

**Public Questions and Comments on the
Proposed Atwater Kent Collection Transfer Agreement
April 11, 2022**

- 1.** Please explain how questions and comments will be used. The Transfer Agreement is in its final form, since the Court required the City to file the "final transfer agreement" on March 23, and the City did so. Since the agreement is final, what use will the City make of any comments or questions posted here?
- 2.** I would like to hear more from Drexel about what they plan to do about exhibitions. I worked for a time as a volunteer at the Atwater Kent and know quite well that only a very tiny fraction of its collections was ever on display. The Kent's warehouse storage space was amazing to see. It included a large number of items-- George Washington's set of chairs from the Philadelphia executive mansion and Benjamin Franklin's music stand, to name a couple-- that were rarely seen and that most people hardly knew existed. If the city had any money to administer the collection, it would presumably have kept the Atwater Kent itself going. On the other hand, any new caretaker of the collection should be expected to do better than the Atwater Kent had the money, space and energy to do. So, I don't know what to support, and want to hear more.
- 3.** Thank you for permitting the public to respond online. I strenuously object to this plan for the objects formerly housed at Atwater Kent because Drexel has not allocated nor promised funding to manage or maintain this vast collection. It is irresponsible of the city to even consider such a transfer without a minimum of \$500,000 yearly to manage. Additional funds will be needed for staff curators, registrars and support staff. Without an endowment of 4 or more million or commitment of more than \$500,000 yearly by Drexel, Orphans Court should deny this petition and cancel the transfer.
- 4.** Why are the endowment goals not established yet? There is no method described for how funds will be raised to protect the collection--except where grants are summarized. Grants are not fundraising--and the grants revenue thus far is barely sufficient for the task at hand (nearly \$700,000 gross revenue). Why does Drexel not make clear what funds it will have to raise or seek to raise? This would clarify how large the undertaking Drexel understands the project to be? Because it only hints generally at what will need to be raised, I am concerned that realistic fundraising will not be a priority, will not be sufficient, and could well threaten the long-term goal set out by the transfer.
- 5.** As someone who grew up in Philadelphia and visited the City History Museum/Atwater Kent many times and learned much about our history, and as someone keenly interested in saving the arts history in our city, I and many of my constituency view the proposed Collection Transfer Agreement as grossly inadequate. This Collection should not be only digitized and sold off. The City has failed in its duty to keep this amazing history and this solution remains a mistake. It's time to re-consider a new "bricks & mortar" dynamic and active alternative, with competent leadership. Temple University has the best Urban Archive and its Urban History dept has exceptional and brilliant thinkers and doers. Respectfully I suggest that they be a resource in this matter. Drexel is, first off, the wrong landing for this invaluable collection.
- 6.** The City's request for comments is unfair and unrepresentative. Posting of the Transfer Agreement on a defunct website cannot be considered adequate public notice, and the link to this comments page is extremely difficult to find. It appears that the process was designed to limit comments as much as possible.
- 7.** The City's failure to modify its plan to dismantle the Philadelphia History Museum, despite

myriad objections submitted in the past, sends the clear message that the City will ignore comments that are submitted now,

8. The twelve-day period provided for comments (March 23 to April 4, 2022) is much too short for a complex document that the City has been working toward for years.

9. The Transfer Agreement is based on the false premise that the City can legally drop its obligation to care for the collection and keep the Philadelphia History Museum in operation. The City committed to operate the museum in 1938 and there is no basis for discontinuing it. Operating the Museum is required by the City Charter and no steps have been taken to amend the Charter to eliminate this requirement. Statutes require that the giveaway of this collection be approved by various City agencies, including City Council, the Art Commission, and others. The Administration has ignored these legal requirements.

10. Aside from legal requirements, elimination of a museum of the history of the most historic city in America – home of the world’s most important icons of freedom and democracy – is an insult to the people of Philadelphia.

11. The Attorney General's abandonment of its legal responsibility to represent the public interest in this matter makes public input most important.

12. The City has misleadingly suggested that the last time comments may be submitted is April 4. In fact, the matter of the transfer is before the Orphans’ Court, which has indicated it will pay more serious attention to public comments than the City ever has. Since the Court has scheduled the next hearing in this matter for April 27, there are more than three additional weeks in which members of the *public* may submit comments, questions, and objections to the Transfer Plan.

13. The Transfer Plan is totally inadequate to ensure the long-term care and accessibility of the collection.

14. The Transfer Plan makes no provision for necessary funds to care for the collection and make it accessible. There is not even any indication how Drexel can pay the first month’s rent on the warehouse where the collection will be stored away from public view.

15. The majority of the provisions of the Transfer Plan are aspirational and discretionary. While the individuals at Drexel who are currently responsible for the collection are knowledgeable and committed to its care, there is little in the Agreement that would prevent future administrations at Drexel to lock the collection away, never again to be seen by the public.

16. These are not the whole of my comments on this matter. The time the City has provided is too short to prepare detailed comments on everything that is wrong with the Transfer Plan. I, and presumably other citizens, will submit comprehensive comments and questions to the Court, which presently has jurisdiction over this matter.

17. Dear Judge Woods-Skipper:

My name is Philip Price, Jr. and I am an attorney, a former Pennsylvania State Senator and a former member of the Fairmount Park Commission. I have been active in City cultural matters for nearly my entire life. I have been following the developments related to the City petition seeking to transfer the Philadelphia History Museum (the “Museum”) collection to Drexel University. I understand that you have ordered the City to provide a copy of the exact transfer agreement and scheduled a new hearing at the end of April.

Atwater Kent purchased the former home of the Franklin Institute on South Seventh Street and gave it in trust to the City in 1937 to house a museum that would educate the citizens of Philadelphia and its visitors about the founding of the City and its evolution. When the museum opened in 1941, per Atwater Kent’s stipulation, it was free to the public. It was

important to Atwater Kent that there was a museum in Center City. Atwater Kent's Museum for the people of Philadelphia remained open until June 30, 2018.

I submitted written comments for the record to the Museum in March 2019 in response to a request for public feedback after the initial proposal was presented at a public meeting held on February 27, 2019. On September 10, 2019, I submitted oral testimony in support of my position at the public meeting held at the Free Library of Philadelphia on Vine Street. I also attended and presented oral testimony at the Museum board meeting in November 2019 at which the proposed transfer was discussed, voted on, and approved by the board of trustees of the Atwater Kent Foundation. At both meetings I attended in person, I expressed my concerns and advocated for establishing as part of the plan a museum for Philadelphia history as intended by Atwater Kent. I similarly objected to the City's plan by letter sent to you in February 2022 in advance of the first court hearing in the matter.

I have now reviewed the City's March 23, 2022 Transfer Agreement. Unfortunately, the Transfer Agreement does nothing to allay my concerns. I object to the Transfer Agreement and urge you to deny the pending Petition.

First, the current plan proposed by the City does not provide for the continuation of a museum in any form and is not consistent with Atwater Kent's intentions. This is not administrative deviation, but a wholesale change in the purpose of the Atwater Kent Trust. The current plan provides for a single temporary exhibit in West Philadelphia. That is insufficient.

If the City and Drexel want to administer the Atwater Kent Trust as the settlor intended (which it does not appear that they do), Drexel, subject to Court approval, should be required to locate and fund a viable venue within Center City's cultural district where the above referenced key artifacts could be displayed to the public on a long-term basis.

Second, the City has not completed the inventory of the objects that it wishes to transfer. The Court should not entertain this petition until after that process is complete. It is impossible to evaluate the matter without knowing exactly what is to be transferred.

Third, the Transfer Agreement does not address the City's failure to comply with the City Charter related to this collection and the Transfer Agreement. I do not believe that the City has demonstrated that it has complied with the City Charter by obtaining the necessary approval and for that reason alone, the Court should deny the petition. The Court should not permit the City to avoid the requirements of the law of Philadelphia.

Fourth, the Transfer Agreement contains virtually no strict requirements by which to hold Drexel accountable. For instance, there is not guarantee of funding. This is an important issue because Drexel has limited resources and its primary mission is not to maintain a museum. Similarly, there are no strict deadlines for completing the inventory, completing the digitization of the collection, or making the items in the collection available for loans. Given the City's desire to be rid of the collection as quickly as possible, I have little faith that the City will require much, if anything, from Drexel if the Petition is approved.

Fifth, the committees for lending and deaccessioning proposed by the Transfer Agreement do not include neutral members of the community. At least three credentialed historians/curators with comprehensive knowledge of Philadelphia history, other than those from Drexel or the City, should be involved. Perhaps, as Atwater Kent originally required, representatives of the Philadelphia Museum of Art, the Historical Society of Pennsylvania, the University of Pennsylvania, and the Franklin Institute should be given seats on these committees to avoid the potential issues and ensure that the public's interest is protected. This is particularly true given the loose terms of the Transfer Agreement.

I would ask that this letter be placed on the record of this proceeding. Your consideration of my concerns is greatly appreciated.

Respectfully submitted,

Philip Price, Jr.

18. There is much to comment on, and many questions to ask, but it is not possible for me to respond by this deadline of 4/4. Please extend!

19. Do you have a goal for the endowment that you intend to create to support the care and curation of the collection? A lack of sufficient endowment and the inability to raise funds doomed the Atwater Kent and created the conditions for this transfer. While I have no doubt of the current leadership's intent to care for the collection, the priorities of future leadership at Drexel could be very different, and without an adequate endowment, the collection could again be endangered by insufficient funding.

20. The plan notes that Drexel intends to establish a website within 6 months of the decree that will enable loan requests, but later notes that "Drexel's start of the loan program depends on when the Museum Trustees and City, or Drexel, move the Collection to a new storage facility." Does this mean that the ability to apply for loans could still be some years off, if it takes a significant amount of time to find a new storage facility and relocate the collection?

21. The plan suggests that AAM's standard facility report may be one of the primary tools use in evaluating the loan worthiness of applicants. This report tends to reflect larger art museums and similar facilities, as opposed to historic house museums, historical societies, libraries, etc., whose facilities are often quite different. We hope Drexel will keep this in mind when evaluating loan applications.

22. Will the Oversight Committee have final authority over loan requests? As currently described in the plan, 9 of the minimum 13 seats are Drexel/Atwater Kent trustees or staff or city appointees. It would be more encouraging to see a greater commitment to the number of at-large seats on the committee with deep collections expertise across the region, reflecting a range of institutions and the importance of this collection as one that belongs to the people of Philadelphia and in the public trust. It would also reflect Drexel's desire to make the Collection available to as many museums, historic houses, schools, libraries, and other institutions as possible for exhibits, research, and education. Thank you for the opportunity to submit questions and comments about the plan, we look forward to the opportunity to apply for loans from the collections and wish all success to the project.

23. Giving away our common patrimony to a private entity is an act of short-sighted negligence. I vehemently oppose this plan and demand that the City assume its responsibility for stewarding this priceless connection. If Drexel is so very high-minded, then they can "lease" custody of the collection for a decade. We can then see what transpires.

24. Dear Judge Woods-Skipper:

We appreciate your demand that the City of Philadelphia and Drexel University provide a detailed Transfer Agreement prior to ruling on the City's petition to transfer ownership of the Atwater Kent/Philadelphia History Museum (AKM/PHM) collections from the City to Drexel. We are also grateful that you have required a period for public comments in response to the City's latest filing, dated March 23, 2022.

The interest by the Historical Society of Pennsylvania in this matter is not simply to resist the transfer. We appreciate that the City and Drexel have acted in good faith. Yet, we also strongly believe that this transfer agreement can be improved through a greater spirit of inclusivity and cooperation. This is not an insignificant move or a collection of random objects. The AKM/PHM collection tells the story of Philadelphia, our region and our nation – in short, *our* story. As such, the issue of what to do with the AKM/PHM collection demands a community-based solution and direct involvement by a diverse group of interested parties.

As a cultural leader in Philadelphia, HSP simply wants to hold the City and Drexel accountable in protecting the public's interest in having Philadelphia's history properly preserved, interpreted and displayed for all.

After carefully reading the draft Transfer Agreement, the Historical Society of Pennsylvania (HSP) continues to have serious concerns:

- Drexel does not commit to a minimum annual budget to operate the proposed lending library of historical objects from the AKM/PHM collections. In court testimony on February 28, 2022, Drexel President John Fry mentioned Drexel's plan to commit \$650,000 annually to fulfilling this mission, plus any funds that will be raised from gifts and grants. This commitment is not articulated in the draft Transfer Agreement.
- Even if Drexel were to commit to \$650,000 annually, this sum seems inadequate to the proposed mission. In most cultural non-profits, each dollar of employment cost is typically matched by approximately a dollar of programmatic costs to fulfill the mission. President Fry's planned budget mentioned staffing and storage facilities costs, but no programmatic costs. The inadequacy of the AKM/PHM budget was a key factor in the museum's demise, so adequate funding is fundamental to this venture's future success and the ability of the people of Philadelphia to access their own history.
- In paragraph 2.07, Drexel says it will establish an endowment for the perpetuation of the AKM/PHM collections, but it does not specify the target amount of this endowment. The draft Transfer Agreement indicates that the endowment will be funded through gifts and proceeds from deaccessioning. However, in Court testimony, Drexel officials indicated that the financial proceeds from deaccessioning would be nominal. Indeed, most deaccessioned objects would be given to other non-profits at no charge. Sales would be limited to objects of little historical significance or financial value, yet the draft Transfer Agreement describes procedures for the sale of items valued at \$10,000 or more (Paragraph 6.04D). These two statements--that the endowment will be funded through deaccessioning and that proceeds from deaccessioning will be insignificant--are inherently contradictory and require further clarification.
- The plan to preserving the collections lacks essential details, putting them at immediate risk. We heard in court on February 28 that the current storage facility is woefully inadequate, and the collection is in imminent danger of harm due to a leaking roof and a failing HVAC system. The draft Transfer Agreement suggests that the collection will need to be moved, but it does not define a location or any concrete solution. The new site may or may not be in Center City (Paragraph 2.04A), a variable that will have a significant impact on the relative accessibility of the collections for students, scholars, researchers, and interested members of the public. How can we be assured that the new site will be adequate if it is not revealed? At what cost will the collections be moved? Who will pay for that expense?
- Staffing levels are not adequately defined in the draft Transfer Agreement. Paragraph 2.08 lists the current staff, but the Transfer Agreement does not commit to that as a baseline level of staffing. Five of the existing staff members appear to be student workers who will require close supervision and suggesting that there are currently just three professionals in charge of the collection. Two staff members will be added—Assistant Director of the Collection and a post-doc in history and material culture—but the Transfer Agreement does not say whether these will be permanent additions to the staff or substitutions for some of the

existing positions. There is also no commitment to conservation staff, which we believe is a necessity for the proper care of a collection of this size and importance. Paragraph 2.08C lists the functions that will be staffed but does not indicate the number of positions that will fulfill those duties, and conservation is not listed among them.

- The draft Transfer Agreement promises an active loan program (Paragraphs 4.03 to 4.07). Short-, Medium-, and Long-Term loans are promised, but the loan program is anticipated to take at least one year before it is ready for implementation (Paragraph 4.03B), and therefore we are not being told how it will function.
- The plan for an initial exhibition (Paragraph 4.02) in the Paul Peck Center and the Leonard Pearlstein Gallery is a step in the right direction. However, the Peck Center appears on Drexel's website as the home to the university's office of Alumni Relations and does not appear to have public hours for the general public to wander in to see exhibitions. The Pearlstein Gallery has an established program of short-term temporary exhibitions, so presumably the inaugural exhibition would take one of those slots but not offer an ongoing opportunity for the public to visit the AKM/PHM collections. What happens after this short-term commitment for Drexel to present a long-term exhibition or program of exhibitions to illuminate the City's history in a meaningful, sustained narrative, rather than episodic use from the lending program?
- The proposed Oversight Committee (Paragraph 5.03) will have significant authority to manage the AKM/PHM collections. It will be dominated by a majority of Drexel representatives, with the City and Atwater Kent Foundation also having seats. Public testimony on February 28 and letters to the Court demonstrate substantial goodwill from cultural institutions for which the art and history of the City are central to the missions of the organizations they serve. These include the Philadelphia Museum of Art, University of Pennsylvania, Temple University, HSP, and others. We propose that the AKM/PHM collection be strengthened by expansion of the committee to reflect the expertise in history, preservation, and collections management that are strongly represented by those peer organizations.

In addition to the Comments offered above, HSP proposes that:

- In addition to bolstering the proposed Oversight Committee with experts from these and other institutions, we feel that the plan should guarantee seats for organizations that previously entrusted their treasures to AKM/PHM, including HSP as well as others. Drexel should have a plurality, not a majority, vote on the Oversight Committee.
- The loan program should offer preferential treatment to organizations that donated objects to the AKM/PHM, and that this should include the opportunity for long-term loans of objects related to the ongoing mission of those legacy organizations and priority over other organizations requesting the same objects.
- In the event that the Collection Evaluation Committee decides to deaccession items donated by any non-profits that are still going concerns, those legacy organizations should have first right of refusal to receive those items at no cost.

We appreciate your open and inclusive process and the opportunity to be heard at this critical juncture in defining the future of Philadelphia's history as reflected by the more than 130,000 objects collected by the AKM/PHM.

Sincerely,

25. To Whom it May Concern:

The Philadelphia Area Consortium of Special Collections Libraries, Inc. (PACSCL), a 501(c)(3) corporation, consists of 35 special collections libraries in the Delaware Valley, from Princeton University to the University of Delaware, with many organizations in the Philadelphia area, including Drexel University. PACSCL members collaborate to make their collections broadly available. PACSCL supports joint projects, promotes professional standards, and fosters the special collections community. As such, it is deeply invested in the long-term integrity of the Atwater Kent Collection, and it applauds Drexel University for its initiative to take custody of the collection, and to secure its future.

As is often stated, the collection consists of over 133,000 objects. This might lead one to consider that these objects are somehow discrete. But by far, most of the collection is archival in nature; that is, they are individual parts of corpora with a wider integrity that provides them with context and meaning. 42,257 “objects” are archival documents, and 21,257 are photographs. Archives tell the stories of the people who created them within the context of that creation, and in the time of that creation. Archives need to be treated as archives, and by archivists, recorded in finding aids using accepted standards of archival description; otherwise, the integrity of these archives will be lost. It would be good to know that Drexel’s plan includes a dedicated and trained archivist as a full-time hire, and that this person is hired before further work on the archives is undertaken.

Finally, Drexel’s responsibility will be the continued care and conservation of the entire collection. Collection stewardship is obviously central to any collection, but in the case of the plans for the Atwater Kent Collection it is even more important. It is well known that historical objects are particularly at risk when they are loaned. This is for two reasons: they can be damaged during transportation, and they can be affected by the different environments in which they find themselves. It should be central to this plan that Drexel hires a full time, fully qualified conservator.

Such are the riches of Philadelphia’s special collections that there are a very large number of trained professionals in the PACSCL community, of which Drexel is a member, who would be available to advise Drexel on how best it might proceed. We do hope that Drexel will take advantage of this opportunity as it moves forward.

Yours sincerely,

William Noel
Chair, Philadelphia Area Consortium of Special Collections Libraries, Inc.