



Thenceforward, and Forever Free

*Declaration of Independence*



# THESE FORTH, AND FOREVER FREE

*Thenceforward, and Forever Free* M. C. F. C. A. Thenceforward, L. A. B. M. C. G. E. M. K. E. D. A. K. F. D. H. M. M. K. M. M. L.

*Thenceforward, and Forever Free* F. H. J. E. F. M. A. M. F. M. E. D. G. M. J. E. F. G. E. F. A. B. E. A.

# Art and the American Paradox

Associate Professor  
Department of History  
Marquette University

While the colonial past bequeathed a mixed legacy of freedom, indentured servitude, and slavery to America; the American Revolution promised a new inheritance. The centrality of the concept of freedom to America's identity grew in the pamphlets, sermons, and speeches of the independence movement. As the founding generation struggled to create a viable political movement, its members sought to shape a unique identity and a usable past. Americans were, they argued, freeborn Englishmen suffering under the crippling tyranny of a cruel monarch who plotted (with his aristocratic minions) to deny these honest colonials their God-given rights. The new United



head, her hands, and her breasts—ask the viewer to confront her private devastation against the backdrop of Sherman's Atlanta campaign in 1864. What did the Union victory at this juncture really mean for her? Exposing emotionally detached silhouettes, Walker's work questions our national telling of the Civil War and its many battles.

By the late nineteenth century, although the Thirteenth, Fourteenth, and Fifteenth Amendments had ended slavery and then enfranchised black men, American culture perpetuated a racial caste system that continued to mock American claims to freedom. Through Jim Crow laws, racial terrorism, and the creation of new cultural stereotypes, black freedom remained elusive well into the twentieth century. In his colorful work reminiscent of Victorian-era vaudeville or circus posters, artist Michael Ray Charles uses late nineteenth-century popular culture images like

us, almost informally, into a parade wherein we can just hear that old-time jazz as we look on. Birch invites us to celebrate the triumph of African American cultural survival in the wake of America's long, twisted path to freedom.

Little in modern memory has tested the integrity of American freedom more than the September 11, 2001, terrorist attacks on the United States. Democracy, capitalism, cultural relativism, religious ecumenism, and freedom itself went on trial within minutes of the attacks. Aghast with horror and closer to one another than at any time since Pearl Harbor, we swore "they" would not win; "they" would not take away our freedoms. Artist Elisabeth Subrin's work *Lost Tribes and Promised Lands*

# Tangible Mediums of Freedom



Assistant Professor  
Marquette University Law School

The Emancipation Proclamation is, in its own way, an odd legal text. Sanford Levinson, a noted constitutional law scholar, states that the Emancipation Proclamation produces a “cognitive dissonance” insofar as “one of the truly great acts in our history” may “have violated what we like to believe is a Constitution.”<sup>1</sup> The Emancipation Proclamation’s uncertain legal status is compounded by its sheer weirdness as a text: it is by definition, a text that seeks to speak, to proclaim. The text of the Emancipation Proclamation is in some ways not there at all; what is left is what was intended to be heard. You are free.

I suggest—inspired by the works of this exhibition—that we might reconcile ourselves to the strangeness of the Emancipation Proclamation if we see it as a medium of freedom. A medium can mean many things: it can be the person or thing that acts as intermediary. Here, I am interested in one particular definition—that is, when medium is defined as “any raw material or mode of expression used in an artistic or creative activity.”<sup>2</sup> This particular meaning has legal consequence for, in the Copyright Act of 1976, Section 102<sup>3</sup> states that a work may be protected only if it is fixed in a tangible medium of expression.<sup>4</sup> A work that is not fixed is not protected. To be fixed, a work must be readily perceived by others; it is assumed that if tangible, a work is more easily perceived by others. These qualities, of course, are always subject to testing. A computer code, for instance, resists classification because its tangibility is so fleeting; it is difficult to determine whether such code is truly fixed.

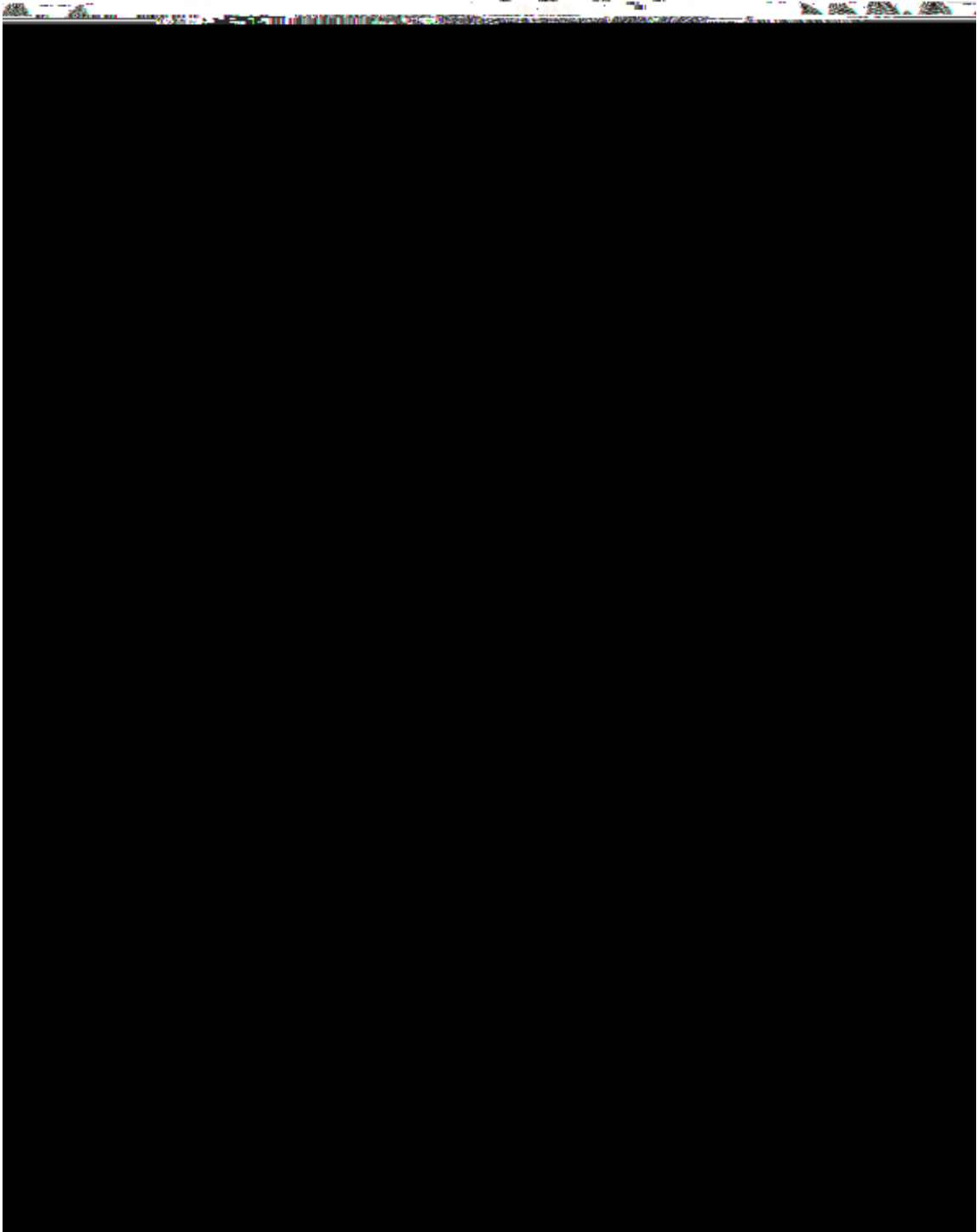
Thus, the Emancipation Proclamation’s speaking text is necessary because freedom was achieved in its fixation; a simple speech would have lacked this crucial quality. The speaking text of the Emancipation Proclamation, therefore, acts as a crucial medium of freedom because its specific mode of expression, the marrying of text to speech, fixes its representations of freedom. Of course, negotiating freedom can be a difficult thing. The Emancipation Proclamation, legendarily, did not actually free *all* slaves, only those slaves within the Confederacy; freedom then, as defined in the Emancipation Proclamation, was always a conditional, complex goal. Its very medium (a speaking text) then helps us to further understand the conditional nature of freedom embodied in the Emancipation Proclamation; speech, of course, is subject to the vagaries of its listeners.



The relationship between the medium and fixation then, becomes a crucial metaphor by which we can judge the works in this exhibition; that is: What is the way freedom is to be achieved? What are the mediums of freedom? The exhibited works offer diverse answers to these questions; my goal here is to create a dialogue between these works, these mediums, so as to prompt reflection on how these works interrogate what we gain and what we lose within the condition of freedom.

I imagine that, for many slaves, freedom involved relief. Relief that the sustaining ties of kin could be renewed without interference or the relief of having one's work be one's own. The great tragedy of the Reconstruction and Jim Crow is they involved a kind of theft of relief, an abiding sense of uneasiness even in the face of legal freedom.

The joyous works of Willie Birch in many



▼ ▼ ▼  
American, b. 1968  
*Untitled*, 2006-2007  
from *Typology*  
Ink and pencil on paper  
24 x 19"  
Courtesy of the artist

when relief is fractured and, ultimately, how we recover from that moment. Questions haunt her work. Was 9/11 as big as we thought? Will we forget? These questions are intensified because the modes of expression used by the artist—photographs and video—are easily accessible modes of expression. The ubiquity of Subrin's tools suggests that we ourselves could have undertaken Subrin's work; we are left with the question of whether we would do the same hard work.

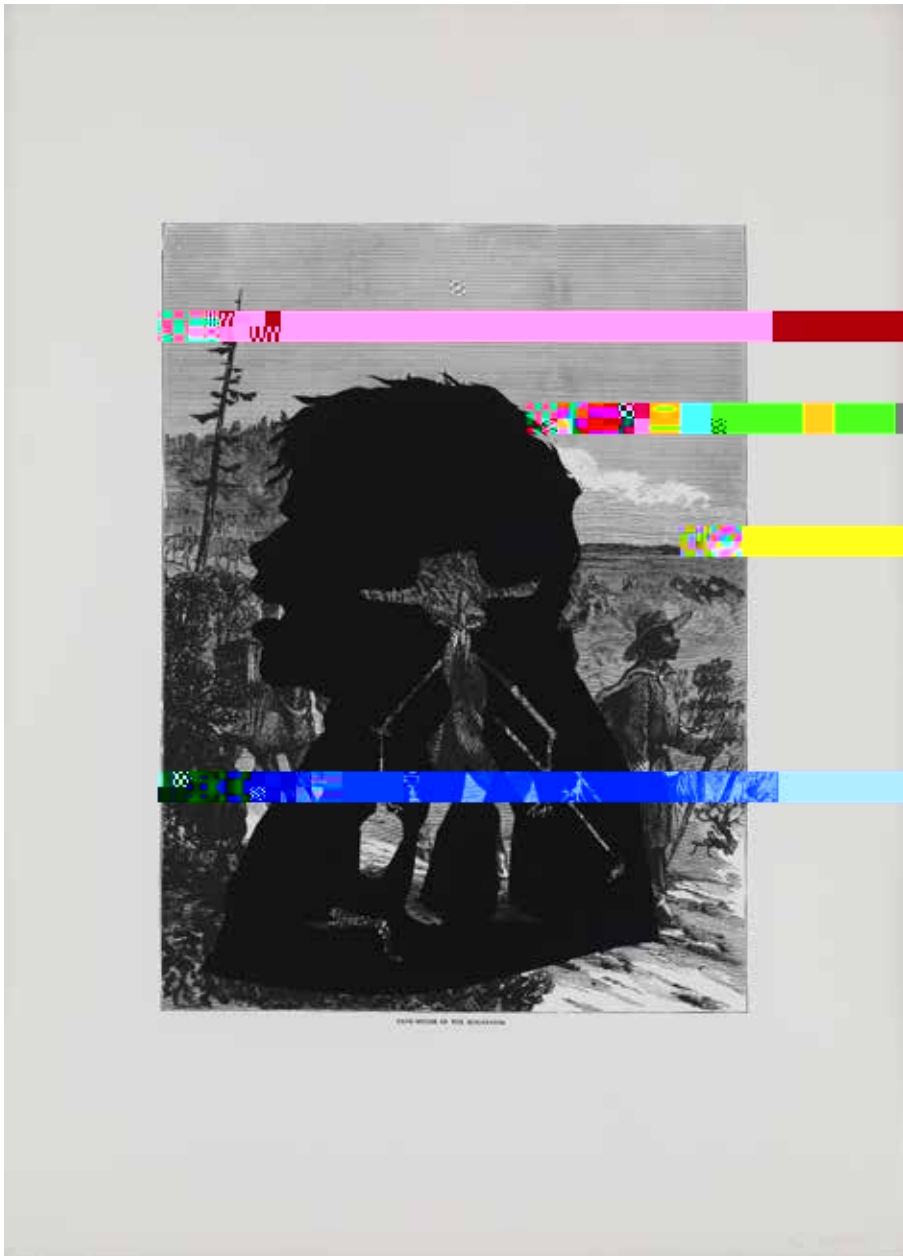
The images of Michael Ray Charles interrogate another freedom: the freedom to desire. Thus, contemplated, freedom here comes from the satisfaction of desire. Charles clearly sees the compromise of desire in contemporary society because others—advertisers, corporations—make our desire. What happens, asks Charles, when “[b]eauty is a mark?”<sup>8</sup> Charles's question haunts me as he appears to ask: What happens when beauty itself becomes a subject of the market, equivalent to those ubiquitous trademarks that suffuse so much of our daily lives?

I teach trademarks in my intellectual property classes; and when I do, I note that legal protection of trademarks became necessary in the emergence of the mass consumer market of the late nineteenth century. I do not typically say, though, that widespread dissemination of trademarks was complicit in the use of imagery that we now identify as racist: Aunt Jemima, Uncle Ben, Little Black Sambo. These images are terrifying for us, because they force us to confront a society in which these images were beautiful and seductive, a satisfaction

of our desire, a freedom: “Beware,” warns Charles, above a depiction of Little Black Sambo<sup>9</sup>, “beauty is a mark.” This terror of beauty, though, can perhaps be mediated; in each of his paintings, Charles places his own mark, a copper penny. Look for it; its placement suggests that our pleasures may be more substantial if we become the agents of our desire, when the work of hands and minds permit a happy pursuit, a desire fulfilled by our own creation.

There are some things about freedom, ultimately, that we just do not know. Freedom is our own kingdom; we make our own mysteries. Laylah Ali's work initially appears baffling insofar as she depicts a culture alien to us; without preparation, the work is steeped in mystery. The spare hieroglyphics of her series, *Typology*, suggest that by creating new typologies that express their own particular hierarchies of powers, we can gain new words for our own experiences. Alondra Nelson has called Ali a technologist, an intellectual that would apply a novel analytic approach to understanding black life “on a higher level of abstraction.”<sup>10</sup> Technologists are important in the project of freedom; like the speaking text of the Emancipation Proclamation, Ali's work becomes a medium of freedom, by teaching us to see and learn new words to describe ourselves to each other.

In comparison to Ali, Kara Walker is a fantasy author; like Tolkien, she creates works of literature based in an unreal world. It is an idiosyncratic literature since the expressive medium Walker chooses is silhouette. The



American, b. 1969  
*Pack-Mules in the Mountains*, 2005  
 from *Harper's Pictorial History of the Civil War (Annotated)*  
 Offset lithograph and screenprint, edition 35/35  
 16 <sup>15</sup>/<sub>16</sub> x 34 <sup>7</sup>/<sub>16</sub>"  
 2006.7.1.J

Collection of Nasher Museum of Art at Duke University,  
 Museum purchase with funds provided by  
 Monica M. and Richard D. Segal, the Neely Family, and Barbra and Andrew Rothschild

imposition of the silhouettes in effect creates three pictures: the silhouettes themselves, a picture that combines the silhouette and the background image, and the background image alone. The effect of all of these pictures is to create an unreal world, her fantasy. In the works



# Laylah Ali

Laylah Ali was born in Buffalo, NY, in 1968. She lives and works in Williamstown, MA. Ali received a B.A. from Williams College, Williamstown, MA, in 1991 and a M.F.A. from Washington University in St. Louis, MO, in 1994.

Typology is defined as the study of types that have characteristics or traits in common. Laylah Ali's series of the same name plays with this "science" of classification as a means for investigating issues of race, power, and identity. Ali's intricately drawn figures appear to be of the human *type* but within that type are countless variances and dissimilarities. Most of the images contain two or more figures in which the relationship between the characters often elicits a sense of confrontation or an unhealthy

codependence. According to Alex Baker, curator of contemporary art at the Pennsylvania Academy of the Fine Arts, "Ali's *Typology* series highlights the ethnic and cultural divides that permeate our contemporary world." By mixing and melding physical characteristics and material accoutrements, the series breaks down stereotypes and scrambles signifiers of recognition, consequently calling into question our perceptions of identity.

▼ ▼  
American, b. 1968  
*Untitled*, 2006-2007  
from *Typology*  
Ink and pencil on paper  
23 x 19"  
Courtesy of the artist





Willie Birch was born in New Orleans, LA, in 1942. After residing in New York for many years, he returned to New Orleans in the mid-'90s and now lives and works in the 7th Ward, near the French Quarter. Birch received a B.A. from Southern University in New Orleans in 1969 and a M.F.A. from the Maryland Institute College of Art in Baltimore in 1973.

Willie Birch is a storyteller. Using images, he records and reveals what he sees happening around him in the neighborhoods of New Orleans. His seemingly joyful, down-home scenes of everyday life are layered with metaphor and meaning and subtly reflect more than what initially meets the eye. According to the artist, "There is no one way to look at these works." His use of paper, for example, pays homage to African American artists such as Jacob Lawrence, Romare Bearden, and Charles White (all worked on paper and all had ties to New Orleans) and, at the same time, may serve as a symbol of wastefulness or uselessness. Although Birch most often depicts people of color, the artist states that his work

"cuts across race, class and gender and speaks to all the things we encounter just by being alive."

Birch typically works in series and refers to his finished pieces interchangeably as paintings and drawings. He cites *Labor Day Parade* as the catalyst for the following body of work that includes *A Day in the Life of North Villere Street* and *Black Boys*. The concept for that series (which was created for the inaugural *Prospect New Orleans* biennial and shown at the New Orleans Museum of Art), Birch said, "was to bring images of my neighborhood to a place you

American, b. 1942

*Black Boys*, 2008


Acrylic paint and charcoal on paper

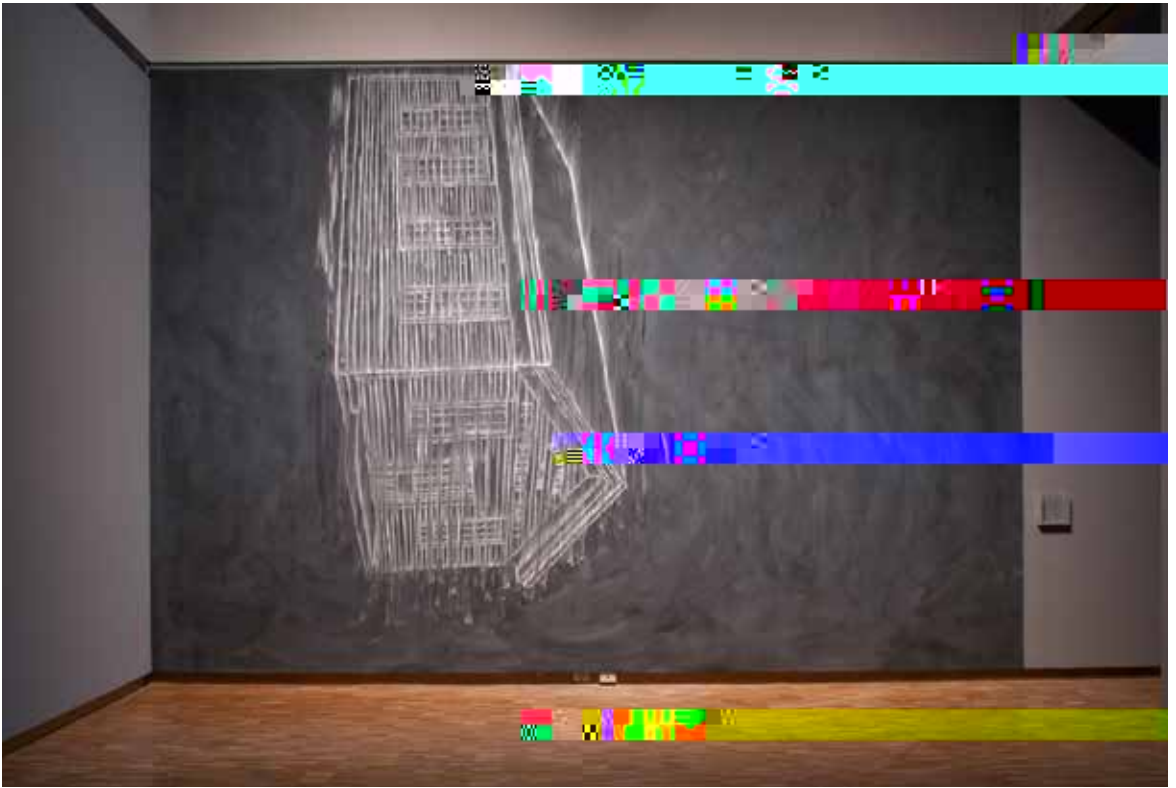
108 x 54"

Courtesy of the artist and Arthur Roger Gallery, New Orleans



The work of Michael Ray Charles sheds light on the creation and proliferation of African American stereotypes created by advertising and popular culture. The use of bright colors and cartoon-like characters immediately connotes a sense of frivolity and fun, but the viewer quickly comes to realize that Charles's work presents a piercing commentary on racial identity. Charles reinvents known African American characters (e.g., Mammy, Aunt Jemima, Sambo) to show how the past informs the present and how misinformation can leave an indelible mark. The work illuminates what the artist refers to as the "unquestioned appearance of truth." As

  
American, b. 1967  
(Forever Free) BEWARE, 1994  
Acrylic latex, oil wash and copper penny on paper  
44 x 30 1/4"  
Collection of Tony Shafrazi Gallery, New York



# Gary Simmons

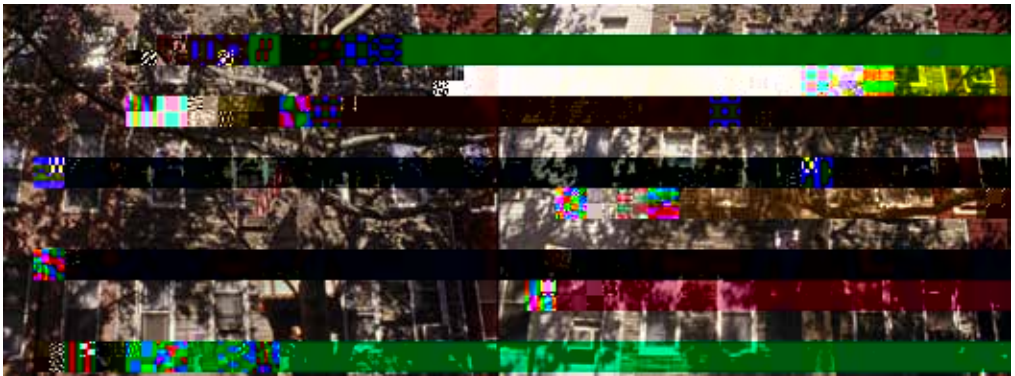
Gary Simmons was born in 1964 in New York, NY, where he still lives and works. He received a B.F.A. from the School of Visual Arts, New York, in 1988 and a M.F.A. from the California Institute of the Arts, Valencia, CA, in 1990.

The site-specific installation Gary Simmons created for the Haggerty Museum carries on the artist's practice of manipulating text, objects, places, and characters taken from history and popular culture to lend new and multilayered meaning to familiar imagery. Here Simmons depicts a schoolhouse in Ripon, Wisconsin, often referred to as the birthplace of the Republican Party. On March 20, 1854, a group of Ripon citizens met in this building, primarily with the intention of banding together to fight against the spread of slavery. This meeting laid the groundwork for the formation of a new political party later to become known as the Republicans.

Simmons is most well known for his "erasure" paintings and drawings, in which the artist employs a process of smearing newly created images with his hands and body. The resulting work, in the words of Thelma Golden, director and chief curator of The Studio Museum in Harlem, "invokes an absence as palpable and fraught with meaning as any presence."

According to Simmons, "The erasures are really the evidence of a performance the viewer never sees. It's not often you have the opportunity to physically remove something that has a politic to it. I draw these images and then, sometimes, almost violently, try to erase them. One of the beautiful ironies of it is, as much as I try to obliterate the imagery, I can't completely wipe it away."

**REPUBLICAN HOUSE**  
 American, b. 1964  
*Untitled (Republican House Fall)*, 2012  
 from the exhibition *Thenceforward, and Forever Free*  
 at the Haggerty Museum of Art, Milwaukee, WI, 2012  
 Mixed media  
 Dimensions variable  
 Courtesy of the artist, Metro Pictures, New York,  
 and the Haggerty Museum of Art



# Elisabeth Subrin

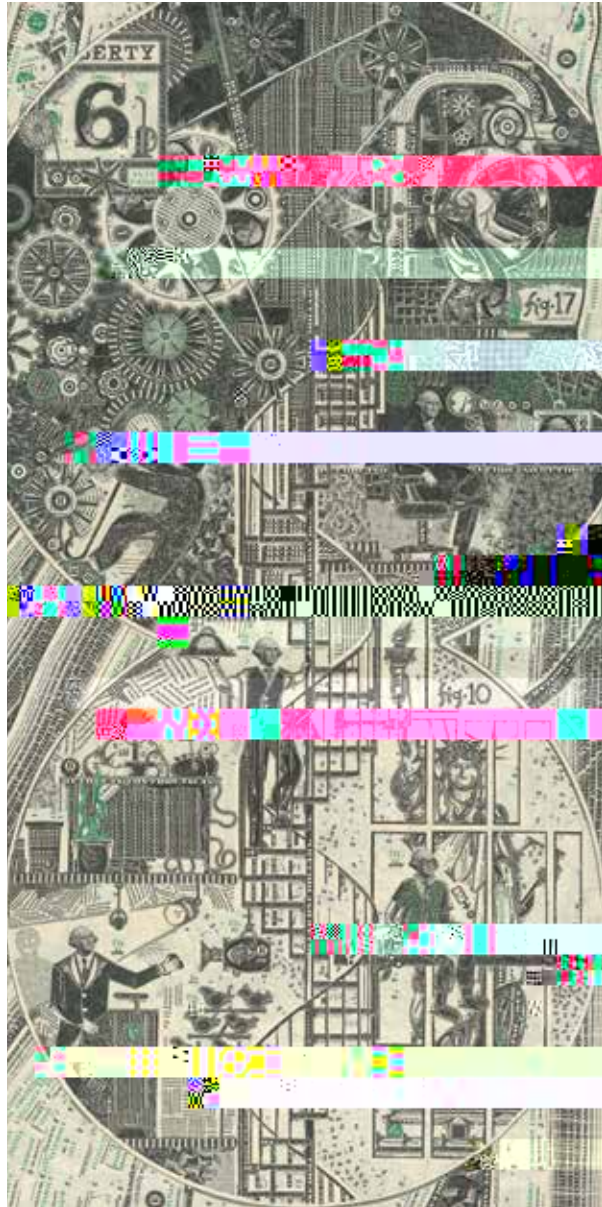
Elisabeth Subrin was born in Boston, MA, in 1965. She currently lives in New York and teaches in Philadelphia, where she is an assistant professor in the Department of Film and Media Arts at Temple University. Subrin received a B.F.A. from the Massachusetts College of Art in 1990 and a M.F.A. from the School of the Art Institute of Chicago in 1995.

"In the days following the September 11 attacks on New York, Subrin took a battered 16mm Bolex camera out into her neighborhood in Williamsburg, Brooklyn, shooting houses and storefronts that had then become suddenly and compulsively festooned with American flags and other accretions of patriotic paraphernalia. Nearly a decade later, with the same camera, on the same date and at the same approximate hour of the day, she attempted to retrace her own steps, now only half-remembered and largely conjectured from the 2001 footage itself: alienated from her own work by time, she approached it as a found object. She combined

the two reels into a double-screen loop, allowing for a visual comparison between then and now." \*

In addition to being a filmmaker, Subrin also

American, b. 1965  
*Flags*, 2010  
 from *Lost Tribes and Promised Lands*  
 Digital C-prints  
 17 x 24"  
 Edition 1/6 + 2APs  
 Courtesy of the artist





# Mark Wagner

Mark Wagner was born in Edgar, WI, in 1976. He lives and works in Brooklyn, NY, where he is a cofounder of the Brooklyn Artists Alliance. Wagner received a B.F.A. from the University of Wisconsin-Madison in 1995.

*Liberty* is a large-scale collage comprised of 14 individual panels created from 1,121 dollar bills, cut into 81,895 tiny pieces. George Washington,



American, b. 1976

*Liberty*, (panel #6), 2009

Currency collage on panel

204 x 75"

Courtesy of an anonymous collector



# Kara Walker

Kara Walker was born in Stockton, CA, in 1969. She currently lives and works in New York, NY, where she is an associate professor at Columbia University's School of the Arts. Walker received a B.F.A. from the Atlanta College of Art in 1991 and a M.F.A. from the Rhode Island School of Design in 1994.

For this series, Kara Walker overlaid silhouetted paper cutouts onto printed images taken from *Harper's Pictorial History of the Civil War*—a book first published in 1866 and often referred to as the “definitive illustrated history” of the Civil War. The silhouettes convey a sense of nostalgia, reminding us of early portraiture and genteel eighteenth- and nineteenth-century décor. At the same time, however, the silhouettes serve as symbols of generalization and dehumanization. According to the artist, “The silhouettes lend themselves to avoidance

of the subject, not being able to look at it directly.” By merging these disparate pictorial forms, Walker creates a tension between fact and fiction, thus drawing attention to what's been featured in and excluded from the annals of history. In pieces where the portraits have been hollowed out and the battle scenes appear within, the viewer is asked to literally read between the lines. We are reminded not only of the atrocities of war, but more specifically of the realities of slavery and the ongoing impact of racism on contemporary culture.

• • •  
American, b. 1969  
*Deadbrook after the Battle of Ezra's Church*, 2005  
from *Harper's Pictorial History of the Civil War (Annotated)*  
Offset lithograph and screenprint, edition 35/35  
16 15/16 x 34 7/16"

**LAYLAH ALI**

*Osama*

