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## COURTS AND JUSTICE

## Lawsuit against Cleveland State says officials censored phrase critical of Trump on large sculpture

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"The Politician: A Toy," by artist Billie Lawless, on the Cleveland State University campus.

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By [Eric Heisig, cleveland.com](#)

CLEVELAND, Ohio — A local multimedia artist whose 42-foot-high sculpture has sat on Cleveland State University's campus for more than a decade filed suit against the university on Thursday, saying officials violated his free speech by covering up a phrase on the piece that referenced President Donald Trump.

Billie Lawless' lawsuit, filed in federal court in Cleveland, says university workers covered up the phrase "BUILD A WALL OF PUSSIE," which he added to his work "The Politician: A Toy" on Oct. 15.

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The words are a reference to the president's desire to erect a wall on the U.S.-Mexico border, and his comments on a video leaked during the 2016 campaign that had him making explicit comments on the set of the "Access Hollywood" TV show. It also references pink hats worn by people who participated in the women's marches in 2017, the year the president was sworn into office, according to the lawsuit.

The mechanical sculpture is enclosed by a wrought iron fence and includes a beak that opens and closes, rotating wheels, a cedar shovel and a

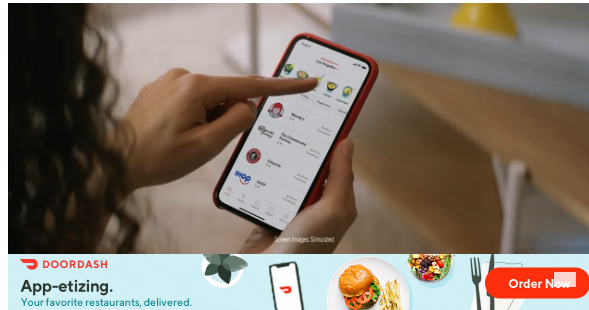
tail. It has sat in a grassy area off East 18th Street near Chester Avenue since 2008. The university's contract says it would pay Lawless \$120 a year and reimburse him for maintenance and repair.

The contract says the university has no right to "modify, disassemble or demolish" the sculpture or to change the area within the fence. The university extended the contract twice, first until 2017 and then to 2020.

The lawsuit says Lawless, who lives in Cleveland, added the phrase "OBAMA SCARE" to it in February 2012, and the university did nothing about it between its installation and removal in June 2013.

University workers covered up the Trump-referencing phrase with a blank banner with no writing, according to the lawsuit.

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James Gross, the university's fiscal manager, asked Lawless to remove the text on Oct. 17. Lawless responded the next day by demanding the university remove the banner, according to the suit.

The university notified Lawless that it intended to terminate the contract on Nov. 28. The sculpture remains on campus, as the contract requires either side to notify the other of a termination six months before an end date, said Lawless' attorney Andy Geronimo.

The lawsuit says the university violated Lawless' free-speech rights, retaliated against him and breached their contract. Lawless seeks at least \$75,000 in damages.

He also wanted U.S. District Judge Dan Polster, who was assigned the case, to issue a temporary restraining order to force CSU to remove the banner. However, Polster denied the request in a telephone conference he held on Thursday, Geronimo said.

The attorney added that Polster encouraged both sides to resolve the matter and set another meeting in court for Feb. 8.

"We're hopeful we'll be able to work together to resolve it before that meeting," Geronimo said.

CSU said in a statement Friday that it considers the dispute "a contract matter and stands firm in its position that it had a right to terminate the contract under its terms."

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Lawless has filed suit in the past after other sculptures have been removed, decommissioned or not included in a show.

His work on the "Politician" sculpture began in 1976 and is constantly updated, according to the lawsuit.

He threatened to sue then-Cleveland Mayor Michael R. White in the 1990s when the city refused to issue him a building permit for the "Politician" sculpture,

"I have seen it, I don't like it and I'm not trying to block it," White said in a 1994 interview with The Plain Dealer.

Lawless got the permit and placed the sculpture on a private lot at East 66th Street and Chester Avenue in 1996. When the land was put up for sale in 2008, the sculpture was dismantled, repaired and moved west to CSU.

"Lawless has continuously updated the sculpture with commentary on controversial issues, and only now, in response to his timely criticism of President Trump, has CSU acted to censor it," Geronimo, who represents Lawless along with attorney Peter Pattakos, said in a news release.

This is not the first time in recent years that CSU was embroiled with issues surrounding the First Amendment.

[A flier posted on a billboard](#) in the Main Campus building in October 2017 encouraged LGBTQ students to consider committing suicide. The flier went up the same day CSU's LGBTQ+ center was opened.





University officials said they removed the flier as soon as they were notified. However, a CLSU spokesman said at the time that the flier, attributed to the group "Fascist Solutions" would have remained posted had the person followed proper procedure to post a notice.

An additional statement from the university included language condemning the contents of the flier but also acknowledged that free-speech laws and legal precedent made it difficult for such hateful rhetoric to be suppressed.

Some students and alumni expressed outrage about the university's response online.

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