

Ma Reisman

THE ARTS

BOOKS

Can Art Photography Be Kiddie Porn?

Barnes & Noble under attack by conservatives

By MALCOLM JONES JR.

DOTTIE HALL HAS NEVER ACTUALLY seen books by photographers Jock Sturges or David Hamilton. But, says the 52-year-old grandmother and church staff member in Birmingham, Ala., she's seen photocopies of images from Sturges's "Radiant Identities" and Hamilton's "The Age of Innocence." "It makes me sick," says Hall. "And I minored in art in college." Hall says she's a First Amendment supporter—she would have supported the right of photographer Andres Serrano to display "Piss Christ," an image of a crucifix in a beaker of urine. But the naked children in the Sturges and Hamilton photographs "are exposed to things they shouldn't have in their childhoods. I'd expect to find books like that in an adult-book store, not a national chain."

Last summer anti-abortion activist Randall Terry began using his radio talk show to urge people to protest against Barnes & Noble stores for selling books by the two photographers. Since then, more than 40 protests have been staged in 35 states, as people try to persuade the chain to stop carrying the books. Conservative groups such as Focus on the Family have also sought to have Barnes & Noble prosecuted on obscenity charges. So far, only grand juries in Alabama and Tennessee have returned indictments against the chain (and in Tennessee, only for misdemeanor charges). The company was targeted for protest because it's so big. "If Goliath falls, then the whole earth trembles," says Terry. But Goliath is fighting back. The chain, which has nearly 500 superstores, denies obscenity charges and has declared in a statement that "under no circumstances will we remove books from our shelves."

While the protesters have had little legal success, the case has raised again some trou-

bling censorship issues. Last week The New York Times ran an editorial defending Barnes & Noble under the First Amendment and calling the protests "a campaign of intimidation." But protesters argue that the First Amendment



Overexposed: Photo books by Sturges and Hamilton have drawn fire in 35 states

doesn't protect work that runs afoul of various state child-pornography laws, in which the standards for obscenity are murkier.

What exactly are in the books? Sturges, whose work is in the Museum of Modern

Art, focuses on nudist families, in black-and-white images that are beautifully composed and printed. Many of the works in "Radiant Identities" were shot on beaches in France (with his subjects' cooperation). Hamilton offers up an endless array of gauzy color shots of girls on the cusp of puberty and just beyond, accompanied by coy text from romantic poetry. Both of them embroil viewers in issues of childhood and early adolescent sexuality, enough to make even the staunchest liberal squirm. And neither does so with the depth and complexity of a great photographer like the controversial Sally Mann, though Sturges's images at least have a fresh-air simplicity.

Both photographers have been on the defensive before. Sturges was the subject of an FBI child-pornography probe but a federal grand jury wouldn't indict him. He argues that his attackers "instruct people in shame by suggesting that there is something about the human body that is inherently gross." Hamilton, who's been attacked in his native Britain for his pictures, defends his work as "erotic" not pornographic.

Most child-pornography laws were meant to protect the underage subjects of pictures from sexual abuse. More recent legislation expanded the definition to include not just images of sexual activity involving minors but nude minors where, according to a Supreme Court decision, "lascivious exhibition of the genitals or pubic area" could be demonstrated. But prosecutors are wary of these newer laws because they're vague. In Kansas, a county prosecutor suggested that legislators had to come up with a more specific law for her to take action; protesters started a petition drive and got a grand jury convened anyway, which has yet to rule. Authorities are going after hard-core child porn, says Chris Finan, president of the American Booksellers Foundation for Free Expression. "But they aren't going after Barnes & Noble because they know this isn't child pornography." Even Alan Sears, former head of President Reagan's pornography commission, concurs. "I'm as conservative a guy as you'll interview," says Sears, who makes it clear he's offended by the books. "But it's not constitutionally forbidden material in these books." Protecting innocence versus the right to free expression: this is just the latest skirmish in our longest-running cultural war.

With RAY SAWHILL in New York, ERIC LARSON in Alabama and bureau reports

PHOTOS BY MELISSA KAY LORAN