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## Intentions Be Damned!

**Donors of art often find themselves betrayed**

By **TOM L. FREUDENHEIM**

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Did your year-end gifts include works of art to your local art museum? Presumably your financial adviser explained the tax implications, and soon you'll receive a nice letter from the museum's curator, or, if you were really generous, from the director himself. But don't assume the museum will keep your treasured gift. Sure, the curators were petitioning you for it, persuading you of its value as an addition to the public patrimony. But the chances are that in due course your much-loved gift will be sold.

That's what's been happening with frightening regularity for the past 30 or 40 years, and at an accelerated rate in the last five or 10. It's quite a shift. For generations most benefactors donated art to museums believing it would stay there in perpetuity. Not anymore. The museum as vault has become the museum as sieve.

Sure, there was always some donor distress that much-loved works were spending more time in storage than on display. But there was also an assumption in the museum profession that changing tastes, scholarly research, new curators and even market interest would perhaps revalidate some of what was in the vaults. Old favorites resurfaced, rediscoveries were -- and are -- always made. As much as anything, museum storage was understood to be an archive. Today those same people check out the value of their collections as regularly as they check the value of their endowments. It's all about the market.

A handful of savvy benefactors (for example Benjamin Altman, when he bequeathed his collection to the Metropolitan Museum of Art at his death in 1913) made complex stipulations about how or where their art could be displayed. But until recently most gifts carried no restrictions because donors simply assumed that if the museum accepted the work, it would stay there.

The continuing art disposals of the New York Public Library might seem to fit into a different category; after all, a library is not a museum, and need not be bound by a museum's sensibilities. But we need to remember that in the 19th century a public library was understood as an "athenaeum": a venue for the promotion of general learning. The Astor, Lenox and Tilden foundations clearly intended this; why else would they have taken for granted the combination of books with a wide range of art?

Intentions be damned! That's what the Pennsylvania courts recently proclaimed when they abrogated the bequest of Dr. Albert C. Barnes, permitting his collection of Impressionist and Modern masterpieces to move from its current home in suburban Philadelphia to a prominent location in central city near the Philadelphia Museum of Art. This will certainly change the Barnes Foundation from a school with serious, if eccentric, principles to a sexy destination venue for gawkers of this sort of art -- even though that's

just what Dr. Barnes did not want for his art. Even more shocking is the fact that all of this has been done with the collusion of local museums and foundations.

My own experience as a museum director has made me uneasy about directors acting as dealers. I recall a late painting by Georges Braque (1882-1963) that was sold by my museum (prior to my tenure) for relatively little -- in those days, late Braque was considered bad Braque. That happened just prior to the major exhibition of Braque's late works in the 1980s at the Phillips Collection, where the opportunity to re-evaluate this oeuvre changed prevailing views.

Perhaps the most scandalous, if quiet, series of museum sales happened in the 1990s, when a Japanese corporation decided to honor the prominent Japanese-American painter Yasuo Kuniyoshi (1893-1953) by creating a museum of his works. (The museum is in Okayama, Japan.) Using a major New York art dealer as agent, offers were made to various American museums, who owned Kuniyoshi's work. The offers were generally for either trades of other artworks or for prices far beyond the market value for the artist's work at the time. Several of those museums, among them the Baltimore Museum of Art and the Nelson-Atkins Museum in Kansas City, Mo., accepted the offer, disposing of Kuniyoshi's paintings. Consider this: Someone walks into a museum and simply insists that he must have that painting, so the museum sells it. Now that really gives you confidence in our public institutions!

Isn't there something especially paradoxical that these many sales -- from New York to Los Angeles -- are happening at the very moment museums are fighting mightily to hold on to antiquities (or other works) that may have questionable provenance? Given these institutions' willingness to part with art if the price is right, why their reluctance to return material that might prove to have been stolen -- whether from Greece, Italy, Nigeria, Guatemala or Nazi Germany? Perhaps this tells us something about the disconnect from reality in which some of our institutions operate.

Make no mistake about the severity of this issue. Museums have been selling and trading the public's art for more than a generation. Yes, this art does belong to the public, and not to the trustees, directors and curators who are meant to be its custodians. Not only is this sense of patrimony embodied in the charters and documents of these institutions; our tax code ratifies this responsibility.

Which gets us back to the question of year-end benefactions. I'm all for supporting our museums -- so go ahead, be generous. But if you really love what you've collected and want to find a good home for it, you should probably face reality: There is no good home. And you might find that, when you're ready, selling what you own while you're around (along with the joy of playing cat-and-mouse with competing auction houses, getting your name on a sales catalog and having a front-row seat at the auction) can be just as exciting as collecting was. And, in any case, you won't be fooling yourself.

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