

# Art in America

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# Perils of Public Art: Art vs. Religion & Commerce



Dennis Oppenheim's *Device to Root Out Evil* at the 1997 Venice Biennale.

In two recent cases, public artworks have been at odds with religion and the almighty dollar. At Stanford University, plans to acquire a work by Dennis Oppenheim were recently thwarted due to religious sensitivities. The 25-foot-tall sculpture, *Device to Root Out Evil*, depicts an upside-down church, its steeple wedged into the ground. The work was initially shown at the 1997 Venice Biennale and was later acquired by the Denver Art Museum; a second version is in a private collection. The third

version was set to be installed on the Stanford campus, until university president John Hennessy rejected the acquisition on the advice of the school's dean for religious life, Reverend Scotty McLennan, who expressed concerns over what he saw as a potentially inflammatory work.

The university's Cantor Center for Visual Arts agreed to purchase the work in 2002, and it was approved by the president's panel on outdoor art, the group responsible for the acquisition and management of more than 70 sculptures on campus. Oppenheim—who received his MFA from Stanford in 1965—told the local press that the sculpture has been completed and that he is out at least \$100,000 in expenses. He claims that the sculpture is not an attack on any religion but an exploration of formal links between architecture and sculpture, which is a common theme in his work. In 2003, plans for another public work by the artist were canceled for similar reasons. For the Milwaukee airport, Oppenheim had designed *Blue Shirt*, but the project was scrapped by government officials who thought local residents might be offended by the work's alleged reference to the city's blue-collar image [see "Artworld," Apr. '03].

In New York, the case involving Forrest Myers's *The Wall* continues [see "Front Page," Dec. '00]. In 1997, owners of 599 Broadway, at the corner of Houston Street, began maneuvering to have the artist's 8-story-high artwork removed from the side of their building. They claimed that the work was causing leaks and needed to be taken down. Skeptics are quick to point out that mural-size ads grace other buildings along Houston, suggesting that the owners are only looking for advertising revenue (they have reportedly been offered \$6 million for a 10-year contract by an advertising firm). The work, commissioned

in 1972 by City Walls—now the Public Art Fund—consists of a grid of 42 aluminum girders attached to metal braces, which were installed decades earlier to secure the brick wall when the adjacent building was torn down; the exterior wall is actually the interior face of the former building. When SoHo received landmark designation in 1973, Myers's work became protected.

In 2000, the city's Landmarks Preservation Commission rejected the current owners' request to remove the work, but granted permission to take it down for repairs to the brick wall, with the stipulation that it be restored within four years. All along, the owners have indicated that they have no intention of re-installing the work. They filed a suit in federal district court against the Commission claiming, among other things, that their freedom of speech would be violated if they were forced to display a work they don't want, and that their property has been taken for public use without the financial compensation required, in certain instances, by the Fifth Amendment. This summer, the court rejected the former claim, stating that there is no "compelled speech" because there is no message in the work (matters of taste aside), but the judge declined to issue a final ruling pending the determination of who actually owns the artwork: the building or the artist. That hearing is set to take place this month. One possible outcome is that the city might be required to compensate the owners for lost revenue once the work is reinstalled.

For some seven years, the sidewalk below *The Wall* has been surrounded by scaffolding, on which banner ads appear, and more ads have recently been projected onto the wall at night. With the artwork dismantled and in a state of disrepair, the wall is testimony to the changed face of SoHo, once an artist's enclave, now a shopping mecca. —Stephanie Cash



Above, Forrest Myers's *The Wall* in the '80s and, below, as it appears today.

