

AUTHENTICATION  

---

IN ART

AiA Art News-service

## The New York Times

# In Knoedler Art Fraud Trial, Expert Testimony on Fakes Weighs Heavily

By COLIN MOYNIHAN  
FEBRUARY 1, 2016

At its most basic, [the Knoedler & Company fraud trial](#) revolves around whether a once celebrated art gallery knowingly sold a forged [Mark Rothko](#) painting.

But testimony in recent days has focused on a larger question at the heart of the art market: Were experts in modern art able to determine whether works sold by the gallery were genuine?

Domenico and Eleanore De Sole, who bought the fake Rothko for \$8.3 million in 2004, have sued the gallery and its former director and president, Ann Freedman. The defendants say that they had no idea the works were forgeries and that experts they consulted were also fooled.

But two of those experts, including Rothko's son, Christopher, testified on Monday in Federal District Court in Manhattan that Ms. Freedman had misrepresented their opinions over the years. And both said she had lacked permission to include their names on a roster of experts who had viewed the forged painting, a list Ms. Freedman included with a letter of authentication provided to the De Soles.



Christopher Rothko, son of the painter Mark Rothko, exited court after testifying in a trial involving a forged Rothko painting sold at the Knoedler & Company gallery in Manhattan.

BRYAN R. SMITH FOR THE NEW YORK TIMES

Christopher Rothko told jurors that he never authenticates works by his father, adding, “It’s an area that I think requires special expertise that I don’t think I have.”

Another expert, David Anfam, the author of a catalogue raisonné of Rothko’s works on canvas that was published by Yale University Press, flatly denied he had ever been in the same room as the forged painting that the De Soles bought.

“I’ve never seen the painting itself,” he said, adding that, if asked, he would not have allowed his name to be placed on the list because “it would constitute a proxy authentication.”

On cross-examination, however, Mr. Anfam agreed that he had seen other fake paintings Knoedler was selling and had accepted them as genuine. In one case, he said he had written a message that appeared to acknowledge a role in encouraging the purchase of one of them.

Testimony from an array of experts will likely play a significant role in determining the outcome of the case, in which Mr. De Sole, the chairman of the board of Sotheby’s, and his wife are seeking \$25 million in damages. The ability of experts to define whether a work is genuine has only grown in importance as works of art are increasingly treated like currency.

Knoedler sold more than 30 paintings that were said to be by artists such as Robert Motherwell, Jackson Pollock and Barnett Newman. In reality, they were all created in a garage in Queens by an artist named Pei-Shen Qian, then provided to the gallery by Glafira Rosales, an art dealer from Long Island. Ms. Rosales pleaded guilty in 2013 to conspiracy and fraud charges but has not yet been sentenced. Mr. Qian was also charged but fled to China.

Before the widespread nature of the forgeries became clear, some experts authenticated forged paintings while receiving undisclosed consulting fees from Knoedler. At the same time, concerns about being sued caused other scholars to keep their doubts about certain works private, making it difficult for individual experts to realize that others shared their reservations.

During his testimony, Mr. Rothko took issue with a statement that Ms. Freedman attributed to him in a 2007 letter about a fake Rothko. She wrote that he and his sister were “immediately convinced” that the work was “of the highest quality.” Mr. Rothko said the statement had no basis in fact.

Later, Mr. Anfam testified that Ms. Freedman had inaccurately indicated that he had endorsed fake Rothko works on paper that were sold in 1998 and had falsely stated in a 2007 letter that he was among a group of people who had accepted the legitimacy of a fake Pollock.

During cross-examination, Luke Nikas, a lawyer for Ms. Freedman, introduced into evidence a series of emails exchanged by his client and Mr. Anfam in 2008 that appeared to depict them more as partners than adversaries. Ms. Freedman wrote an email about the possibility of a museum in Buffalo acquiring a Barnett Newman work. Mr. Anfam, apparently intending to assist in that effort, wrote back that he planned on sending the museum “a not-long yet highly persuasive email.”

That same year, Mr. Anfam also asked Ms. Freedman to borrow a work he had seen that the gallery had attributed to Pollock for a show he was curating.

That work, too, ended up being fake.

“Would you ever exhibit a work that you knew to be a forgery?” Mr. Nikas asked at one point.

“Not knowingly,” Mr. Anfam replied.