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January 15, 2010

## Museums and Lawmakers Mull Sales of Art

By **ROBIN POGREBIN**

It was once considered unthinkable: the notion of a museum selling off parts of its collection to pay the bills. But the recession has forced some institutions to do that — or at least consider it — and members of the New York State Legislature have been trying to draft a bill that would regulate such deaccessioning of artworks and artifacts.

On Thursday representatives from museums in the New York City area came together to debate the issue in a State Assembly Hearing Room in Lower Manhattan — a round-table meeting billed as the first discussion of deaccessioning among state policymakers and museum professionals in a public setting.

Specifically, the meeting was called to give those professionals a chance to weigh in on, and ask questions about, proposed legislation drafted by Assemblyman Richard L. Brodsky — in collaboration with the New York State Board of Regents and the Museum Association of New York — that would prohibit museums from using proceeds from the sale of artworks “for traditional and customary operating expenses” (as opposed to new acquisitions, a purpose that is generally considered acceptable).

Introduced to the assembly in March, the bill was prompted by concern that the recession is pushing museums to consider extreme measures. The discussion has noted a number of recent cases, including the National Academy Museum’s sale in 2008 of two Hudson River School paintings to cover operating costs and Brandeis University’s announcement last year that it would close its Rose Art Museum in Waltham, Mass., and sell the collection because of its declining endowment, a plan that the university has since reconsidered.

“We have an incipient crisis,” Mr. Brodsky said at the round table, adding that he wanted “to make sure that we do not, in a crisis, see a massive privatization of art.”

But leaders of institutions in dire financial straits say they are worried about more immediate crises. Carol Ghiorso Hart, the executive director of the Suffolk County Vanderbilt Museum, said her institution faced the prospect of closing because of financial problems and went before the county legislature. “They said, ‘Why don’t you sell something?’” she said on Thursday. “We said, ‘We’ll lose our accreditation.’”

“They said, ‘Sell the mummy,’” she added in a later interview. “‘It’s not like you’re going to go to jail.’”

And Caroline Drabik, a curatorial associate at the Historic House Trust of New York City, which helps preserve historic houses in the parks, said the director of one of them had asked whether the legislation would allow deaccessioning to pay its heating bill. Mr. Brodsky’s answer did not reassure her. “The museum community at large has, after careful consideration, said the answer is no,” he said. So “in the end what you’ll

have is a very warm, empty building.”

The round table was led by Assemblyman Steve Englebright, the chairman of the legislature’s Committee on Tourism, Parks, Arts and Sports, who was joined on the panel by other state officials. One of them, Jonathan L. Bing, an assemblyman, said he objected to the bill on behalf of several major museums in his Upper East Side district that had expressed their concerns.

“To do this in the most significant economic downturn since the Great Depression doesn’t make sense,” he said.

Matthew J. Titone, a Democratic assemblyman from Staten Island, countered, “Now is the best time to be doing this because that is when those institutions will be most tempted to sell to the private sector something that belongs to the public.”

Some organizations objected to particular provisions of the bill. Jonathan A. Small, a consultant to the Nonprofit Coordinating Committee of New York, said he was concerned that the bill would “be read as applying to institutions not remotely related to collecting,” like the University Settlement House on the Lower East Side, which for years has gathered photographs of its social service activities. “Is that a collection?” he asked. “We would hope this bill would be clarified to, as Samuel Goldwyn said, ‘Include me out.’”

And a number of participants complained that the administrative requirements in the legislation were too onerous. “You’re trying to address a problem with too broad of a stroke,” said Michael J. Borges, executive director of the New York Library Association. With some 202 million items in New York State’s libraries, 15 percent of which change every year, “trying to get them all on a registry — it’s an astronomical task.” Mr. Brodsky said he would address these concerns.

Tama O’Brien, legal counsel at the International Center of Photography, suggested that perhaps the bill could define a possible “exception to the total ban.”

Mr. Brodsky said: “I would not support that exception. You can’t be a little pregnant, and you can’t do a little deaccessioning.”

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