BY JAMES LANCEL MCELHINNEY

INSIDE TRACK

LOOKING FORWARD, REMEMBERING CREATIVE LIVES

EDITOR'S NOTE: Not everyone who reads *Fine Art Connoisseur* makes art, but surely every one of us knows an artist personally. Please take a moment to read, and then share, this important reminder of why planning ahead is so essential for the creative people we admire.

After her husband's burial in 1891, an upper-middle-class Dutch widow found herself with unpaid bills, an infant son, boxes of letters, and an unknown quantity of artworks produced by her brother-in law, an obscure painter who had committed suicide six months earlier. Johanna Bonger's prospects seemed bleak.

Much has changed during the last 130 years. For the first time in history, a considerable number of visual artists have amassed vast fortunes. Lavishly endowed eponymous artist-estate foundations herald a new species of philanthropy: many possess sufficient funding to maintain a permanent staff to pursue their missions in support of education, research, and helping artists in need. In some cases, these foundations establish museums and research centers or collaborate with existing institutions. Among the leaders in this sector are Robert Motherwell's Dedalus Foundation, the Joan Mitchell Foundation, Robert Mapplethorpe Foundation, and Andy Warhol Foundation for the Visual Arts.

Such ambitious goals are beyond the means of many notable artists, even those of considerable fame. So what options are available to them? What must the heirs of noteworthy and moderately successful artists do to prevent works that once won laurels from being flogged for pennies or carted off to landfills?

An undated portrait of artist Augustus Kollner (1812–1906), photo courtesy Free Library of Philadelphia

ROLE MODELS

Let's consider a few exemplary cases, starting with Jo Bonger van Gogh. Her late husband, Theo, was an art dealer who introduced his brother, Vincent, to a circle of progressive creatives in Paris. Though she was faced with daunting challenges, Jo had a few aces up her sleeve and developed a plan. Through Theo, she had met many leading dealers, collectors, and artists in Paris — a set of useful contacts who could help her promote the legacies of Vincent and Theo. When exhibited at the 1905

Salon des Independants, a selection of Vincent's paintings powerfully inspired radical younger artists like Matisse, Derain, and Vlaminck.

Over the years, the brothers Van Gogh had kept up a brisk correspondence. Transcribing and editing their letters became Jo's all-consuming project until her death in 1925. The first batch of letters was published in 1914 and introduced Vincent and Theo to a wider audience. Even before the book's release, the merits of Vincent's art were widely recognized, but the brothers' story catapulted him to greater international fame.

During Jo's lifetime, there were no mechanisms to assist artists and their heirs to establish durable public legacies. Some heirs might regard artworks as nothing more than property to be sold to raise capital or mollify creditors. The question is: if a widowed single parent can figure out how to propel a dead brother-in-law into the international pantheon of artistic genius, what can we do to promote our own legacies, or the legacy of a loved one?

Let's take another example. Augustus Kollner (1812–1906) was born in Stuttgart, Germany. Immigrating to the United States in 1839, he settled in Philadelphia, a hub of print publishing. Working as an illustrator and engraver, Kollner gained recognition for his city views and landscapes. He outlived his career, however, and died forgotten at 94. In life Kollner had organized his oeuvre into an orderly collection. yet his daughter let the junk man have it all for two dollars. Recognizing the quality of what he had just purchased, the canny scrap dealer preserved the artworks, which over time made their way into private and public collections. Later, philanthropist Joseph M. Fox donated his collection of Kollner's graphic works to the Free Library of Philadelphia. While much of this artist's visual output is preserved, most of his correspondence and records have been lost.

Famed as a teacher, Ashcan School painter John French Sloan (1871–1951) pioneered a gritty brand of realism that presaged WPA-era regionalism. Widowed in 1943, Sloan married his former protégé and extramarital lover Helen Farr (1911–2005) two years later. When Sloan passed away, Helen devoted herself to preserving his legacy. A decade later, she reached an agreement with the Delaware Art Museum, which received thousands of works representing each phase of Sloan's career. A century after the Ashcan painters fell from favor, Sloan's reputation endures.

While Sloan played a small part in preparing his own legacy, other artists were more proactive. Nicholas Roerich, Charles Burchfield, Wharton Esherick, and Clyfford Still were all, to a greater or lesser degree, engaged in plotting the trajectories their estates would follow. This planning brought spouses, children, colleagues, colleges, universities, and private foundations into the conversation. In the case of author and illustrator Eric Sloane, a manufacturer of hand tools played a role in setting up an eponymous museum in Kent, Connecticut. Adolph Gottlieb and his wife, Esther, created a foundation to aid artists in need. In 1970 Robert Rauschenberg established Change Inc., a nonprofit foundation that provides emergency medical assistance to artists. In 1985 Lee Krasner left more than $20 million to endow a foundation that would provide grants to artists based on "recognizable artistic merit and demonstrable financial need."

Let's look at another precedent. Born in Detroit to a German sculptor, Gari Melchers (1860–1932) trained as a painter in Düsseldorf, Paris, and London before pursuing a career in the U.S., where he divided his time between an elegant New York studio and his Virginia residence, Belmont. When he passed away, his widow, Corinne, set to work putting his papers in order. Returning to Belmont works that had been in storage at galleries and museums, she began to compile an inventory. Thomas Colt, director of the Virginia Museum of Fine Arts, worked with Corinne to develop a plan. Gari's works and papers would be donated to the museum, while the Commonwealth of Virginia would preserve Belmont as a historic site. It has been open to the public since 1942.

Here we discover some crossovers with Jo Bonger and Helen Sloan. No one could have foreseen that Vincent would achieve international stardom or that Melchers would be virtually forgotten today. Yet both stories have happy endings. Artworks were preserved, reference value assured, and durable public legacies established. The question is: what measures can one take today that might lead to similar outcomes?

GET STARTED NOW

Barbara J. Sussman, a member of the American Society of Appraisers and president of Fog Hill & Company, Inc., has advised more than 100 artist estates. Encountering disarray regularly, she observes that "the worst ones are when I go in and it's just nothing but a mess, and it ends up costing the family so much for what could have been easier."

Sussman explains what artists can do to prepare their heirs to administer their estate:

> *The best you can do is to take charge of it like any other business and respect your own work. ... [G]o through it, and get the core and the other work separated so your family doesn't have to do it. Rather than make another painting or another sculpture, artists*

Corinne Melchers (1880–1955) guided the organizing of her late husband Gari's artistic legacy.

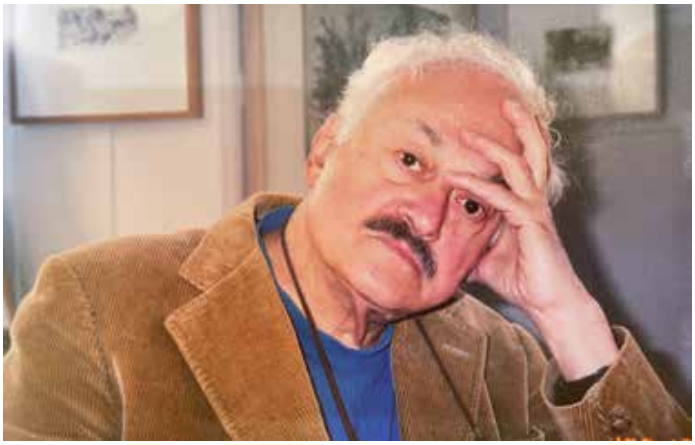
Barbara J. Sussman is a member of the American Society of Appraisers and president of Fog Hill & Company, Inc.

should … spend a little bit of time doing some housekeeping … because they are the best people to do it.

Sussman identifies tasks that artists can tackle while still able. First, create an inventory of works in your possession, approaching the whole as a collection. Note which pieces were exhibited at galleries and museums — a factor that might enhance their marketable potential. Works of secondary importance must be identified, as must unfinished, damaged, and subpar ones. Harsh as it seems, some may need to be destroyed or discarded. Sketchbooks, preliminary sketches, and maquettes fall under the heading of archival materials. It is better if the artist determines which are top-tier and which are lesser. Doing so can avoid the future cost of paying an appraiser to create a comprehensive inventory that isn't really needed.

This view is echoed by Liza Kirwin, acting director of the Smithsonian Institution's Archives of American Art:

Understanding what the artist's wishes are is a key thing — for instance, with sketches, drawing, sketchbooks, plans, diagrams, preliminary work. What's a work of art and what isn't? Only the artist could tell us that. … We don't want an heir to say this pencil sketch is the work of art and it's not preliminary … to assign an intent where that intent wasn't there.



Bernard Chaet (1924—2012) taught at the Yale School of Art for four decades.

Bernard Chaet (1924–2012) taught at the Yale School of Art for four decades. Mentoring several generations of notable artists, his influence was incalculable, but he was also a prolific painter and draftsman. Painting almost until the end, Chaet fought a series of debilitating illnesses during the last three years of his life. When Chaet passed away, no studio inventory existed. Nor had plans been made for the disposition of his papers and artworks. I immediately put his widow and daughter in touch with the Archives of American Art to assist with his papers.

His daughter, Leah, describes the tasks she and her husband, David Vogel, faced in helping her mother put everything in order: "The biggest challenge was trying to figure out what was important and what wasn't — you know, what I should throw out — because there was no organization whatsoever. There was stuff up there that should have been thrown out the minute they moved into the house."

Yet Chaet's estate was not in disarray. He was still represented by Alpha Gallery (Boston) and LewAllen Galleries (Santa Fe). In the end, an inventory was created and selected works were sent to the galleries for sale and safekeeping. An archive was created. In a packed Subaru, my wife, Dr. Katherine Manthorne, and I drove to Washington, D.C., where we deposited the Chaet papers with the Archives of American Art.

This story has a happy ending. Chaet's legacy is secure, and his work enjoys a viable market position. The vast remainder of artworks controlled by his heirs are stored at a reputable facility. Leah shared with me that she wishes her parents had confided how best to carry out their wishes. "I think a lot of artists actually share that kind of information with their children. I think my parents were just my parents, and they just didn't want to talk about it."

REMEMBER THE PAPERS

Apart from creating an inventory of works in their possession, living artists can also gather their correspondence, photographs, sketchbooks, scrapbooks, and other ephemera into an archive that can be placed in an appropriate research institution. While many artists may put greater value on artworks, their papers are far more important in establishing durable reference value. If researchers cannot find you, you were never here.

Kirwin explains:

What we [the Smithsonian Archives of American Art] are really looking for is the research potential of the collection itself. It's less about stature of the artist than it is about what they say, and it's often not about them. It's about their circle of friends and the connections in the network that's made visible through those papers. They were part of this community of like interests; [the papers] say something about the culture and the undercurrents of the art market at the time.

I share with Kirwin an anecdote about someone managing the estate of a prominent artist. Among the deceased's papers were six decades' worth of exhibition announcements from friends and colleagues. The estate manager saw little value in them but was unsure if they should be discarded. Kirwin advises: "I would encourage them not to throw things away … there are lots of places that might be interested … if not in the whole collection, in a part of it, depending on who the person is, their sphere of influence … and what the papers hold."

The Archives of American Art was founded in 1954 by Detroit Institute of Art director E.P. Richardson and the prominent dealer-collector Lawrence Fleischmann to collect and make available primary documents and other ephemera. Such collections abide in various institutions nationwide, from museums and libraries to historical societies and universities. Some might focus on the region or on distinguished alumni. In placing papers with these institutions, artists and their heirs face challenges similar to securing gallery representation. Targeting the right institution might require research outside your wheelhouse.

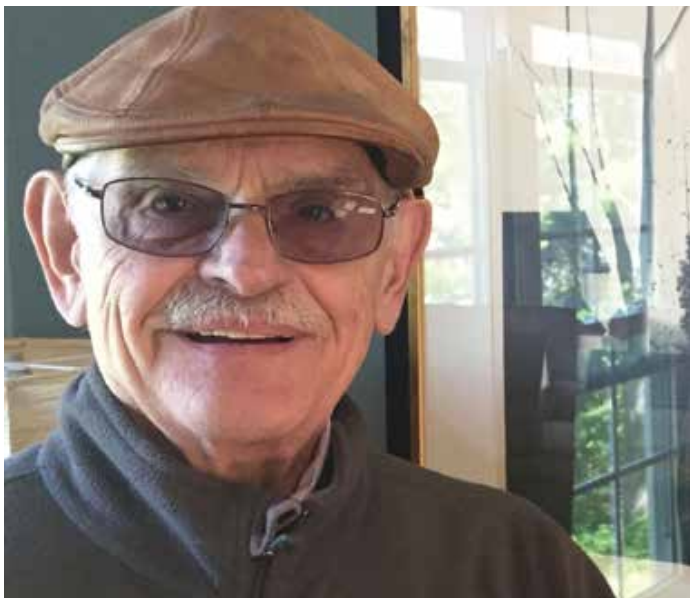
There are also important financial implications in organizing an artist's legacy. According to Sussman:

I suggest that the artist contact professionals to help them with estate planning. The IRS is not favorable toward artists when you die and not favorable when you're alive. The IRS uses two units of measure when valuing art. First, when you're alive, if you were to gift your work, you only get to deduct the cost of materials. [A bill to change this was introduced in 2009 but not enacted.] Second, when you die, one's artwork is taxed at the fair market value, which includes the buyer's premium at the auction market. So, it's valued at the highest level … It's extremely important for an artist to have a professional involved with estate planning, and one of the professionals you would hire would be an appraiser.

Yet another key step in legacy planning is to store artworks according to best practices. Paper is subject to water, mold, and insect damage. Stored in dark, humid attics or basements and other non-climate-controlled environments, canvases can develop mold and mildew. Exposure to extreme heat or frigid temperatures can result in damage to paint surfaces. All physical objects possess some level of what the insurance industry calls "inherent vice" — properties abiding within that are subject to degradation. An apt metaphor would be a freezer packed with food, unconnected to a power source. Soon the contents will become inedible. Likewise, the monetary potential of artwork is likely to be diminished by improper storage. Remediating these problems often requires the costly services of trained conservators.

Sometimes, artists set poor precedents that are perpetuated by their heirs. If it was good enough for mom or dad, one might argue, it's good enough for us. Sussman cites an instance when such conduct had dire results:

> *The family decided not to carry the costs of heating an unoccupied house without considering the fact that artwork is fragile. As a result, what happened over time, without temperature and humidity control, mold grew... Leaving the art in an unoccupied building ... until a decision is made is often a mistake which can be avoided. Art is an asset. It's not a liquid asset, but it has a potential to become a liquid asset if you handle it properly.*



Artist Richard Haas (b. 1936) is working with his wife, Katherine, to organize his artworks and papers.

A PROCESS UNDERWAY

Speaking with the distinguished artist Richard Haas (b. 1936) and his wife, Katherine, I ask what motivated them to act when so many artists either put off planning their legacies or leave it to their heirs. Haas replies:

> *I understand exactly why that happens, and I think it started with us maybe 10 or so years ago, when we had a person who was writing our will who had some experience dealing with artists. ... I'd seen how some of my friends were dealing with it as they were getting along further along than I. My upstairs neighbor Philip Pearlstein is still alive and working. He's 96. He occasionally mentioned in passing that he was trying to do it.*

Haas describes how they hired an assistant to create an inventory:

> *Kenisha [Thomas] was putting it in Art Systems and that is a tedious job on its own, searching through drawers, finding drawings, going through the bins painting by painting, etc. ... I think she's up to seven thousand or so, or maybe five thousand works, including everything. But in that process, my work fell into different categories. One category was the maquettes and work studies for [mural] projects. My project life is probably only about 10 to 20 percent of what I've done ... [I]t's a very different kind of body of work as opposed to my drawings, my prints, and my paintings ... It's not the kind of work we might call salable.*

Another effective way to build reference value is through strategic donations of artworks to museums, libraries, and historical societies. While Haas's archive faced unpromising prospects in the market, it became a tremendous asset in the process of legacy-building. As he observes:

> *It's really work that wants to live in a documentary way, in the right place, under the right circumstances. So we came up with an idea. Because I had worked in so many different cities around the country ... why not write to the institutions that might be interested in that particular city or state where these works were done? In that process ... I think we placed several hundred works. One project might generate 10 to 20 works. The Museum of the City of New York took several works, as did Portland, Oregon's Historical Society. ... Other than museums, which were my first choice, I thought libraries were other places they might land ... [Th]ere would be some probability that they would be preserved down the road, and maybe even generate some small exhibitions in these institutions. [For example,] The Chazen Museum did a very nice little exhibition on [my] projects done around Madison, Wisconsin. ... There are still many places that never answered, nor showed any interest or said they'd get back to me.*

The Haases took a proactive role in placing his papers with various institutions, one of which was the Archives of American Art. As Katherine Haas remembers,

> *A man [Charles Duncan] came with a couple of assistants. They went through many boxes. They selected specific things. We urged them to take some other things and argued that certain types of things could fit into it, and they agreed in the end and took some art — you know, drawings and books.*

Richard chimes in:

> *He was interested in a few sketches, drawings, and notebooks I had — ones that, you know, had some relevance, he thought, to a wider audience. I had taken a lot of notes when [the famous critic Clement] Greenberg gave a bunch of lectures at Bennington and I had, you know, scribbled notes on that with sketches on different pages because as you know, when you're at a talk that goes on, you make sketches.*

Negotiations are now underway for another cache of papers to be placed with a leading institution in Manhattan. The Haases are making steady headway, with part-time assistance, but how might these efforts proceed when Richard is no longer around? Katherine replies, "We would have to find a person other than me, or someone who works closely with me, who would be knowledgeable, because then if I fall over, we don't want [Richard's legacy] falling into the hands of somebody who has no clue." Richard adds, "We're dealing with the future and legacies when there is so much that's now unknown ... particularly because of the changing nature of art in general."

ANOTHER CASE STUDY

Best known for her illustrated children's books, Russian-born Esphyr Slobodkina (1908–2002) was a feminist and abstract painter also widely noted for assemblages and collages. In 1993 she met Ann Marie Sayer, whom she enlisted to work as her assistant. Sayer's tasks included poring through Slobodkina's artworks and papers, which were organized at her Long Island home into a museum, which from 2002 to 2011 served as a memorial to Slobodkina. Sayer recalls:

> *Our union began through her children's books. I knew very little about abstract art, so Esphyr supported my learning through introductions to her knowledgeable friends and associates who are well known in the business. They have assisted me whenever I need an art history lesson or sound advice. Esphyr spent hours with me cataloging, informing me about the artworks, her children's books. This was a difficult task as Esphyr's diverse interests went beyond painting, assemblage work, and collage and included what was referred to back in the 1990s as "the minor arts" — the tapestries, textiles, furniture, and jewelry. I learned many of her life stories. I kept a daily journal for those seven years and continue today. Esphyr kept good records and her 1,100-page* Notes for A Biographer *still serves as a resource, 19 years since her passing.*

Ann Marie Sayer (left) helped artist Esphyr Slobodkina (1908–2002, right) organize her artworks and papers. Slobodkina appears here with her 1938 sculpture *The Derelict*.

I ask Sayer to describe what methods were employed to create an inventory and arrange for the storage of such a vast and diverse collection of artworks.

> *We use a simple database where we can find works by searching via catalogue number, type, year of origin, size, and more. Esphyr and I moved together to a 3,000-square-foot home on Long Island, where we were fortunate to have space to display over 200 of her works … We now use a climate-controlled facility to house works that are not on loan or being exhibited.*

Sayer explains that a final determination regarding the ultimate disposition of Slobodkina's papers has not been made:

> *Currently, I believe the best place for everything is in one place on a well-designed website. I think of our website as a catalogue raisonné, but one that can be continuously updated and revised as new information is uncovered. For example, we recently added programs from exhibitions dating back to the 1930s. One can search this section and then click on an image [that was] in a particular show.*

Establishing a marketing position for Slobodkina's estate has always presented challenges. Income continues to roll in via royalties from her *Caps for Sale* (1940) and other children's books. The estate is now represented by LewAllen Galleries, where Louis Newman plans to elevate the visibility of Slobodkina's avant-garde works. Newman has a long history of promoting American modernists, especially those who have helped changed the world in their own times and yet, whose work is often timeless.

THE BOTTOM LINE

The takeaway from all of these cautionary — and inspirational — tales is that artists should start planning their legacies while they are able. Include spouses, children, and other interested parties in the effort. Take three clear steps:

1. Create an inventory of all works in your possession, which might include artworks by others. Treat your holdings like a collection. Organize works into different categories, each divided into subgroups such as "best and most representative," "secondary," and "works of narrative value such as studies, maquettes, projects."
2. Create an archive consisting of private and business correspondence, clippings, unpublished manuscripts, sketchbooks, photographs, financial records, etc., and find a credible research institution in which to place them.
3. Move all of these materials into an appropriate climate-controlled facility, stored according to best practices, packed or housed with acid-free materials.

Barbara Sussman gets the last word on this urgent matter: "There's a huge responsibility in taking care of an art collection. … Knowing how to handle it takes very special care, which is why I suggest that you hire professionals to help you along the way." ●

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Useful Resources

1. Barbara Hoffman (ed.). *A Visual Artist's Guide to Estate Planning*, Marie Sharpe Walsh Foundation and Judith Rothschild Foundation, 1998
2. Magda Salvesen, *Artists' Estates: Reputations in Trust*, Rutgers University Press, 2005
3. Ramsay H. Slugg, *Handbook of Practical Planning for Artists, Collectors and Their Advisors*, American Bar Association, 2020
4. Loretta Würtenberger & Karl von Trott, *The Artist's Estate: A Handbook for Artists, Executors and Heirs*, Hatje Cantz, 2016