

Crimes of the Art

Thomas Condon's camera has the county in court

BY MARIA ROGERS

Photographer Thomas Condon spent April 29 through Sept. 13 creating art on index cards, while serving a 30-month prison term for eight counts of gross abuse of a corpse.

Now known in Cincinnati as the "morgue photographer," Condon was convicted in 2001 as a result of photographing bodies at the Hamilton County Morgue. He's out of prison pending a decision on his appeal; a three-judge panel has already heard oral arguments in the case.

The National Coalition Against Censorship issued a statement Dec. 2 protesting Condon's criminal prosecution.

"Since 1990 Cincinnati has been the stage for repeated threats against artistic freedom," the coalition said. "Artistic expression, even when it is controversial or offends some sensibilities, is essential to our society and has the full protection of the First Amendment. Art is not a crime."

Last month Condon participated in a conference on free expression at Columbia University. His work was shown and categorized with other artists who have been censored, such as Robert Mapplethorpe. Condon also showed his work at The Carnegie in Covington last fall.

"I felt the show was an extremely positive experience," he says. "For me, it was a chance to validate not only the pursuits that I made at the morgue but my work generally."

What did the county know?

Condon was unsuccessful in July in his attempt to get Hamilton County Common Pleas Judge Norbert Nadel to

THE YEAR



IN REVIEW



PHOTO: JYMI BOLDEN

Photographer Thomas Condon has become a cause celebre for artists concerned about censorship. He is free on bond pending an appeal of his conviction for photographing corpses in the Hamilton County Morgue.

grant shock parole (see "Prison for Art's Sake," issue of Aug. 1-7). But an appeals court ordered him released while his appeal is pending.

At trial, attorneys for Condon and his co-defendant, Dr. Jonathan Tobias, argued the two men believed the coroner's office had approved the morgue photography project.

Tobias, a former assistant coroner, is free on bond pending an appeal of his conviction.

During the summer, County Commissioner Todd Portune predicted that new evidence of the county's role in

the photo scandal will likely surface in a lawsuit in federal court.

"My goal through all of this has been to have full disclosure of what exactly went on," Portune says. "There's way too much smoke that suggests that this was known at the highest levels as opposed to how it was presented and prosecuted."

Relatives of the deceased persons in Condon's photographs have sued him and the county, challenging "the shocking practice of using bodies in government custody for private, grotesque and disrespectful purposes."

The suit alleges too little attention was paid visitors at the morgue.

"The county defendants failed to maintain records of who was in the building or why they were there and failed to record the identity of visitors," the suit contends.

It also alleges Condon never signed a log-in sheet. But the plaintiffs' claims in the civil action extend beyond lack of security, arguing County Coroner Dr. Carl Parrott approved of Condon's actions — the very argument Condon and Tobias unsuccessfully used in their own defense.

"Dr. Parrott was personally aware of the fact that defendant Condon intended to take photos of the human remains in the custody of the Hamilton County Coroner's Office for Condon's own commercial purposes, having been shown examples of such photos before granting Condon access to the morgue," the complaint says. "Dr. Parrott authorized Condon to enter the facility and put no restrictions on his activity in the facility. Condon and Dr. Parrott agreed that visual images of the deceased family members would be captured by Condon without the consent of the families."

At sentencing, Condon told Nadel he had shown some of his photos to a pathologist at the coroner's office (see "Death of Innocence," issue of April 18-24). He said he showed an administrative aide for the coroner a list of symbolic objects he wanted to use in the photos.



PHOTO: JYMI BOLDEN

Far from their usual venues — an art studio and a pathology lab — photographer Thomas Condon (middle, next to his wife, Kelly) and Dr. Jonathan Tobias (right, with hands folded) appear in court.

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