

## HELPING BLACK ARTISTS, BUT AT WHAT PRICE?

Howardena Pindell's lawsuit accuses a gallery of taking advantage of artists. Other painters say the gallery skipped payments to them, too.

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For many African-American artists looking for gallery representation in the 1980s, George N'Namdi was the only game in town. One of the few black art dealers, then and now, Mr. N'Namdi opened his first gallery in Detroit in 1981 and focused on black artists working in abstraction. They had been largely ignored by the mainstream art world and marginalized, as well, within black communities that expected their artists to make socially and politically oriented work.

"We were basically considered traitors if we didn't do specifically didactic work," said Howardena Pindell, 77, a graduate of Yale, who took her pioneering abstractions to the Studio Museum in Harlem only to be told, she said, by the director in the 1970s to "go show your work with the white boys." They weren't knocking on her door, either.

Mr. N'Namdi offered opportunity. Ms. Pindell had eight solo exhibitions at his galleries in Michigan, Illinois and New York from 1987 to 2006. But by 2009, she had hired a lawyer to request the return of original works lent to the N'Namdi galleries for exhibition, with a long trail of correspondence over the next decade seeking information on the whereabouts and sales of her art. She now is claiming that Mr. N'Namdi, his son Jumaane and their related companies cheated her and profited off her vulnerability.

In a lawsuit touching on issues of race, loyalty and a lack of transparency in the art world, Ms. Pindell is seeking the return of 20 works of art from the N'Namdis, along with three works from a Texas-based collector, Arthur Primas, and punitive damages of "no less than" \$500,000.

The lawsuit, filed in January in the Southern District of New York and amended April 21, alleges that "accounts of sales and inventory, if provided at all, were willfully misleading and inaccurate, payments were not timely if received at all, and the identity of purchasers, as required by law, was not provided." The three works sold to Mr. Primas, according to the lawsuit, were "heavily discounted by the N'Namdi Defendants without the knowledge or authorization" of Ms. Pindell.

Ms. Pindell is one of a growing number of black artists, including Jack Whitten, Al Loving, Ed Clark, Robert Colescott and Frank Bowling, who have lately seen a surge of attention from museums, collectors and critics after decades of neglect. They all exhibited early on with George N'Namdi. The complaint by Ms. Pindell intends to establish a long pattern of manipulation by the N'Namdis. In a case that could strengthen protections for artists, it alleges that Al Loving, Herbert Gentry and their estates also "publicly expressed their difficulties" with their galleries.

Ms. Pindell's lawsuit asserts that similar complaints were made against the N'Namdi organization by Mr. Loving's widow, Mara, after the artist's death in 2005. (Ms. Loving settled her lawsuit in 2008.) Mr. Gentry died in 2003; his widow, Mary Anne Rose, declined to comment on the estate's relationship with the N'Namdis.

Last week, two African-American artists who were represented by the N'Namdis in the past, James Little and Richard Mayhew, stepped forward to tell The New York Times about their own issues with the gallery.

Mr. Mayhew, who is 96, and the last living artist from the Spiral Group, a New York-based African-American artist collective formed during the civil rights struggle, described being approached by

collectors who said they owned paintings by him. “And I had no idea,” he said, adding he was “shocked” to learn that the N’Namdi galleries had sold these works without his knowledge. “I wasn’t being paid for the paintings that were sold.”

“I wanted to sue,” Mr. Mayhew said, **allowing that he could not afford to do so**. “Many artists were reluctant to sue or didn’t know how to do it,” he added.

Mr. Mayhew finally severed his relationship with the gallery a decade ago.

According to Ms. Pindell’s complaint, “Discrimination in the art world prevented the recognition that these artists deserved until the last several years.” It alleges that “the N’Namdis took advantage of this situation by egregiously and systematically breaching their fiduciary obligations to [the plaintiff] and others.”

Ms. Pindell, Mr. Loving and other artists working with the N’Namdis did not have formal contracts, not unusual at the time; business in the art world was often done on a handshake. But Ms. Pindell’s lawyer, Barbara Hoffman, said in an interview that statutes in many states protect consigned works of art and “impose obligations on the dealer, including prompt payment, even if there is not a written contract.” Ms. Pindell, whose work ranges from highly experimental mixed-media abstractions to figurative canvases dealing with autobiographical and political themes, was celebrated in a traveling retrospective that opened in 2018 at the Museum of Contemporary Art in Chicago. She has been represented since 2012 by Garth Greenan in New York, and now shows with Victoria Miro in London as well. The artist’s work today sells for up to \$1 million, according to Mr. Greenan.

Several of the works she’s trying to get back in the lawsuit have “increased in value tremendously,” Ms. Hoffman said.

Declining to comment specifically on the lawsuit, Ms. Pindell said she preferred to have her dealer, Mr. Greenan, speak for her.

“Howardena would say it’s particularly depressing because George N’Namdi was taking advantage of his own people, already in precarious positions,” Mr. Greenan said. “Justice would make her feel like she wasn’t taken for a ride for 20 years.”

“If Howardena prevails,” he added, “I think you’re going to see a lot of other people feel like they can do it.”

George N’Namdi did do a service for African-American artists early on, Mara Loving said in an interview, adding that it was her husband’s only gallery in the late 1980s when he started showing there. Mr. Loving, also from Detroit, advised Mr. N’Namdi on other artists to bring into the gallery. (The Loving estate is now represented by Garth Greenan.)

James Little, 67, a New York-based abstract artist, was close friends with Mr. Loving and Ed Clark, an acclaimed abstract painter who died last fall. Mr. Little had one exhibition at the N’Namdi branch in New York in 2005 but quickly broke ties because of his discomfort with the bookkeeping. (He now shows through the June Kelly gallery.)

“I saw how he was treating Al and working with Ed,” Mr. Little said, explaining that he heard from the artists that Mr. N’Namdi promised monthly stipends but **would often pay less or skip payments entirely**. “We used to share information about this guy,” he said.

Hauser & Wirth, which now represents the Clark estate, said his daughter, Melanca, did not want to be interviewed. Mr. Primas, the collector, could not be reached for comment after several attempts to contact him.

Asked to respond to the issues raised by Mr. Little and Mr. Mayhew, Mr. Raymond said George and Jumaane N’Namdi confirmed that they had one exhibition for each of the artists. But the N’Namdis “are not aware of having ever sold any painting by either of the artists that they owe a commission on,” Mr. Raymond said, adding that sometimes galleries acquire works through a third party, rather than by consignment from an artist, and therefore wouldn’t owe the artist on a sale.

Ronald Ollie, a collector and retired engineer who is African-American, credits George N’Namdi with jump-starting his collection focused on black abstract artists. Connected to the dealer by Herbert Gentry, his artist friend, Mr. Ollie described Mr. N’Namdi’s unusual sales pitch in their first meeting in the early 1990s. It took place at a McDonald’s near the campus of Howard University, where the dealer was dropping off his daughter.

“N’Namdi said, ‘If you start buying from me, you’re not just going to buy one piece, it will be a group of paintings; you give me a down payment and you’ll have a monthly art bill,’” recalled Mr. Ollie, who purchased numerous works by artists including Mr. Clark, Mr. Loving, Mr. Whitten, Allie McGhee and Nanette Carter from the dealer in this fashion throughout the 1990s. (In 2017, Mr. Ollie made a gift of 81 pieces from his collection to the Saint Louis Art Museum, where they were recently on view.)

Through the years, Mr. Ollie said he heard grumblings from artists about the dealer. Mr. Gentry, he recalled, would complain about late payments from Mr. N’Namdi. But Mr. Ollie said he personally found the dealer to be fair. “I think he’s made some mistakes, but he’s tried to make a decent name for himself in the art world,” he said.

The Pindell lawsuit is seeking to underscore artists’ rights under the law, according to Ms. Hoffman, Ms. Pindell’s lawyer.

She pointed to states that have enacted statutes, including New York, Illinois and Michigan, to protect works of art created by living artists, saying such protections could be important for artists in the current economic crisis, when many galleries face financial difficulties and the possibility of bankruptcy.

A key provision of those statutes is that a fiduciary relationship — one of trust — is created when an artist consigns a work to a gallery. “That’s very different than if you give your grandmother’s clock to a pawnshop and they don’t pay you,” she said. “A trust relationship has a much higher standard of loyalty. An artist has to be paid first.”

Ms. Hoffman said in her experience, artists are “averse to bringing lawsuits against galleries except in very egregious cases” for fear of being blackballed.

Ms. Pindell’s newfound clout in the art world now puts her in a less tenuous position.

Mr. Little said that her lawsuit “sends a strong message about the seriousness that we take in our work and legacy.”