

# IFAR<sup>®</sup> Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

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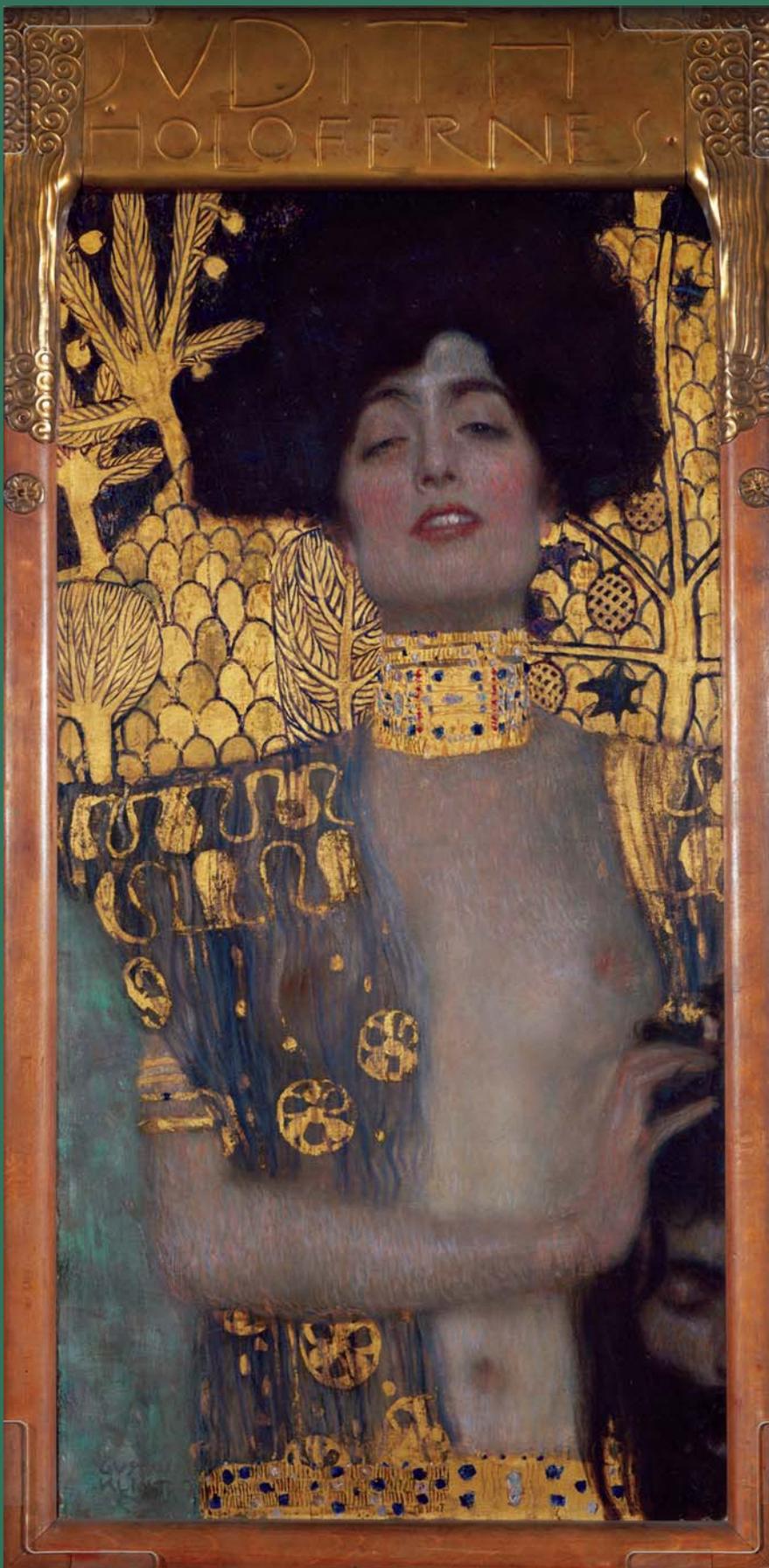
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# IFAR<sup>®</sup> Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

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COVER: GUSTAV KLIMT (Austrian, 1862-1918). *Judith with the Head of Holofernes*, 1901.  
Oil on canvas. Österreichische Galerie Belvedere, Vienna. Ph: Erich Lessing/Art Resource, NY.  
See article starting on page 47.

## LONG ISLAND CON MAN JOHN RE SENTENCED TO 5 YEARS FOR FRAUD THAT IFAR HELPED EXPOSE

LISA DUFFY-ZEBALLOS\* AND SHARON FLESCHER\*\*

With district court Judge P. Kevin Castel calling him a “facile liar” who planned a “9-year scheme” to defraud the public, East Hampton fraudster John Darren Re was sentenced on May 10 to five years in federal prison, starting immediately, and ordered to pay restitution in the amount of \$2,225,807 to his victims.<sup>1</sup> Re, aged 55 and dealing with “severe mental health issues” according to his court-appointed attorney, pled guilty in December 2014 to a scheme involving the sale of dozens of fake artworks purportedly by Jackson Pollock and Willem de Kooning. He claimed to have discovered them in the basement of deceased East Hampton resident, George Schulte. The sentencing — on Re’s birthday — marked the conclusion of a multi-year FBI investigation led by Special Agent Meridith Savona. It doesn’t, however, mark the end of the case. On May 18, Re filed a Notice of Appeal with the Second Circuit Court of Appeals.

As discussed in the last issue of *IFAR Journal*, the government Complaint relied in large part on a 120-page negative report (see below) written by IFAR (the International Foundation for Art Research) regarding 45 of the fake Pollocks, which Re later admitted selling with a concocted provenance.<sup>2</sup> Re has not admitted to having painted the

works, however, nor has he said who did, despite a direct question about that from the judge. He has only admitted that all the works were fake and that the story of finding them in Schulte’s basement was bogus.

“The government Complaint relied in large part on a 120-page negative report ... written by IFAR regarding 45 of the fake Pollocks.”

At the sentencing, Re claimed that he found the works (then he said it was his brother) in a storage unit in a New York warehouse, but he had no documents or details to back it up. One of his victims, listed in the Complaint as Collector 2, but who identified himself in court as John Szemansco, didn’t buy the story, telling the court that “Mr. Re knows well how important provenance is,” and if he had found the works in a warehouse, he would have the documents to prove it, and would have researched the finding. Calling Re “smart” and “very calculating,” Szemansco urged the judge to mete out a harsh sentence in order “to send a message” and show that there is “justice for people in the art world who are being victimized.” Re could have received up to 20 years in prison; the sentencing guidelines presented to the judge, however, recommended 37-46 months. But Judge Castel imposed 60 months as a warning, he said, to others who might contemplate a “get rich quick plan in selling fake art.”

In our previous *Journal* article, we included a brief account of IFAR’s involvement with the fake John Re “Pollocks” (no “de Koonings” were submitted to IFAR). Below, we provide a more detailed discussion

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\*\* Sharon Flescher, Ph.D., is Executive Director of IFAR and Editor-in-Chief of the *IFAR Journal*.

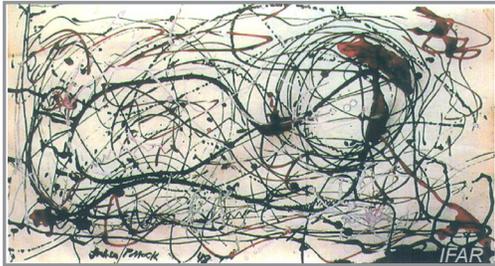
<sup>1</sup> *United States v. John Re*, No. 14-cr-00550-PKC (S.D.N.Y. filed Aug. 18, 2014), appealed at No. 15-1629 (2nd Cir. Filed May 18, 2015).

<sup>2</sup> See Lisa Duffy-Zeballos and Sharon Flescher, “East Hampton Con Man Known to IFAR Pleads Guilty: John Re Admits Schulte Provenance was Concocted,” *IFAR Journal*, Vol. 15, nos. 3&4 (2014), pp. 3-5.

of IFAR’s research on dozens of “Pollocks” from the so-called Schulte collection.

### THE “POLLOCKS” IN THE BASEMENT

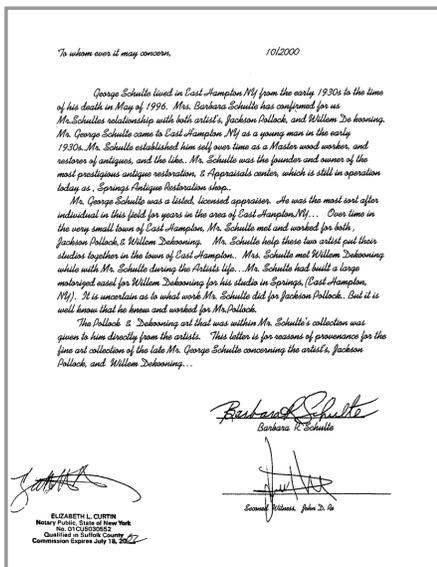
Although the Complaint mentioned a scheme starting in 2005, in fact, IFAR first encountered John Re and the “Schulte collection” in 2001, when a small dripped painting on paper signed and dated “Jackson Pollock 1948” (FIG. 1) was submitted to



**FIGURE 1.** IFAR #01.05, painting on paper, 12 ½ x 21 ¾ in., submitted to IFAR in 2001. Photo: IFAR.

our Authentication Research Service. The painting was said to have been found by Re, along with other ostensible Pollocks and de Koonings, while cleaning out the basement of the late George Schulte (1922-1996), a woodworker, restorer

and appraiser who had been a longtime resident of East Hampton. A notarized letter signed by Schulte’s widow, Barbara, stated that her late husband had helped Pollock and de Kooning “set up their studios” and had received the works directly from the artists, presumably in lieu of payment (FIG. 2).



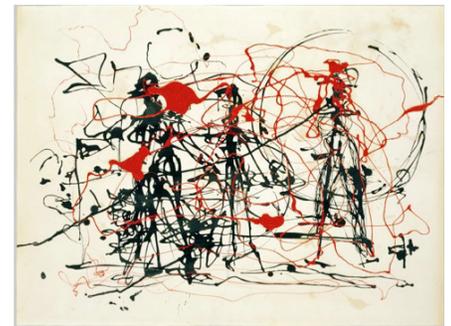
**FIGURE 2.** Affidavit signed by Barbara Schulte and John Re, submitted with IFAR #01.05. Photo: IFAR.

While it is now known that the provenance was concocted, at the time that the work was submitted to IFAR it sounded “plausible,” if unlikely. In the 1940s and 1950s East Hampton had a small year-round population, including Jackson Pollock and his wife Lee Krasner, who had moved there in 1945. Moreover, Pollock was known to have exchanged artworks for services,

although such transactions were rare: Daniel Miller received *Silver over Black, White, Yellow, and Red* as payment for a grocery bill, and, in 1950 attorney Gerard Weinstock accepted *Composition with Red Arc and Horses* in lieu of payment for drawing up Pollock’s will. Pollock also gave fellow artist Helen Frankenthaler a small work on paper for her wedding. Nevertheless, such gifts and exchanges, always with known friends and associates, were to the best of our knowledge limited to one work of art. The discovery of a large group of undocumented Pollock paintings said to have been received for work performed, therefore, naturally raised suspicions, which deepened when we could find no evidence that either Pollock or Krasner knew Schulte. His name was not mentioned in the published literature or unpublished documentation on Pollock, and an examination of Pollock’s cancelled checks revealed no payments to Schulte that might suggest business transactions between them. Nor could we find any reference to this particular painting in any of the published or unpublished documentation on Pollock.

“Re has not admitted to having painted the works, nor has he said who did.”

More importantly, the painting itself was an unconvincing pastiche, lacking the vitality and compositional integrity of Pollock’s 1948/1949 black and red works on paper, such as *Untitled 1948-49* in the Metropolitan Museum (FIG. 3). Evidently unfamiliar with the material qualities of Pollock’s works on paper, the painter of the IFAR work tried to mimic Pollock’s effects using incorrect



**FIGURE 3.** JACKSON POLLOCK, *Untitled*, 1948-49. Ink and enamel on paper, 22 ½ x 30 in. The Metropolitan Museum of Art, NY. © 2015 The Pollock-Krasner Foundation/ARS, NY.

methods. Thus, in an attempt to replicate the lines found in Pollock's dripped paintings on paper prepared with wet gesso, where the interaction of the enamel paint on the gesso produced a two- or three-part dripped line that is dense at the edges and translucent in the center, the faker used an ungessoed piece of paper and simply over-painted the dripped lines to make them darker at the edges.

“Judge Castel imposed 60 months as a warning, he said, to others who might contemplate a ‘get rich quick plan in selling fake art.’”

Furthermore, the work appeared intentionally aged. It had been executed on an old and damaged piece of paper, but, tellingly, while the edges of the paper support were abraded and worn, the paint drips *over* the frayed edges were not. Similarly, although there was a prominent vertical fold down the center of the page, which was present before the work was executed, as evidenced by the black paint that ran into the fractured paper fibers along the fold line and pooled in the creases, the paint *on top of the vertical fold* — a brittle powdery black paint highly susceptible to damage — was suspiciously intact.

For these reasons (and more), IFAR rejected the painting as a Pollock, noting in our report that the painting's provenance was unsubstantiated and highly problematic.

Shortly after we sent the owner our report, we learned that other purported Pollock and de Kooning works on paper from the so-called Schulte collection, some with an apparently identical crease down the center of the paper, were appearing on the art market and on eBay. Later, in 2008-2009, two other paintings bearing a Schulte provenance — one on paper and one on canvas — were submitted to us, and neither of them bore up as Pollocks either.

### A COLOSSAL CACHE OF FAKES

The extent of the problem only became apparent in 2011, however, when IFAR was contacted regarding

45 purported Pollocks on canvas, fiberboard, and paper that a single owner had recently purchased from Re. Each work was submitted with a document signed by Re, but not by Barbara Schulte, identifying it as a work from the Schulte collection (FIG. 4). The images sent to us preliminarily showed a significant variation in quality among the paintings. If authentic, such a large group could have changed our understanding of Pollock's oeuvre; if inauthentic, we were dealing with an enormous fraud.

IFAR agreed to review the entire collection — in fact, we insisted on reviewing all or none — and stipulated that every work would be examined individually by us with Pollock specialists. We also insisted, as a precondition of our involvement, that we be allowed at our discretion to undertake forensic sampling and analysis of pigments, binders and other materials from a selected number of works.

We retraced and supplemented our earlier provenance research, this time succeeding in interviewing John Re himself, as well as a number of George Schulte's friends and family members. By telephone, Re informed us that he was a woodworker who had worked at the East Hampton antique restoration shop formerly owned by Schulte, whom he never met. Schulte's widow, Barbara, however, occasionally hired him for odd jobs. All of that was true. The rest has since been discredited, including Re's claim that in 2000, while cleaning out the Schultes' basement, he discovered approximately 65 paintings, drawings, and mixed media works by Pollock, as well as 30 drawings and sketchbooks by de Kooning. In fact, the works were never in the basement.

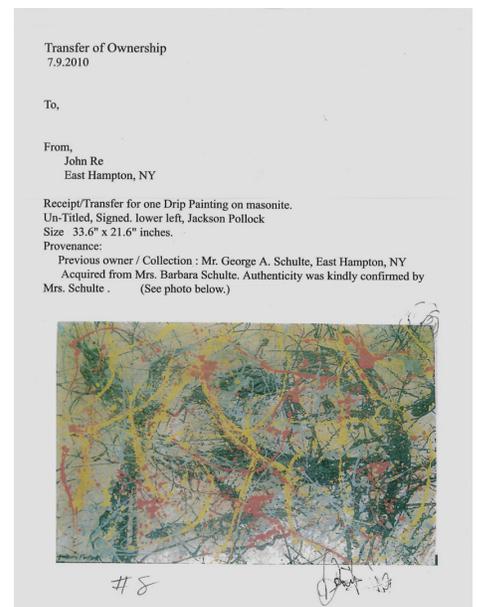


FIGURE 4. Transfer of Ownership form signed by John Re submitted with IFAR #11.08 in 2011. Photo: IFAR.



**FIGURE 5.** IFAR #11.40, painting on masonite, 25 ½ x 19 ½ in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.



**FIGURE 6.** IFAR #11.11, painting on canvas, 49 ½ x 37 in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.



**FIGURE 7.** IFAR #11.17, painting on paper, 14 ½ x 20 in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.



**FIGURE 8.** IFAR #11.18, painting on paper mounted on cardboard, 13 ½ x 20 in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.



**FIGURE 9.** IFAR #11.08, painting on fiberboard, 21 ¾ x 33 ¾ in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.



**FIGURE 10.** IFAR #11.09, painting on masonite, 14 x 23 in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.

Re also told IFAR that Barbara Schulte had authorized him to act as her agent in selling the works and had allowed him to remove the paintings from her basement. With her permission, he said, he signed Mrs. Schulte’s name to some of the early affidavits he provided with the paintings, but when she later

objected, he began signing only his own name to the sale documents. Re added that there came a point when Barbara Schulte no longer wished to be involved, and sold him the rest of her collection. To what degree Barbara Schulte was complicit in the scheme or exploited is not fully clear. Her family told IFAR in court after Re’s sentencing that they believe she was exploited and their good name damaged.

By the time of IFAR’s investigation, Mrs. Schulte had been institutionalized for dementia, but none of the Schultes’ friends, business associates, or relatives, including children and stepchildren whom we contacted, could recall ever seeing Abstract Expressionist-style paintings in the house. Nor could anyone recall Schulte claiming to have known Jackson Pollock or possess paintings by him.

As to the works themselves — most bearing “Pollock” signatures and some dates — not one was remotely credible when examined in person, although few had appeared plausible when seen in photographs. The paintings displayed a wearying homogeneity in palette, technique and physical properties uncharacteristic of Pollock. The large drip-style paintings on canvas and fiberboard, for example, shared a basic palette of red, mustard yellow, teal, and matte black. All of the works were unstretched and unframed, and few exhibited the expected tacking holes, stretcher marks or other indicators that they had ever been mounted or hung. Particularly troubling, a large number of paintings had been brushed with a gray wash or a dark brown liquid coating, which served no purpose but to dull the colors and make the paintings appear old.

Stylistically, the 45 paintings fell into three distinct Pollockesque subsets: early 1940s-style figural or brushed and dripped abstract compositions (**FIGS. 5 and 6**); 1948-1949-style dripped and spattered paintings on paper (**FIGS. 7 and 8**); and large-scale classic dripped late 1947-1952 paintings on canvas and fiberboard (**FIGS. 9 and 10**).

The least convincing were the early figurative compositions, which included an amateurish take on Pollock’s 1943 *Guardians of the Secret* (**FIG. 11**). The motifs in the central panel of the IFAR painting

appeared to have been influenced by the catalogue of the Museum of Modern Art's 1999 Pollock retrospective, in which it was first observed that the central frieze in *Guardians* included inverted figures (FIG. 12). The faker "corrected" the orientation of Pollock's figures, and added other elements, such as the eye-in-a-triangle motif and a Picassoesque profile of a head found in other Pollock paintings of that period, along with motifs that do not factor into any of Pollock's works.

The works on paper, equally problematic, had all been intentionally distressed prior to painting. Like the work reviewed by IFAR in 2001, although missing the vertical fold, the tattered edges of the papers were frayed, yet the paint that had dripped over the edges was suspiciously intact. Most of the paper supports had been brushed with a dry pigment before and sometimes after they were painted, apparently to simulate the grime and discoloration that occurs naturally over time.



**FIGURE 11.** IFAR #11.12, painting on canvas, 28 x 46 ¾ in. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.



**FIGURE 12.** JACKSON POLLOCK, *Guardians of the Secret*, 1943. Oil on canvas, 48 ¾ x 6 ft. 3 ¾ in. San Francisco Museum of Modern Art. © 2015 The Pollock-Krasner Foundation/ARS, NY.

Stylistically, the paintings on paper conflated incompatible elements of Pollock's late 1940s-style works on paper into a single composition. Thus, while the color palettes evoked Pollock's *black and red* dripped paintings of 1948, their composition and linearity simulated his 1948-1949 *black and white* paintings on paper.

The largest subgroup comprised paintings on canvas and masonite executed in Pollock's classic dripped style. In one of the better works in this group (FIG. 9), the underlying web of thick black lines overlaid with colored drips was superficially consistent with Pollock's layering, but its dripped black armature was too heavily described. Moreover, the yellow figure-like image in the center is unlike any of Pollock's figural drips. This painting, too, had been artificially aged. A heavy brown veneer was brushed selectively over areas of white in an attempt to "knock back" the brightness of the white paint.

*In sum, not one of the 45 paintings was stylistically convincing as an authentic Pollock.*

## FORENSIC ANALYSIS

Nor were the materials correct. Fifty-three samples of paint and primer were taken from thirteen paintings and analyzed using Fourier transform infrared microspectrometry (FTIR) and dispersive confocal Raman microscopy. *All but one of the works contained binders or pigments that were either anomalous or anachronistic for Jackson Pollock.*<sup>3</sup>

Anachronistic binding media, that is, materials developed after Pollock's death in 1956 or after the date ascribed to the work in question, were found in six of the 13 paintings tested. Two of the six paintings contained ASA (acrylic-styrene-acrylonitrile terpolymer), which was commercially available only since about 1970.<sup>4</sup> Similarly, the silver-colored paint

<sup>3</sup> The binding media could not be identified in samples taken from one of the paintings tested.

<sup>4</sup> Harvard University Art Museums, *Technical Study of Three Paintings Attributed to Jackson Pollock*, 2007, <http://www.artmuseums.harvard.edu/home/HUAMreport012907pdf>.

(FIG. 13) found in three of the paintings tested was not the aluminum paint preferred by Pollock, but



**FIGURE 13.** Detail of silver paint (oxide-coated mica pigment) taken from IFAR #11.36. One of a group of 45 works submitted to IFAR in 2011. Photo: IFAR.

a titanium dioxide-coated mica interference pigment. This non-metallic pigment, which uses flakes of mica to imitate the luster of metallic paints, was introduced in 1961, five years after Pollock's death.<sup>5</sup>

Also damning was the presence of

anomalous paint binders — materials available during Pollock's lifetime but not thus far found in any of his works — in almost all of the paintings tested. Ten of the thirteen paintings contained acrylic binders, but to date *no acrylic paint of any kind* has been found in a documented Pollock.<sup>6</sup>

In fact, only two types of acrylic paint were even available in Pollock's lifetime (although not known to have been used by him): the acrylic resin paint Magna, which was developed in 1949 by Leonard Bocour, and the aqueous acrylic emulsion paint Rhoplex AC-33, which was marketed for artists as Liquitex starting in 1954 or 1955.

**“All but one of the works contained binders or pigments that were either anomalous or anachronistic for Jackson Pollock.”**

Even if Pollock had used acrylic paints, their use would be confined to works executed after 1949, but since several of the paintings that IFAR tested dated stylistically to before 1949, the presence of acrylics in these works was not only anomalous for Pollock, but anachronistic as well.

<sup>5</sup> James Martin, “What Materials Tell Us about the Age and Attribution of the Matter Paintings” *IFAR Journal*, Vol. 10, no. 1 (2008), pp. 30-32. See also Howard Linton, *Nacreous Pigment Compositions*, U.S. Patent 3,087,828, assigned to E.I. du Pont de Nemours & Co., Wilmington, DE (filed 28 June 1961, issued April 30, 1963).

<sup>6</sup> Martin, p. 33.

Testing also revealed the presence of polyvinyl acetate (PVA) emulsion paints in five of the paintings tested. Typically used as interior house paints, PVA emulsion paints became commercially available in the 1940s, and were available during Pollock's lifetime. Their use was not widespread among American artists, however, who preferred alkyd house paints,<sup>7</sup> and PVA emulsion paints are not known to have been found in authentic works by Pollock.

Not only did the overwhelming majority of the works we sampled contain problematic materials, none of the paints tested contained materials more typically found in Pollock, such as oil, alkyd, or nitrocellulose paints.<sup>8</sup> The testing results from this representative sample of works naturally cast doubts on the authenticity of all of the other paintings in the group.

The forensic results, together with the stylistic incongruities, poor quality, unsubstantiated and false provenance, and other evidence of fakery led IFAR to reject all 45 paintings. As fakes, these works were not especially sophisticated. Irrespective of their provenance, the Schulte “Pollocks” would probably not have fooled any specialist on close examination.

We concluded that the group represented a “deliberate and pervasive attempt to deceive” and, if circulated, posed a significant threat to the art world's understanding of Jackson Pollock.

As we noted in our earlier article, John Re later contacted IFAR claiming that the paintings we reviewed were not from the Schulte collection but from the “Taylor Robinson collection,” and he insisted that IFAR retract its report in light of this new information. We did not; nor would it have mattered, since the rejection was based on far more than provenance.

## THE CRIMINAL CASE

In July 2014 John Re was indicted on suspicion of selling over 60 known fakes to a handful of

<sup>7</sup> Tom Learner, “A Review of Synthetic Binding Media in Twentieth-century Paints,” *The Conservator*, No. 24, (2000), pp. 96-103.

<sup>8</sup> Oil binders were identified in samples of primer from two works, most likely from a commercially pre-primed canvas.

unsuspecting buyers, netting him an estimated \$2.5 million.<sup>9</sup> Although Re initially claimed that he sold the paintings as “attributed to” Pollock and de Kooning, he recanted when confronted with the eBay listings and his own signed statements to the contrary. As part of his December plea agreement, Re admitted that he had fabricated the Schulte provenance. At the sentencing, however, which was attended by several of Re’s victims as well as members of the Schulte family, Re admitted that the works were all fake, but insisted he had believed they were authentic. According to Re, the Vered Gallery in East Hampton, which eventually purchased and marketed 22 of the de Koonings on paper, but was not charged in connection with the fraud,<sup>10</sup> had told him that the works *could* be authentic, and he chose to believe that he had “hit the jackpot.” Re said that he too “felt like a victim.”

Re’s innocence was vigorously challenged by both the prosecutor and Re’s victims, several of whom had submitted impact letters to the court. John Szemansco, the owner of the 45 paintings investigated by IFAR, told the court his involvement with Re had cost him 32 years of his retirement savings and that he was fighting off foreclosure on his house. Referring to Re’s previous convictions, Szemansco warned the court that “If [Re] gets back on the street, he’s going to do it again, maybe not with art, but with something else.” Assistant U.S. Attorney Andrew Adams focused on the injury caused to the Schulte family. He reminded the court how Re had preyed on and apparently manipulated an elderly woman, noting that Re’s decade long “exploitation of Barbara Schulte speaks to the viciousness of the crime.”

Describing Re as a “con artist and a swindler” who “excels in the art of manipulation,” Judge Castel sentenced him to five years in federal prison with an additional three years of monitored supervision. Re was also ordered to pay \$2,225,807 in restitution to his victims and forfeit Deep Quest, a submarine-like movie prop modeled after the naval submarine

“FBI Special Agent Savona told IFAR that ... there were at least 150 Pollock and de Kooning works with a Schulte provenance marketed by John Re. Some are in collections as yet unknown. ‘Owners should be on notice,’ Savona cautions, that ‘any Pollock or de Kooning that has the Schulte provenance is fake and cannot be legally sold as authentic.’ Anyone owning a work with a Schulte provenance may contact Agent Savona ...”

of that name (which Re’s attorney asked be applied to the restitution). In recognition of his financial difficulties, the judge waived the recommended fine, but did charge Re \$100 mandatory special assessment.

John Re’s legal troubles are not over. In July, he is scheduled to be sentenced in New York State Supreme Court for felony state income tax fraud, a charge to which he has already pleaded guilty.<sup>11</sup> That investigation — also over a period of years — was led by Brett Carlson in the Suffolk County District Attorney’s Office. Re also faces at least one civil complaint in California relating to the sale of 21 fraudulent artworks, three of which were purported “Pollocks.”<sup>12</sup>

Meanwhile, FBI Special Agent Savona told IFAR that although only approximately 74 works were mentioned in the court documents, there were at least 150 Pollock and de Kooning works with a Schulte provenance marketed by John Re. Some are in collections as yet unknown. “Owners should be on notice,” Savona cautions, that “any Pollock or de Kooning that has the Schulte provenance is fake and cannot be legally sold as authentic.” Anyone owning a work with a Schulte provenance may contact Agent Savona at the FBI, New York Office at (212) 384-5000.

• • •

<sup>9</sup> Press release U.S. Attorney’s Office, SDNY, December 1, 2014.

<sup>10</sup> The gallery was sued by one of the purchasers, however, and the case was settled out of court. *Janis v. Vered Gallery, et al.* No. 4601994 (N.Y. Sup. Ct. filed June 25, 2004).

<sup>11</sup> *People of the State of New York v. John Re*, No. SCI-00297-2015 (Suffolk Cty. filed June 10, 2014).

<sup>12</sup> *Anders Karlsson v. John Leo Mangan, III, et al.*, No. 14-cv-4514-R-JPR (C.D. Cal. filed June 11, 2015).