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The Artist and Jeffrey Epstein Truther Who Vandalized Maurizio Cattelan's Banana Booth Defends Himself in Court

We mean that literally—he is representing himself.

Caroline Goldstein, January 2, 2020



The crush to see the banana on Saturday, shortly before the work was eaten and removed. Photo by Andrew Goldstein.

Bananas typically have a relatively short shelf life, turning brown and mushy within days. Not so for Maurizio Cattelan's viral readymade artwork *Comedian*, which debuted at Art Basel in Miami Beach at the beginning of December and has since exploded into a veritable cultural phenomenon. It also spawned not one, but two performance artworks in response—one of which has now landed the artist behind it in court.

The saga began after artist David Datuna promptly removed the viral fruit from the wall and ate it as a work of much-discussed performance. Soon after that, gallerist Emmanuel Perrotin decided to officially remove *Comedian* from view because it had begun to draw dangerously large crowds.

That empty wall then became the canvas for yet *another* performance artist and activist, Rod Webber, who scrawled the words "EPSTIEN [sic] DIDNT KILL HIMSELF" with red lipstick onto it. In a video posted to Twitter, a security guard confronts the artist, who replies "this is the gallery where anyone can do art, right?"

Not quite. The Miami Beach Police Department clearly disagreed, and promptly arrested him for vandalism. In a video posted to Webber's personal website capturing the full action, including an exchange with a Perrotin representative who says the gallery won't be pressing charges, he addresses the crowd of onlookers and the security officers, introducing himself as "Epsteindidn'tkillhimself Webber, some people call me Rod," continuing to insist on his rights to create a new work of art, and citing Datuna's act as precedent.

Webber appeared at Miami Dade court on January 2 for an arraignment hearing, and told Artnet News by email that a new court date was set for later in February. Webber's own inquiries to both the police department and to Art Basel regarding details of the charges have gone unanswered, he said; he is representing himself in the case.

He is also, however, asking a fellow banana provocateur for help. On Wednesday, Webber wrote a letter calling on Datuna to aid in his fight against the legal system, claiming that "without the gallery, or someone like yourself speaking out on my behalf, I will be put on trial. As a result, a judge or a jury may be put in a position to legally decide what is and isn't art."

He continues the plea by drawing parallels to other persecuted artists, though he acknowledges that his plight (one night in jail and a hefty bail fee) pale in comparison to the likes of dissident Ai Weiwei. Nevertheless, the forthcoming battle, he says, "is one I am willing to fight—not just for myself—but so that if Marcel Duchamp were to walk into Art Basel next year, he would not be ashamed of his legacy."

Webber has a string of other performative stunts to his name, including spray-painting his Epstein catchphrase on the gate of the disgraced financier's former mansion in Palm Beach, which resulted in a warrant detailing accounts of criminal mischief charges totaling \$500 brought by the Epstein estate. On his website, Webber writes "ironically, Epstein's estate (brother) hired a pathologist to say Epstein didn't kill himself," citing a report by NPR. He has said the purpose of his message is to keep the media engaged in investigating the Epstein case.

David Datuna, Art Basel, and the Miami-Dade district attorney's office did not respond to requests for comment by press time.