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INSIDE ART

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When a Wall Is Not Just a Wall

In pricey neighborhoods in Manhattan, artists' rights and property owners' interests are colliding, threatening some well-loved works of public art with destruction.

Take the dispute over "The Wall," a 1973 sculpture by Forrest W. Myers that is actually the north wall of 599 Broadway, at the corner of Houston Street within the SoHo Cast Iron Historic District. The wall is made of brick and painted deep blue, with a series of 42 equally spaced aluminum bars projecting from 42 iron bars, six rows across and seven down, painted a contrasting turquoise.

The building's owner, 599 Condo Association, working with its managing agent, Gary Cannata of River to River Properties, has allowed other artists to paint on the lower portion of the wall. In March, Mr. Myers, who lives in New York, discovered that one of the iron bars had been removed.

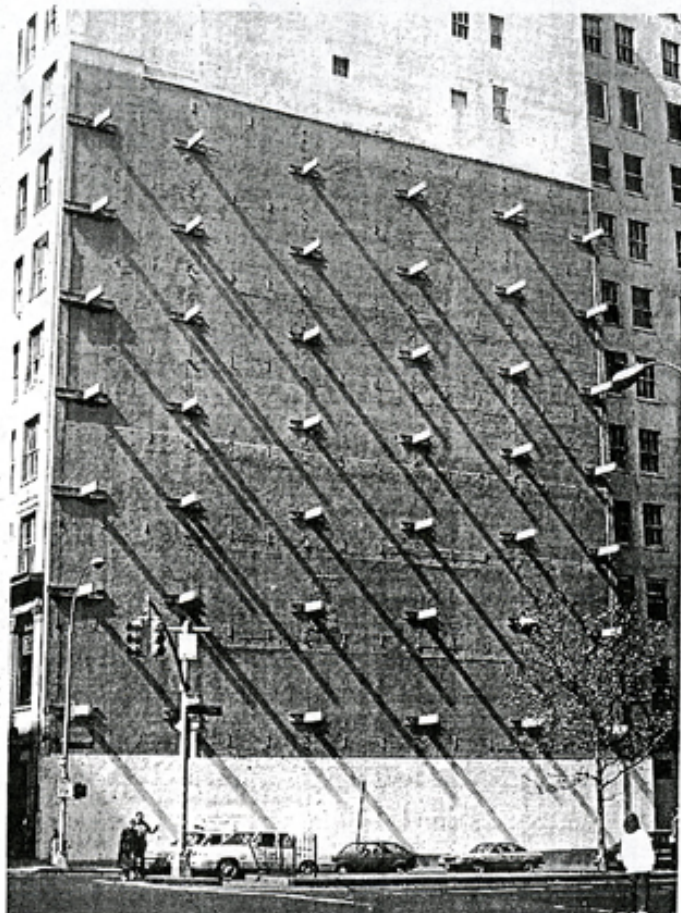
Richard A. Altman, the artist's lawyer, said that when Mr. Myers complained to Mr. Cannata, the managing agent said that water was leaking through the wall and that the owners of the building would do everything in their power to have the art removed.

Mr. Cannata declined to talk about the matter. His secretary said "he wasn't interested."

Arthur Strickler, district manager of Community Board 2, which oversees the neighborhood, called the treatment of the artwork "outrageous." He continued: "You don't have to be a high-priced lawyer to figure this one out. It is alleged the building wants to take it down because they see 'The Wall' as a vehicle for thousands of dollars of advertising space. Walls in this neighborhood are cash cows."

Susan K. Freedman, president of the Public Art Fund, a nonprofit group that commissioned "The Wall," said the dispute was "consistent with what SoHo is becoming, a retail district rather than an art district."

Mr. Altman contends that any modification of "The Wall" would violate the Federal Visual Artists Rights Act of 1990, which gives artists the right to prevent the destruction of an artwork of recognized stature, and the New York Artists' Authorship Rights Act, a state law



Forrest W. Myers

A hearing is set on "The Wall," a 1973 sculpture by Forrest W. Myers.

passed in 1983 that also protects artworks against mutilation.

Because the work is in a historic district, any changes must be approved by the New York City Landmarks Preservation Commission. A public hearing is set for Dec. 16, although the building's managing agent has asked for a postponement.

"The Wall" is a landmark in terms of the community and the art world," Mr. Altman said. "If I have to, I'll go to court to fight it."

MarilynMarilynMarilyn

Most great works sold at auction disappear into private collections, so when one resurfaces for public appreciation, that is news indeed.

This week the Cleveland Museum of Art announced that it bought Andy Warhol's 1962 "Marilyn x 100." The

7-foot-high, 18-inch-wide painting consists of 100 close-up images of Marilyn Monroe.

The work has not been exhibited publicly since November 1992, when it was sold to Shigeki Kameyama, a Japanese businessman who gained a reputation for paying top dollar for contemporary and modern art at auction. Mr. Kameyama paid \$3.7 million at a Sotheby's auction for the painting and has kept it in Tokyo.

Today the piece went on view in the Cleveland Museum's modern art galleries. "This is our first Pop piece," said Robert P. Bergman, director of the museum. "By acquiring it we've formed a new center point for our holdings of 20th-century art."

The museum did not buy the painting directly from Mr. Kameyama. Jim Cohan, who is the American partner of the London dealer Antho-

ny d'Offay, negotiated the deal.

Charles Saatchi, the London-based advertising magnate who is one of the largest contemporary art collectors in Britain, bought "Marilyn x 100" directly from the artist in the early 1980's. But by the early 1990's, Mr. Saatchi became one of Sotheby's biggest sellers, and the painting found its way to the New York auction block.

Mixed Sale at Sotheby's

Wednesday's auction at Sotheby's in Manhattan of four paintings by John Singer Sargent brought mixed results for Henry Kravis, the financier and Sotheby board member, but the auction house's entire sale of American art brought in a record total of \$42.8 million.

The four Sargents fetched \$14.2 million; the estimate had been between \$11.7 million and \$17.9 million. The star work of the four and of the sale itself, "In the Garden, Corfu" (1909), sold to an unidentified telephone bidder for \$8.3 million, well above the \$7 million high estimate.

An earlier painting, "Venetian Wineshop" (1889), brought \$1.9 million, well under \$3 million, the low range of its estimated price. Substantial cracks reduced the value, experts said.

Meanwhile, "The Rialto," a Venetian scene painted in 1909, also sold for below the low end of its estimate, bringing \$2.2 million. The buyer was a representative from Citibank's art advisory services.

But "Gust of Wind" (1886-1887), a painting depicting the artist's friend Judith Gautier holding her hat, was bought by the American painting dealer Warren Adelson for \$1.6 million, above its \$900,000 high estimate. Mr. Adelson is thought to have bought the painting for Susan Soros, a collector and founder and director of the Bard Graduate Center for Studies in the Decorative Arts.

Sotheby's had given Mr. Kravis a guarantee, an undisclosed sum regardless of the sale's outcome. Because such guarantees generally hover around the low estimate, this time it paid off.

Still, some experts expected the paintings to bring higher prices. "Considering the strength of the market, I am surprised that the most valuable three Sargents didn't sell for more," said Vance Jordan, the Madison Avenue dealer. "I thought 'In the Garden, Corfu' would break the record for Sargent and for an American painting."