

Returning America's Art to America

By Inspector General Brian Miller

During the New Deal era, the U.S. government paid artists to produce art as part of several federal art programs, most notable of which is the Works Progress Administration, Federal Art Project. In the intervening decades, however, many of the remaining works of art have been lost or stolen and are scattered throughout the country. Since the U.S. government commissioned the artwork, these pieces are the rightful property of the United States and its citizens. To restore America's art to America, the General Services Administration Office of Inspector General has undertaken a far-reaching effort to recover these historically invaluable artworks. GSA OIG has been working closely with GSA's Fine Arts Program, creating important alliances that are valuable not just to this effort, but also to OIG's other oversight activities. GSA OIG has also been working to increase awareness of the artwork recovery efforts through outreach to the public. Outreach to the public on this topic of general interest has led to the recovery of several artworks that can now be admired by the public. This project also helped to establish better understanding and appreciation of the vital oversight functions of the Office of Inspector General. To date, our awareness efforts, cooperation and dedication to restoring this heritage have led to the recovery of 78 pieces of art.

BACKGROUND OF NEW DEAL FEDERAL ART PROGRAMS

During the New Deal era from 1933 to 1943, federal art programs had several different methods to create works of art for public use. Some programs were set up to provide economic relief and paid artists an hourly wage. In 1934, an artist was paid up to \$42 per week, as long as he or she turned in a finished piece of art each week. Other programs involved competitions to commission murals and sculptures for specific sites within public buildings. These programs generated

an abundance of New Deal art, much of which is still in existence today. GSA, as the custodian of personal property belonging to the United States, is now the official custodian of that artwork. For a variety of reasons, however, much of that artwork has been misplaced. In many cases, the artwork was given as unauthorized gifts or simply abandoned.

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INITIAL INVESTIGATIVE EFFORTS

When we began this program, it was based largely on tips and regular checks at auction sites and Internet sites such as e-Bay for WPA art.

We have been working closely with the FAP at GSA, the Federal Bureau of Investigations and the fine art community to locate, identify and recover the missing artwork. When OIG identifies a potential New Deal artwork, we contact the possessor of the artwork and provide a legal explanation of the federal government's claim to the artwork. We ask the possessor to maintain care and possession of the artwork until title research is complete. We notify the Department of Justice in case assistance is necessary. If we determine that the artwork is federal property, OIG and FAP will work with the possessor to return the art, which is then placed at a public location for all to enjoy.

We quickly realized that maintaining 70- or 80-year-old artwork is no small feat and we would not be able to retrieve these pieces if it were not for the care and efforts of those who preserved them. We also came to realize that we needed more public out-

reach to have a larger impact and that we would get more tips, including people voluntarily returning art, if we could more effectively get our message out.

GETTING THE MESSAGE OUT

We reached out to the public using the two following means:

- First, we worked closely with GSA to produce a 22-minute documentary film on the New Deal Art Recovery Project entitled “Returning America’s Art to America.” Charles Osgood, radio and television commentator, agreed to narrate the 2010 film, which includes interviews with those who have participated in this project, such as those who have returned New Deal artwork they possessed, art historians, investigators, Public Art Program staff and federal prosecutors.

The film was released at a premiere at the Detroit Institute of Art in October 2010, and in November 2010, the film was part of an anniversary celebration at the Roosevelt Museum in Hyde Park, N.Y. In 2011, the film won a bronze “Telly” award in the government relations cate-

gory. The Telly awards honor the finest video and film productions. The film is available at <http://www.gsa.gov/portal/content/194049>.

- Second, we appeared on the *Antiques Roadshow* episode in Washington, DC, over the 2011 Memorial Day weekend. The show included interviews that explained the WPA and our efforts to recover lost art. To highlight our message, a WPA painting was valued at \$725,000 during that show.

These efforts significantly increased our outreach, serving as a kind of “wanted poster” for lost art and led to other individuals contacting us to return lost artwork.

SIGNIFICANT EXAMPLES OF RECOVERIES

OIG and FAP have recovered New Deal art that had been purchased for \$7 at a yard sale, sold on eBay, bought at antique shops and found in attics.

“GULLS AT MONHEGAN”

Andrew Winter’s “Gulls at Monhegan” was recovered after the United States filed a writ of replevin. A rela-



GULLS AT MONHEGAN

tive of a former U.S. ambassador to Costa Rica came into possession of this painting, which had hung in the U.S. Embassy at San Jose. Apparently the painting was given to the ambassador when he retired.

When the relative attempted to sell the painting through an auction house, GSA OIG intervened to stop the sale. The auction house disputed federal ownership, arguing that the United States had abandoned its property.

GSA OIG worked with an assistant U.S. attorney to file a lawsuit in federal court in Portland, Maine, seeking a judgment from the court that the painting is the property of the federal government.

The court granted the United States the provisional remedy of “replevin” to safeguard the painting until ownership was determined. The auction house subsequently agreed to return the painting to the United States.

As part of the Department of State “Art in Embassies” program, the painting will next go to the U.S. Embassy in Croatia.

“FOURTEENTH STREET AT SIXTH AVENUE”

John Sloan’s painting is the one that was valued at \$750,000 during the Antiques Road Show. The history of this painting is illustrative of the convoluted path that WPA art can take. This painting hung in the office of Senator Royal S. Copeland until his death in 1938. When Senator James Byrnes took over Senator Copeland’s office, the painting was no longer there. A congressional staffer found the unframed painting in a pile of trash next to a dumpster and took it home. When the staffer died, his sister acquired the painting. She did not know that the painting was WPA art that belonged to the United States until 2003, when we learned about the painting, and the United States entered into an agreement under which the painting is on long-term loan to a museum.

“IRIS GARDEN”

The recovery of Anne Fletcher’s “Iris Garden” illustrates the effectiveness of our publicity efforts. This painting was originally sent for display to the Home Economics Center in Berryville, Va., in 1939.



FOURTEENTH STREET AT SIXTH AVENUE

In 1970, the building housing the Berryville High School was set to be demolished and the county school board invited representatives from each school in the county to visit the high school and take whatever they wanted from the building for use in their own schools. The man who returned the painting was then a student at nearby Boyce Elementary School. His school principal asked two twelve-year-old students – our hero and a friend – to help load items from the high school that would be useful at Boyce Elementary. As a reward, the principal told the students that they could keep whatever they could carry

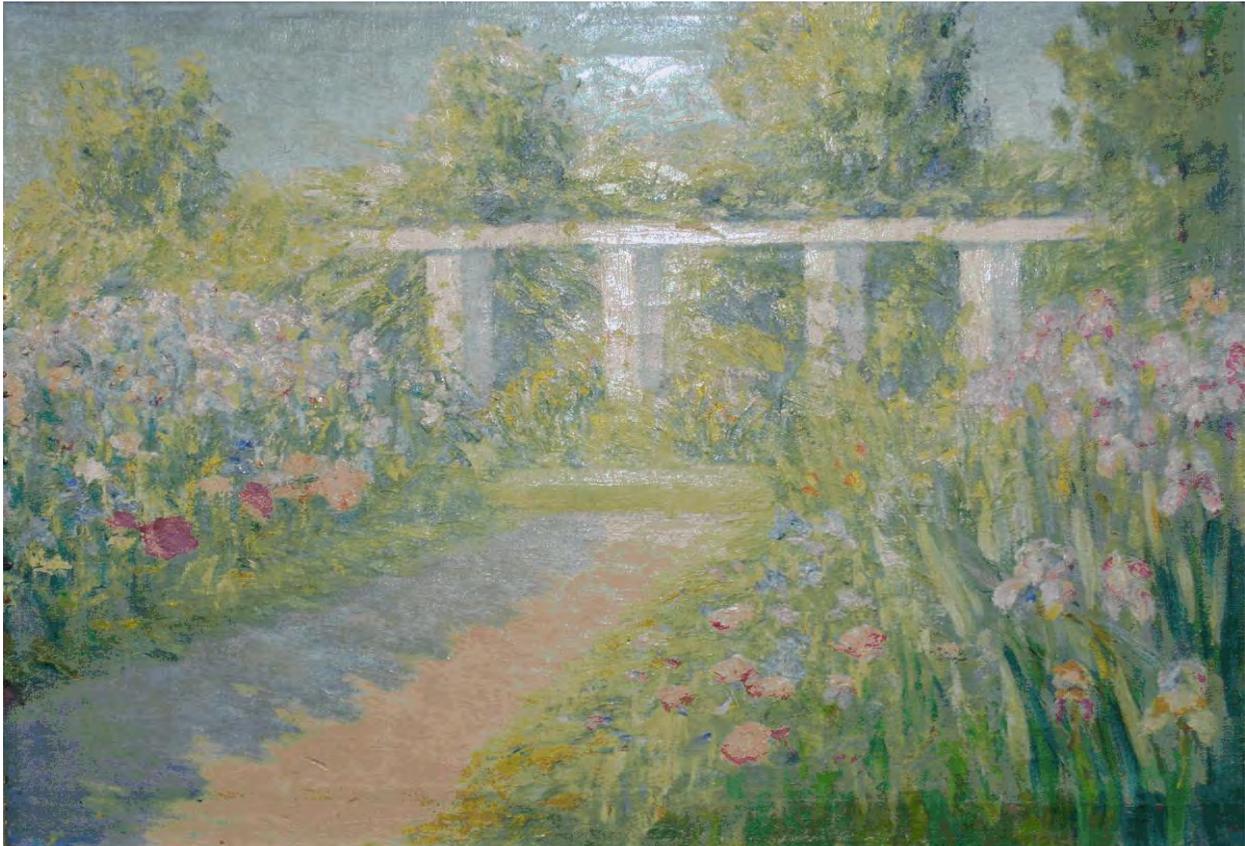
“Not only is there a financial benefit to the taxpayers, but we are protecting cultural treasures that capture a period of American history in artistic form”

out of the building in one trip. Our hero selected a framed print of the famous unfinished Gilbert Stuart portrait of George Washington that graces the one-dollar bill and an unsigned painting entitled “Iris Garden,” which he kept.

After watching the *Antiques Roadshow*, he realized that the painting was actually a WPA piece. He contacted OIG and offered to return the painting. On June 21, 2011, an OIG agent picked up the painting and deposited it with the GSA FAP office for cataloguing before it is put on display. The citizen who returned it has proposed that the painting be exhibited at the Museum of the Shenandoah Valley in Winchester, Va. FAP has not yet determined an estimated value of the painting.

CONCLUSION

We have been able to recover valuable paintings bought by American taxpayers. Not only is there a financial benefit to the taxpayers, but we are protecting cultural treasures that capture a period of American history in artistic form. The project is also an ex-



IRIS GARDEN

cellent opportunity to partner with our agency. GSA gets to see immediate benefits from working directly with our office and to observe first-hand the quality of our fine special agents, counsel and staff. Many times, our work benefits the agency in the long run by pointing out inefficiencies and problems. This work benefits the agency immediately.

The benefits to the taxpayer and to the American public are obvious. The number and value of the paintings and sculptures recovered continues to rise. The 78 items we have recovered have an estimated value of over \$1.15 million.¹ I am glad that we have the opportunity to serve the public in partnership with GSA in returning America's art to America. ☛



Brian Miller

The U.S. Senate confirmed Brian D. Miller as inspector general of the U.S. General Services Administration on July 22, 2005.

Prior to becoming inspector general, Mr. Miller worked for the U.S. Department of Justice for 15 years, beginning in the Office of Policy Development. Attorney General Janet Reno appointed him as an assistant U.S. attorney for the Eastern District of Virginia, where he concentrated on procurement, grant and health care fraud cases. In 2001, Mr. Miller served as the senior counsel to the deputy attorney general and special counsel for health care fraud for the U.S. Department of Justice. In 2002, he returned to the U.S. Attorney's Office to serve as counsel to the United States attorney, while continuing grand jury, trial, and appellate responsibilities as an assistant U.S. attorney.

As inspector general, Mr. Miller leads over 300 auditors, special agents, lawyers, and support staff in conducting nationwide audits and investigations. He strives to provide aggressive, strategic and creative leadership by developing new ways to fight fraud. As a national leader in the fight against procurement fraud, Mr. Miller participates in the U.S. attorney general's financial fraud enforcement task force and partners with federal, state and local officials to share information to detect, investigate and prevent procurement, Recovery Act and grant fraud. Mr. Miller is a frequent speaker at conferences, task force meetings, and regional working groups, and he testifies regularly before Congress.

Mr. Miller has received notable recognition for his service as inspector general. *Ethisphere* magazine recognized him as the 12th "most influential person in business ethics" by a worldwide panel of experts. He was named among "Those Who Dared: 30 Officials Who Stood Up for Our Country," a special report of Citizens for Responsibility and Ethics in Washington, a national advocacy organization. Mr. Miller also received the Attorney General's Distinguished Service Award.

¹) These 78 pieces of artwork are not able to be accurately valued since they are unseizable items. However, if available for public sale, comparable values indicate their value would be in excess of \$1.15 million.