



CASE STUDY

Justice League

How **Agnes Gund**'s \$165 million sale of a beloved painting helped get others to join the fight against mass incarceration

BY HILARIE M. SHEETS

AGNES GUND BELIEVES in giving her art away, with donations of hundreds of works from her collection to the Museum of Modern Art spanning decades and others to the many institutions she has supported. But the 81-year-old philanthropist thought she could achieve more by selling a treasured painting after seeing *13th*, a documentary by Ava DuVernay (the director of *Selma* and *A Wrinkle in Time*) that exposed systemic racism and inequities in the American criminal justice system when it came out in 2016.

Feeling a call to action, Gund chose to sell her favorite holding by her dear friend Roy Lichtenstein, his 1962 *Masterpiece* that had hung on her dining room wall, for \$165 million to billionaire investor Steve Cohen, after refusing his overtures for years. She then used \$100 million of the proceeds from that sale in 2017 to launch the Art for

Justice Fund, a partnership with the Ford Foundation and Rockefeller Philanthropy Advisors currently working against the scourge of mass incarceration through concrete and poetic means.

"I do miss the painting," Gund said of *Masterpiece*, in her understated manner, "but it's doing a lot of good."

No stranger to bold initiatives, Gund founded the nonprofit organization Studio in a School in 1977 to bring arts education back to New York City public schools after reading a newspaper article about budget cuts slashing art from the curriculum. "It's a drop in the bucket," she said modestly of that program, which remains active after more than 40 years. "I felt I could do more in a short period of time with creating Art for Justice."

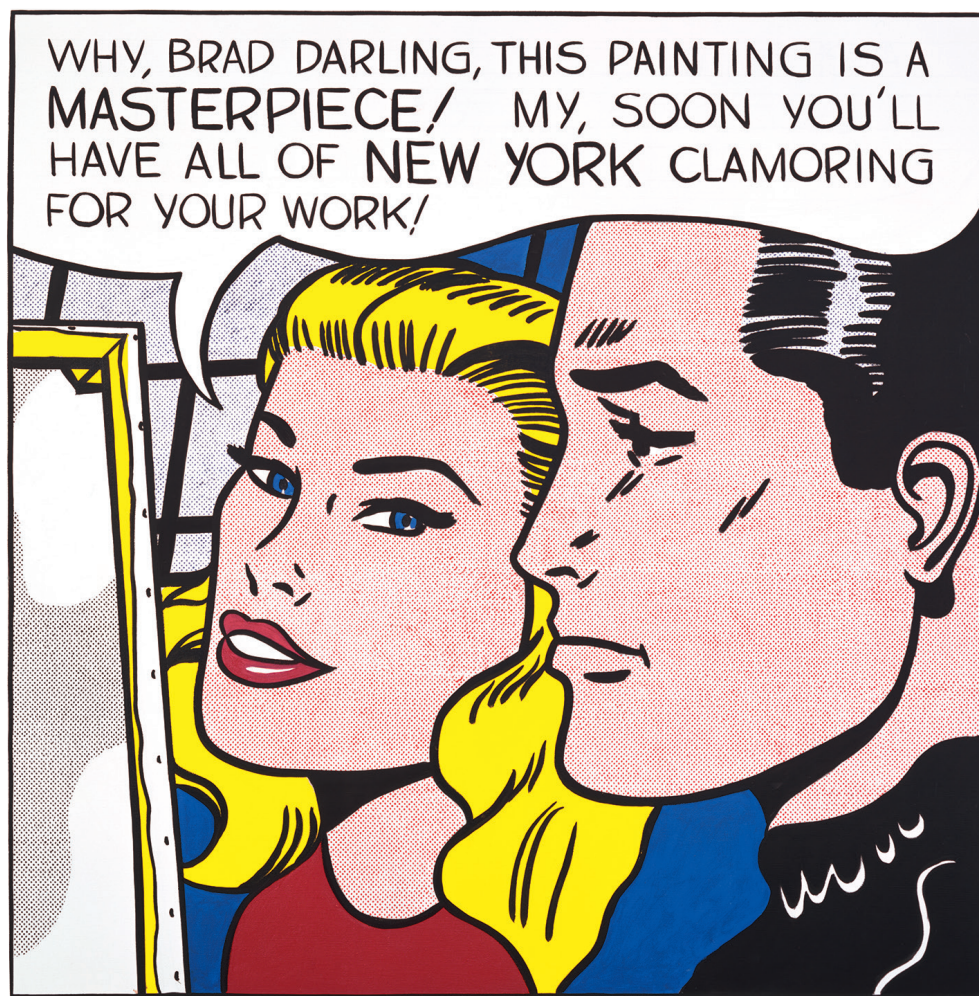
In its first two years, the fund—administered by a programming team of six and a governing board chaired by Gund—has committed \$43 million in grants to more than 100 activists who are working on political reform and artists raising awareness of the issues that have given rise to mass incarceration.

One policy success that benefited from the efforts of the Art for Justice Fund is a ballot-measure campaign in Florida's mid-term election last year, which restored the right to vote to some people in the state who had been unable to participate in elections owing to previous imprisonment. Among activities relating to art, the fund provided a grant for *Redaction*, a collaboration between the artist Titus Kaphar, whose father spent years in prison, and the poet and attorney Reginald Dwayne Betts, who was incarcerated as a juvenile. For the work that premiered this spring at New York's MoMA PS1, Betts used the erasing process of redaction to craft verse from legal complaints filed by the Civil Rights Corps, coupled with Kaphar's portraits of people impacted by the criminal justice system.

Helena Huang, project director of the Art for Justice Fund, described it as "a five-year catalytic fund where we see our larger goal as the reduction of the numbers of people in prisons." Its aim is to reduce incarceration rates by 20 percent in 10 states, including Ohio, Illinois, Michigan, California, Virginia, Florida, Pennsylvania, and New York.

"We see art as a way to tell the stories and elevate the humanity of people who have been traditionally invisible as a part of the criminal justice system," said Huang, who with Gund and the Art for Justice staff has focused on states supported by an infrastructure of art institutions and artists as well as a readiness for the kind of advocacy the fund champions. "On a micro level, we're supporting terrific art interventions for young people to divert them from prison and to offer career opportunities when people come home."

Gund's generosity and commitment to her cause have become contagious.



Pop for a Cause

Roy Lichtenstein's *Masterpiece* (1962), which Gund sold for \$165 million.

"The philanthropy in this area had been minuscule, as was the awareness within the philanthropic community of this as an imperative," said Darren Walker, president of the Ford Foundation. Gund first went to Walker with her idea to address the reality laid bare in DuVernay's documentary, which argues that the disproportionate criminalization of African-Americans is a new form of slavery—a point that resonated with Gund in a personal way because six of her grandchildren identify as black or brown.

With racial and social justice being fundamental to Ford's mission, Walker immediately committed staff and administrative support to work together with what he described as "the network of Ford that Aggie could then leverage for Art for Justice." He and Gund compiled a list of prospects to approach for funds, either through donations of artwork or money to aid in the cause. "One woman called out of the blue and said, 'I read about this and I'll give a million dollars,'" Walker said. "She's an art person and had no idea that this was a problem. She didn't know that if you were poor and couldn't post bail, you might have to stay in jail." Another anonymous donor sold a piece of jewelry for \$350,000 for the sake of the fund.

Glenn Fuhrman, a fellow *ARTnews* Top 200 collector who serves with Gund on

the board of MoMA, offered to become a founding donor. "I have always viewed Aggie as a tremendous role model in so many ways, and this was another opportunity to follow her lead," said Fuhrman, who had already been actively supporting the Bard Prison Initiative, which offers the opportunity for college education to incarcerated students and was itself a beneficiary of a 2018 grant from the Art for Justice Fund.

Musa Mayer and her husband, Tom, donated to the fund in honor of her father, artist Philip Guston, who depicted Ku Klux Klan figures and the horrors of racial intolerance in the figurative phases of his career. "That the fund provides support for legislative and policy change—as well as resources to artists to shine a light on our broken criminal justice system—is something he would have appreciated," Mayer said in a statement about her father.

The socially conscious ice-cream company Ben & Jerry's pledged a gift to support Art for Justice and has partnered with the fund on an exhibition of work by formerly incarcerated artists that draws attention to injustices in the prison system. The show is on view at the company's dreamy destination factory in Waterbury, Vermont, until next summer. The fund also inspired a notable gift from an art critic, a breed not

typically part of the philanthropic crowd: When Roberta Smith of the *New York Times* was awarded a lifetime achievement award earlier this year from the Dorothea and Leo Rabkin Foundation, she donated the entire \$50,000 gift (which she could not accept, per *Times* policy) to Gund's enterprise.

"Art for Justice has sparked a lot of interest that I didn't know it would have," said Gund. Noting hopeful prospects for further change in Washington, D.C., she added that criminal justice reform has been gathering bipartisan support. "It's a libertarian idea."

ARTISTS WHO HAVE RECEIVED

grants from the Art for Justice Fund have been moved to give back and pay it forward. Kaphar and Betts donated one of the 12 portfolios they created to the fund to be sold to raise money. "We didn't expect that kind of largesse from the artists we were looking to support," said Huang.

Xaviera Simmons, a mixed-media artist who is using her grant to produce work looking at the effects of the American political system with Jacob Lawrence's "Migration Series" as a framework, gave one of her prints to *Bomb* magazine's auction in honor of Art for Justice, and she intends to donate more to benefit the fund and synergistic organizations.

"It's important for me that my project for Art for Justice not exist in a silo but also have a rolling effect and make people understand that this is something artists are working on," said Simmons, adding that she has seen an uptick in collector interest in her work and that of others tackling difficult conversations about how the creation of the country is tied to slavery. "People are starting to feel more comfortable having these objects that create a dialogue inside their homes," she said. "That shift is tied to Ava's film, Aggie's generosity, and Darren's relationship to all of us. The conversation is snowballing."

The Art for Justice Fund has also corralled artists working philanthropically on other projects relating to social justice. Mark Bradford, known for his support of children in foster care, was moved during a studio visit last fall from Gund and two formerly incarcerated artists, Jesse Krimes and Russell Craig, who are Art for Justice grantees. After hearing the men's stories, Bradford surprised the organization this year by dedicating all the proceeds of his Frieze Los Angeles commission to the Art for Justice Fund—45 prints that sold for \$25,000 apiece.

Krimes was bowled over by the generosity of Bradford, whom he had read about and admired during his years in prison. "On a very personal level, Art for Justice helped me connect with an entire community of artists, advocates, organizations, and other people across the country working toward similar goals," Krimes said. In September, his project funded by Art for

By the Numbers

Even as crime rates across the country have steadily declined over the past several decades, the United States currently has one quarter of the world's incarcerated population. Below, a look at the staggering statistics that distinguish our massive prison-industrial complex.

ARTnews drew the figures from reports released in 2019 by the Bureau of Justice Statistics, an agency of the U.S. Department of Justice. Demographic information about American prisoners and inmates is from 2017, the most recent year for which data is available. —*Claire Selvin*

2.23 MILLION

Total number of people incarcerated

1.49 MILLION

prisoners (those held in federal, state, or private facilities)

745,200

inmates (those held in city or county jails)

90% of all incarcerated people are male

2% of all black males residing in the United States are incarcerated in state or federal prisons

5.7 TIMES HIGHER

The rate at which men are incarcerated in city and county jails, compared with women

50% of inmates in local jails in 2017 were white, 34% were black, 15% were Hispanic

BLACK WOMEN

are nearly twice as likely to be imprisoned as white women (92 per 100,000 versus 49 per 100,000, respectively)

WHITE WOMEN

were more than half (149,000 prisoners) the female population in federal and state facilities, compared to black (19,600) and Hispanic (19,400) women

Justice goes on view in Lancaster County, Pennsylvania, where he has created a three-acre corn maze—with multiple dead ends and only one path out—as a metaphor for incarceration and the barriers people face on reentry. In an adjacent barn, he is presenting quilts designed in collaboration with currently incarcerated men. He hopes the audience will be drawn into conversations "around ideas of justice, equality, safety, and the larger systemic problems of mass incarceration."

Additional contributions to the Art for Justice Fund have amounted to almost \$10 million, and the funneling of resources to state-level efforts has translated to some genuine legislative victories. The Art for Justice Fund has supported ending requirements for bail to be paid in cash in California and New York, which has helped thousands of people avoid pretrial detention solely because they cannot afford to pay. And the fund has aided the passing of major reforms in Illinois, including reducing penalties for drug offenses to help lower the prison population more than 15 percent, as well as numerous other states by banning life sentences without the possibility of parole for juveniles.

Art for Justice also looks to support initiatives that ease reentry to life after prison. "Sometimes Rikers leaves people without anything, in the middle of the street, literally," said Gund, who has called for shutting down the notorious prison complex on New York's Rikers Island. The Art for Justice Fund recently gave a grant to Susan Burton, who was reincarcerated several times when access to drug treatment and other basic services was hard to find. As a result of her experience, Burton founded A New Way of Life Reentry Project, which provides women housing after prison and helps them readjust.

"Susan Burton is addressing recidivism," said Walker. "It's no surprise that if a woman has been arrested for prostitution and she gets put back on the street and there's no reentry—no employment, no shelter, no safety net—she's right back in the system."

"We've sort of hit every stone, as they say—it really has worked," Gund said of the Art for Justice Fund's multivalent approach to reform. She said her goal is to get all the resources amassed out in the field, where they can be put to direct use. "Lewis Cullman always advocated that you spend down all that you can before you die so you don't build up these big funds and get stuck gearing it for the same thing," she said, referring to one of New York's leading philanthropists, who died in June at age 100.

"If we do our job well, others will step up and—at the end of the five years—build on what we've done and create something different," said Huang. "We're seeding work and fostering relationships between artists and activists that will live on far beyond the life of this fund." ■