

THE STORY YOU DON'T KNOW ABOUT A PLACE WE ALL LOVE

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Delivered to The Chicago Literary Club May 14, 2001 (© Joel S. Dryer, 5/14/2001)

CHAPTER ONE

I'm about to tell you a story of Chicago history. Only an incomplete version of this history has ever been told, but not for over one hundred and twenty years. A story that has been lost through the sands of time. And tonight, you will be the first to ever hear this true and complete tale.

In 1859 Chicago had its first ever art exposition held at 41 North Wabash. Over 12,000 people attended this event. Six years later after the end of the Civil War, Leonard Volk, a founding member of our literary club and brother-in-law of Stephen A. Douglas, formed Chicago's first permanent art gallery. The following year, Volk was elected president of the newly organized Chicago Academy of Design. The Academy was founded by thirty-five ambitious artists who had great intent. Their new group would provide a means by which the public was educated, where classes could be held, art studios housed, works exhibited and sold, and a permanent gallery of art could be displayed.

However, such a public gallery would be encumbered by the onerous personal property tax. (Income tax wasn't to be enacted until some fifty years later with the sixteenth Amendment.) If the new Academy was successful in gathering a collection of art for an enduring display, the valuable artwork would be taxed under the classification of personal property. With the noble purpose of providing an education to the Chicago public the artists of the Academy felt it their duty to accumulate and house a great collection of art. It was for this purpose they applied to the state legislature for a tax-free charter, granted under special exemption in 1869. Now, not only could they operate a school and conduct popular social events, but they could build a collection of art worthy of the city.

Throughout 1869 the artists held magnificently successful exhibitions and entertainments. All the smartest and wealthiest people turned out for the Academy's regular shows. Newspapers described gatherings as "immense throngs of leading citizens," often despite terrible weather such as deluging rain or sweltering heat. The Academy secured a valuable collection of casts and statues through the beneficence of Jonathan Scammon. Today we yet revel in the benefaction of this gentleman in the form of the Scammon Lectures. Ah, but I will give a hint of the true meaning of my discourse this evening. And for those of you

who haven't yet greeted Mr. Sandman that gives two clues. Please listen closely as the plot will slowly thicken into a nice tomato soup.

The Academy's only disappointment came in 1870 when they were refused exhibition space in the Opera House and so sought a permanent home of their own. And what a home they built. Five soaring stories (remember, this was 1870), constructed of expensive Cleveland stone and occupying eighty feet of frontage on Adams between State and Dearborn. In all, it contained two large galleries, an exhibition hall, a large lecture room, large schoolrooms and sixteen fine artist studios. They closed out 1870 with a sizeable profit, perhaps the first time in the history of man a group of artists had shown some fiscal responsibility. Ah, but I be too harsh, for this fine organization continued its prosperous ways.

This incredible success was to end abruptly on October 8th, 1871. Certainly, those of you even slightly aware of our history know it was on this date that Chicago experienced its greatest tragedy. At the time the Great Chicago Fire broke out, the Academy was in full swing with yet another successful reception and exhibition. Many great works had been lent for the occasion and much was the loss including a famous painting entitled The Peacemakers depicting the end of the Civil War. The great Scammon collection was obliterated. Families and organizations alike were decimated, including Scammon's own personal fortune.

How does one say? The fire was a complete total and utter loss for the then four-year-old Chicago Academy of Design. All that remained was their tax-free Charter.

You may be asking yourself, "if everything was destroyed in the Chicago Fire, how is it our fellow speaker knows of this history?" As you will recall from my last talk before this esteemed group, I have this peculiar habit of locating articles of art-related interest that have been lost to posterity for some time.

A few years ago, I was ensconced in the cramped quarters of the archives of the Ryerson and Burnham library. Stuffed into far, far too little space are countless articles of art historical interest:

Stacks of books strewn here and there,
Piles of paper everywhere,
One could guess what he will find,
That which occupies the curious mind.

I was pouring over a terribly dusty stack of texts and papers when I came across what looked like a ledger book. For no other reason than curiosity, I slid the book from this stack and held it in my hands. As I scanned it with my eyes, slowly at first, then more rapidly, it appeared musty and old, yet somehow unsoiled, this seemed an odd juxtaposition between time and condition. On the cover of things, it looked as if from a time gone by, but strangely in almost perfect condition. Slowly and gently, I turned the cover. There, on the very first page, was written: "Records of the Chicago Academy of Design." I held back my astonishment until I turned to the very last page, "June 20, 1907" it said. And then it hit me. In my hands I was holding the complete history and account of Chicago's first art organization, untouched for ninety years. What treasures of history might I find within? What great names might I discover? For great men are always associated with the formation of art collections.

For me this was an astounding find. It led to the discovery of not only a tale of hard-won efforts and terrible losses but a trail of deception and misguided aspirations that led to the creation of an institution extant yet today and the telling of: The Story You Don't Know about a Place We All Love.

After the fire the Academy tried valiantly to regroup but had limited success. For instance, in 1874, the illustrious artist Albert Bierstadt was made an honorary member after he donated a highly prized painting to the Academy collection. In 1875 women were elected to membership. The following year, the Academy sent a large body of works to the great centennial exhibition in Philadelphia and it was decided to rent larger quarters in the Pike building at the corner of State and Monroe.

But by 1877, the best the artists could do was limp along on receipts from their art school and make annual requests of their creditors to forgive what minor debts they had not yet paid. Some would say this little progress was admirable, after their total loss by fire and the destruction of the city in which they were housed. The artists finally decided to turn to the great robber barons of the city, men whose

business acumen would surely build the Academy and its tax-free charter into the great institution they had all hoped for. Or so they thought!

It was decided to close the rented gallery in the Pike Building and sublet the space. And at the annual meeting that year, a new constitution was adopted making way for the new slate of trustees comprised of businessmen, not artists, who were to direct the operations of the Academy. In January 1878, the new Trustees began the object of quote unquote "reorganizing" the Chicago Academy of Design. The businessmen had elected James Dole president and as Secretary William French, brother of Lincoln memorial sculptor Daniel Chester French and a Chicago Literary Club member. In fact, Mr. French is featured on our website as one of our "notable members." However, Mr. French had been illegally elected as both corresponding and recording Secretary. He now became the monopoly holder of both internal and external communication. Recognizing the act was illegal, Dole and French sought to amend the constitution but were defeated by a vote of the members. Yet hold the two titles he did.

A committee was appointed to investigate the financial affairs of the Academy. They reported some weeks later the Academy had an indebtedness of several thousand dollars, whereupon another committee was appointed to ascertain if the creditors would sign off and release the Academy from these obligations. It was later reported that the creditors, many of whom were favorably disposed to help the artists and their cause in the booming city, would indeed sign off for a much-reduced sum.

However, no action was taken by the Trustees, and following the annual meeting of 1878, the organization lay dormant. As this was the last meeting of the Board of Trustees for over a year, the interests of the Academy necessarily suffered. Why didn't the Trustees meet? Why would they allow the Academy to lie dormant? The plot is now about to thicken into a nice tomato paste.

As it turns out, the businessmen had a hidden agenda. They were after the mighty tax-free charter for their own purposes. They had no intention of helping these artists and concocted a methodical and ruinous plan to secure the tax-free charter.

The facts are as follows. The amount of indebtedness against the Academy was about \$3,000. It was known by the Trustees this debt could have been expunged for a small amount. Secretary French himself recorded in the minutes and I quote, "It was believed, probably correctly that all these accounts could be settled for a

small fraction of their face value " However, no provision was made for payment. The Trustees made matters much worse when they finally met in January of 1879 and voted down a plan to address the debt, instead, passing an unbelievably egregious resolution!! And I quote "That the Trustees will not give -- nor ask their friends to give money -- to pay old debts: that in case old claims are not released they will allow the law to take its course."

Next, Mr. Pike who was in cahoots with the businessmen, and who owned the building where the Academy rented quarters, pressed a suit for payment of back rents. Secretary French with the concurrence of President Dole allowed the suit to go by default. Lacking any response Mr. Pike pressed his issue in court and with summary judgment the Sheriff was ordered to sell the entire contents of the Academy including a multitude of furniture, statues and fixtures, enough equipment to outfit a school of 325 pupils and art worth thousands of dollars. On a dreary May Day in 1879, the entire contents of the Academy were sold to just one lone buyer, none other than Mr. Eugene Pike the landlord, for the sum of \$250.

You see, Pike had some months earlier been part of an organizational meeting for a new group whose minutes later stated the Academy's effects had been "bought in by a friend." In June 1879, Pike resold the property to the very same Trustees who had formed their own organization. Surely, you've guessed by now, the Art Institute of Chicago.

That's right, the institution we all love so much today, part of our civic pride, was founded upon injustice. Our city's most respected business leaders had started their own Art Institute. Men like Allerton, Ayer, Blackstone, Blair, Clark, Field, Fullerton, Glessner, Hubbard, Kimball, Kellogg, Loomis, McCormick, McClurg, Medill, Palmer, Pullman, and Ryerson. A charter that could pave the way for the housing of millions of dollars of artistic treasures, all free from personal property tax.

Many parties took part in this deception and William French was to be rewarded later with the appointment as Director of the Art Institute, a position he held for thirty years until his death in 1914. In holding both the corresponding and recording Secretary positions of the Academy, Mr. French had concocted misleading facts in the minute book to cover up the double-dealings. The Academy, in fact, was not bankrupt. French tried to hide this reality by recording that while Mr. Pike had sold the effects for \$900 rather than subtract his back rent from the sum, he paid a remainder of \$500 to the Academy. Mr. Pike and his attorney both asserted later

that this was a fabrication. French's misstatement of the \$500 was a ruse to cover up the fact that the supposedly bankrupt Academy had this sum in its bank account when the quote unquote bankruptcy sale took place.

Finally in December 1879 at the Chicago Academy of Design annual meeting, the Trustees and Mr. French made it official, they all handed in their resignations. The new Art Institute had already taken over the Academy's effects, schoolrooms, pupils, exhibition space and income.

But we're left with a curious question. What happened to the tax-free Charter, the object of untrustworthy businessmen posing as well-meaning trustees? The Charter was the pinnacle of the entire charade. I take you now to a period three years later and I quote: "Our Academy with its valuable charter exempting its personal property from taxation is especially favorable to the formation of a great and free galley and museum of art." End quote. And there you have it, the artists managed to stay together, meet regularly and run a small art school. Oh, long gone were the grandiose exhibits and elaborate tableau. But by staying continually organized, they thwarted the businessmen from gaining the valuable charter. True justice was served.

If you turn to several histories of the Art Institute, you will find the facts incorrectly stated. No living public, until this day, has known the true story. I once met a great, great, great grandson of one of the artists who founded the Academy. He asked me if it was true that the patriarch of his family had been ill used and cheated by the founders of the Art Institute. What can I say, sometimes family legend lives to tell the truth.

CHAPTER TWO

I bring you now to December 29, 1900. In a letter to Newton H. Carpenter, then Secretary of the Art Institute, Wallace Heckman wrote, and I quote: "I congratulate you on securing control of the charter of the Academy of Design. It is a special charter possessing considerable value exempting as it does all of the personal property of the [museum] from taxation." End quote. What happened through the sands of time was that the old artists of the Academy slowly passed away, one by one, and when there were but a few octogenarians remaining, they finally ceded the charter to the Art Institute in exchange for life membership. To the artist founders of the Chicago Academy of Design, we owe a very big thank you for without the efforts of these artists, their education of the public, their art schools,

and exhibitions, we may never have inherited the type of cultural heritage we have today.

But the wayward means of the Art Institute were made of sour blood that could not be expunged from the veins and it leads to a continuation part to this story, that should make you carefully consider your own legacy.

Let us roll forward another five years. When Benjamin Franklin Ferguson passed away in 1905, his will specified that one million dollars be set in a trust fund, the income from which to be used to erect quote "enduring statuary and monuments" end quote. Ferguson's gift was the concept of a city enriched by public sculpture. The Art Institute was trustee of the fund and by 1931 eighteen sculptures were placed in Chicago locales that according to Ferguson's will be commemorated "worthy men or women of America, or important events in American History." However, over the course of the next twenty-five years, no sculpture was erected for the beneficence of the Ferguson Fund. Why?

The Art Institute had a purpose to this inactivity for in 1957, after enormous and vehement public outcry including a lawsuit brought by a Chicago citizen, they expanded the museum by building a 40,000 square foot limestone structure to house administrative offices, named, you might have guessed, the Ferguson wing. How a new administrative building coincides with the erection of public sculpture honoring great men for the beautification of Chicago begs the question.

Worse yet, the Ferguson fund had grown to only two point six million dollars. What happened to the one million dollars originally willed in 1905 that caused it to grow to only two point six million dollars after fifty years? An accountant in 1957 calculated that after subtracting expenditures for sculptures and management fees, at a conservative interest rate the fund should have grown instead to over eleven million dollars. It then became clear that for decades while sculpture requests throughout the city were repeatedly denied, the Art Institute had been using the income from the Ferguson Fund for operating expenses.

The facts again prove illuminating. In the 1957 suit a little-known item was made public. In 1933 the Art Institute had successfully sued to have a court repudiate the Ferguson Will, on the grounds that the terms public "statues" and "monuments" were ambiguous, even though over six hundred thousand dollars had already been expended on public statues and monuments. In this 1933 suit the Art Institute called into question the actual words "statues" and "monuments". Now a full

reading of the Ferguson will makes clear the meaning of statues and monuments as nothing even closely resembling an administrative building, but then again, this was just a precursor to such ludicrous legal wrangling as we have recently witnessed over such things as the meaning of the word "is."

The 1933 suit to repudiate the Ferguson will was little known for good reason. It had been brought against the people of the state of Illinois, Otto Kerner Attorney General. Kerner demurred without a fight, no testimony was given, and two minutes after the case was filed, it was passed in favor of the Art Institute. In fact, counsel for the Art Institute wrote the answer of and for the Attorney General!! I'll leave it to you to presuppose what arrangements were made between the wealthy trustees and the aspiring politician whose son would later be made governor and would die a convicted felon. Perhaps the apple didn't fall far from the tree.

In preparation for spiriting away the trust fund in 1957 the Art Institute had sued again against the state of Illinois to verify the earlier decree. Recently departed and highly esteemed judge Abraham Lincoln Marovitz presided over the matter. He stated that while the 1933 case had to stand on a technicality he had read the entire earlier case and all papers and articles relating to the matter, as well as Mr. Ferguson's will. The honorable Judge Marovitz stated, "I cannot agree that Ferguson intended for the income from his money to be used to erect an administration building."

I will not regale you in other deceptions. Instead, I will close by pointing you to my purpose here today; and that is to provoke your sensibilities. We all love our Art Institute and are proud of its place in Chicago's cultural Mecca. I have recently purchased life memberships for my twin boys, age three! But we need to remember, each time we enter the hallowed halls, that these stories have gone untold. And that my friends is: "The Story You Do Know about a Place We All Love."