noriega, Terezita Romo (Raleigh, NC: Duke University Press, 2019), 1.

<sup>263</sup> González (2019), 1.

<sup>264</sup> Gamboa quoted in Kristine McKenna, “Harry Gamboa's East Side Story: The Artist Works in a Wide Range of Media to Reflect Cultural Politics,” *Los Angeles Times*, November 19, 1994, Calendar Section F, 1.

<sup>265</sup> As C. Ondine Chavoya notes, as Asco operated within the “larger international context of alternative youth cultures and radical politics of the last 1960s and early 1970s,” and created work that “critically satirized and challenged the conventions of modernist ‘high’ art and ‘ethnic’ community-based art...[their name, meaning nausea or repulsion] acknowledges the response that their street and gallery work provoked, particularly from within the Chicano art movement.” C. Ondine Chavoya, “Internal Exiles: The Interventionist Public and Performance Art of Asco,” in *Space, Site, Intervention: Situating Installation Art*, ed. Erika Suderburg (Minneapolis: University of Minnesota Press, 2000), 190.

alternative ways of being within that identity: “the goal was like, how can we create sort of a new presence from where we come from and to give people sort of an additional sliver on the spectrum of what could be considered to be Chicano and actually under that concept of Chicano.”<sup>266</sup>

Although the term “Hispanic” emerged in the US during the 1970s, I generally do not use it because many artists included herein do not identify with the term, and for its problematic connection with both US bureaucracy and histories of Spanish colonization of Latin American peoples. “Hispanic” as a descriptor of people was created by the US government to label a diverse community (or to flatten the diversity of the community into one they could conceive of and defined it in a way that they could administer) and fulfill bureaucratic exigencies, the result of late-1960s activism by Mexican American organizations who agitated for better data about their group, and new federal legislation that required data about the disadvantages experienced by minoritized communities.<sup>267</sup> The Nixon administration developed questions regarding ethnicity (in addition to race) for the 1970 census, asking if the subject’s and/or their parents’ “origin or descent” was “Mexican, Puerto Rican, Cuban, Central or South American, Other Spanish, [or] No, none of these.”<sup>268</sup> This identifier was federally codified in 1976 under the Gerald Ford administration in the joint resolution Public Law 94-311 which, based on the 1970 census information, mandated the collection, analysis, and publication of data about US-

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<sup>266</sup> Colin Gunckel traces the development of both Asco and its individual members (Valdez, Herrón, Gamboa, Gronk) in an analysis of *Regeneración* in “‘We were Drawing and Drawn into Each Other’: Asco’s Collaboration Through *Regeneration*,” *Asco: Elite of the Obscure: A Retrospective, 1972-1987*, eds. C. Ondine Chavoya and Rita Gonzalez (Los Angeles: Los Angeles County Museum of Art 2011), 151-167. See also Harry Gamboa with Jesse Lerner, “Harry Gamboa Jr. Oral History Transcript,” *Alternative Projections: Experimental Film in Los Angeles 1945-1980*, Los Angeles Film Forum, accessed April 11, 2019, <https://www.alternativeprojections.com/assets/Uploads/Harry-Gamboa-Jr-Oral-History-Transcript.pdf>.

<sup>267</sup> See Rubén G. Rumbaut, “The Making of a People,” in *Hispanics and the Future of America*, eds. Marta Tienda and Faith Mitchell (Washington, DC: National Academies Press, 2006), <https://www.ncbi.nlm.nih.gov/books/NBK19896/>.

<sup>268</sup> Because the 1970 short form census had already gone to press, the question was included in the long form which was sent to a 5 percent sample. The 1970 census did not use the term “Hispanic,” although some popular histories locate the birth of “Hispanic” to the 1970 census questions; the first time “Hispanic” is used in the census is in 1980; “Latino” does not appear until 2000. See the “1970 US Census Questionnaire,” History, United States Census Bureau, accessed March 20, 2018, [https://www.census.gov/history/pdf/1970\\_questionnaire.pdf](https://www.census.gov/history/pdf/1970_questionnaire.pdf).

Americans of “Spanish-speaking background and trace their origin or descent from Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish-speaking countries.”<sup>269</sup> By 1977, the Office of Management and Budget (OMB) issued a directive to include data on persons of “Hispanic origin,” the first instance of this term in government documents.<sup>270</sup>

Although the government may have, on the surface, intended for the term “Hispanic” to bring a group of Americans into demographic and democratic visibility, claiming that “urgent and special needs of Americans of Spanish origin and descent” would be identified in order to improve their economic and social status, the term has not been unambiguously accepted by those it was intended to name.<sup>271</sup> First, “Hispanic” privileges language and Spanish-descent over other cultural affinities or experiences, and links groups with vastly different experiences and backgrounds on the basis of the shared Spanish language and/or surname, or their (or their family’s) country of origin. Second, the data collection that laid the groundwork for the term “Hispanic” coincided with catalyzing moments in El Movimiento in 1970, including the formation of the Raza Unida Party in Texas, which sought to win elections and mobilize Chicano voting power; the Chicano Moratorium protests against the Vietnam War that began in East Los Angeles in December 1969 and culminated in nationwide protests on August 29, 1970; the rise of the Brown Berets (1969-1972) in several states (mostly in the West); and the rise and consolidation of Chicano organizations on college campuses under the umbrella Movimiento Estudiantil Chicana/o de Aztlán (MEChA), which grew substantially since its establishment in

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<sup>269</sup> Language was an essential part of Public Law 94-311 in that it was the basis for the identification of what they considered a disadvantaged group, and their resolutions included that, for the census, “the needs and concerns of the Spanish-origin population are given full recognition through the use of Spanish language questionnaires, bilingual enumerators, and other such methods.” Public Law 94-311, H.J. Res. 92, 94<sup>th</sup> Congress (1976). For a digitized version is available, see <http://uscode.house.gov/statutes/pl/94/311.pdf>.

<sup>270</sup> The OMB’s Statistical Policy Division, Office of Information and Regulatory Affairs, issued Directive 15: Race and Ethnic Standards for Federal Statistics and Administrative Reporting to standardize the collection of this data. See Rumbaut, “The Making of a People.”

<sup>271</sup> Public Law 94-311, H.J. Res. 92, 94<sup>th</sup> Congress (1976).

1969. All of these events rallied under the term “Chicano/a” as an empowered identity, fighting for equity on multiple fronts. On the one hand, the government’s initiative to collect and analyze the experiences specific to those of Latin American and/or Spanish descent seems to be in recognition of this civil rights activism. On the other hand, it might also be that the government attempted to placate but not actually fix the concerns of the community (Chicano or Hispanic or otherwise labeled), and/or tried to diffuse the strength of the Chicano movement by ignoring the how the movement and its people defined themselves and instead instituted a new term that the government could decide how and to whom it applied—controlling the narrative by controlling the terms. Gamboa, in a 2010 oral history, described it as a “fake” term engineered “to dissipate the term Chicano,” yet it is also a term that is complicated by a community that continues to self-identify as “Hispanic.” He continued,

I completely denounce that term...but I do not denounce the people that use it. I feel that the people that use the term Hispanic use it because maybe they were raised to feel that's a proper term but if they were to take a look into the origination it was actually created by a criminal president and with his right-hand man [Kissinger]...You know, it really should be reconsidered...I mean, if there was ever a need for the term Chicano it's actually now.<sup>272</sup>

Here Gamboa indicates a contemporary recovery of the term “Chicano/a” (or “Xicano/a”) as one of empowerment and self-identification in the legacy of the Chicano Movement, and in conscious rejection of the other terms of “Latino” and/or “Hispanic”—in the words of Ana Mendieta, “a personal will to continue being ‘other.’”<sup>273</sup>

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<sup>272</sup> Gamboa and Lerner, “Harry Gamboa Jr. Oral History Transcript,” 14-15.

<sup>273</sup> Ana Mendieta, “Introduction,” in *Dialectics of Isolation: An Exhibition of Third World Women Artists of the United States*, (New York: A.I.R., 1981), n.p.



### 3.1.2 “Me da Asco”

While Brownness is a phenomenon of both outsider perception and insider alliance or advocacy, I want to emphasize the specificity of the Latinx and Chicanx communities this study is about. Throughout, I use the term “Chicano” or “Chicana” in accordance with how the individual artists described themselves. As has been thoroughly described elsewhere, Asco’s art practice and self-fashioning throughout the 1970s was often at odds with the “authentic” character of Chicano art and identity proscribed by the Chicano arts movement. Reflecting on the work Asco members did (between 1970-1975) with the Chicano activist magazine *Regeneración*, Gamboa described how they approached what it meant to be “Chicano” and/or a “Chicano artist,” the balance of remaining legible while visualizing alternative ways of being within that identity: “the goal was like, how can we create sort of a new presence from where we come from and to give people sort of an additional sliver on the spectrum of what could be considered to be Chicano and actually under that concept of Chicano.”<sup>274</sup>

Asco operated as an art collective in East Los Angeles from 1972 to 1987. The four founding members, Patssi Valdez, Gronk (Glugio Gronk Nicandro), Harry Gamboa Jr., and Willie F. Herrón III, collaborated on conceptual and performative works in an array of media (print, plays, photographic works)—all of which slyly critiqued contemporary popular culture, foreign and domestic policy, and the media for its class and racial biases.<sup>275</sup> As C. Ondine Chavoya notes, because Asco operated within the “larger international context of alternative

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<sup>274</sup> Gunckel, 151-167. See also Gamboa and Lerner, 18.

<sup>275</sup> Between 1972 and the group’s dissolution in 1987, its membership fluctuated, often including Humberto Sandoval as key member. I follow C. Ondine Chavoya in recognizing that Sandoval was an early and important member of Asco since he was in performances as early as 1973, but unlike the other four, he is not a visual artist. At least 45 additional artists were affiliated over time, among them Max Benavidez, Sean Carillo, and Daniel J. Martinez. Chavoya, “Internal Exiles: The Interventionist Public and Performance Art of Asco,” in *Space, Site, Intervention: Situating Installation Art*, ed. Erika Suderburg (Minneapolis: University of Minnesota Press, 2000), 202 note 1.

youth cultures and radical politics of the last 1960s and early 1970s,” and created work that “critically satirized and challenged the conventions of modernist ‘high’ art and ‘ethnic’ community-based art...[Their name, meaning nausea or repulsion] acknowledges the response that their street and gallery work provoked, particularly from within the Chicano art movement.”<sup>276</sup> Violence tied to those issues was often central to their work. Gamboa would later comment that he and his Asco colleagues/friends had encountered violence at school from administrators and teachers, and in their neighborhoods from the LAPD and gangs, and how it impacted their sensibility as a collective: “So all together we [specifically, Patssi, Willie, Humberto Sandoval] had all experienced different levels of personal violence, social violence. But in the end we all kind of had a very similar response [which] was to laugh at it as a way of diminishing its effects.”<sup>277</sup> Or as Asco scholar C. Ondine Chavoya interprets it, their “themes were often political or violent, or politically violent, or about violence against those who were political.”<sup>278</sup>

In the under-represented yet over-policed area of unincorporated East Los Angeles, the conditions of economic disparity and social stratification were increasingly clear as the group emerged during the final years of the Vietnam War. Adopting the Spanish word for “nausea” or “disgust” as their name, Asco announced itself as infected with and sickened by the current social realities of Chicano life in the United States—or as disgusting to others as in the Spanish phrase “me da asco” (“it makes me sick” or “you make me sick”). As Gronk explains: “A lot of

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<sup>276</sup> Chavoya (2000), 190.

<sup>277</sup> Gamboa and Lerner, “Harry Gamboa Jr. Oral History Transcript,” 36.

<sup>278</sup> Brookman and Brookman interview from 1983, cited in C. Ondine Chavoya, “Pseudographic cinema: Asco’s No Movies,” *Performance Research* 3, no. 1 (1998): 7, <https://doi.org/10.1080/13528165.1998.10871583>.

our friends were coming back in body bags and were dying, and we were seeing a whole generation come back that weren't alive anymore. And in a sense that gave us nausea.”<sup>279</sup>

Their earliest work as a collective was an unannounced performance, where Herrón dressed as a skull-faced Christ and carried a cardboard cross with the help Gronk and Gamboa who followed as he processed down the East Los Angeles thoroughfare of Whittier Boulevard, reconfiguring of the Stations of the Cross. Local photographer Seymour Rosen captured the ephemeral performance in a small set of pictures. Raised with Mexican Catholic backgrounds, the artists would have known their procession on Christmas Eve would evoke the tradition of Las Posadas to passersby, where Catholics dress as Mary and Joseph and walk in search of una posada, or an inn. Asco's Stations of the Cross, however, ended at the Marine Recruitment Center, where Herrón left his massive cross in front of the door, symbolically blocking the entrance. This site had been a location for anti-war protests in the Chicano community, and the sly reconfiguration of Catholic tradition, anti-war protest, and surprise performance art are emblematic of Asco's work.

Indeed, icons of protest are embedded in Asco's work, including *Decoy Gang War Victim*. The “Die-In,” or protesting by laying as though dead in public places, was used throughout the Chicano Civil Rights Movement and the anti-war movement. We might also think of Gronk's prostrate figure as the “gang war victim” as a operating within the iconic imagery of the Die-In.

In their personal styling, playful and challenging expressions of gender and sexualities, and appropriation of US pop culture—what Chavoya has called a “glitter-rock-meets-pachuco

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<sup>279</sup> Gronk here is explaining how the artist group decided on its name Asco, the Spanish word for “nausea.” Gronk (Glugio Nicandro) with Jeffrey Rangel, “Oral History Interview with Gronk, 1997 Jan. 20-23,” Archives of American Art, Smithsonian Institute, accessed April 11, 2019, <https://www.aaa.si.edu/collections/interviews/oral-history-interview-gronk-13586>.

look”—Asco also challenged the appropriate limits of Chicano identity as understood by the official Chicano Movement, of which they were a part, by working within and from it, while also putting forth alternative ways of being Chicano/a.<sup>280</sup> Their dense, complex, and glitteringly *rasquache* body of work challenged the mainstream from the margins and in the street, their projects often merged performance with political protest and activist strategies.<sup>281</sup> In a 2011 interview, Valdez explained the group’s general working method, using *First Supper After a Major Riot* (1974) as an example:

These performances usually happened really quickly. An idea would be sparked and then we'd gather all our stuff and Harry would pick us all up, and we'd put everything in the car, and then we'd zoom off into the city and find the location. I think it was a combination of performance art and protest. For me, it was very important to try to get noticed because I had things to say. I felt like I had to do it in a big way, so that the viewer would pay attention. The look, the make-up: I needed for you to pay attention, because I had a message.<sup>282</sup>

Their tactics, as Chavoya has noted, was not to “create spectacles *per se* but to bring attention to the spectacular condition of everyday life in the barrio...through counter-spectacles to destabilize the power of the media to represent it as such.”<sup>283</sup>

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<sup>280</sup> Daniel Hernandez, “The Art Outlaws of East L.A.,” *LA Weekly*, June 6, 2007, <http://www.laweekly.com/news/the-art-outlaws-of-east-la-214915>.

<sup>281</sup> “Rasquache” has been used negatively as an anti-Chicano sentiment, suggesting Chicano fashion, art, and culture to be low class, dimestore-tacky, slapdash, and superficial. Artists who embrace the term, however, redeploy *rasquachismo* to describe how they “make do” with materials and/or networks available to the working class, as well as how artists cite and incorporate narratives from art history. *Rasquachismo* employs imagery that questions mainstream American popular culture, using common materials (paper, sequins, sand, cardboard) to subvert the Western art canon through wry humor and satire. Tomás Ybarra Frausto, “Rasquachismo: A Chicano Sensibility” in *Chicano Art: Resistance and Affirmation, 1965-1985*, ed. Richard Griswold del Castillo (Los Angeles: Wight Gallery, UCLA, 1991), 155.

<sup>282</sup> Amy Heibel, “Asco-Firsthand,” *Unframed* (blog), Los Angeles County Museum of Art, May 23, 2011, <https://unframed.lacma.org/2011/08/29/asco-firsthand>.

<sup>283</sup> Chavoya (1998), 7.

### 3.1.3 Origins of “Decoy Gang War Victim”

The story of *Decoy*’s inception is retold often in scholarship: as Gamboa explained in a 2012 interview, the piece was conceived as “commentary” on the two major newspapers in Los Angeles at the time that “utiliz[ed] negative Chicano imagery to sell papers.” By describing Chicano men as “gangsters” or “illegal aliens,” the papers, Gamboa suggested, inaccurately described the community and further endangered them by publishing names with real or perceived gang affiliations, and “home addresses of the victims, [as well as] where perpetrators hung out”—all of which, Gamboa said, “basically provid[ed] a road map for more gang war.”<sup>284</sup> Publishing the home addresses of the victims of various crimes was the convention at the time, yet the reporting in the *Los Angeles Times* (*LAT*) and the *Los Angeles Herald Examiner* was often inaccurate, perhaps not a surprise given their often discriminatory reporting on East Los Angeles and the Chicano community that associated all Chicanos with violence and/or gangs (a matter I attend to in detail shortly).

For example, in the Southland section on the “News of the Day” for February 1, 1972, the *LAT* printed a correction to its reporting of an “East Los Angeles shooting incident” the day prior: “it was mistakenly reported that one of the victims, Walter Vasquez, 37, lived at 139 N. 2nd St., Montebello. According to the Los Angeles County sheriff’s deputies, Vasquez has given officers several other home addresses.” The *LAT* did not just indicate their error but re-printed the same false information, distributing what was possibly someone else’s address a second time. The paper then blamed Vasquez for their own error while essentially characterizing Vasquez, the *victim* of a shooting, as suspect or duplicitous. The implication is that the newspaper initially

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<sup>284</sup> Harry Gamboa, “Asco: Chicano Art Heroes,” *CalArts Magazine*, Winter 2012, 14.

printed an address that was not the victim's, raising the question of whose address it was and, if Vasquez did have enemies who were tracking him in the papers, did the *LAT* effectively send them to 139 N. 2nd St., Montebello, perhaps putting someone not involved in the shooting in danger?

Intent on breaking the chain of retributive violence among gangs, and between gangs and the then-predominately Caucasian police force, Asco set out to create a convincing photograph and enter it into the media's "flow of negative imagery"<sup>285</sup> in order to disrupt it by showing—facetiously—the "last gang member ever killed in East L.A."<sup>286</sup> "Peace," Gamboa said in 1989 (perhaps with his tongue in his cheek), would be "restored to the barrio courtesy of the decoy."<sup>287</sup>

On a residential city block in the City Terrace neighborhood of unincorporated East L.A., Asco staged one of their own as the fallen gang member: Gronk lie belly-up on the asphalt with ketchup "blood" on his clothing.<sup>288</sup> Asco snapped flares at his head, feet, and in a row parallel to his recumbent body, alerting oncoming traffic to the "hazard." Gamboa photographed the scene from some distance, nearly centering Gronk's body in the frame. Gamboa then drafted an accompanying text, describing the young man as a victim of gang retribution whose death "quells the need for additional revenge."<sup>289</sup> Looking credible and sharp in a suit, a fresh shave and haircut, Gamboa brought the material to local television news stations in a briefcase. KHJ-TV News (now KCAL-9 in Los Angeles) is said to have ran the photograph in 1975 as an authentic documentation of an actual death, broadcasting *Decoy* as an illustration to the story

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<sup>285</sup> Gamboa (2012), 17.

<sup>286</sup> Gamboa (2012), 17.

<sup>287</sup> Gamboa (1998), 82.

<sup>288</sup> C. Ondine Chavoya, "No-Movies: The Art of False Documents," in *Only Skin Deep: Changing Visions of the American Self*, eds. Coco Fusco and Brian Wallis (New York: Harry N. Abrams/International Center of Photography, 2003), 199.

<sup>289</sup> Gamboa (1998), 82.

Gamboa/Asco provided: “a prime example of rampant gang violence in the City of Angels”<sup>290</sup> and the “actual last victim of some ultimate gang war of attrition.”<sup>291</sup> Of course, violence among gangs, or between gangs and law enforcement, did not stop following the news broadcast, but the photograph may have momentarily infiltrated the flow of mainstream reporting, at least for a portion of the Los Angeles viewing audience. If the legend is accurate, then *Decoy* was more than a media hoax or “fake news,” but would have exposed the weaknesses of the mainstream media by showing news stations as fallible, biased, and sensationalist in their reporting—characteristics that should be worrisome for all viewers.<sup>292</sup>

In an early publication on Asco, C. Ondine Chavoya suggested that the group’s process of simulating news and getting it broadcast “exposed the possibility of media manipulation to artists” although it is unclear if and when the viewing audience registered it as an artistic intervention, and/or who Asco shared the work with beyond, or in anticipation of, the broadcast.<sup>293</sup> The value of their proposal, in any case, is in that possibility; as Chavoya put it in 2012, “Asco was playing with the idea that if they could dupe the media, maybe they could get people to think critically about how the media might be duping them.”<sup>294</sup>

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<sup>290</sup> Gamboa (1998), 82.

<sup>291</sup> Thomas Crow indicates that Gamboa “induced several television and print outlets to feature the image,” although I cannot find another citation or material to corroborate that more than one outlet ran Gamboa’s photograph. Thomas Crow, “The Art of the Fugitive in 1970s Los Angeles: Runaway Self-Consciousness,” in *Under the Big Black Sun*, ed. Paul Schimmel (Los Angeles: Museum of Contemporary Art and DelMonico/Prestel, 2011), 49.

<sup>292</sup> In a 2011 roundtable published in *Artforum*, Gamboa said of *Decoy*: “The image was televised by at least two TV stations.” John Baldessari et al, “L.A. Stories: A Roundtable,” *Artforum International* 50, no. 2, October 2011, 245.

<sup>293</sup> Chavoya (1998), 6.

<sup>294</sup> C. Ondine Chavoya “Asco: Reclaiming Power With Art,” *Williams Alumni Review Magazine*, March 2012, 14.

### 3.1.4 Performance and/in Los Angeles

Peggy Phelan, in her essay “Violence and Rupture: Misfires of the Ephemeral” in *Live Art in LA: Performance in Southern California, 1970-1983*, dims the halo of the Golden State, emphasizing Los Angeles’s history of economic and social inequity, which has led to riots, racialized internment, and mass incarceration. Phelan’s essay sets out to look at how “violence and creativity are braided through artwork composed in California during the 1970s and early 1980s,” as well as how institutional violence of various kinds (such as misogyny, racism, homophobia, etc. on the part of curators, collectors, and critics) inform the perception of art. She also argues that creative responses to this violence (such as the 1965 Watts Riots and the 1992 uprising, specifically) suggest a “particularly entwined relationship between live art and destruction at work in the history of performance art in Los Angeles.”<sup>295</sup> In Chris Burden’s *Dead Man*, for example, performed in Los Angeles’s commercial arts district on La Cienega Boulevard in 1972, the artist similarly laid on a city street as though dead. Invitations to the opening of Burden’s new exhibition at Mizuno Gallery drew the arts public to the gallery, but before they even entered the gallery, viewers encountered a body covered in a black tarp like a body bag at the curb, nearly under a car in front of the gallery. Burden’s face was covered, making him anonymous and the idea of pulling back the body bag would be so off-putting that it seems like no bystander/viewer would have done so. His body was somewhat protected from traffic by the car, even if that car appeared to be on top of him.

In addition to those invited, there was, surely, a public not prepared (certainly in 1972) for encountering an artwork in the street. Like *Shoot* from the previous year, Burden was mostly

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<sup>295</sup> Peggy Phelan, “Violence and Rupture: Misfires of the ephemeral,” in *Live Art in LA: Performance in Southern California, 1970-1983*, ed. Peggy Phelan (New York: Rutledge, 2012), 2.



addressing an art audience who, even if they were not entirely prepared for the experience (it was not mentioned in the invitation) would at least have been interested in his performance work and being challenged with new conceptions of “art.” The artist would later say he was arrested and booked for causing a false emergency to be reported and that there was a trial, but when jury failed to come to a decision the judge threw the case out. I wonder, however, if this is what happened for (White) Burden, what would the risk have been (and remains) for an artist of color?

### 3.1.5 Stereotyping and Biased News Reporting

Although Gamboa is often quoted as suggesting *Decoy* was a counter the exploitive and harmful stereotyping perpetuated by prominent newspapers, existing scholarship on this artwork has not pursued this claim with material evidence. To understand what exactly it meant to be negatively stereotyped as a Chicano in the early 1970s, what follows is a brief study of *Los Angeles Times* articles from this time to show that mainstream news reporting in LA was indeed biased against this community, particularly Chicano men.

When Asco (as a group, as well as its individual members) was coming of age, the terms in which major local newspapers described the Chicano community could be bluntly negative. In the words of reporter Mike Castro, writing on improving relations between police and Chicano “clubs” (gangs) across the Southland: “The problem with youth gangs exists wherever there is a barrio. It is not limited to the East Los Angeles area, although it may be more intense there.”<sup>296</sup> In these short lines, Castro reinforces the perception that *barrio* means *gang* (read: violence), that

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<sup>296</sup> Mike Castro, “Chicano Officers Sought: Deputies Strive to Ease Barrio Tensions,” *Los Angeles Times*, July 16, 1972, SG1.

*gang* means *barrio* (read: Chicanos), and that East Los Angeles is inextricably associated with all of these terms.

Reporter Evan Maxwell begins “Chicano Clubs: Violent Fact of Life in Barrio,” part of the *LAT*’s “Complex World” series, with an unsettling description: “The body of John Valenzuela lay on the green grass next to a sidewalk, his blood forming a thick pool on the grass and the concrete, his brown skin turning pale in death.”<sup>297</sup> The article moves on from this graphic description of the stabbing death of a fourteen-year-old Chicano boy to focus on the barrio community in Santa Ana where Valenzuela lived, about thirty miles south of Los Angeles in Orange County. In March of 1974—the same year Asco created *Decoy*—officials of Santa Ana Valley High School noted that fewer than twenty-five of their students were believed to be involved in gangs (out of a total of 1900 students), yet area an policeman is quoted as saying “these [gang-affiliated] kids are setting the tone for the whole community with their actions”—a “tone” which the *Los Angeles Times* applied to the whole Southland, summing it up with: to “put it bluntly, it is violence—the kind of violence that flavors the life of every barrio, that makes even tough gang members admit fear for their safety.”<sup>298</sup>

Although few students at this particular school were believed to be involved with local gangs, the whole community is described as not just simply affected by violence but as an inherent characteristic of “every barrio.” From the police officer’s quote, we might extrapolate the broader view and treatment of Chicano communities by law enforcement, a viewpoint that located violence within and emerging from Chicano people themselves, without acknowledging how violence in the community might emerge from outside, that publicizing barrios as

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<sup>297</sup> Evan Maxwell, “Complex World: Chicano Clubs: Violent Fact of Life in Barrio,” *Los Angeles Times*, March 3, 1974, Orange County, B1.

<sup>298</sup> Maxwell, “Complex World,” B1.

inherently, inescapably violent, they commit a further victimization of those communities. Ultimately the article—along with others from the early 1970s—promotes the idea that the impulse toward gang affiliation is a “cultural trait” specific to Chicanos and that there is “general agreement that the cultural background of the Chicano plays a big role in the way the clubs interact” noting machismo as a major factor for Chicano male aggression.

This article is an example of how Chicano masculinity was characterized as hyperbolic hostility to the general public. “To a Chicano,” being a man—defined here as having self-respect and the respect of others—is to be “strong and tough,” to take care of “your own trouble.” These sentiments “to a Chicano...have a more than usual amount of impact—so much so that any insult, any attack on his manhood, must be immediately answered,” apparently with automatic and outsized aggression.<sup>299</sup> Here, the media fixes and promotes the stereotype of the Chicano male as inherently volatile, a violence so ingrained that he is beyond rehabilitation. That there may have been substantial gang affiliation and actual violence stemming from gangs throughout the Southland is not the point: the point is that the major newspaper with a large mainstream audience characterized the Chicano community *as a whole* as violent, locating it as part of their heritage and culture, and characterizing Chicano masculinity as itself a type of violence.

Chicano communities or barrios are shown as “neighborhood groups, people who have grown up together, families” but also these “close-knit” groups “more often than not become the nucleus of clubs or gangs”; Chicanos have a “cultural trait” of strongly identifying with groups such as their families, yet this “real need to identify with a group”—over a personal or individual identity—is so driving and desperate that they join gangs to have something to “count on to back

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<sup>299</sup> Maxwell, “Complex World,” B1.

[them].” As one Chicano youth quoted in the article said, “Anytime something bad happens, everybody puts it on us.”<sup>300</sup>

This is the stereotyping that Gamboa has challenged in his work before, with, and after Asco. In 1994 Gamboa told the *Los Angeles Times*:

the goals of the '60s haven't been achieved. In fact, we've lost ground since then and young Chicanos have a whole new set of problems now. The negative stereotypes haven't gone away--they've just changed. The stereotype used to be that we were simplistic, passive peasants with hat in hand, or super-loyal sidekicks; now we're seen as gang members, or illegal aliens trying to get into the country so they can become gang members.<sup>301</sup>

### 3.1.6 Too Beautiful to be Real: Aesthetics in “Decoy Gang War Victim”

Much of the scholarship on *Decoy* is invested in its conceptual thrust, laudatory of Asco's infiltration of the ideological circuitry of mainstream media, and attends to the broader art historical context in which *Decoy* operates. These scholars necessarily position *Decoy* as having mimicked documentary aesthetics sufficiently to enter the news cycle. Current critical valuation emphasizes Asco's sophistication as conceptual artists while reinforcing that *Decoy* was a successful simulation of the aesthetics of news reporting and reality, and was able to propose an *alternative* reality (i.e. envisioning a new relationship between the LAPD and East Los Angeles if the media was no longer shoring up public support for over-policing through its inaccurate and biased stories) because it was able to enter the mainstream news cycle. C. Ondine Chavoya, for example, describes *Decoy* as “a street action and media hoax [that was] achieved by inverting the

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<sup>300</sup> Maxwell, “Complex World,” B1.

<sup>301</sup> Gamboa and Lerner, “Harry Gamboa Jr. Oral History Transcript,” 30.

documentary sign function of the photograph,” the aesthetics of which were “mediated by an ethics of the image intent on reverting the terms of everyday media manipulation.”<sup>302</sup>

Although exhibition texts and scholarship often describe *Decoy* as having infiltrated both the news editor’s deliberations and the television broadcast, this claim is not evidenced with news clips or oral history outside of Asco and Gamboa himself. At the time of this writing, I cannot support or refute this claim with material proof. That does not mean it was not broadcast, for the news media in this era was far more porous than it is at the time of this writing. I also suggest that it may have been more flexible than the familiar narrative, that the scene was shot *before* Asco envisioned intervening in the news broadcast and after seeing the slides, the group saw something in the image that made them decide to try to use it as an intervention. Whether or not *Decoy* actually originated and impacted in the way its legend suggests, perhaps the greatest value of the piece is the productive possibility of co-opting the communication tools of the powerful to disrupt regularly scheduled programming, as *Decoy* suggests. Perhaps, as poet Carmen Giménez Smith suggested when speaking of another equally legendary Asco artwork, *Project Pie in/de Face (Spray Paint LACMA)*: “The story is a necessarily apocryphal text that foregrounds the subsequent political and aesthetic act.”<sup>303</sup>

It seems to me that *Decoy* is far too composed and too beautiful that to identify it as an instance of documentary news photography is, *prima facie*, implausible. One recent review of an exhibition that included *Decoy* hints that the image does not simulate crime scene photography as completely as has been suggested. Writing in French in *Le Monde* on the occasion of the 2014

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<sup>302</sup> Chavoya and Gamboa, “Social Unwest,” 60.

<sup>303</sup> *Project Pie in/de Face (Spray Paint LACMA)* (1972), where Gamboa and Gronk spray painted their names in red on a white stairwell on the façade of LACMA, is said to have been conceived in response to a LACMA curator’s dismissive statement that Chicanos made graffiti not art, which is why there was no art made by Chicano artists in the museum. Carmen Giménez Smith, “Make America Mongrel Again,” *Poetry Foundation*, April 19, 2018, <https://www.poetryfoundation.org/harriet/2018/04/make-america-mongrel-again>.

exhibition *Asco and Friends: Exiled Portraits* at Triangle France Gallery in Marseille, Emmanuelle Lequeux writes that *Decoy* “does not represent a real victim and is not a stereotypical image conveyed by the media of the time. This is actually a lure [*leurre*].”<sup>304</sup> Lequeux did not, however, clarify how the image performs this, what it is that we see in the picture, or to what (or for what) the image is a “lure.”

While the staging of reality in *Decoy* is both visually and intellectually compelling, what is both more interesting and deeply unsettling is the beauty of the photograph itself. I wish to argue that this was the explicit intention of Gamboa as the photographer and creator of the composition, if not *Asco* as a whole, and that this is precisely what curators, publishers, and institutions overlook in their liberal deployment and occasional collecting of *Decoy Gang War Victim*. The aesthetic strength of *Decoy* and the paradox of its beauty are less noted in discussions that prioritize its political and/or conceptual heft. I propose that we should address what we see in the picture, thereby acknowledging its problematic beauty, as an essential aspect of the artwork’s popular appeal and as a reason why major arts institutions decide to purchase and display this particular work rather than others by *Asco*.

Encountered now in art spaces as a single photograph glowing with a seductive chromatic richness, *Decoy* commends itself to aesthetic viewing pleasure. Although it is said in this image *Asco* simulates the aesthetics of the reporting of real violence, I argue that—in the absence of the material evidence an historian requires to suggest it did successfully simulate documentary aesthetics to infiltrate the news stream—*Decoy* is aesthetically striking in excess of this purpose, a beauty made even more visible now in its life as single, color-saturated photograph detached

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<sup>304</sup> My translation. The original French reads “Elle ne représente pas une victime réelle et n’est pas une image stéréotypée véhiculée par les médias de l’époque. Il s’agit en réalité d’un leurre.” Emmanuelle Lequeux, “L’art du happening des voyous superbes d’ASCO,” *Le Monde*, April 18, 2014, [http://www.lemonde.fr/culture/article/2014/04/18/a-marseille-l-art-du-happening-des-voyous-superbes-d-asco\\_4403674\\_3246.html#icqbyWE8qY6FH3u.99](http://www.lemonde.fr/culture/article/2014/04/18/a-marseille-l-art-du-happening-des-voyous-superbes-d-asco_4403674_3246.html#icqbyWE8qY6FH3u.99).

from its origin story. It is not simply a mock news sight-bite of faux-documentary image, it is also, problematically, a good picture. Gamboa has described bringing *Decoy* into being, both conceptually and practically, and the existing scholarship on the artwork has accounted for the wider social and art historical context in which it operates, yet an analysis of its deeply unsettling beauty remains unaddressed. Because the photograph is now seen without a narrative to frame the encounter, I argue that a visual analysis of the image is essential for our contemporary understanding of the work.

*Decoy* pulls in a viewer with its luminous color and a harmonious composition, and delivers the viewer to the body lying at its center. The composition is balanced with the road receding along the vertical middle of the photograph, dissolving at the glowing horizon just above the photograph's center. The posture of Gronk's "dead" body, nearly centered in the lower third of the composition, is not the splayed-out, fallen-hard-on-the-pavement position expected of a body that took a bullet on the street. His feet do not fall limp to the sides, his head does not lie slack to one side, blood does not seep from beneath him; instead, he lies flat on its back, arms long and tight to his torso, chin and toes pointed straight up to the dark sky above—a posture that seems only possible for a living body able to hold its pose against gravity, or one rigor mortised in this position. Gronk's tenseness belies the slackness of death. It is more like he is being offered up as a sacrifice, awaiting death. Or if he is "dead," his posture and the red votive-like flares at his head and foot are more befitting a body lying in repose, cared for in death and laid out for goodbyes and final respects, rather than a man slain in the course of gang violence on the street.

Gronk's skin is mostly covered by clothing, except for his face. His black beard and the camera's soft focus obscure much of his face. His clothes are nondescript: long grey pants and a

white and black shirt, or perhaps a youthful two-toned letterman's jacket. Without the corresponding title and origin story, there is little to indicate its setting, the personal or ethnic identity of its human subject, or the temporal moment that the photograph records. Instead, the figure is faceless, in a generic city setting, in an anonymous time and place. It is never my intention to erase Asco's or Gronk's identity as Chicano, but we must acknowledge that the image itself—the blurriness, overall blue-green cast, Gronk's dress—does not convey the specific racialized or ethnic identity of the figure clearly, other than the dense black hair and beard would suggest to most observers a man of color.

Theatrically lit from above, Gronk's body is bathed in the cerulean light from city street-lamps. This encompassing blue-green glow is tied to theories of human attraction to blue that range from the maternal to the scientific, from the anthropologic to the economic. Philosopher Denis Dutton argues that humans are biologically predisposed to an attraction to the color blue since all humans thrive best when residing near water—blue as evolutionary imperative.<sup>305</sup> Blue is consistently named the “favorite” color of the United States, across regions and genders; it is the color of wealth, historically located in labor-intensive processes or rarity associated with indigo and lapis lazuli.<sup>306</sup> Julia Kristeva suggests a maternal resonance, noting blue as the “mother” of all colors as it is, she suggests, the first color the human eye perceives due to its long wavelength and the mother is the first person a newborn ostensibly sees and recognizes.<sup>307</sup> Blue is the Virgin Mary's mantle. This is not to say that Asco intended these associations as much as it is an acknowledgment of the image's striking blue-green-ness and how those colors have

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<sup>305</sup> Denis Dutton, “Landscape and Longing,” and “Art and Natural Selection,” in *The Art Instinct: Beauty, Pleasure and Human Evolution* (New York, Berlin, and London: Bloomsbury Press, 2009), 13-28 and 85-102.

<sup>306</sup> In antiquity, the largest deposits of lapis lazuli were found in China, Afghanistan, Iran, Tibet, and Siberia. Michael Pastoureau, *Blue: The History of a Color* (Princeton and Oxford: Princeton University Press, 2011), 21.

<sup>307</sup> Julia Kristeva, “Giotto's Joy,” in *Calligram: Essays in New Art History from France*, ed. Norman Bryson (Cambridge: Cambridge University Press, 1988), 27-52.



operated more broadly in terms of catching the eye and capturing our attention—which are essential characteristics for a “decoy” or a “lure.”

### 3.1.6.1 Lure-ness and Decoy-ness

The word “decoy” indicates not only falseness or a dummy but also something manipulative and seductive. It is something that can, in the words of the Oxford English Dictionary, “entice or allure (persons) by the use of cunning and deceitful attractions, *into* a place or situation, *away, out, from* a situation, *to do* something.”<sup>308</sup> The Smithsonian American Art Museum, which acquired *Decoy Gangwar Victim* in 2013 as well as dozens of hunting and fishing decoys, writes of their collection of wooden hunting “duck” decoys: “North American hunters have used decoys for centuries” and by the early nineteenth century European hunters had adopted this technique, “shap[ing] and decorat[ing] decoys either to imitate the desired bird’s prey or ‘trick’ them into thinking it is safe to land.”<sup>309</sup> In the case of these decoys or lures, the object attempts to depict a living animal sufficiently to convince other animals.

If Asco did successfully get this photograph broadcast in the news media, then the decoy-ness of *Decoy* operates in its simulation of a crime scene photograph, drawing KHJ-TV’s station managers and television audience in, only to have lured them into a false situation: this cannot be the death of the last gang member, thus cannot represent the end of the gang war. The depiction of the victimized Brown body here is an attempt to prevent additional victimizations of this type. Here Asco’s staging of the effects of violence has a productive intention. The value of their staging of violence can be more than simply conjuring personal affective response in a viewer as

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<sup>308</sup> *Oxford English Dictionary Online*, s.v. “decoy (n.),” accessed August 15, 2017, <http://www.oed.com/view/Entry/48422?rskey=AFowKi&result=3#eid>. Emphasis in original.

<sup>309</sup> “Maryland Canvasback Duck Decoy,” Art + Artists, Smithsonian American Art Museum, accessed December 15, 2017, <https://americanart.si.edu/artwork/maryland-canvasback-duck-decoy-31636>.

I have explained through Mendieta's work in Chapter One (i.e. to inspire emotion to compel an individual to a change in belief about violence, and thus to action), but also to put the viewer in a position of intellection, of having to recognize they were duped by the media—which would become clear when more violence of this caliber occurs—and that perhaps such institutions are actually biased.

### **3.1.6.2 Problematic Beauty**

The aesthetic of the photograph functions in layers or waves. It pulls viewer in with its beauty (chromatic richness, luminosity, balance, soft focus). Once captured, the viewer's focus lands on the "dead" body and has to reckon with the implications of violence at the core of the image. The viewer must then also deal with what it means or feels like to find pleasure in an image of a victimized person, specifically a Brown or Chicanx person. This disposability, devaluation, and scapegoating of Chicano/as is what the work was produced to work against in the first place. In an initial encounter with *Decoy*, Asco makes it easy to overlook the pain and loss of Chicanx or Brown bodies, which the group consciously enabled as a commentary on how easily the media, cinema, popular media makes it so easy to do so, which is to say we are conditioned to overlook their humanity and not see a reflection of our own humanity in their bodies. *Decoy* is built to seduce us in and spit us out. The fallen body is a prop, a lure to bring the viewer in to an aesthetic experience where they experience both pleasure and regret, leaving the viewer to reappraise other images we take pleasure in such as movies and television where use the brutalized Brown or Chicanx body is similarly used as a prop to receive the plot's violent action or as the perpetrator of violence. As Dave Hickey suggested in 1993 in *The Invisible Dragon: Essays on Beauty*,

the vernacular of beauty, in its democratic appeal, remains a potent instrument for change in this civilization. [Robert] Mapplethorpe uses it, as does [Andy] Warhol, as does [Ed] Rucha, to engage individuals within and without the cultural ghetto in arguments about what is good and what is beautiful. And they do so without benefit of clergy, out in the street, out on the margin.<sup>310</sup>

I argue that the beauty of *Decoy* was a deliberate political strategy that has been misunderstood by publishers and curators who have recently used the image essentially as a motif in marketing, ultimately de-fanging *Decoy* from its radical potential.

We need to address the relationship of the victimized Brown body that is the basis of *Decoy* and its relationship to the picture's popularity as well as to Asco's art world ascendancy: that when Chicano/x group finally reaches some sort of widespread art world popularity (i.e. increased attention in publications, exhibitions, and—most important although certainly with less frequency—permanent collections), it happens through the victimized Chicano body, a fact unaddressed in existing scholarship and criticism.

Yet, all of that relies on our awareness of the artwork's paratext—its title, origin story, and ethnic identities of its makers. In its circulation online and in arts spaces without a thorough contextualization, the image depicts victimization of a Brown man, an ambiguity of identity that I argue further impacts upon the viewer's affective experience of *Decoy Gangwar Victim*. Judith Butler's work on grievability is instructive here.

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<sup>310</sup> Dave Hickey, "Enter the Dragon: On the Vernacular of Beauty," in *Invisible Dragon: Essays on Beauty*, 2nd edition (Chicago: University of Chicago Press, 2009), 24.

### 3.1.7 Grieving Outside the Frame

In *Frames of War: When is Life Grievable?* (first edition 2009), Judith Butler extends the concerns she initiated in 2004 with *Precarious Life: The Powers of Mourning and Violence* (discussed in the introduction to this dissertation). Butler accounts for the persuasive and pervasive frames of reference created by the normative views of the state, the literal framing of the world via the news media as an extension of state power—and how those frames impact upon our ability to apprehend a life or recognize in the subjects in the news the humanity that is mirrored in ourselves. Clarifying the difference she sees between “living” or simply being alive, and “a life” which has value in its reflection of our own life, our own humanity.

How we see a life’s value, Butler argues, is determined by the existing operations of power such as the news media that shape “the frames through which we apprehend or, indeed, fail to apprehend the lives of others as lost or injured (lose-able or injurable) are politically saturated.”<sup>311</sup> The image organized by the frame, she argues, is what forms and frames the human and non-human target in the context of war; I argue that systemic and institutionalized violence is a context similar to war that equally functions through narratives of “us/them,” “good/evil.” Because what exceeds the frame does not conform to our understanding of things (as pre-selected by the state and media), it troubles an established perception of reality and can be devalued and dismissed. In either case, the frame conveys a story that dehumanizes, makes threatening, and devalues certain populations as a means of rationalizing their killing, victimization, or marginalization.

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<sup>311</sup> Judith Butler, *Frames of War: When Is Life Grievable?* (London and New York: Verso, 2016), 1.

Our capacity to do value life as fully human “is partially dependent on that life [within the frame] being produced according to norms that qualify it as a life.” That is, the narrative and attendant images broadcast to us must help us imagine them to be as human as ourselves by characterizing them as aligned with the normative order of the hegemonic state.<sup>312</sup> This is to say, when groups are framed outside of that order—for ethnic/racialized identity, religious or other cultural practice out of alignment with the state’s values—they are not “constituted” as “subjects” through norms, and thus are not apprehended as truly human subjects by the dominant order.

As a further development of her idea from *Precarious Life* of the political condition of “precarity” and its uneven distribution, Butler argues these groups outside the of frame are not perceived to be a “life” and thus are not seen as grievable. Grievability, in Butler’s conception, suggests that the person enacting grief recognizes the humanity in the person victimized or dead and acknowledges the interdependency between them in their shared humanity. Those who do not have a “life” are not equally human and thus unworthy of grief.

The ways in which the 1970s mainstream reporting on violence in East Los Angeles and the community relations between the LAPD and Chicano communities are examples of a framing that removed Chicanos from the state’s vision of a normative citizenry at the time. The stereotypes the media reported, such as outsized Chicano aggression and exaggerations of Chicano gang membership that mis-characterized East Los Angeles as having primary allegiance to their own gangs rather than to the official authorities, the mainstream reporting relegated the Chicano community as outside the frame. More important, I see generalized Brownness as rendered outside the frame as well, which Butler elucidates in *Precarious Life* as she addresses

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<sup>312</sup> Butler (2016), 8.

the similar narrative and imagistic mistreatment of civilian victims of war in Afghanistan and Palestine, inmates at Guantanamo Bay, and adherents of Islam in the Middle East.<sup>313</sup>

Butler concludes that photographs need to be imbued with a “transitive function” that will make normative viewers “susceptible to ethical responsiveness,” a re-imaging of the world that is necessary to communicate suffering, and “might lead to an alteration of our political assessment.”<sup>314</sup> Since the photograph is a “structuring scene of interpretation” and that has the potential to “unsettle both the maker and the viewer,” this revolution of acknowledged shared humanity is embedded in photography (especially in news media) as is essential to expanding the frame and thus normative politics.<sup>315</sup>

### 3.1.8 “Decoy Gang War Victim” Finds New Life

Forty years beyond its rumored appearance on broadcast news in the fall of 1974, and often outside of its creators’ control, I see *Decoy* as having been flattened, reduced to a replication of what Asco intended it to work against, that is, the ready consumption of the victimized Chicano body in the name of entertainment or enjoyment—a signal that Chicano lives aren’t actually valued as “lives” in Butler’s sense. Instead of being equal to the normative viewers’ lives, they are more like props in service of the art world viewers’ entertainment.

Over the past few years, *Decoy Gang War Victim* has been read by the art world, especially its US-based cells, as the quintessential Asco work and, as I will show, as a touchstone of contemporary art generally. That we think of it as a hallmark is bolstered by how it has been conscripted into service for exhibitions, major publications, and ephemeral promotional materials

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<sup>313</sup> Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London and New York: Verso, 2004), 7-18.

<sup>314</sup> Butler (2016), 77.

<sup>315</sup> Butler (2016), 67.

between 2011 and the time of this writing (2019). *Decoy* reemerged in in the 2010s through publicity materials that engaged the artwork visually, and this display continues to shape our understanding (or, mis-understanding) of *Decoy* through publications big and small, high-profile and local, in order to establish the widespread deployment of the image and its consumption by both an arts-professionalized class and a general readership interested in culture at its broadest.

For the first instance of *Decoy*'s emergence in the mainstream contemporary art world outside of localized contexts (such as Chicano Studies courses taught in Los Angeles) and the publications of a small cohort of early dedicated scholars of Asco, we can look to the Getty who funded *Asco: Elite of the Obscure, A Retrospective, 1972-1987*, Asco's first major traveling retrospective, as part of the first iteration of *Pacific Standard Time (PST)*. Initiated jointly by the Getty Foundation and Getty Research Institute (GRI), the sprawling research, exhibition, publication, and public programming known as *PST* first opened in 2011-12 as *Pacific Standard Time: Art in L.A. 1945*. The Getty Foundation/GRI funded cultural institutions of various sizes through \$11 million in grants, resulting in sixty-eight major museum exhibitions and over 125 exhibitions in more than seventy art galleries, which featured more than 1300 artists; at least forty published exhibition catalogues; and thirty performance events including reenactments of iconic works of art (co-sponsored by LAXART).<sup>316</sup> Over the course of seven months and spanning the sweeping geography of the Southland, from Santa Barbara to San Diego and as far east as Palm Springs, *PST* welcomed an audience of 1.8 million people.<sup>317</sup> *PST* entered the mainstream consciousness of Los Angeles through its pervasive ad campaign and because it eyed new audiences by offering free admission to events such as surf rock concerts, exhibitions, and

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<sup>316</sup> Pacific Standard Time: Art in L.A. 1945-1980, "Opening Press Release," press release, September 27, 2011, [http://www.pacificstandardtime.org/past/artinla/presscenter/11\\_pacific\\_standard\\_time\\_opening\\_press\\_release.pdf](http://www.pacificstandardtime.org/past/artinla/presscenter/11_pacific_standard_time_opening_press_release.pdf).

<sup>317</sup> Somjita Mitra et al., *Economic Impact Analysis Report for Pacific Standard Time LA/LA*, Institute for Applied Economics Los Angeles County Economic Development Corporation, February 2018, 1, [http://www.getty.edu/pacificstandardtime/pdfs/economic\\_impact\\_report\\_pstlala.pdf](http://www.getty.edu/pacificstandardtime/pdfs/economic_impact_report_pstlala.pdf).

other associated programming.<sup>318</sup> Although most of the visitors to *Pacific Standard Time* are people living in California, to think of them as strictly regional events with a local audience would be incorrect.<sup>319</sup>

Asco's *Instant Mural* (1974) was the artwork selected to represent the exhibition. Like other Asco works from the first half of the 1970s, *Instant Mural* emerged across media as a live performance of Gronk securing Patssi Valdez and Humberto Sandoval to an exterior sunlit wall using thick white tape—"instantly" creating a live "mural"—photographed by Gamboa.<sup>320</sup> Gamboa's photograph appeared on webpage of the exhibition venue Los Angeles County Museum of Art (LACMA) to advertise the exhibition,<sup>321</sup> on LACMA's *Unframed* blog as part of the opening announcement for *PST* and *Asco: Elite of the Obscure*,<sup>322</sup> and, to the surprise to Gamboa—the copyright holder—it appeared on the screens of Bank of America (BoFA) ATM machines in Los Angeles.<sup>323</sup> Although the Getty/*PST* used this image in promotional materials, other institutions and publications replaced *Instant Mural* with *Decoy Gang War Victim*, cultivating *Decoy* as an icon as the reverberations of *PST* and Asco took on greater resonance on a national and international art context.

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<sup>318</sup> J. Paul Getty Trust CEO Jim Cuno suggested that *PST* "inspired a new era of civic engagement with the arts." The free concert was major surf rock bands Jan and Dean, and the Surf-City Allstars, whose members had all toured with the Beach Boys. Pacific Standard Time: Art in L.A. 1945-1980, "Closing Press Release," press release, March 21, 2012, [http://www.pacificstandardtime.org/past/artinla/presscenter/01\\_pacific\\_standard\\_time\\_closing\\_release\\_3\\_21\\_12.pdf](http://www.pacificstandardtime.org/past/artinla/presscenter/01_pacific_standard_time_closing_release_3_21_12.pdf).

<sup>319</sup> Over one quarter of the 2.7 million visitors to the 2017-8 cycle of *Pacific Standard Time: LA/LA [Latin America/Los Angeles]*—the second *PST*, only possible following the broad success of the first *PST*—were from outside of Southern California (including international travelers), and *PST: LA/LA* added "\$430.3 million in economic output and support[ed] 4,080 jobs with total labor income of \$187.9 million. Mitra, 4.

<sup>320</sup> In a 2007 interview with former Asco member and writer Marisela Norte, Gronk said it was duct tape. Marisela Norte, "Gronk," *BOMB* 98, January 1, 2007, <https://bombmagazine.org/articles/gronk/>.

<sup>321</sup> LACMA has since updated its website and this page no longer exists in its original form. Original webpage was located here: "Asco: Elite of the Obscure," Los Past Exhibitions, Los Angeles County Museum of Art, accessed May 2, 2018, <http://www.lacma.org/art/exhibition/asco>.

<sup>322</sup> Scott Tennent, "This Weekend at LACMA: Asco, Keinholtz, & Nordman Open," *Unframed* blog, Los Angeles County Museum of Art, September 2, 2011, <https://unframed.lacma.org/2011/09/02/this-weekend-at-lacma-asco-keinholtz-nordman-open>.

<sup>323</sup> In an email message to author following up to a 2017 interview with author in which Gamboa suggested BoFA used *Instant Mural* on ATM screens without his prior knowledge. Gamboa wrote: "On October 12, 2011, Ricardo Gonzalves sent me an email message containing the attached image with Bank of America ATM that features Instant Mural." Harry Gamboa Jr., email message to author, January 8, 2019.



It is seductive to think of Asco/Gamboa's work being exhibited in LACMA as a sort of homecoming, a reconciliation between the artists and LACMA—the “largest art museum in the western United States” that describes itself as “devoted to collecting works of art that span both history and geography, mirroring Los Angeles's rich cultural heritage and uniquely diverse population.” We might imagine the museum that has realized the error of its exclusionary collecting and exhibition practices and has moved toward a broad policy of inclusion, yet LACMA did not accession any works from *Elite of the Obscure* into their collection of “over 135,000 objects that illuminate 6,000 years of art history from new and unexpected points of view.”<sup>324</sup>

### 3.1.9 “Decoy” in Print

*Decoy Gang War Victim* represented the LA art scene when it was cropped to fit the cover of *Artforum* for the October 2011 *Art in L.A.* issue, a special feature on the occasion of the PST. Although the feature spotlights individual works of art (including Asco) and/or artists, the image that comprises the issue's cover is referenced only in “L.A. Stories: A Roundtable,” a contextualizing piece that sketches out the postwar Los Angeles art scene through an exchange of oral histories with three artists, John Baldessari, Liz Larner, and Harry Gamboa Jr., and seven art professionals.<sup>325</sup> The longest of Gamboa's only four contributions is his explanation of *Decoy Gang War Victim* (organized under the heading “Radicals”). Perhaps the most interesting way

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<sup>324</sup> “Overview,” Los Angeles County Museum of Art, accessed December 18, 2017, <http://www.lacma.org/overview>.

<sup>325</sup> The roundtable included art historians Thomas Crow and Andrew Perchuk; Subotnick, curators Maurice Tuchman and Ali Subotnick; gallerist Helene Winer; moderated by critic/art historian Richard Meyer and *Artforum* editor Michelle Kuo. Other articles in this feature highlighted LA artists such as Chris Burden, John Divola, Robert Heinecken, Charles Gaines, Ilene Segalove, Maria Nordman, Raymond Pettibon, and the L.A. Rebellion filmmakers Julie Dash, Haile Gerima, Jamaa Fanaka among others. See Baldessari et al., “L.A. Stories: A Roundtable,” *Artforum International* 50, no. 2 (October 2011), 5 and 240-249.

Asco is evoked in “L.A. Stories” is by Baldessari, who explains his unfamiliarity with the artists as a product of LA’s geography:

Michelle Kuo: How do you see critique and Conceptual art in the context of other models of politics and protest, other kinds of oppositional public spheres in LA at the time?

John Baldessari: It’s weird—I never knew the Asco artists, for instance. I think it’s due to the geography; you don’t have the chance to socialize...I was living in the Venice/Santa Monica area, and that’s where most of the artists were at the time. You might hear something, but I never met anybody.<sup>326</sup>

While Baldessari’s point is well taken that Los Angeles is impossibly large to cultivate a sense of “community” across its 502 square miles, it seems like there was more to the social disconnect than the twenty miles that separate East Los Angeles from the coast, especially when many art spaces were geographically between those two locations (for example, the La Cienega Boulevard area, Los Angeles Institute of Contemporary Art [LAICA] in Century City, LACMA, and later Los Angeles Contemporary Exhibitions [LACE]). Baldessari’s response denies areas outside of west/coastal Los Angeles, such as East Los Angeles and Downtown, as arts communities although he links Asco, rightly, with “critique,” “conceptual art,” “other models of politics and protest,” and “oppositional public spheres” while sidestepping actually specifying how the group participated within and across these categories.<sup>327</sup>

Around the time *Artforum* hit newsstands, the performance programming of *PST* was underway. *Los Angeles Goes Live: Performance Art in Southern California, 1970-1983* (LAGL)

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<sup>326</sup> It is possible Gamboa and Baldessari did have near-meetings, if not actual meetings: Baldessari showed at Los Angeles Contemporary Exhibitions (LACE)—the gallery Gamboa helped found—in November 1978, spring 1980, 1986 and 1987. Baldessari left his teaching post at CalArts in 1988; Gamboa began teaching at CalArts in 1988. The two were also on a panel together for the 1998 UCLA-Hammer Museum exhibition *Sunshine & Noir*, entitled “From the Beat Generation to the Millennium — Conversations on Art in L.A.. See Baldessari et al, “L.A. Stories,” 246-247.

<sup>327</sup> Following Baldessari, Thomas Crow offered that LACE “was one place where the East Side, the Hollywood punk scene, and the CalArts sensibility all interacted—sometimes explosively.” See Baldessari et al, “L.A. Stories,” 247.

was a series of thirty events—including artist Dorian Wood’s re-imagining of *Decoy* as a live collaborative performance—as well as an exhibition and publication project, hosted by LACE and co-sponsored by LAXART from September 27, 2011 to January 29, 2012. Wood’s *Athco, or the Renaissance of Faggot Tree*, took up *Decoy* as the framework in which to insert the influential figures of the subversive, queer, and punk history of Los Angeles, using it and Asco’s legacy as the framework for a history of intersectional subcultures.

*Decoy*—the visible subject of which is a “dead” person—is the only artwork on both the cover and the hot pink spine of the 2012 book that grew out of LAGL, *Live Art in L.A.: Performance Art in Southern California, 1970-1983*. Although Asco is referenced throughout, discussion on *Decoy* itself appears infrequently, most fully presented as “a boldly activist media intervention” by authors Jennifer Flores Sternad [Ponce de León] and Suzanne Lacy. *Decoy* is noted later as an example of Gronk’s ability as a performer to take on various characters, and finally in a caption to the plate by editor Peggy Phelan:

Asco was interested in critiquing representations of Chicanos in Hollywood films and local television newsrooms. In this remarkable photograph, Asco stages the stereotypical narrative and visual tropes associated with the story of ‘another gang death.’ However, the beauty of the lighting (a blues song of reflection and deferral), combined with the deftness of the term ‘decoy,’ exposes art’s capacity to undo the flatness of such misapprehensions.<sup>328</sup>

*Decoy* was also exhibited in the 2013 exhibition *Our America: The Latino Presence in American Art*, a traveling show organized by and shown first at the Smithsonian American Art Museum under the direction of Curator of Latino Art E. Carmen Ramos; *Decoy* similarly appeared as the main or sometimes only illustration for the corresponding review cycles in Washington and

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<sup>328</sup> Peggy Phelan, *Live Art in LA: Performance in Southern California, 1970-1983*, ed. Peggy Phelan (New York: Routledge, 2012), plate 76 (unpaginated section).

Sacramento, CA.<sup>329</sup> For instance, *Decoy* is the only image used in Phillip Kennicott's review of the exhibition for the *Washington Post* (online), appearing just under the title and before the first line, and later addresses the work as "strong" and among those "work[s] that has become or should be canonical."<sup>330</sup> Similarly, when the exhibition traveled to the Crocker Art Museum (Sacramento) in 2014 the image of *Decoy* was used as the principal illustration for a music playlist inspired by *Our America* curated by Sacramento's Capital Public Radio.<sup>331</sup>

*Decoy* maintained a high profile in the reviews of the 2014-2015 exhibition *The City Lost and Found: Capturing New York, Chicago, and Los Angeles, 1960-1980*, an exhibition jointly organized by the Princeton Art Museum and the Art Institute of Chicago (AIC). Although the curators also published a website to accompany the exhibition and did not include *Decoy* on that site,<sup>332</sup> the image was foregrounded visually—but not discussed—in articles promoting the exhibition on art blogs,<sup>333</sup> local newspapers,<sup>334</sup> on the both institutions blogs,<sup>335</sup> and on the cover of the catalogue. On the publication, Gronk appears from his mid-thigh down past his feet, the

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<sup>329</sup> On the websites and in reviews for the other institutions on the tour, *Decoy* was not used as a promotional illustration; instead Emilio Sánchez's vibrant watercolor-on-paper *Untitled (Bronx Storefront)*, *La Rumba Supermarket* (c. 1980s) appeared often. Only the Allentown Art Museum (Pennsylvania) used *Decoy* on the exhibition webpage as one of five images representing *Our America*. See "Our America," Past Exhibitions, Allentown Art Museum, accessed March 1, 2018, <https://www.allentownartmuseum.org/exhibitions/past/our-america-the-latino-presence-in-american-art/>.

<sup>330</sup> Phillip Kennicott, "Art Review: 'Our America' at the Smithsonian," *The Washington Post*, October 25, 2013, [https://www.washingtonpost.com/entertainment/museums/art-review-our-america-at-the-smithsonian/2013/10/25/77b08e82-3d90-11e3-b7ba-503fb5822c3e\\_story.html?noredirect=on&utm\\_term=.a1801a6580be](https://www.washingtonpost.com/entertainment/museums/art-review-our-america-at-the-smithsonian/2013/10/25/77b08e82-3d90-11e3-b7ba-503fb5822c3e_story.html?noredirect=on&utm_term=.a1801a6580be).

<sup>331</sup> The brief article does not touch on *Decoy* or the art in the exhibition, and the playlist by Steve Milne was inspired by "jazz and world beat." Steve Milne, "Crocker Curation: Our America...", *The Mod Eclectic Blog on Capital Public Radio*, September 21, 2014, <http://www.caprario.org/music/eclectic/2014/09/21/crocker-curation-our-america/>.

<sup>332</sup> The website "complements the exhibition *The City Lost and Found*, which explores how photographers, artists, filmmakers, planners, and activists in the 1960s and 1970s attempted to transform the conditions of urban crisis in New York, Chicago, and Los Angeles into opportunities for civic discourse and creative expression." "The City Lost & Found: Capturing New York, Chicago, and Los Angeles, 1960-1980," Princeton University Art Museum, accessed April 30, 2018, <http://artmuseum.princeton.edu/city-lost-and-found>.

<sup>333</sup> Although several artists/photographers are listed in the short text, Asco and Gamboa is not among them. A large image of *Decoy* is published immediately after the headline. The Editors of ARTnews, "'The City Lost and Found' at the Princeton University Art Museum," *ARTnews*, April 27, 2015, <http://www.artnews.com/2015/04/27/the-city-lost-and-found-at-princeton-university-art-museum/>.

<sup>334</sup> For instance, an image of *Decoy* appears immediately after the byline in blurb in USA Today's local affiliate *My Central Jersey*. Jenna Intersimone, "Travel: Experience three cities' histories in photos," *Mycentraljersey.com*, March 10, 2015, <https://www.mycentraljersey.com/story/news/local/new-jersey/2015/03/10/princeton-university-art-museum/24267189/>.

<sup>335</sup> For instance, *Decoy* is cited here in two sentences as an antecedent to the work of the Guerrilla Girls. Katherine Bussard, "Art as Activism: Beyond 'The City Lost and Found,'" *Princeton Art Museum* website (undated, circa spring/before June 7 2015) <http://artmuseum.princeton.edu/story/art-activism-beyond-city-lost-and-found>, accessed April 30, 2018.

image cropped to a pair of legs lit by a flare and a spray of white lights in an indeterminate space. *Decoy* here stands in for Los Angeles yet it only became widely known outside of Asco's milieu in 2011. Within the text, however, discussion of the artwork takes up about three inches, three sentences describing the concept—not the image—of the artwork before toggling to how Suzanne Lacy and Leslie Labowitz, in comparison, “also interrogated images of violence” in the 1977 performance *In Mourning and In Rage*.<sup>336</sup>

The artwork similarly seems to function as a synecdoche for Asco, for Gamboa himself—or at least in acknowledgment that the image had begun to operate with this currency—since he envisioned *Decoy* on the cover of a proposed, but never (or not yet) realized, *No Movie* ten-page book, as an undated sketch in his archives evidences.<sup>337</sup> In April 2018, Gamboa also posted the photograph to his Instagram feed which diverged from his typical posts of exhibition openings, publication announcements, and art actions such as his *fotonovelas*, all of which are from recent past (not more than five years) prior.

As further evidence of *Decoy*'s exceptionality, it was blown up to wall-size in the 2014 exhibition *Asco and Friends: Exiled Portraits* at the Triangle France (Marseille). The mural greeted viewers at the center of the gallery and was the only artwork in the exhibition reproduced at this size.

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<sup>336</sup> Ken D. Allan, “‘This Spangled Pot-Hole’: Image and Materiality in Los Angeles Art of the City, 1960-80,” in *The City Lost & Found: Capturing New York, Chicago, and Los Angeles 1960-1980*, ed by Katherine A. Bussard et al (New Haven and London: Yale University Press, 2014), 233.

<sup>337</sup> Harry Gamboa Jr., *No Movie* (10 PG Book “Proposal”), undated (c. 1999-2000), Harry Gamboa Papers, 1968-2010, M0753-2007-315.6.4, Special Collections and Archives, Stanford University.

### 3.1.10 “Decoy” Online

*Decoy* circulates the online art world unmoored, often reproduced with little context, making it available to replicate the problematic popular culture mode of viewing that consumes the victimized Chicano body, on the basis of aesthetic pleasure and/or entertainment.

For example, *Brooklyn & Boyle*, a print and online magazine local to Los Angeles and dedicated to the “Greater Eastside LA arts scene,” published *Decoy* as the only artwork used in “East of East L.A.: Whitney Museum’s ‘Art Apartheid,’” by Armando Durón, the East Los Angeles-based major collector of Chicano art.<sup>338</sup> It appears as the first and largest image in a 2018 profile on Gamboa, “Harry Gamboa Jr.—Portrait of an L.A. Artist,” in Denmark’s *Kunsten* journal.<sup>339</sup> *Decoy* became an advertisement in 2011 for *East of Borneo*—an online journal funded by a grant from the Getty Foundation—and was made to convey the certain practice of art criticism, history, and archiving, as well as a conceptualization of place that the journal sought to identify for itself.<sup>340</sup> Each time *Decoy* is used a synecdoche, its paratext does not fully travel with it and therefore reduces the framing in which to understand the body, and problematically replicates the guilt-ridden pleasure of viewing the victimization of brown bodies in both news and entertainment.

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<sup>338</sup> Durón addresses the underrepresentation of artists of color, especially Latina/o artists, in the exhibition. Armando Durón, “East of East L.A.: Whitney Museum’s ‘Art Apartheid,’” *Brooklyn & Boyle*, June 2015, accessed April 15, 2018, <http://www.brooklynboyle.com/2015/06/east-of-east-la-whitney-museums-art.html>.

<sup>339</sup> Lise Grüner Bertelsen, “Harry Gamboa Jr. – portræt af en L.A. kunstner,” *kunsten*, March 18, 2018, <https://kunsten.nu/journal/portraet-af-kunstner-harry-gamboa-jr/>.

<sup>340</sup> The Andy Warhol Foundation for the Visual Arts also provided a grant, in addition to a crowd-sourcing effort.

### 3.1.11 Issues of Acquisition

Although the image of *Decoy* appears in many places both online and in physical space, the actual editioned photographic print has not been brought into many public collections, meaning that it does not translate into the longterm commitment to the artist, artwork, and their legacy that an accession necessitates: conservation and care, insurance, commitment to the display and archival record of the object. *Decoy*—for all its dissemination—has been accessioned by only two major collections as of 2018: Smithsonian American Art Museum (acquired 2013) and the Whitney Museum of American Art (acquired 2014). LACMA did not purchase any of Asco’s work following *Asco: Elite of the Obscure, A Retrospective, 1972-1987*, the major exhibition they, along with Williams College, brought into being.

Although more institutions may host or curate more “inclusive” or representative shows, they often do not acquire the work but still benefit from the caché without changing their operational model, and without actually doing the work of supporting the careers of and investing financially in artists of color and committing to the long term stewardship of their work. Sesshu Foster, an art world-adjacent, East Los Angeles-bred-and-based poet of color, wrote of this institutional having-cake-and-eating-it-too in a poem/review of *Made in L.A. 2014* (June 15–September 7, 2014) at the University of California, Los Angeles’s Hammer museum, the second ever iteration of the now-prestigious biennial, and the first iteration planned in and for post-*PST* Los Angeles, a context that reflected a new art landscape marked by recharged interest—at least on the surface—in how the city’s cultural history necessarily includes its

communities of color.<sup>341</sup> Foster raised the issue of what “inclusion” of artists of color in high-profile exhibitions really equates to over the long haul. In the form of a poem written as a stream-of-consciousness with the 2011–12 *PST* cycle still in mind, Foster wrote:

it's okay because you can go to the “california african american museum” if you want to see art by POC or you can drive to long beach to the museum of latin american art, or the l.a. county museum of art probably has one or two frida kahlos or diego riveras and some great precolombian ceramics

so it's okay

if the all the other museums like lacma and moca and etc. show white art at all times

asco had it's one lacma show “asco: the elite of the obscure, a retrospective 1972 – 1987” on exhibition from sept. 2011 to december 2011, so it's okay

they had that one

one is good, now we can go back to our regularly scheduled programming<sup>342</sup>

We might add to or edit that line to read “our regularly scheduled collecting”: following *Asco: Elite of the Obscure: A Retrospective, 1972-1987*, LACMA did not acquire any works by Asco or its individual formative members Valdez, Gronk, Herrón, or Gamboa.<sup>343</sup> This reality check draws the distinction between what it means to include an underrepresented artist/community in an exhibition (which includes no small commitment of intellectual, curatorial, and art handling labor, as well as insurance and loan agreements, and compensation to the artist/owner), and an acquisition into a collection which suggests significant commitments to the interpretation and

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<sup>341</sup> E. Tammy Kim, “A Los Angeles Poet’s Revolution of Everyday Life,” *Aljazeera America*, September 6, 2015, <http://america.aljazeera.com/multimedia/2015/9/sesshu-foster-los-angeles-street-poet.html>.

<sup>342</sup> I am grateful to Jennifer Ponce de León for this reference. Sesshu Foster, “review of “made in l.a.” at the ucla hammer museum,” *East Los Angeles Dirigible Air Transport Lines* (blog), September 7, 2014, <https://atomikaztex.wordpress.com/2014/09/07/review-of-made-in-l-a-at-the-ucla-hammer-museum/>. Capitalization and punctuation as in original.

<sup>343</sup> A search in LACMA’s permanent collection via their website does show works by Gronk and Valdez in the collection, but none were purchased immediately before or after the exhibition period, and nothing by an Asco member has entered the collection since.



exhibition the work; to insuring, conserving, and storing it over the long term; as well as at a symbolic level that the work/artist was included in the identity and scope of the institution.

### 3.1.12 America is (Still) Hard to See

The Whitney Museum of American Art (WMAA) included *Decoy* on the cover of their 2015 *Handbook to the Collection* in the canonical company of Edward Hopper, Alexander Calder, Wilhelm De Kooning, Georgia O'Keeffe and contemporary masters Hannah Wilke, Jean Michel Basquiat, and Jack Goldsmith. Published the year after the museum's first (and, so far, only) acquisition of Asco's work—a set that included *Decoy* and seven other photographs taken between 1974 and 1980<sup>344</sup>—the *Handbook* also included *Decoy* as the only image on Asco's artist page inside. Along with three other Asco photographs from the collection, *Decoy* was exhibited in *America is Hard to See*, the WMAA's permanent collection rehang that inaugurated their new building as well as what the museum saw as a “critical new beginning.”<sup>345</sup>

Taking a line from a Robert Frost poem as the exhibition title, the WMAA positioned *America Is Hard to See* as at once “celebrat[ing] the ever-changing perspectives of artists and their capacity to develop visual forms that respond to the culture of the United States,” while acknowledging the “difficulty of neatly defining the country's ethos and inhabitants.”<sup>346</sup>

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<sup>344</sup> *Decoy Gang War Victim* is also the only artwork reproduced in the volume to represent Asco in the “Artist Pages” section of the book. The seven other Asco artworks in the WMAA collection are not included in the publication. Dana Miller, ed., *Whitney Museum of American Art: Handbook of the Collection* (New York: Whitney Museum of American Art, 2015), cover and 47. For Asco works in the WMAA collection, see <http://collection.whitney.org/artist/15041/Asco>, accessed February 28, 2018.

<sup>345</sup> From the WMAA's webpage for *America Is Hard to See*: “By simultaneously mining and questioning our past, we do not arrive at a comprehensive survey or tidy summation, but rather at a critical new beginning: the first of many stories still to tell.” “America is Hard to See: May 1-Sep 27, 2015,” Exhibitions, Whitney Museum of American Art, accessed March 15, 2018, <https://whitney.org/Exhibitions/AmericaIsHardToSee>.

<sup>346</sup> Whitney Museum of American Art, “America is Hard to See: May 1-Sep 27, 2015.”

In the gallery “Learn Where the Meat Comes From,” seventeen photographs hung at eye-level on a pale grey wall in matching thin black frames with wide white mats, across from a line of blinking, incandescent video monitors screening videos evocative of the decade—Chris Burden’s *Shoot* (1971), Martha Rosler’s *Semiotics of a Kitchen* (1975), Howardena Pindell’s *Free, White, and 21* (1980)—of all which had interpretative labels. Small images by Lucas Samaras, Laurie Simmons, [Elaine Frances] Sturtevant, Alvin Baltrop, Francesca Woodman, and Ana Mendieta flanked one side of Mendieta’s *Untitled (Silueta Series, Iowa)* (1979), the central point of the display. On the other side, four of Cindy Sherman’s black-and-white *Untitled Film Stills* (dating from 1978-79) hung immediately next to the final grouping, three photographs by Asco—a juxtaposition that rehearsed the Asco/Sherman comparison, positioning the *Untitled Film Stills*, shot between 1977 and 1980, as an art historical context in which to understand Asco’s *No Movie* practice.<sup>347</sup> *No Movie (Stars)* (1978) and *No Canary* (1977), both black-and-white prints, were installed above *Decoy Gang War Victim*, a brilliant blue punctuation mark to the overall display. Not one of the seventeen photographs was accompanied by wall-mounted informational wall tags; instead, the viewer had to find the laminated key in the wall pocket to

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<sup>347</sup> *Los Angeles Times* art critic Christopher Knight felt differently: “For me the most provocative moment comes in the juxtaposition of photographs by Cindy Sherman and the L.A. Chicano collective Asco — Harry Gamboa, Gronk Nicandro and Patssi Valdez. Both adopted a complete pop culture vocabulary to explore manufactured social identity. Asco’s is a glam celebrity self-portrait from its mid-1970s ‘No Movies’ series. The photographic still promotes a nonexistent film; by default, it pictures Chicano exclusion from Hollywood’s dream machine. Sherman had just begun her own ‘Untitled Film Stills.’ In her self-portrait photographs, she assumes the role of an actress performing cinematic clichés of femininity.” Note that Knight omitted Willie Herrón III, who is not pictured in the images but was part of Asco. Although Knight is not wrong in his descriptions, the dating is a little off: Asco began the *No Movies* practice earlier in the 1970s, at least by 1973; Sherman began working on her *Untitled Film Stills* in 1977. More important: I think when we reckon with work by artists who belong to historically (and still) marginalized communities—especially ones who activate this disparity in the content of their work—we should do so without immediately putting it into the context or framework of White, well-collected, and well-known artists (even if they are women/feminists), especially when that artist is not a precedent in terms of chronology. As David E. James explains, in the complexity of dialectally articulating “anger and affection, hatred and desire” of Hollywood and their exclusion, “No Movies both precede and exceed Cindy Sherman’s film stills...in which by comparison critical distance is dissolved into sentimental nostalgia.” See Christopher Knight, “At New Whitney Museum Site, a Show is Shrouded in Parochialism,” *Los Angeles Times*, April 27, 2015, <http://www.latimes.com/entertainment/arts/museums/la-et-cm-knight-whitney-review-20150427-column.html#page=1>. See also James “No Movies: Projecting the Real by Rejecting the Real,” in *Asco: Elite of the Obscure: A Retrospective, 1972-1987*, eds. Chavoya and Gonzalez (Los Angeles: Los Angeles County Museum of Art, 2011), 187 and 190 note 10.

the left of the installation in order to learn the basic information about the artworks. The sheet diagrammed the display using numbered empty black rectangles representing each artwork, and provided the basic information (artist's name, title, year, medium, and credit line) by corresponding number below; it did not include interpretative information about any of the artworks or artists.

Although Asco was "included" in the WMAA as part of the museum's reconceptualization of American-ness, they remained somewhat obscured by the curatorial decision to mount the work cleanly, *blankly*, in sparse frames with no immediate information. The excitement of seeing Asco become part of a major collection and exhibition—which is to say: the thrill of seeing the work of politically-expressive and aesthetically sophisticated Chicana/o artists be included in a high-profile, highly-anticipated exhibition, and collected by a venerated institution of "American Art" that has, thereby, committed to the long term care and legacy of the work—was dampened by an installation that did not make the artists' names visible, and did not credit Asco in an immediately visible way.

The WMAA's only suggestion of their understanding of Asco's production is in the last line of the introductory wall text across the gallery: "Others, including the Los Angeles-based collective Asco...work, like [Suzanne] Lacy, to draw attention to the ways media shapes our perception of identity and to the inherent gender and racial biases that often accompany those depictions." This is true, yet the WMAA did not make it easy on the viewer to actually link the photographs hanging the wall with this narrative, especially in the case of *Decoy*: there is nothing to help an unfamiliar viewer understand how Asco conceived of *Decoy's* function, its social-historical context, or to otherwise account for the appearance of a body lying on the street. Following *PST*, *Decoy* may have had currency as an image for a very engaged contemporary art

audience, but not to the extent that the WMAA's curatorial staff could presume a typical viewer's familiarity with Asco and *Decoy*. With so little context or evocation of the artwork's circumstances, and unclear relationships to its neighbors in the gallery, the WMAA's installation risked putting *Decoy* into the position Asco was resisting in the first place: the easy consumption of and ready pleasure in viewing a victimized Chicano body.

It would seem especially important to make visible the artists' names in "Learn Where the Meat Comes From," a section the museum conceived of as a collection of artists and images diverse in ethnicity, race, gender, and sexual identity/expression, and who directly challenged their erasure and invisibility wrought by structures of White straight male power—media, institutions, and the mainstream American society which they were built to serve and maintain—through the very artworks that hung on the WMAA's wall. The curatorial staff did not administer the same care afforded to most other objects included in *America is Hard to See*, which is especially unfortunate here since most of the artists on this wall embodied identities still not reliably included in the image of typical American-ness: people of color, immigrants, women, queer-identifying or those expressing non-heteronormative sexualities or genders. In an unfortunate literalization of their own title, *America Is Hard to See* further minimized America's historically minoritized citizens not just in this photograph display but overall: works by White and male artists were over-represented, while women and artists of color were disproportionately low in terms of their respective percentages of the US population. For example, only 4 percent or about 26 of the more than 650 works were by Latinx artists, although the Latinx community represents 18 percent of the general US population.

While Asco, and America in its true demographic diversity, were indeed hard to see in the Whitney's collection exhibition, *Decoy Gang War Victim* was made more visible in the press

surrounding the exhibition, deployed the image as its emblem. For the WMAA's own promotions, *Decoy* appeared without caption in a June-July 2015 member's gallery guide. In *Artspace*'s "The Whitney's Buried Treasures: 10 Rarely Seen Masterworks Making Their Debut in the New Building," *Decoy* is published just after the title, foregrounding it as an important to the Whitney's collection rehang and ostensibly anointing it as a "masterwork," yet *Decoy* is not one of the ten works that comprises the actual article.<sup>348</sup> Other than the image's caption, only one sentence references *Decoy*, naming it as "a lacuna-filling photograph by Asco, a Los Angeles Chicano artist collective from the '70s and '80s (above)."

Asco spoke first from a position within, yet unaligned with, the Chicano civil rights movement, sought to enter an oppressive news stream, flourished in the absence of the official art-world network for decades, and has recently been made to represent Chicano and Contemporary American art in some of the highest-profile arts institutions. Yet, displays like *America is Hard to See*, the lack of collecting by major public institutions, and extraction of the photograph from its context and (re)circulation as *image* all speak to a tokenism of a general art world context (not necessarily the curators and/or scholars included in the catalogue who may make recommendations to a board for purchases but do not have that kind of decision making power about the collection).

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<sup>348</sup> The ten "buried treasures" are: James Daugherty, *Three Base Hit* (1914); Guy Pène Du Bois, *A True History of Eight West Eighth* (1921); Chiura Obata, *World Landscape Series "America."* (1928-30); Abraham Jacobs, *The Patriots* (1937); Mary Ellen Bute, *Synchromy No. 4: Escape* (1937-8); Hedda Stern, *New York, New York* (1955); Carmen Herrera, *Blanco y Verde* (1959), a new acquisition; Malcolm Bailey *Untitled* (1969); Karen Kilimnik, *The Hellfire Club Episode of the Avengers* (1989); and Nicole Eisenman, *Achilles Heel* (2014). Karen Rosenberg, "The Whitney's Buried Treasures" 10 Rarely Seen Masterworks Making Their Debut in the New Building," *Artspace*, April 17, 2015, [https://www.artspace.com/magazine/interviews\\_features/in\\_focus/whitney-museum-revelations-52748](https://www.artspace.com/magazine/interviews_features/in_focus/whitney-museum-revelations-52748).

### 3.1.13 Introduction to Harry Gamboa Jr.'s Solo Career

*There is a correct way and a wrong way of committing violence against another individual.  
The first thing you must do is not view them as an individual,  
think of them as rotting flesh waiting to be drained of the pus.*<sup>349</sup>  
Harry Gamboa Jr., "Orphans of Modernism," 1984

The career of Harry Gamboa Jr.—before, during, and after his work with Asco—represents a striking and sustained effort by an artist to acknowledge, disrupt, and counter stereotypes about Chicanx and/or Latinx men as dangerous, under-educated, or hot-tempered—in a word, violent. Throughout his oeuvre, Gamboa has addressed the images of the gang-affiliated, domestically-violent Chicano by embodying them in performances, photographs, and *fotonovelas*, only to reveal them as absurd, inaccurate, and racist. This section will discuss an outstanding work of Gamboa's video practice as an example of his broader post-Asco work.

Beginning in 1983, Gamboa would write, direct, and produce short videos using an ensemble cast (a few of whom had previously been in or peripherally associated with Asco) to play out a range of stories set in Los Angeles: failing and reconciling romances, familial dissolution and reunion, and existentialist crises triggered by living-while-Chicano in Los Angeles. Gamboa concentrates these themes in one of his longer films, *L.A. Familia* (1993), which he describes as "the meltdown of a Chicano nuclear family amid the environment of an abandoned, visually distorted, and anonymously populated contemporary Los Angeles," one that had just begun to recover from the 1992 Uprising.<sup>350</sup>

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<sup>349</sup> Harry Gamboa Jr., "Orphans of Modernism," in *Urban Exile* (Minneapolis: University of Minnesota Press, 1998), 221.

<sup>350</sup> Harry Gamboa Jr., "Refractions of Home (1994)" in *Urban Exile*, ed. Chon Noriega (Minneapolis: University of Minnesota Press, 1998), 125, 127. In an April 2012 entry on Gamboa's website, the video is described as "The Chicano nuclear family sets out on a collision course with dysfunctional appeals for calm and chaos as bullets fly in the desolate Los Angeles urbancape." See also "L.A. Familia," Harry Gamboa, Jr: Works and Events, accessed April 16, 2017, <https://harrygamboajr.wordpress.com/?s=LA+Familia&x=0&y=0>.

### 3.1.13.1 “L.A. Familia”

In black-and-white, *L.A. Familia* tracks the changing family dynamics as a mother and son become homeless at the same moment that the father is unexpectedly released from the Los Angeles County Jail—an “earthquake...rattled the computers into releasing him” a year early—and when he tries to re-enter the family, he finds that Mom and Son are living in the emotional trauma and financial instability wrought by his drug use and subsequent incarceration.<sup>351</sup> If the characters have names, they are never revealed; on the title cards and throughout the movie the characters are referred to only as “Dad,” “Mom,” “Son.” Blending the practices of *cinéma vérité* and “confessional” address (typified by reality television that emerged at this time), with the theatricality characteristic of Asco/Gamboa’s work in the 1970s, this “conceptual documentary video” starts with the aesthetic and tone of a deadpan documentary and escalates to an absurd, slapstick comedy over its 37 minutes.<sup>352</sup>

The film opens with Mom (portrayed by Barbara Carrasco, artist and Gamboa’s wife) arguing with her early-teenaged Son (portrayed by Gamboa’s actual son Diego) about getting kicked out of their home.<sup>353</sup> As viewers, we piece together from their verbal assaults that their relationship is threadbare, hostile, prone to blame, and marred by mutual abandonment: he blames her stupidity and “Satan-worshipping parties...[with] snakes [and] weed,” for getting them kicked out of their home; she rebuts that it was not her, but his “loud parties at 3 a.m., 4, 5 a.m.” that has made them homeless, not her “ritual spirituality thing” (which, she clarifies, is

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<sup>351</sup> Gamboa, “Refractions of Home,” 127. The earthquake in the story is likely a fictional one, although several earthquakes occurred throughout southern California around this time: Sierra Madre Earthquake (5.8 magnitude, June 28, 1991); Joshua Tree Earthquake (6.1 M, April 22, 1992); and the major Landers Earthquake (7.3 M, June 28, 1992) and its aftershocks in Big Bear (6.4 M, June 28, 1992) and Mojave (5.7 M, July 11, 1992). See “Southern California Earthquake Data Center,” California Institute of Technology, accessed April 10, 2017, <http://scedc.caltech.edu>.

<sup>352</sup> Gamboa, “Refractions of Home,” 125.

<sup>353</sup> His exact age is not given in the video. In an essay about the video, Gamboa describes Son as “fourteen years old, jaded, and intent on surviving despite overwhelming odds.” Gamboa, “Refractions of Home,” 127.

“not Satan stuff—*ok?*”). Mom sharply threatens “I’m gonna have to take a long vacation away from your ass” and is met by Son’s counter-threat of suicide. Trying to salvage parental control, Mom proposes they get jobs and pool their resources, but it is clear she has lost her authority. Son mocks her in a direct address to the viewer: “we’re gonna be like everyone else on the streets... what are we going to do, open a fruit stand or something?” Mirroring Son’s confessional, Mom breaks the fourth wall too, explaining she was always bailing Dad out of drugs and jail, “couldn’t save up enough money, couldn’t get [herself] out of this shit.” Between their profiles, the skyline of downtown Los Angeles (DTLA) comes into view through the smog, asserting itself as not just the backdrop for this story but as a central character.

In addition to the opening shot that establishes the film’s setting in DTLA, Gamboa’s title—representative of the biting wordplay that characterizes his oeuvre—emphasizes or re-establishes the relationship between Mexican heritage and the City of Los Angeles. Aurally, the film’s title sounds like “la familia,” the Spanish term for “(the) family” but here the article becomes “L.A.,” the popular abbreviation that typically obscures the Spanish words that make up the contemporary name of the city, as well as its roots as the Mexican settlement *El Pueblo de Nuestra Señora la Reina de los Ángeles de Porciúncula* (The Town of Our Lady the Queen of the Angels of Porciúncula). Here, however, “L.A.” becomes part of a Spanish *la familia*, reaffirming the city’s Mexican past and present through Gamboa’s tongue-in-cheek Spanglish, underlining that this story is not just about Family, or a Chicano family, or an Angeleno family, but also about contemporary Los Angeles itself.<sup>354</sup>

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<sup>354</sup> Richard T. Rodríguez explores the competing notions of “la familia” in art, literature, film, and other cultural expressions made by Chicano men after or inspired by the Mexican American or Chicano Civil Rights Movement. Richard T. Rodríguez, *Next of Kin: The Family in Chicano/a Cultural Politics* (Durham, NC: Duke University Press, 2009).



While Mom and Son throw blame for their eviction back and forth across the smoggy Los Angeles horizon, Dad's image (portrayed by Asco member, actor, and performance artist Humberto Sandoval) intercuts the scene, signaling his imminent exit from prison. Close-ups of his face are bathed in a non-diagetic visual effect of magenta color and accompanied by an ominous steady beeping, like a security alarm going off or a heartbeat registering on an ECG machine. While he emerges from prison, Son and Mom are splitting up: in an aggressive assertion of autonomy, he sets out for a life (and possibly death) on the streets. In response, Mom gives up, asking "who wants a brat like that?...I'm taking off." At this same moment, the throttling engines of a plane taking off are heard overhead, the ambient offscreen sound sonically linking Mom's takeoff from the family with the real and loud jet departure off-camera. Elsewhere, Dad is ready to start his new life. In a (presumably stolen) shirt and tie, he excitedly explores what he calls "Chicanoville," nodding in approval at graffiti until he is stopped dead in his strut when he realizes he is being watched. Although it is ambiguous who or what he sees when his gaze meets the camera lens, Dad curses at it/us in Spanish to peel our eyes away and not to look at him ("No mestres, pelando lol ojos. ¡No me calles bien!") and then with humorless efficiency in English: "Fuck you."

These introductions are followed by a wipe featuring a newspaper front page, the headline unmistakable through purple and yellow visual effects: "Looting and Fires Ravage L.A.: 25 Dead, 572 Injured; 1,000 Blazes Reported."<sup>355</sup> This was the front page of the Los Angeles Times on May 1, 1992, describing the height of the unrest following the widely-reported verdict of the Rodney G. King trial on April 29, 1992—a controversial decision to acquit four

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<sup>355</sup> This headline is also the cover of a copy of *High Performance* in Gamboa's papers at Stanford University, suggesting it was a headline that was distributed widely and, was likely used in both *L.A. Familia* and publications like *High Performance* for its recognizability outside L.A. *High Performance*, "The Verdict and the Violence," Summer 1992. Harry Gamboa Papers, 1968-2010, M753.7.4, Special Collections and Archives, Stanford University.

officers of the Los Angeles Police Department (LAPD) accused of using excessive force on King, a Black or African American man, after a freeway pursuit along the foothills of the San Gabriel Mountains in March of 1991. Ignited in South Los Angeles, the looting, protesting, arson, homicide, and resistance to law enforcement—long-simmering responses to underlying economic disparity and racial tensions that the verdict laid bare—would continue over five days throughout the Southland, up north in San Francisco and Oakland, and as far east as Las Vegas, Nevada. (The following chapter will discuss at length the triggering event, trial and video evidence, and aftermath of the verdict.) This reference to the costliest civil disturbance in US history would have been recognizable to audiences throughout the 1990s and outside of Los Angeles from both its widespread eruptions and its national media saturation in print and on cable television.<sup>356</sup> This direct reference to 1992 unrest immediately situates *L.A. Familia* both temporally and geographically in Los Angeles’s near-apocalyptic moment of citywide unrest and the physical and social reconstruction that followed.<sup>357</sup>

We are introduced to a familia at a crossroads, set into motion in different directions in an equally volatile and unstable Los Angeles. Over the next half-hour, Mom, Dad, and Son run into, and away from, each other on the streets of DTLA, as they experience, Gamboa writes, “isolation, alienation, arguments, aborted reunions, dysfunctional confessions, and an ongoing sense that everything is crashing inward.”<sup>358</sup> For example, when Dad runs into Son on a pedestrian freeway overpass, his hopes for father-son reconnection are dashed by Son’s rejection of his excuses for his absence:

DAD:            You don’t know what it’s like to grow up without a father!

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<sup>356</sup> See the next chapter in this dissertation for detailed information about the 1992 Uprising and the video of the beating of Rodney King.

<sup>357</sup> This front page is from May 1, 1992. The verdict of the Rodney King trial which acquitted the four LAPD officers charged was two days before on April 29, 1992.

<sup>358</sup> Gamboa, “Refractions of Home,” 127.

SON: I do! I do!

Frustrated at being told to get his “act together” by a father he feels abandoned him, Son declares that he never wants to see him again and leaves, Dad following after him. In their moments of solitude, each family member talks to him-/herself, sometimes in repentance (Dad: “I haven’t been as good as I should have been”); confused desperation (Mom: “I think I’m having real fucking bad problems. Oh shit, I’m having problems.”); or affirmation (Son: “All I got is me and my crew...I’m not going to change”). This scene dissolves into a long sequence of shifting planes of fuchsia, Gamboa’s signature surreal color effects that, as Rafael Flores suggests, “Gamboa utilizes to share his characters’ nauseous and disorientated state with the audience.”<sup>359</sup>

It is unclear how much time has passed, typical of the film’s overall sense of time, but it is clear we have jumped ahead in time as we see the family members now each on their own path.<sup>360</sup> The run-ins between family members during this ambiguous span of time, all of which end in yelling, become incrementally more absurd—not an immediate shift from tragedy to comedy, but a slow and subtle transition seen in their increasingly performative gestures and postures and comedic lines. For instance, in the next scene Mom finds Dad asleep in a service doorway of a DTLA building and their interaction begins conventionally: Mom asks where he’s been and about his time in jail. It devolves quickly, however, as Dad blames her for ruining his sandwich with vitriol more suited to consequential betrayals, an outsized rage both threatening and hilarious as performed in Sandoval’s voice with his drastic, rapid, and comedic changes in volume and tone in the course of just a single sentence. Saying she paid for it (along everything

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<sup>359</sup> Rafael Flores, “Towards a Rasquache Cinema: Chicano 3rd Cinema,” *cineSOURCE*, April 24, 2014, [http://cinesourcemagazine.com/index.php?/site/comments/towards\\_a\\_rasquache\\_cinema\\_chicano\\_third\\_cinema\\_in\\_the\\_first\\_world/#.WabXw7GZMRF](http://cinesourcemagazine.com/index.php?/site/comments/towards_a_rasquache_cinema_chicano_third_cinema_in_the_first_world/#.WabXw7GZMRF).

<sup>360</sup> The recording occurred over 24 months and it is unclear if that time period corresponds directly to the duration of the film’s narrative. In an essay, Gamboa explains: “an extended period of time transpires on screen, reflecting the social and physical realities of the sporadic twenty-four-month shooting schedule.” Gamboa, “Refractions of Home,” 127.

else), Mom starts to defend herself yelling “I’ve been suffering!” and then, puzzled at what she has just said, or perhaps unconvinced by her own statement, she searches the ground, saying “I *think* I’ve been suffering?...Yeah, I’ve been suffering.” The scene ends without resolution to their fight and Mom and Dad both exaggeratedly rattle a chainlink fence and repeatedly yell at each other “I can’t take it anymore!” before Mom takes off yet again.

The slapstick tone continues to heighten as all three family members find themselves reunited on a pedestrian bridge over a busy freeway, regarding one another suspiciously. They’ve changed during their time apart. Taller and in baggy clothes, Son peers through camcorder that he bought with money from odd-jobs around town—a device he prizes and has a high pawn value that he worries (in a previous scene) he “could get killed for.” Mom carries a plastic infant in a large shoulder bag, referring to the doll as her second child—and, absurdly, Dad does too: he asks indignantly “who have you been fucking now?!” Son tapes them with his camcorder as they fight, keeping his distance and framing their fight as a narrative drama (or as potential eyewitness evidence) by capturing it on tape. Dad charges at Mom; she screams and runs away. As their fight resumes in an industrial back alley, Son continues taping, mirroring our position as viewers, not intervening but consuming this episode of escalating domestic violence. Then, what should be another well-timed moment of comic relief sets off a violent unravelling of the family:

DAD: I asked for *mole*. She gave me baby shit.

SON: No, that’s just her cooking.

Dad hardens. The tone has shifted. He turns on his son, attacking him while Mom tries to defend him, beating Dad back with her bag. Dad pulls a gun from his pocket. He points a Heckler &

Koch 9mm semiautomatic pistol at her and demands to know what she has in the bag.<sup>361</sup> Removing the “baby,” she cradles it to her chest, crying “It’s real to me. This is real.” As she says “real,” the video feed changes to a three-by-three grid, transmitting the standoff in multiple. We see Dad point the gun at them nine times over in slow motion before the feed returns to a single-frame. Gun raised, Dad yells “I’ll kill you both!” as Mom and Son run. He fires two rounds in the air. The shots replay—*POP POP*—on Son’s camcorder footage, which replaces the director’s camera feed. As viewers, we are shifted into the son’s position as one more shot sounds (perhaps an echo of a previous discharge, perhaps a third round), and we hear Son’s pounding footsteps and heavy breathing as asphalt speeds by through Son’s camcorder lens, facing down toward the street, as he runs to escape his armed homicidal father.

The video’s height of absurdity (both parents discussing the doll as a real baby, a son that tapes his parents’s argument) is also the height of its violence (physically attacking each other, firing a gun). In *L.A. Familia*, Gamboa brings together serious real drama and absurdist play that are the through-line of his career, into a constant shifting where they topple each other, and the distinction between them becomes muddled as they reverse and reverse again. As quickly as *L.A. Familia* shifts from an absurd melodrama to a frantic drama of believable violence, it shifts back. Our feelings after having watched a father shoot at his family are suspended: before we can process our initial reactions this and to Son’s escape (it is unclear where Mom is) we are returned to slapstick staginess.

In the closing scene Dad finds his family on (yet another) bridge over a freeway and begins to apologize, explaining he didn’t mean to shoot them. As a peace offering or perhaps as proof of his ability to provide for his family, he has brought them pizza with jalapeños, the way

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<sup>361</sup> The exact model of the gun is not clear in the video. Gamboa, “Refractions of Home,” 128.

“Chicanos like their pizza.” With tempers cooled, and now in a more publicly visible space, the family begins to close their distance: Dad gets close enough to see the “baby” in Mom’s arms, relieved that “it’s a fake Chicanito,” even though “if there’s one thing [he] hate[s], it’s a fake Chicano.” He has no reaction to her deception and seems unconcerned about her grasp on reality. She maintains the “baby” is real to her, and their reunion is not dampened by this disconnect. Holding hands, they sing and skip in a circle, making promises and envisioning their life as a family:

DAD:	Let’s be a family... Let’s be a happy Chicano family in L.A.!
SON:	I get my own room and toys to play.
DAD:	I won’t kill you, I promise.
MOM:	You promise?! I love you too, I’ll cook [for] you better.
DAD:	I won’t use drugs no more!

As they reconnect, they present no actual resolutions to the many issues that tore them apart, make no mention of how Dad will achieve sobriety, and do not explain why any of them chose to reenter the family or how they will reintegrate. It is clear that Dad’s understanding of (his) family is inextricably bound up in being Chicano: for much of the video, he wandered Los Angeles making resolutions, strategizing how to “be a *familia* again—[to be] tight Mexicanos, tight Chicanos from Aztlán.” As they make improbable promises to each other, they also seem to regress toward traditional family traits: Mom will not only cook, but cook “better” for her husband; Dad will be sober and maintain the safety of his family (notably, safe from himself); Son regresses into the ideal middle class childhood he clearly never had. The “happy Chicano family in L.A.” they imagine is not unlike Cold War nuclear family, including an emphasis on Christianity. In the case of this *familia*, however, even the religiousness becomes hyper-performed: *L.A. Familia* ends with praying to the Virgin Mary in Spanish—hitting one final stereotype of Chicano culture—as Gamboa’s camera backs away.

### 3.1.13.2 “L.A. Familia” in and out of L.A.

*L.A. Familia* activates several stereotypes (macho hot-tempered men, gang-affiliated wayward youth, superstitiously Catholic matriarchs), ultimately casting them to such hyperbole that they are rendered absurd. Gamboa remembers what he saw in popular culture growing up in Los Angeles, and his experience of living so close to yet so far from Hollywood: “much of live TV was broadcast directly from Hollywood into the homes of East L.A. and yet you would never see a representation of a Chicano or a Mexican and if it was, it was simply negative, negative stereotypes that either promoted hatred or promoted ridicule and ridicule is one of the harshest forms of hatred and which then people learned and then adapted to and wound up hating themselves.”<sup>362</sup>

In Gamboa’s condensing of representational distance in several scenes, through casting (Mom and Son have a family relationship in real-life), image (using Son’s camcorder footage; the front page of the *LA Times*) and sound (airplanes taking-off overhead), *L.A. Familia* demonstrates the porous relationship between reality and representation that runs through Gamboa’s oeuvre. Throughout his career, Gamboa has walked a razor’s edge in this way, incorporating dangerous elements (live ammo) or situations (“dead” body lying in the street as in *Decoy Gangwar Victim*) that could be mistaken by police for real violence.

The most interesting and perhaps most alarming example of this collapse is Gamboa’s use of real bullets. A spent shell casing in Gamboa’s archives at Stanford University attests that live ammunition, not blanks, was used during taping.<sup>363</sup> In addition to the obvious dangers that

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<sup>362</sup> Gamboa and Lerner, “Harry Gamboa Jr. Oral History Transcript,” 13.

<sup>363</sup> Harry Gamboa Papers, 1968-2010, M753.12.5, Special Collections and Archives, Stanford University.

live ammo presented, such as ricochet or misfire, as well as being illegal,<sup>364</sup> this was especially risky at this moment in Los Angeles.<sup>365</sup> Humberto Sandoval shot real bullets on the streets of DTLA the year following the 1992 Uprising, at the moment of the LAPD's re-structuring under the Christopher Commission and their attempt to recover the approximately 2,000 unauthorized weapons were stolen during five days of unrest and looting.<sup>366</sup> What has been missing from the existing literature on this video is a discussion of the risks that Gamboa sustained in creating this video—as he has in much of his production over the last 40 years. Gamboa and his performers put themselves in precarious positions, risking potential interaction with the LAPD, even though Latinx do not have an advantage in interactions with law enforcement.

Reflecting in 2010 on Sandoval's performance, Gamboa explains the gun scene as a collaborative scene between him and the actors, as well as a surprise for him as the director. Before the scene, he recalls, "Humberto Sandoval...gets in my car and he goes, I don't know where to put this and it's a Heckler & Koch 9mm fully loaded semiautomatic pistol and he puts it in my glove compartment. I go, well, well, what's that for? He goes, I don't know...So now we're armed and we're driving down the street and he tucks it under his belt." Later, as the scene is being recorded and the *familia* is arguing, Sandoval "pulls out a gun and points it at my family"—remember, Gamboa means his actual family, his real wife and son—"and starts arguing...There is a moment in the tonality of the video where they realize that Humberto

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<sup>364</sup> "Discharging a firearm into the air is a felony, punishable by one year in state prison. Anyone arrested for discharging a firearm will be prosecuted to the fullest extent of the law. Should a stray bullet kill someone, the shooter will be arrested and charged with murder." "4<sup>th</sup> of July Gunfire Reduction Program," Los Angeles Police Department, accessed April 11, 2019, [http://www.lapdonline.org/search\\_results/content\\_basic\\_view/7751](http://www.lapdonline.org/search_results/content_basic_view/7751).

<sup>365</sup> Following an erratic twenty-four month schedule, production of *L.A. Familia* wrapped by the fall of 1993 because it was due for an exhibition at the Museum of Modern Art, thus taping must have begun no later than mid-1991, just months after the March 1991 beating of Rodney King. A letter to Gamboa from curators Barbara London and Sally Berger advises that MoMA needed to receive a 3/4-in. sub-master of *L.A. Familia* by October 22, 1993 in preparation for the exhibition *Identity and Home*, on view November 18, 1994 to January 9, 1994. Barbara London and Sally Berger, letter to Harry Gamboa Jr., October 12, 1993, Harry Gamboa Papers, 1968-2010, M753.4.13, Special Collections and Archives, Stanford University.

<sup>366</sup> Since gun stores were a major target of looters, the LAPD estimated that "2,000 weapons of all sizes were stolen" during the five days of unrest. Timothy Egan, "After the Riots; Los Angeles Riots Spurring Big Rise in Sales of Guns," *New York Times*, May 14, 1992, A1, ProQuest Historical Newspapers.



Sandoval's no longer playing. He's about to...shoot this thing and he never points it at them but he starts firing live rounds and everybody scatters and homeless people duck into their dumpsters and everybody in the neighborhood, everybody leaves...I put a camera around my son's neck and said don't turn it off whatever you do and that's the sequence where they're running.”<sup>367</sup>

Firing real bullets rips the veil of representation, and little attention in existing scholarship has been paid to the appearance of the camcorder through much of the film. For much of Son's appearance on screen, he holds a handheld camcorder, recording his urban surround as he passes by. What Son captures seems to be unscripted or spontaneous documentary yet when his Dad sees him recording, he proudly announces “my son, becoming an artist...you're going to be a great Chicano artist.” His annunciation encourages the viewer also to see Son's video-recording as creative expression, and not as opportunism, seeking events to record and sell to news stations. Carrying a camcorder (as a non-White person) could have been a risk at this moment, in this particular context: as historian Emily Hicks suggests in her essay for an exhibition entitled *Counterweight: Alienation, Assimilation, Resistance* the LAPD used videotaped coverage as evidence to arrest looters and convict them of theft during the 1992 Uprising, a bitter reversal of how video evidence of the LAPD's beating of King failed to convince the jury their actions constituted abuse of power.<sup>368</sup>

Gamboa links his own artistic video practice to the post-riot police state in L.A. in his essay “Past Imperfecto” (1994), the first section of which is titled “30 April 1992 1:00AM Los Angeles,” the morning following the first night of civil disturbance. Over five pages, Gamboa describes 1990s recording technology, reflects on videos he created in the early 1990s, within the

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<sup>367</sup> Gamboa and Lerner, “Harry Gamboa Jr. Oral History Transcript,” 58-9.

<sup>368</sup> Emily Hicks, “Boundaries to Which One is Tied and From Which One is Restrained From Traversing,” in *Counterweight: Alienation, Assimilation, Resistance* (Santa Barbara, CA: Santa Barbara Contemporary Arts, 1992), 18.

context of post-King verdict Los Angeles. His reflections overlap art, media, viewing, and witnessing, poking at the ambiguity in form and licitness between art and documentary video images:

Camcorders and videotape are being confiscated in the dismal wake of the riots. What you see is what they will get you for. Art is a crime that can be erased. Random shooting of video is punished. Video is suspect.

“Shoot.”  
“Don’t shoot.”  
“Shoot!”  
“Fire!”<sup>369</sup>

Richard T. Rodríguez has examined *L.A. Familia* in his study of family and kinship in Chicano Cultural Politics within the wider context of 1990s film. In *Next of Kin: The Family in Chicano/a Cultural Politics*, Rodríguez accurately identifies that the “action explicitly takes place in Los Angeles’s urban landscape is hardly coincidental,”<sup>370</sup> and that by inserting his characters into what Gamboa calls “dead-ends, skewed horizons”<sup>371</sup> of socially-fractured Los Angeles, Gamboa illustrates how “this urbanscape impacts the (de)formation of the Chicano family,” ultimately situating “family discourse within the purview of social and economic inequality.”<sup>372</sup> Rodríguez makes brief mention that the video is “hot on the heels of the Rodney King verdict and the subsequent uprising” yet the implications of this social and historical context remains underdeveloped in the existing scholarship on *L.A. Familia* and Gamboa’s work more broadly.<sup>373</sup> Although Rodríguez links *L.A. Familia* to this moment by when Gamboa was working, he does not link 1992 concretely to, or locate it *in*, the artwork itself; I seek to strengthen his brief

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<sup>369</sup> Gamboa, “Past Imperfecto (1994),” in *Urban Exile*, 96.

<sup>370</sup> Rodríguez, 87.

<sup>371</sup> Gamboa, “Refractions of Home,” 125.

<sup>372</sup> Rodríguez, 88-89.

<sup>373</sup> Rodríguez, 87-8.

observation through my above discussion of the appearance of the *Los Angeles Times* front page in the film itself, as well as in Gamboa's essays and fiction from this era, later in this section. It is not just Gamboa was working at the same time as the King trial and aftermath, but a geographical and cultural relationship is clearly established by the director's inclusion of the *Los Angeles Times* front page, which intercuts the narrative in the first eight minutes of the film, situating most of the video in a city engulfed in the unrest and subsequent reconstruction.

Rodríguez does make the point that *L.A. Familia* is in or about DTLA, noting the symbolism of that space through the work of Edward J. Soja, who emphasized DTLA as a spectacle of business, an uneasy clash of rich and poor sustained by racialized containment, and where most of the residents are homeless.<sup>374</sup> In addition to Rodríguez's and Soja's descriptions, I suggest that we understand *L.A. Familia*'s relationship to DTLA as more thoroughly linked, since it was this part of L.A. that was kick-off point of the 1992 Uprising, a paradigm-shifting event that surrounds the entire artwork. Although the verdict was announced from a Simi Valley courtroom forty-five miles northwest of DTLA, Angelenos gathered in protest at the iconic Parker Center, the LAPD's then-headquarters nestled near City Hall at downtown's northern edge. A kiosk in the Center's parking lot was among the first properties to be lost in the uprising once the demonstration boiled over into maelstrom.<sup>375</sup> It was in DTLA that peaceful demonstration escalated to aggressive protest, and finally to aggravated destruction of property and arson. Along with the beer cans tossed at motorists at Florence and Normandie in South Los Angeles, Parker Center was a ground zero for an uprising that surfaced at multiple points around the county.

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<sup>374</sup> Edward Soja, *Thirdspace: Journeys to Los Angeles and Other Real-and-Imagined Places* (Cambridge, MA: Blackwell, 1996), 297.

<sup>375</sup> Nathan Masters, "CityDig: What the LAPD Leaves Behind at Parker Center," *Los Angeles Magazine*, January 22, 2013, <http://www.lamag.com/citythinkblog/citydig-what-the-lapd-leaves-behind-at-parker-center/>.

Soon after *L.A. Familia* wrapped, it was first screened in a small exhibition of film and video at the Museum of Modern Art in New York, the first time Gamboa's work was shown there.<sup>376</sup> In the program materials for the *Identity and Home* exhibition, Gamboa's video is referred to as "a mother, father and son fight, drift apart, and come back together, against the backdrop of a rundown, apocalyptic Los Angeles."<sup>377</sup>

Planning documents in the Whitney Museum of American Art's archives show Gamboa was considered for inclusion in the *1993 Biennial Exhibition*, although it is unclear which of his works were of interest to the curators: his name repeats across several revisions of possible artist lists from at least July 9 to September 25, 1992.<sup>378</sup> A schedule dated September 25, 1992 indicates that the "ABSOLUTE deadline for artist list" was October 15, 1992 so it seems that the curators remained interested in Gamboa until late in their planning. Instead, *L.A. Familia* was shown *1995 Biennial Exhibition*, the first time Gamboa's work was shown in the WMAA.<sup>379</sup> Only one ambiguous sentence in the catalogue essays refers directly to Gamboa's video: "The creations of new narratives to bring about a performative mediation of the family is told in Harry Gamboa Jr.'s powerful *L.A. Familia*." In the artists's pages, Gamboa's two-page spread was published exactly how the artist designed them: large video stills captioned with short quotes

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<sup>376</sup> Gamboa's video *Mañanama* was included the following year in MoMA's *Xicano Ricorso: A Thirty Year Retrospect from Aztlan* (1994).

<sup>377</sup> Museum of Modern Art, Exhibition Program for *Identity and Home*, Harry Gamboa Papers, 1968-2010, M753-2007-315. 3.3, Special Collections and Archives, Stanford University.

<sup>378</sup> Gamboa's name, appended by various ambiguous pen marks, appears on the list "List of 1993 Biennial Artist Files," (dated July 9, 1992) and remains on various planning documents until September 25, 1992.

<sup>379</sup> One of Gamboa's most widely-shown films, *L.A. Familia* was screened at several additional exhibitions in the 1990s, including the 39th Annual Robert Flaherty Film Seminar (Wells College, Aurora, NY; 1993); *Café Cinema* (San Diego, CA; 1993); *Reel Time, Mistory Tales: Tracking Identity* (Performance Space 122, NYC; 1993); *Family Album* (CSU Fullerton, CA; 1994); *Streetbeats* (San Francisco Cinematheque; 1994); *The Psychopathology of Everyday Life* (Ruth Bloom Gallery, Santa Monica; 1994); *Public Living Rooms/Private TV* (Geffen Contemporary at MOCA, L.A.; 1996); *Electronic Undercurrents/American Film and Video* (Statens Museum for Kunst, Copenhagen; 1996); *Free Speech TV* (satellite distribution to 56 cable stations in 23 states; 1997).

from each character.<sup>380</sup> Twenty years later, *Decoy Gangwar Victim* would place Gamboa's work in the WMAA once again—although credited only to Asco, not directly to Gamboa—in *America is Hard to See*, the major rehang of the collection that inaugurated their reopening at the new Gansevoort location.

Gamboa notes that over the course of his career, his work with other performers more broadly is often about estrangement and the performance or reenactment of violence. In a 1998 interview, Gamboa reflected on his video practice in particular as putting his actors “in a situation where they are given the liberty to be violent and abusive to one another without retribution or without inflicting real pain on people.” The experience, he notes, “is fairly therapeutic for most of my performers...I encourage them to let it out, and when they do it creates this stream of harshness that erupts from the work.”<sup>381</sup> His role is less about directing the performers, so much as “providing” them, as people and as artists, “the opportunity to express themselves in ways that would be socially unacceptable if the camera were not there.”<sup>382</sup> Through his camera and performance situations, Gamboa creates the potential for productive expressions of sanctioned violence, bad behavior, and social risks that would otherwise be unsanctioned—a space carved out as a quarantine for violence that marginalized people would otherwise express publically to great personal risk.

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<sup>380</sup> In a letter to WMAA staff, Gamboa enclosed design mock-ups of his artist pages. Harry Gamboa, letter to Matthew Yokobosky, November 26, 1994, John Hanhardt Film and Video Artist Files, 1/1, Archives of the Whitney Museum of American Art.

<sup>381</sup> Chavoya and Gamboa, “Social Unwest,” 76.

<sup>382</sup> Chavoya and Gamboa, “Social Unwest,” 76.

### 3.2 “I Didn’t Think They Would Get Away With it Because it Was Televised”: The Legacy Of Rodney King, The Persistence Of Black Suffering, And Museum Responsibility<sup>383</sup>

The previous two studies centered on artworks that imaged scenes that appeared to be, but were certainly not, realistic acts of violence against Latinx bodies. This chapter analyzes artworks that document, re-stage, or re-enact actual violence that has been perpetrated against Black, Afro-Latino, and/or African American men, images that are re-presented in or *as* works of art. In their re-picturing or staging of incidents of unarmed (or legally-armed) Black or African American citizens victimized at the hands of police, artists make apparent the ways in which this community is made to occupy a stubborn category of potential criminal or perpetrator (or at least permanently suspect) on one hand, and yet live under the threat of victimization at the hands of law enforcement on the other.

Among these are live artworks, drawings, and paintings that are based on ripped-from-the-headlines images that depict the victimization of Black citizens. Using strategies of visual fragmentation, obscuration, and black-out effects that render familiar scenes of violence incomplete, artists Charles E. Williams and Shaun Leonardo visualize a selective, partial, and therefore biased take on news reporting of such incidents in their drawings and paintings. Leonardo also initiates body-based live “workshops” in art spaces that directly reference high-profile Black victims such as Eric Garner, asking participants to put themselves into the spaces of Black suffering, as witnesses or mourners, as victim or assailant. Artist Dread Scott also performs in live adaptations or reenactments of Black-led political demonstrations or rebellions

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<sup>383</sup> An Inglewood, CA resident is quoted as saying this in response to the verdict in the trial of the Los Angeles Police Department officers who beat Rodney King. “LA Riots 25 Years Later: What You Need to Know About Rodney King, the LAPD and More,” *Los Angeles Daily News*, April 20, 2017, <https://www.dailynews.com/2017/04/20/la-riots-25-years-later-what-you-need-to-know-about-rodney-king-the-lapd-and-more/>.

in the US, inserting his body into historical scenes in which Black bodies were both self-empowered and at risk.

Extending the concerns raised in the previous chapter about encountering realistic images of victimization in the museum or gallery context, the present study addresses the social implications of exhibiting images that appear to document violence known to have happened, specifically the often unpunished violence of “excessive force” enacted by law enforcement. At the heart of this question are the shifting, sometimes conflicting, interpretations of what the museum’s social (thereby political) role is, the responsibilities of curators to the public, and whom it is that institutions imagine and define as their “public” in the first place. As the “neutrality” of museums comes under scrutiny and arts institutions reconfigure or rebrand themselves as civic spaces—ostensibly open to all, responsive to the full diversity of their communities—an analysis of how museums cope with art that engages with anti-Black police brutality is increasingly urgent.<sup>384</sup>

Central to this study is the distribution, reception, and artistic use of the 1991 eyewitness video of Los Angeles Police Department officers assaulting the unarmed motorist Rodney King off the Foothill Freeway in southern California. Around 1:00 a.m. on the morning of March 3, 1991, bystander George Holliday captured the altercation from the balcony of his apartment overlooking the freeway. In an edited format, the video appeared frequently in news media nationwide after Holliday sold it to local Los Angeles news station KTLA and then picked up by

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<sup>384</sup> See Jillian Steinhauer’s commentary following the recent firings of curators: “Museums Have a Duty to be Political,” *The Art Newspaper*, March 20, 2018, <https://www.theartnewspaper.com/comment/museums-have-a-duty-to-be-political>. See also the social media campaign began by Mike Murawski and LaTanya S. Autry in August 2017 #MuseumsAreNotNeutral, which included selling T-shirts with the hashtag to benefit the Southern Poverty Law Center; and led to the College Art Association inviting Autry to “take over” their Instagram account for a week in July/August 2018. See LaTanya Autry, “Museums Are Not Neutral,” *Artstuffmatters* (blog), <https://artstuffmatters.wordpress.com/museums-are-not-neutral/>, accessed June 15, 2018.

stations across the US.<sup>385</sup> Two years later, curatorial staff of the Whitney Museum of American Art (WMAA), made the controversial decision to include the amateur video in the *1993 Biennial Exhibition (93WB)*, provoking questions about the ethical responsibility of art museums in general, and in particular the WMAA, in terms of the content they exhibit and to whose voices they extend their platform—as well as criticism that overlooked the apparent issues of excessive force and race to raise instead art-world-specific issues that centered on the nature of the video and identity of the cameraman.

The WMAA has continued to grapple with these questions following dust-ups in other Biennial Exhibitions over the intervening decades: “Donelle Woolford,” a “black female Yale graduate and artist” in the 2014 Whitney Biennial was revealed to be a conceptual project of Anglo male artist Joe Scanlan, prompting questions about how much the curatorial staff knew about Woolford, multiple statements from WMAA reaffirming their “profound commitment to diversity” and debate, and ultimately the removal of work by HOWDOYOUSAYYAMINAFRICAN?, or YAMS, collective, a group of artists, writers, composers, academics, filmmakers, and performers from around the world who collaborate in cities including New York, Seattle, Paris, Berlin, Oslo, Detroit, Los Angeles, and Anchorage.<sup>386</sup> More recently, curators Christopher Y. Lew and Mia Locks decided to exhibit Dana Schutz’s abstract painting *Open Casket* which depicted young Emmett Till, dead in his casket, and swelling off the wall into the viewer’s space, as part of the *2017 Whitney Biennial*. Met with a storm of outrage on social media following a widely-circulated public open letter to the WMAA

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<sup>385</sup> “KTLA paid Holliday \$500 for use of the tape on its evening news program. The suit contends that additional uses of the tape were unauthorized, but the defendants have denied the charges.” Suzanne Muchnic, “King Beating Footage Comes to the Art World: Art: George Holliday’s tape represents ‘a new way of seeing what is around us,’ says the Whitney curator who chose it for the museum’s Biennial,” *Los Angeles Times*, March 10, 1993, 8, [http://articles.latimes.com/1993-03-10/entertainment/ca-1355\\_1\\_art-world](http://articles.latimes.com/1993-03-10/entertainment/ca-1355_1_art-world).

<sup>386</sup> See Felicia R. Lee, “Racially Themed Work Stirs Conflict at the Whitney Biennial,” *New York Times*, May 16, 2014, C1, <https://www.nytimes.com/2014/05/17/arts/design/racially-themed-work-stirs-conflict-at-whitney-biennial.html>.



by Hannah Black and twenty-seven artist/writer co-signatories calling for the destruction of the painting, and in-gallery demonstrations that obscured the painting from view using protester's bodies, the 2017 curatorial team of the *Whitney Biennial* found itself in the position once again to clarify how the museum sees its position in a national debate on the value of Black lives, Black suffering, and White privilege—perhaps with major implications on other institutions since the WMAA, as a high-profile and major American collecting institution, occupies a position to set an example or precedent for other museums, or to represent the lag of large and venerated institutions in aspects of broadly shifting priorities of social equity, accessibility, and institutional responsiveness.

What these artworks and exhibitions have to say is particularly urgent in the current era of police body-cameras and omnipresent smart phones that capture and immediately upload or live-stream eyewitness video to an audience of millions on social media. Although such documentation may have an impact upon the court of public opinion, these videos overall—including Holliday's video of the LAPD's victimization of King—have generally not led to a change in the outcome of trials of officers accused of using excessive force, or operated as a deterrent to its use. The video documentation may be seen by thousands of people online, yet the images fail to “testify” for the rights of the African American subject (suspect?) captured in the frame.<sup>387</sup>

Questions of whose pain is on view and where, who observes it, who stands to gain from it, are central to this study. Following the line of provocation Susan Sontag presents in *Regarding the Pain of Others*, one that has been recharged in the era of Black Lives Matter and controversies surrounding non-Black artists who engage with images of Black suffering, this

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<sup>387</sup> David Joselit discusses the video showing the death of Eric Garner and the image's failure to indict the officers shown on screen using an illegal chokehold. See David Joselit “Material Witness,” *Artforum International*, February 2015, 202-5.

chapter reconsiders how looking at “other people’s pain in an art gallery” through photographs, as well as video, painting, and live performance, might be “exploitative,” and considers how such images, in Sontag’s words, “weigh differently” when seen in different contexts such as “a photography museum...in a gallery of contemporary art, in a museum catalogue, on television, [or] in the pages of The New York Times.”<sup>388</sup> How are images of violence, both real and staged, transformed (or not) within the contemplative space of the art exhibition, where images of real violence risk being aestheticized out of their communicative power? If the benefit of an art-space is its position of relative safety as a place apart from ‘real’ life, is it necessary that live art deploying the image of Black victimization be safely sequestered within art-designated space and framing? What, if any, alternative display possibilities are open to artists—especially those who are legibly of color and/or Black themselves—who directly engage with live depictions of that involve violence, victimization, and Black citizens?

### 3.2.1 African American Identity and the Burden of Collective Trauma

*It could have been me. It could have been me.*<sup>389</sup>  
 Jean Michel Basquiat on the death of friend and artist Michael Stewart, beaten to death  
 by New York Police Department officers in 1983

What I propose in this dissertation, and especially in this chapter, is a lived condition of feeling like you are *next*—next as in time, as in *next in line* to be victimized on the basis of your radicalized, ethnic, and/or gendered identities; and next as in proximity, as in *next to* real and

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<sup>388</sup> Sontag questions where we can find the appropriate place, “the equivalent of a sacred or meditative space,” to view images of real human suffering since such a space, she finds, is “hard to come by in a modern society, whose chief model of a public space is the mega-store.” Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Straus, and Giroux, 2003), 119-120.

<sup>389</sup> Erik Nielson, “‘It Could Have Been Me’: The 1983 Death of A NYC Graffiti Artist,” *Code Switch*, September 13, 2013, <https://www.npr.org/sections/codeswitch/2013/09/16/221821224/it-could-have-been-me-the-1983-death-of-a-nyc-graffiti-artist>.

spreading violence. Pop culture images and news reporting impact upon the lived experiences of people in those marginalized communities. This condition of Permanent-Potential-Victimhood as it is experienced on the basis of race, was dramatized, perhaps unintentionally, in Frank Romero's *Night of the Living Dead* (1968). After a long night of trying to lead an unruly set of White strangers to safety during a sudden zombie attack, Ben the protagonist played by African American actor Duane Jones, manages to be the lone survivor—only to be shot and killed by the White sheriff, who shoots him without warning or question through the window of a farmhouse. In a recent and real-life example, when Chicago-area security guard Jemel Roberson subdued an active (White) shooter in the bar he protected, officers responding from the Robbins and Midlothian, IL police departments opened fire on Roberson, assuming he, a Black man, was the perpetrator. Roberson was killed by police while he was performing at the extreme responsibilities of his job, having subdued the actual shooter without harm.<sup>390</sup> Beyond, or in addition to, these kinds of examples, Blackness as traumatic identity has been theorized in the context of the long history of violence against, and precariousness of, people of African descent in the Americas.

In *Cultural Trauma: Slavery and the Formation of African American Identity*, Ron Eyerman argues that since Reconstruction, African American identity has been based on the traumatic historical event of enslavement, specifically the trauma of being rejected as full and equal American citizens following the Emancipation Proclamation (1863) and the close of the American Civil War (1865)—a rejection that crushed the hope that Reconstruction would, “if not

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<sup>390</sup> Emily Sullivan, “Police Fatally Shoot Black Security Guard Who Detained Shooting Suspect,” *National Public Radio*, November 13, 2018, <https://www.npr.org/2018/11/13/667252788/police-fatally-shoot-black-security-guard-who-detained-suspected-shooter>.

eliminate entirely race as the basis for identity, at least diminish its significance.”<sup>391</sup> Distinguishing it from individual, psychological trauma, Eyerman takes up Jeffrey Alexander’s theory of cultural trauma, which “is mediated through various forms of representation and linked to the reformation of collective identity and reworking of collective memory.”<sup>392</sup> In the case of African American identity, he argues, “slavery formed the root of an emergent collective identity through an equally emergent collective memory, one that signified and distinguished a race, a people, or a community,” although individual community members had not directly experienced enslavement themselves.<sup>393</sup> Eyerman conceptualizes this process as one that occurs over time as each new generation recollects the original event (here, enslavement) according to its needs and means, therefore “slavery has meant different things for different generations of black Americans, but it was always there as a referent.”<sup>394</sup>

Eyerman’s application of cultural trauma usefully describes how entire communities are traumatized by dehumanizing events that the individuals who make up the community did not necessarily experience for themselves, but are still absolutely shaped by it. Further, Eyerman clarifies the individual’s position within the broader community emphasizing, via Maurice Halbwachs and Émile Durkheim, how individual identity is always negotiated within a collectively shared past: “while there is always unique, biographical memory to draw upon, it is described as always rooted in a collective history... [which] provides the individual with a

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<sup>391</sup> Ron Eyerman, *Cultural Trauma: Slavery and the Formation of African American Identity* (Cambridge: Cambridge University Press, 2001), 24.

<sup>392</sup> Eyerman, 24.

<sup>393</sup> Eyerman, 24.

<sup>394</sup> Eyerman, 18. Other scholars address the trauma of slavery to contemporary African American identity formation, but toward other ends. Sheldon George, for example, uses Jacques Lacan’s concepts of trauma and *jouissance* to suggest “how racial identity facilitates an unconscious link to this traumatic past [of slavery],” and argues instead for a “freeing up of identity that goes some way toward relieving the self from a determinative relation to the past,” a way of “being that embraces the multiplicity of the self” beyond “racial fantasies.” Through a study of “slave songs” and jazz, W.E.B Du Bois and Toni Morrisons’ *Beloved*, George argues for personal identity other radicalized or ethnic group identifications, to instead “conceive of individuals in terms of broader cultural identities that transcend racial differences and acknowledge interconnectivity across groups.” See Sheldon George, *Trauma and Race: A Lacanian Study of African American Racial Identity* (Waco, TX: Baylor University Press, 2016), especially 12, 37, and 137.

cognitive map within which to orient present behavior.”<sup>395</sup> Political or social movements draw this out even further, in that they “present the collective and represent the individual in a double sense, forging individual into collective memory and representing the individual as part of a collective.”<sup>396</sup> In the context of police brutality, individual victims at once remain individuals—the protest refrain *say his name* refuses to allow the person lost to be “just another,” anonymous and therefore expendable Black man—yet also represent or evoke an entire community of African American citizens who, despite being unarmed or legally-armed, find themselves to be at risk in relation to law enforcement.

Jeffery Alexander notes the significance of mass-mediation in the processing of the event because “national or cultural trauma” is rooted not in direct experience of an event, but in its broad mediation through newspapers and television, which reaches a substantially larger audience outside the immediate, local context of abuse. Because news reporting is always subject to the ideologies of such outlets and the people who own them, this kind of trauma is always engaged in a struggle for meaning: the viewer-witness is in a process of discerning, through these media representations, the “nature of the pain, the nature of the victim and the attribution of responsibility” in the event itself.<sup>397</sup>

We can take Eyerman’s foundation of cultural trauma and community identity as a way to think about how the threat of dying by police excessive force operates a similar way for a contemporary African American community. This threat—demonstrated to be a legitimate fear by the disproportionate number of African Americans who die in police encounters across the US—is the basis of Permanent Potential Victimhood, a condition that I argue shapes one’s

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<sup>395</sup> Eyerman, 6.

<sup>396</sup> Eyerman, 10.

<sup>397</sup> J. Alexander as cited in Eyerman, 3.

individual behaviors and makes members of this already-traumatized group see themselves as in the lineage—*next in line*—of unarmed Black citizens such as Rodney King, Michael Brown, Philando Castile and countless, countless others whose lives were threatened or taken in a police encounter and whose death was then broadcast widely on television and online. Even though it has not happened to them personally in their past, it is still part of their life story as though happening to a future self, informing the ways in which they engage with the world, and impacting upon how they feel they are seen by the world.

Whereas for Eyerman, the traumatizing event happened in the past and the present is affected by repercussions of that past which extend into the present and are reactivated by the inequalities of the present, I see the police’s threat to Black life as based in the future — i.e., not only the most recent death of an unarmed/legally-armed African American citizen, but the threat of the “next”—that someone in the community will be the next, and fear of being that next—because the historical *and* current relationship between police and African Americans (especially men) continue to carry the risk of fatality, with no signs of changing.

This is not to say that a community would *choose* to identify themselves by the horrific, fullest expression of their own disenfranchisement and dehumanization; as Eyerman says, as African Americans conceptualized a community identity “through the memory and representation of slavery... [it] came about not as an isolated or internally controlled process, but in relation and response to the dominant culture.”<sup>398</sup> Christine Sharpe calls this “encountering a past that is not past,”<sup>399</sup> and proposes that “to be *in* the wake [of slavery as a form of

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<sup>398</sup> Eyerman, 14.

<sup>399</sup> Christina Sharpe, *In the Wake: On Blackness and Being* (Durham, NC: Duke University Press, 2016), 13.

consciousness] is to occupy and to be occupied by the continuous and changing present of slavery's as yet unresolved unfolding."<sup>400</sup>

Saidiya Hartman links the traumatic past to the present, that "slavery persists...because black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago," that the "afterlife of slavery" can be felt in the "skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment" that characterize contemporary black life.<sup>401</sup> Or, as Claudia Rankine succinctly puts it: "The legacy of black bodies as property and subsequently three-fifths human continues to pollute the white imagination."<sup>402</sup>

Rankine further theorizes the condition of black life in the US is one of "mourning," conditioned by the high frequency of high profile wrongful deaths of Black Americans leading to an affective experience of anxiety for other Black citizens:

The unarmed, slain black bodies in public spaces turn grief into our everyday feeling that something is wrong everywhere and all the time, even if locally things appear normal. Having coffee, walking the dog...All of this good life is surrounded by the ambient feeling that at any given moment, a black person is being killed in the street or in his home by the armed hatred of a fellow American.<sup>403</sup>

Rankine's text describes a feeling shared among African Americans, locating it here as feeling for and thinking about *another* African American. She further addresses this "mourning" and "ambient feeling" of impending death to the individual him/her/themselves by adding, that there is

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<sup>400</sup> Sharpe, 14.

<sup>401</sup> Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus, and Giroux, 2007), 6.

<sup>402</sup> Claudia Rankine "On Racial Violence: 'The Condition of Black Life Is One of Mourning,'" *New York Times Magazine*, June 22, 2015, <https://www.nytimes.com/2015/06/22/magazine/the-condition-of-black-life-is-one-of-mourning.html>.

<sup>403</sup> Rankine, "On Racial Violence."

no mode of empathy [felt by White Americans] that can replicate the daily strain of knowing that as a black person you can be killed for simply being black: no hands in your pockets, no playing music, no sudden movements, no driving your car, no walking at night, no walking in the day, no turning onto this street, no entering this building, no standing your ground, no standing here, no standing there, no talking back, no playing with toy guns, no living while black...for African-American families, this living in a state of mourning and fear remains commonplace.<sup>404</sup>

Rankine also writes of Mamie Till-Bradley's insistence on the open casket at her son Emmett Till's public funeral as a "refusal to keep grief private," a political activation of mourning that extends to the Black Lives Matter movement, which Rankine suggests is "an attempt to keep mourning an open dynamic in our culture...[refusing] the forgetting in front of all of us."<sup>405</sup> Her words resonate with Judith Butler's arguments on perception and humanity when Rankine says "if black men and women, black boys and girls, mattered, if we were seen as *living*, we would not be dying simply because whites don't like us."<sup>406</sup>

Among the most memorable examples of the de-valuing of Black lives is the case of Rodney King's beating by the LAPD. Poet-scholar Elizabeth Alexander articulates the relationship between watching victimization and trauma through this event and its televisual redistribution. Speaking of watching the beating of Rodney King on television, which was screened in different lengths, edits, and speeds on television and in the courtroom, Alexander indicates "how bodily experience—both individually experienced bodily trauma as well as collective community trauma—comes to reside in the flesh as forms of memory reactivated and articulated at moments of collective spectatorship."<sup>407</sup> Alexander suggests that there is a "place for a bottom line...[which is] that different groups possess sometimes subconscious collective

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<sup>404</sup> Rankine, "On Racial Violence."

<sup>405</sup> Rankine, "On Racial Violence."

<sup>406</sup> Rankine, "On Racial Violence."

<sup>407</sup> Article originally published in 1992. Elizabeth, Alexander, "Can You Be BLACK and Look at This?": Reading the Rodney King Video(s)," *Public Culture* 7, no. 1 (1994): 80. <https://doi.org/10.1215/08992363-7-1-77>.



memories which are frequently forged and maintained” through both individual experience and narratives handed-down and across a community. If a black man can be victimized—for example, set on fire as in her real life example—because he “inhabits a black body,” then, she argues, “there must be a place for theorizing black bodily experience into the larger course of identity politics.”<sup>408</sup> She argues that King beating demonstrated how “‘bottom line blackness’ with regard to violence...erases differentiations [as in personal identity and experience] and highlights race.”<sup>409</sup>

### 3.2.2 “An Unmitigated Disaster:” The Whitney’s “1993 Biennial Exhibition”

In the catalogue preface David A. Ross, then-Director of the WMAA, suggested a new and hopeful social role for museums, indicated a contentious political context for the 93WB, and anticipated the negative criticism of the exhibition. Ross’s assessment of American society in 1993 could be easily applied, more than twenty years later, to the United States at present: the exhibition

comes at a moment when problems of identity and the representation of community extend well beyond the art world. We are living at a time when the form and formation of self and community is tested daily. Communities are at war, both with and at their borders. Issues of nation and nationality, ethnic essentialism, cultural diversity, dissolution, and the *politics* of identity hang heavy in the air.<sup>410</sup>

Ross does not name them, but we might infer he had in mind major, divisive events of lasting impact on the United States since the previous Biennial Exhibition, which was on view April 2 to

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<sup>408</sup> The man Alexander briefly referenced was likely Christopher Wilson, who was abducted by three White men who then taunted him with racist slurs, doused Wilson and the car he was driving with gasoline, and then set him on fire. See “3 Whites Charged in Burning of a Black,” *The New York Times*, January 8, 1993, A13, <https://www.nytimes.com/1993/01/08/us/3-whites-charged-in-burning-of-a-black.html>.

<sup>409</sup> E. Alexander, 95.

<sup>410</sup> David A. Ross, “Preface: Know Thy Self (Know Your Place),” *1993 Biennial Exhibition* (New York: Whitney Museum of American Art in association with Harry N. Abrams Inc., 1993), 9.

June 30, 1991: the Gulf War (August 2, 1990–February 28, 1991) and the effects of CNN’s 24-hour coverage of US-led bombing in Iraq; Anita Hill’s testimony on October 12, 1991 that Clarence Thomas, then-nominee to the US Supreme Court, had sexually harassed her, raising the intersecting issues of sexualized violence, race, and believability to a national (and televised) conversation; increased immigration allowances starting in 1992 under the 1990 Immigration Act (including family-sponsorship, employment-based immigrants and “diversity” or from counties of origin underrepresented in the US);<sup>411</sup> and the early months of the Bill Clinton’s presidency, which ended over a decade of Republican executive leadership that began with Ronald Reagan in 1981 when Clinton was elected on a platform of social welfare. Thinking of the WMAA in a vanguardist role, Ross suggested that the museum may “indeed be a place of sanctuary for a war-weary world” at the end of a “troubled century,” yet that the museum’s “greatness lies in its ability to function simultaneously as a site for the contest of values and ideas essential to a peaceful society; to serve as common ground for many intersecting communities.”<sup>412</sup> In his selection of politically-minded curators and catalogue essay, Ross appeared prepared for the *1993 Biennial Exhibition* to indeed test the WMAA and the concept of the American museum.

By the time it screened in March 1993 as part of the *93WB*, George Holliday’s video documenting the LAPD’s assault of Rodney King had already become a familiar image from frequent screening on nationally televised news and pop culture cameos. Ed Turner, vice president of CNN executive at the time, recalled “television used the tape like wallpaper.”<sup>413</sup> As jury foreman in the Simi Valley trial Dorothy Bailey recollected, “it was impossible to live in

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<sup>411</sup> Immigration Act of 1990, S. 358, 101<sup>st</sup> Congress (1989-90), <https://www.congress.gov/bill/101st-congress/senate-bill/358>.

<sup>412</sup> Ross (1993), 10.

<sup>413</sup> Ed Turner quoted in Lou Cannon, “The King Incident: More than Met the Eye on Video,” *The Washington Post*, January 25, 1998, A1, ProQuest Historical Newspapers.

America and not see it. If you had a television set on in your house during March 1991, you saw that tape.”<sup>414</sup> Viewers most likely would have previously seen the video at a smaller size on their television screens when they tuned into local news or CNN, the 24/7 Cable News Network, which ran the footage as an edit, radically condensed to under 81 seconds. A 93WB viewer encountered Holliday’s video very differently than watching it on television in their living room. In the WMAA, the video was shown unedited in its full, nearly-ten-minute duration and projected at a large size onto a screen with sound opposite two benches where visitors could sit and watch in the “black box” of the second-floor Film and Video Gallery as part of the 93WB film and single-channel video programming on view in March 1993. The installation was nearly cinematic in its size and isolating darkness, akin to seeing it as part of the opening sequence of *Malcolm X* (dir. Spike Lee) when it opened in a major theatrical release in 1992. The overall programming in the Film and Video Gallery included a broad array of narrative and non-narrative moving images including *Money Don’t Matter* (1992), Prince and the New Power Generation’s music video directed by Spike Lee; Not Channel Zero’s *The Nation Erupts: Parts 1 & 2* (1992); and Sadie Benning’s *It Wasn’t Love* (1992).<sup>415</sup>

The dark, grainy image of uniformed LAPD officers tasing, stepping upon, and kicking King was familiar across the United States as Holliday’s video, in its edited form, made headlines soon after the live event in early March 1991. It stayed in the news over the course of the subsequent federal trial of the officers, and reached an attentive national audience again when the verdict acquitting four LAPD officers was announced on the afternoon of April 29 the

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<sup>414</sup> Dorothy Bailey as told to Kathleen Neumeyer, “What it Was Like to be on the Rodney King Jury,” *LAist*, April 25, 2017, [https://laist.com/2017/04/25/rodney\\_king\\_jury.php](https://laist.com/2017/04/25/rodney_king_jury.php). Excerpted from Bob Almond, Dorothy Bailey, and Kathleen Neumeyer, *Moral Uncertainty: Inside the Rodney King Juries* (United States: Andalou Books, 2017).

<sup>415</sup> For descriptions of the film and video programming, see John G. Hanhardt, “Media Art Worlds: New Expressions in Film and Video, 1991-93,” in *1993 Biennial Exhibition* (New York: Whitney Museum of American Art in association with Harry N. Abrams Inc., 1993), 36-51.

following year. The acquittal was seen by many, especially within local communities color, as a racist miscarriage of justice and an affirmation of both White supremacy and law enforcement privilege, setting off five days of protest and looting, fires and property damage, LAPD retreat and National Guard occupation, civilian retaliation and general unrest across the Southland.<sup>416</sup> With sixty-three dead, more than 2000 injured, and about \$1 billion in damages (estimated to be the most costly civil disruption in US history) the L.A. Uprising<sup>417</sup> or “insurrection”<sup>418</sup> was national news with national implications for race relations, relationships between civilians and law enforcement, and the objectivity of the justice system.<sup>419</sup> The image of King’s beating, the triggering incident, was familiar across the United States as both the record of specific and actual abuse of power and the brutalization of African American citizens, and symbolic of pervasive racism and violence in many forms.

Yet the tape’s inclusion a year later in the *1993 Biennial Exhibition* a year later was met with criticism that the WMAA had overstepped its boundaries as an art museum by screening it. Critics emphasized that the video was not “art” but news footage, and that the amateur videographer George Holliday was treated, inaccurately, as an artist. Indeed, the video and its creator appear in the catalogue, as well as in planning checklists in the WMAA archives, the same way as all other artists and objects in the exhibition: Holliday was included, along with the other makers of film and video, in the “Artists” section of the catalogue; the video was included

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<sup>416</sup> For a clear timeline of events, with original reporting, see the curated content by the *Los Angeles Times* on the 25th anniversary of the event, The Los Angeles Times Staff, “The L.A. Riots: 25 Years Later,” *Los Angeles Times*, April 26, 2017, <http://timelines.latimes.com/los-angeles-riots/>.

<sup>417</sup> I use the term “uprising” to describe the events following the verdict to convey that many of the people in Los Angeles activated their collective agency to disrupt a social order they felt to be unjust. For a comparison of the terms “uprising,” “unrest,” “riot,” and “rally,” and how they are used in racialized contexts see, Karen Grigsby Bates, “Is It An Uprising or a Riot? Depends on Who’s Watching,” *Code Switch*, produced by National Public Radio, 2:23, podcast, <https://www.npr.org/sections/codeswitch/2015/04/30/403303769/uprising-or-riot-depends-whos-watching>.

<sup>418</sup> “Insurrection” was the term Maxine Waters used in opposition to “riot.” For citation and commentary see Rowland Evans and Robert Novak, “No Insurrection in Los Angeles,” *The Washington Post*, May 4, 1992, A23, ProQuest Historical Newspapers.

<sup>419</sup> Some estimates suggested the damages at \$1billion; filed insurance claims totaled over \$775 million. See Thomas S. Mulligan, “After the Riots: L.A. Insurance Claims Will Hit \$775 Million,” *Los Angeles Times*, May 21, 1992, [http://articles.latimes.com/1992-05-21/business/fi-477\\_1\\_insurance-claims](http://articles.latimes.com/1992-05-21/business/fi-477_1_insurance-claims).

in the “Works” checklist, under the title *George Holliday’s Videotape of the Rodney King Beating*.<sup>420</sup>

The Whitney’s Biennial Exhibition had long had a reputation of being hotly anticipated then reviled in the review cycle, as Roberta Smith documented in a *New York Times* article published a few days before the 93WB opened. At least since the 1970s the Biennial Exhibition had been met, Smith notes, with “admiration, indifference and outrage—especially outrage.”<sup>421</sup> That the 93WB was met with negative criticism was not unique, but the reasons for which it was skewered was indeed different from previous Biennial Exhibitions: too ugly;<sup>422</sup> not sufficiently aesthetic;<sup>423</sup> and based on artworks selected, wrongly, for their politics rather than their artistic merit.<sup>424</sup> Some attended to the diversity of the artists from two critical poles: on the one hand, Roberta Smith<sup>425</sup> and Christopher Knight cited the WMAA for unfairly reinforcing an art-world bias that required marginalized artists to make their marginality the subject of their work in order to be relevant.<sup>426</sup> On the other hand, Richard Paul, writing for the *Washington Post*, didn’t so much criticize the WMAA for their unnuanced attempt at inclusion so much as he discredited the artists, calling their artwork “insistently, trendily political,” and then attacked the symbolic basis

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<sup>420</sup> “Works” in *1993 Biennial Exhibition* (New York: Whitney Museum of American Art in association with Harry N. Abrams Inc., 1993), 170 and 280.

<sup>421</sup> Roberta Smith, “ART VIEW: A Remembrance of Whitney Biennials Past,” *New York Times*, February 28, 1993, A1.

<sup>422</sup> Christopher Knight says it succinctly: “Artistically, it’s awful.” Christopher Knight, “ART REVIEW: Crushed by Its Good Intentions,” *Los Angeles Times*, March 10, 1993, WB8.

<sup>423</sup> Critic Michael Kimmelman (who wrote “I hate the show”) suggested content was privileged over aesthetics or craftsmanship in his scathing review: “much of what angers people: the stark imbalance between the medium and the message...[the artworks] are emphatically not well made...There is virtually nothing in the Biennial that encourages, much less rewards close observation.” Michael Kimmelman, “At the Whitney, Sound, Fury, and Not Much Else,” *New York Times*, April 25, 1993, H1, <https://www.nytimes.com/1993/04/25/arts/art-view-at-the-whitney-sound-fury-and-little-else.html>.

<sup>424</sup> Roberta Smith, in her mostly encouraging review, says it gently: “one of the show’s basic flaws...is that it is less about the art of our time than about the times themselves...it too often loses sight of the fact that art is a form of visual communication that must exist for its own sake before it can further a cause.” Roberta Smith, “At the Whitney, a Biennial With a Social Conscious,” *New York Times*, March 5, 1993, C1.

<sup>425</sup> Roberta Smith wrote: “But it’s interesting that most of the less political work in the Biennial is made by white males. The unfortunate impression created is that to succeed, the art of minority artists and women must be closely tied to their personal situation, preferably to their sense of victimization.” Roberta Smith, “At the Whitney, a Biennial With a Social Conscious.”

<sup>426</sup> In Knight’s assessment, “The result is a new wrinkle on an old-fashioned, essentialist viewpoint: Artists who are not socially marginalized may do as they please, but artists who have been marginalized are only worthwhile if marginality is the subject of their art.” See Christopher Knight, “ART REVIEW: Crushed by its Good Intentions.”

of the show, saying, “What counts is ‘marginality.’ That’s the message of this show...Hence the Mexican hookers, the battered women, the gang members and transvestites seen in this Biennial. They’re powerless, they’re marginal. That’s why they’re in the show.”<sup>427</sup>

Reviewers often located the worst of the 93WB in the inclusion of Holliday’s video. In the *Los Angeles Times* Christopher Knight referred to the 93WB—which he also described as a “fiasco”<sup>428</sup> and “an unmitigated disaster”<sup>429</sup>—as a “curatorial lollapalooza” enacting a “grotesque exploitation” for including the video of Rodney King’s victimization. In the *New York Times* Roberta Smith noted “the presence of Mr. Holliday’s tape signals one of the show’s basic flaws...it is less about art of our time than about the times themselves.”<sup>430</sup> In the *Village Voice*, Andrew Decker wrote “Then there was George Holliday’s video of the Rodney King beating, which typified the Biennial’s worst tendencies: to say, if it’s important to society, it’s art. The tape was a loaded item provoking feelings of rage and frustration, but like much of the work in the show it went for quick titillation rather than reflection.”<sup>431</sup> Others referred to the video as a spectacle, a “blatant example of pandering to popular appeal.”<sup>432</sup> *The Times* (London) synthesized all these concerns, arguing it “is now one of the most famous snippets of video ever made, and it certainly has a great deal to tell us about our society. But it is no more a work of art than a puff of wind is. One of the principle issues raised by the Biennial is that of exploitation, in

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<sup>427</sup> Richard Paul, “Scrawling in the Margins; New York’s Whitney Biennial Spits in the Face of Convention,” *The Washington Post*, March 4, 1993, C1.

<sup>428</sup> Christopher Knight, “The Whitney’s Multicultural Dichotomy,” *Los Angeles Times* (Washington Edition), April 8, 1993, B8, ProQuest Historical Newspapers.

<sup>429</sup> Christopher Knight, “Toning it Down at the Whitney,” *Los Angeles Times*, April 16, 1995, [http://articles.latimes.com/1995-04-16/entertainment/ca-55108\\_1\\_whitney-biennial](http://articles.latimes.com/1995-04-16/entertainment/ca-55108_1_whitney-biennial).

<sup>430</sup> Roberta Smith, “At the Whitney, a Biennial With a Social Conscience.”

<sup>431</sup> Andrew Decker, “The Education of David Ross,” *The Village Voice*, July 6, 1993, 31, ProQuest Historical Newspapers.

<sup>432</sup> “Politics Dominates Whitney Biennial,” *Christian Science Monitor*, March 26, 1993, ProQuest Historical Newspapers.

all is many guises. By making an artist of George Holliday and a video star of Rodney King, one might well ask the Whitney's curators: who is exploiting whom?"<sup>433</sup>

Other reviewers such as Deborah Solomon criticized the WMAA for its "eagerness to display mere agitprop"—of which the Holliday tape is the hallmark example—as well as the 93WB curators' treatment of Holliday as an artist, and his eyewitness video as a work of art:

This is a Biennial in which aesthetic interests play so negligible a role you don't even have to be an artist to exhibit. George Holliday is a 33-year-old plumbing-parts salesman who purchased a video camera last year and happened to turn it on when Rodney King was arrested across the street from his house. You can watch all 10 minutes of his footage at the Whitney—and find Mr. Holliday identified in the catalog just like the other artists ('Born in Toronto, 1959, lives in Los Angeles').<sup>434</sup>

By emphasizing Holliday over the subjects on the videotape—and Solomon is not alone in this tendency—and inaccurately describing the ten-minute event between King and the officers simply as an "arrest," Solomon diminishes the video in terms of its content; Holliday's interest in bearing witness and making it possible for others to bear witness with or through him by recording the event and distributing the videotape; as well as the WMAA's motivation to exhibit it. Like many reviewers Solomon narrowly focuses on the videotape's nature and neither speculates on why, beyond shock appeal, an art museum would include it within a major biennial exhibition, nor suggests ways that Holliday's document operates within this new space as a means to contextualize it for potential viewers. In describing Holliday's video as a readymade, a bad artwork, or non-art object masquerading as art, Solomon and other critics end a serious discussion of what the video *looks* like and how it communicates within the new space of the art museum. Such criticism dislocates the video's horror from what actually happened—one Latino

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<sup>433</sup> Jamie James, "Perfection of a Useless Kind," *The Times* (London), March 15, 1993, 27, <http://tinyurl.com/tinyurl/9MfaB4>, The Times Digital Archive.

<sup>434</sup> Deborah Solomon, "The Gallery: A Showcase for Political Correctness," *The Wall Street Journal* (Eastern edition), March 5, 1993, A7, ProQuest Historical Newspapers.

and several White officers, with more looking on, using batons, tasers, and their bodies to “subdue” a Black man already on the ground—and instead re-locates outrage onto the WMAA for irresponsibly exhibiting non-art as art.

*New York Magazine* art critic Kay Larson ended her mostly-encouraging review on a note of exasperation over the Holliday video, while acknowledging the broader social issues to which the tape remains tied, even within the museum space: “Just when you’re ready to give this Biennial some credit, it pushes you past endurance. Here’s where I cracked: at George Holliday’s video of the Rodney King beating. It’s here, believe it or not...Does the Whitney imagine it can lobotomize these moral issues that have split society?”<sup>435</sup> Larson suggests that disconnecting Holliday’s video from the television newsfeed and reinscribing it within the reflective space of the museum was perhaps an inappropriate or impossible task, or perhaps indicates that the WMAA did not sufficiently frame its intentions. Ross had anticipated such criticism, writing in his catalogue preface, “Oddly, consideration of the construction of identity, central to an understanding of contemporary society, may seem to some inappropriate as the framing reference to introduce an exhibition surveying the past two years of American Art. Inappropriate because the issues of self and community seem to these critics solely political; fully outside the realm of art. Not merely outside art’s territory, but beyond art’s reach.”<sup>436</sup> It seems to me, however, that the WMAA was not “lobotomizing”—that is, severing connections between systems—the issue of racialized violence on the Holliday tape from a broader context of news, politics, and culture in which the tape was produced and operated. The exhibition of the video didn’t so much sever connections between the tape, the specific and broader symbolic violence it

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<sup>435</sup> Kay Larson, “What a Long, Strange Trip,” *New York Magazine* (March 22, 1993), 71-72.

<sup>436</sup> Ross (1993), 9.



implied, and its distribution streams, I think so much as it amplified those connections, making them visible in a new way for critical review.

And perhaps unintentionally, the presence of the video evoked connections between the racial bias seen on the tape and racial biases and/or complicity within the art institution and art world most broadly (one example: the WMAA had not hired a curator who identified as African American until Thelma Golden arrived in 1988; she remains one of few in the institution's history).<sup>437</sup> At a minimum, the Holliday tape in the *93WB* underlined how racially-motivated violence and unequal treatment under the law are pervasive conditions that are inescapable even within the hallowed space of the art museum.

Because the Holliday video was a controversial inclusion, here is a brief reconstruction of how it entered the *93WB* based on what is available in the WMAA archives, interviews and articles published when the exhibition opened, and a March 2019 telephone interview I conducted with John G. Hanhardt, Film and Video Curator at the WMAA from 1974 to 1996.<sup>438</sup> Early reports of the development of the *93WB* note the major changes the 1993 iteration would bring, such as a greater focus on social issues, diversity, and a single curator's perspective. Elisabeth Sussman, as the head curator of the *93WB*, worked with WMAA curators Hanhardt, Thelma Golden, Lisa Phillips, and Constance Wolf (curator of Education), as well as outside advisers, but, as the *Los Angeles Times* reported in 1992, "the final selection of artists [will be] hers."<sup>439</sup> A memo in the WMAA's archives indicates that the whole curatorial team for the *93WB* would be involved in the decisions regarding film and video programming as well. The memo, dated June 26, 1992 and titled "Re: Film and Video in the 1993 Biennial," was sent by

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<sup>437</sup> Thelma Golden and Hilton Als, "Thelma Golden: The Curator is Present," September 26, 2014 in *Studio 360*, produced by Public Radio International, podcast, MP3 audio, 12:13, <https://www.pri.org/stories/2014-09-26/thelma-golden-curator-present>.

<sup>438</sup> At the time of this writing the John Hanhardt archives, recently acquired by the Center for Curatorial Studies at Bard College, has not been fully processed for researcher use.

<sup>439</sup> Suzanne Muchnic, "An Issues-Oriented 'Biennial' Set at the Whitney," *Los Angeles Times*, December 26, 1992, 2.

Hanhardt and addressed to head curator for the 93WB Sussman; then-Director of curatorial and critical studies at the Whitney Independent Study program, Benjamin Buchloh; curators Golden, Phillips, and Wolf. Hanhardt's memo, in part, reads "Elisabeth Sussman has asked for all the Biennial curators to be involved in the selection process for the films, videotapes, and media installations....everyone will have to review the films and videotapes being considered for the Biennial." What follows are prioritized lists of single-channel videotape, film, and video installation. The first list of potential inclusions titled "(A) Single-Channel Videotape Artists (Preliminary "First" List)"—an alphabetized list that included artists Charles Atlas, Julie Dash, Deep Dish Television, Bill Viola, and the Wooster Group—ended with the entry indicating a general interest to include moving image related to the beating of Rodney King ("Research is being done on identifying videotapes produced in response to the Rodney King verdict/L.A. Riots") with the name "John Singleton" (director of the 1991 film *Boyz in the Hood*) written below in an unidentified hand.<sup>440</sup> Holliday and/or the video does not appear on any list in the memo, but Holliday does appear on a later undated internal document, "Participating Artists in the 1993 Biennial Exhibition." It remains unclear when it was first proposed and/or decided to include the original footage shot by Holliday (rather than an interpretation or use of it by an established artist such as John Singleton), Hanhardt explains it was "probably an 'a-ha' moment" on his part, rather than the result of a formal or prolonged research process.<sup>441</sup> Note that the formal process of obtaining loan of the video to exhibit it was based on agreements with

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<sup>440</sup> Nothing in the folder or finding aid for the WMAA archives indicates whose papers these originally were.

<sup>441</sup> John Hanhardt in unpublished telephone interview with author, March 13, 2019.

Holliday, the copyright holder of the video, through his lawyer, not with King and/or his legal representation.<sup>442</sup>

Although archival documents indicate the curatorial team as a whole reviewed the film and video programming, and ultimate curatorial responsibility lied with Sussman, Hanhardt confirmed the decision to screen Holliday's video was his own, stating simply "It was my choice" in a 1993 interview with critic Suzanne Muchnic for the *Los Angeles Times*, explaining further "I knew the video was important the first time I saw it." Recalling his work on the *93WB* twenty-six years later in a 2019 interview with me, Hanhardt explained how Holliday's video became part of the show: "what I remember is, I wanted to show it, and I showed it...I don't remember any resistance [from curatorial team]...Elisabeth [Sussman] and I had a very good relationship as curators and I did with everybody else on the team" and that "all the decisions, as I remember, from that Biennial were welcomed by my colleagues."<sup>443</sup> Another video of individual victimization during the 1992 uprising in Los Angeles was also considered for exhibition. The video shot by Timothy Goldman—who is African American—of Anglo truck driver Reginald O. Denny as he was removed from his truck and beaten by four African American men was viewed by WMAA curators but not included in the exhibition, or considered for any future programming.<sup>444</sup>

In 1993 Hanhardt contextualized his inclusion of the Holliday video as "part of a whole body of work I am showing [in the *93WB*] which focuses on an emerging practice within video to rethink the medium and address public issues."<sup>445</sup> As he wrote in the *93WB* catalogue,

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<sup>442</sup> "[Ronald W.] Grigg [Holliday's attorney] met with Hanhardt and museum director David Ross in New York before releasing the tape to the exhibition...The museum made a contribution to Social Reform, Inc., a nonprofit corporation that Holliday set up after the riots." See Muchnic, "King Beating Footage Comes to the Art World."

<sup>443</sup> John Hanhardt in unpublished telephone interview with author, March 13, 2019.

<sup>444</sup> Muchnic, "King Beating Footage Comes to the Art World."

<sup>445</sup> Muchnic, "King Beating Footage Comes to the Art World."

Hanhardt saw in Holliday's video a contribution to moving image practice at the time: writing about the then-recent advent of affordable home video, Hanhardt explained how this accessibility and "availability of technology...can lead to new definitions of media arts," and acknowledged that Holliday's video—as among the "most well-known home video"—“prefigures a new form of documentary...an effort [by Holliday] to make empirical and real by recording on videotape what was happening in from of him.”<sup>446</sup> Hanhardt re-emphasized to me recently that his curatorial approach in the *93WB*, and throughout his career, was very “deliberate” and “open [to] diverse genre forms of making” moving image media, including narrative, non-narrative or documentary, and music video.<sup>447</sup> Through the cameraman's decision to record, Hanhardt continues, the “pattern of police brutality, often referred to but never ‘seen,’ was brought to light for public scrutiny” through the video.<sup>448</sup> In March 2019 Hanhardt reflected that, for him,

the George Holliday tape really represented something about the document, the documentary, the *decision* that was made by this person seeing something happen and to record it—and in recording it, to make it visible...To me it's formally innovative and in terms of content, important. It's one of the ways one has to understand documentary, not as a conventional narrative but as a representation that comes from a decision that this person [Holliday] made and it [police brutality] then became a public issue as it was seen. And it really anticipates what has happened with media, public media, in terms of being able to record, document, interpret; it's one of the significant developments in the expansion of the moving image. For me, fundamentally it was: Holliday, this person, made this decision—*saw* this happen, made this decision, and then recorded it, then kept it and *there it is* — those are a set of important decisions about how the medium and the artist relates to the world. Making those decisions, and it doesn't fall into some neat paradigm of what art is or photography is or film is or video...for me art history is about how artists change how we see, represent ourselves in the world around us, so that [Holliday's video] was a great example of that.<sup>449</sup>

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<sup>446</sup> Hanhardt (1993), 46.

<sup>447</sup> John Hanhardt in unpublished telephone interview with author, March 13, 2019.

<sup>448</sup> Hanhardt (1993), 46.

<sup>449</sup> John Hanhardt in unpublished telephone interview with author, March 13, 2019. Emphasis mine, following Hanhardt's verbal emphasis as I understood it.

Christopher Knight was the only critic to suggest, perhaps generously, that Hanhardt/WMAA's decision to include the Holliday tape was a generative or critical decision, suggesting it was included "ostensibly as a new form of documentary occasioned by the ubiquity of personal video-cameras," but he did not pursue the tape's implications upon contemporary media or museum practice any further.<sup>450</sup> Knight did not fully address the content of the video or the ethics of directly presenting an actual account of the brutalization of King, as a Black man, alongside images and objects intended as art. Knight writes,

As King's battered image flickers instructively on the gallery wall, in yet one more bit of grotesque exploitation, think about the emergency vehicle Charles Ray has pulled up to the museum's front curb. In an extraordinarily provocative gesture, Ray has painstakingly enlarged a child's toy fire engine to actual, functioning size...[and] parked his grown-up plaything on Madison Avenue, at the Whitney's front door. There's a dire emergency inside the museum, this enchanting hook-and-ladder suggests. It just might be the loss of playfulness and pleasure, missing from so much of the 1993 Biennial.<sup>451</sup>

It seems a strange thing to direct our attention to immediately after acknowledging "King's battered image," a description that feels insufficient in the first place since what was on view was an image (a moving image, a document of) King's battered *body*. Again King's experience is brought up as a segue to talk about the art world injustices.

It makes sense that Hanhardt would emphasize Holliday's decision to start and keep recording as part of his own curatorial decision in including the work, since some of the highest profile reviews at the time undercut Holliday's agency. For example, Roberta Smith, in an otherwise positive review of the exhibition (she alone called it a "watershed"), wrote: "In fact, the exhibition makes a video artist of George Holliday, the man who was using his camcorder for the first time and happened to videotape the Los Angeles police beating Mr. King, spontaneously

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<sup>450</sup> Knight, "ART REVIEW: Crushed by its Good Intentions."

<sup>451</sup> Knight, "ART REVIEW: Crushed by its Good Intentions."

creating a document, if not an artwork.” Smith acknowledged that the tape “once more brought the issue of racism to every American living room,” while simultaneously underestimating Holliday’s deliberateness in his documenting but instead “happened to” record an act of excessive force, as though by accident.<sup>452</sup> Given the impact of the video on public opinion, and how it remained at the center of the trial of the LAPD officers regardless of the verdict, there is little question that Holliday’s video (i.e., the image captured and its distribution) made an impact on people living in the US in a number of ways—for example, it dramatized the disconnect between evidence/documentation and the function or result of the criminal justice system, unequal policing, whose pain can be made available for public viewing (on repeat), and perhaps especially the power of citizen-journalism, among many other issues.

A question remains: even if the video represents a paradigm shift in terms of media as Hanhardt indicates, does that mean that the video—which is 10-minutes of a Black man’s victimization—should be screened, or can it be ethically screened, within an art context—a context that asks or suggests that viewers receive it in the ways they receive the many other artworks they have come to encounter, use sustained and dedicated looking, to see the video along the same lines of observation and questioning, in a space that values of aesthetic pleasure? Even if few other, or even no other, videos could convey the stakes and power of this new use of recording technologies and use or intervention in news media in the way that Holliday’s video of Rodney King’s beating by the LAPD could, does that validate its screening in the Whitney’s *1993 Biennial Exhibition*?

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<sup>452</sup> Smith, “At the Whitney, a Biennial With a Social Conscience.”

### 3.2.3 Eyewitness Video and the Failure to Testify, From Rodney King to Eric Garner

*The jury's verdict will never blind the world to what we saw on the videotape.*<sup>453</sup>  
Los Angeles Mayor Tom Bradley responding in the *Los Angeles Times* to the verdict  
acquitting four LAPD officers, April 30, 1992

Following the verdict in the Rodney King trial in Simi Valley, there were high-profile statements, in addition to the uprising in Los Angeles, that found the verdict inexplicable and incongruent between what was on the videotape and the images' inability to convince the jury to convict a single LAPD officer. Even President George H.W. Bush (R), addressing the nation the day after the verdict from the Oval Office, conveyed disbelief over the eyewitness video and the acquittal of the officers: "Viewed from outside the trial, it was hard to understand how the verdict could possibly square with the video...civil rights leaders with whom I met were stunned, so was I, so was [First Lady] Barbara [Bush]." He then described a "federal effort [that] will be expeditious and fair" to ensure that "justice is served." President Bush both condemned the events in L.A. following the verdict as the "not about civil rights...not a message of protest, but the brutality of a mob, pure and simple," while also implying the Simi Valley jury's verdict did not serve justice when he described his federal investigation, launched one hour following the announcement of the verdict, to assess if King's rights had been violated.<sup>454</sup>

How a viewer at the 93WB would have seen the Holliday video—blown up, in isolation, unedited—would have been significantly different from how the jury assigned to the trial of the four LAPD officers would have seen it. Jury foreperson Dorothy Bailey described the viewing conditions this way: "During the prosecution's opening statement, they put a big screen

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<sup>453</sup> Mayor Tom Bradley quoted in Richard A. Serrano and Tracy Wilkinson, "All 4 in King Beating Acquitted: Violence Follows Verdicts; Guard Called Out," *Los Angeles Times*, April 30, 1992, <https://www.latimes.com/projects/la-me-riot-front-pages/>

<sup>454</sup> George HW Bush, "Reaction to Los Angeles Police Trial," C-SPAN, program ID 25847-1, May 01, 1992, 8:59pm EDT, 14:14, <https://www.c-span.org/video/?25847-1/reaction-los-angeles-police-trial>.

television right next to the jury box and showed us the whole tape. During the course of the trial, we saw it over and over, at regular speed, in slow motion, and frame by frame. It was brutal and hard to watch.”<sup>455</sup> Bailey explained the jury saw 81-seconds of Holliday’s video, which was much longer than the “small portion of that eighty-one seconds [that] had been shown on television. The whole tape, seen in context, presented a far different scenario than what the public had seen,” namely that King appeared to have moved on his feet toward the officers, which the defense noted as an act of aggression and resisting arrest, a few seconds of the videotape that were not included in television broadcasts.<sup>456</sup> Ten months after the verdict was given, a juror who did not provide her name described the process of viewing the tape: “We went through that infamous tape frame by frame and in slow motion and regular speed, over and over until there was no question about the decision we reached as far as the majority of us were concerned.”<sup>457</sup> The jury did not see the full Holliday videotape as shown in the *93WB*, which included Holliday beginning to record as he walked from inside apartment to the balcony to record the event.<sup>458</sup>

Bailey described how the defense used the video differently, explaining that they “replayed parts of the video” which had received “FBI enhancement of some of the blurry parts of the tape that made it easier to see that Mr. King was defying the officers who were trying to arrest him.”<sup>459</sup> The video was not the only piece of evidence against the LAPD, as two of Holliday’s neighbors also testified in federal court explaining that King appeared to do nothing to provoke the blows; the video, however, remained primary in the case as the defense

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<sup>455</sup> Bailey as told to Neumeyer, “What it Was Like to be on the Rodney King Jury.”

<sup>456</sup> Bailey as told to Neumeyer, “What it Was Like to be on the Rodney King Jury.”

<sup>457</sup> Seth Mydans, “Haunted Still, Jurors in Beating Trial Give Warning to Possible Successors,” *New York Times*, February 15, 1993, A8, <https://www.nytimes.com/1993/02/15/us/haunted-still-jurors-in-beating-trial-give-warning-to-possible-successors.html>.

<sup>458</sup> Hanhardt, (1993), 46.

<sup>459</sup> Bailey as told to Neumeyer, “What it Was Like to be on the Rodney King Jury.”



minimized the eyewitness testimonies as being contaminated by seeing Holliday's video on television news.<sup>460</sup> Writing from a legal perspective in 1993, Kimberlé Crenshaw and Gary Peller (both law professors and foundational theorists of Critical Race) described in detail how the Holliday's footage was used by the defense in the courtroom: "They had frame-by-frame stills made of the video, which were mounted on clean white illustration board, and then used as the basis for questions to 'experts' on prisoner restraint."<sup>461</sup> The experts, namely the defense's chief expert Sergeant Charles Duke, were then asked to testify in front of the jury "whether it was clear that King had assumed a compliant posture, or might a police officer have reasonably concluded that he still was a threat to resist." What Crenshaw and Peller called "disaggregation," or a "micromoment" break-down of the beating of King into a "series of frozen images," can be seen as the disruption of the sequence recorded, suspension the durational experience of both King and the LAPD officers, short-circuiting any causation between action and reaction, and transformation the relationship between King's movements and the officer's. As Crenshaw and Peller explain, "once the video was broken up like this"—physically mediated by the illustration board—"each still picture could be reweaved into a different narrative about the restraint of King...each of which was then subject to endless reinterpretation."<sup>462</sup> Since not one single image could "constitute excessive force," the video came to say something different as a collection of re-organized stills, becoming "instead ambiguous slices of time in a tense moment that Rodney King had created for the police."<sup>463</sup>

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<sup>460</sup> Rogers Worthington, "Witnesses Say King's Beating Unprovoked," *Chicago Tribune*, February 27, 1993, <https://www.chicagotribune.com/news/ct-xpm-1993-02-27-9303185538-story.html>.

<sup>461</sup> Kimberlé Crenshaw and Gary Peller, "Reel Time/Real Justice," in *Reading Rodney King/Reading Urban Uprising*, ed. Robert Gooding-Williams (New York: Routledge, 1993), 58.

<sup>462</sup> Crenshaw and Peller, 58.

<sup>463</sup> Crenshaw and Peller, 59.

In 2015 Adam Benforado, law professor and writer, described the power of Holliday's video as arising "from its dynamism and immediacy" since the moving image or "film provides us with the feeling that we are there, experiencing things as they happen."<sup>464</sup> The defense's reconstruction of the video as stills and Sgt. Duke's expert testimony in response to those stills, then, was as a strategy of "not showing live action, to recast King as the aggressor," which in turn painted the officers as "simply responding to King's 'cocked'" body with a kind of measured restraint, making their "kicks that once seemed brutal, out of control, and visceral [appear]...frozen, sterile, and distant."<sup>465</sup>

Disaggregation is a way to describe how all eyewitness moving image recordings are interpreted in radically different ways by television viewers who see the footage at regular speed and longer durations, and juries who see the footage not as moving image but as a curated set of single stills. Crenshaw and Peller's essay argues beyond the issues surrounding the King/LAPD trial, and situates the broad implications of altering video evidence: "We believe that the realm of interpretation, ideology, and narrative is a critical site in the production of American racial domination...part of what was revealed in the Rodney King saga was the need for an account of how racial power continues to work, blatantly in the King case, decades after it has been outlawed as a matter of formal decree, cultural convention, and elite preference."<sup>466</sup>

In the WMAA's display of the Holliday's video—at large size, isolated as the only stream of images in a dark room, unedited and at its conventional speed, and detached from the mainstream newsfeed that had previously attended it—the curatorial staff re-aggregated and

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<sup>464</sup> Adam Benforado, *Unfair: The New Science of Criminal Injustice* (New York: Crown Publishers, 2015), 137.

<sup>465</sup> Benforado, 137.

<sup>466</sup> Crenshaw and Peller, 57.

resumed the live action of the video, and made a kind of argument to revisit the video in its actual visual, durational, and moving specificity.

In their replication, alteration, and fragmentation of an iconic image of King in Holliday's video, artists Danny Tisdale and Shaun Leonardo also provide compelling challenges to disaggregation and are examples of art's potential to speak for those who have silenced by police and/or within the legal system such as King, Garner, and countless other unarmed African American men. Both Tisdale and Leonardo draw on a still of Holliday's video, taken at 12:53:30 a.m. King appears on his knees, doubled over with an LAPD officer behind him, standing on his bent left leg, his right foot on King's back, a position that appears both like kicking and stepping on King, pressing him forward toward the ground. Another officer stands before King, bent at his knees, leaning forward in a dynamic pose ready to drive down his bent arms and strike the baton in his hands into King's upper back. In the surrounding darkness, another six or seven officers stand by, their bodies positioned toward King. Tisdale and Leonardo selected a single frame in Holliday's video that suggests King's submission, his victimization, and the LAPD's complicity through the postures of all figures in the frame. King has his left arm bent, his left hand raised to cover the back of his neck in a gesture of protection; his right arm is possibly in the same position on the other side of his body, or a thin dark line running from King's shoulder to the ground might indicate that his right arm is straight, flattening his right palm to the asphalt in front of him—a position of self-preservation that would prevent him from slamming forward face-first into the pavement. In this still—presumably de-emphasized by the defense—shows at once two LAPD officers not just “cocked” but striking with body and baton the submissive King on the ground, his hands up behind his head in a posture that emphatically indicates that in that moment King was not reaching for a weapon in his pocket, trying to get up, or striking back. The

particular still may have also been the moment civilian eyewitnesses described as when they heard King say “please stop” as he fell into his knees and took on a defensive posture.<sup>467</sup>

Danny Tisdale’s large painting-like panel comprises nine black-and-white screen-prints on paper—some quite dark, others bright—assembled three-by-three into a long rectangle. *Rodney King Police Beating* from Tisdale’s *Disaster Series* (1992 to 2001) appears visually, as well as in title, like Andy Warhol’s *Death and Disaster* paintings of the early 1960s, which were also based on photographs of graphic, real disasters—car crashes, suicides, the electric chair—appropriated from news mass media, repetitively silkscreened side-by-side in a canvas-covering grid. The prints appear more like the regularity of a Xerox than Warhol’s chancy, under- and over-inked silk-screening process, yet the viewer still sees more or something different in each of Tisdale’s nine screen-prints. In the darker prints, King’s white shirt is the only visible part of him as it catches the darkly-uniformed LAPD leg and foot on his back; King’s head and hands are lost in the blackness of shadows, asphalt, and night. Two screen-prints (center left and lower right) are underexposed, heightening the contrast with a much brighter, white foreground that shows the figures’ positions more clearly but they remain indistinct. They are based on the same image, yet in the shifting gradation and repetition, Tisdale’s screen-prints resist the disaggregation of the courtroom defense; instead they perform a slow and stuttering reveal of King’s victimization by showing and hiding his posture, crumpled on the street literally on his knees.

King’s beating was shown in the WMAA again the year following the 93WB when the museum exhibited Tisdale’s *Rodney King Police Beating* in *Black Male: Representations of*

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<sup>467</sup> Dorothy Gibson, a nurse who lived in the same building as Holliday, said she “heard King yell, ‘Please stop’ at one point. [LAPD Sergeant Stacey] Koon...confirmed the remark, but said it came at the very end, when King fell to his knees and extended his arms in a defensive posture.” Rogers Worthington, “Witnesses Say King’s Beating Unprovoked,” *Chicago Tribune*, February 27, 1993, <https://www.chicagotribune.com/news/ct-xpm-1993-02-27-9303185538-story.html>

*Masculinity in Contemporary American Art* (November 10, 1994–March 5, 1995), an exhibition curated by Thelma Golden. Following the socially-engaged line of inquiry Golden and the curatorial staff had established in the *93WB, Black Male* set out to explore “how the changing representation of black masculinity reflects parallel changes in the ways that African-American men are viewed” in the United States through multi-faceted Black masculinity and its equally diverse aesthetic reflections by artists, filmmakers, videographers (of color and White) since 1968, totaling twenty-nine contributors of seventy works.<sup>468</sup> In her catalogue essay, Golden noted the overrepresentation of Black men in prisons, homicides, and suicides and their misrepresentation, oversimplification, and demonization in the media, and suggested that the figure of the “Black Male” is invented, an amalgam of fears and projections in the American psyche (to which there is usually no truth), and her intent with the show is to examine the Black male as both a body and a political icon, which necessarily takes into account television and Hollywood. The show likely took on unforeseen resonance as opened in the months following the arraignment of O.J. Simpson, the early days of what would become another high-profile, thoroughly-televised case that hinged on race, unequal treatment under the law, and police (in)competence in Los Angeles that captured national attention until it ended in October 1995. An analysis of King’s beating and its mainstream consumption through Holliday’s video has a major presence in the catalogue in scholar-poet Elizabeth Alexander’s essay “‘Can you be BLACK and look at this?’: Reading the Rodney King Video(s).” Alexander raises the critical questions that remained unasked in the *93WB* display, catalogue, and reviews: what “collective versions of African-American male bodily history” do viewers from different groups bring to their viewing of Holliday’s video? And “what metaphorization of the black male body had to

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<sup>468</sup> David A. Ross, “Director’s Foreword,” *Black Male: Representations of Masculinity in Contemporary American Art* (New York: Harry N. Abrams and Whitney Museum of Art, 1994), 7.

have been put in place that called upon a (white-)constructed national historical memory, a code in which African-Americans are nonetheless perfectly literate?"<sup>469</sup> Alexander's question remains pertinent to Tisdale's work, more than twenty years later, in *America's Most Unwanted (An Homage)* (2014), a digital collage of black-and-white photographic portraits of unarmed Black men and boys who died in interactions with police, which draws again on some of Andy Warhol's most infamous work, *Thirteen Most Wanted Men* (1964).<sup>470</sup>

In his *Rodney King* series of charcoal drawings on paper, Shaun Leonardo registers the grainy indistinctness of the videotape in a kind of squiggly treatment of the human form, allowing the officer's arms, legs, and heads take indeterminate shapes, drifting off where the edges should be like smoke into the night sky. Leonardo literally removes King's body from the scene by cutting a small hole in the paper through which the installation wall can be seen through the back panel of clear glass. The bright white walls of the Contemporary Art Museum, Houston provided a high contrast to the surrounding, charcoal-black drawing, making King's crouching figure with his two feet tucked beneath him into a stark loss. As King is removed from the impending strikes of foot and baton, Leonardo protects King, symbolically and retroactively, from yet another blow from the LAPD. The empty space serves to trouble who or what the LAPD was attacking in the first place, dramatizing the question of whether King as an individual citizen was being attacked for something he did (speeding, failing to pull over, possibly driving under the influence), or if he just became Blackness embodied, a symbol of perceived dangerous masculinity as occupied by African American men. Each drawing is displayed under a pane of

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<sup>469</sup> Alexander, "Can you be BLACK and look at this?," 93.

<sup>470</sup> See Tisdale's entry describing the origin of the work on his website, "America's Most Unwanted: An Homage, Danny Tisdale Studio, August 24, 2014, <https://dannytisdalestudio.wordpress.com/2014/08/24/americas-most-unwanted-an-homage-2014-by-danny-tisdale/>. See also article and brochure by the Queens Museum on the occasion of their exhibition *13 Most Wanted Men: Andy Warhol and the 1964 World's Fair* provides a thorough account of Warhol's problems with the World's Fair administration, see <https://queensmuseum.org/2013/11/andy-warhols-13-most-wanted-men-and-the-1964-worlds-fair>, accessed March 18, 2019.

dark mirrored glass that further obscures the scene depicted, but the glass also reflects the viewer, implicating them, somewhat ambiguously, as complicit in the pandemonium as fellow LAPD officer or an ineffective by-standing witness.

David Joselit took up the issues of eyewitness video, its failure to testify, and art as an alternate location to consume information in a short *Artforum* article he wrote in the wake of the grand jury's non-indictment of Daniel Pantaleo, the New York Police Department (NYPD) officer who pressed his forearm against Eric Garner's throat to subdue him during his arrest for selling single cigarettes from packs without tax stamps. Garner, face-down on a Staten Island sidewalk, repeated "I can't breathe" eleven times before he lost consciousness at the scene and was pronounced dead an hour later at the hospital on July 17, 2014. The eyewitness video was shot by Ramsey Orta who had been talking with his friend Garner about where to eat when the NYPD approached, and he hit record on his phone's video camera; it is his voice heard on the video saying "He can't breathe."<sup>471</sup> The New York City medical examiner's office determined Garner's death was "homicide" resulting from "compression of chest and prone positioning during physical restraint by police."<sup>472</sup> The Staten Island grand jury, however, found "no reasonable cause" to indict Pantaleo.<sup>473</sup>

That a grand jury could see the video and decide to not indict Pantaleo is not surprising, given that more than twenty-five years after the Rodney King trials, disaggregation remains a major and effective strategy in discrediting video evidence. Discussing an upcoming NYPD

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<sup>471</sup> Ramsey Orta's own story with police has been in the news since 2014, when he believes NYPD began following him in retaliation for making the video of Garner's arrest public. For his account of surveillance, threats, and abuse in prison, see Chloé Cooper Jones, "Fearing for his Life," *The Verge*, March 13, 2019, [https://www.theverge.com/platform/amp/2019/3/13/18253848/eric-garner-footage-ramsey-orta-police-brutality-killing-safety?utm\\_campaign=theverge&utm\\_content=chorus&utm\\_medium=social&utm\\_source=twitter&\\_\\_twitter\\_impression=true&fbclid=IwAR3cPs0\\_3qkm64E8TU6eU20x3Ghc0cYjWeL3WyPMbYIZ7mAMGylgNEdoKjM](https://www.theverge.com/platform/amp/2019/3/13/18253848/eric-garner-footage-ramsey-orta-police-brutality-killing-safety?utm_campaign=theverge&utm_content=chorus&utm_medium=social&utm_source=twitter&__twitter_impression=true&fbclid=IwAR3cPs0_3qkm64E8TU6eU20x3Ghc0cYjWeL3WyPMbYIZ7mAMGylgNEdoKjM).

<sup>472</sup> Roberto A. Ferdman, "Why Quibbling About the Cause of Eric Garner's Death Completely Misses the Point," *The Washington Post* (online), December 4, 2014, Gale News Vault.

<sup>473</sup> Melanie Eversley and John Bacon, "Outrage After no Charges for NYC Cop," *USA Today*, December 4, 2014, 1A, accessed March 18, 2019, Gale News Vault.

disciplinary trial scheduled for April 2019 (the result of which would determine if Pantaleo would keep his job in the NYPD),<sup>474</sup> Pantaleo's attorney explained to CNN's viewers, "If you look at the video frame-by-frame it's a very different video than if you view it once in real time. The problem is we need to educate both the media and the public that not only was there never a chokehold, but officer Pantaleo was just making a simple arrest using a seat belt technique."<sup>475</sup> Again the defense emphasizes the importance of viewing the video "frame-by-frame," which is made to sound like a special, expert strategy used to reveal truths hidden by live action and real time. Attorney Stuart London indicated that viewers only encountered the video once, instead of several times, in several edits, over several stations, which seems more likely since anyone regularly engaged with news media in 2014-2015 would have encountered the video multiple times over the course of the nationwide protests following Garner's death, the grand jury decision, and the beginning of the NYPD's disciplinary case, as well as the on-demand viewing through embedded video in online news reporting and streaming platforms such as YouTube.<sup>476</sup> Further London's case was invested in defining the terms of the physical maneuvers used on Garner's body by Pantaleo: if it was not the chokehold—banned in 1993—and instead was a legal maneuver ("seat belt technique"), then the issue of "excessive" force drops out of the dialogue.<sup>477</sup> The grand jury's decision to not indict Pantaleo and the Simi Valley's verdict to acquit the four LAPD officers in the Rodney King trial are also not statistically unusual: police

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<sup>474</sup> Dean Meminger, "Five Years Later, NYPD Still Looking for Instructors That Trained Officer at Center of Eric Garner Case," *Spectrum News NY1* (online), January 31, 2019, [https://www.nyl.com/nyc/all-boroughs/news/2019/02/01/5-years-later--nypd-still-looking-for-instructors-that-trained-officer-who-placed-eric-garner-in-a-choke-hold--?cid=share\\_clip](https://www.nyl.com/nyc/all-boroughs/news/2019/02/01/5-years-later--nypd-still-looking-for-instructors-that-trained-officer-who-placed-eric-garner-in-a-choke-hold--?cid=share_clip).

<sup>475</sup> Mark Morales, "Four Years After Eric Garner's Death, Officer Faces NYPD Trial to See if he Will Keep His Job," *CNN*, December 6, 2018, <https://www.cnn.com/2018/12/06/us/eric-garner-nypd-daniel-pantaleo/index.html>.

<sup>476</sup> For coverage of the protests see "New York Braces For More Demonstrations Over Eric Garner," *All Things Considered*, December 4, 2014. Academic OneFile. See also Andy Newman, "Reaction to Eric Garner Grand Jury Decision," *New York Times*, December 3, 2014, ProQuest Newspapers.

<sup>477</sup> In 1993 the NYPD banned officers from using a "chokehold," a maneuver that includes "but is not limited to, any pressure to the throat or windpipe which may prevent or hinder breathing to reduce intakes of air." See "Memorandum A10170," New York State Assembly, accessed March 17, 2019, [https://assembly.state.ny.us/leg/?default\\_fld=&bn=A10170&term=2013&Memo=Y](https://assembly.state.ny.us/leg/?default_fld=&bn=A10170&term=2013&Memo=Y).



nationwide are given a lot of latitude in terms of the force they can exert on a person, and police on average are charged only about 33 percent of the time and about 12 percent of those are incarcerated; compare these numbers to the general public, who are convicted in about 68 percent of cases and 48 percent of those convicted are incarcerated.<sup>478</sup>

Joselit links the communicative power of the eyewitness video that showed Pantaleo and multiple other NYPD officers who swarmed Garner to the ground with “an indictment of post-Conceptual art”: “If the excruciating video showing Garner seized and relentlessly piled on by the police could not convince a jury, how can forms of aesthetic critique based on research and visual evidence be more effective with a general public?”<sup>479</sup> Using the work and writing of Pope.L as an example, Joselit describes post-Conceptual art of this kind as an “elusive alternate space for consuming information...[which] may present opportunities for those who, like Garner, cannot command presence in official forums.”<sup>480</sup> Joselit’s proposition, following Pope.L, is that art might be “another kind of space, beyond or beside democratic forums,” wherein artists can insist “on the right and capacity to decide how information is consumed” by a viewer, with the caveat that in the case of both news and art, “we need to be more skeptical of the ideological promises of representation”<sup>481</sup> as we know that eyewitness video often does not successfully testify on behalf of the victimized person. We might share in Joselit’s surprise, or perhaps anguish, when he asks how it was possible “that the video of a police officer pressing his arm against Garner’s throat—a document that could not have been less ambiguous—did not ‘speak

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<sup>478</sup> Of the few studies that detail how police officers move through the American legal system, here are two articles that interpret multiple studies and provide clear definitions: German Lopez, “The Cop Who Shot Philando Castile Was Cleared of Manslaughter. His Being Charged Was Still Rare,” *Vox*, June 16, 2017, <https://www.vox.com/2015/4/8/8369769/police-shooting-charges-convictions>. See also Dara Lind, “The FBI is Trying to Get Better Data on Police Killings. Here’s What we Know Now,” *Vox*, April 10, 2015, <https://www.vox.com/2014/8/21/6051043/how-many-people-killed-police-statistics-homicide-official-black>.

<sup>479</sup> Joselit, “Material Witness,” 204.

<sup>480</sup> Joselit, “Material Witness,” 205.

<sup>481</sup> Joselit, “Material Witness,” 205.

for itself” before the members of a grand jury?,” yet the video was not scrutinized as evidence of whether Pantaleo’s actions resulted in Garner’s death. The video was made to speak for whether Pantaleo was within his rights as a uniformed officer to have taken the action, which are two different things. The question, really, was if Pantaleo was allowed, or within his rights as an officer, to subdue Garner at the risk of killing him based on Garner’s own actions before Pantaleo made the hold. It is a question that does not relate to the victim’s right to live, and speaks to the power conferred upon American police officers. The real issue in any investigation of police force exerted on people, specifically African American men, is that what the jury is being asked to assess is whether it was *excessive* force, that is, was it in excess of what the police are allowed to do and/or typically do in the course of upholding the law; the jury is not asked whether the ways in which, and the extent to which, police are allowed to interact physically with suspects are right, just, and humane in the first place.<sup>482</sup>

### 3.2.4 “The World is a Mirror of My Freedom”

At first, Charles E. Williams’s painting *Confrontation III, July 17 2014* (2016), appears to be a 4-foot square canvas painted all black except for a white hand in the lower right corner, outstretched, palm-up, and seemingly pressed, knuckle-first, downward towards the ground. As you near *Confrontation* and your eyes adjust, however, the contours of a figure depicted in a faint veil of white paint appears: a man, crumpled on his side in shadows with his right shoulder against the ground reaches his right arm straight out, hand with fingers nervously stretched out and toward the picture plane. In whites and greys, Williams articulates the folds of a white T-

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<sup>482</sup> For a discussion on the emergent image culture of police body camera footage and the impact in policing non-White communities, see Louis-Georges Schwartz, “In Plain View: Video Evidence,” *Artforum* (Summer 2016), 362-367.

shirt, the tender bend of his right elbow, and, in bright white paint, the light as it glances off a palm made flat and wide in a desperate gesture. The figure's neck and head, the bare arm, and the rest of the figure as it recedes into pictorial space are lost in the black oil. His face need not be articulated and his name does not need to be annunciated for it to be clear that the man depicted—from the figure's position with his hand outstretched in the moments between life and death, and the title that includes his death date—is Eric Garner. Williams shows Garner, by his shoulder and his hand, just as he had fallen on his side to Staten Island sidewalk after being pulled down by his neck by officer Pantaleo, a shadowy interpretation of the video Orta captured on his cell phone and spread virally on news media.<sup>483</sup>

*Confrontation III, July 17 2014* is striking, a painting that reveals itself to the viewer who approaches and moves along its somber edges, a viewer patient to adjusting their vision to the extreme darkness and subtle variations in the paint. Part of Williams's series *Put Your Hands Where I Can See*, in which he delicately renders photographs published in the news media that show violence committed against the Black body as administered law enforcement since the Civil Rights Era. The result is an affecting body of paintings in oil and water colors on panel and on paper that turn on the threshold between abstraction and realism, while folding history upon itself.

In the exhibition *The World is a Mirror of My Freedom* on view at the McColl Center for Art + Innovation (Charlotte, NC, January 27, 2017–March 25, 2017), *Confrontation III, July 17, 2014* is hung to the left of two slightly smaller oil-on-paper paintings: one of a Black man, head down and his upper body bent over something (the hood of a police cruiser?) with two pale hands gripping his left bicep and a third ringing his right wrist, immobilizing him; in the other, a

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<sup>483</sup> "'I Can't Breathe': Eric Garner Put in Chokehold by NYPD officer-Video," *The Guardian*, December 4, 2014, video, 02:49, <https://www.theguardian.com/us-news/video/2014/dec/04/i-cant-breathe-eric-garner-chokehold-death-video>.

Black youth, whose age and small stature is suggested in their thin arms and a down-ward perspective, stands frozen with their hands up—HANDS UP, DON'T SHOOT—and their face looking away from the viewer. In Williams's distillation of each scene into detailed human figures with little environmental—thereby historical—context, the men, women, and children with their hands up, their bodies pressed against cruisers or restrained by officers read as contemporary, recent scenes appear historical, and all appear disturbingly timeless in Williams' grisaille palette evoking the quality of old black-and-white photographs. Only the titles name the exact places and dates of each event depicted, from the 1960s to the present. At once historical and contemporary, Williams's paintings exemplify the effort of *The World is A Mirror of My Freedom* to “[e]xamine race and power, linking contemporary media and movements to histories of tyranny and resistance,” and ultimately disrupts the neoliberal, post-racial narrative that things have only gotten better since the 1960s Civil Rights movement.<sup>484</sup>

*The World is a Mirror of My Freedom* was curated by Nicole J. Caruth, then Artistic Director at the McColl Center for Art and Innovation, and “organized in response to the increasingly visible, lawful violence against Black bodies in the United States...explor[ing] themes of Black masculinity, social movement and mobility, revolution, and resistance.”<sup>485</sup> Five alumni of the McColl's Artists-in-Residence program (A-I-R) exhibited video, works-on-paper, installation, painting, photography, and performance that addressed a wide range of time from the 18<sup>th</sup> century to the future, “inviting reflection on how the past has conditioned the present”<sup>486</sup> as Caruth articulates. Visible in each artist's work are direct references to the deaths of individual Black men following interactions with law enforcement. The title is a reference to Jean-Paul

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<sup>484</sup> From Nicole Caruth's introductory wall text at opening of the exhibition.

<sup>485</sup> Text from promotional postcard for exhibition.

<sup>486</sup> Text from promotional postcard for exhibition.

Sartre's posthumously published *Notebooks for an Ethics*.<sup>487</sup> Caruth reinterpreted the phrase for the exhibition title to suggest how artists hold a mirror to society, to themselves, to us, and how their work mirrors what is happening in society.<sup>488</sup> As she developed an exhibition of African American A-I-R alumni, as assigned by then-Director Lisa Hoffman, Caruth says she realized that the work of Williams, Shaun Leonardo, Dread Scott, Marcus Kiser, Jason Woodbury, was already in conversation conceptually since each artist had individually taken up the issues of state violence against Black people and bodies in the US.<sup>489</sup>

This work took on even more charged resonance as two local contexts converged in Charlotte at the time of the exhibition's planning, including the death of Charlotte resident Keith Lamont Scott, who was shot to death by a Charlotte-Mecklenberg police officer, also African American, on September 20, 2016 as he sat in his parked truck.<sup>490</sup> Several issues made Scott's death both locally disruptive and nationally concerning, including whether Keith Lamont Scott, who was living with a traumatic brain injury, had a gun and/or showed it to police at the time of the shooting event; the police's hesitation to release of videos captured by the police cruiser dashboard cameras and by Keith Lamont Scott's wife until under public pressure; and a series of protests. Second, Charlotte had recently ranked the lowest on a ranking of economic mobility in the 50 largest American cities.<sup>491</sup> These very public revelations that Charlotte was not a city of equitable economic prosperity was a blow to the ego for the city which promotes itself as a high-

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<sup>487</sup> With a slightly different wording, the phrase, "being is the mirror of my freedom" appears in Jean-Paul Sartre, *Notebooks for an Ethics* (Chicago: University of Chicago Press, 1992), 247.

<sup>488</sup> Nicole Caruth in unpublished interview with author, January 11, 2019.

<sup>489</sup> Nicole Caruth in unpublished interview with author, January 11, 2019.

<sup>490</sup> Michael Gordon, "Family Files Lawsuit, Says Keith Lamont Scott Did Not Need to Die," *The Charlotte Observer*, August 29, 2018, <https://www.charlotteobserver.com/news/local/crime/article217519345.html>.

<sup>491</sup> Alana Semuels, "Why It's So Hard to Get Ahead in the South," *The Atlantic* (online), April 4, 2017, <https://www.theatlantic.com/business/archive/2017/04/south-mobility-charlotte/521763/>. See also Gene R. Nichol and Heather Hunt, "Economic Hardship, Racialized Concentrated Poverty, and the Challenges of Low-Wage Work: Charlotte, North Carolina," North Carolina Poverty Research Fund, UNC-Chapel Hill, Spring 2016, [http://www.law.unc.edu/documents/poverty/publications/charlottepovertyreport\\_final.pdf](http://www.law.unc.edu/documents/poverty/publications/charlottepovertyreport_final.pdf)

tech, big-banking, socially-just “New South” city—which is the basis for nearly every exhibit in Charlotte’s Levine Museum of the New South, about a half-mile from the McColl Center and about 10 miles from where Keith Lamont Scott was killed.<sup>492</sup>

Upon entering the McColl Center, *The World is a Mirror of My Freedom* begins immediately: haunting the high-ceiling foyer of the cathedral-turned-art-center is Dread Scott’s 84-inch black nylon banner emblazoned with the white text “A MAN WAS LYNCHED BY POLICE YESTERDAY,” a reference to the flag the National Association for Advancement of Colored People (NAACP) installed in front of their New York office in 1936 following the lynching of A.L. McCamy in Dalton, Georgia. Following the 2015 killing of unarmed Walter Scott in South Carolina, the artist inserted “BY POLICE” to the NAACP’s original text, linking contemporary policing to a history and logic of lynch-mob terrorism.<sup>493</sup>

Inspired by vintage movie posters, a series of prints by local Charlotte duo Marcus Kiser and Jason Woodberry open the main exhibition with a tone of dynamic Black excellence and other-worldly potential, while acknowledging the potential victimization that Black men perennially face. Originally begun in response to the 2014 killing of Michael Brown in Ferguson, MO, *Intergalactic Soul* explores the current plight of young Black American men through a fantastical space saga starring Pluto and Astro, two young Black astronauts, as they experience self-empowerment and community power through space exploration, while they are forced to deal with anonymous threats and undeserved suspicion, culminating in a confrontation with the “Jim Crowbots,” aggressively-tall retro robots outfitted in Stars and Bars, heavy guns, and crosses. The last print *I Am* (2015) brings together activist icons across time. Shoulders squared

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<sup>492</sup> The Levine Museum of the New South opened to the public in 1996. “Our History,” About Us, Levine Museum of the New South, accessed March 17, 2019, <https://www.museumofthenewsouth.org/our-history>.

<sup>493</sup> Text from object tag for exhibition.

and looking out at the viewer with one hand on his hip, Kiser's astronaut holds a sign reading "I AM HUMAN" in his other hand, referencing both the "I Am a Man" sign from the 1968 sanitation strike in Memphis and text on the 1787 Slave Emancipation Society Medallion, "Am I Not a Man and a Brother?", situating the astronaut in a proud lineage of social resistance extending to the Movement for Black Lives—all while questioning how far the rest of American society has "progressed."

A viewer moves from this future to the past as they encounter an installation by artist Dread Scott (b. Scott Tyler, 1965, Chicago) on one long wall deeper into the McColl Center. *Fragments of the Peculiar Institution* (2016) shows excerpts from his research into the history of slavery, including the artist's photograph of a Confederate monument across the street from the McColl Center; plantation museum tour pamphlets; ads for slave auctions; 19<sup>th</sup>-century maps of settlements along the Mississippi River; Scott's plans for his upcoming reenactment of the 1811 German Coast slave rebellion, among other artifacts. In another shift of time *we gon' be alright* (2016-7), Kiser's video companion to *Intergalactic Soul* takes us from Afro-Future, to now, to the recent past in a 1-minute video set to the beat of Kendrick Lamar's "Alright" from his 2015 critically-acclaimed album *To Pimp a Butterfly*.<sup>494</sup> Opening with an icon of an astronaut with fist raised on a field of red, the video cycles through clips, all tinted with the same red effect: "Lt. Bradley," a Black man, looking commanding on the 1970s sci-fi series *UFO*; the spinning globe; Charles Moore's photographs from the 1963 Birmingham demonstrations. The video culminates in white text on a red field that asks *LOOKIN' AT THE WORLD LIKE, "WHERE DO WE GO?"* — a phrase from the Kendrick Lamar song "Alright" that Kiser's video takes its title and answers

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<sup>494</sup> The video, directed by Collin Tilley, is set in Los Angeles (the skyline of which appears at the title card) and visually depicts looming police brutality upon Black men. *To Pimp a Butterfly* sold over 100 million copies during 2015 and was the number one album in the US, UK, and Australia the week it was released. Keith Caulfield, "Kendrick Lamar Earns His First No. 1 Album on Billboard 200 Chart," *Billboard*, March 25, 2015, <https://www.billboard.com/articles/columns/chart-beat/6509621/kendrick-lamar-earns-first-no-1-album-billboard-200>.

itself: *BUT WE GON' BE ALRIGHT*, followed by footage of demonstrators with their hands up in Ferguson, suggesting a hope in the power of the social resistance that follows episodes of systemic, racist violence.

In the large central exhibition space, one large wall is filled with *Let 100 Flowers Bloom, Let 100 Schools of Thought Contend* (2007), an installation by Dread Scott comprising 100 black-and-white 8 x 10 inch photographs from “revolutions where the proletariat...was attempting to lead all of humanity to a classless communist world,” and 100 fresh, single stem flowers in vases on floating black ledges in front of each photograph.<sup>495</sup> Alongside, Charles E. William’s black-and-white figural paintings of Eric Garner and others, are neighbors to two large photographs of a 2014 performance by Dread Scott showing the artist straining against a blast of water from a high-pressure hose.

With his eyes closed and teeth bared and slightly parted in a grimace, Dread Scott’s expression suggests strain. It is unclear from these large pigment prints that his performance *On the Impossibility of Freedom in a Country Founded on Slavery and Genocide* was consensual. One image shows Dread Scott’s upper body from the front with arms outstretched, hands raised up in a gesture that evokes innocence or surrender—yet again, HANDS UP, DON’T SHOOT—as a jet of water, white with speed, hits him directly at his heart. This image was featured heavily in the McColl Center’s promotion of the *World is the Mirror of my Freedom* exhibition, on the website, in a seasonal programming brochure, and a postcard.<sup>496</sup> The second, exhibited alongside this photograph, shows the artist’s whole body nearly in profile and from more distance as he lunging forward off his bent left knee with his left arm raised in front of him as though protecting

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<sup>495</sup> According to the artist’s website, the photographs are from the Chinese Communist Revolution, the Paris Commune, and the Russian Revolution. Dread Scott, “Let 100 Flowers Blossom, Let 100 Schools of Thought Contend,” Works, Dread Scott, accessed May 20, 2018, <http://www.dreadscott.net/works/let-100-flowers-blossom-let-100-schools-of-thought-contend/>.

<sup>496</sup> “The World is a Mirror of My Freedom,” McColl Center for Art and Innovation, accessed April 11, 2019, <http://mccollcenter.org/events/the-world-is-a-mirror-of-my-freedom/169>.



his body from the water stream which hits him about chest-level. The image of a Black man in plainclothes targeted with an industrial water hose immediately evokes Charles Moore's iconic photographs documenting Birmingham police turning water hoses on demonstrators in Birmingham, AL published in *LIFE* magazine in May of 1963.<sup>497</sup> The artist explained on his website that the performance references the history of Birmingham "as a metaphor for a larger struggle for freedom and had inescapable references to present day struggles against racism, most recently witnessed on the streets of Ferguson, MO in response to the police murder of Michael Brown."<sup>498</sup> The performance that the photographs represent took place only once, from about 1:00 p.m. to 1:20 p.m. on Tuesday October 7, 2014, in front of an invited audience of 150 high school students from Gotham Professional Arts Academy (Bedford-Stuyvesant, Brooklyn) underneath the Manhattan Bridge archway in the Dumbo area of Brooklyn and was organized by More Art, a New York non-profit that supports public programs related to social justice.<sup>499</sup> The water hose operator was retired firefighter John Riker, who wore a full New York Fire Department uniform and helmet as he sprayed the hose at full capacity straight under the bridge as Dread Scott walked straight toward him.<sup>500</sup> One wonders if there would have been impediments, complications, threats, or even police intervention had Dread Scott's performance not been so clearly designated as art—replete with invitations, an event announcement on Facebook, crowd-control tape marking off viewing space, and its semi-protected location under the Manhattan Bridge.

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<sup>497</sup> "Ominous Spectacle in Birmingham," *LIFE Magazine*, May 17, 1963, accessed March 10, 2019, [https://books.google.com/books?id=2kgEAAAAMBAJ&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.com/books?id=2kgEAAAAMBAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false).

<sup>498</sup> Dread Scott, "On the Impossibility of Freedom in a Country Founded on Slavery and Genocide," Works, Dread Scott, accessed May 20, 2018, <https://www.dreadscott.net/works/impossibility-of-freedom/>.

<sup>499</sup> A description and short video of the performance are hosted on More Art's website. "On the Impossibility of Freedom in a Country on Slavery and Genocide," Projects, More Art, accessed March 10, 2019, <http://moreart.org/projects/dread-scott/>.

<sup>500</sup> For photographs documenting the performance, and the perspectives of Dread Scott, John Riker, and students in the audience, see Hrag Vartanian, "Dread Scott Enacts the Images of Oppression," *Hyperallergic* (blog), October 8, 2014, <https://hyperallergic.com/154181/dread-scott-enacts-the-images-of-oppression/>.

### 3.2.5 Dramatic Erasure and Visceral Live Presence: Shaun Leonardo

The photographs of Dread Scott are met, across the exhibition space with drawings by Shaun Leonardo (b. Queens, NYC 1979, active Brooklyn, NYC), images of Black men fallen in death, struggling under duress, and rising in triumph. As critic Patrick D. Wilson has suggested of Leonardo's oeuvre, each drawing "negotiates societal expectations of masculinity; achievement; [and] collective identity" in the rendering of hyper-developed musculature and episodes of aggression, opposition, or self-defense.

Not unlike his *Rodney King* erasure drawings, Leonardo's fragmented renderings of Michael Brown and Eric Garner haunt the exhibition in delicate charcoal, bookended by two of Leonardo's large drawings of athletes of color (boxers Héctor "Macho" Camacho, Jack Johnson, and a self-portrait wrestling) who charge the space with breathing, tenacious life. In each drawing, however, something is missing: a pugilist's opponent, the officers who restrained Eric Garner in a chokehold, Michael Brown's prostrate body. Leonardo leaves out major subjects yet they remain accounted for, their spaces held open with clean empty paper. Each missing agent still weighs heavily on the scene: in his self-portrait as a wrestler, Leonardo strains against an invisible opponent; the white tarp still ripples over the residual volume of Brown's missing body; Eric Garner raises his arms up in an attempt to remove himself from the choking arms of unseen officers.

For example, each drawing in *Eric Garner (drawings 1-6)* is of the same still from the eyewitness video. Leonardo depicts the same frame across six drawings, revealing a scene in gasps and gulps, a set of fragmented scenes made up of partial outlines and selective finish. In the McColl installation, the top left drawing shows a fully-rendered Garner and a tree-lined sidewalk in the background, while the officer's arms around Garner's neck and grabbing him

from behind are mere outlines “filled in” with blank paper. In the top center drawing, now we just see the background of a storefront directly behind Garner, who is now an outline, and the fully-rendered muscular arms of otherwise invisible officers, squeezed tight around Garner’s neck and shoulders. In another, all figures are outlined softly, undefiled, and with no background. In the final image at bottom right of the installation, Leonardo has carefully drawn the tree-lined sidewalk, but that is all. Individually, each rendering is marked by incompleteness and erasure. Together, the drawings signal the full event yet resist total resolution through their visual fragmentation, their diffusion a refusal to cohere into a manageable scene. Appearing to follow the logic of animation cells, they would seem to resolve into complete picture if layered atop each other; of course this is impossible because of the creamy opaque paper and there is no way to bring these visual elements closer together to make them, and thereby the event of Garner’s death, sensible. The presence of the entire suite is necessary to have a sense of the overall scene, but in the content’s dispersal, the viewer can neither visually nor mentally behold the entire scene at once.

The visual dispersal suggests Leonardo’s careful and repeated study as an essential part of making these works. Similarly, his gentle rendering, easy shifts in handling across drawings, and repetition across a set of compositions all insist upon our close looking. On the one hand, this functions to encourage aesthetic curiosity or contemplation: Leonardo’s fragmentation of the original image of Brown’s death across a number of drawings entreats our deeper engagement and investment of time with the artwork and us to account for all six of Leonardo’s drawings since one is unsatisfyingly incomplete. On the other hand, this cue to looking carefully is a pedagogical one, a slowing of time through visual diffusion that encourages looking closely and repeatedly at not only the drawing but its content, providing a model of how to better understand

the images the media broadcasts to us. What is included in the drawings is of course selective and based on Leonardo's perception, yet it still demonstrates a way of breaking down dense images and narratives, models a way of doing a visual analysis that can be mapped back onto our viewing of broadcast news. The artist explains the visual gaps in his work as him trying "to find space within the tragedies—literally space within the image where we're forced to continue to look and contemplate."<sup>501</sup>

Around the corner, one final suite of Leonardo's delicate charcoal renderings, distributed differently across three frames. The *Keith Lamont Scott (drawings 1-3)*, which were created specifically for this exhibition, bring the indeterminate violence in Kiser and Woodberry's Afro-Futurist epic back down to its contemporary, immediate, and local context. Leonardo translated across three drawings one moment before the shooting began as captured by the police dash-cam, footage screened with the headline "WARNING DISTURBING VIDEO" when it ran on CNN.<sup>502</sup> From left to right, the first drawing shows Keith Lamont Scott approaching the driver's side of this truck, his white ball cap's bill pointed to the right and indicating the direction of his gaze. Two-thirds of the drawing, the center and right side of the paper, are blank except for a set of parallel lines across the lower horizontal third of the paper, indicating a curb and sidewalk. These lines connect the three drawings which each show one third of the scene. The central panel shows Keith Lamont Scott's truck with its tailgate pointed toward us. The third drawing, concentrated on the right side of the composition, shows the object of Keith Lamont Scott's gaze: Officer Brentley Vinson who returns the look, his body oriented to the left with his arms raised, grasping a firearm with both hands before him at nearly eye-level, legs slightly bent and

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<sup>501</sup> McColl Center, "'I Can't Breathe,' by Shaun Leonardo, 2010 Artist-in-Residence," YouTube video, 3:07, April 7, 2017, [https://www.youtube.com/watch?v=nWcOJoXi\\_nA&feature=youtu.be](https://www.youtube.com/watch?v=nWcOJoXi_nA&feature=youtu.be).

<sup>502</sup> "First Video of Keith Lamont Scott Shooting Incident," *CNN*, September 23, 2016, <https://www.cnn.com/videos/justice/2016/09/23/charlotte-keith-lamont-scott-cell-video.cnn>.

wide. Taken together, a full scene comes into view only over a constant review of the three distinct and separate drawings. In Leonardo's careful but sketchy charcoal hand and white highlighting, the event as a whole is ungraspable, unable to be understood as a temporally unified event, and—like actual shooting event—forever resists comprehension in its suspension of logic which is visually demonstrated in Leonardo's pulling apart of the image. The drawings' proximity to an information table with resources to support discussions about race, violence, and activism with both children and adults, textures the exhibition with a sense of urgency: that there is something visitors can do to effect change, that that labor is difficult and perhaps not intuitive and, with many texts written by non-White authors, that it is essential to listen to people of color in talking about color.

In the titles *Keith Lamont Scott (drawings 1-3)*, *Eric Garner (drawings 1-6)*, *Michael Brown (drawings 1-6)*, the subject's full name is the title, unappended by descriptions of the scene or context, the crime or the officers involved. This naming locates the actual man's identity in the scene of his death, reinforcing the link already made concrete in media coverage. The title acknowledges the personal and individual identity of each man. In this way, the drawing suites stand in for the man himself: a corpus of drawings to surrogate a human corpus. Visually, each drawing includes the details specific to the death of each man—the chokehold that suffocated Eric Garner, Michael Brown gunned down in the middle of a street, an officer shielding himself behind a truck as he prepared to shoot an unsuspecting Keith Lamont Scott—emphasizing that these are not images of a nameless, generic Black man shot by an equally generic police officer, and are instead individual episodes within a larger epidemic. Leonardo resists interpretations that this is about police brutality in general through the specificity of the names in his titles—not unlike Charles E. Williams' approach to titles—and his visual insistence

on each case's details, a strategy that aligns with the *say his name* resistance chant used within the Movement for Black Lives. The second part of each title numbers the drawings, suggesting there may be more drawings that are not on display and conjuring the unsettling feeling that something—and someone—is missing (both Eric Garner and more of Leonardo's drawings on the subject), underlining that the scene/event in its entirety is unknowable.

Similar to the logic of John G. Hanhardt's screening of the Rodney King beating tape in the *93WB*, Leonardo shows images the public has already seen—probably over and over again—in a designated art space. Leonardo's selective presentation of formal elements in each drawing resonates with/replicates the selective dissemination of facts and control of information in news narratives (how events are covered/what is not covered at all). Claudia Rankine's description of the coverage of Michael Brown's very public death forcefully conveys how such images become seared into the minds of viewers, and inextricable from the memory of the victim:

After Brown was shot six times, twice in the head, his body was left facedown in the street by the police officers. Whatever their reasoning, by not moving Brown's corpse for four hours after his shooting, the police made mourning his death part of what it meant to take in the details of his story. No one could consider the facts of Michael Brown's interaction with the Ferguson police officer Darren Wilson without also thinking of the bullet-riddled body bleeding on the asphalt. It would be a mistake to presume that everyone who saw the image mourned Brown, but once exposed to it, a person had to decide whether his dead black body mattered enough to be mourned. (Another option, of course, is that it becomes a spectacle for white pornography: the dead body as an object that satisfies an illicit desire.<sup>503</sup>

Not a storyboard or progressive narrative, each series of drawings is instead iterative, both requiring and replicating the experience of memory as piecemeal, clear on some details but faded on others, and reliant on the viewer's memory of one drawing when looking at another in the suite. Leonardo makes absence into heavy presence through his deployment of ghostly, emphatically blank swaths of untouched paper that interrupt each carefully-rendered, detailed

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<sup>503</sup> Rankine, "On Racial Violence."

scene. Although erasure is itself a kind of violence, in Leonardo's drawings, it is one that is itself an act of resistance, a refusal to be complicit in the further or wholesale redistribution of Black suffering.

In addition to drawings, Leonardo's work is represented in *The World is A Mirror of My Freedom* by one live work entitled *I Can't Breathe*, a "self-defense" workshop that directly references Garner's final words in both its title and content. On their website, the McColl Center acknowledged *I Can't Breathe* to be "created in memory of Eric Garner"—whose last words became the title of the piece—as well as "Michael Brown, Akai Gurley, Ramarley Graham, Tamir Rice, Trayvon Martin, and countless others." The workshop was described as having "the form of a self-defense class," wherein participants would learn techniques that ranged "from purely pacifist, self-protective maneuvers—including how one may relieve the pressure of a chokehold—to more overt defensive strategies," but "participants do not learn offensive strikes or moves."<sup>504</sup>

On a grey March morning in Charlotte, North Carolina, the McColl Center hosted a "public-participatory workshop and performance" by Shaun Leonardo, a 2010 alumnus of the Center's artist residency.<sup>505</sup> The twelve participant spots for *I Can't Breathe*, as well as more than half the audience capacity (twenty-two out of forty), had been filled over a month in advance.<sup>506</sup> Between the rain and the St. Patrick's Day parade gathering along two sides of the McColl's building, however, *I Can't Breathe* ultimately became an intimate workshop with ten

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<sup>504</sup> Dedication from the event's webpage, "I Can't Breathe," Events, McColl Center for Art and Innovation, accessed February 2, 2017, <https://mccollcenter.org/events/i-cant-breathe-shaun-leonardo/185>.

<sup>505</sup> Leonardo was an artist-in-residence at the McColl Center January 11–March 22, 2010. "Alumni Artists in Residence," Artist Residency, McColl Center for Art and Innovation, accessed May 17, 2018, <https://mccollcenter.org/artists-in-residence/shaun-el-c-leonardo>.

<sup>506</sup> *I Can't Breathe* was scheduled on March 18, 2017 from 11:00am to 1:00pm. Attendance information provided in email to author dated Feb. 9, 2017, 18 audience spots remained and the 12 participant spots had already been filled. See <https://mccollcenter.org/events/i-cant-breathe-shaun-leonardo/185>, accessed February 2, 2017.

participants, some—like me, luckily—drawn from the audience, performing in front of about two dozen dedicated viewers.

After a brief introduction by Shaun Leonardo, participants were called to the large central space that is the Center’s primary gallery. Organized into pairs by the artist, they were then given the basic instruction for their participation: to be present with the gravity of the workshop and to try to not smile, laugh, or otherwise allow anxiety or nerves remove them, mentally or emotionally, from the task at hand. Throughout the workshop, Shaun demonstrates each maneuver and coaches the participant couples as they enact the four upper body maneuvers and take turns acting as the aggressor. From the start, Shaun informs us that what he teaches are real self-defensive moves—which will be considered resisting an arrest if used on an arresting officer, information which we are now responsible for—and, importantly, that nothing he can teach in the workshop is going to “entirely save you.”<sup>507</sup> He teaches us how to release ourselves, but not what to do after that (Run? Fight? It is not his role to teach us.)

The first maneuver shows us how to escape from being restrained at both wrists: by pulling our outstretched hands inward, then swiftly and forcefully arcing your arms up- and outward, the weakest part of the aggressor’s hold, their fingertips, is pressured and breaks. The moves were progressive in several senses, as though responding to an escalating threat, and increasing in complexity and physical intimacy. In the second hold the restrainee is grasped by the collar with two hands, and breaks free by bringing one arm down on the aggressor’s elbow while pushing them away by the shoulder with the restrainee’s other arm. In the third maneuver,

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<sup>507</sup> This is the script used in a previous performance of *I Can’t Breathe* at Smack Mellon in Brooklyn, New York, February 22, 2015, during the exhibition *RESPOND*. John Carluccio, Shaun Leonardo "I Can't Breathe," *RESPOND @ Smack Mellon, Brooklyn, NY*," YouTube video, 3:08, May 11, 2015, [https://www.youtube.com/watch?v=kC3\\_e25l3FE](https://www.youtube.com/watch?v=kC3_e25l3FE).



the doubled-over restrainee gets out of a headlock by pulling down on the arm around their neck and pushing the aggressor away by the face while the restrainee quickly lifts themselves upright.

As a workshop participant, it is easy to become fully engaged in learning and practicing the maneuvers with your assigned partner, who you've never met and to whom you cannot speak or emote directly. There's no ice-breaker between the two of you, the only getting-to-know-each-other is through touch during maneuvers—some familiar, mostly not—and becoming aware of your body and your stranger-partner's body, your shared responsibility to those bodies and what you learn of their strengths and weaknesses. You nod, quietly confirm the choreography or reassure their application of force: *You can grab harder. I think it's the other way. That seems right.* A few feet away, the silent and rapt audience watches the ten of you capture and release one another against the colorful backdrop of Dread Scott's *Let 100 Flowers Bloom, Let 100 Schools of Thought Contend* (2007). *I Can't Breathe* is surrounded by images of Black suffering and survival, protest and hope on all four sides. The title of the workshop and the images that surround it—Black men with their hands up or with open, empty, innocent palms, rendered in blacks and grays, in stops and starts—foreground police and community relationships as the essential topic, yet, as a participant, this context becomes gently less foregrounded as you become engrossed in following the moves well and thoroughly, as you feel the artist-pedagogue circling, observing and coaching you. It is hard focus on much more than on your own body, on Shaun's instructions and meeting them with full accuracy so you don't hurt yourself or your partner, even though none of us are using much strength in either the hold or the release.

Through the first three maneuvers—two of which are face-to-face with your partner—I follow the instructions carefully, trying to enact them correctly for the audience, to live up to Shaun's intentions, to be a “good” participant, trying to not injure but to teach my partner (whose

name I never learned), to bone-up on how to defend myself. Having regularly taken self-defense and martial arts classes, having been told my whole life by my dad that I should be ready to “defend” myself at any time, my thoughts went safely there, to the familiar concept of defending my 5’2” self: if you do these things, you will defend yourself. My university SAFE officers tell me that in an attack you won’t rise to the level of your expectations but you will fall to the level of your training. Self-defense courses are said to “empower” students, that knowledge of these moves constitutes preparation for (women) living in an uncertain world, to protect oneself against dangerous strangers (read: men). All but one of us participants generally appear to be women. It becomes easy to feel as though I am in that kind of situation, to think of helping my partner who is a woman, because she is a woman right in front of me, so she too can fall to the level of her training. Eric Garner’s palm, outstretched in agony, hovers apparitionally in white and grey in Charles E. Williams’s painting just behind her; I know it is there, but at some point I just see her.

From the start, *I Can’t Breathe* is an emphatic and legible response to an actual and specific homicide and its connection to a national epidemic of police related killings of unarmed, legally-armed, non-neurotypical African American/Black citizens. This is why I came here; I know why I am here. As I put myself into the spaces of the restrained and the restrainer, however, as much as I don’t forget this fact, the workshop as a physical exercise returns me to my body and to myself, my own points of relation to the maneuvers. I feel weighted as I take in what Shaun says, I enact it, I repeat it; I restrain my partner, I listen to the sounds of feet slipping on the concrete floor, to fabric brushing against fabric. I feel fully present with the group, with my partner, with Shaun, that what we are doing is sober and grave; this does not mean I am thinking of Eric Garner at each moment. This is not something I am aware of as it is happening.

Shaun explains that in the next and final exercise, he will not be teaching us how to release ourselves. This next hold will be a chokehold, and the only way to get out of it is to go “on the offense,” which he cannot teach us; he tells us this is not his role. What he will teach us is instead a technique to suspend the hold’s immediate threat by creating space so our windpipes aren’t swiftly crushed: he will show us how “to create just enough space so that you can breathe. All I want is for us to breathe, all I want is for a moment for us to breathe.” To demonstrate, another man bends his right arm around Shaun’s neck from behind, his forearm crossing Shaun’s throat. He rests his left arm on Shaun’s shoulder, grasps his own left bicep with his right hand then bends the left arm up, lifting his left forearm up to brace the arm pressing against Shaun’s throat. Finally the man places his left hand on top of Shaun’s head to lock him in, a gesture that appears strangely gentle or intimate. All of those assembled know this hold, a hold NYPD officers are barred from using, is the hold that suffocated Eric Garner—the scene depicted in the drawings hanging across the performance space—as he gasped out, eleven times, his final words: “I can’t breathe.”<sup>508</sup>

Shaun stands with his arms long and relaxed, his hands clasped in front while he is restrained from behind. As he explains the next part—that he will pressure the man’s forearm, take their bodies to the ground, and use his chin to protect his windpipe—he appears serious but not alarmed. When they are on their side on the ground, Shaun shifts his weight, presses his toes to the ground, lifts his hips to a crouching position which pressures but does not break the chokehold. The partners negotiate their tangle on the ground. Shaun pulls his chin toward his chest then carefully works it beneath the man’s forearm to press against it. Holding himself up in

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<sup>508</sup> “‘I Can’t Breathe’: Eric Garner Put in Chokehold by NYPD officer-Video,” *The Guardian*, December 4, 2014, video, 02:49, <https://www.theguardian.com/us-news/video/2014/dec/04/i-cant-breathe-eric-garner-chokehold-death-video>.

a kind of strained stasis with his partner, Shaun breathes for a few moments before he tapping the man's bicep, ending the exercise.

We regroup into our pairs and I start in the position of the restrained for this final maneuver. My partner places her arms into the instructed position, one resting on my left shoulder and the other in front of my neck. I go cold. She has not braced her hold or tightened her forearm against my throat, yet already this casual pressure on my breath sets off a rapid series of anxious and involuntary reactions: my hands immediately fly to her forearms to pull them apart; I suck air against the slight pressure on my throat; my mind is flooded with signals that I am in trouble. I am not in danger, which is something I thought I knew but it is certainly not something I feel. For this moment, I feel absolutely sure I am in danger. I know I am not in danger, I still feel I am; my mind cannot dissuade my body of its certainty. This is what it feels like to feel threatened. I am unsettled in waves: I become aware I will make my partner feel this way. She will suddenly feel my body as actually dangerous and I will actually become suddenly dangerous. With great clarity, I realize my body contains this awful power, the same power that the NYPD officer had and used when he choked Eric Garner to death. We release and rise up from the ground. I—nauseous, crying, panicked, already guilty—whisper to her “I am so sorry.” Her expression tells me she is not sure what I mean. She has no idea that her body has set off a panic in mine—that I have, without active thought, registered her weak hold as a legitimate threat to my safety. And that I am about to do the same to her. Which is why I am so sorry.

When I do place my arms on her shoulder and across her neck, she straightens, quickly undoes my hold with her hands and steps forward, out of position and breaking the instructions as though she too was not prepared. I can't tell if she has felt what I just felt, or if she thinks I have performed the hold incorrectly and therefore unsafely. We pause without talking about it,

then resume as Shaun circles back and gently guides us to the ground safely, talks my partner through her maneuvers so that she may breathe, determines when the exercise is done, and helps us both to our feet. This feels less and less of a demonstration of self-defensive tactics in response to a fatal history of police victimization of African Americans; more a demonstration of the uncomfortable but easy shifts between feeling vulnerable to being felt to be dangerous in one body.

We stand for the next section in which Shaun reads a script inspired by the words of Nina Simone. When we hear certain words, he instructs us, we are to respond by putting our partner in the hold of our choosing, one we feel responds in some way to the word, taking turns as the aggressor. We react to how we are grasped, trying to enact each maneuver so we can accurately and quickly release ourselves. For the final moments of *I Can't Breathe*, all five couples lock up again in the chokehold. I am the aggressor. One by one Shaun alerts each couple to drop to the floor. As he repeats "I can't breathe" eleven times, we lie on the concrete floor on our side. I cry with my eyes closed; I can feel her crying too. After what feels like forever, Shaun gently sets a hand on each couple to indicate that is time to rise.

No one says anything. We stand dumbly with arms crossed or hands on our hips, looking stunned at the ground, at each other, at Shaun. Another participant has raised her hands to cover her face while she cries, silent and standing. Attending slowly to each participant, he asks if each of us if we are ok, releases us to take a seat in the audience. My partner and I are the last ones on the performance space. Shaun hugs me and I sit. I lose track, forever, of my partner, and I sit with my arms around myself. Slowly returning to an awareness beyond just what has happened between my partner, Shaun, and myself, I sit in the silent audience, dizzy, and worried I will vomit. For a few minutes, we are all silent before the second hour of the event begins, a dialogue

between the artist and Charlotte-Mecklenberg Police officer, Captain (now Major) Mike Campagna. Of the course of their very earnest and civil conversation, Leonardo asks Campagna questions that ask him to think of police protocol from the perspective of people of color, underserved and marginalized communities, and those whose identities match the demographics most represented in prisons; Campagna asks Leonardo questions that ask him to consider the safety of the officer and the community, the urgency and immediacy of police response, and the ways in which officers are people within the community as well. It is the conversation one might imagine would take place between a decorated police officer and an Afro-Latino artist/athlete/pedagogue following such a workshop.

If in his drawings, Leonardo re-presences the victims of police violence through visual loss and erasure, in *I Can't Breathe* he returns them to the world through the bodies, movements, gathering, and affective experience of the participants. In an interview recorded by the McColl Center on the occasion of *I Can't Breathe*, Leonardo described the workshop as a “piece that is framed as a self-defense workshop” but that is the “embodiment” of tragedies where, as viewer and/or participant, “you’re forced to sit back and really understand...through unpacking these tragedies and returning some level of complexity” to the victims and their stories. Through these embodied situations, Leonardo says “I feel I’m doing justice to these bodies lost” by having “the memory live somewhere else, and allow[ing] it to force us into a more productive place.” Of the trauma of Eric Garner’s death in particular, the artist describes the effect of *I Can't Breathe*: “all of sudden [the trauma] starts to be placed somewhere else, you wear it differently...[and] once you feel that pressure, or that you see it in real space and real time, that you cannot go away

feeling and thinking about that tragedy in the same way.”<sup>509</sup> By putting our bodies into situations that bear symbolic reference to, or are marked by, Black trauma and suffering, that trauma is not simply looked at, and consumed through that looking. Those are the same processes through which non-Black viewers encounter Black suffering on the news, which is to say, that simply looking at the images does not collapse the distance between victim and viewer, or translate the experience so it can be understood differently; as an image that is looked at, it might remain as a spectacle, as distant, and, at worst as Rankine says, as a kind of pornography. By activating the body and inserting the participant into situations that clearly and viscerally—but not fully—draw on police victimizations of Black citizens, the trauma is opened up slightly but enough to that participant in a way that some distance is shortened, that the trauma feels more shared.

This is not to say that experiences such as *I Can't Breathe* approximate or reenact Garner's experience; neither Leonardo nor I suggest that would be ethical or even possible, given that the participants each carry with them their own and unknowable racialized, ethnic, and/or gendered identities, and their associated privileges and/or traumas. Instead, this is more to Joselit's point in "Material Witness," that post-Conceptual art—here, embodied, live, based in social experience—as an “elusive alternate space for consuming information” that may “present opportunities for those who, like Garner, cannot command presence in official forums”<sup>510</sup> such as in police interactions and grand jury proceedings. *I Can't Breathe* can be seen as a compelling example of that other “kind of space, beyond or beside democratic forums” that art can occupy, where Leonardo can insist “on the right and capacity to decide how information is consumed” along with the viewer-participants. In *I Can't Breathe* information about Garner, his death,

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<sup>509</sup> All quote this paragraph, Leonardo speaking on the video documenting *I Can't Breathe* at the McColl Center. McColl Center, “I Can't Breathe.”

<sup>510</sup> Joselit, “Material Witness,” 205.

officer Pantaleo, the partial account of the video and the news media—all of it—is not just consumed by the participants according to the artist’s terms outside of the mainstream media and law enforcement narratives, but it is consumed through the body and its physical movement, and expelled at the same time, re-producing it anew for themselves and for the viewing audience through an embodied choreography that takes up, in part, the circumstances of radicalized victimization, all in a conceptual and physical space outside of what they have read or seen in the news.

Even still, and with Leonardo’s empathic, thoughtful care taken in how to approach the memory of Garner in his final moments, honor the experiences of his unknown participants, and foster civil and productive dialogue between law enforcement and traumatized communities, it remains important to ask: if Leonardo had hosted the *I Can’t Breathe* workshop outside of the protected, designated art space of places like the McColl Center, would the workshop have proceeded as designed? Which is to say, *I Can’t Breathe* is an event where a group of people are instructed in how to maneuver out of various police restraint techniques by a heavily-muscled man who is legibly of color, all while saying the recognizable refrain associated not just with Garner but with controversial Black Lives Matter demonstrations. If that event was taken outside of an arts institution, without warning or permits or ticketed attendance, would Leonardo and the participants remained so safe? Or, are live and unannounced artistic performances in the vein of Ana Mendieta and Asco now untenable for artists of color, given the increased militarization of municipal police, and the ability of “concerned citizens” to report unusual events at any second through omnipresent cell phones?



### 3.2.6 History Repeats in the “2017 Whitney Biennial”

The 2017 Whitney Biennial (*2017WB*) (March 17–June 11, 2017), for its legibly diverse roster of artists and visible leaning toward the political, drew comparisons to the *93WB*: Peter Plagens called it “a kind of ‘Masterpiece Theatre’ version of the infamous 1993 (‘I Can’t Imagine Ever Wanting to be White’) edition” for being “decorously political while at the same time good-looking.”<sup>511</sup> Plagens, as well as critic Jennifer Samet, reference the amount and quality of painting in the *2017WB* as a primary reason that the exhibition was more successful than its similarly “political” 1993 counterpart.<sup>512</sup> Plagens continues his positive description by noting a handful of “quite good” painters to look out for, including Henry Taylor and the “dependable Dana Schutz.” That Plagens brings together Taylor and Schutz in the same sentence for their strength as painters makes sense, as both artist work in bright color on large canvases, amplifying scenes of American life—as seen from their respective communities—to the scale of History Painting. Plagens leaves out, however, that in the works on view in the *2017WB*, both artists depict dead or dying young Black men, their deaths inextricably related to, or explicitly because of, their Blackness and killed by authorized or self-authorized agents who saw themselves to be charged with maintaining “justice”: Taylor paints the moment Philando Castile was fatally shot in his car by St. Anthony, Minnesota police officer Jeronimo Yanez during a routine traffic stop; Schutz paints the brutalized body of Emmett Till as he laid in his casket at his Chicago funeral, the 14-year-old African American boy who was tortured and lynched for

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<sup>511</sup> Peter Plagens, “Whitney Biennial 2017 Review: Aesthetics Are Alive Downtown,” *The Wall Street Journal*, March 13, 2017, <https://www.wsj.com/articles/whitney-biennial-2017-review-aesthetics-are-alive-downtown-1489430899>

<sup>512</sup> Plagens links it to the WMAA’s new building: “painting finally no longer has to fight for survival against the sounds and vibrating walls of nearby installations.” Plagens, “Whitney Biennial 2017 Review.”

supposedly flirting with a White woman store clerk when he was visiting Money, Mississippi in 1955.

Dana Schutz (b. 1976, Livonia, MI; active Brooklyn, NY) exhibited three paintings in the 2017WB, each representative of her signature large-scale, chromatically vibrant, nightmarishly distorted, figural paintings. *Open Casket* is vibrantly, disturbingly colorful, with a flat but shiny color-blocking over the right half of the canvas in white and black paint to suggest his pressed suit. The yellow pillow beneath his head on the left side and the flowers dotting the top of the canvas, are bright in color and energetic in texture. The surface of Till's painted face is charged and nearly moving with visible brushstrokes that zip and swirl across the canvas, creating the contours of Till's face in shades of brown, black, white, yellow, green, and red. The paint accrues here, applied thickly and built up as though with palette knife and an excessive amount of paint, sculpted into position. Till's face literally swells several inches of the surface of the canvas. A thick rectangular notch is where his mouth would be, sliced out after the layers of oil paint dried. The color and its application are both compelling and repelling, as though the painter intended to make the image aesthetically beautiful in paint handling and texture, and allowed only the content—not the form—to be interpreted as horrifying, with no reconciliation between the what the painting looked like (too pretty) with what it meant or depicted (absolutely horrifying racist brutality). The disconnect is jarring, and there is no guidance as to whether it is an intentional seduction then repulsion. Although the face is messy and sharp and abstracted as though its features are sliding off the face, it is not the swollen, discolored, disfigurement that made Till not just unrecognizable as himself, but unrecognizable as a young man, as shown in the original photographs. Schutz's painterly treatment makes Till's known mutilation into surface interest, play between color and finish, gestural brushstroke and flat, smooth palette knife. In a

word, it seems intentionally pretty, a tone-deaf and serious offense considering that Mamie Till-Bradley opened the casket on her son's brutalized body to "show the world" how racist violence mangled and horribly disfigured her beautiful son.

The WMAA's Audio Guide for Schutz's *Open Casket* opens with the artist introducing herself, then explaining the painting is "roughly based on the story of Emmett Till," and then another female voice narrates a very brief version of Till's death, continuing that Schutz "did not simply copy" the original photograph of "Till's mutilated body lying in his coffin...but instead she *responded* to it, thinking in paint about that image today, after the killings of Trayvon Martin and other young Black men."<sup>513</sup> In Schutz's own voice and words, she describes it as "my initial impulse was mainly I was just struck by how horrible that would be for the mother, and also this image that everything about it is something that's supposed to be *not* seen, her bravery in making something visible...or to transform it, to turn it into something positive so it's not an invisible thing that disappears. I didn't know if I should paint it, 'cause it's like, who does this picture belong to? Does it belong to the mother?...it belongs to all of us as an American image. She kind of gave it to everybody." The narrative of the Audio Guide denies the literalness or appropriation of Till's image and his suffering, suggesting that the image Schutz painted is an artist's interpretation or re-thinking "in paint" of the original, horrific photograph—despite the visual similarities between *Open Casket* and the photograph of Till in his casket as published in *JET* magazine.

Early reviews, such as Plagen's and Roberta Smith's, did not hint at the impending criticism for the inclusion of *Open Casket*: making a comparison to the large Schutz painting *Elevator* installed near the main entrance of the exhibition on the WMAA's fifth floor: "Two

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<sup>513</sup> Dana Schutz, "518: Dana Schutz," Audio Guides, Whitney Biennial 2017, Whitney Museum of American Art, accessed March 24, 2019, <https://whitney.org/audio-guides/40?language=english&type=general&night=false&stop=23>.

smaller Schutz works here are stronger: ‘Shame,’ a study in contorted female self-loathing, and especially ‘Open Casket,’ based on a famous photograph of Emmett Till, young, murdered and disfigured, in his coffin. Ms. Schutz doesn’t picture his wounds as much as the pain of looking at them.”<sup>514</sup> Smith side-steps the idea of “whose pain” and accusations that Schutz is seeking to benefit from Black suffering, by locating the pain not in Till’s body and experience, but in the spectator.

Recorded in advance of the March 17, 2017 opening of the *2017WB*, Schutz’s explanation on the Audio Guide that she thought of Till’s story from the perspective of his mother Mamie Till-Bradley was repeated as the painting became the object of high-profile scrutiny and in-gallery protests. Days after the exhibition opened, photographs of artist Parker Bright standing in front of the painting in protest wearing a grey tee-shirt with BLACK DEATH SPECTACLE and been quickly and widely distributed on social media and online art reporting.<sup>515</sup> Artist and writer Hannah Black, an alumna of the Whitney’s Independent Study Program (2013-4) posted an open letter to the WMAA’s curatorial staff, asking them to “remove” the painting “and with great recommendation that the painting be destroyed and not entered into any market or museum.” Black continues, “in brief: the painting should not be acceptable to anyone who cares or pretends to care about Black people because it is not acceptable for a white person to transmute Black suffering into profit and fun, though the practice has been normalized for a long time.” Black argues that the subject matter is actually not Schutz’s to use, advising that non-Black artists who “wish to highlight the shameful nature of

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<sup>514</sup> Roberta Smith, “Why the Whitney’s Humanist, Pro-Diversity Biennial is a Revelation,” *New York Times* (online), March 16, 2017, <https://www.nytimes.com/2017/03/16/arts/design/why-the-whitneys-humanist-pro-diversity-biennial-is-a-revelation.html>.

<sup>515</sup> Alex Greenberger, “‘The Painting Must Go’: Hannah Black Pens Open Letter to the Whitney About Controversial Biennial Work,” *ARTnews*, March 21, 2017, <http://www.artnews.com/2017/03/21/the-painting-must-go-hannah-black-pens-open-letter-to-the-whitney-about-controversial-biennial-work/>.

white violence should first of all stop treating Black pain as raw material.”<sup>516</sup> The debate over who has the right to create work based on images of the suffering of others took place across social media and online arts platforms. Artist Coco Fusco published an opinion piece criticizing censorship of Schutz and the WMAA.<sup>517</sup> Fusco’s piece was followed by Members of the National Academy—including Dread Scott, Marina Abramovic, Ann Hamilton, and Catherine Opie—wrote an open letter in support of Schutz and institutions exhibiting her work, on the basis of artistic free speech and resisting censorship.<sup>518</sup>

The painting remained up, with an updated wall tag that acknowledged the controversy as well as the WMAA’s official position. The updated wall tag that attended the painting in the gallery reiterated the story of Till’s death and stated that “since the opening of the Biennial, this painting has been at the center of heated debate around questions of cultural appropriation, the ethics of representation, the political efficacy of painting, and the possibilities or limitations of empathy” and that its inclusion in the exhibition “reflects on the ongoing fact of radicalized violence in the United States, and stems from the curator’s belief that the Whitney, as a museum of American art, must engage this enduring history, and that art is critical to this conversation.” A letter signed by Schutz was also added to the installation after the criticism began reiterated the distinction between the documentary photograph and her painting, relied on a mother’s grief and decision to publish the photographs as her entry point:

Mamie Till-Bradley, in her act of leaving the casket open, I believe, wanted her son’s death to be America’s pain. The painting is not the photograph of Emmett Till, and it was never intended to be...More than the photograph...I relied on listening to Mamie Till-Bradley’s verbal account of seeing her son, which oscillates between memory and observation. I thought of this as a social painting.

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<sup>516</sup> Hannah Black’s letter was reprinted in Greenberger, ““The Painting Must Go.””

<sup>517</sup> Coco Fusco, “Censorship, Not the Painting, Must Go: On Dana Schutz’s Image of Emmett Till,” *Hyperallergic* (blog), March 27, 2017, <https://hyperallergic.com/368290/censorship-not-the-painting-must-go-on-dana-schutzs-image-of-emmett-till/>.

<sup>518</sup> Henri Neuendorf, “Coming to Dana Schutz’s Defense, Cindy Sherman and Other Artists Pen an Open Letter to Her Critics,” *artnet*, August 4, 2017, <https://news.artnet.com/exhibitions/dana-schutz-defend-open-letter-1042361>.

This happened in America, and it's still happening. This painting was never for sale and never will be.<sup>519</sup>

In both accounts, Schutz suggests the image of Till in his coffin was “given” to “us,” the American public by his mother as receipt of the country’s racist brutality and a spur that we reckon with it, and thereby allows her, as an American, to take ownership of it, which Schutz does in her act of painting, while also redistributing blame. The “us” or “we” who receives photographs of Till’s dead body as an “American image” must be scrutinized. As Susan Sontag wrote in *Regarding the Pain of Others*, “No ‘we’ should be taken for granted when the subject is looking at other people’s pain.”<sup>520</sup> Mothers’ grief in general may be an experience outside of or intersecting with racial identity and community, but this mother and this death in particular seem inextricably bound up with race, given that this is the reason her son died and that she must grieve.<sup>521</sup>

For *Hyperallergic* Jennifer Samet reviewed only the paintings in the exhibition and linked Schutz and Henry Taylor again as examples of “stand out” figurative painters whose work is “transcendent” among the otherwise “on message” painting selection of the 2017WB curators, Christopher Lew and Mia Locks. Samet notes that the overall exhibition focuses on pressing issues such as “police brutality...gun violence...and hate crime,” that Till in his casket is a “symbol of injustice,” and that Taylor “shows the fatal shooting of Philando Castile,” yet she does not actually link these artworks as both contributing—or not—to what was then a raging national preoccupation about the value of Black Lives in the United States.

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<sup>519</sup> Dana Schutz, additional wall tag attending *Open Casket* in the 2017WB.

<sup>520</sup> Sontag, 7.

<sup>521</sup> For an assessment of how the WMAA handled the Schutz controversy in a broader context of problematic exhibitions in major art institutions, from the perspective of a scholar-consultant at the WMAA, see Aruna D’Souza, *Whitewalling: Art, Race & Protest in 3 Acts* (New York: Badlands Unlimited, 2018).

A big painting done in bright flat color, *THE TIMES THAY AINT A CHANGING, FAST ENOUGH!* (2017) is Henry Taylor's (b. 1958, Oxnard, CA; active Los Angeles) conjuring of Philando Castile's death from the perspective of his girlfriend Diamond Reynolds who recorded the video through the reverse-facing (or "selfie") camera lens on her phone as she sat in the passenger seat.<sup>522</sup> The perspective on the video, and in the painting, appear like backwards or mirror space, seeming to reverse the positions of driver and passenger; the space is strangely and unsettlingly dreamy, with saturated mustard yellow seen through (or as?) the car's window panes. Through the backseat window, a small square of light blue and a soft-edged white form suggest a peeking through of sky—a dramatic abbreviation of the outside world, of the world we share with this scene, of potential witnesses, blocked in on all sides by the dark interior of the car or the oppressive mustard background, emphasizing the world-ending action of the officer or the evaporation of the world that Castile was experiencing in that moment. Light and bright against the mustard sky and the black of his uniform, the officer's arm reaches into the car holding a blocky black gun; his flesh is light and pink, not exactly matching the complexion of Officer Yanez, who is Latino/x, but emphasizing at least a difference in the two figures' complexions. The original image, a printout of which Taylor used as his source image as seen in a video documenting a studio visit, shows Castile's chest covered in bright red blood.<sup>523</sup> Taylor's painting, however, shows Castile, thrown back by the shots, his arms grasping his waist, his head back in pain as recorded in Reynolds's video, however, his T-shirt remains white with little drips

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<sup>522</sup> Diamond Reynolds streamed the video in real time via Facebook Live. The graphic video is archived in Jessica McBride, "WATCH: Falcon Heights, Minnesota Police Shooting Facebook Live Video [WARNING: GRAPHIC]," *Heavy*, July 12, 2016, <https://heavy.com/news/2016/07/falcon-heights-minnesota-police-shooting-lavish-reynolds-facebook-live-video-watch-uncensored-shooting-youtube-shot-by-police/>.

<sup>523</sup> Henry Taylor, "Whitney Biennial 2017: Henry Taylor," Watch & Listen, Whitney Museum of American Art, accessed March 16, 2019, <https://whitney.org/WatchAndListen/519?series=51>.

and dashes of mustard yellow and royal blue paint all over his shirt, pants, and bare arms, neck, and the car seat.

In her review, Samet focuses not on the painting's content of Castile's killing, but its formal qualities, noting "it's also a fierce color composition—the deep blue window frames, mustard yellow window, the green car interior." Then she continues to speak directly about his skin color and his dying, also in formal terms, "the dark skin of Castile pitched back in his seat, his lifeless, open eye, and his white T-shirt—spattered, poignantly, not with blood, but with blue and yellow drips of acrylic paint. With those drips," Samet suggests, "Taylor makes the case of painting as an enduring visual symbol, one that can transcend the illustration of this moment in time."<sup>524</sup> Samet is right in that this is a great painting, that Taylor is indeed a master of color, form, scale, and message, yet the reviewer does not clarify why this painting—of the four other Taylor paintings on view, none of which depict a Black man being killed—is somehow open to formalist interpretations on the medium of painting and its capacity for symbolic meaning, more so that it is for a discussion of its content. Samet's review tries to make Taylor's painting into something other than an interrogation of Castile's very real death and many like his, and invective of a mainstream American culture that undervalues the lives of Black men by doing nothing to stop the bleeding. Beyond an interest in painting as symbolic practice and color experimentation, perhaps the mustard yellow and blue drips of paint across Castile's white T-shirt, which match the color of the sky depicted through the car's windows, instead show the sky literally falling in on Castile, and/or that painting the "blood" from the seven bullets that pierced

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<sup>524</sup> Jennifer Samet, "Painting on Message at the 2017 Whitney Biennial," *Hyperallergic* (blog), March 18, 2017, <https://hyperallergic.com/366084/painting-on-message-at-the-2017-whitney-biennial/>.



his body—two of which were fatal hits in the chest<sup>525</sup>—would actually be a distraction from the scene, would flatten the complexity of Taylor’s painting to graphic death, and replicating the gore and spectacle that attends the media coverage of such killings. Where Schutz’s color and paint handling show an attempt at beauty across the disfigured face of Emmett Till, Taylor’s subtle drips of color and lack of red blood do not make the painting beautiful so much as they make the scene only a little less jarring—both in content and color relationships—in order to actually see it, to look at it for substantial periods of time. While not playing into a spectacular display of gore, Taylor also does not lose the violence and horror of the event by not depicting a large quantity of blood in red paint: the wide and flattening eye and slumping posture, from our perspective inside the car—we too are passengers here—is enough of convey the inexplicable nature of Castile’s slaying. Importantly, the body of Officer Yanez and his gun are part of the scene; Taylor, unlike Schutz, does not so much show Castile as a Black *victim* so much as he shows—through the emphatic arm of Yanez—the police officer’s *victimization* of Castile.

As with the image of Rodney King’s beating in the 93WB, there were no remarkable, documented protests surrounding Taylor’s painting of Black suffering, of Castile’s final moments through the eyes of Reynolds.<sup>526</sup> How do we interpret the WMAA’s role in the exhibition of both Taylor and Schutz’s work, and especially their response to the heated and very public criticism they received for installing *Open Casket*? When the WMAA declined to remove

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<sup>525</sup> Chao Xiong, “Expert: Jeronimo Yanez’s Actions in Killing Philando Castile Were ‘Objectively Unreasonable,’” *Star Tribune* (Minneapolis), June 7, 2017, <http://www.startribune.com/use-of-force-experts-expected-to-take-the-stand-in-jeronimo-yanez-trial-for-philando-castile-shooting/427033361/>.

<sup>526</sup> Controversy did, however, surround Luke Willis Thompson for his black-and-white silent video portrait of Diamond Reynolds, *Autoportrait* (2017). Thompson, who identifies as “black” and works in New Zealand, is of Fijian and European decent. He was criticized at the time he was nominated for the Turner Prize by an artist collective BBZ London who believes Thompson is white-appearing and not of the African diaspora and therefore should not have created the video installation that centers on Reynolds and her grief, even though she consented and willingly participated in the creation of the video, and on whose suffering, the collective argues, Thompson is exploiting for his own gain (the Turner prize carries a large financial prize). See “‘Black Pain is Not For Profit’: Activists Protest Luke Willis Thompson’s Turner Prize Nomination,” *Artforum*, September 25, 2017, <https://www.artforum.com/news/black-pain-is-not-for-profit-activists-protest-luke-willis-thompson-s-turner-prize-nomination-76784>.

the painting as a refusal to censor the artist, curators, and institution, and allowing protests inside the museum, all while maintaining their valuation of the artwork, do their actions provide a useful example of the 21<sup>st</sup>-century American museum, one that is responsive to its community? Who is that community in the first place (Hannah Black? Coco Fusco?)? Or is all of this an example of damage control and response to a situation (which they had a part in creating)? Or do we expect the responsive, forward-thinking, and inclusive museum to be one that does not include works like Schutz's—a White artist depicting Black victimization in a style equally graphic and sumptuous—in the first place?

## 4.0 Epilogue

At the time of this writing, the city I live in is preparing itself for “possible unrest” connected to a criminal homicide trial of Michael Rosfeld, the East Pittsburgh police officer who shot and killed Antwon Rose II, a seventeen-year-old African American youth, last summer.<sup>527</sup> Rose is yet another unarmed Black young man, whose shooting death by a White police officer was captured on video, posted to Facebook, and is now a major piece of evidence for a jury who will be asked whether Rosfeld was within his rights as an officer when he shot Rose. The Pittsburgh Police Department has closed downtown streets, as well as started (re)training officers in “crowd control,” how to “explain their actions” to the public, and how to use the new riot gear they purchased last August in anticipation of the trial.<sup>528</sup>

This morning, the stories of early protests and downtown’s preparations for an unknown public reaction ran alongside reports that White Nationalist groups have been increasing recruiting across the western US, especially on school campuses.<sup>529</sup> This news only bolsters the recent data that in the US, hate crimes have been steadily on the rise over the past few years,<sup>530</sup> groups in the US rose 30 percent over just the past four years,<sup>531</sup> and in particular “White

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<sup>527</sup> Shelly Bradbury and Andrew Goldstein “Woodland Hills Student Shot and Killed by Police in East Pittsburgh,” *Pittsburgh Post-Gazette*, June 19, 2018, <https://www.post-gazette.com/news/crime-courts/2018/06/19/North-Braddock-East-Pittsburgh-officer-involved-shooting/stories/201806190176>.

<sup>528</sup> Paula Reed and Shelly Bradbury, “Law Enforcement Agencies Prepare for Rosfeld Trial,” *Pittsburgh Post-Gazette*, March 18, 2019, <https://www.post-gazette.com/news/crime-courts/2019/03/18/Pittsburgh-Allegheny-County-Antwon-Rose-Michael-Rosfeld-trial-protest-law-enforcement-preparations/stories/201903170104>.

<sup>529</sup> Nate Hegyi, “White Nationalist Groups Increase Recruiting and Propaganda Across the West,” *National Public Radio*, March 19, 2019, <https://www.npr.org/2019/03/19/704586335/white-nationalist-groups-increase-recruiting-and-propaganda-across-the-west>.

<sup>530</sup> Dakin Andone and Emanuella Grinberg, “Hater Crimes are Rising, Regardless of Jussie Smollett’s Case. Here’s Why,” *CNN*, February 21, 2019, <https://www.cnn.com/2019/02/21/us/hate-crimes-rising-jussie-smollett/index.html>.

<sup>531</sup> Leila Fadel, “U.S. Hate Groups Rose 30 Percent in Recent Years, Watchdog Group Reports,” *National Public Radio*, February 20, 2019, <https://www.npr.org/2019/02/20/696217158/u-s-hate-groups-rose-sharply-in-recent-years-watchdog-group-reports>.

nationalist groups surged” in 2018 as White supremacy in general “flourishes amid fears of immigration and the nation’s shifting demographics.”<sup>532</sup> Over the course of writing this dissertation, that radicalization reached some of its fullest expression when, in October 2018, a White nationalist committed the largest anti-Semitic massacre in US history at the Tree of Life – Or L'Simcha Congregation, less than a mile-and-a-half from my home.<sup>533</sup>

There is little space for processing each event of violence before the next pops up on the newsfeed, and a great need for not only more breathing room between incidents of violence, but also alternative and productive modes of processing these kinds of events. The artists I have detailed in this study—especially Shaun Leonardo, Ana Mendieta, Dread Scott, and Suzanne Lacy—offer such alternative forms of mediation in their intermedia, public or community-based artworks. These artists and their collaborators hold open spaces between the actual experience of a violent event and the news reporting of that event. At times consciousness-raising through public pedagogy and data as in the work of Lacy; or through jarring affective experiences like those staged by Mendieta; or in being guided through, with an affective ambivalence, both sides of an unarmed civilian and police interaction by Leonardo, these live, body-based works are essential spaces of mediating complex effects of identity-based violence.

Over these three case studies, I have shown the ways in which women, African American, Afro-Latinx, and Latinx artists since the 1970s have performed, staged, or recreated scenes of violence as a means of making visible, palpable, and inescapable the effects of the real victimization their communities disproportionately face. These artists are examples of a broader strategy since the 1970s of implying or staging violence against the marginalized communities

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<sup>532</sup> Heidi Beirich, “The Year in Hate: Rage Against Change,” *Intelligence Report*, Spring 2019, <https://www.splcenter.org/fighting-hate/intelligence-report/2019/year-hate-rage-against-change>.

<sup>533</sup> The shooter Robert Bowers is reported to have espoused anti-Semitic views and believed in a theory of White genocide. Dakin Andone et al., “Hate Crime Charges Filed in Pittsburgh Synagogue Shooting That Left 11 Dead,” *CNN*, October 29, 2018, <https://www.cnn.com/2018/10/27/us/pittsburgh-synagogue-active-shooter/index.html>.

with which the artists identify as an activist and aesthetic strategy for democratic engagement. Through a presencing of the marginalized community through a variety of media, especially embodied live performances, artists take up and re-deploy violence as a challenge to stereotypes about their communities, to challenge their own historical exclusion from mainstream art networks, and to open up space for viewers to confront violence anew. Their challenging and powerful work shows how violence is not just the prerogative of the powerful, a mechanism by which they are oppressed, but it is a flexible tool they too can operate as a means of democratic engagement in a culture shaped by discriminatory attitudes about race and gender, and in the face of biased representations in popular, news, and social media.

Because I see the works detailed throughout this dissertation as hard-fought enactments of democratic engagement, I have brought approaches to bear on these works that would amplify the voices of the artists, their collaborators and participants, curators, and viewers of the work, and make visible the traumatic condition of women and people of color in the US who feel themselves to be constantly personally threatened by the contexts of American gun culture, rape culture and misogyny, racism and precariousness: intersectional feminism, “Third World” or women/people of color feminism, critical race theories, careful historical contextualization within a broader visual and media culture, as well as remaining consciously open for difficult artworks to do their affective, political, and generative work, following the examples of Jennifer Doyle and Maggie Nelson. This constellation of approaches and the theory of Permanent Potential Victimhood can be extended to a wider range of contemporary art in the United States as issues of identity, safety, and citizenship weight heavily on the minds of artists, politicians, and citizens. I extend these approaches to additional artworks that take up the intersecting issues

of racial identity, democracy and freedom in the context of an obsessive gun culture and Second Amendment debates.

I want to return to Jordan Wolfson's virtual reality video *Real violence*, the artwork that I opened this dissertation with, and think again about the artwork and how the artist and the Whitney Museum of American Art described it in light of the ideas and theories I have advanced over the course of this study. Wolfson's statement that he deployed violence as a "distortion that lets you hypothetically look at violence anew," remains problematic in my view.<sup>534</sup> Perhaps more difficult is the sentiment in the wall text that attended *Real violence* in the gallery, that "Wolfson is interested in violence as a rupture or distortion of our everyday consciousness. Presented as it is here with no motive or backstory, the assault is almost a distillation of pure intensity." I maintain that these ideas about violence remain problematic for their de-contextualized and narrow views on violence, and who is most affected by violence, in the United States, but agree that we should reassess and think about violence "anew." I suggest, however, that Wolfson's focus on random, unlikely violence just further glamorizes or fetishizes violence, and disconnects it from our serious thinking about how violence actually operates and impacts real people, physically, psychologically, and emotionally. I have suggested that in their work artists such as Ana Mendieta, Harry Gamboa Jr., and Shaun Leonardo sought to similarly conjure affective experiences in viewers, inspiring upsetting feelings on the spectrum of fear, anxiety, and grief in order to have viewers think about the depicted violence against marginalized people in a new way. Instead of only understanding violence in the abstract, and as it relates to the safest of all demographics in the United States, I suggest that we instead follow the artists who have sought to "rupture" our everyday consciousness from the opposite

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<sup>534</sup> "612: Jordan Wolfson," Audio Guides, Whitney Biennial 2017, Whitney.org, accessed March 24, 2019, <https://whitney.org/audio-guides/40?language=english&type=general&night=false&stop=44>.

perspective, by bringing us into scenes of violence from the perspective of the victim. Rather than being scenes of “violence,” they are scenes of “victimization,” externalizing the event from the perspective of a person who occupies an at-risk, marginalized, and precarious community on the basis of their identity.

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