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President's Committee (1994): Correspondence 05

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National Gallery of Art

Washington, D.C. 20565

7 December 1994

Dear Dan,

As promised, here are our statements in response to each of the three programs aired by WJLA-TV news last week. I'm also sending along a copy of last Saturday's Washington Post article which presents in a more fair and balanced way our initiatives and efforts.

As I mentioned, we have been working with Congress on the West Building skylight repair and the computerized energy management projects over the past several years. We are very grateful for Congress's cooperation and response to preserving and protecting these valuable assets.

With all best wishes,

Sincerely yours,



Pamela Jenkinson
Special Projects Officer

Mr. Daniel Ritter
Counsel
Education, Arts and Humanities Subcommittee
Committee on Labor and Human Resources
United States Senate
648 Dirksen Senate Office Building
Washington, D. C. 20510

National Gallery of Art

Washington, D.C. 20565

National Gallery Responses to WJLA's November 28, 1994 Report:

1) WJLA: National treasures are at serious risk due to continuing poor management.

Response:

Misleading. WJLA failed to say that the report goes on to state: "The team realizes these conditions are recognized by in-house staff and plans exist for their correction."

The Gallery was proactively engaged for several years before the APPA report of 1994 in studying both the climate control system and skylights, and then designing and obtaining funding for temporary and permanent solutions. Five years ago the Gallery installed a temporary, sealed "tennis bubble" over the skylights which virtually eliminated all leaks. Funding has been made available by Congress to begin a permanent construction program to install a new skylight system and to install a new building automated climate control system.

The Gallery's current climate control system is fully operational and comparable to those in most major U.S. museums. The entire system has always been very strictly supervised, malfunctions are extremely rare and are corrected immediately. The National Gallery collection is fully protected and not in any danger.

2) WJLA: "This institution receives \$55 million in taxpayers money, but seems accountable to no one, critics say--not even Congress."

Response:

False. The Gallery is accountable to a number of institutions. The Gallery must report to the Office of Management and Budget, to committees of both the House and Senate, and to the Treasury Department on our expenditure of funds. Furthermore, the Gallery publishes annual audited financial statements covering its use of both federal and private funds.

3)

WJLA:

"According to the survey, temperature and humidity excursions are commonplace and money for building maintenance is often spent on special events instead."

False. Temperature and humidity excursions are rare. All direct costs of special events are covered by private funds. In creating the National Gallery, Congress agreed to provide the funds necessary for its upkeep and operations. Federal funds currently cover 85% of the operations. Private funds, i.e., income from endowments and direct contributions, provide the balance to make possible programs not fully funded by federal appropriations.

4)

WJLA:

Contracts were awarded to friends and former colleagues of the Gallery administrator without a formal bidding process. Even though Congress does allow the Gallery to award some contracts on the basis of a company's qualifications, questions remain about conflict of interest.

Response:

Misleading and oversimplified. There is no conflict of interest.

As the WJLA report stated, Congress allows the Gallery to award some contracts on the basis of a company's qualifications for a good reason. The highly specialized museum field and the number of credible and reliable experts with track records gets even smaller for the major museums, particularly in the areas of security and state-of-the-art building automated climate control systems.

Steven Keller has no connection with Darrell Willson other than the fact Willson worked for him at the Art Institute of Chicago. Mr. Keller has also done security work worldwide for many major institutions including the Smithsonian Institution and the Library of Congress.

As for Jay Silverston Associates, Inc., Darrell Willson has had no personal or professional relationship with either Mr. Silverston or the company.

5) WJLA:

Government investigators found merit in Reynolds' claims (Darrell Willson wanted to pay a contractor twice for the same work, without getting proper bids from competing firms, and Willson and another manager demoted him for reporting the matter) and he was eventually reinstated.

Response:

False. Neither they nor the government's Office of Special Counsel found any improper contracting procedures. Reynolds was reinstated for reasons unconnected with the contracting issue, not because his claims of improper contracting procedures had merit.

6) WJLA: December 1993, galleries and paintings were exposed to damaging moisture. Something needs to be done immediately.

Response:

The incident to which WJLA refers was a temporary problem which was immediately corrected. There was no damage sustained to the paintings. In the place where this happened the pictures were immediately removed.

The Gallery has received funding from Congress for the installation of the new climate control system and the project is underway.

National Gallery of Art

Washington, D.C. 20565

National Gallery Responses to WJLA's November 29, 1994 Report:

WJLA's report on conservation and treatment of paintings contains a number of false statements and wrongly identified visuals.

We will point out the principal errors in the order they come in the program.

1. James Beck. "They are altering the appearance of these works forever."

A painting changes its appearance almost from the moment it is completed. Ageing produces cracks, some pigments lighten and others darken. In addition, the varnish discolors and further alters the painting.

By removing the discolored varnish and any old restorations, the conservator brings the painting back to an appearance as close as possible to the artist's original intent.

Moreover, materials used by the conservation department of the National Gallery are completely reversible.

2. ON CAMERA interview with Jacques Franck. "The picture was sent to the restoration lab in haste and secrecy. No one knew about it."

These points - haste and secrecy - reiterated by WJLA are contradicted by the facts of the Gallery's day-to-day workings.

Point #1 - Haste. Any conservation work at the Gallery can only be done after lengthy examination and a proposal for treatment that must first be approved by responsible curators, then by the Director, and finally by the Gallery's Board of Trustees. It is therefore by definition impossible for any conservation work to be started "in haste", as M. Franck alleges.

The needs of a painting strictly dictate the time required for the work. Had the Ginevra required two years' work, it would have taken that time.

Point #2 - Secrecy. There is no secrecy in the conservation department. Any serious scholar is welcome to visit. We have many visitors during the year who visit and discuss the work in progress.

It should be noted that Professor Beck has never visited the studio or asked to do so.

3. Mr. Beck, on Leonardo's Ginevra de'Benci: "Essentially the whole bridge of the nose had to be repainted "

It is absurd to suggest that Ginevra de'Benci's nose has been repainted. There is an old damage in the center of the nose measuring approximately 5/8 X 1/8 inches. This was inpainted to match the original, strictly within the area of loss. No original paint was covered. The National Gallery would never repaint over original paint.

4. ON CAMERA interview with Jacques Franck. M. Franck claims that Leonardo's thin paint was too fragile to be cleaned, and that solvents used to remove the varnish would eventually attack the painting.

Leonardo did use very thin layers of paint. Because they are physically thin does not necessarily mean that they are fragile. Many Impressionist paintings, with very thick paint, have much more delicate surfaces.

The varnish removal from the Leonardo was undertaken with the greatest care. There was absolutely no damage, or even risk of damage, to Leonardo's paint.

5. BARNES EXHIBITION - CONFLICTING REPORTS. WJLA reports a discrepancy between two conservation reports of the Barnes Foundation Merion Dance Mural by Matisse, and says the panels were either damaged in travel (according to Paul Himmelstein) or the original reports were not accurate.

This entire section of WJLA's report was marred by an apparent confusion on the part of the reporter about the mural. She seemed to be unaware that there were two murals on view - the completed work, known as DANCE, and the preliminary SKETCH.

As visual corroboration of Mr. Himmelstein's claims WJLA mistakenly showed the WRONG mural during this sequence.

While Himmelstein was talking about the completed DANCE mural, alleging "considerable damage", the picture on screen showed the earlier version, the so called SKETCH, recently discovered in Paris, which was already damaged when found.

In any event, the reports are not in conflict. The first report was done while the mural was in place at the Barnes Foundation. It was submitted to the court while it was deciding whether the Barnes collection could travel. It noted that the support contained "minor planar distortions."

The second report, a more detailed study, was done just before the painting was packed, standard museum practice. It was more specific than the first, but not in conflict with it. WJLA stated that the second report was produced "after the tour was underway" when in fact it was made prior to the murals leaving the Barnes Foundation.

WJLA's premise that the slackness "indicates the painting was in fact damaged" is false. Slackness of support does not indicate damage, a fact of which Mr. Himmelstein is acutely aware. Yet it is on this false premise that the interview with Mr. Himmelstein is built.

Mr. Himmelstein speculates further without sufficient evidence. This speculation is compounded by misidentification of visuals by WJLA. Himmelstein never examined the mural at the Barnes Foundation, nor did he examine the two Dance murals at the Gallery.

Himmelstein's only review of the mural was in Paris, where it was installed eight to ten feet off the floor. He had no special lighting or magnification to aid him.

Contrary to his claim, the French and American experts who did examine it closely in Paris, found no evidence of any damage.

6. WJLA implied that transportation techniques used for DANCE were unsafe and showed a picture of a truck going down a highway with its cargo lying flat.

During the on-camera interview with Mr. Tinari ("There it is on the back of a truck on I-95") WJLA showed the wrong truck and the wrong mural. This was NOT a vehicle used to transport anything from the Barnes Foundation.

The DANCE mural was never laid flat in transit.

Final note

The Gallery regrets that WJLA's careless use of visuals contributed to further confusion in a story that is already flawed by inadequate research. The errors could easily have been corrected if a timely interview had been sought with Gallery personnel, giving them an opportunity to provide the kind of essential background information contained above. WJLA, contrary to its on-air statement of "repeated requests for interviews", failed to do this, placing conditions on an interview that made it impossible for Gallery staff to answer meaningfully.

In fairness, we expect WJLA to make an on-air correction to the erroneous impression left by this report.

National Gallery of Art

Washington, D.C.

National Gallery Responses to WJLA's November 30, 1994 Report:

As in program #2 WJLA uses visuals that are questionable, makes statements that are verifiably false, and in addition fabricates quotations that never took place.

Most irresponsible of all, the use of half truths, innuendo, and misstatements of fact in this segment all appear designed to exacerbate relations between the sexes and between ethnic groups at the Gallery.

Of the many errors, we will highlight two of the most egregious, before listing the rest point by point.

WJLA aired an on-camera interview with a victim in an armed robbery. She described having a gun held to her head by a certain individual. WJLA then identified that individual, and flashed a picture of a Gallery employee on the screen.

This employee was not the person to whom the victim was referring. Either deliberately, or through inept research, WJLA has cruelly damaged this employee.

The second error is the fabrication of a statement from Ruth Kaplan, the Gallery's information officer, who is quoted as answering a question about minority employment at the Gallery by saying, "We have very little African art." Both the context of the conversation and the quotation are an invention of the WJLA reporter, who manufactured an answer and then juxtaposed it with a question to which it is not, and could never be, relevant. The intent of this fabrication appears to be to ridicule the Gallery's attempts to engage in serious dialogue with WJLA and, it appears from the rest of the program, to inject racial emotions into the debate.

We now turn to the specifics.

WJLA cites the use of a "hidden camera in a staff dressing room where employees claim they were taped illegally without their knowledge".

This is misleading, with crucial omissions and false details that distort the significance of what happened.

The facts: the room in question is not a staff dressing room (and is not a "locker room", as was stated). It is a mechanical room

responses to WJLA's 11/30 report...page 2

which some staff surreptitiously had turned into a break room for sleeping and playing cards when they were paid to be on duty.

Contrary to the report, staff were not disciplined. Instead, they were handed a memo reminding them of the work ethic expected of federal employees.

Their supervisors were disciplined - for not providing adequate supervision.

WJLA compares the treatment of Caucasian employees to that of minorities by citing a white employee who had a conviction in his distant past as against a former security officer with a college degree who was not hired for secretarial positions.

The cases of these two individuals are in no way comparable. Their backgrounds, qualifications, and circumstances are completely unrelated. The security officer applied for six positions (not thirteen), for none of these was a college degree the determining factor. One position was cancelled. For one of these positions, he was a finalist, was interviewed more than once, was given advice on how to improve his chances for future selection. Furthermore, he was encouraged to apply for future positions in that department. For the other five, he lacked sufficient specialized knowledge.

He has filed an EEO complaint, which is still pending.

WJLA claims that Gallery employees are "disciplined along socioeconomic lines".

The documentation for this claim is a series of false, partial and one-sided anecdotes.

There were six examples given. We will take them in sequence.

But first, by way of background, WJLA should know that the Merit Systems Protection Board and the Court of Appeals for the Federal Circuit have upheld the Gallery's policy of holding security officers to an especially high standard of conduct compared to other employees because of the nature of their duties - enforcing Gallery rules and safeguarding the collection.

1) & 2) The two incidents regarding the guards in question took place more than eight years ago. One of the guards was subsequently reinstated.

3). The deputy chief who was described as "stealing a truckload of light fixtures" had, in fact, been offered and accepted the fixtures from a demolition contractor to whom, according to contract, they belonged.

responses to WJLA's 11/30 report...page 3

The individual was not aware it was against federal regulations to accept a gift from a contractor. He was given five days suspension without pay, and made a public apology to the security staff during roll call.

Again, by juxtaposing this case with cases 1) and 2), WJLA creates a false opposition for inflammatory effect.

4.) WJLA was able to cite only two cases of sexual harassment. The first was dealt with by the demotion of the employee who harassed her three years ago. This employee has since died. She continues to be on the Gallery's employment roll although she has not returned to work.

The second case was reviewed twice - once by an outside investigator, and then by the EEOC - and both times no evidence of sexual harassment or reprisal was found. When the person first raised the issue, her supervisor sent a memo to all department staff reminding them that the work environment must be free of sexual overtones and intimidation. Her attorney has filed an appeal.

5) The guard who claimed she was fired because she could not fit into her uniform is misrepresenting her situation. She was a temporary employee whose employment was not renewed for repeated failure to come to work and for taking leave without submitting a leave slip. Her employment was only terminated after she had been given several warnings about these repeated absences.

6.) The guard who claimed she was fired over the length of her hair also misrepresents her case. Like case #5 she was dismissed for absence from duty without permission for eight weeks.

WJLA made the blanket assertion that when someone has a discrimination complaint they are ignored and the people they have to complain to are part of the same system that oppresses them.

This is false in every detail.

The facts: whenever there is a formal complaint of discrimination filed, an outside investigator is hired. After this investigation is completed, the person can request a hearing from an EEOC judge. After review of the judge's findings, the Gallery issues its decision. If the person is still not satisfied, he/she can make an appeal to the EEOC and/or District Court.

Union employees may file a complaint of discrimination or may file a grievance which is ultimately reviewed by an outside independent arbitrator, who is selected in consultation with the union.

responses to WJLA's 11/30 report...page 4

WJLA states "EEOC figures show average white workers (at the Gallery) earn almost twice as much as the average minority worker."

This statement is an attempt to buttress WJLA's charge of discriminatory practices. It is conveniently separated in the program from the interview with the EEOC representative that succinctly gives the non-discriminatory explanation for these statistics.

WJLA continues: "And in comparisons of Federal Agencies the Gallery consistently ranks last."

The WJLA reporter does not say what comparisons she is referring to, in what areas, of what practices or policies.

The Gallery had previously given WJLA statistics that contradict this statement in at least two areas of comparison. We previously stated that the number of African-American males and females in every occupational category at the Gallery exceeds both the national and local averages, sometimes by as much as 400%. No reference to these facts has been made in any of the three programs.

Finally, WJLA states that: "There are no minorities in top level management."

There are many minorities in senior positions on the management staff including: the Gallery's internal auditor, chief of security, head of paper conservation, and chief of administrative services.

Final note: WJLA seeks to play on current hot button issues of racial discrimination and sexual harassment by a number of time-worn techniques of tabloid journalism. In the process the reporter has seriously overstepped the boundaries of journalistic ethics.

It is also worth noting that in order to find the handful of cases that are cited in this program, WJLA investigated many years of employment history to collect enough material to fill a seven-minute broadcast. It is doubtful whether any institution employing as many people in as many different levels and areas of expertise as the Gallery could be found to have as few cases of grievances worthy of investigation.

By the same token, no organization of this size, WJLA included, is without its disagreements and histories of individual unhappiness and frustration, much of which is not even work related. WJLA's exploitation of these individual workers' problems is not merely poor journalism. It is inhumane.

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