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**Spatial Distributions of Power:
Illegal Billboards as Graffiti in Los Angeles**

According to Foucault, “space” is fundamental to any exercise of power over communal life and central in the fight to control individuals via a *governmentality* that enforces a particular “code of conduct.”¹ Governmentality is the “thought” that resides in government, or the operative rationales aimed at shaping the conduct of others.² This study of governmentality in Los Angeles calls attention to particular modes of subjectification and self-formation and examines how corpo-political power spatially constructs subjects who conduct themselves *as if they were free* within a liberal democratic system of rule.

Arrangements of urban spaces signify causal reasonings that posit chains of determinations between “men and things.” These logics call for a critical examination with regard to the manipulation of space as elements in governmental projects of subjectification.³ Thus, this study of space is also an investigation of the logics contained in “strategies” of a civic authority that seeks to use space for particular ends.⁴ Specifically, I intend to illuminate L.A.’s governmentality through a critical analysis of the tactics that characterize the powers that seek to direct urban existence.

While governmentality is broadly viewed as the management of conducts and the desire to guide behavior suitable to a particular regime, it comprises distinct groupings of procedures, regulations, philosophies, texts, buildings and authorities. I focus my study on the spatial distribution of power with regard to buildings and billboards in particular. In doing so, I seek a deeper understanding of governance through the production of a kind of politically pragmatic and expedient “truth.”⁵ Viewed in this way, in liberal regimes, the management of populations – while still accomplished through a measure of bodily and legal

¹ Michel Foucault, “Space, Knowledge and Power” In *The Foucault Reader* (P. Rabinow, ed.). (Harmondsworth: Penguin, 1984), 252. Governmentality that enforces a particular “code of conduct” through political subjectification, governmental self-formation and ethical self-formation
² T. Osborne, N. Rose, “Governing Cities: Notes on the Spatialization of Virtue” In *Environment and Planning D: Society and Space*, 22 (1999), 209-228. Michel Foucault, *The History of Sexuality: Vol I An Introduction* (London: Penguin, 1981), 139-145. Political subjectification sees individuals as political subjects under regimes of liberal rule. Enforced by police supervision, governmental self-formation relates to the ways in which agencies and authorities shape habits, capacities and desires of subjects towards particular ends. Michel Foucault. *The Care of the Self: The History of Sexuality*. Vol 3 (London: Penguin, 1990). Ethical self-formation concerns the governance of the self by the self as subjects seek to know, decipher, and act on themselves.
³ Margot Huxley, “Geographies of Governmentality” In *Space, Knowledge and Power: Foucault and Geography*. J. Crampton, S. Elden (eds.) (Burlington: Ashgate, 2008), 193.
⁴ Michel Foucault, “The Eye of Power.” In C. Gordon (ed.) (1980), 149.
⁵ Michel Foucault, “Questions of Method” In G Burchell et al. (eds.), 73-86. Osborne, Rose. “Governing Cities,” 19. “...the emergence of particular ‘regimes of truth’ concerning the conduct of conduct, ways of speaking truth, persons authorized to speak truths, ways of enacting truths and the costs of so doing. Of the invention and assemblage of particular apparatuses and devices for exercising power and intervening upon certain problems.

force – is primarily achieved by controlling the collection of metaphors and messages that dominate urban space; and such is the case in Los Angeles. Where space has been investigated as a rationality of government, it is often seen in terms of control and surveillance. However, when power and government acts not only as *forms* of control, but also as *producers* of political subjects, this calls an examination of spatial manipulation as a central ingredient in the thought of government. ⁶

Historically Antagonistic Relationship to Urban Space

In the United States, antipathy towards the city has is not a novel trend. In contradistinction to the classical view of the city that provided the opportunity to practice the philosophical life, American cities have been traditionally viewed as hindrances to the noble pursuit. In "Fear of the City," American literary critic Alfred Kazin notes how Ralph Waldo Emerson argued that urban crowds were obstacles to be overcome in order to live the good life. For similar reasons, John Adams loathed Boston and Herman Melville reviled New York. ⁷ Such individuals are indicative of the early American intellectual opposition to the "temptations and iniquities" they equated with urban Europe's supposedly corrupt urban centers. ⁸ In *Crabgrass Frontiers: The Suburbanization of the U.S.*, urban historian Kenneth Jackson argues that the core city became identified in the popular mind with: "poor people, crime, minorities, deterioration, older dwellings, and abandoned buildings." ⁹

It is this tradition of urban antipathy that underlies contemporary governmentalities. A 2001 article titled "Fear and Misperception in Los Angeles Urban Space" reveals how a communication infrastructure shapes fear in and of ethnically diverse residential communities. ¹⁰ The authors reported that their research suggested that the prime reason for urban fear in L.A. had less to do with crime and more to do with the presence of minorities. ¹¹ This often "floating" and speculative fear also underlies an evangelical resistance to the city. ¹² In "Subdivided by Faith? An Historical Account of Evangelicals and the City," Calvin College professors of sociology and philosophy (respectively) Mark Mulder

⁶ Huxley, "Geographies of Governmentality" (2008), 193.

⁷ Alfred Kazin, "Fear of the City: 1783-1983." *The American Heritage* (1983), 14.

⁸ Yi-Fu Tuan, *Topophilia* (New York: Columbia University Press, 1974), 193.

⁹ Kenneth Jackson, *Crabgrass Frontiers: The Suburbanization of the United States* (Oxford: Oxford University Press, 1985), 275.

¹⁰ Sorin Matie, Sandra J. Ball-Rokeach, Jack Linchuan Qiu, "Fear and Misrepresentation in Los Angeles Urban Space," *Communication Research* 28 (2001), 452.

¹¹ M. Mulder, J. Smith. "Subdivided by Faith: An Historical Account of Evangelicals in the City" In *Christian Scholars Review*, Vol XXXVIII:4 (2009), 420.

¹² M. Mulder, J. Smith. "Subdivided by Faith" (2009), 420. "Evangelical" In Institute for the Study of American Evangelicals. Accessed online. 2 October 2009. <http://isae.wheaton.edu/defining-evangelicalism/>. Web. In the English-speaking world, the modern usage usually connotes the religious movements and denominations which sprung forth from a series of revivals that swept the North Atlantic Anglo-American world in the eighteenth and early nineteenth centuries. Key figures associated with these revivals included the itinerant English evangelist George Whitefield (1715-1770); the founder of Methodism, John Wesley (1703-1791); and American philosopher and theologian Jonathan Edwards (1703-1758). These revivals were particularly responsible for the rise of the Baptists and Methodists from obscure sects to their traditional position as America's two largest Protestant denominational families.

and James Smith argue that there is a historical link between the centrality of the family in evangelical theology and spiritual practice, along with theological underpinnings attached to the “American dream” or particular visions of the “good life.” What is more, this centralized “modern” family is not a “unit that has remained constant.”¹³ Rather, in earlier social configurations, the family was “open” in the sense that external influences outweighed internal ties among the family “nucleus.” However, by the 18th century, in reaction to a broader emphasis on increased personal autonomy encouraged by merchant capitalism, a new kind of family emerged. As a result, the domesticated nuclear family tended to separate itself from its environment and focus on mutual intimacy and on child rearing.¹⁴

It is this emergence of the centralized, closed family that generated a conflict, amplified by the “Evangelical Movement,” with the more open, interactive principles of the city. For evangelicals, any risk to the family was a threat to faith and the central menace was the urban complex.¹⁵ It is this urban adversary that has largely been abandoned by American evangelicals in terms of political, social, and legal engagement. Specifically, with regard to the latter, the disconnect between legal justice and the city is not just an evangelical characteristic, but is indicative of a larger social mentality in America that has broadly connected urbanity with minorities and crime, and graffiti in particular, that deserved to be rigorously punished lest this urban ethos spread beyond the city and infect the family life preserved in the safety of rural and suburban enclaves.

Governmentality and Punishment: Billboards as Graffiti

Foucault regarded punishment as a complex social function and a political tactic; power did not hesitate to exert itself directly on bodies, but was ultimately reinforced by its visible manifestations.”¹⁶ It is the visible manifestation of power in the Los Angeles urban complex that expresses a governmentality aimed to act upon the malleable modern subject. I argue that L.A. governmentality is the thought of a corpo-political regime that embeds its conceptions of truth in spatial projects of rule. Furthermore, this governmentality informs a civic authority's particular brand of punishment.

The Los Angeles city council's control of space (or lack thereof as I will demonstrate) is not a form of Machiavellian geopolitics (territorial gain and retention), but rather a geographical, corporate financed control over the complex of “men and things.” L.A. municipal code (article 14 sec. 49.84) defines “graffiti” as an act that causes: “any form of unauthorized inscription, word, figure or design to be marked, etched, scratched, drawn, sprayed, painted or otherwise *affixed* [my emphasis] on any structural component of any building, structure or other facility or upon any other property, regardless of its content or nature and regardless of the nature of the material of that structural component

¹³ Robert Fishman, *Bourgeois Utopias: The Rise and Fall of Suburbia* (New York: Basic Books, 1987), 33.

¹⁴ Mulder, Smith. “Subdivided by Faith” (2009), 425.

¹⁵ Fishman, *Bourgeois Utopias* (1987), 34-35.

¹⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Harmondsworth: Penguin, 1977), 57.

or property.” In L.A., graffiti is treated as a form of vandalism and generally falls under the “possession of aerosol containers of paint under 18” (Penal Code 594.1). Vandalism is a felony charge if the damage is over \$400 and the defendant has a prior conviction for vandalism; penalties can include fines that range from \$400 to \$5,000, a 1 year suspension of a driver's license and even incarceration.

While graffiti has regularly been prosecuted as form of vandalism, illegal billboards have not. Illegal billboards are generally defined as panels for the display of advertisements in public places (such as alongside highways or on the sides of buildings) that have not received the legal permits and safety inspections; panels that display ads not related to structure or property they are affixed to may also qualify as “unlawful.” It is my contention that illegal billboards are a form of graffiti and, as a result, should be prosecuted as a form of vandalism. According to the language used in L.A.'s own municipal code, illegal billboards qualify as a “figure or design” (regardless of its nature or content) “affixed” (rather than marked, etched, scratched, drawn or painted) on a “structural component of any building, structure, facility or property.” To state this plainly, drawing from L.A.'s own legal codes, I argue that illegal billboards are graffiti and potentially a form of felony vandalism subject to the same fines, suspensions, and prison sentences previously mentioned. As a visible support of this claim, similar to traditional forms of graffiti, illegal billboards display a kind of identifying “tagging”:

Images: 1a, 1b: Graffiti Artist Tagging



Images 2a, 2b: Corporate Tagging



While graffiti is routinely punished, illegal billboards are generally allowed to spread unchecked by L.A. civic authorities. Though there are conflicting reports and the exact data has been difficult to verify, the fine for an illegal billboard is around \$100 per day. Additionally, while the application fee to create legal street art (graffiti, murals, etc.) is \$5000, the municipal fee to erect a billboard is \$186 – lowered from \$314 as a result of litigation on behalf of the billboard companies who, in spite of a 2002 ban on new billboards, collect roughly \$14,000 / month from a single double-sided 14x48-foot billboard; digital billboards earn roughly \$128,000 / month. In total, the major billboard companies collect approximately \$1.34 billion a year.¹⁷

¹⁷ Christine Pelisek, “Billboards Gone Wild: 4,000 Illegal Billboards Choke L.A.’s Neighborhoods

Image 3: Standard 14x48 Billboard



Image 4: Digital Supergraphics



Image 5: Supergraphics



In what appears consistent with a corporate financed political regime, the city of Los Angeles – with a \$7 billion budget that includes the highest city council salaries in the U.S. at \$171,000 – employs just three billboard inspectors (though that number may have increased due to public pressure). In fact, even if city wanted to prosecute illegal signage, it would be hard pressed to do so as the exact locations of the roughly 4,000 billboards are known to only 2 city council members and are unknown to both the city attorney and the city council president. In April, 2007, *LA Weekly* went to Los Angeles Superior Court to force the city to hand over public information about the address locations of thousands of potentially illegal billboards. Over the vociferous protests of the two major players in the industry – Clear Channel Outdoor and CBS Outdoor – a judge ruled that the public had the right to access these public lists. However, the lists did not show which billboards were illegal at the addresses, which makes the search difficult as there are often several at each location. In response, publisher of West LA Online Jim Bursch created a searchable billboard database, with specific illegal billboard information; the database currently contains 3399 billboard records.¹⁸

Images 6a, 6b: Westside Community Project Database



In telling contrast to the city's relentless prosecution of graffiti, illegal billboards have been handled rather permissively by civic powers who have been treated quite generously by the major billboard firms provided with virtually unlimited spatial control over the urban metaphors via an overlooked and unprosecuted form of vandalism.¹⁹

Is City Hall corrupt, or just inept?" In *LA Weekly*, April 23, 2008.

¹⁸ Pelisek, "Billboards Gone Wild" (2008).

¹⁹ Additionally, the city council has proposed new "sign districts" that permit more supergraphics downtown as many of the councils major players have accepted large campaign donations

The Demos Fights Back: Reappropriating the Message

Financed largely by Clear Channel and CBS Outdoor, the L.A. civic authority's manipulation of space is a corpo-political domination of the public message. In the fight for free and equal speech, ironically, it has been the billboard companies themselves, rather than private artists, who have been at the vanguard of litigation. In February, 2009, the *Los Angeles Business Journal* reported on two separate lawsuits filed by LA Outdoor and Summit Media. These smaller players in the billboard game sued the city of Los Angeles for granting exemptions to its 2002 billboard ban to what the referred to as "favored" companies. The lawsuits also challenged the city's "unfettered right to erect new outdoor ads on its property while prohibiting competition from doing the same." Specifically, LA Outdoor claimed that: "the city has exempted certain individuals from the ban on signage where the city finds it economically advantageous to do so."²⁰

In a show of protest against the city for what he saw as unjustly rewarding the owners of his larger competitors, owner of L.A. Outdoor Keith Stephens used legit building inspectors to erect an illegal billboard. Stephens said: "All the city is doing is handing the keys to two companies." However, the Ninth Circuit rejected this reasoning and argued that the city has the right to determine where it is appropriate to allow billboards. This ruling makes an advertising company's right to free speech secondary to a municipality's right to regulate. In other words, commercial speech is different from political speech in that the protections are not absolute.²¹

So, speech that is political protest in the form of street art possesses greater legal footing than that of the advertising companies. Though it seems that the corpo-political machine appears undaunted by legal action, there are several underground, grassroots movements that have adopted ingenious ways to both combat the spread of illegal signage, demonstrate the duplicity involved in the way traditional graffiti and illegal billboards are prosecuted by civic authorities, and as a form of message reappropriation:

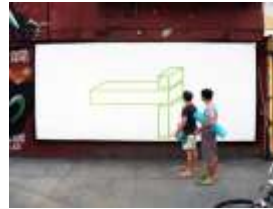
Councilman Richard Alarcon, Tony Cardenas, Eric Garcetti, Wendy Greuel, Janice Hahn, Jose Huizar, Tom LaBonge, Bernard Parks, Jan Perry, Ed Reyes, Bill Rosendahl, Greig Smith, Jack Weiss, Herb Wesson, Dennis Zine and the mayor have all accepted campaign funds from the industry they have failed to regulate.

²⁰ Christine Pelisek, "LA Business Journal Reports on Billboard Blight" In LA Weekly Sep. 23 2008

²¹ Howard Fine, "L.A. to step up enforcement of billboard ban" (Los Angeles) In Los Angeles Business Journal Feb 2, 2009. Lincoln Bandlow, a partner in the Century City office of Kansas City, Mo. based law firm Lathrop & Gage LLP.

- 1) In New York (2009), 120 illegal billboards were first whitewashed and then transformed into pieces of art. The New York Wooster Collective has reported that: "While illegal, these violations are not being prosecuted by the City of New York, allowing the billboard companies to garner huge profits by cluttering our outdoor space with intrusive and ugly ads."²²

Images 6a, 6b: New York City's "Whitewash" Campaign (2009)



- 2) Copenhagen, Denmark (2009): anonymous individuals have removed the original posters and changed the corporate tag.

Images 7a, 7b: Nørreport Station – Copenhagen (2009)



- 3) Unknown Location (2009): "These are the first posters to hit the streets in an ongoing experimental campaign to raise cognitive awareness and more importantly to inspire benevolent action that we often forget, oversee, or might be in opposition to our often hedonistic culture" (seanwoolsey.com)

Images 8a, 8b: Unknown Location (2009)



²² Dakota, "Volunteers Take On Illegal Billboards, Whitewash 'Em" In L.A. Times, Tuesday, April 28, 2009.

Conclusion: Los Angeles Governmentality

The disconnect between legal justice and particular urban crimes such as graffiti and illegal billboards is indicative of a larger social mentality that has broadly connected urbanity with minorities and delinquencies that deserve rigorous prosecution lest this prurience spread and destabilize the closed family life that exists outside the city. While graffiti has generally been accepted as a form of urban crime and punished accordingly, the tacit civic acceptance of illegal billboards as a result of certain economic advantages signifies L.A.'s corpo-political governmentality. Although there are grassroots movements afoot to reappropriate the collection of urban metaphors, this legal double standard has left metropolitan centers like Los Angeles open to a kind of consumerist, economically driven thought of government that aims to shape the supposedly malleable modern subject and is enforced through targeted punishment. Based on its manipulation of urban space, L.A. governmentality attempts to create corpo-political subjects whose habits and desires are oriented towards consumerist ends. In this way, via a constant bombardment of a hegemonic truth, corpo-political regimes control the means by which individuals seek to know, decipher, and act on themselves. Acting as if they were free in within a liberal, democratic system of rule, the good consumer citizen is calculatedly and spatially constructed.

Illegal Billboard Timeline

Significant events in L.A.'s attempts to regulate billboards:

1982: L.A. City Councilman Marvin Braude proposes first ordinance to ban new billboards, but construction unions show up in Council chambers to defeat the measure.

1984: Council passes law requiring minimum 600 feet space between billboards.

1987: Council passes law banning billboards within 200 feet of residences.

1888: Braude's final effort to ban new billboards fails on 8-7 vote.

1990s: Billboards appear on top of multi-story buildings. First supergraphics appear late in late 1990s on buildings in Hollywood, Koreatown and downtown. Further attempts at banning new billboards stymied.

Feb. 2002:

Councilman Jack Weiss pushes through \$314-per-billboard yearly inspection fee on billboard owners: funds would go to Department of Building and Safety to hire more inspectors.

May 2002: Council bans new billboards throughout the city except in designated special districts. Four outdoor advertising companies--Vista Media, Regency, CBS Outdoor and ClearChannel Outdoor- file lawsuits and succeed in blocking implementation of inspection fee.

August 2003: U.S. Ninth Circuit Court of Appeals rules that inspection fee is not large enough to cause billboard companies harm and authorizes inspections to go forward. Department of Building and Safety doesn't follow through.

Late 2006/Early 2007: City Attorney Rocky Delgadillo settles the remaining portions of the lawsuits. Among controversial provisions: Two companies are granted six years to tear down 98 "nuisance billboards;" the inspection fee is cut to \$186; an indeterminate number of illegal billboards erected prior to 1986 are grandfathered in; and the four companies are given the right to convert 877 billboards into digital message billboards without public review. In return, billboard companies were supposed to release lists of billboard locations.

2007: Late in year, first digital billboards go up, along with several new super-graphics.

June 2008: Federal judge blocks Los Angeles from ordering the removal of 34 supergraphics.

October 2008: Councilman Bill Rosendahl and 30 local activists count illegal and digital billboards in his district.

December 2008: U.S. Ninth Circuit Court of Appeals rules that 2002 billboard ban does not violate free speech rights of outdoor advertising companies. Under mounting public pressure, council passes 90-day moratorium on all new billboards, effective Dec. 26.

Jan. 2009: City Planning Commission holds hearings on new billboard ban, which would cap number and size of both onsite business signs and offsite billboards and ban new digital billboards and supergraphics outside of special zones.

Feb. 2, 2009: Department of Building and Safety set to launch inventory of billboards throughout city.