

WALL STREET JOURNAL

Is This Rothko Real?

For nearly 30 years, a collector has been trying to prove his painting is a Rothko—potentially worth \$20 million or more. Now, he's got new evidence.

Updated April 24, 2014 11:30 p.m. ET

A Collector's Quest



For nearly 30 years, Douglas Himmelfarb has tried to prove his painting is a Rothko -- but no one will authenticate it. *Marco Garcia for The Wall Street Journal*

Douglas Himmelfarb spotted the painting in 1987 at an auction preview in South Los Angeles. The offerings that day were a mix of furniture and no-name artwork. This canvas was large and dirty, and depicted three rectangles of color stacked on top of one another. A handful of people stood clustered around it as someone pulled it off the wall and turned it around. On the back was a signature:

MARK ROTHKO

CAL. SCHOOL OF FINE ARTS

EX. NO. 7

A woman scoffed, Mr. Himmelfarb recalls: "Mark Rothko did not paint in California, and there is no such thing as the California School of Fine Arts."

Mr. Himmelfarb, at the time a 35-year-old ad writer and estate-sale scavenger, drove home to Santa Monica and ran to the library. He discovered Rothko had spent the summer of 1949 in California, as the painter first explored the stacked-rectangle structure for which he would become famous. The California School of Fine Arts definitely existed—Rothko taught there in 1949 before it was renamed the San Francisco Art Institute.

A Hawaii art collector has been on a mission for 27 years to prove that his painting is an authentic Mark Rothko, but Rothko's heirs have resisted his efforts. Jennifer Maloney has the details on Lunch Break. Photo: Alan Shaffer.

The next morning, Mr. Himmelfarb returned to the family-run auction house and bought the painting, unchallenged, for \$319.50 with tax.

Since that day, he has been on a mission to prove his painting is real.

After decades of setbacks and dead ends, the collector recently obtained what three scholars believe is compelling photographic evidence linking the painting to Rothko.

Mr. Himmelfarb's long struggle highlights a crisis in the obscure but high-stakes world of art authentication. As prices for blue-chip artworks soar—the record for a Rothko is nearly \$87 million—authentication is increasingly important because collectors want assurances before they open their wallets.

But in recent years, art historians, artist estates and foundations have become more reluctant to issue opinions on an artwork's authenticity. The threat of costly litigation brought by collectors contesting decisions has prompted foundations including the Keith Haring Foundation and the Andy Warhol Foundation for the Visual Arts to fold their authentication boards. (See story below.) And in the wake of a recent art-fraud case that closed Manhattan's Knoedler & Co. gallery, some art historians have stopped giving opinions altogether.

[Enlarge Image](#)



HIGH STAKES Paintings by Mark Rothko have soared in value over the past decade. The record, set in 2012 at Christie's in New York, right, was \$86.9 million for 'Orange, Red, Yellow.' *Christie's*
An Art-World Titan

One of the giants of 20th-century art, Mark Rothko was part of the Abstract Expressionist movement of the 1940s and 1950s that introduced radical new directions in art, producing monumentally scaled abstract works and shifting the art world's focus from Europe to New York. Rothko, who became known for his large fields of intense color, is credited with creating more than 800 paintings over the course of his five-decade career. Born in what is now Latvia in 1903, he settled in New York in 1923 and by the early 1960s had become an international art star. He died in 1970.

Prices for his works, which were popular with collectors during his lifetime, have soared at auction in the past decade. After Rothko's "Orange, Red, Yellow" set a record of \$86.9 million at Christie's in 2012, two of his paintings sold at Christie's last year for \$46 million and \$27 million. The works that fetch the highest prices are brightly hued examples of his signature stacked-rectangle paintings, often in reds, oranges, and blues. Forgeries have emerged, most notably in the recent art-fraud case that involved the Knoedler gallery, which sold fake Rothkos and other knockoffs that had in fact been created by an artist living in Queens.

A Born Collector

As a child growing up in Chevy Chase, Md., Mr. Himmelfarb wandered through Washington, D.C. art museums and haunted a local antique shop. He bought his first painting, for \$30, at age 8 and had acquired a sizable collection by the time he was 17. After earning a degree in English from the University of Maryland, he went to work for an ad agency in Washington, moving to California a few years later.

In the late 1980s, he became friends with a pair of sisters in Los Angeles whom he met while art hunting. A year later, they named him their legal heir. He quit the ad business and began restoring a property they gave him—a courthouse in Malibu—and later acquired and restored other properties.

Mr. Himmelfarb and the sisters, Ruth and Ella Hirshfield, lived together in Bel Air and Honolulu. Now 61, Mr. Himmelfarb still lives with and serves as a caregiver for the sisters, who are in their 90s.



Mark Rothko © Brooklyn Museum/Corbis
Wooing a Top Rothko Scholar

After buying "Ex. No. 7" in 1987, Mr. Himmelfarb traced it back to Mollye Teitelbaum, a Los Angeles collector who sold it to the auction house while going through a divorce, according to her son Murray Teitelbaum, of Ojai, Calif. Ms. Teitelbaum and her ex-husband, Ben Teitelbaum, had acquired a large but mostly undocumented collection at auctions and through a San Francisco dealer, their son said. The couple made many art-buying trips to San Francisco, visiting artist studios and galleries and paying in cash. Mollye and Ben Teitelbaum both died in the 1990s.

"Ex. No. 7" was one of a pair the Teitelbaums had owned since at least 1964, Mr. Teitelbaum said. The other, with a similar signature and labeled "Ex. No. 4," is now owned by the younger Mr. Teitelbaum.

If one were deemed authentic, the other likely would be, too.

Mr. Himmelfarb began reading as much as he could about Rothko. At the same time, he began a correspondence with David Anfam, a British art historian who would become the world's leading Rothko authority.

In the late 1980s, Dr. Anfam was about to embark on a decadelong project at the National Gallery of Art in Washington to publish a catalogue raisonné, or official inventory, of Rothko's works on canvas. When a work is included in a catalogue raisonné, it is generally accepted as authentic.

Dr. Anfam initially thought Mr. Himmelfarb's painting held promise, according to documents in a bankruptcy-court case that Mr. Himmelfarb filed last year after overleveraging his properties. Hoping to use his painting to pay off creditors, he subpoenaed correspondence and other documents that illustrate his efforts to prove the painting's authenticity.

Dr. Anfam visited Mr. Himmelfarb in California around 1988, briefly inspected the painting and said he would study it in more depth at a later date, both sides confirm.

In 1989, Dr. Anfam wrote to the collector: "I very much look forward to the opportunity to assess your fascinating 'Rothko,'" according to a letter filed in the bankruptcy case.

In 1993, Mr. Himmelfarb visited Dr. Anfam at the National Gallery. The two men were photographed together on the roof of the museum. Dr. Anfam inspected the painting again around 1994, according to William Harbig, Dr. Anfam's legal adviser.

In 1998, shortly before the catalog was published, the collector and Dr. Anfam had a heated phone conversation, Mr. Himmelfarb says.

Dr. Anfam revealed that he had discovered in Rothko's archives a black-and-white photograph he believed was of "Ex. No. 7." The collector felt that the presence of a photo of his painting in the artist's personal files was incontrovertible proof of its authenticity. But Dr. Anfam demurred, saying anyone could have put the photograph there. Mr. Himmelfarb says he became angry, asking: "What do you think, I snuck into his house and stuck the photograph in his personal file?"

He says he then called Dr. Anfam a f---ing imbecile.

According to Mr. Himmelfarb, Dr. Anfam replied that he could tear up the photo if he wanted to, and hung up.

Dr. Anfam declined to answer questions from The Wall Street Journal about his dealings with Mr. Himmelfarb. He referred some questions to his legal adviser, Mr. Harbig. Mr. Harbig acknowledges that Dr. Anfam discovered the photo but said the historian "doesn't remember any argument. And he also says that he has never hung up on anyone."

The catalog was published soon after. In a devastating blow to Mr. Himmelfarb's campaign, it didn't include "Ex. No. 7," though it named Mr. Himmelfarb in the acknowledgments. The catalog listed at least six black-and-white photos of paintings, each with the following attribution: "Known only from a photograph in the R.A.," or Rothko archives.

"He harbored this grudge against me," Mr. Himmelfarb says. "If you can tell me why this is not a Rothko and prove it to me, I'm happy to walk."

Mr. Harbig, the legal adviser, said: "To David, scholarship is like a holy grail. I have great difficulty believing that he would not include something in the catalogue raisonné simply because he had a personal animus against the owner of the painting."

Mr. Himmelfarb admits to a penchant for speaking bluntly, sometimes too much so. At an opening party for an art museum once, he says he criticized the design, calling it a "penitentiary for art," not realizing that the architect was standing nearby.

"I think I had a little too much braggadocio after I found the painting," he says. "Maybe that's part of the problem. I thought, 'This is great, and I did it.'"

The 15-year Quest for a Photo

A few years after losing the fight to have his painting included in the Rothko catalogue raisonné, Mr. Himmelfarb set out on a new quest: to get his hands on that black-and-white photograph of his painting. He knew that the catalogs are often revised, with works added and subtracted, as new information comes to light. If he could find the photo, it could help him prove the painting was genuine.

Mr. Himmelfarb figured the photo was in one of two places: the National Gallery of Art, where Dr. Anfam worked on the catalog, or the archives maintained by the artist's children, Christopher Rothko and Kate Rothko Prizel.

The collector hired Gerald Nordland, a former director of the San Francisco Museum of Modern Art and acquaintance of Rothko, to research the painting. In 2002 and 2003, Mr. Nordland wrote to the Rothko family and the National Gallery requesting access to the photograph, arguing that it "could be significant in supporting the authenticity of the painting," according to letters filed with the court. Mr. Nordland got nowhere.

In 2008, Mr. Himmelfarb was hosting a cocktail party at an estate he had purchased in Honolulu when Stephen Little, then-director of the Honolulu Academy of Arts, wandered into the library and let out a yelp.

"He said, 'What is a Rothko doing in Honolulu?'" Mr. Himmelfarb recalls.

Intrigued by the collector's story, Dr. Little spent the next three years researching the painting of his own accord. He became convinced that the painting wasn't only real, but illustrated "the most critical transitional moment in Rothko's career," Dr. Little wrote in a 2010 essay.

Emails and letters filed in court and reviewed by the Journal map out Dr. Little's efforts.

In 2009, Dr. Little wrote to Christopher Rothko, requesting photographs of the back sides of a few paintings in the Rothko family collection. The request was rebuffed.

"I am afraid that the Rothko family, as a matter of strict policy, does not involve itself in questions of authenticity. I am sorry that I cannot be more helpful," Mr. Rothko replied to Dr. Little in a letter.

Dr. Little also lobbied Ruth Fine, then a curator at the National Gallery who was working on an inventory of Rothko's works on paper, to consider "Ex. No. 7"—and Mr. Teitelbaum's "Ex. No. 4"—for inclusion in a planned addendum to the inventory of works on canvas.

In 2010, she wrote that she would consider looking at both paintings.

But by the following year, Ms. Fine had decided not to. When Mr. Himmelfarb approached the Pace Gallery in 2011 for an authentication, Pace contacted a colleague of Ms. Fine at the National

Gallery. The colleague, Laili Nasr, replied: "The painting is not a lost oil painting, it was fully known to David Anfam at the time of the publication of the works on canvas catalog and we do not see any reason to alter Anfam's decision in this case."

National Gallery spokeswoman Deborah Ziska said that in the past couple of years the institution canceled its plans to publish an addendum to the works on canvas inventory because the works on paper volume, including some 2,600 works, had become "such an enormous undertaking."

"The National Gallery of Art does not authenticate works of art, although the publication of a catalogue raisonné implicitly authenticates the works listed therein," she said, adding that the 1998 "book reflects the scholarship at the time it went to press."

Ms. Fine, who is retired, and Ms. Nasr, now project manager of the works on paper project, declined to answer questions about why they decided not to reconsider the painting.

In 2011, Dr. Anfam authenticated a newly discovered Rothko painting that sold at Christie's for \$33.7 million.

The same year, in separate correspondence with Dr. Little and Christopher Rothko, Dr. Anfam wrote that he wouldn't reassess Mr. Himmelfarb's painting but he hoped the National Gallery would do so.

"Indeed, it's a scholarly obligation, don't you think?" Dr. Anfam wrote to Dr. Little in a 2011 email reviewed by the Journal.

The pressure on Mr. Himmelfarb to authenticate and then sell the painting continued to mount. He had already lost the Malibu courthouse, which he had turned into a banquet hall, in 2010. To save his other properties from foreclosure, he had been trying to secure a loan against the painting. In October 2012, Mr. Himmelfarb's attorney wrote to Dr. Anfam, accusing the historian of having "discouraged people from purchasing, lending upon and/or acknowledging" the painting as a Rothko. The attorney threatened Dr. Anfam with "legal action" if he disparaged the painting.

"David will never, under any circumstances, give an opinion on Mr. Himmelfarb's painting," Dr. Anfam's legal adviser said. The art world, he added, has become "a very litigious environment."

Finding the Photo

In 2013, Mr. Himmelfarb filed for bankruptcy in a bid to save his last remaining property, the estate in Honolulu. Hoping to establish the value of "Ex. No. 7" and use it to pay off creditors, Mr. Himmelfarb was now able to take depositions and use subpoenas to request information as part of the bankruptcy proceedings. He asked for records from the National Gallery, Christopher Rothko and Marion Kahan, the Rothko family's collection manager.

Among the records they turned over was a copy of the photo—the same black-and-white image that Dr. Anfam had alluded to 15 years earlier.

In depositions for the bankruptcy case, Ms. Kahan and Mr. Rothko confirmed that the photograph was of Mr. Himmelfarb's painting. Ms. Kahan said that she found it in a file of 17 black-and-white photos from a box of photographs in the Rothkos' warehouse. Of the 16 other photos—all reviewed by the Journal—at least six appear to be identical to photographs reproduced in the catalogue raisonné, accompanied by the note: "Known only from a photograph in the R.A."

Mr. Rothko and Ms. Kahan declined to comment. In his deposition, Mr. Rothko said that each time they were previously asked for the photograph, they looked but couldn't find it.

When they turned the photo over to the court, Mr. Rothko's attorney stipulated that it be accompanied by a disclaimer, saying in part: "Ms. Kahan and the Rothko family... specifically caution against drawing any undue inference of authenticity" from it.

Last week, the U.S. District Court in Honolulu completed the foreclosure of Mr. Himmelfarb's Honolulu estate—his final remaining property.

'An Absolute Genuine' Rothko

Gerald Nordland, the former San Francisco museum director, is now 86 years old. Told by a reporter that Mr. Himmelfarb had finally obtained a copy of the photo, Mr. Nordland said: "Oh my God. Good!"

"If there is a chance for one more that we can find legitimate, then I think that widens our way of looking at Mark's work," he said.

Peter Selz, a former curator and museum director who organized Rothko's first show at the Museum of Modern Art in 1961, believes the painting is real.

"I think I know Rothko's work as well as anybody," said Dr. Selz, 95 years old, who wrote an essay last year asserting the painting's authenticity. "This is an absolute genuine painting by Mark Rothko," he said.

But he said that without the Rothko family or David Anfam vouching for the painting, there is little Mr. Himmelfarb can do.

In his court deposition, Christopher Rothko was asked if he knew anyone who currently authenticates Rothko paintings.

"I don't know of any individual, no," he said.