

J.S.G. Boggs -.Life Size & In Colour

by Sandra Smith

J.S.G. Boggs is an artist who has consistently employed the image of money in his art since 1984, when he first accidentally "spent" (1) a drawing of a one-dollar bill. More recently he intentionally printed and "spent" 900 one-dollar Boggs-Bills which he "paid" to the organizer of a coin collectors convention, Florida United Numismatists (F.U.N.) Inc. F.U.N. then "paid" the Boggs-Bills to staff members and to a trade journal, Bank Note Reporter, for a full-page advertisement. The madness seems to have been contagious, for Bank Note Reporter then started handing them out as "change" to people who then went out and "spent" them in the greater world of the public-at-large.(2)

To fully appreciate the meaning of such gestural performance work, and the seeming public disobedience that followed, it is necessary to review the circumstances from which it emanates.

Boggs is a fine artist working in the realm of interactive-performance art, having come to the genre not by intent, but by happenstance. The series of events, best chronicled by Lawrence Weschler (3), began in a cafe in Chicago on a May afternoon in 1984, when Boggs absentmindedly drew several loosely rendered visual elements on a napkin with a Bic pen.

At that time, Boggs was working on a series of paintings focusing on numbers, and the grouping of sketches executed on the napkin included four distinctly individual numeral 1s, one in each of the four corners. Geometric-abstractions combined with floral patterns formed two horizontal and two vertical bands along each edge, with a slight margin of white remaining. In his mind, Boggs recalls, "The composition became a picture frame in the landscape format. The space in the middle was empty except for a big brown coffee drop in the middle on the right hand side." Boggs remembered a friend's phone number, memorized earlier when no pen was at hand, and jotted it down just above the transparent, splash-rippled edges of the coffee drop.

Boggs recalls having thought of the coffee drop as a dark sun within the landscape format, and toyed with ideas of land formations to place beneath it. But his mind wondered and a different choice was made - a large human face in the middle. All the while he kept twirling the point of the pen across the surface to remove the glutinous ink and fiber buildup from the pen tip, creating "little hairs all over...and a hairy ball" in the left center space. Seeing the phone number he had jotted, he wrote his friend's name, Maureen, in cursive above the lower left

decorative band, and printed her address in the thin space above, just beneath the "hairy ball." Having enjoyed the relaxing, free flow of the cursive, he wrote his own name above the lower right band.

The entire sketch would probably have been consigned to duty as a book-mark, or perhaps even employed to wipe the coffee and sticky sugars from his lips, whereupon it would have been crumpled and thrown away, had it not been for the intervention of the waitress serving him.

The waitress interpreted the randomly composed elements of the drawing as a one-dollar bill, and her admiration of the work led to a series of linguistic misunderstandings which resulted in a legal barter transaction wherein the drawing was proffered as settlement of a debt of ninety cents for coffee and a doughnut. Still, the unusual exchange would most probably have been recalled later only as an humorous incident, had not the waitress consummated the exact assignment of value by insisting that Boggs take a dime in change, adamantly refusing to accept the differential value as a tip.

A lingering fascination with assignment and depiction of value was born, and ultimately combined with deep concerns regarding the nature of universal and individual visual language over time. More questions arose than answers, and Boggs continued to explore the natures of both, using images of paper money as a stable reference point of departure.

Though legal issues were brought up in jest, Boggs dismissed such comedic references as little more than the monetary-art equivalent of pre-adolescent bathroom humor. Ironically, he was not the only one who wasn't laughing.

Boggs was first arrested for counterfeiting, due to his drawings, in England in 1986, finally being acquitted by a jury in 1987.

Throughout 1988 Boggs traveled extensively, spending drawings throughout Europe and America without official incident. Having studied print-making under the artist Stephen Holm in Florida, he began employing print techniques to facilitate the transactions. To ensure that this expansion of his work did not create any further misunderstandings with government officials, Boggs went to Washington, D.C., for a meeting with Roy Nedrow, then director of the United States Secret Service Counterfeiting Division, to discuss the changing nature of his art.

Boggs requested the meeting without fear of misunderstanding. The United States Secret Service had been asked to prosecute co-jointly with the Bank of England in 1986 in regard to seven drawings bearing a likeness to U.S. currency bills confiscated by Scotland Yard. The Secret

Service had not only declined, but ordered the drawings returned to the artist.

It is important to remember these seven U.S. currency drawings, as shall be seen.

The meeting went much as he had expected, with concerns on both sides discussed openly and intelligently. The Secret Service, finding no immediate danger from either the drawings or the limited edition multiples, appraised Boggs of the swift retribution he would receive were he to succumb to the seduction of genuine counterfeiting, and assured him non-intervention as long as he resisted the ill-gotten gains of crime.

Boggs continued his work vigorously, exercising due care, but without thought of further misunderstanding, only to be arrested again in Australia in 1989. Though the Australian Dollar Boggs-Bills being spent there were predominantly printed, lawyers on three continents quickly brought the case to a close, proving for a second time that Boggs was neither a criminal, nor a con-artist. Boggs left Australia feeling that the issue of his intent had been settled once and for all. But now, exhausted from endless court appearances, he began to wonder if his faith in common sense was but wishful thinking.

Though the case was thrown out of court in Australia, with damages awarded, the United States Secret Service began raiding his various U.S. studios, residences, and museum exhibitions(4) in 1990 and continued to do so in 1991, and 1992, confiscating over 1,300 hundred paintings, drawings and prints, as well as items of personal property such as address books, matchbooks, and (this is not a joke) his boxer shorts.

More importantly, and perhaps most revealing of all, on the last raucous visit to his studio in Pittsburgh, in 1992, the Secret Service also confiscated the exact same seven drawings of U.S. currency bills that, in 1986, they had determined to be legal and ordered returned to Boggs in London. And yet the law had not changed.

Visible Language is the title of the publication you are reading, but it is visual language that is the focus of this essay. Boggs is truly speaking visually. In order to understand what is being said, visually, the context of the set of statements expressed must be understood.

The law had not changed

Thousands of pages of text have been written regarding these works of art and the case in question, and there isn't room here, nor desire, to fill page after page with legalese. The law in question has but one function, to prevent counterfeiting, and the curious wording can be

simplified without loss of meaning, with one single clarification.

Sections 474 and 504 of U.S. Code, Title 18 are the relevant passages. Translated into English they state:

It is illegal to make illustrations in the "likeness and similitude"... of U.S. currency...unless they are much larger or much smaller than U.S. currency... and only rendered in "black and white."

As Boggs-Bills are the same size as the currency they refer to, and they are in color, it might appear, by the letter of the law at least, that they are illegal, no matter how inane that might be. But that excludes both the issue of "likeness and similitude" and the seemingly unmentioned issue of "intent."

What constitutes an illustration might keep academics busy for years to come, but that seems infinitely more approachable than the horrific task of arriving at a precise definition of "likeness and similitude." Thankfully, the law itself has granted a pardon from such a hellish task. As a matter of law, likeness and similitude means: that which is calculated to defraud an honest person of average intelligence and ordinary observation, exercising due care.(5)

Clearly, recognition of intent is there, as it is throughout almost all western law. It is improbable that one could "calculate" without it. Since Boggs puts both his name and thumb-print on each of his multiple-works, it stretches the imagination beyond even the most unreasonable limits that his intention could be construed to be fraudulent. But who is to decide?

Clearly the United States Secret Service made a determination that seven drawings bearing a "likeness" to U.S. currency were legal in 1986, only to find the very same drawings in violation of the law in 1992.

Again, the law itself saves us the aggravation of semantic imprecision. "Whether the printings are sufficiently completed or similar to genuine currency is generally a question of fact to be submitted to the jury."(6)

That the government has refused to allow Boggs anywhere near a jury is an interesting fact. Among the more than 1,300 items seized from Boggs at his Pittsburgh studio and his office at Carnegie Mellon University were: matchbook covers, a plastic shopping bag, magazines, video tapes, a calculator, postcards, receipts, "real" money, and the artist's underwear.

These items were not made by Boggs, but are routinely confiscated by the U.S. Secret Service as a matter of policy. That this practice is illegal would surely come to light if any challenge were brought before

a jury.

The law firm of Arnold & Porter, who represent Boggs, have written thousands of pages of legal documents since 1992, at a cost of nearly \$500,000, to ensure Boggs will have his voice. The U.S. government has likely spent more than twice that amount since 1990 to still that voice. It is estimated that both amounts will double before this case is resolved, most probably before the Supreme Court.

It is a pity that the government is so illiterate in terms of visual language. Whatever might be said in all the words now written or remaining to be written on reams of paper will never speak so eloquently as this single image, expressed and contained on dollar-bill-size paper.

In 1993, a Federal judge ruled against Boggs' first plea for protection under the first and fifth amendments, and in 1994 allowed government lawyers to delay the ruling of record which would allow Boggs and his lawyers to file an appeal. Unquestionably headed for the Supreme Court, yet stuck in legal limbo, Boggs has responded with - LIFE SIZE & IN COLOUR.

As any lawyer worth salt would explain in legalese, "res ipsa loquitur"(7)

1 There is evidence that Boggs had been drawing "currency" as early as 1969. In a photograph of his bedroom, an image of his interpretation of a United States one-dollar bill floats upon a wall completely covered with drawing and painting. Other photographs reveal that the entire room, all four walls, as well as the ceiling, were covered with pencil, crayon, and paint.

2 The quotes in this paragraph around words ordinarily applied to the transfer of currency indicate that such words do not have the same meaning when they are used to refer to the transfer of Boggs-Bills...Although exchanged in transactions, Boggs-Bills are never offered as the real currency of any country. For readability, such quotes will not be used hereafter.

3 Weschler, Lawrence, 1988. "Boggs's Bills." in Shapinsky's Karma, Boggs's Bills...San Francisco: North Point Press.

4 Catalog. 1990. smart money (HARD CURRENCY)...Tampa, Florida:..Tampa Museum of Art.

5 Black, Henry Campbell, Joseph R. Nolan and Jacqueline M. Nolan-Haley. 1990. Blacks Law Dictionary. 6th ed. St. Paul, Minnesota: West Publishing Co.

6 Devitt, Hon. Edward J., Hon. Charles B. Blackmar and Kevin F. O'Malley...1990. Federal Jury Practice and Instructions/Criminal, 4th ed. Vol. 2. St. Paul, Minnesota:West Publishing Co. 7. "The thing speaks for itself."

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