

ARTS

Rockwell's Children Sue Berkshire Museum to Stop Sale of His Works

By MATT STEVENS OCT. 21, 2017

For decades, the Berkshire Museum in Western Massachusetts has struggled financially as companies have left the region and competing art institutions have sprung up nearby.

In July, museum officials announced a plan to reinvent it, placing a greater emphasis on science and history. To help pay for the changes and create an endowment, they said, the museum plans to auction off 40 works of art — including two paintings by Norman Rockwell that the renowned artist had donated to the institution — for about \$50 million.

There is, however, notable resistance to this plan. On Friday, a group that includes Rockwell's three children filed papers asking a Massachusetts judge to stop the museum, which was established in 1903 in Pittsfield, Mass., from selling the artwork.

The plaintiffs, who also include a local artist and several members of the museum, argue that the institution's trustees have "grossly exaggerated" its financial straits and that selling the works would represent a "massive overkill" and breach of their fiduciary duties.

They also argue that selling the art would violate the statute that established the museum, which requires it to maintain any gifts it receives for "the people of Berkshire County and the general public."

"This move is also antithetical to the museum's stated charitable purpose, and is financially unnecessary," Michael B. Keating, a lawyer for the plaintiffs, said in a statement.

Lawyers for the plaintiffs have asked for a temporary restraining order to halt the auctions, which are to be handled by Sotheby's. The two paintings by Norman Rockwell, the most

valuable among the works for sale, are scheduled to be offered on Nov. 13. Nineteen works are set to be auctioned by March, with others to follow.

In a statement late Friday, William F. Lee, a lawyer for the Berkshire Museum, said, “We are confident that the museum has the right to go forward and that the lawsuit is factually and legally flawed.”

Maura Healey, the Massachusetts attorney general, is also named in the lawsuit as a so-called necessary party because it is her office’s job to oversee public charities like the museum.

Emily Snyder, a spokeswoman for Ms. Healey, said her office “has been closely reviewing” whether there are restrictions on the museum’s ability to sell the art, and that it would also review Friday’s filings.

Since announcing its “New Vision” plan in July, the Berkshire Museum has been criticized by some prominent museum organizations, which believe that proceeds from the sale of artworks should be reserved for acquiring other works — not remedying budget shortfalls.

In a telephone interview on Friday, Mr. Keating acknowledged that the museum had the right to deaccession works for various reasons, but he emphasized that trustees “must do it in a way that is fiduciarily responsible.” He argued that they had failed.

Museum officials, however, have insisted that it must evolve into an “innovative 21st-century institution.” They have said that the works they selected for deaccession are “not essential to the museum’s refreshed mission.”

In a statement to The New York Times on Friday, Elizabeth McGraw, president of the museum’s board of trustees, said the “New Vision” plan would “allow this important local museum to continue to contribute to the educational and cultural life of this region for another century.”

The way museum officials see it, the next century’s visitors will not need to see certain works by Augustus Saint-Gaudens, Édouard Vuillard and Rockwell. The two Rockwell paintings, “Shuffleton’s Barbershop” — which plaintiffs say is considered to be his finest work — and “Blacksmith’s Boy — Heel and Toe (Shaftsbury Blacksmith Shop),” are expected to bring up to \$30 million and \$10 million, respectively.

Court documents say Mr. Rockwell was a longtime resident of Berkshire County who befriended a director of the museum; he donated the two paintings in 1958 and 1966 and died in 1978.

In a letter published in August in The Berkshire Eagle, members of Rockwell's family expressed their concern over the planned sale of "Shuffleton's Barbershop."

"Norman Rockwell didn't give it to finance the museum's renovation plans," they wrote. "He gave it hoping the people of the Berkshires would see it and enjoy it. By auctioning off his gift, the Berkshire Museum risks the painting being lost to a private collector who won't share the painting with the public.

"That," they added, "would be a great loss."

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