

Ben Arato

From: Mike Draper <mike@raygunsite.com>
Sent: Thursday, April 11, 2024 9:52 AM
To: Ben Arato
Subject: Fwd: Mary Miss Demolition?

full conversation below.

highlight.

On Mon, Mar 25, 2024 at 2:33 PM Dawn Oropeza <dawn@[REDACTED]> wrote:

Mike there is a lot of information and “evidence” that aren’t being shared. As board members we don’t have access to everything or all the information.

Will say that Kelly was hired in part because of her expertise and support for women artists and her environmental art resume.

I really am not the person you should be talking to, don’t have all the documents. That is why I suggested you go to Kelly directly.

You are an important person in the community she should know and vice versa.

Dawn Martinez Oropeza | Executive Director

Al Exito

515.480.0904

www.alexitoiowa.org

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From: Mike Draper <mike@raygunsite.com>
Sent: Monday, March 25, 2024 2:18 PM

To: Dawn Oropeza <dawn@>
Subject: Re: Mary Miss Demolition?

hey Dawn,

someone else on the board mentioned an "updated 2012 agreement" where Mary "signed off on" tearing the sculpture down.

i asked her about it and she sent me this letter.

mike

MIKE DRAPER

founder . owner . Traverse City Record-Eagle Best-Selling Author (true story)

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----- Forwarded message -----

From: Dawn Oropeza <dawn@>
Date: Sat, Mar 30, 2024 at 9:36 AM
Subject: RE: Mary Miss Demolition?
To: Mike Draper <mike@raygunsite.com>

Thanks Mike. Hope so

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>

Sent: Friday, March 29, 2024 8:48 PM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

Oh wait, sorry! This is the new letter!

Mike Draper
RAYGUN
Founder and owner

Sent from an iPhone.... Yup, I have a smartphone now. My dumb phone was no longer 5G compatible. And it also fell in a toilet and died.

On Fri, Mar 29, 2024 at 8:43 PM Mike Draper <mike@raygunsite.com> wrote:

Hey dawn, Mary asked me to send this letter on to board members I knew— she sent it to Kelly and Jason. We'll see what happens!

Mike

Mike Draper
RAYGUN
Founder and owner

Sent from an iPhone.... Yup, I have a smartphone now. My dumb phone was no longer 5G compatible. And it also fell in a toilet and died.

On Tue, Mar 26, 2024 at 11:57 AM Mike Draper <mike@raygunsite.com> wrote:

hey Dawn,

i heard back from Kelly, but it was just to tell me that, essentially, this is a board matter and she referred me to the chairman of the board -- still waiting ot hear back.

not to keep pestering you, but Mary was wondering if you all were given the letter she sent to Kelly and the Board 2 weeks ago?

she didn't get a response, so i've attached it.

mike

MIKE DRAPER

founder . owner . Traverse City Record-Eagle Best-Selling Author (true story)

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On Mon, Mar 25, 2024 at 2:36 PM Mike Draper <mike@raygunsite.com> wrote:

thanks! yeah, i totally get it! i reached out to Kelly last week but haven't heard back yet.

i know one person's concerns on the board aren't going to do much. but since Mary sent me this letter and told me to share it with Board Members i knew, i told her i would.

mike

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I really am not the person you should be talking to, don’t have all the documents. That is why I suggested you go to Kelly directly.

You are an important person in the community she should know and vice versa.

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>

Sent: Monday, March 25, 2024 2:18 PM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

hey Dawn,

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On Thu, Mar 21, 2024 at 6:19 PM Mike Draper <mike@raygunsite.com> wrote:

hey Dawn,

i also wanted to forward on to you something i got from Mary's friend Nord about a 2012 agreement that someone else brought up to me (they said Mary signed off on demolition in 2012, so i asked her and Nord):

"Mike,

Thanks for your note. The 2012 letter referenced has been grossly mischaracterized and distorted by the Art Center's leaders. The two-page letter was about restoration of the artwork. There is a mention of removing the work in a discussion of fundraising; but the vast majority of the letter is about restoration.

It opens:

Dear Jeff,

I am glad I was able to come out to see the pond project and discuss how we might proceed. As I mentioned since it is one of the few large scale permanent public project I have and the only large outdoor work I have at a museum space (the Indy Art and Nature Park project has a limited installation period) I am particularly interested in seeing it restored. I do recognize the obstacles in doing this I would like to outline some thoughts I have had.

And it closes:

I hope this provides a road map for moving forward with the restoration work. I really appreciate your interest in having the work whole again and I am happy to work with you to explore possible solutions.

In addition, that letter in no way can be construed a change to the terms of the 1994 contract, which remains in place. The Art Center's Director and Board are legally and contractually obligated to the terms of the 1994 contract. Any suggestion that the terms have been voided, nullified, or otherwise altered is completely false. That's what our lawyers have said.

In terms of the 1994 contract, here are two important sections concerning the Art Center's legal obligations:

8.2 Alteration of the Work or of the Site.

1. Art Center agrees that it will not intentionally damage, alter, relocate, modify or change the work without the prior written approval of the Artist.
2. Art Center shall notify the Artist of any proposed alteration of the Site that would affect the intended character and appearance of the Work and shall consult with the Artist in the planning and execution of any such alteration and shall make a reasonable effort to maintain the integrity of the Work.

The Art Center has not gotten the artist's written approval and they have not consulted "with the Artist in the planning and execution of any such alteration and shall make a reasonable effort to maintain the integrity of the Work." The consultation is a requirement not a suggestion.

What Art Center Director Baum and the Board of Trustees are planning to do is to breach that contract. Should that happen, then no one will ever be able to trust them; no donor, artist, other museum, supporter, etc. can ever trust that the current director and the current board members will honor any contract. They will have shredded their credibility. They have already broken their word to the artist and their trust with the public.

Mary has repeatedly ask questions and sought documents that would substantiate Ms. Baum and the Board's claims. And Mary has been repeatedly been ignored. Ms. Baum "open letter" of Feb. 3 speaks of transparency.

There is no transparency on the part of the Art Center's leaders. They've broken their word, grossly mischaracterized Mary's intent, and they want us to trust them?

This issue is not what other agreements exist, the issue is why won't Ms. Baum and the Board provide the answers and the documents Mary has requested? If they want Mary's written approval to destroy this work, why are they ignoring her? And if the Art Center claims they've engaged her, then they're not being forthright, rather they're being manipulative and distorting the truth.

You might also ask what efforts have been made to sell or gift the work to another institution. To our knowledge, that has not happened.

Happy to discuss and thanks for checking in.

MIKE DRAPER

founder . owner . Traverse City Record-Eagle Best-Selling Author (true story)

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On Thu, Mar 21, 2024 at 5:48 PM Dawn Oropeza <dawn@> wrote:

Who is that?

Dawn Martinez Oropeza | Executive Director

Al Exito

515.480.0904

www.alexitoiowa.org

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From: Mike Draper <mike@raygunsite.com>

Sent: Thursday, March 21, 2024 4:49 PM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

heads up: i emailed Kelly.

also, Virginia Lauridsen reached out about connecting too.

mike

MIKE DRAPER

founder . owner . Traverse City Record-Eagle Best-Selling Author (true story)

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On Mar 21, 2024, at 3:01 PM, Dawn Oropeza <dawn@> wrote:

Kelly Baum kbaum@desmoinesartcenter.org

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>

Sent: Thursday, March 21, 2024 2:59 PM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

got it! do you have their contact info?

mike

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founder . owner . Traverse City Record-Eagle Best-Selling Author (true story)

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On Thu, Mar 21, 2024 at 1:57 PM Dawn Oropeza <dawn@> wrote:

Hi Mike,

I think you should and could go directly to Kelly and/or Jason who is the chair of the board.

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>
Sent: Wednesday, March 20, 2024 7:59 PM
To: Dawn Oropeza <[dawn@\[REDACTED\]](mailto:dawn@[REDACTED])>
Subject: Re: Mary Miss Demolition?

hey Dawn,

one of Mary's friends with the TCLF said that their concerns revolve around the contract the Art Center signed with Mary back in 1994 that says:

1. "Art Center agrees that it will not intentionally damage, alter, relocate, modify or change the work without the prior written approval of the Artist."
2. "Art Center shall notify the Artist of any proposed alteration of the Site that would affect the intended character and appearance of the Work and shall consult with the Artist in the planning and execution of any such alteration and shall make a reasonable effort to maintain the integrity of the Work."

they go on to say:

'On December 1, 2023, the artist was told by Ms. Baum that the work would be destroyed and that "we do not and will not ever have the money to remake it." That's not consultation. That's a unilateral declaration.'

i think that is where Mary may feel slighted. she thought she had a contract for a piece that would be maintained, etc, and it is now just being demolished.

again, i may not have the full story, but if you wanted to talk to Mary and see what you think, she may appreciate it.

mike

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On Tue, Mar 19, 2024 at 4:34 PM Dawn Oropeza <dawn@> wrote:

I am meeting with a curator tomorrow, so maybe hold on.

I do think it is a done deal, but I do feel bad if the information I received as board is not truthful or that the Art Center offended her in their interactions.

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>

Sent: Tuesday, March 19, 2024 4:28 PM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

did you want to talk to Mary over the phone just to see what you think?

if it's all finalized, i can let her know there's not much movement.

again, this isn't the biggest deal in the world to me, i just offered to help out!

mike

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On Tue, Mar 19, 2024 at 2:17 PM Dawn Oropeza <dawn@> wrote:

Hmmm. If you want to talk via phone glad to do that.

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>

Sent: Tuesday, March 19, 2024 2:10 PM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

talking to her, she feels like they told her concerns they had with the structure, she offered some flexibility and ideas with repair, but then there weren't any other conversations -- she said they only talked for about 7 minutes.

she pointed out that one of her projects in Manhattan withstood 9/11 and Hurricane Sandy, so she is miffed by the upkeep.

again, i'm not a die-hard "save all art at all costs," but after talking to her, she does SEEM to make some valid points, and didn't strike me as unreasonable.

mike

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On Tue, Mar 19, 2024 at 1:36 PM Dawn Oropeza <dawn@<redacted>> wrote:

The board already voted Mike. I don't know the timeline of when things are starting.

What exactly is Mary upset about? I believe that she was notified and in conversations before Kelly came on.

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>

Sent: Tuesday, March 19, 2024 7:19 AM

To: Dawn Oropeza <dawn@>

Subject: Re: Mary Miss Demolition?

question: do you think there would be any interest from the Board in hearing from Mary directly and asking any questions?

she said she only had a quick call with the new director and was just kind of miffed by the process.

it might help to clear the air. i just don't know how hard it is to get the board on a call.

mike

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On Mon, Mar 18, 2024 at 5:59 PM Dawn Oropeza <dawn@<redacted>> wrote:

Hey Mike-

I appreciate that you are creative in all you do including solutions.

Glad artists had someone to reach out to!

Grateful for you!

Dawn

From: Mike Draper <mike@raygunsite.com>

Sent: Monday, March 18, 2024 5:28 PM

To: Dawn Oropeza <dawn@>
Subject: Re: Mary Miss Demolition?

on the Greenwood Pond stuff, it won't be the hill i'm going to die on or anything!

i'm a "creative solution" kind of guy! i think some orgs may need more of that going forward.

i also wanted to help Mary and her supporters get some answers locally, which they think haven't been forthcoming.

i'm so immersed in RAYGUN stuff that i'm not heavily involved (and i'm not normally connected with national artists). the one thing they did bring up is that the NEA helped fund the original project and an employee of the NEA had discussed whether there was legal action the NEA should take.

i really don't know if that's the case but figured i'd let you know in case they blindsided you at the last minute with it!

mike

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On Mon, Mar 18, 2024 at 1:24 PM Dawn Oropeza <dawn@ wrote:

Hi Mike,

Really nice to hear from you. It has been a very long time. Would love to connect.

Is there any way our dremsted.org students could get a tour and meet Kat and Ricky? We meet on Saturdays 10-12 am. Would love that.

Really love seeing that your passion for the arts, arts education, and community is alive and kicking!

The board has been involved in discussions and decisions around Mary Miss' pieces since October. That is when we were informed that the installation was declared dangerous and unsalvageable by a structural engineering firm. The piece is beloved and a major work of art for Des Moines and so many youth, families, and art lovers, so the safety of the community members was extremely important. There was extensive research and study, including input from engineering and construction experts, which led to the decision to dismantle the iconic piece.

You can read Kelly Baum's letter for detailed information: <https://desmoinesartcenter.org/news/open-letter-from-director-kelly-baum/>

I love the innovation of ideas that you share, but considering this piece is submerged in and around water with the foundation in wet mud, complicates many elements, including installation and materials, of this complex piece. I wish it was as simple as asking folks to show up to rebuild. I would be the first to jump on board. I believe the Art Center has done its due diligence with the artist, community, and this piece for many years and many directors. If I didn't believe that I would not continue on the board.

Glad to talk to you in person if you wish.

Dawn Martinez Oropeza | Executive Director

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From: Mike Draper <mike@raygunsite.com>
Sent: Sunday, March 17, 2024 10:28 AM
To: Dawn Oropeza <dawn@>
Subject: Mary Miss Demolition?

hey Dawn,

whoa, it's been a while. i should start off by saying that if there is anything you need from me or RAYGUN in the near future, let me know. FYI: our Direct of Stores, Kat Correa and our head designer, Ricky Sanchez are both high flying Latino Youth (but getting older), so there may be a connection with Al Exito.

anyway, i've been in touch with Mary Miss about the proposed demolition of her project at Greenwood Pond. i wrote a blog post about it with all of my thinking: <https://www.raygunsite.com/blogs/news/save-greenwood-park>.

the abridged version is that i don't think this is going to be the best use of monetary resources in the short term and also don't think it will help build local and national community in the art world.

the City Council and Parks Dept don't have any say in the matter -- the Art Center just needs to fill out a form.

i wonder if there has been any discussion about possible preservation instead of tearing it out?

thanks!

mike

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