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Challenge to the Andy Warhol Authentication Board

Four people are responsible for establishing whether works by the artist are authentic. Their decision is final. Now they are under attack by collectors who say they have ulterior motives for rejecting works

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The Andy Warhol Authentication Board is under attack from collectors and dealers who allege that the four-member panel is rejecting genuine works by the artist. Complaints range from disagreement as to what constitutes an authentic work of art, to accusations of a conspiracy to control the Warhol market. Many are frustrated by the board's refusal to disclose how it reaches its authoritative decisions. Lawsuits may be imminent and some observers predict that the dispute between the board and its critics could become the biggest art-world scandal since the Christie's and Sotheby's anti-trust suits.

One collector who has been especially vocal in his campaign to discredit the board is Joe Simon, an American screenwriter based in London, who has had a handful of works rejected by the

board, most significantly a collage of dollar bills and a red silkscreen Warhol self-portrait, both on canvas. The self-portrait had previously been accepted as genuine by the Warhol Estate executor Fred Hughes.

Warhol mentions the collage of dollar bills in his diaries, and witnesses recall the artist giving it to Factory assistant Sam Bolton as a 21st-birthday present in 1986. The board believes the work Mr Simon submitted is a copy of the original collage, and last month broke its non-disclosure policy to send Mr Simon a letter explaining its decision. The letter states that the US Treasury Secretary whose signature appears on some of the bills in the collage took office one year after Warhol died and, therefore, the work is a posthumous forgery.

However, the 1965 silkscreen self-portrait submitted to the board by Mr Simon opens an authentication can of worms because it hinges on Warhol's use of assistants. Warhol reportedly authorised magazine publisher Richard Ekstract to produce copies of a 1964 self-portrait in exchange for a loan of video equipment. He gave the acetates to Mr Ekstract who hired printers who had never worked with Warhol to make the screens, mix the colours, and print a series of 20x16-inch canvases.

The board maintains the works, which are unsigned, were created outside the studio. "A work that the artist conceives, authorises, then supervises is the work of the artist. Unless all of those factors are there, then it is not the work of the artist," says the board's lawyer Ron Spencer.

Mr Simon feels it is inappropriate to place the authentication bar so high for Warhol and his Factory. He believes the Andy Warhol Foundation for the Visual Arts, established by the Warhol Estate in 1987 in accordance with the artist's will, and the Authentication Board it formed in 1995, are trying to recast Warhol as a traditional painter, something he never was. Several of the artist's former associates agree. Jean-Paul Russell, who worked as an assistant to one of Warhol's printers, Rupert Smith, says it was standard procedure for Warhol to choose a film transparency, make some suggestions about colours and how the work should be printed, then leave the rest to the printers. "They were done outside his studio like thousands of things he authorised," says Warhol's former manager Paul Morrissey.

New York dealer Ronald Feldman, who catalogued Warhol's prints and owned Mr Simon's self-portrait in the 1980s, says that, despite his use of assistants and industrial processes, Warhol "really cared about authorship and was never far from the [production] process." The question is: was he just a little too far from the making of the Ekstract series of silkscreens for them to be

considered authentic?

Before the Authentication Board was established, Mr Feldman had Warhol executor Fred Hughes authenticate the self-portrait and he says he has no idea why the board is rejecting it now. “I can see why Joe Simon is questioning this decision, because everyone in the production chain felt that these were authentic works by Andy,” says Mr Feldman.

This wrangle would be nothing more than a scholarly debate about connoisseurship were it not for the fact that reputations and huge sums of money are at stake. One silkscreen by Warhol, a 1964 “Orange Marilyn”, sold for \$17.3 million at auction in 1998. Another early canvas has made \$8.5 million, and more than a dozen others have surpassed \$3 million. Authentic medium-sized self-portraits from the 1960s comparable to Mr Simon’s have sold for six-figure sums.

The Andy Warhol Foundation inherited thousands of works from the Warhol Estate and donated 900 paintings, 1,500 drawings, 750 prints, and 2,000 photos to create the permanent collection of the Andy Warhol Museum in Pittsburgh. More than 100 other paintings were sold at a 50% discount to various US museums in 1993 and 1994. The rest of the foundation’s stock is still being sold gradually through exclusive agents Vincent Fremont and Tim Hunt, who consign the works to dealers such as the Gagosian Gallery. The money raised by the sales helps fund the foundation’s grant-making programme.

Jack Cowart, director of the Roy Lichtenstein Foundation and head of the Council of Artist Foundations, says there is no standard way that foundations address issues of authenticity. Some rely on experts to pass judgement while others depend on catalogue raisonnés. Some send detailed letters of explanation, others do not. But, the Warhol Foundation has “the most multi-layered, lawyered-up and persuasive process I know,” he says. The auction houses rely on the board to determine which consignments to include in their sales. “We pass things by them and they have the final word,” says a spokesperson for Christie’s.

Some dealers and collectors see a conflict in the Authentication Board receiving funds from the foundation, which itself sells Warhols from the estate. Board lawyer Ron Spencer rejects the implication of collusion, noting that the Authentication Board is separately incorporated and “entirely independent of outside influences, including the Warhol Foundation itself which has absolutely no input or influence on the board’s decisions.”

The board’s current members—Warhol experts Neil Printz and Sally King-Nero, art historian Robert Rosenblum, and curator David Whitney—are “independent scholars who have their own

reputations to protect,” says Mr Spencer.

But Mr Simon sees them as “a perfect mechanism for removing as many Warhols from the market as possible, to preserve the scarcity and value of the multi-million dollar stock of Warhols which is controlled by the small, tightly knit group around the foundation.”

The Authentication Board secretary, Claudia Defendi, reports that over a two-year period “the percentage of works denied authentication is roughly 15%.”

The Warhol Foundation is also funding the project to publish a catalogue raisonné of Warhol’s works, a collaborative project with Zurich dealer Thomas Ammann Fine Arts. Since Mr Ammann’s death in 1993 his sister Doris Ammann has carried on the research with foundation support. Last year Phaidon published the first of the five volumes.

Authentication Board members are also working on the catalogue raisonné—Mr Printz is co-editor, Ms King-Nero is executive editor, and Mr Rosenblum serves as a consultant. The foundation has sold works to Ammann Fine Arts, however, no member of the board works for the Swiss gallery or any other commercial entity.

The board does not explain its decisions because to do so would provide “a roadmap for forgers”, says Mr Spencer, who says the letter to Mr Simon was an “exception” and does not herald a policy change.

Until the board makes known the basis for its opinions, particularly concerning works produced by assistants, the controversy will only become more intense. An article by Michael Schnayerson in *Vanity Fair*’s November issue will add fuel to the fire, with a wealth of anecdotal evidence from disgruntled owners, including Mr Simon and Mr Ekstract, who has had his own work rejected by the board.

Mr Simon would already be in court were it not for the document he signed waiving the right to sue when he submitted his works for authentication. That compulsory waiver has not stopped everyone. New York dealer Ivan Karp sued the board but dropped his claim when told why the board had rejected his work.

“The knee-jerk reaction is litigation,” says Mr Cowart of the Lichtenstein Foundation, “but if you have a definitive archive and a clear objective process, usually the attribution will be sustained.” Mr Simon alludes to a class-action suit being brought against the board, but Mr

Spencer is confident that, if it comes to that, the courts will uphold the Authentication Board's decision.

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