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‘Document dump’ reveals new details in Knoedler case

We highlight some of the previously unknown information found in the thousands of pages of legal documents and exhibits filed last week in Manhattan federal court

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The director of the Diebenkorn Foundation testified that Freedman refused to inform the Kemper Museum of Contemporary Art that a drawing it bought from her gallery wouldn't be included in the catalogue raisonné unless it was submitted to the foundation for authentication

In what has been termed a “document dump”, previously undisclosed information and inflammatory allegations in two of the Knoedler gallery art-forgery lawsuits are now public for the first time. Last Wednesday, Knoedler, its former director Ann Freedman, the head of a related holding company Michael Hammer, and a former employee Jaime Andrade filed motions seeking to dismiss the lawsuits. The next day, the collectors Eleanore and Domenico De Sole and John Howard struck back, arguing that their cases must go to trial and accusing Freedman of perjury “on multiple occasions, including before this court”, a charge she vigorously denies.

More than 500 pages of legal arguments and thousands of pages of exhibits are now before Manhattan’s federal court. They reveal the fullest account yet of each side’s version of the events that led to the exposure of one of the biggest art forgery scams in New York, which started when the Long Island art dealer Glafira Rosales brought some 40 fake Abstract Expressionist paintings to Knoedler (see related stories). The documents are filled with previously unknown details about the case, including:

- Freedman was interviewed by the former head of the FBI’s art-crime team, who was retained by Freedman or Knoedler. He concluded she was credible and her actions “inconsistent with a fraudulent intent”. The defendants say this report proves Freedman acted in good faith.
- E.A. Carmean, the former curator at the National Gallery of Art in Washington, DC, who researched the fake works for Knoedler, testified that he thought the provenance tying some of the works to David Herbert, an art world figure who knew many Abstract Expressionists, was questionable. He even wrote a question mark next to Herbert’s name on a Knoedler document, according to the plaintiffs. They add that the defendant Andrade testified: “They are inventing [the Herbert provenance]”.
- Freedman continued to sell works supposedly by Richard Diebenkorn sourced through Rosales after the Diebenkorn family told her some “don’t look like they were done by [the artist]”, according to the De Soles. Richard Grant, the director of the Diebenkorn Foundation, asked Freedman to inform a buyer of one of the works, the Kemper Museum of Contemporary Art in Kansas City, that it wouldn’t be included in the catalogue raisonné unless it was submitted to the foundation for authentication. He testified that “Freedman ‘reacted very strongly, very negatively,’ and refused... The Foundation later contacted the museum, informed them that the work was fake, and the museum took it off the wall”, according to papers filed by Howard.
- Freedman also sold works purportedly by Robert Motherwell sourced through Rosales after the Dedalus Foundation, which authenticates his work, informed Knoedler in 2007 that the works it had seen from the same collection “were not by Motherwell”, the plaintiffs say. Jack Flam, the president of the Dedalus Foundation, testified that what he saw of Knoedler’s provenance research was “just kind of fluff”, according to the plaintiffs’ filings.
- Freedman and Knoedler argue that she believed in the paintings’ authenticity and therefore

they could not knowingly have sold fakes. Freedman says she showed works brought to the gallery by Rosales to “approximately *fifty* renowned art experts”—some “unambiguously conveyed that the works were genuine”, she says—and lists prestigious venues that exhibited them, including the Guggenheim Museo Bilbao and the Beyeler Foundation. Her “exposure of the works to the art world” combined with her own purchase of three paintings show her “good faith”, she argues.

- Freedman and Knoedler also say their years-long provenance research shows good faith. Meanwhile, they say, the plaintiffs did nothing, contrary to their obligations as “sophisticated” art collectors.

- The plaintiffs disagree: the De Soles say that because they insisted upon, and obtained, Knoedler’s written guarantee of the work’s authenticity, they had no obligation to do more, while Howard maintains that Knoedler’s and Freedman’s argument is like saying “their victims are themselves to blame for trusting them”.

- Hammer, for his part, says he had no knowledge of, or involvement with, the sale of works that came to the gallery through Rosales. Andrade, who introduced Rosales to Freedman, denies any participation. Rosales, who pleaded guilty to money laundering and tax evasion in September 2013, has cooperated with the government and awaits sentencing.