

DEPOSITION

RICHARD PRINCE

1 --

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----x

5 DONALD GRAHAM,

6 Plaintiff,

7 V. Case No.

8 1:15-cv-10160-SHS

9 RICHARD PRINCE, GAGOSIAN GALLERY
10 INC. and LAWRENCE GAGOSIAN,
Defendants.

-----x

11 ERIC McNATT

12 Plaintiff

13 V. Case No.

14 1:15-cv-28896-SHS

15 RICHARD PRINCE, GAGOSIAN GALLERY
16 INC. and LAWRENCE GAGOSIAN
Defendants.

17 -----x

18
19 10:00 a.m.
20 March 23, 2018
825 Eighth Avenue
New York, New York

21 * CONFIDENTIAL *

22

23 VIDEOTAPED DEPOSITION of RICHARD
24 PRINCE, a Defendant in the above entitled
matter, pursuant to Notice, before Stephen
25 J. Moore, a Registered Professional
Reporter, Certified Realtime Reporter and
Notary Public of the State of New York.

Page 2			Page 4		
1	RICHARD PRINCE		1	RICHARD PRINCE	
2	A P P E A R A N C E S:		2	178 E-mail from Jane Harmon to Eric	153 24
3	CRAVATH SWAINE & MOORE, LLP		3	Brown Bates stamped	
4	Attorneys for Plaintiffs		4	PRINCE_GRAHAM 0000133	
5	825 Eighth Avenue		5	179 E-mail exchange between Eric	157 19
6	New York, New York 10019		6	Brown and Max Teicher Bates	
7	BY: CHARLES A. MUNN, ESQ.		7	stamped PRINCE_GRAHAM 000332	
8	- and -		8	180 Document regarding Twitter	161 9
9	KATHRYN-ANN STAMM, ESQ.		9	posts Bates stamped DG 00001045	
10	- and -		10	181 E-mail from Richard Prince to	172 18
11	ADAM RICH, ESQ.		11	Karley Sciortino Bates stamped	
12	GREENBERG TRAUIG, LLP		12	PRINCE_GRAHAM	
13	Attorneys for Richard Prince		13	182 E-mail exchange between Richard	176 15
14	Blum & Poe		14	Prince and Brendan Dugan Bates	
15	1840 Century Park East.		15	stamped PRINCE_GRAHAM 0000150	
16	Los Angeles, California 90067		16	183 Retweet of Twitter post by	208 9
17	BY: IAN BALLON, ESQ.		17	Richard Prince	
18	- and -		18	184 Retweets of Half Gallery	210 10
19	ALENA MARKLEY, ESQ.		19	exhibit tweet	
20	DONTZIN NAGY & FLEISSIG LLP		20	185 Full tweet by Half Gallery	212 5
21	Attorneys for Gagosian Gallery		21	186 Post regarding the New	214 18
22	980 Madison Avenue		22	Portraits catalogue	
23	New York, New York 10075		23	187 Image of a shoe horn	221 2
24	BY: TRACY O. APPLETON, ESQ.		24	188 Amended Answer	250 22
25	ALSO PRESENT:		25		
	BRIAN SEXTON, ESQ.				
Page 3			Page 5		
1	RICHARD PRINCE		1	RICHARD PRINCE	
2	EXAMINATION BY	PAGE	2	THE VIDEOGRAPHER: Good morning,	
3	MR. MUNN	7	3	everyone. This is the video operator	
4	MR. BALLON	285	4	speaking, Robert Gibbs, of Epiq Global,	
5			5	240 West 35th Street, New York City, New	
6	E X H I B I T S		6	York 10001.	
7			7	Today is March 23, 2018, and the	
8	171 Twitter posting of The Velvet	62 3	8	time is 10:06 a.m.	
9	Beach		9	We are at the offices of Cravath	
10	172 Cover of pulp paperback called	74 2	10	Swaine & Moore, LLP, 825 Eighth Avenue,	
11	Millionaire Nurse		11	New York City, New York 10019 to take the	
12	173 Millionaire Nurse by Richard	74 2	12	video deposition of Mr. Richard Prince in	
13	Prince		13	the matter of case number 1, Donald Graham	
14	174 De Kooning painting called A	82 5	14	versus Richard Prince, et al., case number	
15	Woman and a Bicycle		15	KV-10160-SAS.	
16	175 Untitled work by Richard Prince	82 5	16	Case number 2, Eric McNatt versus	
17	176 Comparison of photo from the	85 3	17	Richard Prince, et al., case number	
18	book YES RASTA with Richard		18	CV-08896-SHS.	
19	Prince work Graduation		19	Both cases are in the United States	
20	177 E-mail exchange between Richard	97 6	20	District Court for the Southern District	
21	Prince and David Rimaneli		21	of New York.	
22	Bates stamped PRINCE-GRAHAM		22	Will counsel please introduce	
23	0000133		23	themselves for the record.	
24			24	MR. MUNN: Charles Munn from	
25			25	Cravath Swaine & Moore, representing	

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1 RICHARD PRINCE
2 Donald Graham and Eric McNatt.
3 MS. STAMM: Kathryn Stamm from
4 Cravath Swaine & Moore, for the
5 Plaintiffs.
6 MR. RICH: Adam Rich, Cravath
7 Swaine & Moore, for the Plaintiffs.
8 MS. APPLETON: Tracy Appleton
9 from Dontzin Nagy & Fleissig on behalf
10 of Gagosian Inc. and Laurence Gagosian.
11 MS. MARKLEY: Alena Markley,
12 Greenberg Traurig on behalf of Richard
13 Prince.
14 MR. SEXTON: Brian Sexton,
15 general counsel to Richard Prince.
16 MR. BALLON: Ian Ballon,
17 Greenberg Traurig, Los Angeles, on
18 behalf of Richard Prince.
19 THE VIDEOGRAPHER: Thank you,
20 all.
21 Will the court reporter, Stephen
22 Moore, of Epiq Global, please swear the
23 witness.
24
25

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1 RICHARD PRINCE
2 R I C H A R D P R I N C E, called as a
3 witness, having been first duly sworn by
4 the Notary Public, was examined and
5 testified as follows:
6 THE VIDEOGRAPHER: You may
7 proceed, counsel.
8 EXAMINATION BY
9 MR. MUNN:
10
11 Q Good morning, Mr. Prince. As I
12 said before, my name is Charles Munn, and I
13 represent Donald Graham and Eric McNatt.
14 Thank you for being here today.
15 I'm going to be asking you a
16 series of questions about your career and
17 artwork, and the particular, works at issue in
18 this case.
19 And first, I would like to go
20 over a few rules of the road.
21 This deposition is being
22 recorded and transcribed, so you will need to
23 verbalize your answers, and nods and grunts
24 won't do, okay?
25 A Yes.

Page 8

1 RICHARD PRINCE
2 Q If you don't understand a
3 question, please don't hesitate to ask me for a
4 clarification.
5 Can we agree to that?
6 A Yes.
7 Q If you need a break, please let
8 me know. I'm happy to break any time that you
9 need to, okay?
10 A Yes.
11 Q Sometimes when I ask a question
12 one of the attorneys, one of the many attorneys
13 at the table here may interject an objection.
14 That's for the record.
15 Unless one of your attorneys
16 directs you not to answer the question, you may
17 answer the question.
18 Do you understand?
19 A Yes.
20 Q If you want a question repeated,
21 please feel free to ask me. We will either
22 have it read back from the record or I will
23 rephrase it. All right?
24 A Yes.
25 Q Now, you understand that you are

Page 9

1 RICHARD PRINCE
2 required to provide truthful testimony today,
3 correct?
4 A Yes.
5 Q And is there any reason you
6 can't provide truthful testimony today?
7 A No.
8 Q Are you taking any medication or
9 drugs that would affect your testimony?
10 A No.
11 Q Last night you posted a Twitter,
12 a tweet that said, "Deposition Row" and
13 attached a photo of Andy Kaufman.
14 Do you remember that?
15 A Yes.
16 Q What did you mean by that tweet?
17 A I was trying to remember the
18 career of Andy Kaufman.
19 Q And what did Andy Kaufman do?
20 A I believe he was satirist, TV
21 star.
22 Q Was he a comedian?
23 A Yes.
24 Q What did you mean by the words
25 "deposition row"?

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1 RICHARD PRINCE

2 A It's a variation on a Bob Dylan

3 song.

4 Q When you use the term

5 "deposition row" on Twitter, you are referring

6 to your deposition in this case, right?

7 A I am referring to a Bob Dylan

8 song.

9 Q Is there any reason you chose

10 the particular photo of Andy Kaufman that you

11 chose for your tweet?

12 A I -- I happen to like the fact

13 that he was in a neck brace.

14 I remembered an incident where I

15 believe he was wrestling, and I was imagining

16 that he was perhaps injured during his

17 encounter with a real wrestler.

18 I believe that Andy was playing

19 the part of a wrestler.

20 Q Did you know that that photo was

21 from an interview about Andy Kaufman's

22 wrestling feud with a professional wrestler

23 Jerry Lawler?

24 MR. BALLON: Objection, lacks

25 foundation. You can go ahead and

Page 11

1 RICHARD PRINCE

2 answer.

3 A No, I didn't.

4 Q Did you think did Andy Kaufman's

5 wrestling was performance art?

6 A Define performance art.

7 Q How do you define performance

8 art?

9 MR. BALLON: Objection. Counsel,

10 it's your term.

11 MR. MUNN: I am asking the

12 witness to define the term performance

13 art for himself.

14 MR. BALLON: Lacks foundation.

15 You can go ahead and answer.

16 A I don't -- I mean, performance

17 art is something that artists do when they

18 are -- there is an audience, perhaps on a

19 stage.

20 I'm not that familiar with -- I

21 have some performance artist friends who --

22 it's a medium in which -- it's just another

23 medium in which an artist can be creative.

24 I have done a couple of

25 performances. I believe the first one I did

Page 12

1 RICHARD PRINCE

2 was as early as 1976 at the Grommet Theater.

3 I did a performance, as far as I

4 can remember, I think it took place on Broadway

5 between Prince and Spring.

6 Q Do you consider Andy Kaufman to

7 be a performance artist of sorts?

8 A Of sorts. Andy Kaufman was a

9 lot of things, but I would believe that you

10 could describe one of the things that Andy

11 Kaufman did, and did effectively, and was very

12 good at, was taking on different roles.

13 And I believe that performance

14 artist would be one way to describe some of

15 which, what Andy Kaufman did in his life.

16 Q And you said that the words

17 "deposition row" refer to a Bob Dylan song.

18 What Bob Dylan song were you

19 referring to?

20 A It was a song on his album

21 Desolation Row, on an album, bringing it all

22 back home on, I believe it was his first album

23 that he went electric.

24 Q So, your tweet with "deposition

25 row" and the Andy Kaufman photo had nothing to

Page 13

1 RICHARD PRINCE

2 do with your deposition today?

3 A No.

4 Q Have you ever been deposed

5 before?

6 A Yes.

7 Q How many times have you been

8 deposed?

9 A Once.

10 Q Was that in the Cariou case?

11 A Yes.

12 Q Prior to this deposition did you

13 speak with anyone about the Graham or McNatt

14 lawsuits?

15 A I believe I have discussed these

16 lawsuits with my counsel.

17 Q Have you discussed the lawsuits

18 by Mr. Graham or Mr. McNatt with anyone else

19 besides your counsel?

20 A No.

21 Q You haven't tweeted about the

22 subject matter of the lawsuits?

23 A Not that I'm aware of.

24 Q You haven't spoken to any of

25 your friends or colleagues about the lawsuits

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1 RICHARD PRINCE
2 that Mr. Graham or Mr. McNatt have brought?
3 A Not that I can remember.
4 Q What did you do to prepare for
5 this deposition?
6 A I spent a lot of time the last
7 couple of days in my studio painting, on a new
8 body of work that I've been working on for the
9 last -- since 1998.
10 Q Did you meet with anyone to
11 prepare for this deposition?
12 A Yes.
13 Q Who did you meet with?
14 A My counsel.
15 Q Who specifically are you
16 referring to?
17 A Ian and Brian Sexton.
18 Q When did you meet with Ian and
19 Brian about the case, this deposition?
20 A A week ago, I believe.
21 Q How many times did you meet with
22 Ian and Brian about this deposition?
23 A I think maybe twice, I'm not
24 sure.
25 No more than two times.

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1 RICHARD PRINCE
2 Q How long did you meet with
3 counsel in preparation for this deposition, the
4 first time you met?
5 A The first time, approximately
6 five hours.
7 Q How long did you meet with
8 counsel the second time that you met to prepare
9 for this deposition?
10 A Not as long. I think it was
11 more like three hours, four hours, something
12 like that.
13 Q Was the meeting a week ago the
14 first or the second meeting in preparation for
15 this deposition with counsel?
16 A I believe it was the second one.
17 Q Did you meet with anyone else to
18 discuss this deposition besides counsel?
19 A Not that I'm aware of.
20 Q Do you know whether other
21 depositions have occurred in this litigation
22 prior to today?
23 A Yes.
24 Q To your knowledge, who has been
25 deposited?

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1 RICHARD PRINCE
2 A To my knowledge -- let me think.
3 Some of my assistants have been deposed, and I
4 believe I was told that Larry Gagosian was
5 deposed.
6 Q Have you communicated with your
7 assistants or Larry Gagosian about their
8 depositions?
9 A No, I haven't.
10 Q Did you have a meeting with
11 potential witnesses in this case to discuss
12 what would be testified about at the
13 depositions?
14 MR. BALLON: Objection, vague and
15 ambiguous with respect to potential
16 witnesses. This is a lay witness, not a
17 lawyer.
18 You can answer.
19 A I don't understand the question.
20 Q Did you meet with any of your
21 colleagues or assistants to discuss the
22 depositions that might be taken in this case?
23 A Not that I'm aware of.
24 Q Prior to this deposition, did
25 you ever meet with Larry Gagosian about what he

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1 RICHARD PRINCE
2 would testify about at his deposition in this
3 case?
4 A No.
5 Q So it's your testimony today
6 that you have not discussed the other
7 depositions in this matter with anyone other
8 than your attorneys?
9 A I don't know what you mean by
10 other depositions.
11 Q You testified earlier that you,
12 to your knowledge, your assistants and
13 Mr. Gagosian have been deposed in this case,
14 right?
15 A Yes.
16 Q Have you discussed those
17 depositions with anyone other than your
18 attorneys?
19 A No.
20 Q Did you review any documents to
21 prepare for this deposition?
22 A Define documents.
23 Q Let me use it in the broadest
24 possible term to mean any image, printing,
25 document, material, matter of any kind.

<p style="text-align: right;">Page 18</p> <p>1 RICHARD PRINCE</p> <p>2 A Yes.</p> <p>3 Q What documents did you review in</p> <p>4 preparation for this deposition?</p> <p>5 A My counsel showed me printouts</p> <p>6 of things that they were wondering if I had put</p> <p>7 out on Twitter.</p> <p>8 I think those were the -- those</p> <p>9 were some of the -- I believe that they showed</p> <p>10 me some documents that reproduced some of my</p> <p>11 Instagram portraits.</p> <p>12 Q Do you remember which printouts</p> <p>13 of Twitter posts they showed you?</p> <p>14 A I can really only -- I would</p> <p>15 have to be shown those documents to actually</p> <p>16 answer that question.</p> <p>17 No, I don't remember the various</p> <p>18 twitters that they showed me. I can't recall</p> <p>19 the specifics. It's a complicated medium.</p> <p>20 MR. BALLON: I want to caution</p> <p>21 you not to disclose anything that we</p> <p>22 actually talked about.</p> <p>23 Q Do you know if the Twitter post</p> <p>24 printouts they showed you have been produced in</p> <p>25 this case?</p>	<p style="text-align: right;">Page 20</p> <p>1 RICHARD PRINCE</p> <p>2 other side in this lawsuit?</p> <p>3 A Given to what side?</p> <p>4 Q Given to Mr. Graham or</p> <p>5 Mr. McNatt's attorneys?</p> <p>6 A I wouldn't know that.</p> <p>7 Q When you saw the Twitter</p> <p>8 printouts, did they have any stamps or numbers</p> <p>9 at the bottom that indicated they had been</p> <p>10 produced in this case?</p> <p>11 A I don't understand the question</p> <p>12 you're -- when you said your printouts, are you</p> <p>13 referring to my printouts, or --</p> <p>14 Q When you were shown the</p> <p>15 printouts of the Twitter posts at meetings to</p> <p>16 prepare for this deposition, did they have any</p> <p>17 numbers at the bottom that had been added by</p> <p>18 your attorneys?</p> <p>19 A Not that I was aware of, no.</p> <p>20 MR. MUNN: So, to the extent that</p> <p>21 those printouts have not been produced,</p> <p>22 we will call for their production.</p> <p>23 Q Did you prepare any documents to</p> <p>24 assist you in providing testimony today?</p> <p>25 A Did I prepare documents?</p>
<p style="text-align: right;">Page 19</p> <p>1 RICHARD PRINCE</p> <p>2 A I don't understand the question.</p> <p>3 What do you mean by produced?</p> <p>4 Q Do you know if your attorneys</p> <p>5 disclosed the Twitter printouts in discovery</p> <p>6 for this case?</p> <p>7 A I'm an artist, I'm not a lawyer.</p> <p>8 I really don't understand that question.</p> <p>9 Q Do you know what discovery is?</p> <p>10 A Again, I'm an artist, I don't</p> <p>11 understand that kind of legalese or I</p> <p>12 suppose -- I don't know how you would define</p> <p>13 that term, discovery.</p> <p>14 Q Are you aware that when you are</p> <p>15 sued that the party that sues you can ask for</p> <p>16 documents in your possession?</p> <p>17 A Yes.</p> <p>18 Q And you are required to produce</p> <p>19 those documents to the other side?</p> <p>20 A That's what I'm told, yes.</p> <p>21 Q When I refer to discovery, it is</p> <p>22 that in part to which I refer.</p> <p>23 A Okay.</p> <p>24 Q So do you know if the Twitter</p> <p>25 printouts that you were shown were given to the</p>	<p style="text-align: right;">Page 21</p> <p>1 RICHARD PRINCE</p> <p>2 Q Yes.</p> <p>3 A No.</p> <p>4 Q Can you summarize your</p> <p>5 educational background, please?</p> <p>6 A I went to high school, I went to</p> <p>7 college.</p> <p>8 Q Where did you go to college?</p> <p>9 A I went to college, it was called</p> <p>10 Nasson, N-a-s-s-o-n College.</p> <p>11 Q And Nasson College is in Maine?</p> <p>12 A It was in Maine.</p> <p>13 Q When did you graduate from</p> <p>14 Nasson College?</p> <p>15 A That's a good question. I</p> <p>16 either graduated in 197 -- I believe 1971 or</p> <p>17 1972. I don't recall the exact date.</p> <p>18 Q What degree did you get at</p> <p>19 Nasson College?</p> <p>20 A Bachelor of Fine Arts.</p> <p>21 Q Have you attended any other</p> <p>22 professional schools?</p> <p>23 A No.</p> <p>24 Q Any other education?</p> <p>25 A No.</p>

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1 RICHARD PRINCE

2 Q So, starting with your first job

3 after college, can you summarize your

4 employment history?

5 A Waiter, dishwasher, busboy. I

6 worked at a nightclub, I worked at a dinner

7 theater bussing tables, and I worked at various

8 jobs at, I believe at the time it was called

9 Time-Life.

10 Q When did you start working at

11 Time-Life?

12 A I believe it was 1975.

13 Q Were your jobs as waiter,

14 dishwasher, busboy, et cetera, prior to 1975?

15 A Yes.

16 Q What were your various jobs at

17 Time-Life?

18 A I worked in a department called

19 copy processing, and I worked at, for a while,

20 the employees' book store, Time-Life employees'

21 book store.

22 Q What did you do in copy

23 processing at Time-Life?

24 A Well, copy processing was --

25 it's very difficult to describe now.

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1 RICHARD PRINCE

2 I believe, I mean, I guess the

3 simplest way to describe the job was the

4 editorial parts of the various magazines which

5 Time-Life published, I believe they were

6 publishing seven magazines at the time, I

7 worked a graveyard shift, starting at 6:00 in

8 the evening until 6:00 in the morning.

9 And my job was to separate copy,

10 I believe it was called, they were trying to

11 justify their copy. That was the term they

12 used.

13 And I would receive a printout,

14 four copies of the story, and my job was to

15 separate the four copies.

16 I believe the copies were -- the

17 term -- I would have to roll each copy and put

18 it in a tube, a pneumatic tube, and send it to

19 either -- I believe if the story was to go to

20 People magazine or Time magazine, Sports

21 Illustrated.

22 The copy was, I believe it was

23 called carbon back then, and my job was to

24 separate the four copies.

25 Q When did you start working at

Page 24

1 RICHARD PRINCE

2 Time-Life?

3 A 1975, I believe it was 1975.

4 Q When did you leave Time-Life?

5 A I left Time-Life -- I worked

6 there for ten years, so I left the latter part

7 of 1985.

8 Q Which job came first, the job in

9 the employee book store or the job for copy

10 processing?

11 A Book store.

12 Q How long did that position last?

13 A That was a part-time job, four

14 days a week, I believe it was -- I am trying to

15 think.

16 Four years.

17 Q So, from 1975 to 1979 or so?

18 A Something like that, yes.

19 Q And so, did the copy processing

20 job last from 1979 or so to 1985?

21 A To the best of my recollection

22 the copy processing job lasted until 1985, yes.

23 Q Where was the Time-Life job?

24 A I believe it was 6th Avenue and

25 right across from Radio City Music Hall.

Page 25

1 RICHARD PRINCE

2 Q So the Time-Life job was here in

3 New York?

4 A Yes.

5 Q At the time you were working at

6 Time-Life, were you also making artwork that

7 you were trying to exhibit at -- in the

8 galleries in New York?

9 A Yes.

10 MR. BALLON: Objection to form.

11 Q When did you first start working

12 solely as an artist?

13 A I wouldn't necessarily describe

14 working solely as an artist.

15 MR. MUNN: Let me rephrase.

16 Q When did you start to derive

17 your primary income from your artwork?

18 A 1987.

19 Q When did you have your first

20 critical success as an artist?

21 MR. BALLON: Objection to form,

22 critical success.

23 You can go ahead and answer.

24 A When did some -- are you asking

25 me when did I get a positive review?

Page 26	Page 28
<p>1 RICHARD PRINCE</p> <p>2 Is that how you define critical</p> <p>3 success?</p> <p>4 I believe that I've always had a</p> <p>5 bit of critical success, simply because I'm the</p> <p>6 one who is making the decisions as to what I</p> <p>7 make.</p> <p>8 As long as I am the one who is</p> <p>9 making those decisions, I believe that I'm</p> <p>10 successful.</p> <p>11 Q Do you believe that the value of</p> <p>12 an artist's work is determined by its</p> <p>13 commercial success?</p> <p>14 A No, I don't.</p> <p>15 Q When did you have your first</p> <p>16 commercial success with your artwork?</p> <p>17 MR. BALLON: Objection to form,</p> <p>18 commercial success, vague and ambiguous.</p> <p>19 You can answer.</p> <p>20 A I don't -- I'm not in the -- I'm</p> <p>21 not in the commercial world, I'm in the art</p> <p>22 world.</p> <p>23 Q When did you sell your first</p> <p>24 work for what you considered to be a lot of</p> <p>25 money?</p>	<p>1 RICHARD PRINCE</p> <p>2 photographers.</p> <p>3 Q So, sitting here today do you</p> <p>4 have an opinion as to whether commercial</p> <p>5 photographers are artists?</p> <p>6 A I don't have an opinion about</p> <p>7 that, no.</p> <p>8 Q What is an appropriation artist?</p> <p>9 MR. BALLON: Objection, lacks</p> <p>10 foundation. You can go ahead and</p> <p>11 answer.</p> <p>12 A Well, there is a whole history</p> <p>13 to appropriation, starting with the Armory show</p> <p>14 in 1918.</p> <p>15 But to make a long story short,</p> <p>16 appropriation is essentially taking something</p> <p>17 that exists in the public consciousness, an</p> <p>18 everyday object, and taking that object and</p> <p>19 recontextualizing it in bringing it into the</p> <p>20 art world. Something like a soup can.</p> <p>21 And let's say you go to the</p> <p>22 supermarket and you say to yourself, you know,</p> <p>23 I eat a lot of, you know, Campbell's soup,</p> <p>24 every day.</p> <p>25 So one day you realize, why</p>
Page 27	Page 29
<p>1 RICHARD PRINCE</p> <p>2 MR. BALLON: Objection to form, a</p> <p>3 lot of money.</p> <p>4 You can answer.</p> <p>5 A When I was 20.</p> <p>6 Q What year was that?</p> <p>7 A Well, let's do the math.</p> <p>8 19 -- well, let's just say I</p> <p>9 believe it was my first show, 1973, as far as I</p> <p>10 can remember.</p> <p>11 Q And how much money did you make</p> <p>12 on that first artwork that you sold for what</p> <p>13 you considered to be a lot of money?</p> <p>14 MR. BALLON: Same objection.</p> <p>15 You can answer.</p> <p>16 A Well, actually it was, now that</p> <p>17 I'm remembering, it wasn't really a show, it</p> <p>18 was a group show.</p> <p>19 I was in a -- it wasn't a -- I</p> <p>20 showed alongside two other artists.</p> <p>21 I believe -- I think it was less</p> <p>22 than \$200.</p> <p>23 Q Do you think that commercial</p> <p>24 photographers are artists?</p> <p>25 A I never think about commercial</p>	<p>1 RICHARD PRINCE</p> <p>2 don't I start painting the can of Campbell's</p> <p>3 soup.</p> <p>4 And you paint them in a very</p> <p>5 deadpan way. You make a decision about the</p> <p>6 scale of how you're going to paint that soup</p> <p>7 can, and you make a decision to show it, not in</p> <p>8 the real world, but in another -- in the art</p> <p>9 world, which is another type of reality.</p> <p>10 A reality that's mostly --</p> <p>11 that's determined by creativity, imagination.</p> <p>12 And you decide to take those</p> <p>13 paintings and show them -- make a determination</p> <p>14 of how many, what kind of flavors, and you,</p> <p>15 instead of, perhaps, hanging them on the wall,</p> <p>16 like you normally do as an artist, you build a</p> <p>17 shelf, and then you lean them on the shelf to</p> <p>18 perhaps make a suggestion back to what was once</p> <p>19 simply a soup can on the shelf of a</p> <p>20 supermarket.</p> <p>21 I think that's perhaps a fairly</p> <p>22 general definition of appropriation.</p> <p>23 Q And has your work been described</p> <p>24 as appropriation art?</p> <p>25 MR. BALLON: Objection, lacks</p>

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1 RICHARD PRINCE
2 foundation.
3 You can answer.
4 A I have read that it has been
5 described as appropriation.
6 Q And appropriation art can
7 sometimes also make use of pre-existing images,
8 correct?
9 A Yes.
10 Q And your work often makes use of
11 pre-existing images, correct?
12 MR. BALLON: Objection with
13 respect to often.
14 You can answer.
15 A Yes.
16 Q And in your Cowboy photographs,
17 you made use of pre-existing advertising images
18 from the Marlboro cigarette campaigns, right?
19 A Yes.
20 Q And in Spiritual America, you
21 made use of a photograph of Brooke Shields that
22 pre-existed your work, correct?
23 A Yes.
24 Q And you took the title Spiritual
25 America from a Stieglitz work, correct?

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1 RICHARD PRINCE
2 A Yes.
3 Q And that Stieglitz work was a
4 close-up photograph of horse genitalia, is that
5 correct?
6 A It was a gelded horse.
7 Q Gelded horse.
8 And in your Nurse paintings, you
9 make use of images from old pulp magazine and
10 paperback covers, correct?
11 A I wouldn't describe them as old.
12 MR. MUNN: Let me rephrase the
13 question.
14 Q In your Nurse paintings you make
15 use of images from pulp magazines and
16 paperbacks, correct?
17 A Yes.
18 Q And your de Kooning paintings,
19 you made use of the artwork of de Kooning,
20 correct?
21 A Yes.
22 Q And in your Canal Zone works you
23 made use of photos from a book called YES
24 RASTA, correct?
25 A Yes.

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1 RICHARD PRINCE
2 Q And in your New Portraits work,
3 you make use of Instagram posts that contain
4 photographs, right?
5 A Could you repeat the question?
6 Q In your New Portraits work you
7 make use of Instagram posts that contain
8 photographs?
9 A Yes.
10 Q Before you make use of an
11 appropriated image in your artwork, do you seek
12 permission to use it?
13 A I would -- I would describe that
14 I give myself permission to use images that
15 appear in the public -- appear in the public in
16 various forms, whether it's from a book,
17 magazine, or the social media.
18 Q Do you seek out the person who
19 created the pre-existing image that you use in
20 your artwork and ask them if you can use it?
21 MR. BALLON: Objection, lacks
22 foundation.
23 You can go ahead and answer.
24 A I have never really associated
25 the images that I use with an author.

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1 RICHARD PRINCE
2 Q So, when you find --
3 MR. MUNN: Strike that.
4 Q Did you associate the de Kooning
5 images with de Kooning?
6 A Yes.
7 Q So, at times you do associate
8 the images that you see with an author?
9 A When you are talking about
10 another artist in that particular situation.
11 With the de Kooning paintings,
12 it started out with a catalogue that was
13 published by Paul Schimmel, I believe he was
14 working at MOCA.
15 And I started, at the time I
16 believe I was making Hippie drawings based on
17 drawings that I had seen my children make.
18 And I got ahold of this
19 catalogue and I started drawing in the
20 catalogue.
21 I believe one of the reasons I
22 chose de Kooning was he was one of my favorite
23 artists, and I wanted to acknowledge that, pay
24 homage to one of my favorite artists, a
25 tradition that lots of artists do. It goes

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<p>1 RICHARD PRINCE</p> <p>2 back decades.</p> <p>3 And I started drawing in the</p> <p>4 catalogue trying to continue or add on,</p> <p>5 contribute what he was struggling with, which</p> <p>6 was the figure.</p> <p>7 And I wanted to simply see if I</p> <p>8 could make some sort of contribution, and add a</p> <p>9 certain kind of thread that would seamlessly go</p> <p>10 back from de Kooning to Picasso to Cezanne to</p> <p>11 el Greco.</p> <p>12 I believe most artists do this.</p> <p>13 Most artists acknowledge -- I mean, art for me</p> <p>14 is built upon people or other artists that have</p> <p>15 come before you.</p> <p>16 And it's, again, a way of</p> <p>17 acknowledging that history.</p> <p>18 It's a journey. Art is very</p> <p>19 much of a spiritual journey for me, and I</p> <p>20 believe the de Kooning paintings, as they have</p> <p>21 come to be known, does embrace that practice.</p> <p>22 I believe that the book, which I</p> <p>23 still own, on the cover has the word "Hippie"</p> <p>24 on it, which is an interesting way to transform</p> <p>25 and recontextualize what de Kooning was doing</p>	<p>1 RICHARD PRINCE</p> <p>2 give yourself permission to use images that --</p> <p>3 pre-existing images in your artwork, is that</p> <p>4 right?</p> <p>5 A Yes.</p> <p>6 Q What do you mean when you say</p> <p>7 you give yourself permission to use those</p> <p>8 appropriated images?</p> <p>9 A That's what artists do, they</p> <p>10 give themselves permission.</p> <p>11 Artists don't wait for a green</p> <p>12 light. Artists basically -- they don't even</p> <p>13 actually work, they are not on assignment, they</p> <p>14 do exactly, or they try to do what they feel</p> <p>15 they must do.</p> <p>16 And again, an artist like myself</p> <p>17 is alone.</p> <p>18 I am the one who is making the</p> <p>19 decisions. I am in my studio, and my studio is</p> <p>20 sort of like my territory.</p> <p>21 And I believe that my</p> <p>22 territory -- it might have started out on the</p> <p>23 front of a refrigerator, it might have started</p> <p>24 out when I was a child, and I think we all</p> <p>25 know, we have all had experiences with</p>
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<p>1 RICHARD PRINCE</p> <p>2 in 1954.</p> <p>3 Which I believe the culture that</p> <p>4 was surrounding de Kooning at the time was the</p> <p>5 Beats.</p> <p>6 So in a way, you're kind of</p> <p>7 updating, or at least I was trying to update</p> <p>8 Mr. de Kooning, and also acknowledge the fact</p> <p>9 that I was -- had been making Hippie drawings</p> <p>10 starting in 1998, and I believe I started to do</p> <p>11 the de Kooning drawings and paintings in 2003.</p> <p>12 And the way I work is one thing</p> <p>13 leads to another.</p> <p>14 It wasn't something that was</p> <p>15 planned, it wasn't something that was really</p> <p>16 thought out at the time.</p> <p>17 I had just received this</p> <p>18 catalogue in the mail, and when I opened it up,</p> <p>19 it reminded me, or at least in my imagination</p> <p>20 it kind of looked that my Hippie drawings and</p> <p>21 de Kooning's figures had a kind of similarity.</p> <p>22 And I wanted to marry those two</p> <p>23 similarities together and make something new,</p> <p>24 and I believe I was successful at that.</p> <p>25 Q So, you said earlier that you</p>	<p>1 RICHARD PRINCE</p> <p>2 children's or our children's drawings.</p> <p>3 Taking those drawings, looking</p> <p>4 at them, whether it's a five year old or a six</p> <p>5 year old, and taking those drawings and looking</p> <p>6 at them as masterpieces and we hang them up on</p> <p>7 the front of a refrigerator.</p> <p>8 And I believe they are</p> <p>9 masterpieces because there is a certain kind of</p> <p>10 purity and innocence.</p> <p>11 However, what happens to most of</p> <p>12 that situation, most of that situation is</p> <p>13 removed from most people's experiences.</p> <p>14 But in my case, it was never</p> <p>15 removed, it got turned into something else.</p> <p>16 I was one of the lucky ones, and</p> <p>17 it doesn't happen very often, but as an artist,</p> <p>18 what you do is you retain that type of what I</p> <p>19 call refrigerator drawing, the drawing with the</p> <p>20 purity and the innocence.</p> <p>21 And what you add on or what you</p> <p>22 try to add on is beauty and perfection,</p> <p>23 something perfect.</p> <p>24 That's something -- when you are</p> <p>25 trying to create beauty and perfection, or</p>

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1 RICHARD PRINCE
2 something that's perfect, it's something you
3 can't really ask permission.
4 Who do you ask?
5 You have to do it yourself, you
6 have to make the decision yourself. And
7 ultimately it's up to the artist to make those
8 decisions.
9 Q So, when you say that when you
10 see an image in public you don't associate it
11 with an author, what do you mean?
12 A Well, The Cowboys were images
13 that appeared while I was working at Time-Life.
14 Time-Life at the time, again,
15 was publishing seven magazines. They came out
16 on Mondays.
17 And my job at the time, at copy
18 processing, was to process all the editorial,
19 and at the end of the day, what was left was
20 the advertising images.
21 Those were not processed, those
22 were left on the desk.
23 And I started looking at them,
24 and essentially it's a page in a magazine, a
25 cowboy.

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1 RICHARD PRINCE
2 This started about 1980, and I
3 remember thinking -- I remember collecting
4 them, because nobody called for them.
5 They weren't -- in those days
6 editorial was called hard copies, and my job
7 was to make sure that the author of the
8 editorial got his hard copy.
9 But nobody ever called for the
10 cowboy pictures.
11 So it's sort of like I just
12 started putting them in a file and I started
13 making collages out of them.
14 A collage is associated, goes
15 back to perhaps 1903 or 1908, I don't know the
16 particular date, but collage was invented by
17 Picasso and Braque, really revolutionary way to
18 make new art.
19 But collage has been around now
20 for 100 years.
21 And I started using scissors and
22 Scotch tape and I would just make collages out
23 of these cowboy images.
24 I never really thought about who
25 owned them or who took them. They were

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1 RICHARD PRINCE
2 ophalist pictures.
3 My imagination, my creativity
4 kicked in, and one day I pointed my camera at
5 them, and that's when history happened, 1980.
6 I changed art history, because
7 what I did when I pointed my camera is I turned
8 my camera into an electronic scissor.
9 When I made an exposure, I
10 didn't -- it was no longer a collage. And I
11 also changed the history of collage.
12 I made what was essentially a
13 page torn out of a magazine, I made it into a
14 real photograph.
15 And I believe my contribution is
16 something that was new at the time.
17 I came up with the term
18 rephotography. It had never been done before.
19 And I remember thinking that my
20 camera, this mechanical apparatus that I
21 imagined to be an electronic scissor, was a new
22 way of dealing with collage.
23 And it was no longer -- you no
24 longer saw the Scotch tape, you no longer saw
25 the tear or the seam, I got rid of all of that.

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1 RICHARD PRINCE
2 And I also realized much later
3 that I got rid of the decisive moment.
4 I changed the history of
5 photography that day.
6 The decisive moment, it was, no
7 longer had to do with luck, you know.
8 I wasn't a journalist, I wasn't
9 a commercial photographer, I was an artist
10 using the camera.
11 I didn't really know much about
12 the camera at the time, I didn't know much
13 about a darkroom, but what I did know was I
14 wanted to make what I was collecting into a
15 photograph.
16 And photographs, the medium has
17 what I called an inherent meaning; you tend to
18 believe a photograph.
19 And the interesting thing about
20 rephotography is that if you point a camera at
21 an existing public image that you have torn out
22 of a magazine, you point at it in the morning
23 and you look through the viewfinder, you can
24 walk away and come back that afternoon and you
25 can look through the viewfinder and the same

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<p>1 RICHARD PRINCE</p> <p>2 picture will still be there.</p> <p>3 It will never move. There is no</p> <p>4 chance. Your image is not based on luck</p> <p>5 anymore, you know.</p> <p>6 You're really changing the whole</p> <p>7 history of Robert Capa, you're really changing</p> <p>8 the history of the medium.</p> <p>9 And I believe that it's</p> <p>10 interesting that when -- to have worked at</p> <p>11 Time-Life, to get a call from Time magazine,</p> <p>12 just maybe four years ago, to say your -- one</p> <p>13 of your Cowboy pictures has been chosen as one</p> <p>14 of the most -- as one of the 100 most important</p> <p>15 photographs ever taken in the last 100 years.</p> <p>16 And it's also -- I mean, to make</p> <p>17 history for any artist, it's very difficult to</p> <p>18 be the first, and I believe that's what</p> <p>19 rephotography did.</p> <p>20 I was a kind of pioneer. No one</p> <p>21 had ever done it before.</p> <p>22 It was very difficult to even</p> <p>23 define at the time, and believe me, it's</p> <p>24 interesting to look back at the first Cowboy</p> <p>25 show in 1984, when I hung those rephotographs</p>	<p>1 RICHARD PRINCE</p> <p>2 because I didn't ask permission.</p> <p>3 I gave myself permission, and in</p> <p>4 order to create history, in order to really</p> <p>5 create incredible, fantastic art that makes</p> <p>6 people feel good, because ultimately that's</p> <p>7 what, all I really want to do, is to make</p> <p>8 people feel good, you don't -- why would you?</p> <p>9 You can't ask permission. You</p> <p>10 just have to go ahead and do it.</p> <p>11 You have to have guts to make</p> <p>12 great art.</p> <p>13 And my, for lack of a better</p> <p>14 word, mentors, the artists that I look to are</p> <p>15 the people who made history, Braque and</p> <p>16 Picasso, 1942 Pollack, Jackson Pollack.</p> <p>17 It's just indescribable what he</p> <p>18 did in 1942.</p> <p>19 And the same thing with Andy</p> <p>20 Warhol. I mean, imagine painting, a Campbell's</p> <p>21 soup can in 19, I believe it was '61.</p> <p>22 I mean, did he ask the Campbell,</p> <p>23 Campbell's? Did he call up?</p> <p>24 No, he was actually eating the</p> <p>25 Campbell's soup every day for lunch. That's</p>
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<p>1 RICHARD PRINCE</p> <p>2 of the Marlboro images up in a gallery, not one</p> <p>3 of them sold.</p> <p>4 Not one. I didn't make a dime.</p> <p>5 And it was interesting to get a</p> <p>6 phone call in the middle of the night that, I</p> <p>7 believe it was 2006, that I got a phone call,</p> <p>8 and it simply said Richard, one of your Cowboy</p> <p>9 photographs just went for over \$1 million.</p> <p>10 I was the first artist to sell a</p> <p>11 photograph for more than \$1 million.</p> <p>12 I received a phone call at 10:00</p> <p>13 at night, I was asleep. I said, "Oh, okay,"</p> <p>14 and I hung up the phone and I went back to</p> <p>15 sleep.</p> <p>16 I thought, a little bit like</p> <p>17 Roger Bannister that night, it's something that</p> <p>18 will never be able to be taken away from me.</p> <p>19 And I believe it was a bit of</p> <p>20 irony, and I wouldn't call it -- I think that's</p> <p>21 the word, simply because I -- I, my reaction</p> <p>22 that evening, as I thought about 1983, the fact</p> <p>23 that no one bought, no one cared, no one knew</p> <p>24 what I was doing.</p> <p>25 No one knew what I was doing</p>	<p>1 RICHARD PRINCE</p> <p>2 why he painted it.</p> <p>3 Artists oftentimes find the best</p> <p>4 subject matter in what is -- what's right next</p> <p>5 to them, what they do every day.</p> <p>6 And I believe that's what</p> <p>7 happened with the Cowboys. They were right</p> <p>8 next to me every day.</p> <p>9 And every Monday I looked</p> <p>10 forward to the magazines being published,</p> <p>11 because I would quickly go through them and</p> <p>12 look, oh, is there going to be a new cowboy</p> <p>13 advertisement?</p> <p>14 It was exciting.</p> <p>15 It's hard to describe, but I was</p> <p>16 also working, and I almost -- I turned that job</p> <p>17 at Time-Life, which was this great dystopian</p> <p>18 building, open 24 hours a day, seven days a</p> <p>19 week, kind of a JG Ballard type of situation, I</p> <p>20 turned it into my studio.</p> <p>21 And yes, usually the idea of</p> <p>22 appropriation does start outside yourself.</p> <p>23 And it's important to me at the</p> <p>24 time that the issues that my generation was</p> <p>25 dealing with, growing up, we were the first</p>

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1 RICHARD PRINCE
2 generation to grow up with TV.
3 We were the first generation to
4 grow up in the Cold War, we were the first
5 generation to question truth.
6 I mean, what was the truth?
7 What was really? What was not real?
8 I mean, think of it.
9 What was a lie? What was not a
10 lie?
11 These were the issues we were
12 dealing with. And I believe that I, at the end
13 of the day, even though I was tearing -- my job
14 was to give the editorial, I, at the end of the
15 day, I started believing in the advertisements.
16 I actually believed that the
17 cowboys were more real than what the rest of
18 the world thought was real.
19 I mean, that's how -- that's the
20 only way I could deal with reality at the time.
21 And it turned out that great art in the end is
22 agreed upon.
23 And that's a difficult
24 situation, that's a difficult thing, to ask to
25 have consensus.

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1 RICHARD PRINCE
2 You know, art is not necessarily
3 in the eye of the beholder. It's -- I think we
4 can agree that Picasso was a great artist. I
5 don't think there is an argument.
6 I mean, I know art is
7 subjective, but what I'm trying to do, and I've
8 always tried to do, is I don't think the Cowboy
9 photographs are subjective anymore.
10 I have a retrospective of The
11 Cowboys up right now at one of the most
12 prestigious institutions in America at LACMA,
13 Los Angeles County Museum.
14 And there seems to be some sort
15 of agreement, finally, and that's all -- I
16 mean, that's -- when you are talking about
17 criticality or a critic, I'm not really --
18 that's something I don't pay attention to.
19 I think what I have paid -- what
20 I pay attention to is the time.
21 It takes a long time for a
22 number of people to agree on whether an artwork
23 will last, will have any relevance.
24 And I think what's interesting
25 about rephotography is think of what I did in

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1 RICHARD PRINCE
2 1977, and then think of what's happening now in
3 social media.
4 Everybody is taking photographs.
5 Everybody is taking photographs.
6 And are they asking permission?
7 Do they need to ask permission?
8 Yes, these are -- these are
9 issues that we are all addressing as artists.
10 But if -- I believe that it
11 really goes back to the fact that there is very
12 few of us in this world, and I know all of
13 them, I know all the artists in the world, the
14 relevant ones, the ones of any consequence,
15 both dead and alive, those are the artists that
16 I'm interested in.
17 And those are the artists that I
18 respect. I sometimes, and -- and those are the
19 artists that are my friends, that I communicate
20 with, that I hang out with, that I have coffee
21 with, that I have arguments with.
22 Q Do you remember the question at
23 this point, sir?
24 MR. BALLON: Counsel, I want to
25 ask you to not interrupt the witness

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1 RICHARD PRINCE
2 when he's answering a question.
3 You asked a very broad --
4 MR. MUNN: We have 14 hours.
5 MR. BALLON: We certainly don't
6 have 14 hours.
7 MR. MUNN: We have two, it's two
8 depositions in this case.
9 MR. BALLON: Counsel, please
10 don't cut me off.
11 MR. MUNN: No speeches, sir.
12 Objections are to form only, and move
13 on.
14 We are not going to have any
15 speeches. We have an agreement with a two
16 day deposition.
17 If we are going to have an hour
18 long answer to each individual question,
19 we are going to need more than 14 hours.
20 So let's -- I am just -- -- I can
21 either move to strike as nonresponsive,
22 I'm happy to let the witness complete his
23 answer.
24 But not if it's going to take an
25 hour.

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<p>1 RICHARD PRINCE</p> <p>2 MR. BALLON: Counsel, first of</p> <p>3 all, there is no agreement on a 14 hour</p> <p>4 deposition. You have 7 hours today with</p> <p>5 this witness.</p> <p>6 MR. MUNN: Incorrect.</p> <p>7 MR. BALLON: No, there is no</p> <p>8 agreement.</p> <p>9 Second of all, if you choose to ask</p> <p>10 broad, open-ended questions, you have to</p> <p>11 allow the witness to answer them.</p> <p>12 The problem is not the witness'</p> <p>13 answer, the problem is your question.</p> <p>14 This is a deposition.</p> <p>15 MR. MUNN: No more speeches,</p> <p>16 objection to form only, and be quiet.</p> <p>17 And I will ask --</p> <p>18 MR. BALLON: Sir, please stop</p> <p>19 yelling, stop yelling.</p> <p>20 Lower your voice.</p> <p>21 I think we need to take a break.</p> <p>22 MR. MUNN: You want to take a</p> <p>23 break? I'm happy to take a break.</p> <p>24 MR. BALLON: Counsel, I will not</p> <p>25 tolerate your raising your voice and</p>	<p>1 RICHARD PRINCE</p> <p>2 number 1. The time is 11:13 a.m. We are</p> <p>3 now off the record.</p> <p>4 (At this point in the proceedings</p> <p>5 there was a recess, after which the</p> <p>6 deposition continued as follows:)</p> <p>7 THE VIDEOGRAPHER: Here now marks</p> <p>8 the beginning of video file number 2.</p> <p>9 The time is 11:28 a.m. We are back on</p> <p>10 the record.</p> <p>11 Q Mr. Prince, have you ever sought</p> <p>12 permission to make use of an appropriated image</p> <p>13 after you have incorporated it into your</p> <p>14 artwork?</p> <p>15 A Not that I can recall.</p> <p>16 Q Did you pay Gary Gross \$2,000</p> <p>17 for the rights to the Brooke Shields photograph</p> <p>18 you used in the work called Spiritual America?</p> <p>19 A Yes.</p> <p>20 Q Why did you do that?</p> <p>21 A I remember the image was going</p> <p>22 to be shown at my retrospective at the Whitney</p> <p>23 in 1992, and they had, I believe, they asked</p> <p>24 permission -- they had approached Gary Gross to</p> <p>25 ask permission to use the image at the time.</p>
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<p>1 RICHARD PRINCE</p> <p>2 speaking to me disrespectfully.</p> <p>3 MR. MUNN: I am speaking to you</p> <p>4 professionally.</p> <p>5 MR. BALLON: The attorney --</p> <p>6 MR. MUNN: Objections will only</p> <p>7 be object to form, and you will not</p> <p>8 violate the rules by making a speech on</p> <p>9 the record.</p> <p>10 Okay, we are going to move forward.</p> <p>11 MR. BALLON: Counsel, you started</p> <p>12 lecturing about the witness' answer.</p> <p>13 MR. MUNN: I just asked if he</p> <p>14 remembered the question.</p> <p>15 MR. BALLON: Let's take a break.</p> <p>16 I think this is a good time to take a</p> <p>17 break. We have been going for more than</p> <p>18 an hour.</p> <p>19 MR. MUNN: All right.</p> <p>20 THE VIDEOGRAPHER: Shall I go off</p> <p>21 the record?</p> <p>22 MR. MUNN: Sure.</p> <p>23 THE VIDEOGRAPHER: One moment,</p> <p>24 please. Watch your microphones.</p> <p>25 Here now marks end of video file</p>	<p>1 RICHARD PRINCE</p> <p>2 To the best of my recollection,</p> <p>3 I believe that's what happened.</p> <p>4 Q Have you ever paid any other</p> <p>5 person to -- in order to make use of an image</p> <p>6 in your artwork?</p> <p>7 A I can't recall.</p> <p>8 Q When you make use of an image in</p> <p>9 your artwork, do you typically attribute it to</p> <p>10 the original artist in the description of your</p> <p>11 work?</p> <p>12 A I have attributed work to</p> <p>13 artists that I have borrowed from. I believe I</p> <p>14 had a show in Malaga called Prince Picasso.</p> <p>15 And I attributed, my de Kooning</p> <p>16 paintings were, in fact -- I don't think I</p> <p>17 called them the de Kooning paintings, but they</p> <p>18 ended up being called the de Kooning paintings.</p> <p>19 Q When you have taken pre-existing</p> <p>20 images that you don't associate with famous</p> <p>21 artists like Picasso or de Kooning, have you</p> <p>22 attributed them to the authors after</p> <p>23 incorporating them into your work?</p> <p>24 MR. BALLON: Objection to form,</p> <p>25 famous authors -- famous artists? You</p>

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1 RICHARD PRINCE

2 can answer.

3 A Could you repeat the question?

4 Q Do you attribute --

5 MR. MUNN: Sorry, let me --

6 withdrawn. Let me restate that.

7 Q When you make use of an image in

8 your work by someone who is not as famous an

9 artist as a de Kooning or Picasso, do you

10 attribute the pre-existing image to them in the

11 description of your work?

12 A Yes, I have.

13 Q Who?

14 A Betty Klein -- no, I'm sorry,

15 Bettie Page.

16 Q Bettie Page, okay.

17 Do you allow copies of your work

18 to be sold as prints?

19 MR. BALLON: Objection to form.

20 You can answer.

21 A I'm not sure what you mean by

22 that question.

23 Could you be a little bit more

24 precise?

25 Q Sure.

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1 RICHARD PRINCE

2 Are copies of your works sold at

3 a lower price as prints to the general consumer

4 public?

5 MR. BALLON: Objection to form,

6 ambiguous with respect to sold. Who is

7 selling?

8 You can answer.

9 A When I make a -- I mean, I make

10 prints, I make -- I'm not sure I understand the

11 question.

12 But I do make prints, I make

13 etchings, I make lithographs, I make multiples.

14 If that's the question you are

15 asking, yes.

16 If that's the question you are

17 asking, do I make prints of work, I do work

18 with a place that does, in fact, make silk

19 screens and posters, what we call multiples.

20 Q So you sell multiples of your

21 work?

22 MR. BALLON: Objection, vague and

23 ambiguous.

24 You can answer.

25 A Yes.

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1 RICHARD PRINCE

2 Q And who is the silk screening

3 business that you work with to sell multiples

4 of your work?

5 A Oh, I worked with a woman, I

6 believe her name is Susan Angeletti, made a

7 portfolio of lithographs and -- I don't recall

8 the date, I believe it was in the '80s.

9 That was my first significant

10 portfolio, I believe it was an edition of 26

11 lettered -- well, it was an edition of 26.

12 Q Do you sell any unlimited

13 numbers of --

14 MR. MUNN: Sorry, withdrawn.

15 Q Do you license your work to

16 third parties who sell copies to the public?

17 MR. BALLON: Objection, vague and

18 ambiguous with respect to work.

19 You can answer.

20 A I don't understand the word

21 licensing.

22 That's not something that I'm

23 familiar with.

24 Q Do you allow third parties to

25 make copies of your work and sell it to the

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1 RICHARD PRINCE

2 public?

3 MR. BALLON: Objection, vague and

4 ambiguous with respect to work. Which

5 work in particular?

6 You can answer.

7 A I can't answer because I don't

8 understand the word licensing.

9 It's not something I do or I'm

10 familiar with.

11 Q So, when you sell a painting,

12 afterwards, are copies of that painting sold to

13 the public by a third party that represents

14 you?

15 A As far as I know, I don't

16 believe so.

17 Q Did you previously have an

18 Instagram account with the handle

19 richardprince4?

20 A I have had many -- not many, I

21 have had a couple of Instagram accounts.

22 I believe richardprince4 was

23 maybe the first. I don't know if you call it

24 an account, I don't know what -- in those days

25 I'm not sure what -- how to describe that.

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1 RICHARD PRINCE

2 But I believe the procedure in

3 terms of when I first went on Instagram, you

4 had to come up with a -- I believe they call it

5 maybe a domain.

6 I'm not sure what the process

7 was, because I wasn't really familiar with how

8 Instagram worked.

9 But I believe I tried to

10 register -- not register, I don't even know if

11 it's called registering, I believe

12 richardprince was already taken, and I was told

13 that then you, what you do is you either

14 respell richardprince, or you can put on a

15 number.

16 And I think, as far as I recall,

17 richardprince4 was maybe the first account that

18 Instagram allowed me to enter into that social

19 structure.

20 Q So you posted images and

21 messages to Instagram under the handle

22 richardprince4, right?

23 A I believe I did, yes.

24 Q And was your richardprince4

25 Instagram public?

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1 RICHARD PRINCE

2 A Yes.

3 Q Did you eventually delete the

4 richardprince4 Instagram?

5 MR. BALLON: Objection to form.

6 Instagram? You can answer.

7 A No, I didn't delete it.

8 Q So, richardprince4 Instagram

9 account still exists on Instagram today?

10 MR. BALLON: Objection, lacks

11 foundation.

12 You can answer.

13 A I don't know if it does exist.

14 I know there are many Richard Prince accounts

15 on Instagram as of today. I don't know how

16 many.

17 It's my understanding that

18 richardprince4 was deleted by Instagram.

19 Q What is your understanding as to

20 why richardprince4 was deleted by Instagram?

21 A I don't know why they deleted

22 it.

23 I think what they do is they

24 send you a notice that someone -- because I was

25 in -- because my account was public, I believe

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1 RICHARD PRINCE

2 anybody can object to an image that you post

3 and complain, apparently.

4 Which of course I didn't really

5 know about these particular matters at the

6 time, and I believe I got removed -- I think

7 richardprince4 was removed from Instagram, I am

8 imagining because someone, I don't know who,

9 complained about an image that I might have --

10 that I posted.

11 MR. BALLON: Don't speculate.

12 The purpose of a deposition is for him

13 to ask you questions. Testify to what

14 you know. You are not required and I

15 would ask you not to speculate.

16 Only testify to what you know

17 about.

18 Q Are you currently on Instagram?

19 A Yes.

20 Q Is your current Instagram

21 account private?

22 A Yes.

23 Q Why is your current Instagram

24 account private?

25 A I want to be private.

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1 RICHARD PRINCE

2 Q And you're currently also a

3 Twitter user, correct?

4 A Yes.

5 Q How many followers do you have

6 on Twitter?

7 A Last time I checked, which was

8 last year, I believe it was around 24,000

9 people.

10 Q And you are aware that when you

11 retweet a post that all your followers can see

12 it, right?

13 A I am aware, yes, I am aware of

14 that.

15 Q And you are aware that when you

16 comment on a post your Twitter followers can

17 see it, right?

18 A You're going to have to -- I'm

19 not sure what you're asking me.

20 Q So, when you comment on someone

21 else's post on Twitter, your Twitter followers

22 can see it, correct?

23 A Yes.

24 Q I would like to show you a

25 document that I'm going to mark Exhibit 171.

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1 RICHARD PRINCE

2 (The above described document was

3 marked Exhibit 171 for identification as

4 of this date.)

5 Q What is Exhibit 171?

6 A It's a -- it is a post of a work

7 of art that I made in 1984.

8 Q And is the name of that work of

9 art The Velvet Beach?

10 A Yes.

11 Q Can you walk me through how you

12 created The Velvet Beach?

13 A Yes, I can.

14 Q Please explain how you created

15 The Velvet Beach.

16 A When I left Time-Life I moved to

17 Venice, California, and I realized that I was

18 no longer interested in the magazines that

19 Time-Life published, I was interested in what I

20 would call lifestyle magazines.

21 I realized that there were a

22 number of surfing magazines, so I decided to

23 rephotograph some of the images that I found in

24 surf magazines.

25 And I believe that in 1984 this

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1 RICHARD PRINCE

2 was one of the first examples of switching from

3 advertising images to images that appeared in a

4 lifestyle magazine.

5 Q So, you looked through lifestyle

6 magazines for pictures of waves, is that

7 correct?

8 A I looked through surfing --

9 there were a number of surfing magazines, which

10 I was not familiar with at the time, at the

11 newsstand.

12 And I became curious about the

13 fact that there were many publications, and

14 that suggested to me that there was some kind

15 of lifestyle out there that a lot of people

16 were involved in.

17 And I believed -- in order to

18 substitute myself into their lifestyle, without

19 leaving my room, this was one way to

20 participate in this activity of surfing.

21 Q So you rephotographed images in

22 surfing magazines and selected certain of them

23 to put together in this work The Velvet Beach,

24 right?

25 A Yes.

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1 RICHARD PRINCE

2 Q And were the original images in

3 color?

4 A Some were in color, some were in

5 black and white.

6 It's an interesting question,

7 because I believe what I did here, which is

8 interesting in a number of respects, was I

9 photographed black and white images with color

10 film, color slide film, which was something

11 that I think you wouldn't normally do.

12 I mean, why would you photograph

13 a black and white image with color film?

14 But it was something I did. And

15 the other thing that I did here was I invented

16 a way of having an entire show in one frame.

17 Rather than hang 12 individual

18 images on a wall, I developed a process, along

19 with the lab that I was using, they had a term

20 at the lab called ganging together.

21 I was using color slide film,

22 and there was a term where they would -- you

23 would gang your slides together, because color

24 slide films were surrounded by a mount, and a

25 color slide is both a negative and a positive.

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1 RICHARD PRINCE

2 So I was taking advantage of all

3 these givens, all the naturalness, the natural

4 ability, the natural abilities that come with

5 photography, and I got the idea that why not,

6 you know, take 11 images of waves, which I

7 believe in this instance, I remember editing

8 out the surfer, which I thought was a pretty

9 cool decision, and just concentrate on the

10 wave.

11 And I remember the lab came up

12 with this -- that I was working with, came up

13 with this format, and I looked at the format,

14 and I realized that I could put an entire

15 lifestyle in one frame.

16 And I called the -- I called the

17 series The Gangs, and I believe I showed these

18 in 1985 in New York.

19 Q So the original images had

20 surfers in them that you cropped out when you

21 took your rephotographs, right?

22 A Some of them did, yes.

23 Q And did you make any choices

24 about what order to display the waves in the

25 grid?

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<p>1 RICHARD PRINCE</p> <p>2 A Yes, that was the other</p> <p>3 interesting aspect.</p> <p>4 I would get the slides back and</p> <p>5 put them on a light box, and I was sort of</p> <p>6 DJing the slides.</p> <p>7 I remember that was another</p> <p>8 interesting aspect of how to make an artwork.</p> <p>9 Basically I was looking for a</p> <p>10 balance, and what's interesting about -- and</p> <p>11 it's very, again, hard to explain, but a lot of</p> <p>12 the decisions I make, I try not to make up, a</p> <p>13 lot of -- we are calling -- we are talking</p> <p>14 about formalism here.</p> <p>15 And the formal aspect of this</p> <p>16 construction here is that the white space is</p> <p>17 actually the slide mount.</p> <p>18 So, if you can imagine 12 slides</p> <p>19 pushed together, the slides were then taped,</p> <p>20 sent back to the lab, and the lab made an 8 x</p> <p>21 10 -- what they call an inter-negative.</p> <p>22 And that inter-negative is on a</p> <p>23 very large 8 x 10 -- made into a negative.</p> <p>24 And that negative, at the time</p> <p>25 there was a new, what we called a drum in town,</p>	<p>1 RICHARD PRINCE</p> <p>2 matter or territory that I don't really know</p> <p>3 much about, but I want to know much -- but I</p> <p>4 tend to want to find out about it, and to see</p> <p>5 if I can recontextualize or interpret or add</p> <p>6 onto or transform.</p> <p>7 And I have what I call The Gangs</p> <p>8 show, I believe, in New York in 19 -- I believe</p> <p>9 I showed The Gangs in 1985.</p> <p>10 Q So, when you rephotographed the</p> <p>11 images in the magazines, the image in the</p> <p>12 magazine might have been color, it might have</p> <p>13 been black and white; just depends, right?</p> <p>14 A Yes, I believe I made another</p> <p>15 Gang of waves in color, I believe I made -- but</p> <p>16 this particular one was photographed -- I</p> <p>17 specifically looked for black and white images</p> <p>18 of waves to photograph with color film.</p> <p>19 Q And then you arranged those</p> <p>20 color photos of black and white images of waves</p> <p>21 in a particular order on this grid and had it</p> <p>22 photographed as one photograph, right?</p> <p>23 A Yes, this is actually one -- a</p> <p>24 very seem -- one photograph, yes.</p> <p>25 Q And what did you mean by your</p>
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<p>1 RICHARD PRINCE</p> <p>2 50 inches wide, brand new.</p> <p>3 And I took advantage of that</p> <p>4 drum, and there was a new paper in town, 50</p> <p>5 inches wide, so you could make a fairly large</p> <p>6 photograph.</p> <p>7 So all these Gangs were</p> <p>8 approximately 50 inches wide and 86 inches</p> <p>9 high, and I just basically was taking advantage</p> <p>10 of the new technology that was coming out month</p> <p>11 by month, year by year.</p> <p>12 And this was one of the first</p> <p>13 examples of trying to participate in activities</p> <p>14 which I really didn't have much to do with,</p> <p>15 which was surfing.</p> <p>16 I believe I found magazines</p> <p>17 on -- motorcycle magazines. I became very</p> <p>18 interested in what was -- interested in</p> <p>19 motorcycle magazines.</p> <p>20 I became interested in all the</p> <p>21 magazines that seemed to have every -- it</p> <p>22 seemed to me at the time everybody, every</p> <p>23 subculture had their own magazine, and that was</p> <p>24 very curious to me.</p> <p>25 I'm always going after subject</p>	<p>1 RICHARD PRINCE</p> <p>2 tweet attached to The Velvet Beach photo?</p> <p>3 A Well, it's interesting, because</p> <p>4 a lot of -- I have been getting a lot of</p> <p>5 inquiries lately.</p> <p>6 The Gangs were never really</p> <p>7 embraced by the art world.</p> <p>8 A lot of people just didn't</p> <p>9 understand them at the time they were shown.</p> <p>10 And it's come to my attention</p> <p>11 recently there are a number of galleries who</p> <p>12 want to organize a show around my Gangs.</p> <p>13 And this has been happening for</p> <p>14 the last couple of years, and I'm not ready to</p> <p>15 do that.</p> <p>16 I believe that -- what's</p> <p>17 interesting to me, The Gangs -- about The Gangs</p> <p>18 now is that they looked relevant.</p> <p>19 What I did in 1984 has really</p> <p>20 come true in the last couple of years on social</p> <p>21 media.</p> <p>22 When you look at -- if I look at</p> <p>23 my daughter's Tumblr, or I look at my niece's</p> <p>24 Instagram feed, or I look at my niece's</p> <p>25 Instagram, it looks like my Gang photographs</p>

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1 RICHARD PRINCE
2 that I did in 1984.
3 There is really very little
4 difference.
5 And I think that's why now I'm
6 getting inquiries into -- I believe galleries
7 are now trying to purchase the Gang photographs
8 in order to, perhaps, comment on the fact that
9 I perhaps participated, or let's just say
10 maybe -- yes, I would say predict almost the
11 idea of the way Instagram, and in a sense the
12 way the phone saves your photographs.
13 It's really not that different
14 from -- I guess the best way I can explain it
15 is, you know, this is sort of like vinyl, and
16 or analog, and I believe people are interested
17 in showing these Gangs now.
18 And I believe when I say how do
19 I explain this type of photograph, I can't.
20 It's very -- as I say, it's very hard to
21 describe.
22 Even the inventor has a hard
23 time explaining the invention.
24 I don't do many lectures
25 anymore, but I remember doing a lecture on The

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1 RICHARD PRINCE
2 Gangs at the International Center of
3 Photography in 1986, and I think what's
4 difficult, what's important to me is the white.
5 Again, it's not really the image
6 that's important to me here, it's the frame
7 that's important.
8 It's what's around the
9 photograph that's the most important part.
10 The wave's actually kind of
11 inconsequential, it's the white that's the most
12 important part, because that's the -- that's
13 the border of the slide.
14 And nobody got that at first,
15 but it didn't matter.
16 I think eventually people will
17 begin to -- you know, again, art takes time.
18 We are just beginning to understand what Man
19 Ray did.
20 When you talk about a Rayograph,
21 I still don't understand what that process is,
22 but when I look at it, I appreciate it.
23 And it's just a question of, I
24 like the idea that it's taken what's 1984 to
25 2018.

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1 RICHARD PRINCE
2 It's interesting to have people
3 ask me, now there is a demand for something I
4 did in 1984.
5 I don't think that happens to
6 very many artists.
7 I believe most artists who
8 created work in 1984, there is no demand for
9 their work, it's long forgotten.
10 Maybe I was doing something
11 right. But certainly social media has embraced
12 my Gangs.
13 Q So you say the negative space is
14 very important in this, in The Velvet Beach
15 work, right?
16 A Yes.
17 Q And the negative space was
18 created by you turning the various slides
19 different ways?
20 A Yes.
21 Q And I noticed that in the middle
22 row and the third row some of the slides are
23 turned horizontally?
24 A Yes.
25 Q And you made that choice, to

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1 RICHARD PRINCE
2 turn them horizontally?
3 A Yes.
4 Q And that changed the negative
5 space between the photos for those pictures,
6 correct?
7 A Yes.
8 Q Okay.
9 I would like to show you --
10 well, actually one more question about this
11 exhibit.
12 At the end of your tweet you put
13 "deposition row" again.
14 What does that mean?
15 A "Deposition row" is a nod to one
16 of my heroes, who I consider, again, for lack
17 of a better term, a mentor, Bob Dylan.
18 Q So when you made this tweet, you
19 weren't referring to your deposition today in
20 any way?
21 A No, I was referring to
22 Mr. Dylan, a friend of mine.
23 Q All right. Let's take a look at
24 two exhibits which we will mark I 72 and 173.
25 (The above described documents were

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<p>1 RICHARD PRINCE</p> <p>2 marked Exhibits 172 and 173 for</p> <p>3 identification as of this date.)</p> <p>4 MR. BALLON: Which one is 172?</p> <p>5 MS. STAMM: This is 172.</p> <p>6 Q Do you recognize Exhibit 172?</p> <p>7 A I recognize 173, I'm familiar --</p> <p>8 I'm not as familiar with 172.</p> <p>9 Q Is Exhibit 172 the cover of a</p> <p>10 pulp paperback called Millionaire Nurse?</p> <p>11 A Yes.</p> <p>12 Q And Exhibit 173 is your work</p> <p>13 Millionaire Nurse, correct?</p> <p>14 A This looks like my work, yes.</p> <p>15 Q Can you explain the process by</p> <p>16 which you created Millionaire Nurse in Exhibit</p> <p>17 173?</p> <p>18 A If you would like me to.</p> <p>19 Q Please do.</p> <p>20 A I bought a bunch of Nurse</p> <p>21 paperbacks at a flea market in 1999, 1998,</p> <p>22 brought them home. They were in a shoebox.</p> <p>23 About two years later I</p> <p>24 brought -- I brought them back out, I looked at</p> <p>25 them, and at the time what I was reading in the</p>	<p>1 RICHARD PRINCE</p> <p>2 Nurse paintings became a little bit didactic,</p> <p>3 meaning I listed what could happen to you.</p> <p>4 On the painting, I made a list</p> <p>5 of all the kinds of things that could happen to</p> <p>6 you in the world, because I was -- a lot of my</p> <p>7 subject matter comes from reading the</p> <p>8 newspaper.</p> <p>9 And a lot of bad things were</p> <p>10 happening at the time, continue to happen, but</p> <p>11 that's beside the point.</p> <p>12 The listings became very</p> <p>13 depressing to me, whether it was cancer, smart</p> <p>14 bombs, cholera, broken legs, warts, hair loss,</p> <p>15 whatever a nurse could, perhaps, help you with.</p> <p>16 I put them away, they depressed</p> <p>17 me.</p> <p>18 I brought them out two years</p> <p>19 later, I believe in 2003, and I looked at them.</p> <p>20 I looked at the paintings again</p> <p>21 and I started to add more white to the</p> <p>22 paintings.</p> <p>23 And I remember one day I was</p> <p>24 adding white to the figure of the nurse, more</p> <p>25 acrylic white, and to try and ghost her out.</p>
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<p>1 RICHARD PRINCE</p> <p>2 news was very disturbing, and the idea came</p> <p>3 into my head that everybody needed a nurse.</p> <p>4 And I remembered collecting</p> <p>5 these Nurse paperbacks. I believe they were</p> <p>6 called romance books.</p> <p>7 I tore the cover off of the</p> <p>8 book, and at the time I was very familiar with</p> <p>9 this process called Inkjet, which I had been</p> <p>10 using since 1985.</p> <p>11 Inkjet had been a bit more</p> <p>12 updated by 2001, it had become more</p> <p>13 sophisticated.</p> <p>14 I sent the -- I sent the cover</p> <p>15 of Millionaire Nurse to my Inkjetter, I told</p> <p>16 them to print it on canvas at a certain size.</p> <p>17 I got back the reproduction and</p> <p>18 I decided to start painting.</p> <p>19 At first the paintings were</p> <p>20 done -- the first Nurse paintings were done all</p> <p>21 in white.</p> <p>22 I was trying to quote the</p> <p>23 whiteness of the nurse -- of an operating room</p> <p>24 and a nurse's uniform.</p> <p>25 And back then, the very first</p>	<p>1 RICHARD PRINCE</p> <p>2 I remember wiping some of the</p> <p>3 paint, away and as I wiped a portion of the</p> <p>4 paint away on her face, a shape appeared on her</p> <p>5 face.</p> <p>6 And I stood back and I looked at</p> <p>7 it, and I said that reminds me of a -- that</p> <p>8 looks like a surgical nurse -- sorry, a</p> <p>9 surgical mask.</p> <p>10 And that's when it hit me that's</p> <p>11 when I realized that's what I'm looking for.</p> <p>12 That's my contribution.</p> <p>13 It was a mistake, but that's</p> <p>14 what artists do when they work seven days a</p> <p>15 week, 12 months of the year, alone in their</p> <p>16 studio. It takes time, but I got lucky.</p> <p>17 And I decided forget about the</p> <p>18 lists of what can happen to you, what I can do</p> <p>19 with all these paperbacks was add a surgical</p> <p>20 nurse -- a surgical mask.</p> <p>21 It could be the commonality</p> <p>22 between the covers. And it also would get rid</p> <p>23 of some of the personality.</p> <p>24 It was a mask, but it was a</p> <p>25 non-fiction mask, it was something that wasn't</p>

Page 78	Page 80
<p>1 RICHARD PRINCE</p> <p>2 made up. Nurses do wear -- wear surgical</p> <p>3 masks.</p> <p>4 So I got very excited, and I</p> <p>5 started a body of work and I called them The</p> <p>6 Nurse paintings.</p> <p>7 I like my titles to be very</p> <p>8 specific, and that's what they were.</p> <p>9 And I remember showing them to a</p> <p>10 gallerist, they passed. I showed them to</p> <p>11 another gallerist, they wanted to show them.</p> <p>12 And I believe they were first</p> <p>13 shown in London, and the day the show opened,</p> <p>14 on the front page of The New York Times was a</p> <p>15 couple that were being married in China, and</p> <p>16 the bride and the groom were wearing surgical</p> <p>17 masks because of SARS.</p> <p>18 And it occurred to me that I had</p> <p>19 hit a zeitgeist, that I had predicted something</p> <p>20 again.</p> <p>21 And what happened was The Nurses</p> <p>22 became extremely relevant.</p> <p>23 And I could point to them, and</p> <p>24 even though they were made up, even though</p> <p>25 there was a lot of imagination and creativity</p>	<p>1 RICHARD PRINCE</p> <p>2 I had anticipated the idea well,</p> <p>3 when am I going to find the next Nurse -- it</p> <p>4 became exciting to go into a paperback -- I</p> <p>5 remember going to San Francisco, the paperback</p> <p>6 book store that had a whole section of Nurse.</p> <p>7 And I probably bought every</p> <p>8 Nurse paperback that day, brought them back to</p> <p>9 my studio, and I painted Nurses for the better</p> <p>10 part of the -- it was one body of work that I</p> <p>11 painted for the better part of the -- from 2003</p> <p>12 to 2007.</p> <p>13 Q So, comparing Exhibit 172 with</p> <p>14 173, in Exhibit 173, you had the cover of the</p> <p>15 paperback Millionaire Nurse blown up and</p> <p>16 Inkjetted to a canvas, right?</p> <p>17 A Yes.</p> <p>18 Q And then you repainted the</p> <p>19 background with the colors of your choice?</p> <p>20 A Yes.</p> <p>21 Q And you completely painted out</p> <p>22 the man that appeared originally hugging the</p> <p>23 nurse in the original photograph -- cover?</p> <p>24 A Yes.</p> <p>25 Q Why did you decide to take out</p>
Page 79	Page 81
<p>1 RICHARD PRINCE</p> <p>2 involved, in the making of The Nurses, there</p> <p>3 was a lot of nonfiction involved.</p> <p>4 Again, removing some of the</p> <p>5 speculation that accompanies most artwork.</p> <p>6 Most artists ask questions. I</p> <p>7 try to answer questions.</p> <p>8 I -- and I believe that The</p> <p>9 Nurses were in some ways very playful, and I</p> <p>10 had a lot of fun painting them. They were a</p> <p>11 real joy to paint. The colors -- and I kept</p> <p>12 the title.</p> <p>13 I was -- and I was also</p> <p>14 interested in the fact that there were</p> <p>15 essentially -- I was kind of, I didn't know it</p> <p>16 at the time, but there were millions, not</p> <p>17 millions -- perhaps not millions, that's an</p> <p>18 exaggeration, there were thousands of Nurse</p> <p>19 paperbacks.</p> <p>20 And I'm a bibliophile, everybody</p> <p>21 knows that I collect books. And this was in my</p> <p>22 wheelhouse, this was part of what -- a lot of</p> <p>23 my work is about collecting and -- so, the</p> <p>24 whole experience of going into a book store</p> <p>25 changed.</p>	<p>1 RICHARD PRINCE</p> <p>2 the man?</p> <p>3 A I was just interested in the</p> <p>4 nurse.</p> <p>5 Q And you put a white paint over</p> <p>6 the nurse's face, that she was wearing, the</p> <p>7 impression of a surgical mask?</p> <p>8 A Yes.</p> <p>9 Q And that changed her expression</p> <p>10 to a degree from what was in the original</p> <p>11 paperback to what was depicted in your</p> <p>12 Millionaire Nurse?</p> <p>13 A It transformed, yes, I believe</p> <p>14 it transformed the -- it made the nurse my</p> <p>15 Nurse.</p> <p>16 Q And you had to repaint part of</p> <p>17 her uniform in order to get rid of the male</p> <p>18 figure that was in the original photo, correct?</p> <p>19 A Yes.</p> <p>20 Q And you painted over all the</p> <p>21 text that was in the original paperback cover</p> <p>22 except for the title Millionaire Nurse?</p> <p>23 A Yes.</p> <p>24 Q Okay, thank you. You can put</p> <p>25 those aside.</p>

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1 RICHARD PRINCE
2 Let's take a look at two more
3 exhibits, which we will mark as 174 and 175.
4 (The above described documents were
5 marked Exhibits 174 and 175 for
6 identification, as of this date.)
7 MR. BALLON: Do we have 175 --
8 hold on. Before you ask, counsel, I
9 want to make sure I get copies of the
10 exhibits. So this one is 175.
11 MR. MUNN: Sure.
12 MR. BALLON: Okay.
13 Q Okay. Is Exhibit 174 a de
14 Kooning painting called A Woman and a Bicycle?
15 A I don't know if it's called A
16 Woman and a Bicycle, but it is a de Kooning
17 painting.
18 Q And Exhibit 175 is a work of
19 yours called Untitled, right?
20 MR. BALLON: Objection with
21 respect to what this paper is. You can
22 answer.
23 A I can only describe it as a one
24 of my de Kooning paintings. If that's the
25 title, I don't -- I don't remember what I

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1 RICHARD PRINCE
2 titled it.
3 Q And your de Kooning painting in
4 Exhibit 175 uses part of the image from A Woman
5 with a Bicycle in Exhibit 174, correct?
6 A Yes.
7 Q And you doubled that image of
8 the face and breasts from the de Kooning
9 painting in your image, correct?
10 A I painted a male figure next
11 to -- I added on a male figure to de Kooning's
12 woman, yes.
13 Q And you used the same face and
14 chest from the de Kooning painting to form the
15 head and chest of your male and female figures
16 in your painting, correct?
17 A I repainted the anatomy of the
18 de Kooning woman.
19 Q And you added -- sorry, go
20 ahead.
21 A I repainted the anatomy of the
22 de Kooning woman.
23 Q I see.
24 And you added multiple
25 appendages coming from the de Kooning piece

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1 RICHARD PRINCE
2 that you appropriated, correct?
3 A Yes.
4 Q And you added some photographic
5 elements like the man's legs on the right side
6 of the --
7 A Yes.
8 Q And you completely repainted the
9 background to this piece, correct, for your de
10 Kooning?
11 A Yes.
12 Q And the aspect as far as --
13 MR. MUNN: Withdrawn.
14 Q And your painting is a different
15 size and shape than the de Kooning painting,
16 correct?
17 A I believe it is, yes.
18 Q And would you say that your
19 painting uses a slightly different color palate
20 than the de Kooning painting?
21 A Yes.
22 Q All right, you can put those
23 aside.
24 Let's take a look at the exhibit
25 I will mark 176.

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1 RICHARD PRINCE
2 (The above described document was
3 marked Exhibit 176 for identification as
4 of this date.)
5 Q Is Exhibit 176 a comparison of a
6 photo of a person from the book YES RASTA with
7 your work Graduation?
8 MR. MUNN: Let me restate.
9 Q Is Exhibit 176 a comparison with
10 a photo from the book YES RASTA with your work
11 Graduation?
12 MS. APPLETON: Objection to form.
13 MR. BALLON: You can go ahead and
14 answer if you --
15 A It looks like it, yes.
16 Q And your work Graduation is at
17 the top of the page, correct?
18 A Yes.
19 Q And your work Graduation took
20 the photo from YES RASTA and added additional
21 elements, correct?
22 MR. BALLON: Objection to form.
23 A Yes, I contributed -- I
24 introduced some new elements into, I believe
25 it's -- what do you have here?

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<p>1 RICHARD PRINCE</p> <p>2 I contributed different things</p> <p>3 to the original Rasta that was in a book</p> <p>4 called -- I believe it was called YES -- I</p> <p>5 think it was called YES RASTA.</p> <p>6 Q Did you paste blue ovals over</p> <p>7 the eyes, nose and mouth of the figure from YES</p> <p>8 RASTA?</p> <p>9 A No.</p> <p>10 Q Is that painted ovals?</p> <p>11 A Yes.</p> <p>12 Q So you painted ovals over the</p> <p>13 eyes, nose and mouth of the figure from YES</p> <p>14 RASTA?</p> <p>15 A Yes.</p> <p>16 Q And you pasted an image of a</p> <p>17 guitar and hands playing a guitar over the</p> <p>18 image from YES RASTA, correct?</p> <p>19 A I Scotch taped a guitar.</p> <p>20 Q Did you use the first photo of a</p> <p>21 guitar you found, or did you have to find one</p> <p>22 that fit the photo?</p> <p>23 A That's a very specific guitar.</p> <p>24 Q And did you pick it because it</p> <p>25 fit nicely with the way that the photograph in</p>	<p>1 RICHARD PRINCE</p> <p>2 Q Did you paste --</p> <p>3 MR. MUNN: Sorry, strike that.</p> <p>4 Q Did you add the photographic</p> <p>5 element of the guitar before or after you</p> <p>6 painted the eyes, nose and face of -- the eyes</p> <p>7 nose and mouth on the face of the figure?</p> <p>8 MR. BALLON: Objection to form,</p> <p>9 photographic element. You can answer.</p> <p>10 MR. MUNN: Let me restate it.</p> <p>11 Q Did you paste the picture of the</p> <p>12 guitar before you paced -- before you painted</p> <p>13 the blue ovals over the eyes, nose and mouth of</p> <p>14 the head of the Rasta in this picture?</p> <p>15 MR. BALLON: Objection, picture,</p> <p>16 lacks foundation. You can answer.</p> <p>17 A I have no recall. I bought the</p> <p>18 book very much, like this body of work was very</p> <p>19 much -- it was a book that I bought.</p> <p>20 And as I recall, it was just a</p> <p>21 book of Rastafarians that I had picked up one</p> <p>22 Christmas when I was living in -- when I was</p> <p>23 staying in St. Bart's.</p> <p>24 So that's very important. I was</p> <p>25 on an island, and I was writing a screenplay,</p>
Page 87	Page 89
<p>1 RICHARD PRINCE</p> <p>2 YES RASTA, the way the man's arms were spaced?</p> <p>3 MR. BALLON: Objection, lack of</p> <p>4 foundation. You can answer.</p> <p>5 A Well, there are a couple of</p> <p>6 reasons why I picked that particular form.</p> <p>7 One is it doesn't really fit,</p> <p>8 and the second reason is that a lot of</p> <p>9 people -- I might as well get this on the</p> <p>10 record. That's George Harrison's guitar.</p> <p>11 Q And it was important to you that</p> <p>12 it would be George Harrison's guitar in the</p> <p>13 work Graduation?</p> <p>14 A I'm not sure I would categorize</p> <p>15 or use the word important.</p> <p>16 Q But that was a specific choice</p> <p>17 by you, to include specifically George</p> <p>18 Harrison's guitar in the photographic element</p> <p>19 you added to YES RASTA, the YES RASTA photo?</p> <p>20 A It was part of the creative</p> <p>21 process.</p> <p>22 Q Why did you call the work</p> <p>23 Graduation?</p> <p>24 A It went from one place to</p> <p>25 another.</p>	<p>1 RICHARD PRINCE</p> <p>2 and the Rastas became part of the screenplay.</p> <p>3 And I wanted to introduce the</p> <p>4 element of music to the Rastas -- to the</p> <p>5 Rastafarians, and to the culture of the</p> <p>6 Rastafarians, which I wasn't really aware of.</p> <p>7 But it's a side here, and I</p> <p>8 think we have all this side here in mind, you</p> <p>9 would like to trade places one day, spend time</p> <p>10 in someone else's body to experience something</p> <p>11 that you have no experience of.</p> <p>12 And I just wanted to -- I</p> <p>13 imagined the idea of just living in an</p> <p>14 environment where all I would need was a pair</p> <p>15 of gym shorts and flip-flops.</p> <p>16 And I think that's the reason</p> <p>17 why I probably gravitated toward this book that</p> <p>18 I bought, and I started making drawings and</p> <p>19 collages in this book.</p> <p>20 But it wasn't until I had been</p> <p>21 working with this book for -- I would leave it</p> <p>22 every Christmas, I would go back to St. Bart's,</p> <p>23 and I would -- the book would be at the house,</p> <p>24 and I would continue to work on the book for</p> <p>25 two weeks.</p>

<p style="text-align: right;">Page 90</p> <p>1 RICHARD PRINCE</p> <p>2 But it wasn't until I pasted,</p> <p>3 again, it's sort of like the surgical mask on</p> <p>4 The Nurse, it wasn't until I pasted the guitar</p> <p>5 that it clicked, that the transformation --</p> <p>6 that it became mine, that it became something</p> <p>7 else, that it became a way of interpreting</p> <p>8 something that had already existed out there in</p> <p>9 the public, and I brought it into my art world.</p> <p>10 And by pasting the guitar it</p> <p>11 would have a whole new meaning.</p> <p>12 However, it would also have a</p> <p>13 nonfiction, it wasn't that far-fetched, I was</p> <p>14 thinking of Bob Marley.</p> <p>15 My step-son was playing dub</p> <p>16 music at the time, he introduced me to reggae,</p> <p>17 so it all kind of fit at the time.</p> <p>18 I believe I used this book, I</p> <p>19 worked on the book for about three years.</p> <p>20 I completely destroyed that</p> <p>21 book, meaning I drew on every page, I pasted, I</p> <p>22 collaged.</p> <p>23 I wasn't really thinking about</p> <p>24 making art, I was having fun with this</p> <p>25 particular book.</p>	<p style="text-align: right;">Page 92</p> <p>1 RICHARD PRINCE</p> <p>2 Rastafarian's face match the color of the</p> <p>3 guitar?</p> <p>4 A I think that's just</p> <p>5 coincidental.</p> <p>6 Q And was Graduation part of a</p> <p>7 series you called Canal Zone?</p> <p>8 A Yes.</p> <p>9 Q Were you sued over the use of</p> <p>10 images from the book YES RASTA in your Canal</p> <p>11 Zone works?</p> <p>12 MR. BALLON: You can answer.</p> <p>13 A Was I sued? Yes.</p> <p>23 Q Do you know if some of the</p> <p>24 paintings were sent back to the District Court</p> <p>25 for further proceedings in the Cariou case?</p>
<p style="text-align: right;">Page 91</p> <p>1 RICHARD PRINCE</p> <p>2 And I actually thought, when I</p> <p>3 found George Harrison's guitar, some people</p> <p>4 call it inspiration, I don't know if I would</p> <p>5 call it inspiration, I just call it luck.</p> <p>6 I was just lucky again. And it</p> <p>7 really made me seriously think that it could</p> <p>8 become a body of work, that I could really work</p> <p>9 with these images.</p> <p>10 I thought it was a great -- I</p> <p>11 thought it became great.</p> <p>12 I thought it became much more</p> <p>13 interesting for me personally, because it's</p> <p>14 what I wanted to be.</p> <p>15 And it was the only way I could</p> <p>16 possibly be -- I always wanted dreads, but I</p> <p>17 knew I couldn't grow them.</p> <p>18 But if I couldn't grow them, I</p> <p>19 could paint them.</p> <p>20 Q Did you match the color of the</p> <p>21 ovals you painted over his eyes to the color of</p> <p>22 the guitar, was that an intentional choice?</p> <p>23 A I don't recall.</p> <p>24 Q But do you agree that the color</p> <p>25 of the ovals over the parts of the</p>	<p style="text-align: right;">Page 93</p> <p>1 RICHARD PRINCE</p> <p>2 MR. BALLON: Objection to form,</p> <p>3 paintings sent to the District Court.</p> <p>4 You can answer if you understand.</p> <p>5 A I don't understand the question.</p> <p>6 Q So, in the Cariou case your</p> <p>7 Canal Zone paintings were at issue, correct?</p> <p>8 A Yes.</p> <p>9 Q And you were sued specifically</p> <p>10 for using the images you found of Rastafarians</p> <p>11 in the YES RASTA book?</p> <p>12 MR. BALLON: Objection. You can</p> <p>13 answer.</p> <p>14 You can answer if you know.</p> <p>15 A Could you ask me that question</p> <p>16 again?</p> <p>17 Q You were sued over your use of</p> <p>18 some of the photographic images from the book</p> <p>19 YES RASTA that you made use of in your Canal</p> <p>20 Zone works?</p> <p>21 MR. BALLON: Same objection, but</p> <p>22 you can answer.</p> <p>23 A Yes.</p>

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8 Q Did the lawsuit over the Canal
9 Zone works occur prior to you making the body
10 of works called New Portraits?
11 A Yes.
12 Q Do you think the title -- you
13 can set that aside.
14 Do you think the title of a work
15 is important?
16 A Yes.
17 Q Do you think the title of a work
18 can change how a viewer perceives it?
19 A Yes.
20 Q Some of your past works are
21 entitled Untitled within a generic description
22 in parenthesis.
23 Is that a choice of yours?
24 A Yes.
25 Q And can you explain that choice?

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1 RICHARD PRINCE
2 A No, I can't.
3 Q Do you consider those works that
4 you call Untitled with a generic description to
5 be entitled?
6 MS. APPLETON: Objection to form.
7 A No, I don't.
8 Q So the title of the work is
9 Untitled, parentheses, whatever?
10 A I have never used, as far as I
11 know, I've never used Untitled, parentheses,
12 whatever as a title for one of my works.
13 Q Right. But you have used, for
14 example, Untitled (de Kooning), correct?
15 A I don't know.
16 Q Do you name all of your works?
17 A Yes.
18 Q What is the difference between
19 the works that get the Untitled designation and
20 the ones that get a full title?
21 MR. BALLON: Objection,
22 foundation. You can answer.
23 A Depends upon how I feel the day
24 I made them.
25 Q Do you know what I mean when I

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1 RICHARD PRINCE
2 refer to a group of your works called the New
3 Portraits?
4 A Yes.
5 Q How did you come up with the
6 idea for the works you called the New
7 Portraits?
8 A I went on Instagram.
9 Q And what were you looking for
10 when you were on Instagram?
11 A I wasn't looking for anything.
12 Q Why did you call this body of
13 work New Portraits?
14 A Because they were new.
15 Q So, is it fair to say you went
16 on Instagram and looked for posts that had
17 posted interesting photographs?
18 A You could put it that way.
19 Q When you found a photograph that
20 you liked, did it matter whether the person
21 depicted in the photograph was the person who
22 posted it?
23 MS. APPLETON: Objection to form.
24 A I wasn't looking for -- I
25 wouldn't describe it as looking for

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1 RICHARD PRINCE
2 photographs.
3 Q Let me show you an exhibit which
4 we will mark Exhibit 177.
5 (The above described document was
6 marked Exhibit 177 for identification as
7 of this date.)
8 MR. BALLON: Do you have a copy
9 of that?
10 MS. STAMM: Yes.
11 MR. MUNN: We will definitely
12 give you a copy every time.
13 MR. BALLON: Counsel, when do you
14 expect we will take a break, because we
15 have been going --
16 MR. MUNN: We have lunch for
17 everyone at 1:00 p.m., I think.
18 MR. BALLON: I may need a
19 restroom break before then, but I don't
20 want to break your flow.
21 MR. MUNN: Not a problem, let me
22 know.
23 MR. BALLON: Whenever there is a
24 good breaking point.
25 MR. MUNN: Maybe we will get past

[illegible]

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	19 MR. BALLON: Let me know when you 20 are at a good break point. 21 MR. MUNN: I think this is a good 22 time to take a break, we don't have much 23 time before lunch as well. 24 We can take a five or ten minute 25 break to do the restroom, do a few minutes
Page 103	Page 105
	1 RICHARD PRINCE 2 before lunch. 3 MR. BALLON: Does that work for 4 you, five or ten minute break, then come 5 back? 6 MR. MUNN: We will do a short 7 break before lunch. 8 THE WITNESS: Whatever makes 9 sense. 10 THE VIDEOGRAPHER: Here now marks 11 the end of video file number 3. The 12 time is 12:46 p.m. We are now off the 13 record. 14 (At this point in the proceedings 15 there was a recess, after which the 16 deposition continued as follows:) 17 THE VIDEOGRAPHER: Here now marks 18 the beginning of video file number 3. 19 The time is 1:33 p.m. We are back on 20 the record. 21 CONTINUED EXAMINATION BY 22 MR. MUNN: 23 Q All right, I would like to show 24 you a document that was previously marked 25 Exhibit 3.

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1 RICHARD PRINCE

2 Q Do you recognize Exhibit 3?

3 A Yes.

4 Q What is Exhibit 3?

5 A It looks as if it's some kind of

6 xerox of rastajay's portrait.

7 Q Did you make use of the

8 photograph in Exhibit 3 in one of your New

9 Portraits work?

10 A Yes.

11 Q You can leave that in front you

12 for right now.

13 I would like to show you an

14 exhibit that was previously marked Exhibit 5.

15 Is Exhibit 5 a photograph of a

16 work entitled Untitled Portrait by you?

17 A No.

18 Q It is not?

19 A No.

20 Q What is Exhibit 5?

21 A Exhibit 5 is a New Portrait, and

22 I believe it is marked in the New Portraits

23 catalogue as Portrait of Rastajay92.

24 Q So, Exhibit 5 depicts a work by

25 you called Portrait of Rastajay92?

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1 RICHARD PRINCE

2 MS. APPLETON: Objection to form.

3 A Would you just repeat that

4 question?

5 Q Exhibit 5 depicts a work by you

6 that is entitled Portrait of Rastajay92?

7 A Yes.

8 Q And is Portrait of Rastajay92 a

9 screen shot of an Instagram post of a

10 photograph with comments?

11 MR. BALLON: Objection.

12 MR. MUNN: Let me restate the

13 question again.

14 Q Is Exhibit 5 a picture of your

15 work which is a screen shot an Instagram post

16 by rastajay92 with comments that is an Inkjet

17 printed on canvas?

18 MS. APPLETON: Objection.

19 MR. BALLON: Objection.

20 A Someone sneezed, I'm sorry, I

21 didn't get.

22 Q Sure, I will repeat the

23 question.

24 MS. APPLETON: My fault.

25 Q Is Exhibit 5 a photograph of a

Page 108

1 RICHARD PRINCE

2 screen shot of an Instagram post by rastajay92

3 with comments that was Inkjet printed on

4 canvas?

5 A Yes.

6 Q Rastajay92 is an Instagram user

7 who reposted a picture originally posted by

8 indigochild on Instagram, right?

9 MR. BALLON: Objection,

10 foundation.

11 You can answer.

12 A Posted by indigochild. That's

13 interesting, that's news to me.

14 Q So, as far as you know

15 rastajay92 posted the photo in the Instagram

16 post depicted in Exhibit 5?

17 MR. BALLON: Objection, you can

18 answer.

19 A What I can tell you is

20 rastajay92, this is one of his portraits that

21 he posted on his Instagram feed, I believe in

22 2014.

23 Q Is the photograph in the work

24 depicted in Exhibit 5 the same photograph as

25 depicted in Exhibit 3 that we just looked at?

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1 RICHARD PRINCE

2 MR. BALLON: Objection.

3 A I would say I don't know,

4 because I don't know if rastajay92 posted a

5 photograph.

6 I would have no knowledge of

7 that.

8 Q So, in creating the work

9 depicted in Exhibit 5, you found rastajay92's

10 post on Instagram, right?

11 A Yes.

12 Q And then you made a comment on

13 rastajay's post on Instagram, correct?

14 A Yes.

15 Q And then you took a screen shot

16 of rastajay92's post and his comment and your

17 comment on your iPhone, correct?

18 MR. BALLON: Objection,

19 foundation. You can answer.

20 A Yes.

21 Q And then you had that screen

22 shot of rastajay92's post printed on canvas?

23 MR. BALLON: Objection, printed.

24 MS. APPLETON: Objection to form.

25 MR. BALLON: You can answer.

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1 RICHARD PRINCE

2 A I had it Inkjetted on canvas.

3 Q So you had the screen shot of

4 rastajay's 92 Instagram post Inkjetted on

5 canvas, right?

6 A Yes.

7 Q Did you think at the time that

8 the photo was taken by rastajay92?

9 MS. APPLETON: Objection to form.

10 A Again, I didn't -- I wasn't

11 assuming, or I didn't assume that it was a

12 photograph.

13 I had no -- I didn't have the

14 ability or the knowledge that what rastajay was

15 posting on his Instagram feed was a photograph.

16 So I would have to answer that

17 question no.

18 Q Did you understand that what

19 rastajay might be posting on his Instagram feed

20 was a digital copy of a photograph?

21 MR. BALLON: Objection, improper

22 hypothetical.

23 A I can't answer that.

24 Q Do you recognize Instagram as a

25 place where people post photographs?

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1 RICHARD PRINCE

2 MR. BALLON: Objection,

3 foundation.

4 A I would -- I can agree -- I

5 would agree to the fact that I believe a lot of

6 people do post photographs on Instagram.

7 Q At the time that you made the

8 screen shot of rastajay's post, is it your

9 testimony today that you didn't think that the

10 image was a photograph?

11 MS. APPLETON: Objection to form.

12 A It didn't concern me, it didn't

13 occur to me, it wasn't important to me whether

14 or not I thought it was a photograph or a

15 lithograph or an etching. It could have been a

16 painting.

17 Those weren't my concerns at the

18 time.

19 Q So --

20 MR. MUNN: Let me restate my

21 question.

22 Q Is the image of the Rastafarian

23 in Exhibit 5 the same as the image of the

24 Rastafarian in Exhibit 3?

25 MR. BALLON: Objection, asked and

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1 RICHARD PRINCE

2 answered, and lacks foundation.

3 Q You can answer.

4 MR. BALLON: You can answer if

5 you know.

6 A These -- I would have to say

7 that these two images have nothing to do with

8 each other.

9 Q So, you don't recognize the

10 image in Exhibit 5 as a post by rastajay92 of

11 the image in Exhibit 3?

12 MR. BALLON: Objection, asked and

13 answered. This is the third time you

14 have asked the witness this. Also lacks

15 foundation.

16 Q You can answer.

17 A No.

18 Q So it's your testimony today

19 that rastajay92 did not post the image from

20 Exhibit 3?

21 MR. BALLON: Objection,

22 mischaracterizes the witness' testimony,

23 lacks foundation, asked and answered.

24 A I think you would have to ask

25 rastajay that.

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1 RICHARD PRINCE

2 Q So, looking at these two images,

3 you can't tell if what rastajay92 posted was

4 the image from Exhibit 3?

5 MR. BALLON: Objection, asked and

6 answered, lacks foundation.

7 A I would imagine that rastajay92

8 did not take this image that I'm holding in

9 front of me. I am just guessing that he

10 didn't.

11 MR. BALLON: Sir, don't guess.

12 The deposition only asks what you know.

13 Don't speculate.

14 He's allowed to ask you questions.

15 A No.

16 MR. BALLON: You answer what you

17 know.

18 A I don't know.

19 Q Did you ask rastajay92 to post

20 the picture on his Instagram?

21 A No.

22 Q Did you do anything to determine

23 who took the photo in the rastajay92 post?

24 A No.

25 Q Are you aware today who took the

<p>Page 114</p> <p>1 RICHARD PRINCE</p> <p>2 original photo in the rastajay92 post?</p> <p>3 A Yes.</p> <p>4 Q Who took that photo?</p> <p>5 MR. BALLON: Objection with</p> <p>6 respect to original photo.</p> <p>7 Slow down enough to let me put my</p> <p>8 objections on the record before you</p> <p>9 answer.</p> <p>10 MR. MUNN: Withdrawn.</p> <p>11 Q So, looking at the Exhibit 5,</p> <p>12 was the layout of the work in Exhibit 5</p> <p>13 dictated by the standard graphic interface of</p> <p>14 Instagram?</p> <p>15 MR. BALLON: Objection, lacks</p> <p>16 foundation.</p> <p>17 You can answer if you know.</p> <p>18 A In 2014 this was -- I believe</p> <p>19 this was the way Instagram -- this was one of</p> <p>20 the ways in which you could post an Instagram</p> <p>21 image.</p> <p>22 Q Did you alter the Instagram</p> <p>23 layout after screensaving it?</p> <p>24 MR. BALLON: Objection with</p> <p>25 respect to Instagram layout.</p>	<p>Page 116</p> <p>1 RICHARD PRINCE</p> <p>2 of their employees said we just got in this new</p> <p>3 canvas, and I -- and they showed me</p> <p>4 reproduction, and I got very excited.</p> <p>5 The new canvas was brand new, it</p> <p>6 was a canvas that received the jet, meaning the</p> <p>7 process, in a brand new way.</p> <p>8 It fused the coating of the</p> <p>9 image that, in a way, since I was using my</p> <p>10 phone at the time as my new paint brush, in a</p> <p>11 way that was very satisfying, the way the</p> <p>12 ink -- it didn't sit up on the canvas, it</p> <p>13 didn't sit inside the canvas, it just hovered</p> <p>14 in such a way that I had never seen the process</p> <p>15 of Inkjet conduct itself.</p> <p>16 And it was at that time that I</p> <p>17 decided that this new type of canvas, this was</p> <p>18 the most important part of creating the New</p> <p>19 Portraits.</p> <p>20 This is what would transform my</p> <p>21 screen shots, my painting with the telephone,</p> <p>22 which, again, it's not a telephone. My</p> <p>23 telephone isn't a telephone, it's a camera.</p> <p>24 And I didn't even at the time</p> <p>25 know what a screen shot was.</p>
<p>Page 115</p> <p>1 RICHARD PRINCE</p> <p>2 A Yes.</p> <p>3 Q How did you alter the Instagram</p> <p>4 layout after screensaving it?</p> <p>5 A I -- it took a while. I thought</p> <p>6 about a great -- I spent a great deal of time</p> <p>7 considering the presentation.</p> <p>8 The generation of artists that I</p> <p>9 grew up with, a primary consideration was</p> <p>10 presentation of images.</p> <p>11 It was very important about how</p> <p>12 you produced, how you processed, how you</p> <p>13 recontextualized, how you framed or perhaps you</p> <p>14 didn't frame. Did you use glass? Did you use</p> <p>15 plexiglass?</p> <p>16 A lot of thinking went into the</p> <p>17 production.</p> <p>18 In 2014 I was working with a</p> <p>19 particular lab that had at the time the most</p> <p>20 advanced Inkjet machine in the United States.</p> <p>21 They had -- I experimented with</p> <p>22 many surfaces that they had available, all of</p> <p>23 which I rejected.</p> <p>24 This process went on for some</p> <p>25 time. I went -- I remember going down, and one</p>	<p>Page 117</p> <p>1 RICHARD PRINCE</p> <p>2 But I was shown how to</p> <p>3 screensave, which was a, for me at the time,</p> <p>4 was a remarkable, incredible discovery.</p> <p>5 Up until then I had stopped</p> <p>6 taking photographs because they had got rid of</p> <p>7 color slide film, there was no more.</p> <p>8 And I couldn't make the</p> <p>9 transformation to digital photography, it was</p> <p>10 uncomfortable.</p> <p>11 But when the phone turned into a</p> <p>12 camera and I was shown how to screensave, it</p> <p>13 was a very exciting new process for me.</p> <p>14 And I had already known about</p> <p>15 Inkjet, as I said before, I had been using</p> <p>16 Inkjet since 1985.</p> <p>17 I already knew I could</p> <p>18 anticipate the look, and I knew it was making</p> <p>19 advances on a weekly, monthly, yearly basis.</p> <p>20 And Inkjet is the new way -- all</p> <p>21 my artist friends were using Inkjet at the</p> <p>22 time.</p> <p>23 And the price of an Inkjet</p> <p>24 machine was coming down, so you could actually</p> <p>25 buy one yourself and have it in your studio and</p>

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1 RICHARD PRINCE

2 you could program.

3 So in a sense you were typing

4 your painting.

5 My concern at the time, when I

6 was making the New Portraits, was I wasn't

7 making photographs.

8 I wanted to make the New

9 Portraits into a unique painting, one painting

10 per photograph.

11 And that's -- that was my main

12 concern, that was my goal.

13 When I was introduced to this

14 new way of the colors were transformed, the

15 size, the scale, and the thickness, even the

16 stretcher bars were important.

17 Again, I know this might sound

18 formal, but formalism, it's very important in

19 the final -- for what I finally put out there.

20 I needed to solve all these

21 problems. And I think, when I look back at

22 2014, since I didn't know much about Instagram,

23 or even how it worked, I was just very new to

24 it.

25 What I wasn't new to was I knew

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1 RICHARD PRINCE

2 how I wanted to translate what I found on

3 Instagram.

4 Q So, you altered the layout of

5 the Instagram post buying jet printing it to

6 canvas, is that correct?

7 MR. BALLON: Objection,

8 mischaracterizes the witness' testimony.

9 You can answer.

10 A It was one way I transformed the

11 image, yes.

12 Q Was the 3W in the upper

13 right-hand corner of the image added by you?

14 A No.

15 Q Was rastajay92's handle added by

16 you?

17 A No.

18 Q Was rastajay92's profile picture

19 added by you?

20 MR. BALLON: Objection, lacks

21 foundation, profile picture. You can

22 answer.

23 A No.

24 Q In the photo that takes up --

25 A Can I just interrupt you for a

Page 120

1 RICHARD PRINCE

2 second?

3 It's not -- you don't call

4 these -- I believe they are called avatars, but

5 I might be wrong.

6 Q Avatars on Instagram?

7 A I don't -- that's what I call

8 them, yes, avatars.

9 Q Well, in any event, the small

10 picture next to rastajay92's handle at the top

11 left of the work in Exhibit 5, you didn't add

12 that, right?

13 A No.

14 Q And you didn't add the photo

15 that takes up most of the middle of Exhibit 5?

16 MS. APPLETON: Objection to form.

17 MR. BALLON: Objection.

18 A No.

19 Q And was the heart and the number

20 of likes added by Instagram or you?

21 MR. BALLON: Objection, lacks

22 foundation.

23 MS. APPLETON: Objection.

24 A The heart and 128 likes was

25 already there.

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1 RICHARD PRINCE

2 Q And rastajay92's comment was

3 already there, correct?

4 A Yes.

5 Q And rastajay92 commented "Real

6 bongo Nyah man a real Congo Nyah," with an

7 emoticon of a fist.

8 Do you see that?

9 A Yes.

10 Q Did you know what that meant at

11 the time?

12 A I wasn't really -- those were

13 called emojis, and I believe that they were a

14 new way -- I think Instagram had just added a

15 few, a few emojis for some reason.

16 I don't know why, but they added

17 them, which you could add to your comment.

18 Q Did you know what rastajay92

19 meant by "Real bongo Nyah man a real Congo

20 Nyah"?

21 A I made -- I made the assumption

22 that he knew about inside information.

23 Q What do you mean by that?

24 A He knew about Lord Buckley.

25 Q He knew about Lord Buckley.

<p style="text-align: right;">Page 122</p> <p>1 RICHARD PRINCE</p> <p>2 What does that mean?</p> <p>3 A Lord Buckley was one of the</p> <p>4 first rappers, 1953 he published a book called</p> <p>5 The Nazz, where he used language like real</p> <p>6 bongo Nyah man a real Congo Nyah.</p> <p>7 He was one of the first pioneers</p> <p>8 to use a type of rap -- a type of almost what</p> <p>9 is now referred to as forensic linguistics.</p> <p>10 And in a strange way, when I</p> <p>11 read rastajay's 92, I felt -- I felt</p> <p>12 communication, I felt that we had something in</p> <p>13 common.</p> <p>14 Q Are you familiar with the music</p> <p>15 of Stephen Marley?</p> <p>16 A Stephen Marley, no.</p> <p>17 Q Are you familiar with the</p> <p>18 Jamaican patois, also known as Jamaican Creole?</p> <p>19 A No.</p> <p>20 Q Now, do you agree that the image</p> <p>21 of the Rastafarian in Exhibit 5 is the dominant</p> <p>22 image in this work?</p> <p>23 MR. BALLON: Objection.</p> <p>24 A No.</p> <p>25 Q So your testimony today is that</p>	<p style="text-align: right;">Page 124</p> <p>1 RICHARD PRINCE</p> <p>2 Inkjet printed it?</p> <p>3 MR. BALLON: Objection, vague and</p> <p>4 ambiguous.</p> <p>5 MS. APPLETON: Objection.</p> <p>6 MR. BALLON: You can answer it if</p> <p>7 you know what he means.</p> <p>8 A I don't recall.</p> <p>9 Q Now, you posted a comment on</p> <p>10 rastajay92's Instagram, correct?</p> <p>11 A Yes.</p> <p>12 Q And the comment at the bottom</p> <p>13 @richardprince4, that's you, correct?</p> <p>14 A Yes.</p> <p>15 Q And you commented Canal Zinian</p> <p>16 da lam jam, fist emoji, correct?</p> <p>17 A Da lam, da lam jam.</p> <p>18 Q I see, sorry I will remember</p> <p>19 that.</p> <p>20 A No, no.</p> <p>21 Q And can you tell me what the</p> <p>22 meaning of Canal Zinian da lam jam is?</p> <p>23 A It's a self-referential</p> <p>24 autobiographical.</p> <p>25 Q Was this comment made in the</p>
<p style="text-align: right;">Page 123</p> <p>1 RICHARD PRINCE</p> <p>2 the image of the Rastafarian in Exhibit 5 is</p> <p>3 not the dominant issue in this work?</p> <p>4 MR. BALLON: Objection, asked and</p> <p>5 answered.</p> <p>6 Q Image in this work?</p> <p>7 MR. BALLON: Asked and answered.</p> <p>8 MS. APPLETON: Objection.</p> <p>9 A No.</p> <p>10 Q What percentage of the area of</p> <p>11 the canvas would you say that the picture takes</p> <p>12 up --</p> <p>13 MR. MUNN: Sorry, withdrawn.</p> <p>14 Q What percentage of the area of</p> <p>15 the canvas would you estimate the image takes</p> <p>16 up of the Rastafarian in Exhibit 5?</p> <p>17 MR. BALLON: Objection, this</p> <p>18 isn't a math test.</p> <p>19 MS. APPLETON: Objection.</p> <p>20 A It takes up the middle of the</p> <p>21 canvas.</p> <p>22 Q Now, did you change --</p> <p>23 MR. MUNN: Withdrawn.</p> <p>24 Q Does the image in Exhibit 5</p> <p>25 appear as it appeared on Instagram after you</p>	<p style="text-align: right;">Page 125</p> <p>1 RICHARD PRINCE</p> <p>2 default font for Instagram comments?</p> <p>3 MR. BALLON: Objection, lacks</p> <p>4 foundation.</p> <p>5 A I don't understand the question.</p> <p>6 Q Did you just type it into</p> <p>7 Instagram and post it, or did you change the</p> <p>8 font that it was displayed?</p> <p>9 MR. BALLON: Objection.</p> <p>10 A I -- I still don't understand</p> <p>11 the question.</p> <p>12 Q Are you aware of any options on</p> <p>13 Instagram to change the default font that your</p> <p>14 comments appear in?</p> <p>15 MR. BALLON: Objection.</p> <p>16 A I don't believe that I know of</p> <p>17 that process on Instagram.</p> <p>18 Q And is the raised fist emoji</p> <p>19 from a standard set of emojis that are</p> <p>20 available for posting on Instagram?</p> <p>21 MR. BALLON: Objection to</p> <p>22 standard and available.</p> <p>23 Q You can answer.</p> <p>24 A Yes.</p> <p>25 Q So, how did you add your comment</p>

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1 RICHARD PRINCE
2 to rastajay92's post; simply typed it in and
3 pressed enter, correct?
4 A It wasn't that simple.
5 Q So you took some time to think
6 about the words to add to the post first?
7 A I did a -- the words, the
8 comment, which is the most important part of
9 the portrait, the thing I became aware about
10 Instagram immediately was the comments.
11 It wasn't the images that people
12 were posting of themselves.
13 I was really interested in the
14 language, the amount of likes, and I was also
15 really aware and interested in the comment that
16 that the rastajay made.
17 So I wanted to make a comment, I
18 wanted to make a comment, because that was my
19 contribution.
20 I thought about what -- what
21 could I change, what could I add, how could I
22 transform something that had already been out
23 there and make it unique.
24 Make it different, make a parody
25 of rastajay's portrait.

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1 RICHARD PRINCE
2 And as I got more and more into
3 Instagram, I realized it was the comments, and
4 what happened was there were many comments, as
5 I recall there might have been 50 comments the
6 day that I screensaved rastajay's portrait of
7 himself.
8 However, there was a problem;
9 how do I get my comment in the screensave?
10 I wouldn't describe myself as a
11 computer geek, however I figured out how to get
12 rid of the 50 comments that were under
13 rastajay92's comments and get my comment next
14 to his.
15 And I figured that out on my
16 own.
17 That, once I figured that out,
18 as I -- as I said, as I say in my comment, I
19 really started to jam. I really couldn't
20 believe that I figured it out.
21 And it's actually, it was very
22 simple.
23 But at the time, you know, there
24 were a lot of concerns of what do I do, how do
25 I change it, what are my interests, and am I

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1 RICHARD PRINCE
2 interested at all in Instagram?
3 And making -- I mean, Instagram
4 to me, when I first saw it, was like a new
5 magazine.
6 And as I said before, it
7 reminded me of my Gangs.
8 And as I said before, what I
9 was -- The Gangs -- the images in The Gangs
10 were -- the actual photographs of The Gangs
11 never really interested me.
12 It was what was around -- it was
13 the blank space that was around the image that
14 interested me.
15 However, language and writing is
16 a big part of my work.
17 And I had been bird talking
18 since 1990. My Bird Talk had been published in
19 a French magazine for many years during the
20 '90s.
21 They were simply sentences, and
22 some say that I even, with Bird Talk, some say
23 I invented Twitter.
24 Now, it was -- once I found a
25 way to move my comment up next to rastajay's

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1 RICHARD PRINCE
2 comment, and when I made -- you can only save,
3 when you screensave, you can only save a
4 certain amount of the posted image.
5 And before I figured out how to
6 move my comment, my comment would have never
7 gotten into the save.
8 But once I figured that out, as
9 I said, that's when I started to really think
10 about well, you know, maybe this could be a new
11 way of doing portraits, fairly much like the
12 portraits I used to try to do back in 1984 to
13 '85.
14 Where, back then, when I did
15 someone's portrait, it was very similar.
16 I would -- if I did your
17 portrait, I would say to you -- I might not
18 even have to know you.
19 But if I wanted to do your
20 portrait, I would ask you, or I would ask my
21 lawyer, give me self-portraits of yourself.
22 And you would give me
23 self-portraits of yourself, eight portraits,
24 nine portraits, from the time you were 13 to
25 the time you were 50.

<p style="text-align: right;">Page 130</p> <p>1 RICHARD PRINCE</p> <p>2 And I would look at them, and I</p> <p>3 would make a decision, and I would pick one, I</p> <p>4 would rephotograph it, and that was your</p> <p>5 portrait.</p> <p>6 I thought it was a brilliant</p> <p>7 idea, because number one, you didn't have to</p> <p>8 come and sit for me, you didn't have to spend</p> <p>9 hours in front of a camera.</p> <p>10 And you were guaranteed that you</p> <p>11 would be happy with your portrait, because you</p> <p>12 had already given me nine images that you liked</p> <p>13 of yourself.</p> <p>14 So I did that for two years. I</p> <p>15 really actually thought, this was before I</p> <p>16 started making money, I actually thought that</p> <p>17 that could be something that would, you know,</p> <p>18 it touched upon the way Warhol made portraits.</p> <p>19 But, again, I would like to</p> <p>20 emphasize the fact that I am always trying to</p> <p>21 do something that no one else in the art world</p> <p>22 has done before.</p> <p>23 And I thought that in '84 to '85</p> <p>24 this way of taking people's portraits was going</p> <p>25 to be revolutionary, it was going to be new.</p>	<p style="text-align: right;">Page 132</p> <p>1 RICHARD PRINCE</p> <p>2 person's feed, Jessica Hart.</p> <p>3 And I was on the phone with her,</p> <p>4 and I was saying to her, Jessica, I'm looking</p> <p>5 at your Instagram feed, there is this one image</p> <p>6 of you that's absolutely fantastic, you know,</p> <p>7 someone should make a portrait of it.</p> <p>8 And she said to me, why don't</p> <p>9 you?</p> <p>10 So, I said to her, well, I'll</p> <p>11 try. And when I say I tried, it took a while,</p> <p>12 and all the things that I have explained to you</p> <p>13 now, it took a while.</p> <p>14 You know, I have to dot my i's</p> <p>15 and cross my t's before I sign off on it.</p> <p>16 And I think what the difference</p> <p>17 between the '84 portraits and the Instagram</p> <p>18 portraits was the language. The language adds</p> <p>19 so much.</p> <p>20 I'm not really -- I'm not really</p> <p>21 paying much attention to the actual -- I wasn't</p> <p>22 really -- I just -- you know, rastajay92 had</p> <p>23 many images of Rastafarians.</p> <p>24 I -- you know, it's -- all I can</p> <p>25 say it's instinctual.</p>
<p style="text-align: right;">Page 131</p> <p>1 RICHARD PRINCE</p> <p>2 I could take a portrait of an 89</p> <p>3 year old woman when she was 19, I thought that</p> <p>4 was brilliant.</p> <p>5 She would be happy with it, why</p> <p>6 wouldn't she be? She gave it to me in the</p> <p>7 first place.</p> <p>8 So, I applied the same reasoning</p> <p>9 when I discovered Instagram.</p> <p>10 And I remember going on</p> <p>11 Instagram, and I remember one of the first</p> <p>12 feeds that I went on was Pamela Anderson.</p> <p>13 And I knew Pam, I had actually</p> <p>14 taken photographs of Pam, and I went on her</p> <p>15 feed, and she had literally hundreds of images</p> <p>16 of herself posted.</p> <p>17 And I said wow, this is really</p> <p>18 great, I have more than nine photographs to</p> <p>19 pick from. She's posted them, so she must like</p> <p>20 them.</p> <p>21 And it never really occurred to</p> <p>22 me to find out -- I wasn't even thinking about</p> <p>23 making art at that point, or making portraits.</p> <p>24 And what quickly happened was I</p> <p>25 went down a rabbit hole, and I went on another</p>	<p style="text-align: right;">Page 133</p> <p>1 RICHARD PRINCE</p> <p>2 I have been doing this since I</p> <p>3 can remember, and I have a very good instinct.</p> <p>4 And I thought this was a</p> <p>5 representation, this was a pretty good</p> <p>6 representation, and I simply thought this is a</p> <p>7 portrait of rastajay92, and I also knew at the</p> <p>8 time that rastajay92 was a probably a</p> <p>9 pseudonym.</p> <p>10 Like the joke I use, you know, I</p> <p>11 never had a penny to my name, so I changed my</p> <p>12 name.</p> <p>13 And I think a lot of the</p> <p>14 comments were like jokes for me. It's</p> <p>15 language, it adds to the narrative, it adds</p> <p>16 another layer.</p> <p>17 And it's extremely important to</p> <p>18 separate these portraits from the portraits I</p> <p>19 did in 1984 and 1985, because those portraits</p> <p>20 in the end were not successful.</p> <p>21 No one paid any attention to</p> <p>22 them, no one bought them, and to tell you the</p> <p>23 truth, to this day there is not that many</p> <p>24 people who know about them.</p> <p>25 So, again, this is -- the</p>

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1 RICHARD PRINCE

2 portraits that I did in 2014, it's uncharted

3 territory. It's like being -- it's like Lewis

4 and Clark here.

5 No one is telling me what to do,

6 it wasn't an assignment.

7 I'm an artist, and what I'm

8 trying to do ultimately is make art. And I can

9 tell, you making art is -- it's difficult, it's

10 hard and -- but that's part of the pleasure.

11 I had so much fun. That's the

12 one thing I remember about making the New

13 Portraits, I had a blast.

14 Q So, after you had the rastajay92

15 Instagram post screenprinted onto the canvas,

16 did you paint over the image in any way?

17 MR. BALLON: Objection to

18 screenprinted.

19 MR. MUNN: All right, let me

20 withdraw it, because you are right.

21 Q After you had rastajay92

22 Instagram Inkjet printed onto canvas, did you

23 paint the image in the middle of Exhibit 5 in

24 any way?

25 MR. BALLON: Objection.

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1 RICHARD PRINCE

2 Q You can answer.

3 MR. BALLON: With respect to

4 rastajay92, printed. You can answer.

5 A Oh, absolutely not; that was --

6 that wasn't even -- the Inkjet -- you don't --

7 the way you paint with your phone is you

8 paint -- you let -- you let the Inkjet do the

9 painting. You don't -- the hand would be an

10 interference.

11 You don't want to paint --

12 primarily because that would have been like --

13 that's something Warhol would have done.

14 I didn't want to -- I wanted to

15 make my own new portrait.

16 Q So, for example, with your Nurse

17 works, you did paint on top of Inkjet printed

18 canvases, correct?

19 A Yes.

20 Q And with this, you didn't do any

21 painting or marking to the image once it had

22 been Inkjet printed on the canvas, is that

23 right?

24 A That's true.

25 Q So, the two contributions that

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1 RICHARD PRINCE

2 you added to the work depicted in Exhibit 5 was

3 selecting the Inkjet printing process to

4 canvas, and adding your comment before

5 screensaving the Instagram post, correct?

6 MR. BALLON: Objection to two

7 contributions, mischaracterizes the

8 witness' prior testimony.

9 Q You can answer.

10 A You will have to ask the

11 question again, I'm sorry.

12 Q Besides the comment that you

13 added before screensaving rastajay92's post and

14 Inkjet printing it to canvas, what other

15 changes did you make?

16 MR. BALLON: Objection,

17 mischaracterizes the witness' prior

18 testimony.

19 MS. APPLETON: Objection to form.

20 Q You can answer.

21 A Scale, width. And the plan that

22 this portrait was going to be part of a novel,

23 so to speak, part of additional portraits that

24 would, when in fact eventually exhibited, it

25 would become a democracy, it would become an

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1 RICHARD PRINCE

2 installation, it would become an entire story.

3 I would add autobiographical,

4 self-referential information, I would add

5 people that I knew, people that I didn't know,

6 people that I didn't even -- had ever met.

7 Instagram -- you have to

8 understand in 2014 Instagram was absolutely

9 new.

10 And sometimes you can add so

11 much by reducing the amount of things you add

12 to the process.

13 Case in point, John Cage, 1953,

14 when he sat down at the piano, he wrote a

15 concerto. He just sat there, he didn't hit one

16 key. He didn't do anything.

17 I believe it's called 4/33.

18 It's called -- post-minimalism.

19 What I do is called -- how I

20 describe this process, it's called post-place.

21 My phone is post-place.

22 That's the contribution I'm

23 making. It's brand new, it's going to take a

24 couple of years to become part of the lexicon

25 in the art world.

<p style="text-align: right;">Page 138</p> <p>1 RICHARD PRINCE</p> <p>2 Eventually it will be written</p> <p>3 about. I am writing about it now.</p> <p>4 But it's taken awhile, but</p> <p>5 that's how I would describe this body of work.</p> <p>6 And when I say body of work,</p> <p>7 rastajay92, his portrait, again, was next to</p> <p>8 other portraits in the exhibition. It wasn't</p> <p>9 just rastajay.</p> <p>10 You take out one of those</p> <p>11 portraits, and at that particular time, the</p> <p>12 idea would have collapsed; for me in</p> <p>13 particular.</p> <p>14 That quickly changed when I</p> <p>15 realized, when we finally hung them, but I</p> <p>16 believe there was -- I don't know, 22 to 24</p> <p>17 portraits, I don't really recall the number,</p> <p>18 but taken together, it's what we call an</p> <p>19 installation, and it works as a whole.</p> <p>20 And that's, again, part of the</p> <p>21 change, the contribution. It's part of the</p> <p>22 process.</p> <p>23 It's complicated. Art -- art is</p> <p>24 not for everybody, and sometimes it takes years</p> <p>25 to understand in 1962 Warhol's Soup Can sold</p>	<p style="text-align: right;">Page 140</p> <p>1 RICHARD PRINCE</p> <p>2 wasn't born in the Canal Zone? Where is the</p> <p>3 Canal Zone? What is the Canal Zone?</p> <p>4 I use that to my -- I use that</p> <p>5 reference, I use that autobiographical</p> <p>6 situation -- I was born in a zone, and I</p> <p>7 believe that in the end it adds to my</p> <p>8 difference.</p> <p>9 Q Is Canal Zinian de lam jam an</p> <p>10 example of Bird Talk?</p> <p>11 A Yes.</p> <p>12 Q Is it fair to say that Canal</p> <p>13 Zinian de lam jam is gobbledygook?</p> <p>14 MR. BALLON: Objection,</p> <p>15 gobbledygook?</p> <p>16 A Yes.</p> <p>17 Q Now, did you personally have</p> <p>18 the -- Inkjet the work in Exhibit 5?</p> <p>19 MR. BALLON: Objection,</p> <p>20 personally.</p> <p>21 You can answer.</p> <p>22 MR. MUNN: Let me rephrase?</p> <p>23 Q Did you send the work in Exhibit</p> <p>24 5 to be Inkjet printed on canvas?</p> <p>25 A Absolutely.</p>
<p style="text-align: right;">Page 139</p> <p>1 RICHARD PRINCE</p> <p>2 for \$100.</p> <p>3 One was bought, just one.</p> <p>4 And it's interesting, that the</p> <p>5 dealer bought that Soup Can back from the</p> <p>6 collector, because he realized that in the end</p> <p>7 it was the entire body of Soup Cans that was</p> <p>8 important.</p> <p>9 And now, that entire body of</p> <p>10 work is at Museum of Modern Art, next to one of</p> <p>11 my Joke paintings.</p> <p>12 Q Now, you said that the comment</p> <p>13 Canal Zinian da lam jam, or de lam jam was</p> <p>14 autobiographical and self-referential.</p> <p>15 What did you mean by that?</p> <p>16 A Well, I think it's common</p> <p>17 knowledge in the art world amongst my friends,</p> <p>18 and again, I'm only speaking -- my audience</p> <p>19 consists of maybe 9 people, 6 people, 13</p> <p>20 people, 21 people.</p> <p>21 Sometimes it consists of 3</p> <p>22 people. Sometimes it only consists of myself.</p> <p>23 It's a kind of joke, a one-liner, Canal Zone.</p> <p>24 Everybody knows that I was born</p> <p>25 in the Canal Zone, everybody knows that -- that</p>	<p style="text-align: right;">Page 141</p> <p>1 RICHARD PRINCE</p> <p>2 Q Did you give any particular</p> <p>3 instructions to the printer when you sent the</p> <p>4 work depicted in Exhibit 5 to be Inkjet printed</p> <p>5 on canvas?</p> <p>6 MR. BALLON: Objection, asked and</p> <p>7 answered.</p> <p>8 A Yes.</p> <p>9 Q What instructions did you give</p> <p>10 the printer?</p> <p>11 MR. BALLON: Objection, asked and</p> <p>12 answered.</p> <p>13 You can tell him.</p> <p>14 A Well, part of the satisfaction</p> <p>15 is the sending.</p> <p>16 Imagine if Velasquez, imagine if</p> <p>17 Cezanne, imagine if Romaine Brooks, Walt Kuhn,</p> <p>18 imagine if Walt Kuhn could have sent his</p> <p>19 portraits from his studio to another studio</p> <p>20 over the airwaves or through the ether.</p> <p>21 It's pretty remarkable that you</p> <p>22 can paint that way.</p> <p>23 And when I'm sending, I'm</p> <p>24 essentially coding, I'm typing, and again, all</p> <p>25 I can say is this whole process is post-place.</p>

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1 RICHARD PRINCE
2 You can do it anywhere, under
3 any circumstances, at any time, and that's a
4 huge advantage.
5 And what, as an artist, I
6 believe in order to move forward is I have to
7 take advantage of new technology.
8 Q So you e-mailed a screen shot of
9 the rastajay92 post to a printer, correct?
10 MR. BALLON: Objection,
11 mischaracterizes the witness' prior
12 testimony.
13 Q You can answer.
14 A Yes.
15 Q Were you making any comment on
16 the image of the Rastafarian in creating the
17 work in Exhibit 5?
18 A No.
19 Q Were you criticizing the
20 composition of the image of the Rastafarian in
21 Exhibit 5 in your work, rastajay92?
22 A No.
23 MS. APPLETON: Objection to form.
24 Q Were you offering any social --
25 MR. MUNN: Sorry, withdrawn.

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1 RICHARD PRINCE
2 Q Were you offering any criticism
3 of social media by your work in Exhibit 5?
4 MS. APPLETON: Objection.
5 A No.
6 Q What is your view of the meaning
7 of the word depicted in Exhibit 5?
8 A I wouldn't use that word,
9 depicted.
10 Q Okay.
11 Did you have a particular
12 message you were trying to convey in the work
13 depicted in Exhibit 5?
14 A Yes.
15 Q What was that message?
16 A I wanted to have fun, I wanted
17 to make people feel good.
18 Q Anything else?
19 A That's -- I wanted to -- I
20 wanted to make art.
21 Q Who is --
22 MR. BALLON: I was going to say
23 let me know when you get to a good break
24 point.
25 MR. MUNN: Let's take a break

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1 RICHARD PRINCE
2 now.
3 THE VIDEOGRAPHER: One moment,
4 please. Watch your microphones. Here
5 marks the end of video file number 3.
6 The time is 2:29 p.m. We are now off the
7 record.
8 (The above described document was
9 marked Exhibit for identification, as of
10 this date.)
11 THE VIDEOGRAPHER: Here now marks
12 the beginning of video file number 4.
13 The time is 2:46 p.m. We are back on
14 the record.
15 MR. BALLON: So, I just want to
16 make a statement on the record so that
17 there is no misunderstanding of what our
18 position is.
19 Based on a conversation I had with
20 opposing counsel during the break,
21 opposing counsel raised the possibility of
22 having a 14 hour rather than 7 hour
23 deposition, and I want to be clear that we
24 have not agreed to 14 hours.
25 This witness was scheduled for

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1 RICHARD PRINCE
2 today, a single day. He's planning to go
3 on vacation tomorrow.
4 We are a week away from the
5 discovery cutoff, and opposing counsel had
6 indicated that he thought there was some
7 agreement to that effect.
8 When that issue was raised about
9 six weeks ago by Dan during one of these
10 depositions, I made very clear on the
11 record at that time, when he said he
12 thought he should have 14 hours for that
13 deposition, that we disagreed, and indeed,
14 that deposition only went 7 hours.
15 There has been no discussion in the
16 following six weeks about that.
17 So again, I have agreed with
18 opposing counsel that in putting this
19 statement on the record, the time I am
20 taking now would certainly not be counted
21 against the 7 hours.
22 And we certainly don't want to
23 limit opposing counsel's ability to ask
24 any questions that are necessary.
25 But right now we are only about

<p style="text-align: right;">Page 146</p> <p>1 RICHARD PRINCE</p> <p>2 halfway through the deposition, there is 3</p> <p>3 hours and 38 minutes that were remaining</p> <p>4 before we went back on.</p> <p>5 And I just want to be clear, we</p> <p>6 have not agreed to 14 hours; our</p> <p>7 understanding is 7 hours.</p> <p>8 MR. MUNN: Your position is</p> <p>9 understood, and of course we disagree.</p> <p>10 We believe that with two Plaintiffs</p> <p>11 in this case and the two works at issue,</p> <p>12 that there are a right to two depositions</p> <p>13 of Mr. Prince, but my endeavor is to</p> <p>14 complete this deposition today, if</p> <p>15 possible.</p> <p>16 The issue is that I feel that some</p> <p>17 of the answers have been long and</p> <p>18 non-responsive in a way that makes it</p> <p>19 difficult to finish my questions within a</p> <p>20 7 hour limit.</p> <p>21 And if, to the degree that I am not</p> <p>22 finished with my questions or examination</p> <p>23 by the end of the deposition, I will hold</p> <p>24 it open on the record, and we can deal</p> <p>25 with that issue in the future.</p>	<p style="text-align: right;">Page 148</p> <p>1 RICHARD PRINCE</p> <p>2 A Yes.</p> <p>3 Q Who is Larry Gagosian?</p> <p>4 A He's a gallerist.</p> <p>5 Q And what's your relationship</p> <p>6 with Mr. Gagosian?</p> <p>7 A He's a friend.</p> <p>23 Q Was the New Portraits works</p> <p>24 displayed at the Gagosian Gallery between</p> <p>25 September 19 and October 24th, 2014?</p>
<p style="text-align: right;">Page 147</p> <p>1 RICHARD PRINCE</p> <p>2 MR. BALLON: And I would just say</p> <p>3 that I think if you ask broad,</p> <p>4 open-ended questions, you can't complain</p> <p>5 if you get a longer answer.</p> <p>6 I think if you ask more focused</p> <p>7 questions the deposition will proceed more</p> <p>8 quickly, but obviously I'm not telling you</p> <p>9 how to conduct your deposition.</p> <p>10 MR. MUNN: Right. Well, I</p> <p>11 will -- we can disagree about what the</p> <p>12 nature of the questions are.</p> <p>13 All right, are we ready to move</p> <p>14 forward?</p> <p>15 MR. BALLON: Absolutely.</p> <p>16 And just so the court reporter and</p> <p>17 videographer are clear, this past 2 or 3</p> <p>18 minutes or whatever it is, should not</p> <p>19 count against the 7 hours, please.</p> <p>20 MR. MUNN: That's okay.</p> <p>21 Q All right.</p> <p>22 Mr. Prince, do you know a</p> <p>23 Laurence Gagosian?</p> <p>24 A Laurence?</p> <p>25 Q Do you know a Larry Gagosian?</p>	<p style="text-align: right;">Page 149</p> <p>1 RICHARD PRINCE</p> <p>2 A I believe so.</p> <p>3 Q Did Gagosian Gallery's</p> <p>4 exhibition of the New Portraits work include</p> <p>5 the work depicted in Exhibit 5?</p> <p>6 A Yes.</p> <p>7 Q Did all of the New Portraits</p> <p>8 that were exhibited at the Gagosian Gallery</p> <p>9 sell?</p> <p>10 A I do not know.</p> <p>15 and \$38,000; to the best of my ability.</p> <p>16 Q Do you remember who bought the</p> <p>17 work depicted in Exhibit 5?</p> <p>18 A Larry Gagosian.</p>

<p>Page 150</p> <p>20 Q Once the New Portraits were</p> <p>21 being exhibited at the Gagosian Gallery, was</p> <p>22 there any negative reaction from the internet</p> <p>23 community?</p> <p>24 MR. BALLON: Objection, vague,</p> <p>25 and ambiguous with respect to internet</p>	<p>Page 152</p> <p>6 Q Before the New Portraits</p> <p>7 exhibition at the Gagosian Gallery, did</p> <p>8 Mr. Gagosian or anyone else at the Gagosian</p> <p>9 Gallery express concern the New Portraits could</p> <p>10 be considered copyright infringement?</p> <p>11 MR. MUNN: Objection to form.</p> <p>12 MS. APPLETON: Objection to form.</p> <p>13 A Not that I recall.</p> <p>14 Q Did you discuss with anyone the</p> <p>15 possibility that you or Gagosian Gallery could</p> <p>16 face another copyright lawsuit if the New</p> <p>17 Portraits were exhibited?</p> <p>18 MR. BALLON: Objection to form.</p> <p>19 MS. APPLETON: Objection.</p> <p>20 A No.</p> <p>21 Q Did Mr. Gagosian or Gagosian</p> <p>22 Gallery ever ask you to seek permission from</p> <p>23 the owners of the artwork depicted --</p> <p>24 MR. MUNN: Excuse me, withdrawn.</p> <p>25 Q Did Mr. Gagosian or Gagosian</p>
<p>Page 151</p> <p>1 RICHARD PRINCE</p> <p>2 community, negative reaction.</p> <p>3 You can answer.</p> <p>4 A I don't -- could you define,</p> <p>5 what did you say, internet community?</p> <p>6 Q For example, did you get any</p> <p>7 negative reaction from Instagram users about</p> <p>8 your use of Instagram posts in the New Portrait</p> <p>9 exhibits?</p> <p>10 MR. BALLON: Objection to</p> <p>11 negative.</p> <p>12 A 2014, I don't recall.</p>	<p>Page 153</p> <p>1 RICHARD PRINCE</p> <p>2 Gallery ever ask you to seek permission to use</p> <p>3 the photographs depicted in the New Portraits?</p> <p>4 MR. BALLON: Objection to form.</p> <p>5 MS. APPLETON: Objection.</p> <p>6 A Did Mr. Gagosian ask me to --</p> <p>7 I'm sorry, would you repeat that?</p> <p>8 Q Did Mr. Gagosian or Gagosian</p> <p>9 Gallery ask you to seek permission to use the</p> <p>10 photographs that were depicted in the New</p> <p>11 Portraits?</p> <p>12 A No.</p> <p>13 Q Before Gagosian Gallery</p> <p>14 exhibited the New Portraits, did you ask an</p> <p>15 assistant to find the names of the people in</p> <p>16 the Instagram posts?</p> <p>17 MR. BALLON: Objection to form</p> <p>18 with respect to -- and objection with</p> <p>19 respect to assistant.</p> <p>20 A No.</p> <p>21 Q I would like to show you a</p> <p>22 document which we will mark as Exhibit 178.</p> <p>23 (The above described document was</p> <p>24 marked Exhibit 178 for identification as</p> <p>25 of this date.)</p>

<p>1 RICHARD PRINCE</p> <p>2 MS. APPLETON: Could I also</p> <p>3 stipulate on the record an objection by</p> <p>4 one Defendant is an objection for all so</p> <p>5 I don't have to speak over Mr. Ballon?</p> <p>6 MR. MUNN: Sure.</p> <p>7 MS. APPLETON: Thank you.</p>	<p>Page 154</p> <p>Page 156</p>
<p>Page 155</p>	<p>Page 157</p> <p>21 Q Do you know a Mark Teicher at</p> <p>22 the Gagosian Gallery?</p> <p>23 MS. APPLETON: Objection,</p> <p>24 misdescribes the document.</p> <p>25 A No, I don't.</p>

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<p>1 RICHARD PRINCE</p> <p>2 Q You previously testified that</p> <p>3 Eric Brown is one of your assistants, right?</p> <p>4 A Yes.</p> <p>5 Q What kind of work does E</p> <p>6 do for you?</p> <p>7 A He hangs -- he helps hang my</p> <p>8 shows.</p> <p>9 Q So he works with galleries like</p> <p>10 Gagorian Gallery when you have an exhibition</p> <p>11 there?</p> <p>12 MR. BALLON: Objection, improper</p> <p>13 hypothetical.</p> <p>14 A Yes.</p>	
Page 159	Page 161
	<p>11 MR. BALLON: Was there an Exhibit</p> <p>12 179?</p> <p>13 I'm sorry, there is one. My</p> <p>14 mistake, I apologize.</p> <p>15 Q Do you recognize Exhibit 180?</p> <p>16 MR. BALLON: Again, lack of</p> <p>17 foundation. This is a document produced</p> <p>18 by --</p> <p>19 MR. MUNN: I just asked him for</p> <p>20 the foundation.</p> <p>21 Q Do you recognize Exhibit 180?</p> <p>22 A No.</p> <p>23 Q Do you see at the top of Exhibit</p> <p>24 180 where it says, "From Richard Prince via</p> <p>25 Twitter"?</p>

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1 RICHARD PRINCE
2 A Yes.
3 Q Do you know if this is an
4 auto-notification from your Twitter account?
5 A I do not know that.
6 Q Looking at the very bottom of
7 this document, there is a post by a
8 richardprince4 Twitter account. Is that you?
9 A Yes.
10 Q And is your Twitter post in
11 response to a post by Ingrid Graham?
12 A I don't know who Ingrid Graham
13 is.
14 Q Okay.
15 And in your post you say, "You
16 can have your photo back. I don't want it.
17 You can have all the credit in the world."
18 Do you see that?
19 A Yes.
20 Q What did you mean by that?
21 A I meant you can have your photo
22 back. I don't want it. You can have all the
23 credit in the world.
24 Q And what did you mean by "your
25 photo"?

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1 RICHARD PRINCE
2 A I meant you can have your photo
3 back, I don't want it. You can have all the
4 credit in the world.
5 Q And what photo were you
6 referencing by "your photo"?
7 A I believe at this time that I
8 was aware that Donald Graham was -- had -- was
9 suing me.
10 Q And the date of this tweet by
11 you is October 25, 2014, right?
12 A I don't see where that appears.
13 Q If you look below your tweet, do
14 you see very lightly printed here 9:11 p.m., 25
15 October, '14?
16 A Saturday, October 25, 2014, is
17 that what you are referring to?
18 Q Yes.
19 A Yes, I see that.
20 Q And so, do you know if you made
21 this tweet on Saturday, October 25, 2014?
22 A I -- I don't know that.
23 Q Do you have any reason to doubt
24 that you made this tweet on Saturday, October
25 25, 2014?

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1 RICHARD PRINCE
2 MR. BALLON: Objection, lacks
3 foundation.
4 A I don't have any doubt.
5 Q When you said that you would
6 give the photo back, what did you mean by that?
7 MR. BALLON: Objection, asked and
8 answered.
9 A I think when -- what happens
10 when I hear from a person out there in the real
11 world who is unhappy with something I have
12 done, I -- it upsets me, because it was never
13 my intention to make them unhappy.
14 Therefore, my way to resolve
15 that unhappiness is to simply, if it's
16 possible, to remove the object that they are
17 unhappy about, and ask them if in fact they are
18 upset.
19 It was never my intention to
20 upset them.
21 I wasn't aware that I was going
22 to upset them, and that if, in fact, we could
23 come to some agreement, how do we get together
24 and let's not get upset.
25 I got the impression that it's

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1 RICHARD PRINCE
2 one of the only ways in which I can deal with
3 someone who is unhappy, by removing the object.
4 But I also realize when I get --
5 when I received the fact that I was being sued,
6 my -- I believe my position is that artists
7 don't sue other artists.
8 Artists usually get together,
9 have a cup of coffee, argue, work it out, end
10 up spending the day talking about Barnett
11 Newman.
12 They end up the day talking
13 about aesthetics, and aesthetics for an artist
14 is like if you would talk to a bird about
15 ornithology.
16 It's just what artists do.
17 Artists don't sue other artists.
18 So the only thing I can do with
19 someone who's not an artist is acknowledge or
20 try to fix the problem.
21 And I think probably in this
22 tweet I was trying to -- it looks as if I was
23 trying to remedy the problem in a
24 nonconfrontational way.
25 Q Were you offering to give him

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1 RICHARD PRINCE

2 the work that contains the rastajay92 IG post?

3 A If he wanted -- if he wanted to

4 have the work, I would have given him the work.

5 Q On October 25, 2014, did you

6 visit the Gagosian Gallery and physically take

7 down some of the works in the New Portraits

8 exhibit?

9 MS. APPLETON: Objection lack of

10 foundation.

11 A I don't recall if it was that

12 specific date.

13 Q But do you recall going to the

14 Gagosian Gallery and physically taking down

15 some of the exhibits in the New Portraits

16 exhibition?

17 MR. BALLON: Objection, vague as

18 to time.

19 A I remember going to the Gagosian

20 Gallery two days before -- it was on Thursday,

21 two days before the exhibition was supposed to

22 close.

23 And I walked in, and I remember

24 removing the Instagram portraits from the

25 position they were hanging and leaning them up

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1 RICHARD PRINCE

2 against the floor, and telling the woman who, I

3 believe she is the receptionist, that the show

4 was over.

5 Q Did your assistant, Jane Harmon,

6 video you taking down the New Portraits at

7 Gagosian Gallery?

8 A Yes.

9 Q And did she post that video to

10 YouTube?

11 A I don't know.

12 Q Did you ask Ms. Harmon man to

13 take the video of you taking down the works at

14 the New Portraits exhibit at the Gagosian?

15 A Yes.

16 Q Why did you ask her to do that?

17 A I think the plan was that for 48

18 hours, or for the rest of the show, that we

19 were going to attempt to -- to exhibit --

20 continue the exhibit, not in the gallery, but

21 on Instagram.

22 Q Did Ms. Harmon take the video of

23 you taking down the New Portraits at Gagosian

24 on her phone or your phone?

25 MS. APPLETON: Objection.

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1 RICHARD PRINCE

2 A I don't remember.

3 Q Do you know if the videos of you

4 taking down the exhibits at the Gagosian were

5 produced in this litigation?

6 MS. APPLETON: Objection.

7 A No.

8 Q Do you recall that one of the

9 works you took down in the video was the

10 rastajay92 post?

11 MS. APPLETON: Objection to form.

12 A I took all the New Portraits

13 down.

14 Q Do you remember what the first

15 New Portrait was that you took down when you

16 walked into the Gagosian?

17 A No, I don't.

18 Q Would it surprise you if the

19 first work that you took down was the

20 rastajay92 post?

21 MR. BALLON: Objection, lacks

22 foundation.

23 A I don't know.

24 MR. BALLON: Also, counsel, for

25 the record -- never mind.

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1 RICHARD PRINCE

2 Q I would like to show you a

3 document which has previously been marked

4 Exhibit 7.

5 Do you recognize Exhibit 7?

6 A Yes.

7 Q What is Exhibit 7?

8 A It's a billboard.

9 Q And where is the billboard

10 that's pictured in Exhibit 7?

11 A West Side Highway.

12 Q What is on the billboard that

13 was depicted in Exhibit 7?

14 A Seven -- seven New Portraits.

15 Q And is one of the New Portraits

16 displayed on the billboard in Exhibit 7 the

17 rastajay92 post?

18 A Yes.

19 Q Did you take the picture that's

20 displayed on the billboard in Exhibit 7?

21 MR. BALLON: Objection as to

22 form, take.

23 A I'm sorry, you will have to

24 repeat the question.

25 Q Is the image on the billboard in

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1 RICHARD PRINCE

2 Exhibit 7 a screen shot of part of the Gagosian

3 exhibit of New Portraits?

4 MR. BALLON: Objection, form,

5 foundation.

6 A I believe it is.

7 Q And did you take that screen

8 shot?

9 A I don't know.

10 Q Do you know who did?

11 A No.

12 Q Can you explain how the image of

13 the Gagosian Gallery exhibition of New

14 Portraits came to be displayed on the billboard

15 depicted in Exhibit 7?

16 MS. APPLETON: Objection to form.

17 A Yes.

18 Q Please do so.

19 A A friend of mine asked me if I

20 would like to do a billboard.

21 Q Was the owner of the billboard

22 associated in any way with the Gagosian

23 Gallery?

24 A No.

25 Q Was this image meant to be an

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1 RICHARD PRINCE

2 itself, I decided since I had never have been

3 given the opportunity to show on a billboard,

4 it sounded like something that could be

5 interesting, and let's do it and see what it's

6 like.

7 Q Did you at the very least

8 approve of the image to be displayed on the

9 billboard in Exhibit 7?

10 MR. BALLON: Objection as to

11 approve and at the very least.

12 MS. APPLETON: Objection.

13 A Yes.

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13	I'm going to show you a document	1	RICHARD PRINCE
14	now that was previously marked Exhibit 8.	2	Q But you did post the montage to
15	Do you recognize Exhibit 8?	3	Twitter on January 6, 2016, correct?
16	A Yes.	4	MR. BALLON: Objection, lacks
17	Q What is Exhibit 8?	5	foundation.
18	A It's a Twitter.	6	A I posted a montage that I did
19	Q And did you --	7	not make so that I could comment on it that I
20	A I'm sorry, it's a tweet.	8	did not make it on Twitter.
21	Q It's a tweet --	9	Q And where did you find it to
22	A Or --	10	post it to Twitter?
23	Q Is this a tweet that you posted	11	A I have no idea.
24	to Twitter?	12	Q At the time you made the tweet
25	A Yes.	13	that's in Exhibit 8, you were aware that
		14	Mr. Graham contested your use of his photograph
		15	as copyright infringement, right?
		16	A Yes.
		17	Q And in the montage you posted,
		18	the image on the right is the Rastafarian that
		19	was used in the rastajay92 post, correct?
		20	MR. BALLON: Objection, lacks
		21	foundation.
		22	A It has similarity to the
		23	rastajay portrait.
		24	Q You can put that to the side for
		25	now.
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1	RICHARD PRINCE	1	RICHARD PRINCE
2	Q Did you post the tweet displayed	2	I would like to show you a
3	in Exhibit 8 on or around January 6, 2016?	3	exhibit previously marked Exhibit 4.
4	A Sorry, I'm looking for that	4	Do you recognize Exhibit 4?
5	information.	5	A Yes.
6	Q If you look at the bottom --	6	Q What is Exhibit 4?
7	A The bottom?	7	A It's a picture of Kim Gordon.
8	Yes.	8	Q Did you make use of the picture
9	Q And.	9	in Exhibit 4 in your New Portraits works?
10	You comment, "Booze pot sex. I	10	A Yes.
11	guess I was wrong. Memo to Turner: I did not	11	Q Okay, we can just leave that in
12	make -- sorry, "I DID NOT take make create this	12	front of you for now.
13	montage."	13	I would like to show you an
14	Do you see that?	14	exhibit previously marked Exhibit 60. Do you
15	A Yes.	15	recognize Exhibit 60?
16	Q What did you mean by that?	16	A Yes.
17	A The images in the tweet, I did	17	Q What is Exhibit 60?
18	not make it; I did not create it.	18	A It's a New Portrait of Kim
19	Q Where did the image in the tweet	19	Gordon.
20	come from?	20	Q Do you know what the title of
21	A I don't know.	21	the New Portrait of Kim Gordon was?
22	Q But you posted the image in the	22	A Portrait of Kim Gordon.
23	tweet to Twitter?	23	Q And who is Kim Gordon?
24	A I was making a comment on the	24	A She's an old friend.
25	fact that I didn't make that montage.	25	Q Kim Gordon was also a famous

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1 RICHARD PRINCE

2 musician --

3 MR. MUNN: Strike that.

4 Q Kim Gordon also is a famous

5 musician who was in the band Sonic Youth,

6 correct?

7 MR. BALLON: Objection to form,

8 famous musician. You can answer.

9 A Yes.

10 Q And Kim Gordon's band Sonic

11 Youth authored a song called Kool Thang, with a

12 K, correct?

13 A I believe so.

14 Q In this New Portrait, you made

15 the post of the photograph to Instagram, is

16 that correct?

17 A I made Kim's portrait, when I

18 went on Kim's feed, I discovered that she was

19 on Instagram, and I went through her feed and I

20 wanted to make her portrait.

21 Q So, you took a photo of Kim

22 Gordon from her feed and posted it to your

23 Instagram account?

24 MR. BALLON: Objection.

25 A I don't remember.

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1 RICHARD PRINCE

2 Q In the picture up top, that is a

3 photograph of a screen shot that was Inkjetted

4 on canvas of your post to Instagram of Kim

5 Gordon's portrait, right?

6 MR. BALLON: Objection.

7 A It was -- this reproduction is

8 very small. I'm not sure what you're referring

9 to.

10 Q Do you recall posting a picture

11 of Kim Gordon to Instagram in order to create a

12 New Portrait?

13 A I don't understand the question.

14 Q Did you post a picture of Kim

15 Gordon to Instagram in order to create a New

16 Portrait work?

17 MR. BALLON: Objection.

18 A I don't remember.

19 Q So, sitting here today, it's

20 your testimony that you do not recall making a

21 New Portrait work using a photo of Kim Gordon

22 that you posted to Instagram?

23 MR. BALLON: Objection,

24 mischaracterizes the witness' testimony.

25 A I posted -- I see what you're

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1 RICHARD PRINCE

2 asking.

3 Sometimes at this point -- this

4 is a little later, sometimes I would take -- as

5 I recall, in order to change the nature of some

6 of the New Portraits that I was doing, when I

7 would make -- I think I know what you're asking

8 now. Now I understand.

9 Sometimes I would make New

10 Portraits of people that I knew and post

11 them -- I don't actually know how I did it, but

12 I would post them to my Instagram feed, and

13 rather -- and I never -- rather than use their

14 avatar or their -- I don't know -- I call

15 that -- I decided to change it up a bit and use

16 my avatar.

17 Because I learned or I realized

18 that you could change your avatar as many times

19 as you wanted to.

20 So I believe I made a few New

21 Portraits of people that I knew using my own

22 avatar.

23 Q And did you make a New Portrait

24 of Kim Gordon using your own avatar on

25 Instagram?

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1 RICHARD PRINCE

2 A Yes.

3 Q And is that depicted in the top

4 picture on Exhibit 60?

5 A Yes.

6 Q To make this New Portrait of Kim

7 Gordon, did you go to her feed and find the

8 photo that is part of the Instagram post that

9 you made?

10 A Yes.

11 Q And you added two comments to

12 that photo, correct? -- three comments to that

13 photo. Sorry.

14 A Yes.

15 Q And the first comment is

16 "Portrait of Kim Gordon," correct?

17 A Yes.

18 Q And the second comment is, "Kool

19 Thang, you make my heart sang, you make

20 everything groovy," right?

21 A Yes.

22 Q And that is the lyrics to Wild

23 Thing with Kool Thang substituted for Wild

24 Thing, right?

25 A It sounds like gobbledygook to

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1 RICHARD PRINCE

2 me.

3 Q And the last comment is emojis

4 of instruments and musical symbols, right?

5 A Again, it's more gobbledygook,

6 it's like W1UOH, Uncle Oboe Hal.

7 I think I was trying to

8 reference my two things there. These types of

9 comments, which I sometimes call bird talk,

10 gobbledygook, I'm acknowledging my father. My

11 father was a ham radio operator.

12 His call letters were W1UOH

13 Uncle Oboe Hal, and when I would ask him what

14 does that mean, he would just say oh, that was

15 gobbledygook.

16 And then later on, when I grew

17 up and I was starting to read Samuel Beckett,

18 when he translated Finnegans Wake, he referred

19 to it as gobbledygook.

20 So, again, it's all, again,

21 autobiographical, self-referential. I don't

22 know if Kool Thang -- again, it's about

23 misspelling.

24 Perhaps that was the way they

25 spelled it, I don't recall.

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1 RICHARD PRINCE

2 Q Were you aware at the time of

3 who made the original photo of Kim Gordon that

4 you took from her feed?

5 A No, I wasn't.

6 Q Is the photograph in Exhibit 4

7 the same photograph that you posted to

8 Instagram in Exhibit 60?

9 MR. BALLON: Objection, lacks

10 foundation. This is a photocopy not a

11 photograph, Exhibit 4.

12 A There is a similarity, it could

13 be. It looks as if it is.

14 I mean, again, I don't know,

15 this is a -- it's a xerox, so, but it does have

16 a similar look to it.

17 Q And did you ever do anything to

18 determine who took the photograph of Kim Gordon

19 that you posted to Instagram?

20 MR. BALLON: Objection to form.

21 A No.

22 Q So, the New Portrait that's

23 depicted in the top photo at Exhibit 60, that's

24 a physical canvas, right?

25 A I don't know. It's very

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1 RICHARD PRINCE

2 difficult to tell from this reproduction.

3 Q Do you recall when you made the

4 work that's depicted in Exhibit 60?

5 A I don't recall.

6 Q Would it have been fairly close

7 in time to the Instagram post in Exhibit 60?

8 MR. BALLON: Objection,

9 hypothetical.

10 A Again, I don't recall.

11 Q Now, you made the portrait of

12 Kim Gordon, at least, in 2014, right?

13 A I don't see where that

14 information is on this.

15 Q If you look at your Instagram on

16 the top, you say, "Richardprince4 Portrait of

17 Kim Gordon, ink on" -- excuse me, "Inkjet on

18 canvas, 2014."

19 Do you see that?

20 A Yes, I see that now.

21 Q And was the Inkjet on canvas

22 made here in New York?

23 A Yes.

24 Q And the photo that's depicted in

25 the work in Exhibit 60 appears as you uploaded

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1 RICHARD PRINCE

2 it to Instagram, correct?

3 MR. BALLON: Objection.

4 A I'm sorry, which photograph?

5 Q So, in the top post --

6 A Yes.

7 Q -- the work depicted in that

8 post, the actual Kim Gordon New Portrait, do

9 you see that?

10 A Yes.

11 Q In the Kim Gordon New Portrait,

12 was the picture of Kim Gordon the same as when

13 you uploaded it to Instagram in the initial

14 post?

15 A I'm not sure what you're talking

16 about again.

17 Q After you printed your Instagram

18 post of Kim Gordon's photo, did you paint on

19 top of the Inkjetted canvas?

20 MR. BALLON: Objection.

21 A No.

22 Q Did you make any changes other

23 than to print it to canvas using Inkjet?

24 MR. BALLON: Objection, ambiguous

25 as to time.

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1 RICHARD PRINCE

2 A I had -- when I made Kim's

3 portrait, I had already determined a formula of

4 how I wanted to make the New Portraits.

5 Q And did that formula entail

6 screen shotting an Instagram post and Inkjet

7 printing it to canvas and then making no

8 physical alterations thereafter?

9 MR. BALLON: Objection,

10 mischaracterizes the witness' prior

11 testimony.

12 A I wouldn't describe it in that

13 way.

14 Q What physical alterations would

15 you make to a New Portrait that was Inkjetted

16 on canvas after it was printed?

17 A I wouldn't make any.

18 Q Did you take the photo of Kim

19 Gordon that was posted by you to Instagram?

20 MR. BALLON: Objection.

21 A Yes.

22 MR. MUNN: I'm sorry, maybe I

23 should rephrase that.

24 Q Did you photograph Kim Gordon in

25 the photograph that you uploaded to Instagram?

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1 RICHARD PRINCE

2 A Yes.

3 MR. BALLON: Objection.

4 Q How did you do it, by screen

5 shot?

6 A Yes.

7 Q When you made the Instagram post

8 of Kim Gordon's picture, how did you take the

9 screen shot, on your phone?

10 A Yes.

11 Q Where did you take the screen

12 shot?

13 A On my phone.

14 Q Were you in your studio in New

15 York when you took that screen shot?

16 A I was post-place.

17 Q Is post-place in your studio in

18 New York?

19 A Post-place can be anywhere, any

20 time, under any circumstances. That's how I

21 describe the process.

22 I can't recall the specific

23 physicality, location or the whereabouts of

24 when I make -- when I choose, when I make a

25 decision to screensave.

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1 RICHARD PRINCE

2 That's the advantage I have of

3 being in post-place, and I try to use every

4 advantage I can.

5 Q How long did it take you to make

6 the Instagram post of Kim Gordon's photo, add

7 the comments, and take the screen shot?

8 A It can take anywhere from, you

9 know, three hours to six days.

10 Q So it took you three hours to

11 six days to upload a photo to Instagram and

12 make three comments on it, is that your

13 testimony?

14 MR. BALLON: Mischaracterizes the

15 witness' testimony.

16 A It could have taken longer, but

17 I would say yes.

18 Q When you say it would take three

19 hours to six days, is that because you did some

20 kind of planning beforehand as to what the

21 actual post would be?

22 A I'm very deliberate, I'm very

23 aware that if I want to spend a certain amount

24 of time and enjoy that time when I go on

25 someone's feed, so I don't really set any kind

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1 RICHARD PRINCE

2 of time limit.

3 Kim is an old friend, and as you

4 have already stated, she is a well-known

5 personality.

6 As I recall, she had many

7 pictures of herself on her feed, I can't recall

8 how many.

9 In Kim's case, it might have

10 taken three to four days to go through her

11 entire feed.

12 Q During those three or four days

13 you were going through her feed, you were

14 looking for the right picture of Kim Gordon to

15 use to make her New Portrait, is that right?

16 A In Kim's case I was looking for

17 many portraits to possibly make.

18 Q And when you found the photo

19 that ultimately became your New Portrait, how

20 long did it take from the time that you found

21 the photo to the time that you screen shot it

22 and posted your comments?

23 A Well, the comments add an

24 additional amount of time.

25 And that additional amount of

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1 RICHARD PRINCE
2 time can take anywhere from 20 seconds to 20
3 days.
4 It's -- there is really no -- I
5 don't have a pattern or a formula, or I don't
6 have a system in place. I can't really tell
7 you how long it takes.
8 I can tell you that sometimes I
9 will post a comment and the next day I will
10 erase the comment and make a new comment, but I
11 can't recall how long it took to actually
12 coordinate these comments.
13 All I can say is, again, it's an
14 instinct to -- as to how comments are made.
15 Usually you can -- I think also
16 at this particular time Instagram might have
17 changed their logarithms, meaning you only
18 could have so many lines underneath the picture
19 that you posted.
20 And they have changed that over
21 the years many times, so I have to adapt to
22 their programs, and I never know when they are
23 going to change their program.
24 And I think that whether I -- as
25 I recall, when I took Kim's portrait, or I was

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1 RICHARD PRINCE
2 trying to take her portrait, they had changed
3 the amount of room, the amount of comments you
4 could make, and I believe they also provided
5 more emojis at the time.
6 So it actually gave me more
7 flexibility.
8 And if I remember correctly, I
9 made this portrait over the -- I was thinking
10 about, with Kim, to make more than one portrait
11 of her, which was something that I was really
12 seriously considering since, the fact that she
13 was an old friend.
14 I thought I had recalled that
15 Warhol had made a portrait of a friend of mine
16 or -- no, actually she wasn't really a friend
17 of mine, but I recall her.
18 Warhol had made a portrait of
19 Debbie Harry, and he had made several different
20 portraits that were very similar looking.
21 So the idea occurred to me to
22 perhaps borrow that idea of how Warhol
23 approached his subject with someone like Kim,
24 since I knew her very well.
25 Q After you made the Instagram

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1 RICHARD PRINCE
2 post, posting the Kim Gordon photo and your
3 comments, you took a screen shot, then sent it
4 to a printer to have it Inkjet printed on
5 canvas, right?
6 MR. BALLON: Objection.
7 A After I made my final decision I
8 made a screen shot, I sent it to my studio, and
9 as I remember, we made a proof in the studio,
10 and I sat with the proof for a number of days.
11 And I think at the time I was
12 becoming more familiar with the technology, and
13 I believe I -- the vocabulary that I would use
14 at this point, is I would -- if I approved of
15 the proof, I would send a file to the lab that
16 I was working with to produce the portrait of
17 Kim Gordon canvas.
18 So it was no longer -- I was
19 becoming more familiar with the technology, the
20 coding ability, and also the -- the ability to
21 manipulate, change the way the portrait was
22 translated and recontextualize on the canvas
23 itself.
24 As I said, Inkjet keeps
25 changing, keeps improving week by week, day by

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1 RICHARD PRINCE
2 day, month by month.
3 And they also are always
4 introducing new surfaces, new types of canvas.
5 You're always -- you can go there and select
6 all kinds of surfaces on which to print from.
7 And this is a -- this type of
8 situation to be presented with, it just comes
9 down to aesthetics.
10 And I made -- I made these types
11 of aesthetic decisions based on what I wanted
12 ultimately the portrait to look like.
13 MR. MUNN: Let's take a short
14 break off the record and we will come
15 back, okay?
16 THE VIDEOGRAPHER: One moment,
17 please. Watch your microphones. Here
18 now marks the end of video file number
19 4. The time is 3:54 p.m.
20 We are now off the record.
21 (At this point in the proceedings
22 there was a recess, after which the
23 deposition continued as follows:)
24 THE VIDEOGRAPHER: Here now marks
25 the beginning of video file number 5.

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1 RICHARD PRINCE
2 The time is 4:06 p.m. Back on the
3 record.
4 Q Let's go back to the New
5 Portrait that depicted rastajay92's Instagram
6 post for a moment, okay?
7 Now, you testified earlier that
8 you had done some computer magic to remove some
9 comments that were below the post.
10 Do you recall that?
11 A Yes.
12 Q Do you sitting here today
13 remember how many comments were on the
14 rastajay92 post at the time that you made your
15 comment?
16 MR. BALLON: Asked and answered.
17 A Ballpark, 50 comments.
18 Q And you didn't actually delete
19 those comments, you just reported them as spam,
20 and so that they would be hidden for the screen
21 shot that you took of your comment?
22 A At the time I didn't realize
23 what I was doing. At the time I didn't realize
24 they were spam, I didn't know what spam was.
25 And I don't recall how I came

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1 RICHARD PRINCE
2 upon the actual physical action that I was --
3 how I manipulated my phone to -- the idea of
4 swiping away other people's comments.
5 However I do remember it was
6 important to read all the comments, whether it
7 was 50 comments, sometimes there would be 200
8 comments.
9 And the reason why I say this is
10 because all the comments were important,
11 because after I figured out I could keep three
12 comments below rastajay's portrait, I would
13 have to figure out what comments did I want to
14 keep.
15 Were there any interesting types
16 of comments? Was there any interesting types
17 of language? Did I want to comment on
18 someone's comment?
19 And this is why the comments
20 became such an integral part of making the
21 portrait, and this is why it took sometimes
22 three hours, sometimes it took three days to
23 make a portrait.
24 And it was interesting, when you
25 read 50 comments, is I found that I got to

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1 RICHARD PRINCE
2 know -- it was a way of getting to know someone
3 who not only had I never met, but I knew I was
4 never going to meet.
5 And that's usually the way,
6 again, you do not take -- the traditional way
7 of doing a portrait is that you ask the person
8 to come and sit.
9 And the way I changed that, the
10 way I changed the history of making a portrait
11 is that I never met the person that I was
12 making a portrait of.
13 Q Instead, you just took a
14 portrait and posted it to Instagram, right,
15 thread posted to Instagram, right?
16 MR. BALLON: Objection.
17 A You could say that's -- the way
18 that you said that sounds simple, but when you
19 are the first person to do it, it's not simple.
20 That's like saying, that's like
21 looking -- that's like saying oh, you know,
22 looking at a Pollack and saying oh, my kid
23 could do that, I could -- my kid could, or I
24 could drop or I could throw paint on a canvas.
25 You know, in some ways the best

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1 RICHARD PRINCE
2 art in the end is, or the most effective is
3 when it's that simple, is when it's that
4 translatable, is when you can say wow, I could
5 do that.
6 I think that's one of the
7 reasons why Bosquiat is one of the most popular
8 artists of our time, because I think people
9 love the work because they can picture
10 themselves doing it.
11 All it is oil stick and crayon,
12 and it, again, it goes back, it reminds them of
13 their childhood, it reminds them of a simpler
14 time, a more innocent time, a more promising
15 time.
16 And it's so amazing to me that
17 everybody it seems that I meet says, you know,
18 I paint, I make drawings, I do it on a Sunday
19 afternoon.
20 I mean, I know I'm not like you,
21 but, you know, I used to do that.
22 And I think it's about when you
23 describe -- when you just described that idea,
24 that I just screensaved it, you could put it in
25 those terms.

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1 RICHARD PRINCE
2 But you didn't, I did.
3 Q Now, looking at your Kim Gordon
4 work in Exhibit 60, were you commenting in this
5 work on the photograph of Kim Gordon that you
6 posted in Instagram?
7 A No.
8 Q Were you criticizing the
9 composition of the photograph of Kim Gordon
10 that you posted in Instagram?
11 MR. BALLON: Objection to form.
12 A In some ways I was commenting on
13 the social media, the whole idea of putting up
14 images on a new platform that was available to
15 anyone, to an entire population.
16 Instagram was -- it seemed at
17 the time, even though I was late to Instagram,
18 everybody I knew was on Instagram.
19 And I think a lot of the
20 comments or some of the comments were simply I
21 was commenting on the idea of social media.
22 Q So, your work, Portrait of Kim
23 Gordon, is a commentary on social media, is
24 that right?
25 A I think to some extent it is,

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1 RICHARD PRINCE
2 and it's also a comment on my friend Kim.
3 Q Any other message you were
4 trying to convey with the work depicted in
5 Exhibit 60?
6 A I think the idea of
7 communicating by comments, by emoji -- about
8 the emoji comments was a way of commenting on
9 the fact -- again, it was self-referential.
10 When I met Kim I was in -- I was
11 in a band, and I know a lot of people don't
12 know this, but I -- Kim -- I taught Kim a
13 little bit of her -- I gave Kim some of her
14 first guitar lessons.
15 And Kim also designed my first
16 advertisement or what we used to call a flier,
17 for my band, back in 19, I believe it was '79.
18 My band was called Hymn, and she
19 changed the spelling to from Hymn -- H-y-m-n,
20 Hymn, to H-i-m. So I think it's, again, inside
21 information.
22 The art world I've always
23 believed is an inside world. Art is done by
24 the few, made for the few.
25 It's just a way of commenting is

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1 RICHARD PRINCE
2 a -- sometimes my comments are not
3 necessarily -- sometimes they are for the
4 general public, for a mass audience, and
5 sometimes they are for a smaller audience, or
6 sometimes they are just for an individual.
7 Q And in the work depicted in
8 Exhibit 60, was it for a mass audience or for
9 the individual Kim Gordon?
10 MR. BALLON: Objection.
11 A I would answer that by simply
12 saying it was for everybody.
13 Q Any other message you were
14 trying to convey in Exhibit 60, the work
15 depicted in Exhibit 60?
16 A I was hoping that Kim would like
17 her portrait.
18 Q Was the work depicted in Exhibit
19 60 exhibited in Tokyo at the Blum & Poe Gallery
20 in April and May of 2015?
21 A I believe it was.
22 Q Did all of the New Portraits
23 that were exhibited at Blum & Poe Gallery in
24 Tokyo sell?
25 A I don't know.

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1 RICHARD PRINCE
2 Q Do you know how much the work
3 depicted in Exhibit 60 sold for?
4 A No, I don't.
5 Q Do you know if the work depicted
6 in Exhibit 60 sold at the Blum & Poe exhibition
7 in Tokyo?
8 A I believe it did.
9 Q Do you recall how much money you
10 made on the sale of the work depicted in
11 Exhibit 60?
12 A No, I don't.
13 Q Do you know if the work depicted
14 in Exhibit 60 was exhibited physically anywhere
15 else?
16 A Other than the gallery in Tokyo
17 that was run by Blum & Poe, I don't believe, as
18 far as I know, the work has been exhibited
19 anywhere else.

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9 Q Did Blum & Poe also publish a
10 book of the New Portraits that were in the
11 exhibition in Tokyo?
12 A Yes, they did.
13 Q Did the Blum & Poe book include
14 the work depicted in Exhibit 60?
15 A Yes.
16 Q And do you know when Blum & Poe
17 published that book?
18 A No, I don't.
19 Q Do you know where Blum & Poe
20 published that book?
21 A They either published it in Los
22 Angeles or Tokyo.
23 Q How were you involved in the
24 publication of the Blum & Poe book?
25 A I was not involved at all.

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1 RICHARD PRINCE
2 Q Did you review the book before
3 it was published?
4 A No, I didn't.
5 Q Did you notice that the New
6 Portraits book that Blum & Poe published
7 included a colophon that attributes the
8 copyright in the book to you and Blum & Poe?
9 A No, I didn't.
10 Q Did you notice that the colophon
11 of the New Portraits book by Blum & Poe says,
12 "All work and images," copyright, a circle, in
13 a C, "the artist"?
14 A No.
15 Q Do you recall retweeting posts
16 on Twitter about the Blum & Poe New Portraits
17 book?
18 A I can't say for sure if I did.
19 Q Do you recall retweeting a post
20 by Harper Brooks that displayed photos of the
21 Blum & Poe New Portraits book?
22 A I don't know who Harper Brooks
23 is.
24 Q Are you aware that the Blum &
25 Poe New Portraits book was offered for sale at

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1 RICHARD PRINCE
2 the New York Art Book Fair from September 15 to
3 18, 2016?
4 A No, I don't.
5 Q I am going to mark as an exhibit
6 number 183, a document I would like to show
7 you.
8 (The above described document was
9 marked Exhibit 183 for identification, as
10 of this date.)
11 Q Do you recognize Exhibit 183?
12 A Yes, I do.
13 Q What is Exhibit 183?
14 A It looks as if I retweeted a
15 tweet by Harper's Books.
16 Q And do you see that the tweet by
17 Harper's Books attached a photo of the Blum &
18 Poe book on your New Portraits?
19 A If you're referring to this
20 image, yes.
21 Q And on the left-hand side of
22 that image is the Kim Gordon work that's
23 depicted in Exhibit 60, correct?
24 A Yes.
25 Q And you retweeted this on April

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1 RICHARD PRINCE
2 14th, 2016?
3 MR. BALLON: Objection.
4 You can answer if you know.
5 A Well, 12 -- is that 12,000 --
6 12.4 -- I'm sorry, the question was again?
7 11/16/16?
8 MR. BALLON: No, those are
9 markings from the court. He's not
10 asking you about that information at the
11 top.
12 Q I am asking you do you know when
13 you made this retweet of the Harper's Books
14 post?
15 A I do recall that Harper was
16 exhibiting as an alternative to iPad at a hotel
17 near the Armory on Park Avenue South.
18 I don't recall what year. Does
19 it say here somewhere what year?
20 Q Was it after the exhibition in
21 Tokyo?
22 A It would have had to have been,
23 yes.
24 Q And can you tell us what
25 A-I-P-A-D is, AIPAD?

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<p>1 RICHARD PRINCE</p> <p>2 A AIPAD is a photography</p> <p>3 organization, I believe, that exhibits</p> <p>4 photographs once a year in New York City.</p> <p>5 Q All right, you can set that to</p> <p>6 the side for a moment.</p> <p>7 I would like to show you a</p> <p>8 document that I will mark 184.</p> <p>9 (The above described document was</p> <p>10 marked Exhibit 184 for identification as</p> <p>11 of this date.)</p> <p>12 Q Do you recognize Exhibit 184?</p> <p>13 A No, I don't.</p> <p>14 MR. BALLON: I just want to note</p> <p>15 for the record this appears to be an</p> <p>16 incomplete copy.</p> <p>17 Q Do you see in Exhibit 184 a list</p> <p>18 of retweets of a Half Gallery exhibit tweet?</p> <p>19 MR. BALLON: Objection.</p> <p>20 A I'm not familiar with this</p> <p>21 particular format, so I don't really know what</p> <p>22 I'm looking at.</p> <p>23 MR. MUNN: I'll represent for the</p> <p>24 record that this is a list, at least in</p> <p>25 part, of the people who retweeted a</p>	<p>1 RICHARD PRINCE</p> <p>2 Let's mark as Exhibit 185</p> <p>3 another -- the full tweet by Half Gallery.</p> <p>4 (The above described document was</p> <p>5 marked Exhibit 185 for identification as</p> <p>6 of this date.)</p> <p>7 Q First off, do you know who Half</p> <p>8 Gallery is?</p> <p>9 A Yes.</p> <p>10 Q Who is Half Gallery?</p> <p>11 A Half Gallery is a gallery that</p> <p>12 is run by Bill Powers.</p> <p>13 Q And that's a gallery in New</p> <p>14 York?</p> <p>15 A Yes.</p> <p>16 Q And do you recognize this Half</p> <p>17 Gallery tweet in Exhibit 185?</p> <p>18 A I don't understand the question,</p> <p>19 recognize.</p> <p>20 Q Do you recall retweeting the</p> <p>21 Half Gallery tweet that is in Exhibit 185?</p> <p>22 A No, I don't.</p> <p>23 MR. BALLON: Objection.</p> <p>24 A No, I don't recall retweeting</p> <p>25 this in 2016. I can safely say I do not</p>
Page 211	Page 213
<p>1 RICHARD PRINCE</p> <p>2 tweet by Half Gallery that we accessed</p> <p>3 on Twitter.</p> <p>4 Q Do you see that?</p> <p>5 MR. BALLON: Objection.</p> <p>6 A See what?</p> <p>7 MR. BALLON: Lacks foundation.</p> <p>8 Q I am representing to you that</p> <p>9 this is a list of retweets of the Half Gallery</p> <p>10 tweet on Twitter, okay?</p> <p>11 A Okay.</p> <p>12 MR. BALLON: To be clear, the</p> <p>13 Half Gallery tweet from Twitter is not</p> <p>14 here.</p> <p>15 MR. MUNN: It's at the top.</p> <p>16 MR. BALLON: It's obscured by</p> <p>17 the --</p> <p>18 MR. MUNN: No, the Half Gallery</p> <p>19 tweet is at the top. It says "New</p> <p>20 Portraits, Richard Prince 2016 published</p> <p>21 by Blum & Poe signed on the cover."</p> <p>22 MR. BALLON: The copy I have</p> <p>23 shows that some text has been deleted.</p> <p>24 MR. MUNN: Alright, well let's</p> <p>25 put that to the side for just a minute.</p>	<p>1 RICHARD PRINCE</p> <p>2 recall. I might have, but I do not recall</p> <p>3 retweeting this tweet.</p> <p>4 Q Now, looking back at Exhibit</p> <p>5 184, I'll represent that this is a list of the,</p> <p>6 in part, the retweets of the Half Gallery tweet</p> <p>7 that we looked at in Exhibit 185, okay?</p> <p>8 MR. BALLON: Same objection with</p> <p>9 respect to lack of completeness.</p> <p>10 A Do you mean if you put it</p> <p>11 together like this?</p> <p>12 Q What I am saying is that I</p> <p>13 accessed on Twitter the Half Gallery tweet, and</p> <p>14 I got a list of the people who retweeted it,</p> <p>15 and that's what is in Exhibit 184. Okay?</p> <p>16 A Yes.</p> <p>17 Q And I scrolled down the list,</p> <p>18 and I found that one of the people that</p> <p>19 retweeted this was richardprince4.</p> <p>20 Is that you?</p> <p>21 A Yes.</p> <p>22 Q So you retweeted the Half</p> <p>23 Gallery tweet that we looked at in Exhibit 185,</p> <p>24 right?</p> <p>25 MR. BALLON: Objection, asked and</p>

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1 RICHARD PRINCE
2 answered.
3 A I -- I can't answer that,
4 because the format here is confusing to me.
5 What I am looking at is that I simply followed
6 Half Gallery's tweet.
7 I mean, this is the impression,
8 by looking at Exhibit 184, that I'm following
9 the Half Gallery tweet.
10 I can't say that I -- I can't
11 say and I do not remember retweeting the Half
12 Gallery tweet.
13 Q Okay, put this aside for a
14 minute.
15 I would like to show you a
16 document that I'm going to mark as Exhibit 186.
17 (The above described document was
18 marked Exhibit 186 for identification as
19 of this date.)
20 Q Do you recognize Exhibit 186?
21 MR. BALLON: And again, just to
22 clarify for the record, there is some
23 printing up at the top which is a court
24 thing.
25 I assume you are asking him only

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1 RICHARD PRINCE
2 about the part under the heading Exhibit
3 H, correct?
4 MR. MUNN: Yes.
5 Q This was an exhibit attached to
6 one of the Complaints in this case and I'm
7 asking you about the image in the center of
8 Exhibit 186.
9 Do you recognize that?
10 A Are you asking me about, when
11 you say the center, this is all very confusing
12 the way this is all set up.
13 Q Let me try to clarify --
14 A Has this been -- have you --
15 this looks like a -- have you been collaging?
16 Q This is a screen shot, which I'm
17 sure you're familiar with, of a Blum & Poe
18 tweet and your response to that tweet; is that
19 right?
20 A Well, my response, but is my --
21 has my response been scissored or cut or
22 manipulated and put under their --
23 Q I'm not aware of any changes to
24 the image. All I know is this was the image
25 that was attached to the Complaint in this

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1 RICHARD PRINCE
2 case.
3 A Where did you get this image?
4 Q I believe it was taken from
5 Twitter.
6 A Well, if you believe, then I
7 can't answer. Unless you know that it's been
8 taken, I can't answer your question.
9 Q I'll represent for the record
10 that this was taken from Twitter.
11 And I have a question about the
12 Blum & Poe people that are tweeting in this
13 image.
14 Do you see that?
15 A Are they tweeting?
16 Q You think it is Instagram
17 instead?
18 A I don't know. I am not familiar
19 with this format, and I've never seen this
20 image, I've never seen this tweet, and I do not
21 recall -- I don't know where, and I'm very --
22 I'm a little bit suspect and upset at the fact
23 that this looks like it's been manipulated.
24 This particular -- this is
25 something an artist would do.

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1 RICHARD PRINCE
2 Q Okay.
3 A I believe. I have just never
4 seen a tweet formatted like this.
5 MR. BALLON: And for the record,
6 I'm going to object to the extent that
7 this appears, at least to the witness,
8 to be a compendium of two separate
9 things.
10 Q Do you recall Blum & Poe
11 tweeting about the New Portraits book being
12 available for order online?
13 A No, I don't.
14 Q And do you recall at all
15 commenting on the Blum & Poe tweet about the
16 New Portraits book being available online by
17 saying, "Cool book. Where do I get one?"
18 A No, I don't recall that.
19 Q Do you recall the New Portraits
20 book published by Blum & Poe premiering at the
21 New York Art Book Fair?
22 MR. BALLON: Objection to
23 premiering.
24 A I can only say that Blum & Poe
25 would not be allowed to premiere a book at the

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1 RICHARD PRINCE
2 New York Antiquarian Book fair.
3 The Antiquarian Book fair only
4 allows -- you have to belong to a particular
5 society that sells rare books.
6 I do know that Blum & Poe do not
7 belong to that society, and I have gone to the
8 New York Antiquarian Book Fair for the last 40
9 years.
10 I have never seen Blum & Poe
11 have a booth, nor would they be allowed to have
12 a book at the New York Antiquarian Book Fair.
13 Q Do you know of an event called
14 the New York Art Book Fair that's different
15 than the New York Antiquarian Book Fair?
16 A I have never heard of that fair.
17 Q So you've never seen or heard of
18 the New York Art Book Fair?
19 A It is called the New York
20 Antiquarian Book Fair.
21 Q Okay.
22 A That's -- the New York
23 Antiquarian Book Fair is the book fair that I
24 am familiar with.
25 Q So, you were not aware that Blum

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1 RICHARD PRINCE
2 & Poe was selling your book at a book fair in
3 New York in any way, shape or form?
4 MR. BALLON: Objection, lacks
5 foundation.
6 A I am not only not aware, I am
7 aware of the fact that they wouldn't be there
8 or allowed to sell.
9 Q Sorry, I'm not asking if they
10 were selling the book at the New York
11 Antiquarian Book Fair in New York.
12 I'm asking if you have any
13 knowledge as to whether Blum & Poe was selling
14 the New Portraits book at any book fair in New
15 York?
16 A No.
17 No, I am not aware of that.
18 Q Did you give, going back to
19 Exhibit 60, did you give a -- this is the Kim
20 Gordon New Portrait.
21 Do you have the correct exhibit?
22 A Here?
23 MR. BALLON: Exhibit 60?
24 THE WITNESS: Yes, I have it.
25 MR. BALLON: Okay, you have it.

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1 RICHARD PRINCE
2 Good.
3 Q Did you give a study of the work
4 depicted in Exhibit 60 to Kim Gordon?
5 A Yes, I did.
6 Q When was the study of the work
7 depicted in Exhibit 60 created?
8 A To the best of my ability, I
9 believe it was created somewhere around 2014.
10 Q Did you give the study of the
11 work depicted in Exhibit 60 to Kim Gordon after
12 the Blum & Poe Exhibit in Tokyo, or before?
13 MR. BALLON: Objection, compound.
14 A I might have given it to her
15 before and/or I might have given it to her
16 after. I don't recall.
17 Q Where was the study of the work
18 depicted in Exhibit 60 created? Was that here
19 in New York?
20 A Yes.
21 Q And I think you can set that to
22 the side.
23 I want to show you a different
24 exhibit, which we will mark as Exhibit 187.
25 (The above described document was

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1 RICHARD PRINCE
2 marked Exhibit 187 for identification as
3 of this date.)
4 Q Here you go.
5 A Cool.
6 Q Do you recognize Exhibit 187?
7 A Yes.
8 Q What is Exhibit 187?
9 A Good question. It's everything.
10 Q And what do you mean by that?
11 A It's my entire life.
12 Q What is the photo in Exhibit 187
13 of?
14 A It's art history. It's an
15 African mask, it's Cubism, it's a little bit of
16 Calder, it's Duchamp, it's definitely Man Ray,
17 it's a found object, it's a ready-made, it's a
18 nod -- reminds me of a Hans Balmer.
19 And in a more contemporary
20 sense, and this is someone who really, a very
21 good friend of mine who's actually having an
22 exhibit at the moment, Robert Gober.
23 So, in a strange way, what
24 you're looking at is about 118 years of art
25 history here.

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1 RICHARD PRINCE
2 I mean, this is an image that is
3 actually too good to be true, hard to believe,
4 almost impossible, really real, almost real,
5 it's so real that it's not real, and yet in the
6 end, this is what appropriation is about.
7 It's basically a shoe horn. But
8 is it a shoe horn?
9 No, it's not. It's not because
10 I say it's not.
11 It's not a shoe horn because I
12 just explained what it really is.
13 And what's really great about it
14 is that, in fact, I did find it in the back of
15 the Metropolitan Museum of Art.
16 And in fact, when I looked at
17 it, I thought, wow, someone just lost -- maybe
18 someone was transporting a Man Ray and it fell
19 out of the package. It was very exciting.
20 When I found this, I took the
21 picture myself, put it in my pocket, brought it
22 home.
23 I was also commenting on
24 Cleopatra's Needle. I'm not -- there is a big
25 controversy about public art in New York at the

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1 RICHARD PRINCE
2 moment with Gillie and Marc, their sculpture
3 of, an appropriated sculpture of three rhinos
4 down on Union Square that is being pawed off
5 or as kitsche.
6 However, I believe my dog and I
7 were out for a walk on Sunday, and these are
8 the things that, as I say, I can do, I love to
9 do, gives me great pleasure.
10 And I would imagine that most
11 people would walk by this object and see
12 nothing.
13 I see everything.
14 And I say that because I have
15 this ability to make something that's so
16 ordinary and so pedestrian and generic.
17 I mean, the iron in this object,
18 I mean, it's fantastic, it looks like Calder.
19 And it's just plastic in the
20 end. I still have it, I will always have it.
21 It's NFS, it's not for sale, and I was actually
22 thinking about bringing it here today to
23 explain what appropriation is.
24 But you brought it.
25 Q So when you say, "Thinking of

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1 RICHARD PRINCE
2 bringing this to my Deposition Row this week,"
3 you were referring to this deposition?
4 A In this particular instance,
5 yes.
6 MR. MUNN: Okay, why don't we
7 take a short break and we will come
8 back. Okay?
9 THE VIDEOGRAPHER: One moment,
10 please. Watch your microphones.
11 Time is 4:46 p.m. We are now off
12 the record.
13 (At this point in the proceedings
14 there was a recess, after which the
15 deposition continued as follows:)
16 THE VIDEOGRAPHER: The time is
17 5:00 p.m. Back on the record.
18 Q Mr. Prince, have you ever said
19 in sum or substance that you think copyright
20 law is absurd?
21 A I don't believe I have, no.
22 Q Do you think that copyright law
23 is absurd?
24 A It depends upon what is
25 copyrighted.

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1 RICHARD PRINCE
2 Q Do you think that an artist
3 should be able to take any image he wants to
4 use for in his own work without permission?
5 MR. BALLON: Objection,
6 incomplete hypothetical.
7 A I think if an artist, and I
8 don't know many artists who do this, but I
9 think if an artist -- I certainly don't
10 copyright my own work.
11 I tell a joke based on an old
12 Milton, I think it's -- it's either Milton Burl
13 or Henny Youngman, take my art, please.
14 Based on his old joke, take my
15 wife, please.
16 I really believe it's a free
17 concert, when it comes to my own work, and
18 that's my own work, that's my attitude, that's
19 been my position.
20 I've never copyrighted my own
21 work, and I believe that artists should feel
22 free to take my work and use it as they see
23 fit.
24 However, that being said, if an
25 artist, and I do know artists would do

<p style="text-align: right;">Page 226</p> <p>1 RICHARD PRINCE</p> <p>2 copyright very plainly with, I believe it's the</p> <p>3 C with the circle, which I really don't -- I'm</p> <p>4 not a lawyer, I'm an artist, but I do -- I did</p> <p>5 begin at some point in my career to understand</p> <p>6 what that meant.</p> <p>7 And now I do -- I am aware of --</p> <p>8 excuse me, watermarking an image.</p> <p>9 And I think if I see images that</p> <p>10 have that C with the circle, or watermark, I</p> <p>11 respect -- that's a telegraph to me and I --</p> <p>12 and if an artist editionalizes that type of</p> <p>13 signature onto their work, I respect that.</p> <p>14 And it doesn't happen very</p> <p>15 often, I very rarely see it.</p> <p>16 It wasn't something that I had</p> <p>17 ever thought about in my early career, because</p> <p>18 when I arrived in New York, the type of art --</p> <p>19 the type of art that I gravitated toward was</p> <p>20 such radical and independent work that nobody</p> <p>21 really needed to copyright their work because</p> <p>22 nothing was selling. Nothing sold.</p> <p>23 It wasn't the point. The point</p> <p>24 was in the making -- when I arrived in the</p> <p>25 '70s, artists like Lawrence Weiner and Vito</p>	<p style="text-align: right;">Page 228</p> <p>1 RICHARD PRINCE</p> <p>2 exactly know what that means, but it has been</p> <p>3 suggested to me that that's a form of</p> <p>4 copyright.</p> <p>5 But traditional --</p> <p>6 traditional -- I think artists who make</p> <p>7 paintings -- you know I work in many mediums,</p> <p>8 painting, sculpture, performance art,</p> <p>9 installation, site specific, I've never</p> <p>10 copyrighted.</p> <p>11 In hindsight, perhaps I should</p> <p>12 have copyrighted some of the graphic art that I</p> <p>13 made, but, you know, I feel like if a younger</p> <p>14 artist can take my work and perhaps improve</p> <p>15 upon it, maybe even make it better.</p> <p>16 And I am aware of an entire</p> <p>17 industry in China who make my Nurse paintings,</p> <p>18 and I am aware of there is an artist who makes</p> <p>19 reproductions of my Nurse paintings, and you</p> <p>20 can find him on various weekends in Chelsea.</p> <p>21 And I remember going up to him</p> <p>22 and looking at a painting of mine, small,</p> <p>23 Washington Nurse, and I looked at it, and I</p> <p>24 said hey, you know, that's pretty good, and I</p> <p>25 bought it.</p>
<p style="text-align: right;">Page 227</p> <p>1 RICHARD PRINCE</p> <p>2 Acconci, who later became friends of mine,</p> <p>3 older artists became mentors, Bruce Mailman.</p> <p>4 There wasn't a market. It</p> <p>5 wasn't like today.</p> <p>6 Now I do know one particular</p> <p>7 artist who did copyright his work, I believe it</p> <p>8 was Keith Haring.</p> <p>9 And I actually bought a Keith</p> <p>10 Haring many years ago, and I respect -- he's on</p> <p>11 the borderline.</p> <p>12 He's the kind of artist who I</p> <p>13 would call a borderline artist. He did a lot</p> <p>14 of commercial work for hire.</p> <p>15 I don't engage in that type of</p> <p>16 work, but if I see an artist -- again, as I</p> <p>17 said earlier, it's not my intention to be --</p> <p>18 the last thing I want to do is piss anybody</p> <p>19 off, and it's not my intention to be</p> <p>20 controversial.</p> <p>21 But therefore, if I did see, and</p> <p>22 now I have become aware, which is a recent</p> <p>23 phenomena of, especially in the medium of</p> <p>24 photography, where apparently images are</p> <p>25 watermarked and apparently that -- I don't</p>	<p style="text-align: right;">Page 229</p> <p>1 RICHARD PRINCE</p> <p>2 I congratulated him. I had no</p> <p>3 problem with it.</p> <p>4 I believe art, and I really do</p> <p>5 believe art should be shared, and again, in the</p> <p>6 end, you know, it's about the signature.</p> <p>7 The Nurse paintings that are</p> <p>8 being sold in China that are exact replicas of</p> <p>9 my Nurse paintings are not my paintings.</p> <p>10 That being said, I mean, we can</p> <p>11 go along and talk about -- I think the real</p> <p>12 question is, nothing to do with copyright, the</p> <p>13 real question is provenance.</p> <p>14 And a lot of what you really</p> <p>15 need to be careful of has nothing to do with</p> <p>16 copyright, it has to do with fakes.</p> <p>17 But that's, perhaps, another --</p> <p>18 for another deposition another day.</p> <p>19 But, yes, I do respect, and I</p> <p>20 would expect -- I remember having a</p> <p>21 conversation with Robert Mapplethorpe, and I</p> <p>22 remember he became -- he was a photographer.</p> <p>23 And I didn't see him as a</p> <p>24 commercial photographer, I saw him as an</p> <p>25 artist.</p>

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1 RICHARD PRINCE
2 And I remember him telling me
3 one day, Richard, do not appropriate any of my
4 photographs, and I said Robert, that's not
5 something that I'm interested in doing, you're
6 an artist.
7 And again, it gets back to this
8 idea that I know every artist in the world of
9 any consequence, both dead and alive.
10 I've been in the New York art
11 world my entire adult life, and if you're not
12 in the New York art world, and I'm not
13 bragging, I'm not boasting, but this is where
14 it's at.
15 I'm one of the only living
16 artists who have had a retrospective at both
17 the Whitney Museum, and I have filled the
18 entire Guggenheim Museum in 2007, the entire
19 museum.
20 And I think what that means is,
21 again, we get back to a consensus or agreement,
22 and I think the reason why I was afforded those
23 opportunities is someone out there, whether it
24 was curators, collectors, acknowledged that
25 what I was doing was adding on, exploring,

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1 RICHARD PRINCE
2 trying to be open up new territory and
3 challenging what had gone on before me.
4 And I'm very -- did I ever think
5 this was going to happen? Not in my wildest
6 dreams.
7 I did not have a very -- I
8 didn't have much of an art education, I didn't
9 go to Yale, I didn't go to Cal Arts, I didn't
10 go to RISD.
11 I had no connections, I didn't
12 know anyone when I arrived in New York.
13 And I worked very hard, I grew
14 up in poverty, and I didn't sell any art until
15 I was 47.
16 Q So, if you see a C in a circle
17 or a watermark on a photograph, you won't use
18 it, is that right?
19 A It wouldn't interest me.
20 Q Do you believe that seeking
21 permission to make use of another artist's work
22 would inhibit your own work?
23 A Well, that's -- that's -- that's
24 an area where we call collaboration. I will
25 get together with a fellow artist, and that's a

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1 RICHARD PRINCE
2 different story.
3 We will do -- I do very few
4 collaborations, but I have done -- I have
5 collaborated with many artists over the years,
6 and we get together and we talk about it, and
7 we give ourselves -- I ask permission from them
8 and they ask permission from me, I suppose, if
9 that's the way you want to put it.
10 But basically we respect each
11 other, and we have probably known each other
12 for many, many years.
13 And, again, my generation, which
14 is called the picture generation, for lack of a
15 better term, has grown up dealing with the same
16 issues.
17 And one of those issues, for
18 lack of a better term, was appropriation. And
19 I wasn't the only one involved in going down
20 that path.
21 I had a lot of fellow artists
22 who were doing very similar kinds of things.
23 Not the same things that I did, but we were,
24 you know, talking about similar -- we came from
25 similar backgrounds.

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1 RICHARD PRINCE
2 We moved to New York because we
3 wanted to get away from where we grew up.
4 And New York was the place. It
5 provided freedom, and ultimately, for better or
6 worse, in the end, an artist is the one person
7 in society -- I mean, let's give one person in
8 society the freedom to do anything they want.
9 Let's give one person in society
10 the ability to make something that might make
11 someone feel good.
12 Because in the end, what are we
13 left with?
14 I mean, I will give you \$1,000
15 if you can tell me the name of the President of
16 France when Gaughin was in Tahiti painting his
17 paintings.
18 Right now, I will give you
19 \$1,000 if you can tell me the name of the
20 President of France.
21 What I am getting at is we do
22 not remember the President of France. What we
23 remember are the beautiful, incredibly perfect
24 paintings by Gaughin. It's what we are left
25 with.

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1 RICHARD PRINCE

2 When the Nazis invaded Paris,

3 what did they want? They wanted the culture.

4 They wanted to appropriate the culture of

5 France.

6 And what did the -- what did

7 they try to save? They tried to save the Mona

8 Lisa, a simple portrait.

9 Q Do you believe when you were

10 making your New Portraits that having to seek

11 permission to use the photographs you found on

12 Instagram would have inhibited your work?

13 MR. BALLON: Objection, asked and

14 answered.

15 A Well, I think -- that is the --

16 that's like asking for the convenience of

17 hindsight.

18 I no longer -- you know, this is

19 what is so strange about this deposition or

20 this situation I find myself in.

21 I don't have anything to do

22 anymore with making Instagram portraits.

23 I think a lot of the fun was

24 taken out of it, and I have moved on to other

25 things.

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1 RICHARD PRINCE

2 And right now I would love to

3 make, you know, more Portraits, but at the

4 moment, I've gone back to making Joke

5 paintings.

6 And that's another example of a

7 subject matter that was totally foreign to the

8 art world.

9 I mean, can you imagine in 1986,

10 when I made my first Joke painting, nobody had

11 ever -- I mean jokes were something that you

12 heard, and you heard them in a nightclub.

13 What I did was I changed the

14 hearing of a generic borscht belt joke, jokes

15 that I grew up with, listening to comedians on

16 the Ed Sullivan Show.

17 What I did was I took their

18 jokes, I didn't ask permission, however -- and

19 I painted them. I painted jokes, and I believe

20 The Jokes are right up there with Rothko.

21 And it's interesting, I am

22 trying to ask permission as we speak to -- so

23 that I can use Rodney Dangerfield's jokes from

24 his widow, and I've been negotiating with her

25 for the last eight years.

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1 RICHARD PRINCE

2 Now, that's not to say that I

3 haven't used a Rodney Dangerfield joke, and

4 that's not to say that I don't continue to use

5 a Rodney Dangerfield joke.

6 But no one that I know had ever

7 painted a joke in the art world before 1986.

8 It was a very radical subject matter.

9 And if you didn't like the joke,

10 maybe you liked the painting.

11 If you didn't like the painting,

12 maybe you liked the joke.

13 Maybe if I showed the painting

14 in Europe and you didn't understand American,

15 you would look at it as an abstract.

16 So all these elements came into

17 play. And again, I'm just pointing this out, I

18 have this history, a consistent pattern of

19 taking subject matter that's -- that starts in

20 the public sector, that has inherent meaning,

21 and I bring it into the private art world, and

22 change, recontextualize, comment, and I do --

23 and parody that subject matter.

24 Sometimes -- and in the case of

25 The Jokes, it's very important to me, because

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1 RICHARD PRINCE

2 first of all, if you don't have a sense of

3 humor, I don't really want to have much to do

4 with you.

5 And for me it's also politically

6 important, because a sense of humor is a way to

7 survive.

8 It's a survival technique, and

9 it's a way for me to survive this afternoon.

10 Q If you were to lose this case,

11 would you continue to do whatever you want with

12 respect to appropriating images to use in your

13 work?

14 MR. BALLON: Objection.

15 A I cannot speculate on. That

16 answer calls for -- that's an almost an

17 impossible question to answer, because it's

18 theoretical.

19 Q Have you ever said in sum or

20 substance that when it comes to copyright you

21 don't really pay attention to the consequences?

22 A I can't say that I have and I

23 can't say that I haven't.

24 Q Have you ever said in sum or

25 substance that with respect to copyright,

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1 RICHARD PRINCE
2 you're of the generation that feels like it's a
3 free concert?
4 A I have said that it's a free
5 concert. I'm a child of Woodstock, I went to
6 Woodstock, and it's in my DNA.
7 Q Are there any circumstances
8 under which you think it would be unfair for
9 one artist to appropriate an image taken by a
10 commercial photographer, for example?
11 MR. BALLON: Objection.
12 A Well, I don't really know that
13 much about commercial.
14 I don't know many commercial
15 photographers. I do know some fashion
16 photographers, and I do know they have a hard
17 time.
18 I know some of them very
19 personally, too. They are very good friends of
20 mine, and I know that they have tried to make
21 the cross-over into making art, and they have a
22 very difficult time about making that
23 crossover.
24 And what I tell them, I said,
25 you know what, don't even bother. The art

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1 RICHARD PRINCE
2 world is a really difficult place, it's a
3 really hard place.
4 You are not going to -- do what
5 you do best. Stay in the commercial world,
6 take your -- a commercial photographer, for
7 instance, like a -- I mean, I remember having
8 conversations with Helmut Newton, and he was a
9 terrific commercial photographer.
10 But commercial photographers are
11 assigned, they are told what to do, and
12 literally after they take their images, their
13 images are art directed.
14 Meaning they are changed, they
15 look -- they are air brushed, they are cropped,
16 they are edited, and they usually wind up
17 looking very little like what the commercial
18 photographer first took.
19 But there is a difference, and I
20 think that is the difference, where the artist,
21 for better or worse, is on his own.
22 Nobody tells me what to do. I
23 am the one who wakes up in the morning and
24 makes the decision whether to make a
25 photograph, a painting, a sculpture, in ways in

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1 RICHARD PRINCE
2 which it could be either accepted or not
3 accepted or possibly liked or disliked.
4 I mean, I have been absolutely
5 criticized, I have actually been rejected.
6 I cannot tell you how many times
7 my work has been rejected, ignored, kicked out,
8 not part of the what's going on.
9 The entire decade of the '80s I
10 was not very popular.
11 But it was never my intention to
12 be popular. The only goal I've ever had is to
13 do exactly what I want.
14 That's the, ultimately, that's
15 the only thing an artist can do.
16 If you're a real artist, you do
17 exactly what you want, because in the end of
18 the day, at least, there is some integrity
19 involved.
20 It's -- you can live with it,
21 you are not making any compromises, you are not
22 listening to anybody else.
23 And you have to be very careful,
24 the art world is very fickle. It can like you
25 one day, love you, then hate you the next.

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1 RICHARD PRINCE
2 I have had a -- if I was kicked
3 out tomorrow, which I very might well be by the
4 powers that be, you know, I would continue --
5 yes, to answer your question, I would probably
6 just continue to do what I do, because I enjoy
7 doing what I do.
8 I have fun doing what I do.
9 I have -- I'm, again, I hate to
10 keep saying that, I'm a lucky guy, but, you
11 know, I am.
12 I'm the luckiest guy on the
13 planet.
14 Q Do you think that judges can
15 understand art?
16 A Well, that's an interesting
17 question, because aesthetics is a really
18 difficult thing to define.
19 I brought up earlier in the
20 conversation aesthetics for an artist is like
21 ornithology is for a bird.
22 MR. MUNN: Move to strike as not
23 responsive.
24 A Aesthetics is a second nature,
25 and I don't believe -- I mean, I respect the

<p style="text-align: right;">Page 242</p> <p>1 RICHARD PRINCE</p> <p>2 fact that a judge, a judge's territory is the</p> <p>3 law, and I would think he would know about the</p> <p>4 law.</p> <p>5 Now, do I expect -- I don't</p> <p>6 expect a judge to know about -- why would I</p> <p>7 expect to know -- I mean, I would be happy, but</p> <p>8 I don't expect to know a judge to know about</p> <p>9 Arthur Craven, or Natalie Barney or Roland</p> <p>10 Penrose, or Alex Katz.</p> <p>11 It's not their job, and I find</p> <p>12 it -- I mean, it's difficult for me, but I</p> <p>13 don't have an argument if -- with a judge.</p> <p>14 I've been -- I've been judged.</p> <p>15 But, the history, I have said</p> <p>16 that it's very difficult to argue aesthetics in</p> <p>17 a court of law.</p> <p>18 We can cite examples, we can go</p> <p>19 back to Oscar Wilde, we can talk about Lenny</p> <p>20 Bruce.</p> <p>21 I believe judges deal in</p> <p>22 reality, they deal in the real world, with real</p> <p>23 world consequences, and things that are really</p> <p>24 important to the majority of the people, the</p> <p>25 majority of the population.</p>	<p style="text-align: right;">Page 244</p> <p>1 RICHARD PRINCE</p> <p>2 with Neuberger, the Neuberger Museum, is that --</p> <p>3 am I right?</p> <p>4 Q Did you ask the Neuberger Museum</p> <p>5 not to print your early work in their catalogue</p> <p>6 because of your copyright?</p> <p>7 A Was it the Neuberger Museum?</p> <p>8 Q I'm asking you, I don't know.</p> <p>9 A I don't know. But I do recall,</p> <p>10 I believe it was the Neuberger Museum, I asked</p> <p>11 them -- I did not give them -- it wasn't about</p> <p>12 giving them permission, it was more about</p> <p>13 punishing them.</p> <p>14 Because the work that they had</p> <p>15 exhibited was taken from me. I made it when I</p> <p>16 was 19, and it was student work.</p> <p>17 And I was embarrassed by it, and</p> <p>18 I didn't want it -- and it's really kind of</p> <p>19 funny in hindsight, that a lot of people</p> <p>20 actually liked it.</p> <p>21 I might have made a mistake,</p> <p>22 maybe I should have let them reproduce it.</p> <p>23 But it's interesting that that</p> <p>24 catalogue, when you open it up, there is a lot</p> <p>25 of text, but you don't get to see what they are</p>
<p style="text-align: right;">Page 243</p> <p>1 RICHARD PRINCE</p> <p>2 And I respect that.</p> <p>3 Artists, on the other hand, are</p> <p>4 a very small portion of the population who are</p> <p>5 really the crazy ones.</p> <p>6 The ones that are essentially at</p> <p>7 some point the wounded ones, the ones that</p> <p>8 didn't fit in.</p> <p>9 Artists are essentially</p> <p>10 anti-social, and they have their own tribe, and</p> <p>11 they kind of have their own rules.</p> <p>12 And I like to believe when I go</p> <p>13 into my studio, and this is make believe, I go</p> <p>14 into my studio, I shut the door, and I am the</p> <p>15 king of the castle.</p> <p>16 That's my little -- and that's</p> <p>17 why I don't like to leave that room.</p> <p>18 Because I believe, and it's a</p> <p>19 fantasy, that I can do anything in that room.</p> <p>20 Q Have you ever used copyright</p> <p>21 protection to prevent a museum from publishing</p> <p>22 your early work in a catalogue?</p> <p>23 A I believe I did not allow a --</p> <p>24 an exhibition at the -- I believe it's called</p> <p>25 the -- I might have this wrong, something to do</p>	<p style="text-align: right;">Page 245</p> <p>1 RICHARD PRINCE</p> <p>2 writing about. It almost became another</p> <p>3 artwork.</p> <p>4 But yes, there was the one</p> <p>5 instance that I didn't allow -- you know,</p> <p>6 that's just sort of trying to control my own,</p> <p>7 shall we say destiny, my own career.</p> <p>8 I didn't like the idea that -- I</p> <p>9 knew -- I mean, it's much more complicated, and</p> <p>10 there is no point in going into it.</p> <p>11 But it goes back to a situation</p> <p>12 where I got myself involved -- where we have</p> <p>13 this thing called consignment in the art world,</p> <p>14 and unfortunately, when you are a young artist,</p> <p>15 and you consign work to a gallery, you usually</p> <p>16 end up either not getting paid for it or you</p> <p>17 never see the work again.</p> <p>18 And that's happened to me many</p> <p>19 times. It's essentially, it's -- you pay your</p> <p>20 dues.</p> <p>21 And every young artist has gone</p> <p>22 through it, but I was in a position where I</p> <p>23 could refuse them not to reproduce work, which</p> <p>24 I thought was inferior, that did not represent</p> <p>25 what I wanted to represent.</p>

<p>Page 246</p> <p>1 RICHARD PRINCE</p> <p>2 Q At the time you started making</p> <p>3 the New Portraits project, you had previously</p> <p>4 been sued for copyright infringement for your</p> <p>5 work, right?</p> <p>6 MS. APPLETON: Objection.</p> <p>7 MR. BALLON: Asked and answered.</p> <p>8 Q Go ahead.</p> <p>9 A Could you repeat the question?</p> <p>10 Q At the time you started the New</p> <p>11 Portraits project you had previously been sued</p> <p>12 for copyright infringement for your work,</p> <p>13 correct?</p> <p>14 MS. APPLETON: Objection.</p> <p>15 A I was sued by a gentleman from</p> <p>16 France. His name was Patrick Cariou.</p> <p>17 I really don't know if those are</p> <p>18 the specific words of why he sued me. That's</p> <p>19 how I can answer that question.</p>	<p>Page 248</p>
<p>Page 247</p>	<p>Page 249</p>

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<p>19 Q I would like to show you an 20 exhibit which I will mark as Exhibit 188. 21 (The above described document was 22 marked Exhibit 188 for identification, as 23 of this date.) 24 MR. BALLON: Also, when you do 25 get a good breaking point, we will take</p>	<p>1 RICHARD PRINCE 2 reliance on fair use precedent." 3 Did you see that? 4 A I see that now. 5 Q Do you have any idea what that 6 means? 7 A No, I don't. 8 Q When you made the New Portraits, 9 did you rely on the fair use precedent? 10 MR. BALLON: I want to object to 11 the extent that you're asking legal 12 questions to a lay witness. 13 You've propounded interrogatories 14 for the factual basis, which is the proper 15 mechanism to get this. 16 MR. MUNN: Keep the objection to 17 form. 18 Q Can you answer the question, 19 sir? 20 A No, I can't, because I'm an 21 artist, I'm not a lawyer. 22 Q Do you have any understanding of 23 fair use? 24 MR. BALLON: Please don't cut him 25 off. The witness was in the middle of a</p>
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<p>1 RICHARD PRINCE 2 a break, if we can. 3 MR. MUNN: Let's try to get 4 through there document and take a break. 5 MR. BALLON: What number is this? 6 MR. MUNN: 188. 7 Q Do you recognize Exhibit 188? 8 A No. 9 Q This is an amended Answer that 10 your lawyers filed on your behalf to 11 Mr. Graham's complaint. 12 Would you turn to -- did you 13 review this document before it was filed? 14 A No. 15 Q Will you turn to page 14 of the 16 document. 17 Do you see at the bottom of page 18 14 a heading called Affirmative Defenses? 19 A Yes. 20 Q Do you know what an affirmative 21 defense is? 22 A No, I don't. 23 Q On the next page, do you see the 24 7th defense that states, "Defendant acted at 25 all times in good faith and in reasonable</p>	<p>1 RICHARD PRINCE 2 sentence when you asked the next 3 question. 4 Q Do you have any understanding of 5 fair use, sir? 6 MR. BALLON: I am going to 7 caution the witness not to disclose 8 anything that was discussed with counsel 9 with respect to advice. 10 A I believe that I'll take the 11 advice of my counsel and not respond to the 12 question. 13 Q So, just to clarify, you're 14 taking advice of your counsel not to answer 15 what you know about fair use because it would 16 reveal privileged communications, is that 17 right? 18 MR. MUNN: Was a question for 19 you, actually. Is this the basis -- are 20 you directing the witness not to answer 21 this question? 22 MR. BALLON: I have not directed 23 the witness not to answer, I have 24 asserted privilege, so that any 25 conversations with counsel, of which I</p>

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1 RICHARD PRINCE
2 am aware of many, are not disclosed.
3 Q Do you have any understanding of
4 fair use that comes from any source other than
5 your discussions with counsel?
6 A I do not have any understanding
7 of fair use.
8 Q Do you think that your use of
9 Mr. Graham and Mr. McNatt's photographs in your
10 New Portraits was fair?
11 MR. BALLON: Objection, calls for
12 a legal conclusion.
13 Q You can answer it, sir.
14 A I am -- I was not aware -- I am
15 not aware that, at the time that I took the New
16 Portrait of rastajay and the New Portrait of
17 Kim Gordon, I was not aware of -- I didn't know
18 who Kevin McNatt was, is it Kevin?
19 I don't even -- what is his
20 name? McNatt?
21 Q Eric McNatt.
22 A Is it Eric McNatt? And I had
23 never heard of -- I'm drawing a blank on the
24 other gentleman.
25 MR. BALLON: Graham?

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1 RICHARD PRINCE
2 A Graham. I was not aware of
3 these people.
4 Q So, looking at Exhibit 188, the
5 Answer, amended Answer on page 15, do you see
6 the 10th defense, which reads, "Defendants had
7 one or more express or implied licenses
8 covering the allegedly infringing activity or
9 was otherwise authorized to engage in the
10 allegedly infringing activity."
11 Do you see that?
12 A Page 15, you are talking about?
13 Q Number 10?
14 A Number 10.
15 Q 10th defense. Do you see that?
16 A I see it.
17 Q Do you have any idea what the
18 10th defense means?
19 A No, I don't.
20 Q Did Donald Graham give you any
21 permission to use his Rastafarian photograph
22 before you incorporated it into your New
23 Portraits work?
24 MR. BALLON: Objection, vague and
25 ambiguous -- objection, just vague and

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1 RICHARD PRINCE
2 ambiguous.
3 A I don't know who Donald Graham
4 is.
5 Q So, as far as you know,
6 Mr. Graham did not give you permission to use
7 his Rastafarian photo in your New Portraits
8 work?
9 MR. BALLON: Objection.
10 A I don't know who Donald Graham
11 is.
12 Q And because you don't -- do you
13 understand that Mr. Graham is the person who
14 has sued you for use of the Rastafarian Smoking
15 a Joint photograph?
16 A Yes.
17 Q Did you give any permission --
18 MR. MUNN: Strike that.
19 Q Did Mr. Graham ever give you
20 permission to use the Rastafarian photograph in
21 your New Portraits work?
22 MR. BALLON: Objection, calls for
23 a legal conclusion.
24 A I have no idea who Donald Graham
25 is.

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1 RICHARD PRINCE
2 Q So he didn't?
3 MR. BALLON: Objection, calls for
4 a legal conclusion, asked and answered,
5 mischaracterizes the witness' testimony.
6 Q You can answer, sir.
7 A I don't know who Donald Graham
8 is.
9 Q You understand that Donald
10 Graham is suing you for copyright infringement?
11 A Yes, I do.
12 Q And he's suing you for copyright
13 infringement for using the work Rastafarian
14 Smoking a Joint in your New Portraits, right?
15 MR. BALLON: Objection.
16 A This is something that I know
17 about now, yes.
18 Q And did you speak to Mr. Graham
19 about his photo, Rastafarian Smoking a Joint,
20 before you created your New Portrait using
21 rastajay92's post?
22 A No, I didn't.
23 Q Did you speak to Mr. McNatt
24 about his Kim Gordon photo before you made your
25 Kim Gordon New Portrait?

<p style="text-align: right;">Page 258</p> <p>1 RICHARD PRINCE</p> <p>2 MR. BALLON: Objection.</p> <p>3 A I don't know who -- I don't know</p> <p>4 who Ken McNatt is.</p> <p>5 Q So, did you speak to Eric McNatt</p> <p>6 about using his Kim Gordon photograph before</p> <p>7 you made your Kim Gordon New Portrait?</p> <p>8 A No, I didn't.</p> <p>9 Q Did you have any reason to</p> <p>10 believe at the time that you took the</p> <p>11 screensave of rastajay92's Instagram post that</p> <p>12 you had permission to make use of the</p> <p>13 Rastafarian image?</p> <p>14 MR. BALLON: Objection, calls for</p> <p>15 a legal conclusion. I want to warn the</p> <p>16 witness not to disclose any</p> <p>17 conversations with counsel.</p> <p>18 Q You can answer.</p> <p>19 A I was told I was not to answer</p> <p>20 by counsel.</p> <p>21 MR. MUNN: Are you instructing</p> <p>22 the witness not to answer?</p> <p>23 MR. BALLON: I'm not instructing</p> <p>24 the witness. Maybe we should take a</p> <p>25 break. I think there is some confusion</p>	<p style="text-align: right;">Page 260</p> <p>1 RICHARD PRINCE</p> <p>2 The time is 6:03 p.m.</p> <p>3 We are back on the record.</p> <p>4 Q Did you have any reason to</p> <p>5 believe at the time you took the screensave of</p> <p>6 rastajay92's Instagram post that you had</p> <p>7 permission to make use of the Rastafarian</p> <p>8 image?</p> <p>9 MR. BALLON: Objection to</p> <p>10 permission, calls for a legal</p> <p>11 conclusion.</p> <p>12 A Well, I believe that the fact</p> <p>13 that on the Instagram platform you had a choice</p> <p>14 between being public and being private, and it</p> <p>15 was my understanding that once you made the</p> <p>16 decision of being public, images, if they</p> <p>17 didn't have, for instance, a copyright or a</p> <p>18 watermark, was fair to use.</p> <p>19 At least that was my</p> <p>20 understanding.</p> <p>21 I have -- I have talked to my --</p> <p>22 again, I'm an artist, I'm not a lawyer. I have</p> <p>23 talked to my -- this is why I have lawyers,</p> <p>24 this is why I pay them, and this is -- they</p> <p>25 advise me on these things.</p>
<p style="text-align: right;">Page 259</p> <p>1 RICHARD PRINCE</p> <p>2 from the witness about what it is when I</p> <p>3 assert attorney-client privilege.</p> <p>4 I want you to fully answer the</p> <p>5 questions to the best of your ability, but</p> <p>6 in doing so, I want you to not disclose</p> <p>7 conversations you had with counsel.</p> <p>8 I think --</p> <p>9 THE WITNESS: I don't need a</p> <p>10 break, I don't understand the question.</p> <p>11 MR. BALLON: I think this may be</p> <p>12 a good time for a break. We can confer</p> <p>13 about the parameters of what you can and</p> <p>14 can't say.</p> <p>15 MR. MUNN: Let's take a break.</p> <p>16 THE VIDEOGRAPHER: Watch your</p> <p>17 microphones. Here marks the end of</p> <p>18 video file number 5. The time is 5:53</p> <p>19 p.m.</p> <p>20 We are now off the record.</p> <p>21 (At this point in the proceedings</p> <p>22 there was a recess, after which the</p> <p>23 deposition continued as follows:)</p> <p>24 THE VIDEOGRAPHER: Here now marks</p> <p>25 the beginning of video file number 6.</p>	<p style="text-align: right;">Page 261</p> <p>1 RICHARD PRINCE</p> <p>2 But at the time I did understand</p> <p>3 that you -- if you did not want your images</p> <p>4 used, you had the option of being private.</p> <p>5 It was very clear on Instagram,</p> <p>6 and the idea of being public implied that we</p> <p>7 could share, and that was something I was</p> <p>8 comfortable and happy with.</p> <p>9 And I believe that in terms of</p> <p>10 going back to the fact that I had to think</p> <p>11 about the Cariou case and the fact that I won</p> <p>12 it.</p> <p>13 So I think under those</p> <p>14 circumstances, I believe that I was doing the</p> <p>15 right thing.</p> <p>16 Q Did you have any other reason to</p> <p>17 believe that you had permission to use the</p> <p>18 image of the Rastafarian that was depicted in</p> <p>19 your New Portrait of rastajay92's Instagram</p> <p>20 post?</p> <p>21 MR. BALLON: And again, I want to</p> <p>22 just assert attorney-client privilege.</p> <p>23 You can discuss anything other than any</p> <p>24 advice you received from counsel.</p> <p>25 A Could you repeat the question?</p>

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1 RICHARD PRINCE

2 Q Was there any other reason

3 besides appearing on a public Instagram account

4 that you believed you would have permission to

5 use the image of the Rastafarian that was

6 included in rastajay92's post?

7 A Again, I really don't understand

8 the question. I'm not a lawyer, I'm an artist,

9 and what I believed was I was taking a

10 portrait, and I will try to keep this as simple

11 as possible.

12 I believed I was taking a

13 portrait of rastajay.

14 Q Do you ever use text messaging

15 to communicate?

16 A Do you mean do I text people

17 from my phone?

18 Q Yes.

19 A Yes.

20 Q Have you ever texted with

21 Mr. Gagosian?

22 A That's a good question. I --

23 you know, to tell you the truth, I think that

24 I've only really talked to him on the phone.

25 I don't -- I actually don't

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1 RICHARD PRINCE

2 remember texting -- but I will have to say I

3 might have.

4 I don't remember texting, most

5 of my communication with Larry has been on the

6 phone. Occasionally I get a -- very

7 occasionally I get an e-mail from Larry.

8 Q Do you text with your assistant,

9 Jane Harmon?

10 A Yes.

11 Q Do you text with your assistant,

12 Eric Brown?

13 A Yes.

14 Q Do you text generally with

15 people that you employ as assistants?

16 A Yes.

17 Q Did you ever exchange any text

18 messages about the New Portraits exhibit with

19 any of your assistants?

20 A I'm not sure.

21 Q Do you ever send or receive

22 direct messages on Instagram?

23 A I don't -- I'm not familiar with

24 that way of communicating on Instagram.

25 Q Are you familiar with messages

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1 RICHARD PRINCE

2 on Instagram?

3 A No, I'm not.

4 Q Are you familiar with direct

5 messages on Twitter?

6 A Yes.

7 Q And do you ever send or receive

8 direct messages on Twitter?

9 A Yes, I do.

10 Q Do you keep any hard copy

11 documents concerning your artwork?

12 A I believe my artwork is -- is

13 photographed by a number of, over a number of

14 years, sometimes by myself, sometimes before it

15 goes to the gallery.

16 Sometimes it's documented by the

17 gallery, sometimes it's documented by the

18 collector, sometimes it's documented by the

19 museum.

20 Q I guess what I'm asking you is

21 do you keep any journals or notes about your

22 artwork while you're making it?

23 A I write a great deal about what

24 I am trying to make.

25 Q And do you keep those notes?

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1 RICHARD PRINCE

2 A I have a -- I guess what you

3 would call a blog on -- I'm trying to get the

4 right word here, on a -- someone had set up a

5 website for me, which I believe has now become

6 irrelevant, that form of communication.

7 I don't believe anybody -- well,

8 so to answer your question -- again, what was

9 the question?

10 Q Do you keep hard copy notes on

11 your process while you're creating artwork?

12 A I keep notes or I write about my

13 work on my blog.

14 Q Is your blog called Bird Talk?

15 A There is a section on my website

16 that is called Bird Talk, and if you click on

17 Bird Talk, what I call my essays comes up.

18 Q And those are all works that

19 were authored by you?

20 A I write -- all the work, I

21 believe I would say 95 percent of the text on

22 Bird Talk is written by me.

23 Q Now, you understand that you

24 were asked to provide documents related to the

25 Graham and the McNatt litigation, correct?

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1 RICHARD PRINCE

2 A That is something that I have

3 discussed with my counsel, or my counsel -- I'm

4 sorry, that's something that my counsel

5 discussed with me, I believe.

6 MR. BALLON: And again, I want to

7 caution you, I know it's hard to draw

8 these lines, don't disclose anything

9 that we discussed.

10 Anything that's attorney-client

11 privileged you shouldn't discuss.

12 A Okay. What's the question

13 again?

14 Q So, were you interviewed by an

15 attorney about what relevant documents you

16 might have to this case when you were asked to

17 provide documents related to the case?

18 MR. BALLON: Objection.

19 A I don't --

20 Q Go ahead.

21 A I don't recall -- I might be

22 wrong, but I don't recall being asked to

23 provide -- I might be wrong, but I don't

24 believe I have been asked to provide documents.

25 Q Do you recall being instructed

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1 RICHARD PRINCE

2 not to delete or destroy any relevant documents

3 you might have to the issues in the Graham and

4 McNatt case?

5 A No, I don't recall being asked

6 that.

7 Q Were you given any document from

8 your lawyer telling you what documents that you

9 should provide to them or --

10 MR. MUNN: Sorry, let me restate

11 that.

12 Q Were you given any document by

13 your lawyer telling what you kind of documents

14 you had to provide in this case?

15 A That's a very confusing

16 question. I don't understand that question.

17 Q Did you have to search for

18 documents relevant to this case yourself or did

19 your lawyers do it for you?

20 MR. BALLON: Objection, compound

21 question, either/or assumes those are

22 the only two possibilities.

23 Q Do you recall --

24 MR. MUNN: Let me withdraw that

25 then.

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1 RICHARD PRINCE

2 Q Do you recall searching for

3 documents related to this case?

4 A No, I don't recall searching for

5 documents.

6 MR. BALLON: Counsel, I can save

7 you a lot of time, if you would like. I

8 can assure you that all of his e-mails

9 and texts were searched.

10 He was not the person at the

11 gallery who did that, but they were all

12 searched and provided to counsel, and

13 responsive documents were produced.

14 The gallery was also instructed

15 about destruction as well.

16 Q Okay. So did you give your

17 phone or laptop to counsel to process for these

18 documents?

19 MR. BALLON: Objection.

20 Q You can answer.

21 A I believe my phone, someone

22 asked for my phone about --

23 MR. BALLON: I can again help

24 you.

25 Q I think the witness can answer

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1 RICHARD PRINCE

2 the question.

3 MR. BALLON: I understand, but

4 the witness is a lay witness. He has a

5 gallery where he has employees who do

6 these things.

7 These things were all done. You

8 might want to ask him who was responsible,

9 rather than asking him whether he did it,

10 when I've already represented to you that

11 this was handled in a corporate fashion.

12 MR. MUNN: The speaking

13 objections are unnecessary.

14 MR. BALLON: I am trying to save

15 you some time.

16 MR. MUNN: I am asking Mr. Prince

17 at this time, so I will ask Mr. Prince

18 next.

19 Q Did you, anyone in this case ask

20 you --

21 MR. MUNN: Let me strike that.

22 Q Do you recall being asked for

23 access to your Twitter account so that your DMs

24 could be collected?

25 A I'm not sure what a DM is.

<p>1 RICHARD PRINCE</p> <p>2 Q A DM means direct message on</p> <p>3 Twitter, correct?</p> <p>4 A I don't recall being asked to</p> <p>5 provide my -- anything from my Twitter account.</p> <p>6 As far as I know, I don't</p> <p>7 remember being asked.</p> <p>8 Q Have you personally deleted any</p> <p>9 Twitter posts related to the works at issue in</p> <p>10 this case?</p> <p>11 A I delete -- I delete tweets all</p> <p>12 the time.</p> <p>13 Whether or not I deleted</p> <p>14 anything that, perhaps, or maybe or might have</p> <p>15 been perceived as having something to do with</p> <p>16 this case, I don't -- I don't know if I have</p> <p>17 done that.</p>	<p>Page 270</p> <p>Page 272</p>
<p>Page 271</p>	<p>Page 273</p>

<p>Page 274</p>	<p>Page 276</p> <p>12 Q Was the rastajay92 New Portrait 13 a commentary on copyright law? 14 A No. 15 Q Did the Rastafarian in the 16 rastajay92 Instagram post remind you of the 17 Canal Zone works? 18 A Sorry, it wasn't a poster. Did 19 you say poster? I'm sorry. 20 Q No. 21 MR. MUNN: Let me restate the 22 question. 23 Q Did the Rastafarian in the 24 rastajay92 Instagram post remind you of the 25 Canal Zone works?</p>
<p>Page 275</p>	<p>Page 277</p> <p>1 RICHARD PRINCE 2 MR. BALLON: Objection to post. 3 Do you mean his painting? 4 Q You can answer. 5 A Yeah, I don't understand the 6 idea of what you're talking about when you say 7 post. 8 Q When you found the rastajay92 9 Instagram post -- 10 A Yes. 11 Q -- and you saw he had posted a 12 picture of a Rastafarian, did it remind you of 13 the Canal Zone works? 14 A Yes. 15 Q How did it remind you of the 16 Canal Zone works? 17 A It looked -- it was -- it looked 18 like a -- I had the same reaction to rastajay's 19 post of the Rastafarian that he posted. 20 I had -- I remember having the 21 same reaction when I saw the Rastafarians in 22 the YES RASTAFARIAN book. 23 They had a similar -- similar 24 quality. 25 Q Was your New Portrait of the</p>

<p style="text-align: right;">Page 278</p> <p>1 RICHARD PRINCE</p> <p>2 rastajay92 post a commentary on the Canal Zone</p> <p>3 case?</p> <p>4 A I think it was more about,</p> <p>5 again, that idea of inherent meaning.</p> <p>6 I had already established a</p> <p>7 territory where I had incorporated subject</p> <p>8 matter dealing with Rastafarian culture when I</p> <p>9 was led to rastajay.</p> <p>10 Which was, again, when you're on</p> <p>11 Instagram, you discover people, usually by</p> <p>12 accident.</p> <p>13 I wasn't necessarily looking,</p> <p>14 but when I found rastajay and I went through</p> <p>15 his feed, it simply reminded me of the</p> <p>16 Rastafarian work that I had started back in</p> <p>17 2003, and I thought it was a cool way to</p> <p>18 simply, a very cool way to keep that body of</p> <p>19 work relevant, up to date.</p> <p>20 It was a new way of continuing</p> <p>21 that subject matter.</p> <p>22 Q So, your New Portrait of</p> <p>23 rastajay92's post was a reference to the Canal</p> <p>24 Zone works?</p> <p>25 A In part it was a reference.</p>	<p style="text-align: right;">Page 280</p> <p>20 Q Do you make a distinction</p> <p>21 between true artists and commercial artists?</p> <p>22 MR. BALLON: Objection, vague and</p> <p>23 ambiguous.</p> <p>24 A I don't really think about --</p> <p>25 the only type of critic that I am, and the only</p>
<p style="text-align: right;">Page 279</p> <p>1 RICHARD PRINCE</p> <p>2 Q Was the Kim Graham --</p> <p>3 MR. MUNN: Sorry, withdrawn.</p> <p>4 Q Was the Kim Gordon New Portrait</p> <p>5 a comment on copyright law?</p> <p>6 A No.</p> <p>7 Q Did the Kim Graham New Portrait</p> <p>8 have anything to do with the Canal Zone works?</p> <p>9 MR. BALLON: Objection. Kim</p> <p>10 Graham?</p> <p>11 MR. MUNN: Sorry, you are right,</p> <p>12 withdrawn.</p> <p>13 Q Did the -- it's getting a little</p> <p>14 late in the day.</p> <p>15 Did the Kim Gordon New Portrait</p> <p>16 have any connection to the Canal Zone works?</p> <p>17 A No.</p> <p>18 Q Do you recall us discussing the</p> <p>19 Blum & Poe book of the New Portraits earlier?</p> <p>20 A Yes.</p> <p>21 Q Do you recall how much the Blum</p> <p>22 & Poe book of New Portraits sold for, for each</p> <p>23 copy?</p> <p>24 A No, I don't.</p> <p>25 Q Would it surprise you if the</p>	<p style="text-align: right;">Page 281</p> <p>1 RICHARD PRINCE</p> <p>2 times that I criticize or write criticism has</p> <p>3 to do with art, art shows.</p> <p>4 I sometimes criticize curators,</p> <p>5 but I don't really think about people who work</p> <p>6 commercially who are dealing with visual</p> <p>7 material.</p> <p>8 Q Let me ask you, if there is a</p> <p>9 photographer who wants to be an artist in the</p> <p>10 New York art scene, and you take his work and</p> <p>11 use it in yours, do you think that it's fair</p> <p>12 that his work will ever -- forever be</p> <p>13 associated with you, instead of him?</p> <p>14 MR. BALLON: Objection, improper</p> <p>15 hypothetical, and calling for a legal</p> <p>16 analysis by a lay witness.</p> <p>17 Q You can answer.</p> <p>18 A Could you repeat the question?</p> <p>19 Q So, my question is if an up and</p> <p>20 coming photographer who wants to be an artist</p> <p>21 in the New York art scene has his photograph</p> <p>22 taken by you for use in your artwork, do you</p> <p>23 think it's fair that his work is forever</p> <p>24 associated with you, rather than him?</p> <p>25 MR. BALLON: Same objection,</p>

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1 RICHARD PRINCE
2 improper hypothetical, calls for a legal
3 conclusion.
4 You can answer if you understand
5 the question.
6 A Define up and coming -- did you
7 say up and coming artist in the commercial
8 world?
9 Q Let's just say there is a
10 photographer who wants to be an artist in the
11 New York art scene, and you take his work and
12 use it in your work.
13 Do you think it's fair that his
14 work is forever associated with you, rather
15 than him?
16 MR. BALLON: Same objections,
17 improper hypothetical, calls for a legal
18 conclusion.
19 A I don't think that someone
20 working in the visual commercial field has any
21 illusions about or shouldn't have any illusions
22 about trying to enter the art world.
23 So, I don't think that my -- my
24 situation really would have absolutely no
25 impact on their career.

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1 RICHARD PRINCE
2 Q So, do you think it would be
3 fair, then, that they would forever be
4 associated with you instead of their own work?
5 MR. BALLON: Objection, improper
6 hypothetical, calls for a legal
7 conclusion, asked and answered.
8 A I think you are giving me far
9 too much credit for having an impact on what
10 other people choose to do with their own
11 careers.
12 I can't imagine, or I don't -- I
13 actually believe that nobody pays attention to
14 what I do, and I know that's hard to believe,
15 but I think -- I believe that because I know
16 where I came from.
17 And I'm always surprised that
18 anybody pays attention to me at all, because
19 I'm -- because in the end I don't -- when I
20 start off making a new body of work, I don't
21 expect anybody to react to it, pay attention.
22 In fact, I've had at least 12
23 shows in the last seven years, maybe six years.
24 Not one of them has been
25 reviewed, as far as I know.

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1 RICHARD PRINCE
2 The only people that I really
3 communicate or pay attention to and are
4 affected by are a few other artists. I'm what
5 they call an artist's artist.
6 And again, that's kind of a
7 rarefied position to be in, but we support each
8 other.
9 And I think the only reason for
10 my longevity is because I have a lot of support
11 by other artists, and I also in turn give
12 support to artists that I like, that I agree
13 with, that I think are making a really good
14 work.
15 MR. MUNN: All right, Mr. Prince,
16 I am actually done with my questions, so
17 we have made it through.
18 Is there anything further from
19 opposing counsel?
20 MR. BALLON: I may have one or
21 two questions, hold on.
22 Yeah, I probably have a couple of
23 questions.
24 MR. MUNN: I will reserve the
25 right to redirect if there is anything.

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1 RICHARD PRINCE
2 MR. BALLON: Certainly.
3 EXAMINATION BY
4 MR. BALLON:
5 Q Mr. Prince, have you made any
6 reproductions of the two Instagram paintings at
7 issue in this case since the time that
8 Mr. Graham and Mr. McNatt objected to your use?
9 MR. MUNN: Objection to the form.
10 MR. BALLON: What's the
11 objection?
12 MR. MUNN: Go ahead.
13 MR. BALLON: So I can rephrase
14 the question, what's the objection?
15 MR. MUNN: The word use is
16 ambiguous.
17 Q Mr. Prince, you understand this
18 case is -- involves the challenge by
19 Mr. Graham, Mr. McNatt to your alleged use of
20 part of their photographs in your paintings,
21 correct?
22 A Yes.
23 Q Have you made any reproductions
24 of the two Instagram paintings at issue in this
25 case since the time that Mr. Graham and

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1	RICHARD PRINCE	1	RICHARD PRINCE
2	Mr. McNatt have objected to your use?	2	on the record.
3	A No, I haven't.	3	MR. BALLON: We are still on the
4	Q Do you intend to make any in the	4	record. We are expunging "Lord
5	future?	5	Buckley."
6	A No, I don't.	6	MR. SEXTON: I have the one.
7	MR. BALLON: I don't have any	7	MR. BALLON: We have lost Lord
8	further questions.	8	Buckley.
9	THE VIDEOGRAPHER: Anyone else?	9	MR. MUNN: We will find it and we
10	MR. MUNN: No.	10	will make a representation for the
11	MS. APPLETON: I don't have any	11	record that the writing on Exhibit 177,
12	questions.	12	the term "Lord Buckley" was added by the
13	THE VIDEOGRAPHER: One moment,	13	witness during the examination, okay.
14	please. Watch your microphones. Here	14	THE WITNESS: Right here.
15	now marks the end of video file number	15	MR. BALLON: We have now found
16	6.	16	"Lord Buckley."
17	MR. MUNN: I'm sorry, I forgot	17	THE WITNESS: I'm sorry, I didn't
18	one issue, just a housecleaning issue.	18	know I wasn't supposed to write on them.
19	MR. BALLON: Let's go back on the	19	THE VIDEOGRAPHER: Shall we go
20	record.	20	off the record?
21	MR. MUNN: We have one	21	MR. BALLON: No, we have to fix
22	housekeeping issue. On one of the	22	"Lord Buckley."
23	exhibits that was marked Mr. Prince	23	MR. MUNN: Mr. Prince, I just
24	wrote a handwritten comment, and so I	24	want you to confirm that this is the
25	just want to replace that now with one	25	same document as you had written on in
Page 287		Page 289	
1	RICHARD PRINCE	1	RICHARD PRINCE
2	of the copies that's around the room	2	Exhibit 177 that we have conducted the
3	with no handwritten comments, and we	3	examination on.
4	will just make sure you confirm that	4	THE WITNESS: Yes.
5	they are the same exhibit.	5	MR. MUNN: All right, thank you.
6	MR. BALLON: Really? It's more	6	MR. BALLON: And so, just to be
7	valuable, you can resell it.	7	clear for the housekeeping matter, we
8	MR. MUNN: All right, no, but I	8	are replacing 177.
9	will personally retain the copy that you	9	Will you give us back the other
10	wrote on, but --	10	one?
11	MR. BALLON: That's okay, we will	11	MR. MUNN: Yes. There you go.
12	take it back.	12	MR. BALLON: I assume we can go
13	MR. MUNN: I believe it was	13	off the record.
14	Exhibit 177.	14	THE VIDEOGRAPHER: Here now marks
15	THE WITNESS: I wrote "Lord	15	the end of video file number 6. This
16	Buckley."	16	ends the recording today.
17	(The above described document was	17	The time is 7:10 p.m. We are now
18	remarked Exhibit 177 for identification,	18	off the record.
19	as of this date.)	19	
20	MR. BALLON: We can expunge "Lord	20	
21	Buckley" from 177. Sounds like a Monty	21	
22	Python skit.	22	
23	We will be expunging "Lord Buckley"	23	
24	from Exhibit 177.	24	
25	THE VIDEOGRAPHER: We are still	25	

Stephen J. Moore
RPR, CRR

3. To correct transcription errors.

Page _____ Line _____ Reason _____

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2018

Executed this _____ day of _____, 2018, at _____

RICHARD PRINCE

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