

Deaccessioning

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Definition

“Deaccessioning is defined as the process by which a work of art or other object (collectively, a ‘work’), wholly or in part, is **permanently removed from a museum’s collection**. Disposal is defined as **the transfer of ownership** by the museum after a work has been deaccessioned; in the case of **false or fraudulent works**, or works that have been **irreparably damaged** or **cannot practically be restored**, removal from the collection and disposition is determined by the museum and **may include destruction of the work.**”

-AAMD Policy on Deaccessioning June 9, 2010

Other Reasons to Deaccession

- ✓ Does not fit with collection plan
- ✓ Unable to provide adequately care
- ✓ Not historically/artistically significant
- ✓ Excessive duplication

↳ Insufficient funding?



Modes of Deaccessioning

◆ Sale ◆ Transfer ◆ Exchange ◆

⇒ Public institution

⇒ Publicly advertised auction

⇒ Established dealer

⇐ Return to living artist or donor



Discard or Destroy

Los Angeles County Museum of Art: Bernard and Edith Lewin Collection of Mexican Art Deaccession Fund

“LACMA staff worked with the donors in managing the gift to make it possible to **maximize their personal enthusiasm** for Latin American art in a publicly beneficial way, **without making a fetish of every individual work** in the bequest.”

-Christopher Knight, LA Times
March 15, 2009



Legality

Provenance: a record of ownership of a work of art or an antique, used as a guide to authenticity or quality.

NAGPRA: (Native American Graves Protection and Repatriation Act)

- Law allowing Native American/Native Hawaiian cultural objects to be repatriated.

-First step in the legal process and will affect the contracts that follow

Deed of Gift

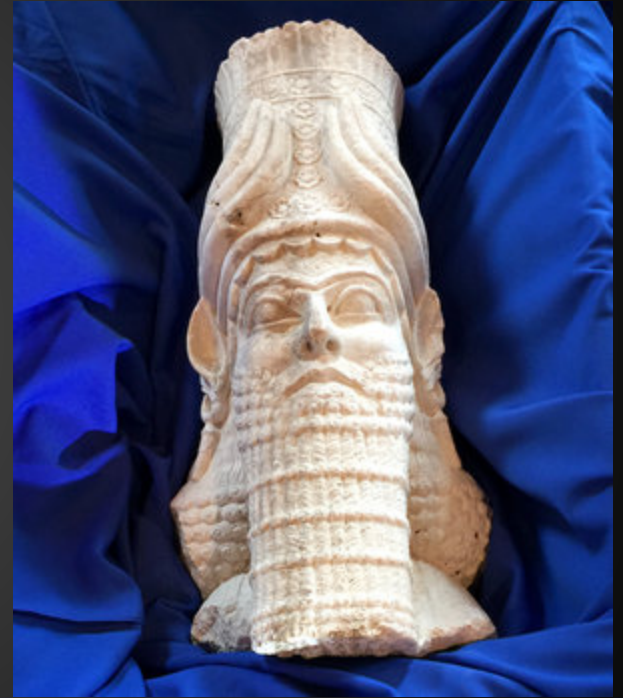
The deed of gift is a formal and legal agreement between the donor and the repository that transfers ownership of and legal rights to the donated materials. The contract is in the best interest of both donor and repository. After discussion and review of the various elements of the deed, the donor or donor's authorized agent and a representative of the repository both sign it. The signed deed of gift establishes and governs the legal relationship between donor and repository and the legal status of the materials.

Who owns this?

Museum? City? Country? Visitor?

YOU STOLE THAT!: Spoils of War

- looted in 2003 from Iraq
- resurfaced in 2008 to US agents
- broad transnational criminal organization
- March 17th, 2015, US gave this back to Iraq government
- *Good Public Image and Relation!



Limestone Statue of Assyrian
King Sargon II

“Discovery Rule”- That isn’t yours to give

- Time Limits on Deed of Gifts
- Holocaust Art: California Law
- Like NAGPRA: museums did their part
.....until the money ran out
- Focused on art
- Museum in a negative light
Research resources vs ethical question



BACK INTO THE GROUND:

NAGPRA and Mandatory De-Accessioning

NAGPRA (Native American Graves Protection and Repatriation Act):

- Passed in 1990, requires institutions receiving federal funding to consulte federally recognized tribes for repatriating culturally sensitive materials.
- 15 sections, rules for museums with applicable collections

Objects repatriated include:

- Humans remains
- Funerary objects
- Items of patrimony



What does the law say?

Museums and Institutions must...

*“**compile an inventory** of such items.... identify the geographical and cultural affiliation of such item.” (Section 5 (a))*

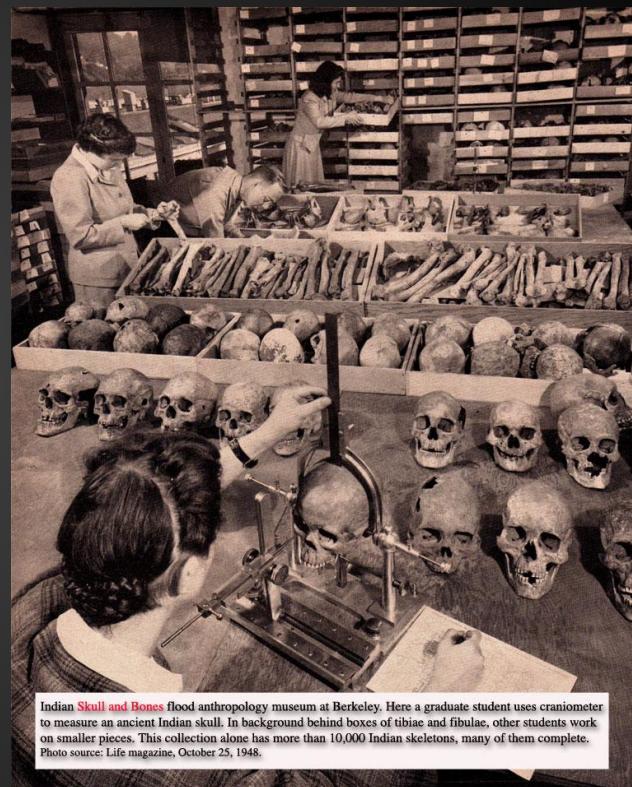
*“ ...**provide a written summary** of such objects based upon available information” (Section 6(a))*

If Native American/Native Hawaiian representatives deem collections applicable to law....

*“.... the Federal agency or museum....shall **expeditiously return such remains and associated funerary objects.**” (Section 7(a)(1))*

*“ the Federal agency or museum... **shall expeditiously return such objects.**” (Section 7(b)(1))*

Lawful Repatriation → Lawful De-Accessioning



How Museums/Institutions are Affected



- Training Programs for NAGPRA, repatriation of collections
- NAGPRA Grants - give funds for museums to deaccession
- Controversy : violation of laws & ethics

Ethics

American Alliance of Museums has strict guidelines as to how museums may deaccession objects:

“Disposal of collections through sale, trade or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of non-living collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections”

Delaware Art Museum

- Delaware Art Museum decided to deaccession several of its works in an effort to make up its debt
- Actions of the museums were met with resistance, sanctioned by the Association of Art Museum Directors
- Museum recently settled their debt through the sale and auctioning of several works, including William Holman Hunt's "Isabella and the Pot of Basil" , which sold for a disappointing \$4.25 million at public auction



Brandeis University

- Brandeis University suffered greatly during the recession
- The trustees of the University attempted to sell the collection of the Rose Art Museum to make up for the losses
- Museum director Michael Rush fought the sale along with other protesters on ethical grounds
- The university was then sued by members of the Rose family



Conclusion

- ⇔ Deaccessioning is not as simple as black and white.
- ⇔ There is a complicated interplay between ethical and legal issues

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