Adine Varah

Frescos, funding, and the future: a partnership in mural preservation (San Francisco Museum of Modern Art case study)

1. Introduction

As the General Counsel for the San Francisco Museum of Modern Art (SFMOMA), I have been asked to give a foreign perspective, a U.S. perspective, on private funding of museum projects for public use and enjoyment. Coming from California, in a modern and contemporary art museum, SFMOMA's focus is often on the present, on the future, and on things that are new, but what we are starting to see, and what Italians intuitively appreciate, is the importance and the impact of promoting the past for the public. This article will highlight the differences between museum funding in Italy and the United States and focus on a case study of the public and private partnerships created to preserve Diego Rivera's mural entitled The *Marriage of the Artistic Expression of the North and of the South on This Continent,* also known as *Pan American Unity* (*fig.* 1).

2. Context

Italian and U.S. museums have historically been funded in contrasting ways. Museums in the U.S. are predominantly funded by private wealthy individuals, due to a long-standing cultural tradition of wealthy industrialists supporting private museums, bolstered by a tax system that provides significant tax incentives for charitable donations to nonprofits[1]. The four main revenue streams for museums in the U.S. are earned revenue, endowment income, contributions and fundraising, and government support[2]. In comparison, museum funding in Italy depends partly on whether the museum is public or private, but generally for public museums, most funding comes from the Italian state[3]. Both earned revenue and private funding are also potential revenue sources for Italian museums, but they play a bigger role for private museums than for those state-run[4]. Italy has only somewhat recently (in 2014) introduced a tax incentive encouraging charitable giving to the arts (the 'Art Bonus')[5]. Today, more and more Italian museum projects are attracting corporate sponsors, like Ferragamo, bridging the gap between the private and the public and reflecting a structure more similar to what we see in the United States[6].

The San Francisco Museum of Modern Art (SFMOMA) is one of the largest modern and contemporary art museums in the United States and receives significant support from private funding sources. SFMOMA has a remarkable collection of painting, sculpture, photography, architecture, design, and media arts. Reflective of the traditional funding structure of U.S. museums, SFMOMA is primarily privately funded and only receives about 1% of its overall budget from government sources. In 2016, the Museum reopened in a brand-new, renovated building with seven new floors of gallery space, a project supported by private donors. SFMOMA's charitable

1. Meyer K.E., *The Art Museum: Power, Money, Ethics: A Twentieth Century Fund Report*, New York: Morrow, 1979, pp. 17-44. This article will not cover the details of the U.S. tax incentive structures for charitable contributions and deductions. For a general overview of how individuals can claim charitable deductions, see Internal Revenue Service Publication 526 ('Publication 526'), Charitable Contributions (Feb. 24, 2022), available at www.irs.gov/pub/irs-pdf/p526.pdf (last accessed 20 Sept. 2023). Publication 526 explains how U.S. individual taxpayers may claim a deduction for charitable contributions, the types of organizations to which they can make deductible charitable contributions, and the types and amounts of contributions they can deduct.
2. Haimerl A., *What Keeps U.S. Art Museums Running – and How Might the Pandemic Change That?*, ARTnews (Mar. 3, 2021), available at www.artnews.com/art-news/news/united-states-art-museum-financing-1234584930/ (last accessed 20 Sept. 2023).
3. Romolini A. *et al.*, *Financing Museums: Towards Alternative Solutions? Evidence from Italy*, in Piber M. ed., *Management, Participation and Entrepreneurship in the Cultural and Creative Sector*, New York: Springer, 2020, pp. 11, 16.
4. Romolini *et al.*, 2020, p. 47.
5. Art bonus, see artbonus.gov.it/english-brief.html (last accessed Aug. 8, 2022).
6. Fabrikant G., *European Museums Adapt to the American Way of Giving*, N.Y. Times (Mar. 15, 2016), available at www.nytimes.com/2016/03/17/arts/design/european-museums-are-shifting-to-american-way-of-giving.html (last accessed 20 Sept. 2023).

Fig. 1 – On this page and on the next: San Francisco (USA). Diego Rivera, *The Marriage of the Artistic Expression of the North and of the South on This Continent* also known as *Pan American Unity*, 1940 (photo SFMOMA).

mission is to make the 'art of our time' more meaningful to more people.

As part of activating that mission, SFMOMA has been bringing more major and ambitious installations to the public for free. With the opening of SFMOMA's new building in 2016, the Museum had an opportunity to rethink how it might bring larger works into public view for free. The Richard Serra, Judy Chicago, and JR installations in the past few years are examples of this ongoing initiative. The Roberts Family Gallery, SFMOMA's gallery space that does not require paid admission and is therefore free to the public, was literally built around Richard Serra's monumental steel sculpture entitled *Sequence,* highlighting the importance of art access. After three years, SFMOMA removed Serra's *Sequence* (and the glass wall enclosing it) and moved the sculpture back to its permanent location at Stanford University. SFMOMA continued to push the boundaries of the types of installations it could bring to the public free spaces. Next, SFMOMA showed a work by Judy Chicago in public space that involved 18,000 kg of dry ice and pyrotechnics. It was a dynamic, flame and fog-infused installation that spelled the word 'TRUTH' and served as a comment how in a time of social media and political tensions, truth is often hard to discern. More recently, in the Roberts Family Gallery, SFMOMA installed a contemporary moving video/photo installation – a collage of people living in San Francisco today – by French photographer and street artist, JR. Each of these complex installations helped inform, and pave the way for, the preservation and relocation of Diego Rivera's *Pan American Unity* to SFMOMA.

3. The history of Diego Rivera's *Pan American Unity*

The Pan American Unity project helped bring the mural to light. Rivera's previously hidden and relatively unknown mural entitled *The Marriage of the Artistic Expression of the North and of the South on This Continent,* also known as *Pan American Unity*, is a twenty-two six-and-a-half-meter fresco that weighs 27,000 kg. The mural called for cultural solidarity and exchange during a time

of global conflict – themes that resonate with us today. Rivera's mural highlights how creativity, collaboration, art, industry, and technology can come together. Each of these elements were not just important in the mural, these elements made bringing the mural to the SFMOMA possible. The vision was to transform the free space once again in the Roberts Family Gallery in order to exhibit this cultural treasure.

Instrumental to this project was the 'promotion' of the mural. SFMOMA had to make the mural meaningful for people. *Pan American Unity* is deeply connected to the history of the City of San Francisco. In 1940, Diego Rivera was invited to the World's Fair in San Francisco to be featured as one of the artists in the Art in Action program at the Golden Gate International Exposition. Through the Art in Action program, the public had the chance to view Rivera, and other artists on scaffolding painting live in real time. Though Rivera was born in Mexico, he studied in Italy and embraced the fresco technique and became one of the most important modern muralists in the world. The Art in Action program was a chance for the public to see this important Italian technique and this prominent artist in action. As a result of the Art in Action program, Rivera created the mural, *Pan American Unity*.

4. The preservation of Rivera's mural

After the fair, the mural, a fresco placed on ten steel panels, was installed on the campus of City College of San Francisco ('City College') where it was embedded on the thick concrete walls of the theatre building. The mural sat there for decades where, unfortunately its condition began to deteriorate. SFMOMA's challenge was to move the immovable. Because City College's theatre building was seismically unsound and scheduled for demolition, the mural had to be moved to be preserved; but the ten-panel-mural was fixed into the walls and encapsulated in the building which was bordered by glass on both sides all the way to the ceiling. This project required extensive excavation by drilling and a team of experts including engineers, architects, art riggers, concrete specialists, and art conservators, and

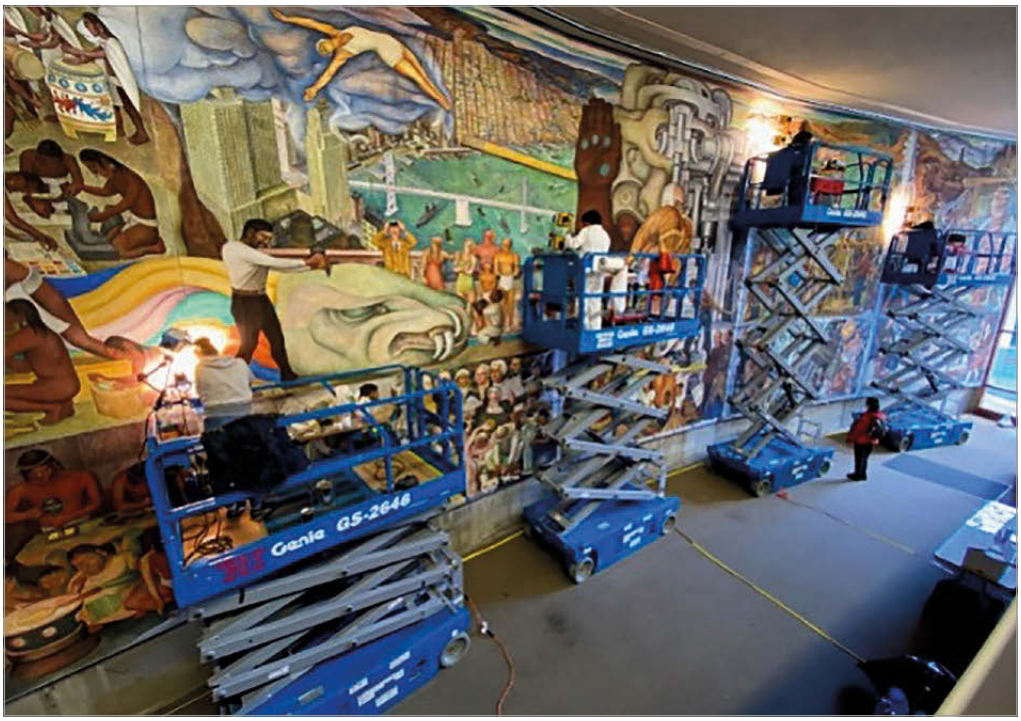

Fig. 2 – San Francisco (USA). Preventative conservation work done onsite at City College of San Francisco prior to the mural's removal and move to SFMOMA (photo SFMOMA).

Fig. 3 – San Francisco (USA). Extraction team member looking through drilled exterior hole to locate where mural was connected to the building wall prior to extraction (photo SFMOMA).

required a collaboration with experts in Mexico at the Universidad National Autónoma de México (UNAM). The team for this expansive collaboration was vast and deep in knowledge.

In this collaboration, engineers in Mexico created test walls to experiment with the extraction technique. Back on site, there had to be significant preventive conservation work done on the mural before the panels could be removed (*fig.* 2). Then, the extraction team drilled holes in the back of the wall – from outside the building – to prepare for the extraction and had to put their heads into the holes to determine where the mural connected to the wall were and then carefully sever these connections (*fig.* 3). Severing the delicate fresco from the wall was a long and technical process.

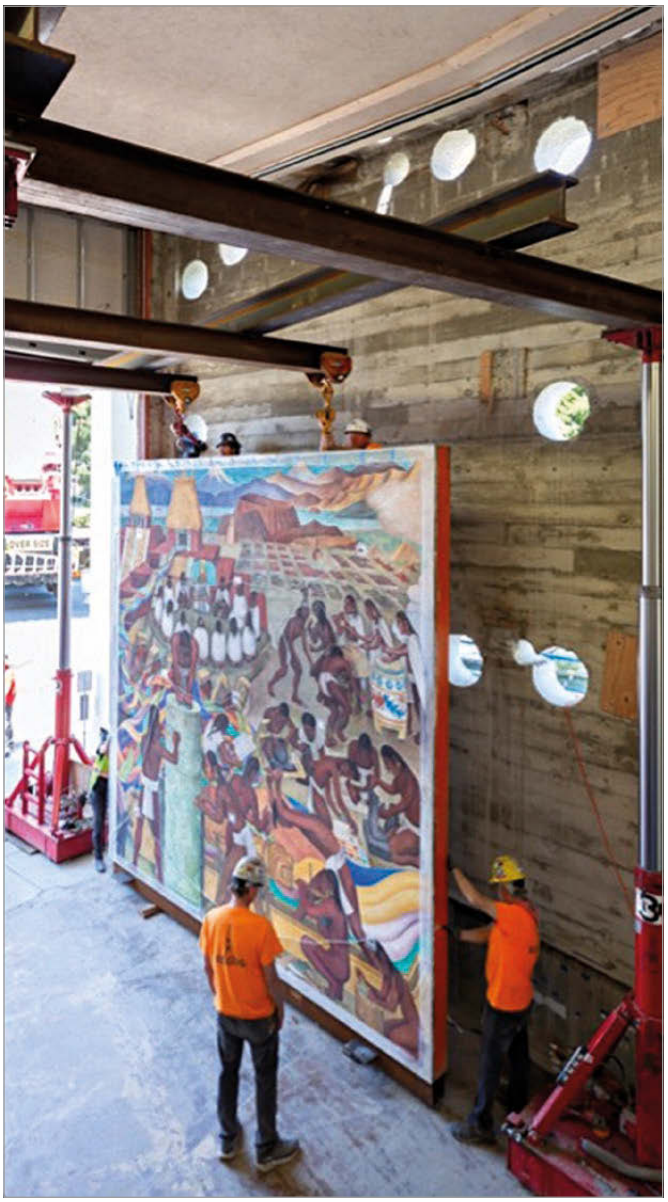

Fig. 4 – San Francisco (USA). Mural panel being moved from City College of San Francisco (photo SFMOMA).

Once the mural was excavated from the wall, then began the process of moving the mural to SFMOMA (*fig.* 4). What was a seemingly short trip across town was riddled with many challenges. The transport team used a device, similar to an electrocardiogram (EKG) machine that detects the activity of the heart, which went onto each mural panel to detect vibrations. Using the machine, the team created a system that was like a stop light. When the machine flashed green, the level of vibrations was low enough that the team could proceed with moving the mural. Both onsite and in the transportation trucks, when the mural vibrated too much, the machine would signal yellow or red and the team had to either to slow down or stop if the vibrations were significant.

In order to bring the mural to SFMOMA, the Museum has to acquire city permits to shut down certain streets and create access points to the Museum. The transportation team took take a particular path in the dark early morning hours of every Sunday for ten weeks (*fig.* 5). Because the transport of such a heavy and delicate fresco at this scale was never attempted before in San Francisco, the moment when each panel arrived at the Museum was a moment of relief (*fig.* 6). Once all ten panels arrived at the Museum, then began the delicate task of reinstallation involving our Director of Conservation at SFMOMA, Michelle Barger, together with expert outside conservators, lawyers, museum staff, engineers, architects, art handlers, and riggers from the United States and from Mexico. The culmination of this four-year project was the final round of conservation taking place on site (*fig.* 7).

5. The funding and legal framework of this project

You cannot move a mural, without moving money or moving hearts. To support this massive project, SFMOMA had multiple key sources of fundraising (*fig.* 8). Samantha Leo, SFMOMA's Chief Philanthropy Officer, noted that the United States tax incentives for charitable contributions was not the only driving force for donors. She highlighted that for SFMOMA's donors, supporting the mural project was a way to give for posterity, rather than for a temporary exhibition or loan. More than 80% of the funding for this project, close to five million euros, came from about twenty individual donors. SFMOMA also received some corporate funding and private foundation funding, but most came from members of the Museum's Board of Trustees and important donors to the museum.

To execute this project, SFMOMA has approximately fifty different contracts with vendors. Because City College of San Francisco did not have the funds to preserve the mural and tasked SFMOMA with this project, SFMOMA needed to take on the primary liability for this task. SFMOMA's responsibility included the significant fine arts insurance for this piece, the general liability, and all other risk management obligations. SFMOMA had to indemnify City College and SFMOMA, in turn, made all vendors indemnify SFMOMA and City College for any damage that they may cause. This network of indemnification obligations created a sense of shared cultural responsibility and legal responsibility as all vendors had to work together to be careful extracting and transporting the work.

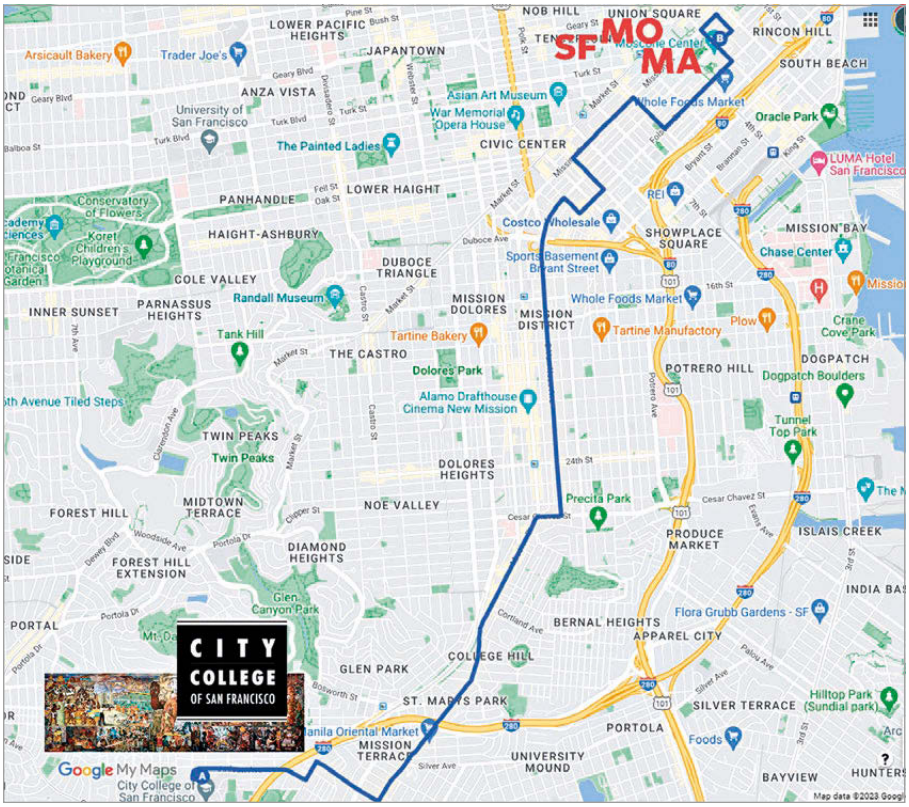

Fig. 5 – Route from City College to SFMOMA (Google Maps).

Fig. 6 – San Francisco (USA). Mural panel arriving on truck outside of SFMOMA (photo SFMOMA).

Fig. 7 – San Francisco (USA). *Pan American Unity* mural installed at SFMOMA in the Roberts Family Gallery (photo SFMOMA).

6. Impact and conclusion

Rivera's *Pan American Unity* is currently scheduled to be at SFMOMA until early 2024 and is available for anyone to see for free. The mural is in the Roberts Family Gallery, the part of the Museum that does not require visitors to pay admission to enter. While the mural is at SFMOMA, it is also currently the jewel of SFMOMA's Diego Rivera exhibition, *Diego Rivera's America*, which opened earlier this summer on July 16, 2022. *Diego Rivera's America* features dozens of works from Rivera from all over the world from public and private lenders. The exhibition even features another portable fresco done by Rivera which normally sits on the University of California at Berkeley campus. After the *Pan American Unity* mural moving project, moving this smaller scaled fresco from Berkeley across the bay into San Francisco for the exhibition seemed relatively simple.

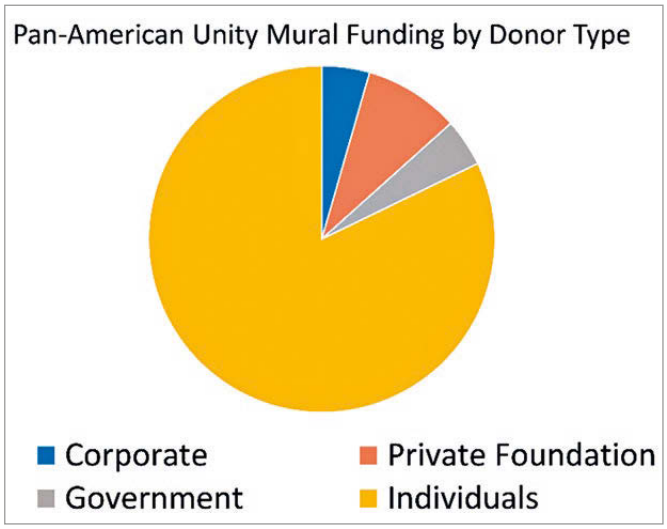

Fig. 8 – *Pan American Unity* mural funding by donor type (illustrative chart created by SFMOMA).

Rivera's *Pan American* mural and this exhibition has had deep impact on the San Francisco community. The mural has inspired local artists as part of SFMOMA's Bay Area Walls exhibit and the Museum's efforts to diversify the artists in the collection. It has sparked a mural movement. Further, the impact has not just been on artists inside the Museum walls, but best of all on the community and the

Fig. 9 – San Francisco (USA). SFMOMA community mural festival event adjacent to the gallery displaying the Rivera mural at SFMOMA (photo SFMOMA).

community engagement. SFMOMA has featured local community muralist groups who painted in the corridor where the Judy Chicago piece with dry ice and pyrotechnics had been shown, and festivals of music and dance (*fig.* 9). This mural has become a catalyst for more cultural activity and more engagement.

Rivera had a utopian belief in the power of art to change the world and the power to art to bring us together. What Rivera saw, and what SFMOMA has come to see, is that sometimes, thanks to the value of art and the belief in the value of art, the impossible can become possible.

Note: With special thanks to Alyssa Perez, University of Miami School of Law Class of 2024, and Megan Taing, University of California, Berkeley, School of Law Class of 2022, as well as to my SFMOMA colleagues, Michelle Barger, Director of Conservation, and Samantha Leo, Chief Philanthropy Officer, for their assistance with this article and, most importantly, this project.