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Norman Rockwell's legacy at the heart of bitter legal dispute



Norman Rockwell's legacy is under discussion CREDIT: JOHN SPRINGER COLLECTION/CORBIS/CORBIS VIA GETTY IMAGES



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By **Harriet Alexander**, NEW YORK STATE

19 NOVEMBER 2017 • 2:48PM

Norman Rockwell liked the Berkshire Museum. It was the first to display his work, in the 1950s – a time when his illustrations delighted America, but were scorned by the art elite.

Rockwell donated arguably his two finest paintings to the museum, and he was friends with its director, Stuart Henry.

But now, almost 40 years after his death, the museum wants to cash in on Rockwell's gift – a decision that has angered his family, thrown a grenade into the sleepy artistic community of Berkshire county, and caused palpitations throughout the art world.

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“There is not a museum director in the United States who has not stepped forward and said this is an appalling thing to do,” said Michael Keating, a Boston-based lawyer involved in the case. “The reaction from the museum world has been explicit, and it’s been outrage.”



Around 30 demonstrators gather to protest the museum's decision CREDIT: STEPHANIE ZOLLSHAN/THE BERKSHIRE EAGLE VIA AP

Elizabeth McGraw, the president of the museum's board, defended the sale, saying it “held the promise of addressing our museum's serious financial difficulties.”

The saga began in July, when the trustees of the Berkshire Museum voted to sell off – or “deaccession”, in artistic parlance – 40 of the museum's works, including the two Rockwells, by far the most valuable pieces in their hands. The sale was aimed to generate \$50 million (£38m), with Shufleton's Barbershop alone expected to fetch around \$20m.

It was a prospect that deeply saddened Rockwell's three sons – Jarvis, a visual artist; Thomas, author of children's books; and Peter, a sculptor.

“I used to get my hair cut in that barber shop,” said Thomas Rockwell, sitting in his home in New York state. “It wasn't the cleanest place. But he was a wonderful old man.”

Mr Rockwell, 84, agrees with his brothers that it is the finest of his father's work. And, of course, he was alive when it was painted – although he recalled finding his father's studio a rather dull place as a child.

“I think the Barbershop is wonderful,” he said.



Thomas Rockwell disagrees with the museum's decision CREDIT: HARRIET ALEXANDER

He doesn't recall seeing it being painted – his father, he said, juggled multiple commissions for The Saturday Evening Post magazine with advertising work, and his own projects. But the painting, he said, was handed it over so that it could be on public display.

The trustees' decision to sell sparked a rash of lawsuits. Local citizens joined in, with some adding their names to the suit and others staging noisy protests outside the museum, and outside Sotheby's in New York – the auction house which planned to sell the works last week.

On November 10, three days before the auction, the Massachusetts Appeal Court dramatically blocked the sale – giving the state's attorney general until December 11 to complete her investigation into the legality.

The museum and Sotheby's argue that it is perfectly legal, and essential for the struggling museum to fund its proposed updates. Following the Appeal Court's decision, the museum filed legal papers claiming the delay in the sale “has already put the museum at risk.”

“A delay in the auction runs the risk that Sotheby's will be unable to generate similar consumer interest if and when the injunction is lifted,” the lawyers wrote, arguing that this “could be disastrous for the museum.”

Tyler Cowen, professor of economics at George Mason University, weighed in with a Bloomberg column entitled “Sell the Rockwells: it's just business”.

“This decision is a mistake, as it will limit the ability of nonprofit institutions to respond to changing conditions and evolve their missions,” he wrote.

The Rockwell family, local community and much of the art world disagree.



Shuffleton's Barbershop, Norman Rockwell, 1950

On Friday it was revealed that a 14-year member of the board of trustees, Matt Kelly, had resigned from the 14-person board in anger at how the proposed sale was handled.

Nicholas O'Donnell, another Boston-based lawyer working on the case, described it as "very, very unusual."

Such sales would be prohibited in the UK, where museums are governed by the ethics code of the Museums Association which states that, barring extraordinary circumstances, "it is unacceptable for a museum to select items for disposal with the principal aim of generating income."

New York, uniquely among the states, similarly bars the sale of museum works unless they are sold to purchase another art work.

"Museums very rarely even propose to do anything like this," said Mr O'Donnell.

"Most museums struggle financially - it's hard. But their financial statements do not include the value of the art in their collections as they are not considered assets."

He said other museums had attempted to assist the Berkshire Museum, coming forward to offer guidance on ways to raise further funds without selling the works. But he said they had been rebuffed.

The sale, he said, would be "counter-productive", explaining: "it would mean that the museum had significantly less art, and would mean that no one would ever give to the museum again."

And Mr Rockwell thinks his father would have been deeply saddened.

"It totally changes the character of the museum," he said. "They're selling all the best works."

His daughter, Abigail, a jazz singer, said that her grandfather wanted the two paintings to be placed where the most people would have easy access to them.



Blacksmith's Boy-Heel and Toe, Norman Rockwell, 1940

"It's also worth looking at in the wider context of the arts," she said. "The present administration has pledged to gut the funding for the arts, leaving many institutions struggling to survive."

She said there was "a timelessness" to the thousands of works created by the man she refers to as "Pop".

"I'm always surprised at the reaction from people. I remember this cool Los Angeles hairdresser, a millennial, covered in tattoos, who was just astonished when I told him who my grandfather was.

"And that's why I think we're seeing a steady upward climb in popularity. It's the human interest, the goodness in people. And the ordinary people – the everyday people who posed for him."

Steven Spielberg and George Lucas are among the biggest collectors of Rockwells, and held a joint exhibition of their collection at the Smithsonian in Washington DC in 2010.

Lucas was last year revealed as the mystery bidder who paid \$46 million for Rockwell's *Saying Grace* in 2013 – the most expensive Rockwell ever sold.

Ms Rockwell has openly appealed to Lucas to step in and buy *Shuffleton's Barbershop*, if the sale goes ahead.

The family does still own several Rockwells, but all are in the Norman Rockwell Museum, in Stockbridge, some 15 miles from the Berkshire Museum.

Mr Rockwell remembered his father as someone who was "very amusing".

"He liked to please people, and make them laugh," he said. "He liked to recite naughty limericks and loved telling stories."

His daughter nodded.

"He would paint people from life, and there are amazing stories of how he really 'directed' his models – pummelling on a floor to get a reaction, and telling people to raise eyebrows, or not look so stern."

She says it is of little surprise that the great storytellers of our day – Spielberg and Lucas – are fans.



Steven Spielberg is a fan CREDIT: CHRIS PIZZELLO/INVISION/AP

Rockwell painted portraits of five US presidents, with Dwight Eisenhower – himself a painter, and a keen fisherman - being his favourite.

“I honestly think he has the most expressive face I’ve ever painted,” Rockwell said of Eisenhower, of whom he made 47 sketches before completing the final painting, which appeared on the October 11, 1952 cover of *The Saturday Evening Post*.

Rockwell put the general through his paces, asking him: “Could you act as if you’re whipping out a command?”

Eisenhower barked back: “Forward march!”

Mr Rockwell accompanied his father to meet Richard Nixon, who, as presidential candidate, appeared on the cover in November 1960.

“I remember Nixon making this very grand gesture to a map of what was then the USSR, and saying: ‘There is the evil empire.’

“He was very pompous, very showy.”

He recalled his father’s dislike of Jackie Kennedy, who ignored him when he went to paint presidential candidate John F. Kennedy at the Hyannisport compound. Kennedy himself, though, was deemed wonderful.

Mr Rockwell and his two brothers were frequent subjects of their father’s work: he pulled out a catalogue, leafing through the images to find his favourite – a 1936 cover entitled *Little Boy Reaching in Grandfather’s Overcoat*.

“That wasn’t my grandfather – that was Uncle Gil,” said Mr Rockwell. “He was my father’s uncle really. Very eccentric, very fun.”



Rockwell at work in his studio CREDIT: DENVER POST VIA GETTY IMAGES

The family's sadness at the museum's plans has hit a nerve in the local community.

Leslie Ferrin, an expert on contemporary ceramics, has been spearheading a series of protests against the proposed sale.

"All the financial reports say that, while the museum is struggling, it is not close to death," she said. "They have plenty of time, and lots of ways to strategise it out. There are lots of steps that can be taken, and I don't think they've even looked at them."

Mr Keating, the lawyer, said out loud what many privately believe: that the sale was an easy way out for the museum.

"I think they want to establish a significant endowment so they don't have to worry about fundraising," he said.

"I'm serious. It's a massive overkill, and totally unnecessary."

But John Cahill, another lawyer specialising in art litigation – who is not involved in the case – disagreed.

"Museums do it reluctantly," he said. "It does happen, and has done so in the past.

"I don't think it sets a precedent – and actually, I think it would be more dangerous a precedent if the courts ruled that the museum was prevented from doing what it believed to be in the institution's best interest."

Mr Rockwell believes his father would have been stunned by the sums of money at stake – and saddened by the conflict.

"He hated confrontation," he said. "He probably just would have gone back to his studio, and carried on with his painting."

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