

Report on Questions Related to Sale of Jackson Pollock's 1943 Painting *Mural*

At a meeting of the Board of Regents on August 6-7, 2008, Regent Michael Gartner raised questions related to the possible sale of Jackson Pollock's 1943 painting *Mural*, which is part of the permanent collection of the University of Iowa Museum of Art. On August 25, 2008, Executive Director Robert Donley wrote to President Sally Mason and requested that the University of Iowa conduct a study of the questions raised by Regent Gartner. Mr. Donley's letter asked the University to address 18 specific issues in its report.

This report is based on information provided by Museum of Art Director Pam White, existing documentation in the Museum's records, and information in the public domain concerning Jackson Pollock and the painting *Mural*. Other University officials were consulted as needed to reply to particular issues. After providing some background information about Pollock and the painting, the report focuses on the particular issues raised in Executive Director Donley's letter.

Background: Jackson Pollock and *Mural*

Jackson Pollock is viewed in the art historical canon as one of the most influential American painters of the twentieth century and a leader in the abstract expressionist movement. His work is still the subject of careful study by art students and of dialogue and debate among art critics and historians.

Born in 1912 in Wyoming, Pollock lived in Arizona and California before moving to New York City in 1930, where he studied under Thomas Hart Benton at the Art Students League of New York. Breaking away from Benton's artistic style, Pollock experimented with liquid paint, developing the "drip" method for which he is best known today.

Pollock painted *Mural* in 1943 for Peggy Guggenheim, as a commission for the entry hall of her apartment in New York. When she left New York for Italy in 1947, she lent the painting to the Yale University Art Gallery. In 1948, she offered it to the University of Iowa, probably because she was acquainted with Professor Lester Longman and supportive of his integration of the studio art and art history components of Iowa's art programs and his emphasis on the use of physical art objects in art education, both of which were contributing to UI's growing reputation as a player in the arts world. *Mural* arrived at the University of Iowa in 1951, where it hung in a number of locations on campus until the Museum of Art was built in 1969.

Mural is regarded as a turning point in Pollock's career and a turning point in American art. When *Mural* was displayed at the New York Museum of Modern Art during a 1998-99 retrospective of Pollock's work, art critic Robert Hughes wrote in *Time Magazine* that *Mural* was "the picture in which [Pollock] broke free . . . and, it now seems, took American art into a larger freedom with him."

1. The mission of the University as it relates to the Museum of Art and the painting:

The University of Iowa has a threefold mission of teaching, research, and public service. Both the University of Iowa Museum of Art and Jackson Pollock's *Mural* contribute to each part of this mission. The Museum is the visual library of the University and thereby plays a critical role in art teaching and research. It serves as an important laboratory for study of art by art scholars, by art and art history majors (more than 900 students), and by hundreds more non-art majors who fulfill study assignments in the Museum as they take elective courses in the visual arts curriculum. In any given semester, courses enrolling approximately 2700 students depend on the Museum as a resource. Fine arts students and faculty rely upon actual works of art to discover how to produce art and develop their artistic techniques in the various media they study. The Museum functions as their laboratory, offering immediate physical access to the technical aspects of masterworks that they can study as a guide to their own strategies for artistic production. For art history students and scholars, the Museum provides a library of the works illustrating the movements and artists they are studying.

Mural, in particular, as a pivotal work in American art, provides unique teaching opportunities for instructors of fine arts and art history. As one art instructor has commented specifically with respect to student responses to *Mural*:

"Their reactions to the original work provide fodder for discussion and an understanding for the tensions formed and released by the advent of Abstract Expressionism. Such a reaction never occurs when dealing with a reproduction, only in the original do the students find this catharsis. For upper-level students, the importance of the work is already understood when the object is approached. For them the painting takes on additional layers of significance when it is inserted into the art historical canon. It brings a sense of pride that Iowa can share in such an important moment of cultural ferment."

Through *Mural's* place in the UIMA's permanent collection, UI community members, Iowans and national and international visitors are able to explore this artwork, which can better educate UI students in 20th century American art and culture. *Mural* is especially powerful as a teaching tool because it contains so much evidence of the numerous artistic influences upon Pollock (i.e., the artists whose work he studied, including Thomas Hart Benton, Albert Pinkham Ryder, El Greco, and Picasso), as well as his understanding of Native American art, surrealism and Jungian psychoanalysis.

The instructional significance of *Mural* has been evident since it was first offered to the University. Lester Longman (then Head of the Art Department) voiced his opinion to Earl Harper (Dean of the College of Liberal Arts and Sciences) regarding the UI's potential acquisition of *Mural*, when he wrote the following:

...It is the unanimous opinion of the four of us on the committee that the mural

would be quite useful for teaching purposes. It represents excellently the principles of the “New York School” about which there has been so much recent controversy. The committee feels that we should have a good representative example at hand. I have seen the mural and think it is one of the best of Pollock’s works... The committee decided that the place to hang the mural regularly would be the mural studio, where it could be used directly in teaching...

Lester Longman

August 2, 1952

The Museum and Pollock’s *Mural* also make an important contribution to the University’s service missions. The Museum provides the citizens of the State of Iowa with the unique experience of direct visual contact with major works of art of immense cultural value. In that regard, *Mural* is perhaps the most important and significant piece in the entire collection, and its presence at Iowa gives Iowans the opportunity to experience art of a quality rarely found outside the great museums in the largest cities of the world.

2. The Museum of Art’s mission, and the manner in which the painting helps fulfill this mission:

The University of Iowa Museum of Art (UIMA) updated its mission statement in 2006, as part of the American Association of Museum’s Accreditation procedure. The UIMA Mission is as follows:

The University of Iowa Museum of Art pursues the University of Iowa’s mission of education and research in service to the people of Iowa by facilitating the meaningful and significant experience of works of art. It seeks to engage its public in understanding the nature of art as an aesthetic inquiry into reality and the study of art’s history in its cultural context. It promotes the integration of the visual arts into the intellectual life of the University and the state of Iowa by building and preserving a collection of art which it uses for purposes of teaching and exhibition, by presenting temporary exhibitions, by offering educational programs and by providing a venue for many cultural activities.

The Museum’s mission, as expressed in this statement, parallels the University’s mission in being focused on the three primary functions of education, research, and service. What was said in response to item 1 is also applicable here.

As noted in the response to point 1, above, *Mural* makes an important contribution to the Museum’s role as a teaching resource for students in the University.

Also as noted above, *Mural* helps the Museum fulfill its mission of providing the people of Iowa the opportunity to have a “meaningful and significant experience of works of art,” by exposing Museum

visitors to one of the most arresting and significant works of 20th century American art. Indeed, it seems probable that *Mural*, as a famous and pivotal work by a preeminent American artist, draws Iowans to the museum and thus contributes directly to the Museum's ability to provide Iowans with direct experience of artistic works of high quality, including the many other outstanding works in the UI collection.

3. The painting's cultural value to the University and the community at large:

Mural is one of the most important works by one of the most important American artists. Its cultural value to the nation is such that it would be welcome in any major museum in the country. But it also has a unique value to the University of Iowa. The donor of the work, Peggy Guggenheim, apparently gave it to Iowa because she was acquainted with Lester Longman and his commitment to developing a University art program in which physical art objects were collected and used both as aesthetic objects (for display) and as educational objects (for study by studio art and art history students alike). Its presence here has long provided a unique mark of distinction to the University of Iowa art program and to the UI Art Museum, and has been a symbol of the UI art program's prominence and historic significance. There are other connections with Iowa as well. Both of Pollock's parents were originally from Tingley, Iowa, and there are anecdotal accounts of Pollock coming to the Iowa City area to visit famed painter Grant Wood.

4. The estimated value of the painting, date of last estimate, entity or party providing the estimate and basis of the estimate:

The latest estimated insurance value of the painting is \$140 million. This value was supplied to the University of Iowa Museum of Art by Sotheby's at the time of the flood. The previous year, Sotheby's provided a value of \$100 million for the painting. Sotheby examined the painting at UIMA on August 21, 2007.

5. The process and cost for obtaining a current estimate of value:

A new estimate can be requested from Sotheby's. It is likely that the estimate would be provided without charge.

6. The cost of insuring the painting:

The collection is not separately scheduled for insurance purposes. The entire collection is currently insured for \$500 million at a current annual cost of \$181,476.80. The Pollock painting's \$140 million insurance value is equivalent to 28% of the \$500 million total insurance coverage. It is not possible to estimate precisely what the savings on insurance premiums would be if the Pollock were

removed from the collection. However, if one assumes a savings of 28%, that would equal a little less than \$51,000.

7. The cost of security for the painting:

There is no specific, allocated cost for securing *Mural*. If the painting were removed from the UIMA inventory, there would be no reduction in the security expense incurred to protect the UIMA and its collections. Security costs for the painting during transit and while on exhibition at borrowing institutions, although reviewed and required by the UIMA, are the responsibility of the borrowing institution, as are all expenses incurred for outgoing loans from the UIMA collections. Therefore, it is unlikely that the UI would realize a significant reduction in security cost as a result of deaccessioning the Jackson Pollock *Mural*.

8. The number of instances over the past five years when the painting has been loaned (please provide particulars regarding to whom the painting was loaned and the period of the loan[s]):

Mural is rarely loaned to other institutions, due both to the importance of the painting to the UIMA collection, and in consideration of the difficulty and inherent dangers of lending such a large and fragile object. UIMA only grants loan requests for *Mural*'s inclusion in the most significant exhibitions of the highest scholarly merit. *Mural* has not been loaned at all in the past five years and only once in the past ten years. Here is a complete list of the painting's exhibition loan history:

- “Jackson Pollock,” October 29, 1998–February 2, 1999, Museum of Modern Art, New York, NY; March 4–June 6, 1999, Tate Gallery, London, England.
- “American Art in the 20th Century,” May 8–July 25, 1993, Zeitgeist - Gesellschaft, Berlin, Germany; September 16–December 12, 1993, Royal Academy of Arts and Saatchi Gallery, London, England.
- “Individuals: A Selected History of Contemporary Art,” 1945–1986
October 1986–February 1987, The Museum of Contemporary Art, Los Angeles.
- “Peggy Guggenheim's Other Legacy,” March 6–May 3, 1987, The Solomon R. Guggenheim Museum, New York, NY.
- “Jackson Pollock,” January 21–May 19, 1982, Centre Georges Pompidou, Paris, France, June 4–August 1, 1982, Städtisches Kunstinstitut und Städtische Galerie, Frankfurt am Main, Germany.
- “Jackson Pollock,” April 3–June 4, 1967, Museum of Modern Art, New York, NY, July 19–September 3, 1967, Los Angeles County Museum of Art, Los Angeles, CA.
- “To Be Continued...,” February 20–April 1, 1962, The Dallas Museum for Contemporary Arts, Dallas, TX.

Prior to Peggy Guggenheim's gift of the painting to the UI in 1946, the painting was on loan to Yale University, New Haven, CT. 1948–51.

9. The number of inquiries or offers to purchase the painting or other art valued at \$5 million or more:

See the response to #10.

10. Who made the inquiries, details or any proposals or negotiations, including who represented the University's interests:

Between 1961 and 1964, Frank Seiberling (Head, Department of Art) corresponded with multiple galleries and auction houses in order to learn of *Mural*'s market potential. This investigation was dropped, due to the creation of the Museum of Art.

In 2007, Sotheby's, Inc. proposed to assist the University in selling *Mural*. A draft proposal from Sotheby's provided that Sotheby's would offer *Mural* for sale for a period of 120 days at a purchase price that would result in payment to the University of an amount not less than \$150,000,000. A Sotheby's representative held a preliminary meeting with Howard Collinson (then director of UIMA) and Nancy Willis (then chair of the Museum's Advisory Committee) and then forwarded the draft proposal to Ms. Willis, who delivered it to the Office of the General Counsel at the University. The matter was discussed extensively by administrators at the University, and Director Collinson discussed the proposed sale with the Museum's Advisory Board. The Museum's Advisory Board recommended strongly against selling *Mural*. Then-Provost Hogan did not approve the deaccession, and the University did not further pursue the matter with Sotheby's.

Sotheby's also suggested the possibility of selling other UIMA pieces, such as Max Beckmann's *Triptych*, although the exploration of such possibilities is not documented further. No agreement to offer any of these works was ever executed.

The Museum's records contain no documents indicating any other inquiries or offers to purchase art valued at \$5 million or more, and the Museum Director is not aware of any inquiries or offers other than those noted above.

11. The number of pieces of art sold or de-accessioned by the University within the past ten years (please include particulars including type of art, piece name, artist, to whom sold, value and use of proceeds):

Nothing has been sold or deaccessioned by the UI in the past ten years.

12. Attendance figures at the Art Museum over the past five years:

181,575 people visited the UIMA between the years 2003–2008.

13. The existence of any restrictions or the expression of a specific intent from the donor regarding the painting:

While Peggy Guggenheim did not articulate specific conditions of her *Mural* gift, she expressed her intent clearly through a series of letters over the years, which suggested that UI return *Mural* to her when she heard rumors that the painting was not being treated with the respect it deserved from an aesthetic and educational perspective. For example, regarding the investigations for selling *Mural* led by Frank Seiberling in the 1960s (see response to #10), Peggy Guggenheim wrote the following to UI President Virgil Hancher:

I am writing to you about a matter which troubles me greatly. As you are aware in 1946 I made a gift to your University of a second painting by Jackson Pollock having previously given you a smaller one; This was done through Mr. Lester Longman, who was at that time connected with your art department. I have recently been informed that there are rumors in Iowa to the effect that you are about to ship the large Pollock to Sutheby's [sic] in London to be sold at auction. If this is true it is extremely unpleasant for me that you should sell my gift, when there are so many museums in the world, who would be delighted to own this wonderful painting. If you no longer wish to have this mural in your University I must ask you to return it to me, so that I can [have it] in my museum here in Venice or give it to some other museum in the states.

Peggy Guggenheim

May 14, 1963

This and other letters written by Guggenheim over the years suggests that her intent in giving the painting to UI was to support the teaching, educational, and art-exhibition activities of the University in the field of visual arts by helping us to form a permanent collection of art with an outstanding work at its core, and she objected to discussions of the possible sale of *Mural* in the 1960s.

14. History of litigation between the donor or donor’s estate and the University regarding the painting:

As discussed in response to question 13, Peggy Guggenheim, on several occasions, expressed concerns about the University’s handling of her gift. None of these expressions of concern led to litigation.

15. Description of the sale or deaccessioning process the University is required to follow in regards to donated art, including the approval required and by whom:

Part V, Chapter 12, Section 12.13 of the University Operations Manual establishes the University’s general policy concerning the acquisition, disposition, and de-accession of works of art by the University or by any University department. De-accessions of Museum of Art collection items require the “recommendation of the Director of the Museum of Art, in consultation with the curatorial staff and the Museum Advisory Committee.” If the Museum Director recommends de-accession of a work of art, the de-accession must then be approved by the Executive Vice President and Provost. Once de-accession is approved, the item may then be sold or disposed of in a manner consistent with University and Regents’ policies and governing law.

The Museum’s Collections Policy, which provides guidance to the Director in making recommendations about deaccessions, states: “The deaccessioning and disposal of a work of art from the Permanent Collection of the University of Iowa Museum of Art requires exceptional care and should reflect its overall mission rather than function as a reaction to the exigencies of a particular moment.” The deaccessioning process set out in the policy provides that a request for deaccessioning will be initiated by “professional staff with full justification presented in writing.” The Museum Director reviews the facts and presents the request to the Museum of Art Advisory Board, taking care to ensure that recommendations are “based on authoritative expertise” and that “professional review and appraisal” is obtained in case of objects of substantial value.

The University and the University of Iowa Foundation are generally committed to following the original agreed-upon intent of the donor when dealing with gifts. Thus, the de-accessioning process for donated art would require a consideration of the donor’s intent and (depending on the terms of the gift) possible approval from the donor. In addition, the Museum’s policy on deaccessioning provides that donors should be notified if a donated work is under consideration for deaccessioning and that “circumstances may warrant extending similar courtesy to the heirs of a donor.”

16. Description of the role of the Museum’s Board of Trustees in the sale or deaccessioning process:

See the response to item 15. In general, the advice of the UIMA Advisory Board is likely to be sought whenever there is a discussion of the possibility of deaccessioning a major work in the Museum. As a matter of Museum policy, the Museum Director must present a proposal to the Advisory Board, with adequate support and documentation, before proceeding with a sale or deaccessioning. However, the Advisory Board plays only an advisory role, and the Museum Director could present a proposal for deaccessioning to the Provost for approval even if the Advisory Board opposed the proposal.

17. Restriction(s), if any, that exists on the use of proceeds of the sale of the painting, and source of the restriction(s):

The University and UIMA belong to the American Association of Museums (AAM) and the Association of Art Museum Directors (AAMD). The *AAM Code of Ethics for Museums* requires that proceeds from the sale of a work of art must be used for the purchase of other works of art or for the direct care of collections, and not for operating expenses. The AAMD’s code of ethics specifies that art museums can use funds resulting from deaccessioning only for the acquisition of new collections.

There are no additional restrictions associated with the use of any proceeds that might result from the sale of *Mural*.

18. The impact on the Museum’s AAM accreditation, if proceeds were used to fund reconstruction of the arts campus:

Accreditation would be in serious jeopardy and most probably would be revoked if the UI sold a work of art and used the proceeds other than to acquire additional art work. Loss of accreditation would compromise our ability to borrow art from other museums for display at UI, would reduce UIMA’s ability to acquire grants to fund exhibitions and programs, and would reduce the likelihood that UIMA would receive donations of additional artwork in the future.