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Article: BONG HitS 4 JESUS: Conserving a Controversy

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Source: Book and Paper Group Annual 41, 2022

Pages: 60-66

Editors: Kimberly Kwan, Managing Editor, and Roger S. Williams, Assistant Editor

Editorial Office: bpgannual@gmail.com

ISSN: 2835-7418

The *Book and Paper Group Annual* is published once each year by the Book and Paper Group (BPG), a specialty group of the American Institute for Conservation (AIC). It was published in print from 1982 to 2021, and transitioned to a digital publication in 2022. All issues are available online at <https://culturalheritage.org>.

Print copies of back issues are available from AIC. All correspondence concerning back issues should be addressed to:

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The *Book and Paper Group Annual* is a non-juried publication. Papers presented at the Book and Paper Session of the annual meeting of the American Institute for Conservation of Historic and Artistic Works are selected by committee based on abstracts. After presentation authors have the opportunity to revise their papers before submitting them for publication in the *Annual*; there is no further selection review of these papers. Independent submissions are published at the discretion of the BPG Publications Committee. Authors are responsible for the content and accuracy of their submissions and for the methods and/or materials they present. Publication in the *Annual* does not constitute official statements or endorsement by the BPG or by AIC.

BONG HitS 4 JESUS: Conserving a Controversy

INTRODUCTION

Morse v. Frederick

The story of the BONG HitS 4 JESUS banner begins in Juneau, Alaska in 2002 with the Salt Lake City Winter Olympic Relay. On January 24, as part of a school-sponsored event, the Juneau Douglas High School (JDHS) let the students out early so they could be part of the Olympic Torch Relay. A student named Joseph Frederick, along with 12 other students, decided he wanted to make a statement. The students acquired a large sheet of butcher paper from the school cafeteria and a roll of duct tape. Using the tape, they wrote out the phrase “BONG HiTS 4 JESUS” on the butcher paper. Joe Frederick later claimed he had seen the phrase on the side of a snowboard (figs. 1 and 2).

Later that day, as the students were standing along the side of the street waiting for the torch and media to come down the street, Joe Frederick and the 12 other students held up the banner along the sidewalk with the hope of getting some media attention. Deborah Morse, principal of JDHS, was standing across the street. She saw the students holding up the banner and the media coming down the street filming the torch. Morse then ran across the street and asked them to take down the banner. Twelve of the students ran off, but Joseph Frederick stood his ground. Morse then proceeded to confiscate the banner and suspend Frederick.

It is important to understand some of the First Amendment precedents up to this point regarding student speech. Prior to 2002, there were two conflicting Supreme Court cases that had established precedent regarding the regulation of student speech: *Tinker v. Des Moines* (1969) and *Bethel School District v. Fraser* (1986). In *Tinker v. Des Moines* the Supreme Court had ruled in favor of students, arguing that if student protests were not disruptive, school officials could not censor student speech. In *Bethel School District v. Fraser*, the Supreme Court ruled in favor of the school.



Fig. 1. Joseph Frederick (courtesy of Associated Press).



Fig. 2. Students holding up the “Bong HiTS 4 Jesus” banner January 4th, 2002 (courtesy of Associated Press).

Papers presented during the Book and Paper Group Session, AIC’s 50th Annual Meeting, May 13–18, 2022, Los Angeles, California

These two cases are important to consider because by the time Frederick had hoisted his banner it had been almost 20 years since the last Supreme Court case on the free speech rights for students, and there was conflicting legal precedent as well. It is also important to note that by 2002 the makeup of the court had changed.

After Joseph Frederick was suspended, the school then added a charge of criminal trespass, essentially banning Frederick from the school grounds. In the late 1990s and early 2000s, the city of Juneau was in the middle of a serious drug addiction and overdose problem. While Juneau is the capital of Alaska, it is also a small and isolated city. There are no roads to Juneau, and the city is only accessible by sea and air. Juneau's population is 32,000 people. While it is a city, it also has a feel of a small town, and the community is very close. Deborah Morse and the school board had claimed that the substance abuse crisis was on their mind when they made their decision to discipline Frederick and that they interpreted the banner as promoting drug speech. For much of the city's older generation, Morse was seen as doing the right thing. For much of the city's younger generation, Frederick was seen as a hero for standing up for First Amendment rights. Frederick had insisted the banner meant nothing and was simply a prank for television time.

Frederick first appealed his suspension to the school board claiming that the school violated his federal and state constitutional right to free speech. The school board sided with JDHS and upheld Frederick's suspension. Frederick then appealed his case to the U.S. District Court for the District of Alaska where the case was heard by Chief Justice John Sedwick. Justice Sedwick issued a summary judgment against Frederick, essentially making his ruling without holding a full trial. By this point the case was the main talk of Juneau and was dividing the town. Following Justice Sedwick's ruling, Frederick appealed the ruling to the 9th Circuit Court of Appeals where a three-judge panel, headed by Justice Andrew Kleinfeld, overturned the ruling of Justice Sedwick. This set the stage for an appeal to the U.S. Supreme Court, and on March 19th, 2007, the oral arguments were heard for *Morse v. Frederick*. Representing Joseph Frederick was the ACLU and Juneau Attorney Doug Mertz, and representing Deborah Morse was U.S. Solicitor General Ken Star.

The court ruled 5-4 against Frederick, stating that the First Amendment does not prevent school administrators from restricting student expression that is reasonably viewed as promoting the use of illegal drugs. In the end, Deborah Morse regretted ever getting involved. She became stigmatized and alienated and never understood why Frederick did not just let it go. Frederick saw himself as being on a moral crusade. The case of *Morse v. Frederick* later became very consequential for both free speech rights and future U.S. drug policy (Foster 2010).



Fig. 3. The banner after being returned to Attorney Doug Mertz in 2002 from Morse's legal team (courtesy of Associated Press).

BONG HiTS 4 JESUS banner history

In 2002, at the height of the lawsuits, Attorney Doug Mertz was handed the banner by the Morse Legal Team. According to Doug Mertz, the banner was handed to him crumpled up in a bag (fig. 3), where it then resided on top of a cabinet in his office until 2007, when it was loaned to the Newseum in Washington, D.C. (Doug Mertz, pers. comm.). The banner then remained on display at the Newseum until 2019, when the Newseum galleries closed (fig. 4). The banner was then sent back to Alaska and returned to Doug Mertz. By this point, Frederick had moved to China with his family and was primarily interested in selling the banner. In the interest of keeping the banner in Juneau, Doug Mertz first approached the City Museum of Juneau, followed by the Alaska State Museum (ASM) (Doug Mertz, pers. comm.). Before the ASM would purchase the banner, a discussion was required to address its condition and potential display.

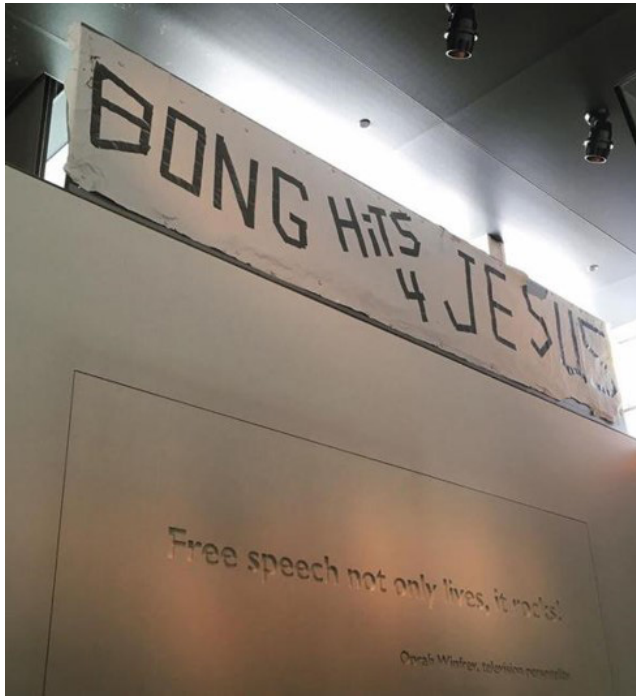


Fig. 4. The banner on display at Newseum (The Daily Nebraskan, Lani Hanson, Oct. 23, 2016).

ASM Conservator Ellen Carrlee initiated discussions with Paper Conservator Seth Irwin to discuss options. After the ASM decided not to acquire it, the banner was then purchased by the First Amendment Museum in Maine. The First Amendment Museum then decided to follow all the original conservation and display recommendations (Christian Cotz, pers. comm.).

MATERIALS, CONDITION, AND ETHICAL CONSIDERATIONS

The banner consists only of two materials: commercial butcher paper and silver duct tape. It was in poor condition, with damage consisting of heavy tearing and creasing (figs. 5 and 6). There was also crumpling across the whole sheet. The



Fig. 6. The banner unrolled in the studio.

entire sheet measured approximately 15 ft. There was approximately 47 ft. of cumulative duct tape across the length of the banner. Remarkably, none of the duct tape had either lifted or caused any noticeable deterioration after almost 20 years. In 2008, the Newseum had contracted out minor conservation work of the banner to Girod Holt Conservation LLC (Carrie Christofferson, pers. comm.; Jane Girod Holt, pers. comm.) (fig. 7).

From the beginning, it was clear that any action conducted with the banner would require serious ethical discussions. The damage to the banner was viewed as critical to its history. Everyone agreed it was important to keep the damage, but there was some discussion as to what damage was important to keep. The damage from 2002 was viewed as the most important, but it was agreed that all the damage that followed should be repaired. There were also very few photographs of what the banner looked like in 2002 after it was confiscated and held by the Morse legal team, and Doug Mertz claimed it was not well taken care of when it lived on top of his office cabinet for the five years following (Doug Mertz, pers. comm.). It also became clear that Joseph Frederick needed to be consulted. During the time it had been on display at the Newseum, magnets had been used to hang the banner



Fig. 5. Recto of the banner before treatment.

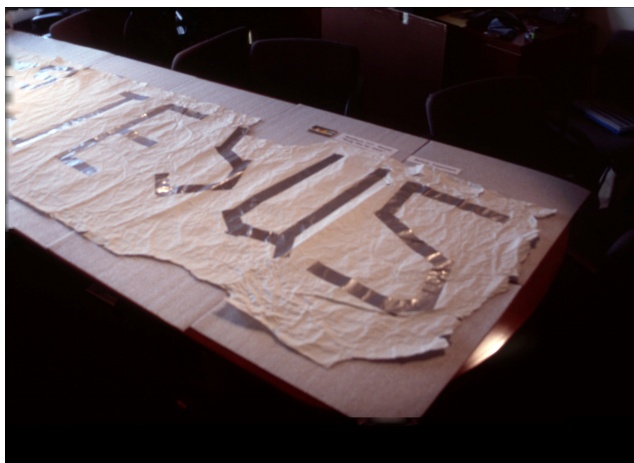


Fig. 7. The banner undergoing assessment and treatment by Girod Holt Conservation LLC (courtesy of Jane Girod Holt).

(Carrie Christofferson, pers. comm.). This method was seen as less than ideal for future exhibition goals.

Everyone agreed that there had to be a compromise on what damage should be repaired. Some damage needed to be repaired for the purpose of stabilization, even if it was original. For other areas of damage it was more important to maintain the aesthetic of the damage rather than preserve each crumple and crease. It was decided that no action would be taken on any of the 47 ft. of duct tape. None of the tape had lifted after 20 years, and no benefit was seen in attempting to intervene with any of it. All the tearing would be repaired, but all the tears still had to be visible. The crumpled look was important to keep, but it did not need to be the original crumpling. Most important was that the treatment needed to involve a new hanging system that would allow for the banner to be safely displayed and then rolled up when not on exhibit. A loop-based hanging system was devised that would come from lining the entire banner onto a single sheet of 100% unbleached cotton muslin, as opposed to a traditional Japanese paper. The idea was that this approach would be more durable on an object of this size, while also preserving much of the crumpling and creasing that might be removed with a traditional paper lining.

TREATMENT

The treatment for the banner called for a single lining onto a sheet of a high-thread-count, 100% unbleached cotton muslin. This lining approach was to be an open-air lining modeled after the relining of 19th century varnished wall maps. In this process, a single sheet of muslin would be wetted out on a piece of acrylic. The muslin would then be smoothed out. A dilute wheat starch paste would then be applied to the fabric. The object would be laid out on the fabric and smoothed



Fig. 8. Acrylic sheets getting sanded down with 60 grit sandpaper to prepare for lining.

out. The object would then be allowed to dry in open air. The process would be similar to the one used on maps but with several notable changes. The first would be the use of the excess fabric border on the top edge to create loops for a hanging system. The second would be the trimming of all remaining excess fabric to reproduce the original losses and damage to the banner.

STEP 1: Several sheets of acrylic were sanded with 60 grit sandpaper to provide a surface with higher grip. The sheets were shimmed and taped from below to create a seam (figs. 8 and 9).

STEP 2: A single sheet of 100% unbleached cotton muslin was laid out across the acrylic sheets and wet out with water using a large wallpaper brush. The fabric was then stretched out using a Chinese palm brush (figs. 10 and 11).

STEP 3: Wheat starch paste was applied to the entire sheet using a large wallpaper brush (fig. 12).

STEP 4: The banner was slowly laid out on the fabric and smoothed out through Hollytex using a rubber printing

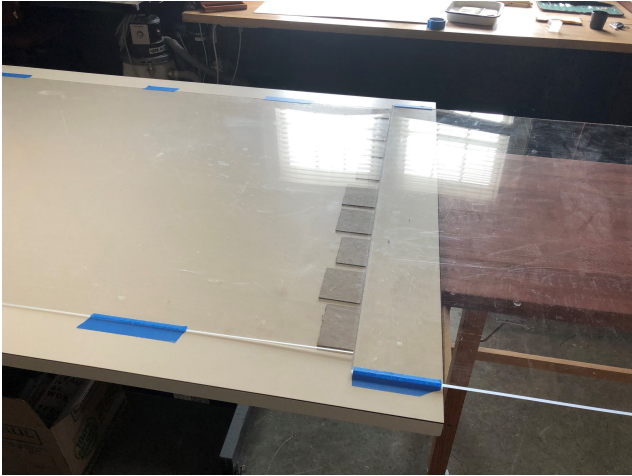


Fig. 9. Acrylic sheets getting shimmed and taped from below create a good seam.

brayer. The banner was then allowed to completely dry in open air.

STEP 5: Once dry, the banner was removed from the acrylic sheets and turned over. The top edge was trimmed to allow for an extra 2-in. border. Two-inch gaps were cut every 24 in. along the top border, and the remaining flaps were folded towards the verso and adhered with wheat starch paste to create loops. The fabric along the remaining sides and bottom were trimmed flush with the paper (figs. 13–15).

CONCLUSION

Objects of protest are not typically thought of as “artwork,” and documentation of condition is often not considered when such pieces change hands. In the case of the banner, it



Fig. 10. Wetting out the cotton muslin with water.

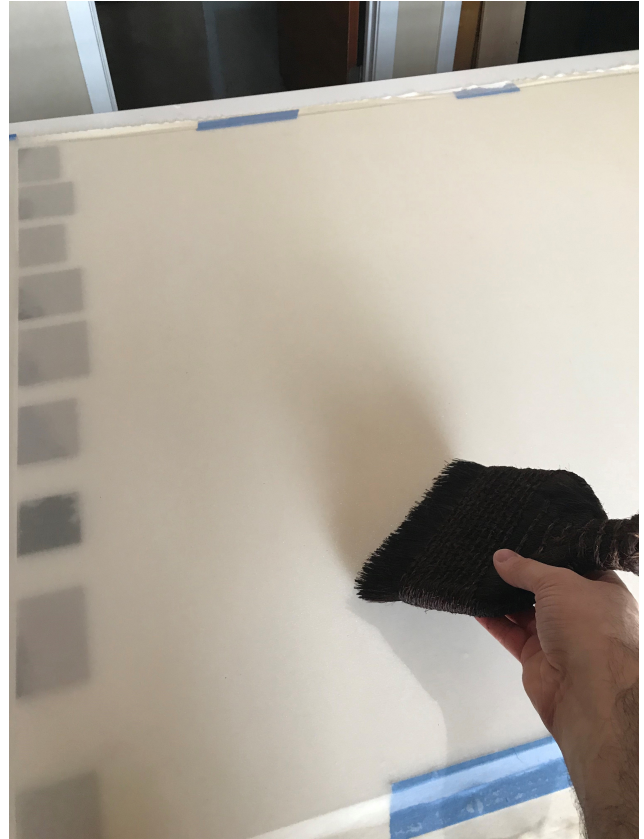


Fig. 11. Stretching and smoothing out the cotton muslin with a Chinese palm brush.

had changed hands so many times without documentation that there was no way to determine when all the damage had happened. When determining original damage is not possible, and when the object might require repair for stability, it might be necessary to “recreate” the prior damage—the look



Fig. 12. Pasting out the cotton muslin with a paper hanger's brush.

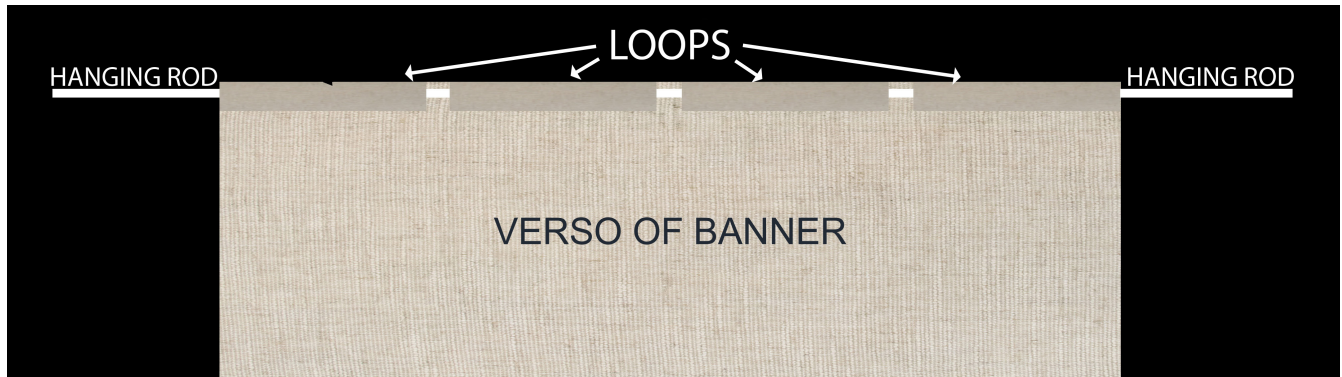


Fig. 13. Diagram of new loop hanging system.

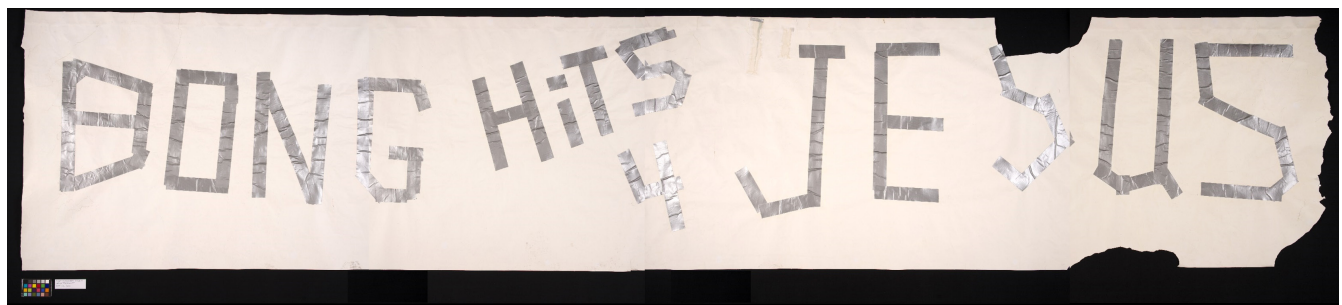


Fig. 14. Recto after treatment.

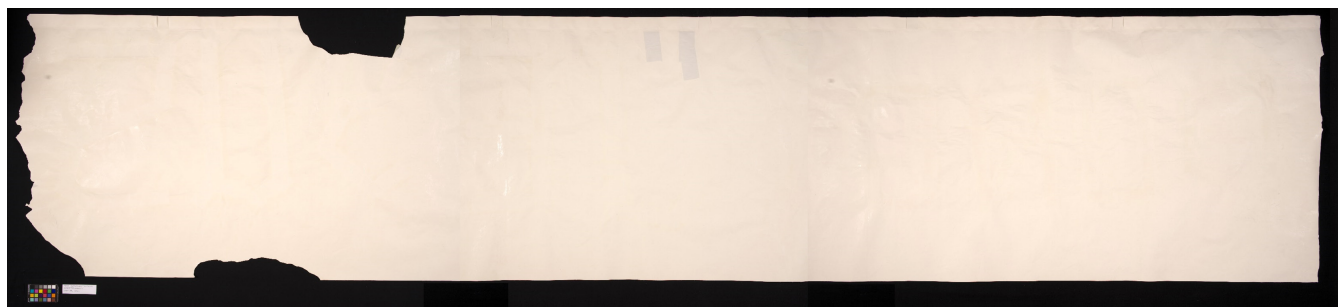


Fig. 15. Verso after treatment.



Fig. 16. The banner on exhibit at First Amendment Museum (courtesy of First Amendment Museum).

of the damage might be more important than its origins. As a final note and observation on this project: objects of historical protest and controversy may involve asking the original creators of the object to bring up a traumatic past that might cause discomfort. The banner is now on display at the First Amendment Museum in Augusta, Maine (fig. 16).

ACKNOWLEDGMENTS

Ellen Carrlee – Conservator for the Alaska State Museum
Doug Mertz – Attorney for Joseph Frederick
Carrie Christofferson – Curator for the Newseum
Christian Cotz – CEO of First Amendment Museum
Jane Girot Holt – Girod Holt Conservation LLC
Joseph Frederick

REFERENCE

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