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Democracy Dies in Darkness

A Baltimore museum tried to raise money by selling three pricey artworks. It backfired stupendously.

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In early October, Baltimore Museum of Art director Christopher Bedford announced a bold plan to raise \$65 million for diversity and equity efforts by selling three paintings — including a gigantic Andy Warhol take on Leonardo’s “The Last Supper” — from the museum’s collection.

Framed as a response to the summer-long Black Lives Matter protests, Bedford’s idea was approved by the museum’s board of trustees. Sotheby’s was tapped to handle a private sale of the Warhol and to auction works by Brice Marden (“3”) and Clyfford Still (“1957-G”) on Oct. 28.

But the masterpieces didn’t make it to the auction block. With hours to spare, the BMA rescinded the entire plan, capitulating to a firestorm of criticism that had sparked internal board squabbles and resignations and the withdrawal of tens of millions of dollars in promised gifts and art work. The dramatic turnaround sent shock waves through the field and highlighted the fraught nature of “deaccessions,” the term for selling works from a museum collection.

The still-reverberating controversy didn’t just leave Bedford licking his wounds and the BMA with a crisis of governance. It has left American museums in the dark about how to interpret the rules around selling art from their collections — an increasingly tempting option in an era that combines acute budget shortfalls with a booming art market.

All around the country, museums reeling from dried-up revenue streams are considering their options. Publicly held paintings by Jackson Pollock, Claude Monet, Gustave Courbet and Lucas Cranach the Elder have been sold into private ownership in recent months. The number of museums attempting deaccessions in coming months is likely to double, according to Nina del Rio, who handles museum relations for Sotheby's.

Deaccessioning is common practice in art museums, which may need to prune their collections for any number of reasons, including to get rid of duplicates, damaged works or works that simply don't fit with the rest of the collection.

Guidelines put in place by the Association of Art Museum Directors stated that the funds raised by selling a work should be used only for acquiring new art. The policy was intended to prevent museums — which are nonprofit organizations with favorable tax status — from treating their collections as assets to be monetized. Museums that failed to abide by this policy were reprimanded, shamed and ostracized.

But the AAMD decided to loosen these restrictions in April, just as the pandemic was surging. Recognizing the financial crisis ahead, the membership organization tweaked its deaccessioning policy to allow museums some flexibility for up to two years in the way they use the funds from these sales.

The newly loosened guidelines granted museums more leeway. But how much leeway?

Bedford knew his proposal could get him in trouble. A well-dressed, smooth-talking Englishman in his early 40s, he has led the BMA since 2016. In 2018, he successfully sold seven works from the collection — including another Warhol, a Robert Rauschenberg and a Franz Kline — and used the \$16.2 million from the sales to buy works by women and Black artists.

This second sale was supposed to fund a plan for racial equity that went beyond diversifying the collection. Over the summer, art world activists around the country had accused the (mostly white and male) leaders of America's art museums of exploiting their lower-paid and more diverse staff. Bedford wanted the BMA — the premier art museum in a city that is 65 percent Black — to be seen as a leader in these issues of improving staff equity and community-building, which were separate from the goal of diversifying the collection. And he wanted the whole museum field to take notice.

He was also testing the limits of the AAMD's new guidelines, which were intended to be a lifeline for financially fragile museums trying to survive pandemic-related closures and the economy's downturn.

Bedford had made it clear that the BMA is not in financial distress, but he still believed he could take advantage of the revised guidelines, and his belief appeared confirmed when he shrewdly lined up AAMD executive director Christine Anagnos's support before going public. (Bedford and Anagnos declined to be interviewed.)

Yet if Bedford thought this support would inoculate him from criticism, he was wrong.

“If you start monetizing the value of the art on the walls, it raises a whole host of problems and leads to a slippery slope,” Laurence Eisenstein, a leading critic, said. “Next time the state or city are thinking about giving money to the museum, it leads to people asking questions like ‘why don’t you sell some works?’”

The opposition to Bedford's plan started with a small group of Baltimore art lovers who focused their objections on the choice of works. On the day of the announcement, retired BMA curator Brenda Richardson, who had acquired Warhol's “The Last Supper” for the museum, told The Washington Post that she was “horrified” by the move to sell it.

Kristen Hileman, another former curator who had helped shape and then defend the 2018 deaccessions, also criticized the new plan. The Warhol anchored the museum's generous holdings by that artist, she argued, and the paintings by Still and Marden were the only ones by those artists in the collection. Furthermore, as she pointed out, Marden is still alive. Selling works by living artists is widely considered bad museum practice because it signals to the market a lack of faith in the artists that can adversely affect their careers.

Several prominent art critics also weighed in, including the Los Angeles Times's Christopher Knight, who excoriated Bedford, implying his motives were cynical. The “sleaze,” he wrote, was “almost too hard to wrap your head around.” And, breaking with convention, Arnold Lehman, BMA director for 18 years until 1997, called the plan “a devastating mistake for (the museum's) present and its future.”

The value and significance of the works made the proposed sale egregious, Lehman said. “Something that you deaccession that's worth \$100,000, people don't look. When something is \$20 million they start looking,” he said in an interview with The Post after the sale was blocked. Bedford's plan, he said, “took the deaccession issue and pushed it to an extreme. If you listen to the Constitution it says you can have and bear arms. They are talking about muskets, not AK-47s. This is above and beyond.”

Eisenstein, a lawyer and former BMA trustee, articulated the breadth of the criticisms in an Oct. 12 letter to Maryland government officials that asked them to halt the sale. The letter, charging the museum with “irregularities and potential conflicts of interest in the sales,” was signed by almost 200 community members, including five former board chairs, former board members, donors and docents.

For three weeks after the Baltimore plan was announced, the museum maintained a united front in public. Behind the scenes, however, a frantic game of telephone was unfolding as critics reached out to their networks and urged leaders in the field to keep the pressure on. Less than a week before the auction, that unity began to crumble. The outside criticism turned to internal squabbling and then outright mutiny.

On Oct. 22, artist Adam Pendleton, whom Bedford had invited onto the board, quietly resigned his position. The next afternoon, Amy Sherald — who shot to international prominence after her portrait of Michelle Obama was unveiled at the National Portrait Gallery in 2018 — followed suit. Neither artist offered an explanation, but both seemed to be done with a controversy they hadn’t invited.

Former trustee John Waters, the artist and film director who was about to give the bulk of his personal collection to the museum, privately shared his opposition to the sale, although he went ahead with his bequest. Constance Caplan, a former board chair and an art collector, revoked her promise to donate a significant part of her collection.

The inner turmoil went public when former chairman Charles Newhall III publicly confirmed that he and former chairman Stiles Colwill had rescinded \$50 million in promised gifts in protest. (Newhall’s public identification of Colwill was a surprise to his former fundraising co-chair, who had thought his \$20 million promised gift would remain anonymous.)

Trouble was also brewing on another front. A powerful group of current and former museum directors was calling and exchanging emails, sharing misgivings about the AAMD’s new guidelines, which they viewed as setting a dangerous precedent. Like a panel of soccer referees disputing a new interpretation of “handball,” they discussed whether Anagnos had erred — had, in effect, gone rogue — when she voiced her support for the BMA plan.

They were surprised that Bedford was trying to exploit the loosened restrictions designed to help cash-strapped museums. If the sale went ahead, they feared, the whole philanthropic model sustaining America’s great art museums could collapse. If you could raise \$65 million simply by selling three paintings, how could you ever ask anyone for a donation again?

“I don’t think most directors rush to deaccession works of considerable importance,” said Maxwell Anderson, a past president of AAMD and former director of museums in New York, Indianapolis and Dallas. “I am of a sense, as most of my colleagues are, that fundraising is how you go about these issues. It’s not by the monetization of the collection.”

Anderson and his colleagues were relieved when AAMD president Brent Benjamin wrote a letter to the organization’s members on Oct. 27. Intended as a private memo, the letter clarified the limited scope of the April rule changes, emphasizing their two-year window. (Bedford’s plan technically broke with this by proposing that the funds set up endowments in perpetuity.) While Benjamin did not name the BMA, his rejection of deaccessions intended to fund “long-term needs — or ambitious goals” was viewed by critics as a repudiation. He declined to be interviewed.

That same afternoon — the day before the auction — six BMA trustees, including Caplan, sought an emergency meeting of the board. Their emailed letter to board chairwoman Clair Zamoiski Segal, obtained by The Post, voiced concern that when voting to approve the sales, they “may not have had a full set of information regarding the importance and heritage of these works nor a full understanding of the process by which the sales by Sotheby’s were arranged. Moreover,” they wrote, “the refined guidance from the AAMD demands our immediate consideration.”

Bedford replied within hours, repeating that the AAMD had confirmed that “the BMA’s plans are in compliance” but agreeing to a meeting the next day. An hour later, the museum issued a statement that emphasized the AAMD had not retracted its original support and that the sale would proceed.

“What’s it going to take?” Colwill said he remembered thinking that night, when the BMA again refused to relent.

The next morning, Lehman called his colleague, Anderson, to commiserate over what seemed to be the inevitable loss of the three paintings. The conversation prompted Anderson to ask, “Why don’t we get the old gang together, the past presidents who sat in that chair, to restate what didn’t seem controversial to us?” Using an AAMD email list, Anderson cut and pasted a 60-word letter signed by him and Lehman and addressed to the board chair, Segal, asking her to reconsider the sale.

He sent the draft letter to a dozen past presidents and within a few hours, everyone he wrote to responded and signed it.

“It was inspiring,” he said. “It just proves that most directors are deeply concerned about the hemorrhaging of professional standards.”

The letter hit Segal’s inbox minutes before the executive committee meeting. By the time the full board met later that afternoon — just hours before the auction would hammer its first sale — the board revoked the plan. The paintings would remain in Baltimore.

The larger issues around deaccessioning — the when, why and how it should be done going forward — remain unresolved. But there’s one thing the Baltimore episode made clear: even the most noble of causes, including paying the mostly minority guards a living wage and improving access for the community, can’t be funded by monetizing the collection.

“There was nothing that they wanted to do that wasn’t terrific, forward-thinking, informed. In a majority minority city, you have to look at your audience. You have to want that audience to feel good and welcome,” Lehman, the former director, said. “They own that building.”

But what they also own, it seems, are the paintings inside that building.

