Philadelphia's Gallery of Sacred Fakes

IN 1823 JOHN NEAL WROTE IN HIS NOVEL Randolph: "If George Washington should appear on earth, just as he sat for [Gilbert] Stuart, I am sure that he would be treated as an imposter, when compared with Stuart's likeness of him, unless he produced his credentials." An outgrowth of the civic worship that generally characterized the United States's formative years, early republic portraits were so popularly collected that their demand, which initially required life-portraits, soon stimulated gross and unregulated duplication. The copies that proliferated eventually compromised the credibility of all forefather likenesses, especially after the subject's death. Indeed, by the Centennial celebration of 1876, efforts were made to expose "counterfeits."

One of the most direct and organized responses to the concern about copies was an exhibit in Independence Hall of "genuine" Revolutionary likenesses consisting primarily of the city's life-portrait collection by American artists Charles Willson Peale and Rembrandt Peale and British contemporary James Sharples, Sr. In conjunction with this display, a list of those who signed the Declaration of Independence and the Constitution but had never sat for portraits was also published.² Ironically, this attempt to purge false images failed, as "authenticated" late nineteenth-century copies were also accepted and hung in the same gallery. Following the Centennial, the exhibit remained on display in Independence Hall as a permanent collection belonging to the City of Philadelphia; these images, both originals and copies, are today tended by Independence National Historical Park. The following account describes the early twentieth-century conflict that resulted

Funding for research on this article came from the Friends of Independence National Historical Park. Copyright, Independence National Historical Park.

¹ John Neal, Conversations on American Art: Selections from the Writings of John Neal, ed. Harold E. Dickinson (State College, 1943).
² Frank Etting, An Historical Account of The Old State House of Pennsylvania (Boston, 1876).
from this legacy of "legitimate" duplication, and its subsequent resolution.³

The Board to Take Charge of and Collect Historical Relics for the Museum of Independence Hall (unofficially known as the Advisory Board) was created, as implied from the title, to take care of the collection at Independence Hall. Formed by city resolutions on September 21 and December 21, 1899, the Board was comprised of six carefully chosen private citizens appointed by the mayor. His selections represented Philadelphia's more patrician interests: Hampton L. Carson, William H. Staake, and Charles Roberts were prominent lawyers, while Mrs. Charles Custis Harrison (nee Ellen Waln), Mrs. Elizabeth Duane Gillespie, and Mrs. Samuel Chew (nee Mary Johnson Brown) were wealthy members of high society.⁴ Each appointee held an active

³ Two large purchases form the nucleus of the portrait collection at Independence National Historical Park: 84 oil paintings from the Peale Museum auction in 1854 and 45 pastels from a remnant sale of the James Sharples, Sr., and family works in 1872. These acquisitions were prompted by local patriotic efforts to preserve images of American forefathers within the city that made them famous. Although earlier occasions such as Lafayette's visit in 1824 had inspired municipal commissions, these measures were rare and never amounted to more than a single gesture. However, when faced with losing Charles Willson Peale's famous Gallery of Illustrious Personages, the City of Philadelphia made its first major commitment to a city portrait collection by raising $6,000 for auction bidding. A year later the selections (augmented by 20 loans, gifts, and purchases) were publicly displayed in the Assembly Room of Independence Hall in celebration of George Washington's one hundred thirty-second birthday.

The second large acquisition was inspired by the Philadelphia Centennial Exposition of 1876. In honor of this commemoration, the city's portrait collection was supplemented by borrowing (and later selectively purchasing) a considerable ensemble of Federal pastel portraits by the Sharples family. Upon learning of this evolving pantheon of American ancestry, many Declaration of Independence and Constitution Signer and Framer descendants subsequently loaned and later donated family portraits. When finally unveiled as a feature Centennial exhibit, the two purchases, the earlier commissions, and the descendant gifts became collectively known as the National Portraits in Independence Hall.

⁴ Under the auspices of the local chapter of the Colonial Dames, Mrs. Chew had already been acting as an informal superintendent at the Hall, directing relic installation and preparation. Hampton Carson had accepted works for the Hall on behalf of the city and also authorized routine maintenance items such as insurance appraisals. "Memorandum Book, August 1897 to February 5, 1898," Independence National Historical Park Archives (hereafter, INHP) (Independence National Historical Park, Philadelphia); and "Miss Humphry's Gift Will be Preserved in Independence Hall Museum," The Item, July 3, 1899. Hereafter, unless otherwise noted, all correspondence, Advisory Board documents, and reports are from the Independence National Historical Park Archives.
membership in one of the local patriotic societies (the Sons of the American Revolution, the Daughters of the American Revolution, or the Colonial Dames), and Mrs. Chew and Mrs. Harrison had helped supervise the 1897 reconstruction work on Independence Hall. As a body, they were to report directly to the Department of Public Safety (later reorganized and renamed the Department of Public Works, Bureau of City Property) and to function essentially as a private arm of the city government.

Previous to establishing this board, the city had little means of controlling the events and flow of acquisitions in Independence Hall. The local patriotic societies, having recently taken up the restoration activities unfinished from the Centennial, had appointed themselves as guardians over the Hall and its collection. Their care and activities had gone unchecked until the squabbling between the various factions, such as over when and who could hold monthly meetings in the Hall, finally required municipal mediation.\(^5\) To resolve the problem while avoiding the appearance of favoritism, the city fathers created a sanctioned council made up of influential society members. In theory, this organization was supposed to provide the city with a benign conduit to society affairs without losing their support or investing additional funds. The Advisory Board’s formation was also prompted by the increasing unruliness in the Hall; pilgrimages to see the building’s relics were rapidly growing as Americans and foreigners sought to learn about the country’s history directly at the site of its inception and in front of historical portraits.\(^6\) Even though it had enlarged the Hall’s staff from eight to nineteen to accommodate growing visitation, which would swell by 1912 to 962,000, the city still suffered criticism from visitors about the Hall’s inadequate Revolutionary relic display.\(^7\) In response, the municipal Assembly hastily drafted a temporary resolution in 1899 creating a special committee that looked strikingly like a prototype for the Advisory Board.\(^8\) A favorable public response to


\(^7\) “Comparison of Museums in the United States with Annual Attendance of 100,000 or Over,” compiled from the 1912 reports of the American Museums Association and the Commissioners of Education, U.S. Department of the Interior.

\(^8\) With the exception of Judge Pennypacker, who would be replaced by William Staake, the same members were later appointed to the Advisory Board.
the committee encouraged the city officially to install the Board two
months later. Although the Board was created as only a temporary
stopgap, its original personnel would remain intact for the next twenty
years, with the addition of the Chief of City Property as ex-officio
member in 1916.9

Although originally chartered to be an “advisor,” the Advisory
Board soon took control over Independence Hall and its contents.
The first Board meeting was held in the mayor’s office in February
1900 as the last evidence of city supervision. The members immedi-
ately passed a resolution that all acquisitions should first be offered to
them in order to “prevent any cheap relics [from] being sent to the
Hall and to insure the authenticity of those accepted.”10 Through this
seemingly protective requirement, their stamp of approval became
necessary for any changes to the collection. Thus, from its inception,
the Advisory Board authoritatively made decisions on the Hall’s collec-
tion of paintings.

The Board’s second major resolution was to hire a Philadelphia
artist named Albert Rosenthal to make a careful survey of the portraits
and recommend the best measures for preservation. Many members
of the Hall’s various committees, most notably Hampton Carson, were
already familiar with Rosenthal from the time he had worked as an
assistant on his father’s engravings for the Constitution Centennial of
1888 and the Centennial Celebration of the Inauguration of Washing-
ton in 1891. His father, Max Rosenthal, was a famous and well-
respected Philadelphia engraver, and it was from him that Albert
learned about copying processes, the locations of many historical Amer-
ican portraits, and the names of many important business alliances.
Rosenthal’s paternal connection, more than any confidence in his
artistic skills, brought him together with Independence Hall.11 After
his initial examination of the Hall’s collection in 1898, the artist noted

9 The two exceptions are Roberts, who was replaced by James Tyndale Mitchell, and
Gillespie, who was replaced by Mrs. Alexander J. Cassatt and later by Mrs. Arthur Lea in
1916.
10 “Collecting Historical Portraits,” The Item, Feb. 9, 1900.
11 Although Hampton Carson was a relatively intimate acquaintance of the artist (he had
edited a series on the Constitutional Convention in 1887 and written a history of the Supreme
Court in 1890, which were illustrated by both Rosenthals), he really knew Albert’s artistic
prowess as only an engraver’s assistant.
that the pictures "are holding their own in a manner that will compare favorably with any public collection here or abroad," but he ended his report by saying, "I would esteem it a favor to be of any assistance in doing my part looking to [the paintings'] success."  

With this opening, Rosenthal tried to influence all measures taken to preserve and shape the collection by actively lobbying the members of the city government and the Advisory Board to "complete" the portrait collection. On the surface, this campaign would have been perceived by all associated parties as merely an extension of the Centennial efforts to represent each Revolutionary notable with a portrait. In the previous twenty-five years, little effort had been made to augment the original collection, which still lacked likenesses of people such as Benjamin Franklin. Unlike the earlier endeavors, Rosenthal's suggested expansion was only for copies and not life-likenesses. By January 1899, he regularly visited the Director of Public Safety's office to recommend additions and offer expertise. His persistence finally succeeded. In February 1900, the Board moved to secure copies of "authentic" portraits of Constitutional Framers and Declaration Signers who were not already represented in Independence Hall. Despite a clause that "all measures [would be taken] to communicate with responsible artists," Rosenthal received a contract for eleven portrait copies without any bidding or competition; all $2,500 appropriated for the year's acquisitions went directly to the artist. This trend of favored assignment for copy portraits would continue uninterrupted for the next seventeen years.

Rosenthal was not a simple freeloader who tapped into the city's payroll. Once given the commission, he traveled extensively, researching and tracking down possible authentic portraits; he kept scrupulous records and was well-versed in the authenticating provenance behind any of his sources. It should be noted, however, that in the course of his travels the artist often came upon other "important worthies lacking" that to his mind were absolutely essential to the

12 Albert Rosenthal to Frank M. Riter, Nov. 25, 1898.
13 Albert Rosenthal to Frank M. Riter, Jan. 13, 1899.
14 To give some perspective on the amount, the allotment for the Hall's entire maintenance in 1901 was only $1,000. "Minutes of the Advisory Board of Independence Hall," Feb. 9, 1900.
collection; thus, a trip for one work would turn into a bill for two.\(^{15}\) It seems he took great care to preserve authenticity, albeit as second-rate copies, in all his works. Periodically, his latest duplications would be featured in the local newspapers, but they were always favorably reviewed as evidence of the city's active dedication to preserving its patriotic heritage.\(^{16}\) Rosenthal generally thrived on such publicity and frequently submitted his own editorial responses to explain his choices, motivations, and goals. He clearly enjoyed the fame and profit as well as believed his work contributed to historical education and, most importantly, was authentic. When explaining why the city had still not provided images for all the Signers, Rosenthal said, "A single portrait known to be fictitious in any sense would place the entire collection under suspicion."\(^{17}\)

By June 1905, at Rosenthal's prompting, the Board decided to expand the copying project by adding reproduction portraits of French Revolutionary officers to the Hall. The artist, who was already in London on personal business, went to France and stayed seven months to locate and copy these pictures. Upon his return he found that the accustomed $2,500 portrait fund had been cut to $1,500. Undaunted, Rosenthal promptly drafted an eloquent letter to the acquisitions commission stating:

I think I can help the commission in the matter of appropriation—if you will advise what moves you intend to take—I feel sure that if the Mayor's approval is got and then a direct appeal is made to the finance committee it will surely go through.\(^{18}\)

His subsequent letter, which was to be read to the mayor, began:

In putting a figure on [the French] collection I do so with the desire of giving the commission an opportunity of placing in the City's possession, without undue expense, a most important and necessary historical addition to its already important collection.\(^{19}\)

He went on to add:

\(^{15}\) Albert Rosenthal to Charles Roberts, May 5, 1900.
\(^{16}\) "Two Portraits for Independence Hall!" Philadelphia Item, Nov. [11?], 1900.
\(^{17}\) Albert Rosenthal to the Editor of the Public Ledger, July 6, 1913.
\(^{19}\) Albert Rosenthal to the Commission of Independence Hall, May [3?], 1906.
Should the commission be unable to secure the full amount of money to cover the entire collection I would be willing to deposit in the Hall such as could not be paid for now, until such time as an appropriation would be available, in order that the collection could be held together.\textsuperscript{20}

While the city was still deliberating his offer, he hung his portraits in the Hall and invited the newspaper staff from the \textit{Public Ledger} to a private preview. The next morning, the mayor and Commission had the pleasure of seeing their praises in print for the foresight in sponsoring such an "indispensable addition."\textsuperscript{21} Rosenthal’s skillful manipulation succeeded. An unprecedented \$7,500, the exact amount of the French paintings, was approved for acquisition shortly thereafter.

As a consequence of the large expenditure, the Bureau of City Property ordered that the collection be inventoried with a list of all new additions. From this record it was easy to count the number of copy portraits by Rosenthal in Independence Hall—seventy-six. Although the Chief of City Property and the superintendent were surprised by this tally, they were outraged to learn that the city had paid for eleven copy images of men already represented. Taking the criticism easily in hand, the artist stated that these additional copies made “our perception of the sitter even richer” and “in regard to the number of portraits in the Hall by me, it is of course merely the logical result of a few a year and a number of years work."\textsuperscript{22} Apparently satisfied, the city accepted this cursory explanation, and the inquiry died quietly.

Once the Declaration Signers, Washington’s aides-de-camp, and assorted French patriots were represented, Rosenthal began a campaign to acquire images of noted Pennsylvanians. In typical fashion, he alone decided which sitters were most noteworthy, located their portraits, obtained permission for duplication, and selected the Long Room on the second floor of Independence Hall for their display before presenting the “suggestion” to the Board for its approval. It was also his idea to have spaces reserved for images of Revolutionary artists, doctors

\textsuperscript{20} Ibid.
\textsuperscript{21} “Independence Hall Group of French Worthies Is Complete,” \textit{Public Ledger}, July \textsuperscript{16\textsuperscript{th}}, 1906.
\textsuperscript{22} Albert Rosenthal to William Staake, March 3, 1906.
Assembly Room (Declaration Chamber), first floor Independence Hall, 1905. Courtesy of Independence National Historical Park.

Long Room (Banquet Chamber), second floor Independence Hall, 1914. Courtesy of Independence National Historical Park.
and surgeons, and colonial governors. The Board enthusiastically consented.

Rosenthal’s power over the Board stemmed from his adept skill at making people assume his interests were merely extensions of their own. In every word of correspondence or public statement, the artist couched each of his successes in terms of what any honorable servant would do to please his master, as evidenced by his petitions to the city over the French patriots. When his ambitions extended beyond merely filling Independence Hall, he looked next to the justices of the Supreme Court of Pennsylvania. In February 1911, Rosenthal presented the state government with sixteen finished portraits of associate judges for $800 each, along with a proposal for forty more. When asked by the chairman of the House Appropriations Committee if he had not assumed “the Government would ultimately purchase them,” Rosenthal replied, “What is the difference to you or the other Justices to know where these will be placed when you know there will be a complete set of the Supreme Court Justices placed somewhere?” Although ultimately unsuccessful (only two works were purchased much later), this example of his boldness gives some clue as to how he could command such operations in Philadelphia.

Privately, Rosenthal did not think very highly of the Independence Hall Advisory Commission. In a letter written by the chairman, James T. Mitchell, the artist’s real opinion is recorded:

I think with you that the best plan would be for you to have a resume of the Commission’s work so that we could enlighten the committee on what has to be done . . . but, as you say they are entirely ignorant on the subject.

Publicly, however, he praised their work: “From a small chaotic lot of portraits to its present status as a national gallery of Revolutionary portraits, the commission has every reason to feel content with the result.”

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23 See quotation excerpts on pp 94, 96.
Despite the rounds of self-congratulations, the Board apparently felt some unease with its excess as it unexpectedly took a definitive response against Rosenthal's unchecked control. It hired a curator. The motives behind this decision are not recorded, but its official justification was that "the collection of Revolutionary portraits and memorials now in Independence Hall has reached a size, importance, and value that demand special and educated supervision." The suggestion for this change came, most tellingly, while Rosenthal was in Paris. Obviously resenting a modification which would eventually end his power, Rosenthal ignored the new staff member and continued to advise the committee on curatorial matters.

The new curator, Wilfred Jordan, came to Independence Hall at the invitation of the Advisory Board in 1908. He was twenty-four. He brought to the position a strong background in history, having worked with his father, John Jordan, at the Historical Society of Pennsylvania. There he had assisted in several research projects, including establishing the true date when the Declaration of Independence had been signed. Although the exact circumstances surrounding Jordan's appointment at the Hall are not clear, the connection seems to have been through Hampton Carson, who was also president of the Society. Jordan also had been tangentially involved with the Hall prior to this job. He later recounted: "My interest in Independence Hall ... covered a period of some years before I ever dreamed of going..."
there." His position was funded by the city and governed by the Superintendent of the Bureau of City Property, yet controlled by the Advisory Board. While the curator's qualifications were not officially recorded, he was to be "a man well informed and interested in his labors." More specifically, it seems the superintendent's office wanted someone who could handle the Hall's growing popularity—i.e., someone to answer numerous information requests, exhibition demands, and applications for special visitations, among other tasks. He would control everything from routine maintenance procedures to highly specialized methods of paintings conservation. Despite his complete lack of prior training in running a museum, Jordan was hired.

His first action was to grant himself a leave of absence to visit the best institutions in the country. After seeing historic Mount Vernon, the Smithsonian Institution, the Pennsylvania Academy of Fine Arts, the Metropolitan Museum of Art, and the Essex Institute, Jordan submitted a list of necessary improvements in the Hall. His recommendations included such practical items as umbrella stands and guard rails as well as more ambitious projects such as buying new display cases, publishing a collection catalogue, and restoring the paintings. He also wanted to expand the exhibition space (which had been restricted to the Assembly and Long Rooms), create storage in the basement of Congress Hall, and meet fire and safety codes. It was Jordan's contention that all of these changes were essential, "if the National Museum would become foremost among Historical Museums of their size in America, both in importance, as well as of great interest to the public." Although other individuals intimate with the collection had acknowledged Independence Hall's historical significance, Jordan was the first person to treat it as a modern museum according to the dictates of his era.

30 This brief involvement seems to have revolved around an inventory of the portrait collection. Wilfred Jordan to the Chief of City Property, Feb. 13, 1915.
31 William Staake to John Weaver, Jan. 7, 1907.
32 Wilfred Jordan, "Improvements Recommended at Independence Hall," March 11, 1912.
33 For more specific information on this topic, see Warren Leon and Roy Rosenzweig, eds., History Museums in the United States (Urbana and Chicago, 1989).
Jordan’s industrious intentions were not enough. The Advisory Board had other notions. Aside from the rapid acquisitions policy, no significant changes were planned for the Hall, for it was considered primarily a relic and only in the loosest of terms a museum. The contradictory goals set by Jordan and by the Board are clearly illustrated in the paintings register project, an undertaking Jordan suggested almost immediately upon accepting the position. He proposed that the museum produce a catalogue to replace the last one, which was incomplete and outdated. The Board vetoed the idea, responding that this type of publication would draw too much attention and invite

34 The Board did allow some of Jordan’s suggestions, which were enthusiastically observed by museum proponents. “I have been much gratified by many signs which I have observed recently of a greater tendency to treat Independence Hall as a museum.” Paul Rea (Secretary of the American Association of Museums) to Wilfred Jordan, Dec. 16, 1915.

35 The last paintings catalogue had been printed in Philadelphia in 1872, under the title, Catalogue of the National Portraits in Independence Hall.
possible theft. Several years later, the recommendation would again be broached; indeed, Jordan eventually succeeded, but only after having agreed to withdraw his rights to authorship. The only credit he received when the catalogue came out seven years after inception was as copyright holder.

Such experiences made Jordan suspicious of the Board's authority. After making several inquiries, he found that the Advisory Board had never been granted any official power; their current authority had merely evolved. Armed with this knowledge, the curator began openly criticizing the Board and funneling his ideas through officially recognized power channels. In November 1913, he wrote a letter to the Chief of City Property stating:

my recommendation at this time is that no amount for [developing the art collection in Independence Hall] be included in our budget for next year; first, because we have not the proper wall space in Independence Hall . . . and secondly, because there are so many other crying needs here.

He also suggested that the Bureau ask for three artists' or art critics' opinions on the Rosenthal work already completed before proceeding with any more of the Board's motions. This recommendation, considered unnecessary by the Board, would ultimately lead to the removal of it and Rosenthal from Independence Hall.

The first open suspicions of forgery can be traced to early 1914, when members of the Historical Society of Pennsylvania, headed by Dr. S. Weir Mitchell, inquired into the authenticity of several Independence Hall works. This action was prompted by noted art critic Charles Henry Hart's monograph, Frauds in Historical Portraiture or Spurious Portraits of Historical Personages. Published in 1913, it denounced many Philadelphia historic paintings, including the Hall's

36 The conflict seems to have spawned some personal hostilities as Jordan was accused by the Board of taking credit for information gathered by others. Wilfred Jordan to the Chief of City Bureau, Feb. 13, 1915.

37 "This committee's authority counts for naught." Wilfred Jordan to the Committee on Reception of Portraits, . . . for Independence Hall, Sept. 6, 1913.

38 Wilfred Jordan to the Chief of City Property, Nov. 4, 1913.

39 Although Hart seemed to have been generally well-respected, some quarters thought he was "more of a commercial appraiser than art critic." "Art Attack Revives Plan for Commission," Philadelphia Inquirer, Nov. 24, 1915.
armor portrait of William Penn and Rembrandt Peale’s portrait of George Washington. Corroborating these charges, a 1914 report, submitted to Congress by the Secretary of the Smithsonian Institution, also cited several Independence Hall "fakes." Board president Hampton Carson was asked by the Historical Society to head an informal inquiry, which floundered and died because of political disputes.

A year later the matter was reopened when Hart published a second article stating that at least four more frauds "have gained admission within the sacred portals of Independence Hall." As there were no known authentic portraits of Declaration Signers William Whipple, George Taylor, John Hart, and Benjamin Harrison, he asked, how could anyone make copies? His attack concluded by naming seven more doubtful canvases. The Board answered this public indictment by advocating the creation of a special Independence Hall paintings commission:

If a body of competent and responsible persons were to pass on the paintings to be placed in Independence Hall there would be no opportunity for anybody to say that spurious paintings were contained in the collection.

This suggestion was not a new proposal. In fact, efforts to appoint a similar commission had failed only two years earlier for lack of support. This renewed application came at the behest of Board member Mrs. Samuel Chew, who also said: "[the Board] is asked to decide whether relics or historical documents shall be allowed in the hall but when it comes to paintings we are not consulted." Her statement is interest-

40 “But a wholesale deception of a serious character was perpetrated. . . . [I]n due time there appeared portraits . . . which today are looked upon by the uninitiated as genuine portraits. What is most deplorable in this connection, is the unfortunate circumstance that fake portraits of at least four of the signers of the Declaration of Independence have gained admission within the sacred portals of the room where the immortal document was adopted.” “Charles D. Wolcott, Secretary of the Smithsonian Institute, to the Congress of the United States,” Congressional Record, Sept. 21, 1914, pp. 87-99.

41 “Two years ago an effort to have a commission appointed failed . . . because of lack of harmony.” “Art Attack Revives Plan for Commission,” Philadelphia Inquirer, Nov. 24, 1915.


43 Mrs. Samuel Chew as interviewed in “Art Attack Revives Plan for Commission,” Public Ledger, Nov. 27, 1915.

44 Ibid.
ing, because Rosenthal worked solely at the Board’s bidding; it reveals that different members had varied notions regarding their responsibilities and capabilities. As the details of the scandal surfaced, it became clear that only a few key members had been making decisions for the others.

Although claiming to be neither Rosenthal’s advocate nor apologist, Hampton Carson was clearly the artist’s primary supporter. His defense went beyond mere words: until 1917 Carson alone received the information from the artist validating the copies, a collusion which had successfully averted an investigation for the last two years. Whenever questions of authenticity arose, Carson would agree on behalf of the Board to inquire into the matter. This entailed arranging sequestered meetings with and writing private letters to Rosenthal. Carson then emerged from these conferences stating his reassurance beyond doubt, and thus the issue closed.  

In fact, in January 1917, as the situation became more controversial, Carson tried to revive a two-year old “ripper bill” that would have halted the ensuing investigation altogether by creating a new commission to oversee the Hall’s collection. Although his motives are unclear, perhaps friendship or ego or fear for his own reputation kept him shielding the artist from official scrutiny.

Rosenthal’s other champion was former Board president, Judge James T. Mitchell. He joined the Board in 1902 after the death of Charles Roberts. Although Mitchell had died four years before the scandal probe, he had promoted and approved the majority of the artist’s commissions. Not only were Mitchell and Carson the primary lobbyists but they also acted as self-appointed agents for the Board. When Secretary Staake began to count the number of Rosenthal paintings that had passed through the Board’s hands, he found “the minutes of Board meetings showed only thirty-three [out of 109] paintings referred to as being [accepted] for the collection.”

Even after the judge’s death, Rosenthal presented the city with a bill for a portrait series of colonial Pennsylvania governors that Mitchell had ordered and approved without consultation or authorization. Corre-

46 “‘Ripper Bill’ to Oust Art Jury is Blocked,” The North American, March 2, 1917.
spondence between the artist and Mitchell shows they considered themselves the only true art appreciators among the Board.⁴⁸

Carson and Mitchell, as well as the other Board members, were generally ill-equipped to make decisions on art. As Board secretary Judge Staake confessed: "Art is not one of the things at which I claim to be proficient. I am not an expert on paintings."⁴⁹ Even Carson, one of the three most responsible for overseeing the portrait collection admitted: "I am not [an art expert] and I do not claim to be an authority on paintings."⁵⁰ Although original Board chairman Charles Roberts was described as a man "who takes a deep interest in the restoration of Independence Hall and the painting of portraits which are entitled to hang there," his more useful distinction was his position as Common Councilman from the Ninth Ward; by simply changing hats, Roberts could approve payment on the same bills that the Board submitted.⁵¹ Other members such as Mrs. Samuel Chew and Mrs. Charles C. Harrison, both loyal old-timers from the Centennial, were known more for their charitable activities than for any artistic expertise. Yet, when probed by newspaper reporters, the Board admitted having never sought help from any recognized art experts and expressed surprise that such confirmations were considered necessary. By the time of the scandal's climax in 1917, the Board's presumptuousness had become so pervasive that Rosenthal's copy portrait of George Taylor was accepted against the advice of curator Jordan and without submission through proper city acquisition channels.

Why such an uproar in 1917 when all similar criticism had been quietly pigeonholed? The answer clearly lies with curator Wilfred Jordan. He had been surreptitiously gathering his own information on the matter since December 1915. In particular, he had obtained letters from French authorities stating there were no originals for most of

⁵¹ Charles Roberts was responsible for submitting the bill and approving the payment for at least two of Rosenthal's copies. "Charles Roberts . . . has watched the painting of these copies, and has approved of the bill of $600 which has been presented for the work."
"Two Portraits for Independence Hall," Nov. 1900 (clipping from unidentified newspaper), INHP.
Rosenthal’s French soldiers series. As Jordan recounted the tale in 1917:

When I assumed my duties here as Curator, all I knew was that the City in years past had purchased paintings of personages having to do with the founding of the new government. . . . I had not long been engaged in this work when I discovered many discrepancies and critical reports were circulated from time to time of spurious paintings in the collection. . . . In following up these criticisms, I not only found that they had a basis in fact but discovered much else and became thoroughly convinced of the necessity of a thorough investigation.52

He reported his findings to the president and secretary of the Board in May 1916, citing his correspondence and suspicions of forgeries. As the basis of his conclusion, he applied Hart’s definition of spurious paintings to the collection: namely, that the term fraud can also be applied to works produced by inadequate means, or based on inadequate proof of authenticity.53 It is crucial to realize that the original criticism of seven inaccurate Signer portraits grew into a wholesale purge only under Jordan’s guidance.54 Although no official records were kept, Carson claimed that after this meeting he wrote a letter to Rosenthal and simply accepted the reply without question in the same manner as the 1915 inquiry. Having learned from the previous cover-up, however, Jordan also submitted his report to another city organization, the Art Jury, and to his supervisor, who eventually read it before the Bureau of City Property of the Department of Public Works. Finally, his findings were published in The North American newspaper in February 1917 as the first public acknowledgment of the matter.

The Hall’s painting collection suddenly found itself surrounded by such sensational newspaper captions as “For Years Americans Have Been Venerating the Wrong Features,” or “Fake Paintings Foisted

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52 Wilfred Jordan to Frank J. Cummiskey (Chief of City Property), June 2, 1917.
54 Rosenthal was responsible for only one of the publicly questioned works, the portrait of signer Carter Braxton. His discredited William Penn duplication was considered a minor infraction in comparison with the Historical Society’s debunked original. The resulting investigation would probably never have ventured beyond these seven works if Jordan had not singled out all of Rosenthal’s work for examination.
on City of Philadelphia. While bandying about these and other such labels as "Philadelphia’s Gallery of Sacred Fakes," local journals omitted the basis for the accusations, the extent of forgery, and which portraits were actually tainted. It seemed clear to the public at large, however, that the bolder and more inflammatory the headline, the bigger the problem. The attendant gossip was troublesome. The charges became so outrageous that one critic even claimed the revered portrait of American patriot Patrick Henry was really an English despot: America seemingly had been admiring the enemy. More common was the assertion that a brother or son was depicted instead of the actual forefather. As speculation grew ever wilder, the reality of the situation was slowly confirmed. Over a span of twenty years and $33,000, the City of Philadelphia had commissioned over one hundred portraits for Independence Hall from one man, and now those works were under suspicion. The idea that the "Cradle of Liberty," America’s ultimate shrine of truth, was passing off false representations distressed many citizens. As one journal noted:

We treated the present agitation in Independence Hall rather lightly . . . and inclined to regard the matter as simply another one of those political rows for which the Quaker city is famous. But the agitation has so "agititated" that the matter has become one that does not concern Philadelphia alone—but the Nation.

Predictably, no one wanted to be held accountable for this embarrassment. The city government (which had actually signed all the checks) pointed to the Advisory Board. Board president Carson ardently denied the problem altogether, stating, "We are satisfied there is nothing wrong," and further, "There is nothing to investigate."

56 Boston Evening Transcript, March 7, 1917.
57 “Faked Portraits and Bogus Paintings Discovered Among ‘Historic’ Canvases in Independence Hall.”
58 Ibid.
Secretary Judge William Staake was not nearly so confident, when he admitted, “If charges made against [the artist] are true [he] has perpetrated a fraud on the City of Philadelphia and the people of the nation.” Independence Hall officials such as curator Jordan refused to make any public announcements or verify where and why the rumors had started. Thus, depending on whose opinion was quoted, Independence Hall contained everything from categorically authentic portraits to counterfeits by the scores.

Rosenthal was indignant throughout these accusations. While unable to produce photographs for all of his sources, he claimed to have elaborate sketches and lists of locations. The misleading assumption that most of the French originals were in public institutions and not in private chateaux (as turned out to be the case) explained why efforts to locate them had not been successful. As the artist pointed out, no one in the investigation had ever simply asked him for information. Also, with the exception of a few unauthorized works, the fact remained that all the copies were approved in advance by the Board.

The members were quite surprised when 129 modern additions out of a total collection of 342 paintings were finally tallied in 1917. “I can hardly believe the number is that large,” said one Board member. “It strikes me that it must be exaggerated.” Rosenthal was quick to use the Board’s prior approval as not only his legal but also his moral vindication: “I demand an explanation of the accusations that . . . impugn my integrity and the intelligence of such worthy men as the late Justice Mitchell, the late Charles Roberts and others whose honor is above question.”

Jordan made the mistake of underestimating his opposition. As the City Comptroller said to the artist, “Your staunch friends who know you are not shaken in their confidence in you . . . your ability, reputation and real worth as an historical artist are well known to

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61 “Fake Paintings in Independence Hall Surprise to Board,” pp. 1, 12.
62 As the investigation unfolded, it was discovered that people such as Chief Justice James T. Mitchell had personally authorized Rosenthal to complete portraits for the city. With this realization, the city refused to honor Rosenthal’s last bills. Robert C. Hicks (Acting Chief of Bureau) to Albert Rosenthal, Jan. 6, 1917.
63 “Fake Paintings in Independence Hall Surprise to Board,” pp. 1, 12.
Rosenthal had many influential friends; when he gave a party, no less than three or four judges, a half-dozen lawyers, plus a collection of Philadelphia's most successful art enthusiasts attended. In fact, many of these people had personally sat for a Rosenthal portrait. Their loyalty, coupled with a general ignorance of Hart's definitions of forgery, translated into formidable opposition. When it came time to show his hand, Jordan's covert and somewhat careless inquiries backfired. Aside from a transcription error that resulted in a request for the location of a non-existent portrait, the curator's motives were questioned when it was discovered that a proposal for a salary increase had resulted from his careful sleuthing. Rosenthal and his friends made sure that plenty of "Letters to the Editor" exposed these tidbits, casting doubt on Jordan's integrity. "[His] faults are his lack of experience and ignorance of the subject he undertakes. [D]oubtless [someday] he will learn to fill [his position] with dignity." Less than a month later, he also suggested that the curator was an "ignorant, ambitious egoist."

What was Jordan's motivation? Did he really just want to "help the people of Philadelphia to purify the temple and 'cast out the money-changers'?" This question is difficult to answer, for Jordan had much to lose by alienating these influential people. He was obviously a principled man as evidenced by his many attempts to revalidate the museum—by his willingness, for instance, to relinquish all rights to the portrait catalogue or to downgrade his office space for more exhibition room. He was not, however, significantly more educated about the fine arts than his peers. Instead, the root of his impulsion is most closely linked to ambition, which was considerable, especially in comparison to the sinecure-type expectations of his position. For instance, when dropping air mail was first scheduled for rooftop parachuting, he immediately suggested the initial experiment take place

66 Invitation with guest list to dinner given by Albert Rosenthal, March 4, 1903, Society Miscellaneous Collection (Historical Society of Pennsylvania).
67 "Rosenthal Plans to Sift Charges."
68 "Demands Denial of Fake Portrait Charge," Feb. 23, 1917 (clipping from unidentified newspaper), INHP.
over Independence Square. However, as he publicized the collection, he also exposed its weaknesses. Another primary key to his motivation was background; after years of verifying historical documentation, Jordan saw Rosenthal's copy work as little more than misleading props. As he once succinctly said, "What should be advanced [in Independence Hall] are facts."72

The politics of the controversy almost overshadowed the idea of forgery itself. After vetoing the ordinance for a supplementary authentication commission (which would have blocked the efforts of dissenting organizations by excluding them from any representation), the mayor asked the Board for its next course of action.73 Hampton Carson declared, as in 1915, that there was no necessity for any action, but the pressure had become too great for evasion. Carson finally relented by calling a special Board meeting. Another committee, again appointed by Carson, was to be formed, but it too failed to materialize. This time, however, the Board's inaction was challenged, and it lost the last vestiges of its authority when an entirely different organization, the Art Jury, was chosen to purge the collection.

The Art Jury (known today as the Art Commission) was created by a 1907 state act of Assembly and empowered in 1911 to oversee any and all artistic matters in the City of Philadelphia. Originally the brainchild of the Fairmount Park Art Commission, the Jury's apportioned duties ranged from approving designs for lampposts to legislating against neon signs. It was made up of the following distinguished membership: Charles Custis Harrison; George D. Widener; Edward T. Stotesbury, banker and transit systems financier; Eli Kirk Price, Commissioner of Fairmount Park; Hugh Breckenridge, painter; Charles Grafly, sculptor; Leslie W. Miller, Director of the School of Industrial Art; Paul P. Cret, architect and instructor at the School of Industrial Art, University of Pennsylvania; and Andrew Wright Crawford. With the exception of Harrison, who was replaced in 1916

71 John Arthur (Chief of Bureau) to Mayor Thomas Smith, March 12, 1918, INHP.
72 Wilfred Jordan to George B. Hicks of the Chamber of Commerce, Jan. 9, 1918.
73 If passed, this commission would have been unique because it had its own appropriation funding that needed no approval from the city. The Hall would have been entirely in the control of this self-governing group—in effect, a legalized Advisory Board with a bigger, more expensive stick. City of Philadelphia, Appendix to the Journal of the Select Council, no. 29 (Feb. 1, 1917), photocopy in INHP.
by Pennsylvania Academy president John Frederick Lewis, and Widener, whose sudden vacancy in 1912 went to his brother Joseph, this membership remained unchanged for the next ten years. Because the Hall's portraits had generally been categorized as historic relics, it was assumed until the forgery scandal that they fell outside Jury jurisdiction. This oversight was rectified in late 1913 when Jordan reviewed all pertinent city resolutions and determined that it was illegal for the city to proceed with any painting acquisitions without the Art Jury's approval: "This act [creating the Art Jury] therefore supersedes the Resolution of Councils creating the so-called Independence Hall Advisory Board." Thus, by reassigning the collection into the care of the Art Jury, Jordan had backhandedly reclassified the Founders portraits for the first time as official works of art.

Once the Art Jury was invited in, albeit by the back door, it took total control over the collection. The change of power was kept secret, however, even from the Advisory Board, until enough examples of mismanaged acquisitions could be gathered to justify the action. At Jordan's suggestion, the Art Jury began to examine all of the paintings while interior Hall construction work was being done, thereby facilitating easy and discreet access. After culling almost a third of the collection in three months, the curator was encouraged to print the story of the scandal in order to ensure that political machinations could not stop the housecleaning process.

The Board first openly realized the "changing of the guard" by reading Jordan's published letter in the morning newspaper. Carson initially responded before realizing that more than just faked paintings were being removed:

We will object seriously to any move to break up this great historical collection. . . . So far the charges have resembled Indian warfare. No accusers have appeared. No names have been attached to the accusations. The mass of anonymous misinformation about this collection is astounding.

74 Wilfred Jordan to the Chief of City Property, Nov. 14, 1913.
76 Hampton Carson as interviewed in "Proof Demanded of Art 'Faking,'" Feb. 22, 1917 (clipping from unidentified newspaper), INHP.
The Board quickly sent a letter to the Art Jury stating that it was “disturbed by rumors that the Art Jury has been engaged in rearranging the collection,” and “that we would be happy to have the representatives in consultation with us, so that there shall be no conflict.”

The Jury responded, “As soon as the committee’s report is received and acted upon, your Board will no doubt be duly advised of its recommendations.” Realizing they were being dismissed, the Board tried desperately to challenge the Art Jury’s authority, but to no avail. They even tried, unsuccessfully, to accept Rosenthal’s last two commissioned paintings while the Jury was culling his earlier contributions.

It was now the Art Jury’s sole ambition to rid Independence Hall of any fraudulent or even questionable paintings. For the first time since the Centennial, eighteenth- and early nineteenth-century portraits were separated from modern copies. This purge involved far more than just the Rosenthal works. Not only were blatantly false pictures rejected but also those worked up in an “unjustifiable manner.” To standardize the process, the Jury wrote an official statement of acceptable qualifications. For instance, the distance from the original source, a likeness that is “after Franque, after Sablet,” was now grounds for rejection. Also, no Revolutionary character below the rank of major would be admitted to portrait immortality. As the Jury’s resolution for June 29, 1917, stated:

Resolved that the pictures to be hung in the Independence Square group of buildings be limited as far as possible to portraits of persons identified with events associated with the buildings painted by artists contemporary with the subjects, and that the portraits in the State House and in the City Hall be of persons conspicuous in the history of the country prior to the year 1789 and those in Congress Hall between 1789 and 1800.

Then a tedious process began of looking at each painting, reading the accompanying documentation, and voting on its merit. The Art Jury’s minutes for 1916 through 1918 show a determination for each work. These summations range in length from “that the portrait of

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77 William H. Staake to Andrew Crawford, March 1, 1917.
78 The Board contended that since the State House “is not an Art Gallery, but a Museum of History,” the Art Jury had no jurisdiction. “Minutes of the Advisory Board,” Feb. 26, 1917.
Genl. John Armstrong, by Rembrandt Peale, be accepted," to rejections of great complexity that list negative reports, denial letters, and orders for further action.  

Many works were set aside until further evidence was obtained. This translated into uncounted letters written by Jordan asking public institutions and private collectors for substantiating photographs and documentation. In the end, almost 300 paint-

79 "That the portrait of Carter Braxton, by Albert Rosenthal, stated by him to be after a miniature owned by Chas. Taylor Masan of Chillicothe, Ohio, be rejected as a spurious portrait, according to the published report of the American Historical Association, 1913, (pp. 87 et. seq.) submitted to the Congress of the United States by the Smithsonian Institution, and that Mr. Jordan be requested to communicate with Mr. Rosenthal notifying him that Mr. Jordan has written to Mr. Charles Taylor Masan of Chillicothe, Ohio, without eliciting a reply, and asking Mr. Rosenthal to furnish information as to the location of the miniature." (It should be noted that quality was not a criteria of acceptance.) "Minutes of Art Jury," April 27, 1917, and Jan. 5, 1917.
ings were set aside and banned from ever appearing on the walls of Independence Hall again. The 1915 catalogue was withdrawn and even outside photography requests for the rejected portraits were categorically rejected. The Hall's tainted association with modern duplication was hermetically sealed and buried—at least until now.

Despite the reputations tarnished, money wasted, and egos bruised, the two most positive outcomes of the scandal were the increased attention to the collection's authenticity and the reappearance of the architecture. During Rosenthal's reign the walls of the Hall were so covered with his representations of Revolutionary ancestors that many considered both the Declaration and the Supreme Court Chambers literally choked with paintings. "If authorities would take the pressing issue of [the buildings' needs] up rather than the relatively unimportant question as to whether certain copies of Revolutionary heroes are authentic or not, the City would be better served."80 Of course, while people were upset that the portraits were unavailable for observation during the investigation, many, particularly architecture buffs, were glad to see "a room that by reason of its simple architecture and beautiful lines delights the eye."81 After the completion of the authentication process, only one painting, James Peale's portrait of George Washington, was allowed to "interfere with the restful dignity of the hall."82


Ibid. Because of restoration measures and more political entanglements, the other authenticated portraits were not rehung until 1926, and then primarily in the Hall's second-floor rooms.