

J.S.G. Boggs: Life Size and In Colour

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The cover of *Visible Language* represents

Boggs' latest artifactual volley in the ongoing saga of his legal conflict with the United States Secret Service. At issue are the slippery definitions of

such words as "likeness" and "similitude." This

Sandra Smith studied criminal article sets out the humble and unexpected psychology in preparation for a origins of Boggs' transactional art along with a career in law enforcement before an brief chronology of events relating to legal interest in art therapy as a means conflicts concerning his art. At issue are the artist's of crime prevention led her to the first and fifth amendment rights. serious study of art at Hillsborough

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Ms. Smith is currently collaborating with Manuel Gonzalez on a book project, *The Washing (ton) Machine*, dealing with the role of education in the formation of ethical behavior as juxtaposed with penal behavioral modification.

J.S.G. Boggs is an artist who has consistently employed the image of money in his art since 1984, when he first

1 There is evidence that Boggs had been drawing accidentally "spent" a drawing of a one-dollar bill.¹ More "currency" as early as 1969. In a photograph of recently he intentionally printed and "spent" 900 one-dollar his bedroom, an image of his interpretation of a United States one-dollar bill floats upon a wall completely covered with drawing and painting. F.U.N. then "paid" the Boggs-Bills to staff members and to a Other photographs reveal that the entire room, trade journal, *Bank Note Reporter*, for a full-page all four walls, as well as the ceiling, were advertisement. The madness seems to have been contagious, covered with pencil, crayon, and paint. for *Bank Note Reporter* then started handing them out as

"change" to people who then went out and "spent" them in

2 The quotes in this paragraph around words the greater world of the public-at-large.² ordinarily applied to the transfer of currency

indicate that such words do not have the same To fully appreciate the meaning of such gestural performance meaning when they are used to refer to the work, and the seeming public disobedience that followed, it transfer of Boggs-Bills. Although exchanged in is necessary to review the context and circumstances from transactions, Boggs-Bills are never offered which it emanates.

as the real currency of any country. For readability, such quotes will not be used hereafter.

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

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 1's, 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 wandered 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 part of her address in the thin space above, just beneath the “hairy ball.” Having enjoyed the relaxing, free flow of the cursive, he signed his own name above the lower right band.

...intervention of the
waitress...

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 the 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.

What had started as a two-dimensional sketch had grown into a four-dimensional event, which would come to be known as a transaction.

...fascination with
assignment and
depiction of value...

A lingering fascination with assignment and depiction of value was born, and ultimately, over time, combined with deep concerns regarding the nature of universal and individual visual language. 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.

Boggs returned to England and began making drawings of English pounds for more controlled transactions. 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.

...arrested for
counterfeiting...

Boggs was first arrested for counterfeiting, due to his drawings, in England in 1986. The Bank of England, having learned of his work from newspaper reports, insisted on a full criminal trial even though no complaint from any member of the public had been received. A lengthy five-day trial at the Old Bailey, Britain's most serious criminal court, resulted in Boggs finally being acquitted by a jury in 1987.

Throughout 1988 Boggs traveled extensively, spending drawings throughout Europe and America without official incident. Having studied printmaking 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 nonintervention as long as he resisted the ill-gotten gains of crime.

...arrested 302...

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 commonsense 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 exhibitions⁴ in 1990 and continued to do so in 1991 and 1992, (HARD CURRENCY). Tampa, Florida: Tampa Museum of Art. confiscating over 1,300 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."

...it might appear...
they are illegal...

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

⁵ Black, Henry Campbell, Joseph R.

Nolan and Jacqueline M. Nolan-

Clearly, recognition of intent is there, as it is throughout almost

Haley. 1990. *Black's Law Dictionary*,

all western law. It is improbable that one could “calculate”

6th ed. St. Paul, Minnesota: West

without it. Since Boggs puts both his name and thumbprint on

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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?

...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

⁶ Devitt, Hon. Edward J., Hon.

or similar to genuine currency is generally a question of fact to

Charles B. Blackmar and Kevin F.

be submitted to the jury.”⁶

O'Malley. 1990. *Federal Jury*

Practice and Instructions/Criminal,

4th ed. Vol. 2. St. Paul, Minnesota:

West Publishing Co.

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.

...routinely
confiscated

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 represents Boggs, has 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.

...government is
illiterate in
visual language

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 writ on reams of legal-size paper will never speak so eloquently as this single image, expressed and contained on dollar-bill-size paper.

...headed for the
Supreme Court...

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

⁷ "The thing speaks for itself."