

September 12, 2013

Joanna Hardy
Senior Assistant Clerk
Non-Government Bills Unit
Scottish Parliament
Room T2.60
Edinburgh
EH99 1SP

Re: Loans of Art from the Burrell Collection

Dear Ms. Hardy:

I would like the following remarks to be entered as written evidence before the Scottish Parliament Committee considering a bill to allow loans of artwork from the Burrell Collection in violation of the donor's expressly-stated wishes. I am aware that this letter will be publicly available and agree to that condition.

I am a practicing attorney and an electrical engineer. I am also an alumnus of the education program of the Barnes Foundation in Merion, Pennsylvania. Like Mr. Burrell, the founder of the Barnes Foundation, Dr. Albert C. Barnes, made his gift of an extensive art collection including the stipulation in an Indenture of Trust that none of the works should be loaned. This stipulation was temporarily breached in the 1990s based on the argument that the foundation was lacking funds to maintain the Merion gallery and that a "once-in-a-lifetime" opportunity had opened for a tour of the artwork to Washington D.C., Paris and Tokyo, with the French and Japanese venues paying a total of \$7 million for the loan. This was one of the earliest instances of outright rental of artwork for exhibition and at the time the largest sum ever paid for such a transaction. Since then, the practice has become commonplace.

As a student at the Barnes Foundation, I was opposed to the breach of the Indenture of Trust, especially as I disbelieved the claims of insufficient funds and felt the cost of the proposed renovation work to be grossly inflated. Moreover, I, and many other classmates and alumni, saw this as an initial breach only to be followed by others that would change forever the Barnes Foundation's charter-prescribed character as an educational institution. The court overseeing the Barnes Foundation appointed me and two other students trustees *ad litem* in the matter, which eventually saw the works travel not only to the aforementioned three cities but also to Toronto, Fort Worth, the Philadelphia Museum of Art and then, shockingly, on to Munich, only after the artwork had returned to storage not five miles from the Barnes Foundation. My concerns about the slippery slope on which the Indenture of Trust had thus been placed have come to pass, with the foundation's collection having been moved to a new facility in Philadelphia and with the removal of the donor's restriction that the collection be used five days a week solely and exclusively for educational purposes and open to the public as a gallery only on the other two days. The collection is now housed in a full-time museum and is routinely used as the backdrop for corporate events and cocktail parties, with the original educational program being shuttled pretty much to the sidelines as the costs to run the new facility mount and the mission now appears to be almost entirely focused on revenue generation.

Damage to Works on Loan During 1993-95 International Exhibition

I followed closely the preparations and movement of the Barnes artwork over the 1994-95 painting tour schedule. I consulted with Dr. Nathan Stolow, a consultant and author on conservation and packaging for exhibition. I obtained through the U.S. Freedom of Information Act the exit condition reports for the artwork on tour and personally examined the works in Washington, D.C., Paris, Toronto, Fort Worth and Philadelphia. Moreover, as a litigant in the proceedings, I had access to correspondence from the Washington National Gallery of Art (NGA), which was the initial tour venue and whose officials provided testimony on behalf of the Barnes trustees.

I can attest to the following matters wherein works were compromised on the tour.

1) *Matisse's la Danse*.

This is a three panel mural custom-designed for the Barnes Foundation gallery. The mural is painted on three large roughly semi-circular canvases, each about ten feet high. These canvases, when shown in Washington, the first tour venue, exhibited large horizontal stretcher creases running the length of the bottom portion. The creases, which were clearly evident in Washington, were not noted in the very detailed Barnes gallery exit report prepared by NGA personnel. Independent conservator Paul Himmelstein viewed the work in Paris and testified before the Montgomery County Orphans Court that the creases were typical of a work that experienced a change in relative humidity or temperature and which was laid flat. Both conditions happened to the Matisse mural, as it was shipped from Merion to Washington on an open, unheated truck, and then laid flat to be rolled on dollies to the NGA building. The use of an open-air truck was in direct contradiction to NGA testimony that all works would travel in climate controlled vehicles. I have photographs of the procedure, which took place on a day where the air temperature was in the 40 degree Fahrenheit range. I also have photographs of the creases. All of this, including the photographs, is documented at www.barneswatch.org/main_matisse.html

2) *Seurat's les Poseuses*.

This is one of the largest paintings by this artist. The Barnes Foundation conservator Wendy Samet testified prior to its loan that the painting was in fragile condition. The painting was sent to the NGA, the Musee d'Orsay in Paris and then to the Museum of Western Art in Tokyo. At the Tokyo venue, the NGA's chief of conservation determined that the painting should not travel to any additional venues even though the rest of the touring paintings were, at the time slated to visit Toronto and Fort Worth, Texas and eventually Munich as well. The NGA claimed there was no damage to the work, but clearly its condition had deteriorated since it was deemed fit to travel prior to shipment to Washington, Paris and Tokyo and was subsequently deemed unfit to travel further.

3) *Picasso's Boy with Goat*.

An NGA report dated January 18, 1994 details that cleavage (loosened paint) was reset by a conservator in Tokyo on this painting. The report states that the cleavage was in the ground layer and "not the original paint by Picasso" but whether this is true or not, it demonstrates that deterioration does occur in transit.

4) *Matisse's Three Sisters*. I personally observed in cracks in the paint in the lower right panel of this triptych at the Fort Worth venue in June, 1994. These cracks were not noted in the exit condition reports and appear to have been later in-painted.

6) Roger de la Fresnaye's *Married Life*.

I noted a small chip of paint missing in the lower portion of the painting while it was on exhibition in Toronto at the Art Gallery of Ontario. The white ground was showing through and this was not noted on the NGA's exit condition report from the Barnes Foundation. The next venue was the Philadelphia Museum of Art, where I noted that the white ground had been in-painted to match the surrounding grey area of paint.

7) Numerous instances of damage to period frames.

I noted many instances where the antique gilt and gesso frames in which the touring works were framed at the Barnes Foundation were damaged on the tour. In some instances I was later able to note that the damage was hastily repaired. The NGA condition reports did not note frame condition, but it was clear from my observations that they were being damaged in transit and in handling. In addition to the outright damage to these antique frames selected by Dr. Barnes, there is the possibility that missing pieces of gesso were trapped in the packaging with the paintings in transit and subjected the painted surfaces to abrasion.

8) Wide Swings in Relative Humidity.

National Gallery of Art witnesses testified that the relative humidity in transit and on exhibition would be limited to 50% plus or minus five percent. In stark contrast to this, I noted recorded humidity levels in the various venues as low as 33% and as high as 60%. I reported this in a publicly-distributed journal called *Barnes Watch*. When the paintings were on exhibition in 1995 at the Philadelphia Museum of Art, after I had made and reported these observations, the hygrothermographs there were mounted high above the artwork, a very uncommon procedure and one which I assume was implemented to thwart public observation of the readings. My own readings in Philadelphia with portable equipment showed large fluctuations exceeding the stated range. The reality is that museums hosting large volumes of people for blockbuster exhibitions cannot maintain tight control over relative humidity levels, nor can airplane cargo bays. Paintings on wood panels, wood sculpture and paintings lined using hydrophilic adhesives are particularly vulnerable to swings in humidity.

Exposure to Food and Drink Vapors

An environmental condition report prepared for the Barnes Foundation in 1990 noted that "particulates and gasses from food" are detrimental to artwork and that "environments offensive to the collection [should be] sealed and separate from any collection spaces. They must be on separate HVAC systems and their return air must not be re-circulated to collection areas." I noted the display of artwork from its collection in the Kimball Museum cafeteria and the routine hosting of events with food and drink in the central hall of the Philadelphia Museum of Art, which also displays its works in the same area. In neither case was the food area sealed from other exhibition spaces.

Conclusion

The damage and conditions that I observed while following the Barnes Foundation paintings on tour are likely typical of the conditions to be found in transit and in tour venues. Bear in mind that this tour was conducted, observed and promoted by some of the world's premier art museums.

National Gallery of Art officials gave the court overseeing the Barnes Foundation Indenture of Trust many assurances of the safe conditions in which the artwork would travel and be displayed. These assurances proved false again and again. This is not surprising given that in the NGA's own publication, *Art in Transit*, conservator Sarah Staniforth stated "It is pure hypocrisy, not to mention foolish, to expect a borrowing museum to provide 'better' conditions than the painting usually experiences." In conclusion, Mr. Burrell's concerns about the rigors of travel are plainly still valid, even more so today when the tendency is to exploit collections in blockbuster exhibitions, a phenomenon that did not exist in his time. I urge the committee to consider these facts carefully before altering the donor's proscription against travel of the collection.