

The Catalogue Raisonné Scholars Association

an Affiliated Society of the College Art Association

Spring 1999

No. 8

Editor's Note

By Melvin P. Lader

As I indicated in the last newsletter, I would like to invite suggestions as to what might be included in future newsletters. We always need articles on issues that concern the authors of catalogues raisonné, and these are essential to keeping the newsletter of value to our members. But what other types of columns might prove interesting and helpful? I would like to hear your suggestions. The newsletter will only be as good as the level of participation of the general membership. And, of course, your participation in submitting articles is critical. Please contact me with your suggestions on this or about any proposed future articles: lader@gwu.edu

For this issue, we are fortunate to have two articles, both of which deal with matters that are central to catalogue raisonné scholarship. The first, submitted by Dr. Clive Getty, speaks to connoisseurship and how it can be incorporated into the academic curriculum. Specifically, Dr. Getty outlines the course he has developed for teaching connoisseurship to undergraduate students.

The second article is on professional liability insurance for authors of catalogues raisonné. Written by Peter Nesbitt, Director of the Jacob Lawrence Catalogue Raisonné Project, this article summarizes in clear and lucid terms the available insurance options, the need for such coverage, and its availability and cost.

2000 CRSA SESSION, COLLEGE ART ASSOCIATION New York

The next meeting of the CRSA will take place in New York during the Annual Conference of the College Art Association, February 24-26, 2000. As a CAA Affiliated Society, we are entitled to an hour and a half session for a special program (outside of the regular CAA sessions) that we may devote to short papers and discussion topics relevant to our membership. Our topic for 2000 will be "The Art of Fact," an exploration of the relevance of factual research to art historical scholarship as we enter the new millennium. By its very nature, the catalogue

raisonné celebrates the search for and accumulation of the minute details that recreate an artist's complete works. This type of factual compilation has come under fire by art historians who believe it unworthy of a scholar's efforts and inferior to the creation of theoretical constructions.

This is a call for papers that address the pros and cons of the scholarly pursuit of fact. Proposals of no more than 200 words may be mailed, faxed, or e-mailed to Nancy Mowll Mathews, Williams College Museum of Art, Williamstown, MA 01267; FAX (413) 458-9017; E-MAIL: nmathews@williams.edu. Proposals may be submitted by CRSA members and non-members alike, and submissions are especially welcome from those in related fields of "extreme research" such as the compilation of corpuses of all kinds, textual and archeological researchers. Deadline for submissions is July 1, 1999.

Report on 1999 CRSA Session Los Angeles

At last February's CAA conference in Los Angeles, CRSA sponsored a session on "Fakes and Their Implications for Art History."

Nina Eugenia Serebrennikov, from Davidson College, spoke on "When the Fake Looks Nothing like the *Echt*: The Case of Pieter Bruegel the Elder." In her talk, she sought to explain why by the early seventeenth century numerous forged drawings and etchings had appeared and were accepted as works by Bruegel, despite the fact that thematically and compositionally they were not quite typical of the artist's works. Concluding that Bruegel provided a recent predecessor with whom to associate new more intimate landscape and village views (in contrast to Bruegel's panoramic Alpine landscapes), the speaker argued that this was possible because of Bruegel's reputation as a master of Nature; since Nature itself is mutable, artists "reconfigured" Bruegel's views of nature to meet contemporary needs.

Sandy Kita, from the University of Maryland, argued in his paper that the attribution of four sets of handscrolls known as the "Puppet Play Group," to the Japanese artist Iwasa Katsumochi Matabei is questionable. Originally based on the attribution of a single scholar and supported by some on the basis of Matabei's reputation as the founder of Ukiyo-e, Professor Kita pointed out that Matabei's role as

founder of Ukiyo-e is itself in question, and this, in turn casts doubt on the authorship of the handscrolls.

"When a Copy Becomes a Fake: Franz von Lenbach's Copies after Titian" was the subject of Stephanie R. Miller's paper. She focused upon the relationship between Titian's *modello* of *Philip II* (Cincinnati) and the so-called "finished" version of the portrait (private collection). Franz von Lenbach once owned the *modello*, which he altered after it came into his possession in 1880. The "finished" portrait attributed to Titian was unknown before 1892 and, based on questions of purpose, style, and provenance, Professor Miller argued that the "finished" painting may, in fact, be a "copy" from the *modello* by Lenbach himself.

Professor William I. Homer addressed the issue of the numerous forgeries of works by Albert Pinkham Ryder. "Clouds over the Moon: Ryder's Fading Reputation" traced the appearance of fakes to Ryder's own lifetime and thereafter at the hands of Ryder's "friends" and dealers, particularly Frederic Newling Price, proprietor of New York's Ferargil Galleries. As much as 60% of Ryder's works that Price displayed at a show in 1935 consisted of forgeries, which unknowingly influenced a host of other artists, such as Jackson Pollock and Thomas Hart Benton.

CRSA List Serv

I would like to remind our members that the CRSA List Serv is available. Although there was a flurry of activity at its inception, there has not been much activity since. Are we totally talked out? Are there no further issues? To subscribe to the list, send a new e-mail message to this address: LISTPROC@BAYLOR.EDU and in the body of the text, type: Subscribe CRSA-L your name

Example: Subscribe CRSA-L Heidi Hornik

Once you are subscribed, you will receive a "welcome" message including instructions for unsubscribing. Please save this welcome message.

If you wish to send a message to everyone subscribed on the list, please be sure your message has a meaningful subject line, and the message should be addressed to: CRSA-L@Baylor.edu. Your message will automatically be distributed to everyone subscribed to the list.

Teaching Connoisseurship at the End of the 20th Century

by Clive F. Getty

Professor, Department of Art, Miami University

In the fall of 1993, while considering various topics for an undergraduate seminar which I was scheduled to teach the following spring, one of the students in our recently established major in the history of art and architecture inquired about connoisseurship. She was familiar with the term, but wanted to know more about its practice and its contribution to art history. Together we decided that connoisseurship would, indeed, be a good subject to explore in the seminar. A topic had been found!

Although never specifically trained in connoisseurship, I had been exposed to it in bits and pieces during my graduate studies in art history first at the University of New Mexico where I received a Master's degree with Gabriel Weisberg and then at Stanford University where my doctoral adviser was Lorenz Eitner. Both of these highly respected scholars of 19th-century French art always stressed the primacy of art objects even as they placed them within their various historical, social, and cultural contexts. But my real grounding in connoisseurship was gained firsthand while working on the over 2000 drawings by the early nineteenth-century caricaturist and book illustrator, J. J. Grandville (1803-1847), found in his birthplace of Nancy, France. During the process of cataloguing the drawings, I was able to determine the stylistic development of Grandville's graphic style due to the many drawings which were either dated or datable according to the publications for which they were produced. Detectable changes in draftsmanship occurred on almost an annual basis. Using this stylistic development as a guide, drawings which possessed no documented or documentable dates could be placed within a chronological sequence with a certain degree of confidence. The drawing chronology formed the foundation for determining in turn the chronological development of Grandville's inventive imagery and its satirical content. This research resulted in my doctoral dissertation, "The Drawings of J. J. Grandville Until 1830" and the catalogue for an exhibition held at the Nancy Musée des Beaux Arts in 1986, "*Grandville: dessins originaux.*"

As I worked on the seminar syllabus, the challenge was to convey the elements of connoisseurship within the space of just fifteen once a week three-hour class sessions to undergraduates with little or no knowledge of the subject while having only limited access to original works of art. Moreover, within this same period of time students were to gain enough knowledge to embark on two independent research projects, both of which would count for 25% of their final grade. The first project, due

approximately half way through the course, would consist of analyzing the methods or procedures employed by either a famous connoisseur/collector or an infamous forger (they would be provided with a list of prominent examples from which to choose). The second project, due at the end of the course, would consist of analyzing both the pro and con arguments given for the attribution of a certain disputed work of art, taking a side in the polemic, and defending it (again, a list of famous disputed works of art would be provided as a guide). In both cases, students would present their findings in thirty-minute class presentations as well as in a written version. Members of the seminar would also be graded on their class participation and a class journal handed in at the end of the semester, both of which would again count as 25% of their final grade. My initial apprehension as to how the seminar would be received was laid to rest after teaching it for the first time. The students enthusiastically talked about it with their friends. As a result, I have subsequently taught the connoisseurship seminar on an every other yearly basis. What follows is a week-by-week description of the course.

The first day of class, students receive in addition to the course syllabus an extensive bibliography on connoisseurship (in compiling the bibliography it became apparent that the recent state of connoisseurship is not quite as moribund as many believe). All assigned readings have been placed on reserve in the library along with supplementary materials. Once the mechanics of the course have been explained, students are immediately confronted with a series of questions: What is connoisseurship? How does it operate? What role does it play in the history of art? What are the limitations of connoisseurship? Except for the historical one, which is addressed in due course, all of these questions are admirably addressed in a video produced by the BBC in 1994, "The Vanishing Rembrandts." As one might guess from its title, it deals with one of the most comprehensive displays of contemporary connoisseurship: the Rembrandt Research Project. The video is the very paradigm of intelligently informative, high-level entertainment. Focusing as it does on a well-known and well-loved Old Master only increases viewer accessibility. From the outset, students learn about both "intuitive" and the latest in various modes of "scientific" connoisseurship. It is amazing how quickly they can see the difference between an authentic Rembrandt portrait and a dubious one. They stare half in disbelief at the exercise of counting threads in the weave of a 17th-century canvas and become intrigued by such exotic new terms as dendrochronology and infrared reflectography. By the end of the video, they are hooked. For additional information on the Rembrandt Research Project and the Rembrandt question in general, students are referred to books

placed on reserve: the three volumes to date of the Project's findings, *A Corpus of Rembrandt Paintings* (1982-), and *Rembrandt/Not Rembrandt in the Metropolitan Museum of Art* (1995).

The second class session delves into problems of connoisseurship. Unfortunately, there are no good introductory texts in print on the subject. So students are given extensive preparatory readings from Max Friedländer's 1942 classic, *On Art and Connoisseurship*, as well as Hans Tietze's *Genuine and False: Copies, Imitations, Forgeries* (1948). While Friedländer clearly outlines the general principles governing connoisseurship, Tietze illustrates and analyzes the gamut of different types of bogus artworks. In order to become immediately engaged in the practice of connoisseurship, each student is responsible for leading class discussion on a particular segment of the assigned readings. The class as a whole is assigned to report back on the video counterpart of Tietze, NOVA's 1991 *The Fine Art of Faking It*. This as well as an additional volume of fraudulent works of art, Mark Jones's *Fake? The Art of Deception* (1990), are part of the supplementary materials placed on reserve.

By the end of the second week, students have a firm grasp on what constitutes connoisseurship, and it is time for a little history of the discipline during the third and fourth weeks. Preparation involves extensive readings in the only volume I know of that is devoted to both the history of and the theories behind modern connoisseurship, Carol Gibson-Wood's *Studies in the Theory of Connoisseurship from Vasari to Morelli* (1988). Each student is assigned to lead class discussion on a particular figure: Vasari, Giulio Mancini, Abraham Bosse, etc. Students generally find this rather less engaging than previous seminar sessions.

Things, however, perk up the fourth week when we concentrate on the somewhat more colorful figures of Giovanni Morelli and Bernard Berenson. As usual, each student is responsible for leading discussion on a certain segment of the assigned readings which consist for the most part of characteristic excerpts from, amongst others, Morelli's *Italian Painters: Critical Studies of the Works* and Berenson's *Rudiments of Connoisseurship*. But there are also critical assessments such as Edgar Wind's "Critique of connoisseurship" and Richard Wollheim's "Giovanni Morelli and the Origins of Scientific Connoisseurship."

Week five is devoted to a different type of connoisseurship, that of learning how to distinguish between print media. This is done on the spot in the Art Department's printmaking studio. The class prepares itself by reading William Ivins's *How Prints Look*. But it is my ever patient colleague responsible for the department's printmaking program, Ellen Price, who carefully explains and demonstrates the

various relief, intaglio, and planographic print processes. Students have the opportunity to handle prints so that they can view up close different line qualities and feel varying surface textures. It is difficult to gauge just how much they absorb in one three-hour session in the printmaking studio. Nevertheless, they know that they are going to be put to the test the following week.

For its sixth session, the class takes its first field trip: to the Cincinnati Art Museum where Kristin Spangenberg, Curator of Prints and Drawings, always does an excellent job of setting up a series of practical exercises in distinguishing between different print media as well as between different states of the same print. The class is divided up into several groups who compete with one another as they take turns at the various problems presented. For many, this is the first time that they have ever worked with original works of art by Old Masters such as Dürer, Rembrandt, Goya, Daumier, and Whistler. They love it.

During the next three class sessions, students take turns presenting the results of their first independent research project: reporting on the methods or procedures employed by either a famous connoisseur/collector or an infamous forger. Every member of the seminar is required to participate in the question and answer session following each presentation.

Week ten is devoted to questions of style and quality. Assigned readings on style include excerpts from Alois Riegl's *Problems of Style* and Heinrich Wölfflin's *Principles of Art History* as well as the equally classic essays of James Ackermann, Ernst Gombrich, and Meyer Schapiro on the subject. Readings on quality center upon excerpts from Louis Kronenberger's *Quality: Its Image in the Arts* (1969) and Jakob Rosenberg's *On Quality in Art; Criteria of Excellence, Past and Present* (1969). Granted, this is a lot to cover in one period, but at this point in the seminar participants have become inured to extensive preparatory readings. As usual, each student leads class discussion on one of the assigned texts. In addition, I supplement the session with slide comparisons which illustrate differences in both style and quality. Certain postmodern theorists notwithstanding, students readily recognize that such a thing as quality does, in fact, exist.

Examples from the Western tradition predominate during seminar discussions. Therefore, for the eleventh session students are introduced to how connoisseurship functions in a non-Western art context, specifically Chinese painting. My colleague Ann Wicks never fails to give an engaging and informative presentation. In preparation for the class, students are given readings in Marilyn and Shen Fu's *Studies in Connoisseurship: Chinese Paintings from the Arthur M. Sackler Collections in New York and Princeton* (1973). It always amazes me how quickly

the students are able to respond to the problem of analysis that Ann presents to them. It seems that after all the readings and all the stylistic analyses, their visual acuity has been sharpened and they have developed critical modes of looking. They are ready for their second field trip.

Week twelve we go to the Taft Museum in Cincinnati. In the process of compiling its award-winning two volume 1995 catalogue, the Taft Museum discovered that a number of works in its wide-ranging collection of paintings, sculpture, and the decorative arts had to be reattributed. The fascinating stories behind the reattributions demonstrate the high level of contemporary connoisseurship. And David Johnson, the Assistant Director and Chief Curator of the Taft Museum who played a major role in producing the catalogue, is a master story teller while guiding the group from one object to the next. Mesmerized, students hang on his every word, politely nudging each other aside in order to get a better look as he points out the tell-tale signs of a misattributed "Constable," of the imitated parts of a restored piece of French Renaissance furniture, or of an outright fake "della Robbia" relief. Their enthusiasm is palpable.

During the last three weeks of class, students present the results of their second research project: summing up the pro and con arguments around a disputed work of art, taking a side in the polemic, and defending it. Here they finally have the opportunity to exercise their skills in connoisseurship while comparing those of the scholars who have become involved in the dispute. In their course evaluations, students invariably give this assignment the same high marks reserved for the field trips. They are given the opportunity to apply everything that they have learned during the course of the semester and can see the results. They find that very gratifying. So do I.

Professor Getty welcomes any comments that you may have regarding either the structure or the pedagogy of his connoisseurship seminar. He may be contacted at: Department of Art, Miami University, Oxford, Ohio 45056, or gettycf@muohio.edu.

About Professional Liability Insurance

By Peter T. Nesbett

Perhaps the greatest cause of anxiety for the catalogue raisonné scholar is the possibility of being sued over an opinion on the authorship of a work of art. While it is impossible to prevent someone from bringing a suit against you, you can and should attempt to minimize your exposure in such a situation. Having the proper insurance is one of many precautionary steps you can take.

What is professional liability insurance?

Most professional organization in the U.S. carry some type of professional liability insurance to cover them against negligence with regard to the services they provide. For many professions, insurance companies have developed specially tailored policies to address the needs of their clients. The medical profession relies heavily on professional liability insurance to protect it against malpractice suits. Specialty insurance is also available for accountants, architects, engineers, lawyers, and many others.

Is there a professional liability policy for catalogue raisonné scholars?

No. Obviously, there is not enough demand for such a policy. Nonetheless, many brokers offering professional liability insurance, also offer "miscellaneous professional liability" policies and the catalogue raisonné scholars whom I have talked to about the issue, have this type of policy. Applications for these policies require a detailed description of the purpose of your project (or the mission of your corporation) and your methods of operation.

What type of coverage can you expect?

A standard policy I reviewed provides coverage against claims "arising out of a negligent act, error or omission, advertising liability, or personal injury, even if such claim is groundless, false or fraudulent, in the rendering of or failure to render professional services as described in the Declarations." The policy defines "advertising liability," in part, as injury arising out of oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's good, products, or service. Coverage includes the named insured (i.e. The Jacob Lawrence Catalogue Raisonné Project), and all present and former officers, directors, employees. (The policy does not protect individual contractors.) Not surprisingly, the policy also does not provide coverage with regard to claims based upon or arising out of "dishonest, fraudulent or criminal acts, errors, or omissions committed by or at the direction of the Insured."

What does this mean for the catalogue raisonné scholar? If you are sued by a collector or a museum, the plaintiff will likely argue that your statement regarding authorship, either oral or written, disparaged their artwork. (Product disparagement is a statement about a person or organization's goods, that is untrue or misleading and that negatively impacts the monetary value or potential market of the goods.)

Additionally, the plaintiff may claim negligence, stating that you failed to uphold professional standards in your authentication of their work. Professional liability insurance is meant to cover you in these situations.

Is your directors and officers insurance policy enough?

Possibly, but why take the chance? If you are operating your catalogue raisonné project as an independent nonprofit corporation, you probably have Directors and Officers Liability Insurance (D & O). D & O insurance protects the directors, officers, staff, or any "duly constituted committee" of your organization against claims made against them for their wrongful acts with regard to employment practices (e.g. wrongful termination, discrimination or sexual harassment), defamation of character, invasion of privacy, infringement of copyright, or plagiarism. For many D & O policies, the definition of a wrongful act includes: "an actual or alleged act, error, omission, or misstatement, misleading statement, or breach of duty by the Insured Person in his or her capacity as such." This sounds a lot like the coverage provided by a professional liability policy and it is possible that your D & O policy will provide the coverage you need in the event of a product disparagement lawsuit. Nonetheless, the wording in D & O policies is less concise than in professional liability policies, which were developed specifically to protect you against such claims. For an additional extra expense, the added security of having a professional liability policy is well worth it.

Before you apply for a quote

Before you contact your insurance agent, you will need to determine the desired liability limit of your coverage and the amount of the deductible. To determine your liability limit, examine your risk by reviewing artworks for which authorship is problematic and ask yourself some of the following questions: if you are wrong in your assessment and the work in question is by the artist, how much would it sell for? How many works are there that you think are inauthentic? Also consider the timing of any potential legal disputes. If your only public statement (oral or written) regarding a work's authenticity is through publication, what is the maximum number of claims that might be made against you in the year of publication? If you are having a hard time determining what your liability limit should be, check with other catalogue raisonné projects to see how they are insured.

You will also need to prepare a statement concerning the mission of your project, your qualifications (and/or those of all the members of your

authentication committee), and a detailed description of your working methodology, particularly as it pertains to the authentication process. (One should develop a strict protocol for authentication anyway, as it is critical and will be an important part of your legal defense.) If you require all collectors to sign a hold-harmless agreement, then you will need to furnish a copy of this agreement. You will also need to provide a statement of your annual gross revenues, and whether or not you charge a fee for your services.

Finally, be sure that each member of your authentication committee is, in fact, an employee or director of your corporation. The professional liability policies I have reviewed do not provide coverage for contractors.

Reviewing your policy

When you have received a copy of the policy, you will need to make several assessments.

Is it an occurrence or a claims-made policy?

Is the liability limit for each claim or for your total claims during the policy period (e.g. in the aggregate)?

What defense costs are covered? Does the policy cover attorney's fees, court costs, expert witness fees, and other defense-related costs?

Are defense costs included in the liability limits? (This may affect the limit you choose.)

Is retroactive coverage available? (This will be important if you have been involved with the authentication of works of art during a period for which you did not have professional liability insurance.)

Are there any exclusions that you do not understand?

Is extended reporting or Tail insurance available?

What are the extended reporting requirements?

A note about tail insurance

Miscellaneous professional liability policies are often "claims-made" policies, meaning that insurance must be in place when a claim is made and not when an incident occurred (i.e. upon date of publication, or when you mailed a letter to a collector stating that their painting is not by the artist). If you decide that you will no longer be involved in the authentication of an artist's work, you will probably want tail coverage. (You could be held liable in the future for a past decision). Tail coverage will extend the reporting period and provide you continued insurance coverage at a reduced pre-paid cost. You should try to anticipate how long you will need the full coverage and when Tail insurance will take effect.

Before you bind coverage.

Once you have a quote and a copy of the policy, find a lawyer who has worked with other catalogue raisonné projects and who has, ideally, defended a project against a claim. Be sure to have the lawyer review both your professional liability policy and the materials submitted with the application against any other insurance policies you may have, including your D&O policy. To be thorough, be sure to have your policy reviewed against your employment contracts, your bylaws, and your articles of incorporation. Also, ask the lawyer about your long-term insurance needs, particularly as it might relate to Tail insurance.

How much will it cost?

The premium for a professional liability policy will vary depending upon the limit of liability offered. If you are authenticating the work of an artist whose paintings are valued under \$200,000 and there are few known "fakes", you may decide on a limit of only \$1,000,000 (based on the possibility of four claims of up to \$250,000 each during a single year). If you are authenticating the work of an artist whose works are valued at up to \$5,000,000 and there are many known "fakes", you will need a much higher limit.

One company I checked with offered a professional liability policy with a liability limit of \$1,000,000 per occurrence and in the aggregate (and with a \$2,500 deductible) costing approximately \$2,500/year.

Peter Nesbitt is the director of the Jacob Lawrence Catalogue Raisonné in Seattle, Washington. You can contact him by e-mail at jlcrp@aol.com

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