

# Anatomy of a Fraud

Below is an article covering an art fraud whose nature so closely parallels the current problems in the German militaria market that it is being reprinted here for educational purposes.

We can see identical manipulations by scheming dealers and their so-called "experts" to foist fakes off on those who like to think they are collecting "for investment."

Although neither the art dealers nor their identical numbers in the militaria business are really knowledgeable in their field, they are merchandisers who are able to bribe genuine experts into assisting their frauds.

In this case, the subject was not militaria but bronzes by well-known sculptors. Nonetheless, the techniques used to perpetrate the fraud are identical. It is also entertaining to note the relative ease by which the frauds were not only detected but exposed. Once the "bubble" market was seen by a buying public as a fraud and a sham, it rapidly collapsed. In the militaria market, only the more expensive items are really involved.

We see all manner of personality items offered for sale at increasing prices and, like the fake art market, crooked auction houses also play their important part by encouraging a buying frenzy. By rigging the auctions, both the dealers and the auctioneers try to show a buying public that prices are rising ever upwards and that prospective buyers will always make money.

In the case of the fake bronzes in this article, we are dealing with known original pieces but in the case of fake, expensive militaria, we are more often dealing with fantasy pieces such as the combat badges studded with diamonds.

This is an article that any collector contemplating purchases for investment ought to read.



## The Anatomy of a Fraud

By Gregory Douglas

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On May 23, 1977, a Basilisk Press of Santa Clara, California made a mass mailing. The yellow envelope sported a drawing of the mythological Basilisk, a creature described in the literature of the Middle Ages as being half serpent and half rooster whose very glance could kill.

Inside was a letter from the Press to prospective customers advertising a book that they were in the process of publishing. This was Rodin: The Anatomy of a Fraud by one Friederich Hasek. The brochure spoke of "deliberate fakery" in the world of fine art and discussed a series of books on the subject of massive art fraud that the Press was in the process of publishing.

The Rodin book ad strongly alleged that "Rodin hired students to prepare works he took credit for" and "Rodin works were being faked in the artist's lifetime and with his consent." More interesting to some was the statement that preceded these that spoke of, "...the production of fake bronzes, outlining in detail how bronzes are produced and how to detect recent forgeries by a series of simple measurements."

Other books the Press claimed were to be part of their new series were an additional eighteen titles covering such diverse topics as the bronzes of Remington, Georgian silver, ancient Greek and Roman coins, counterfeit Japanese swords, pre-Colombian and Incan artifacts and a number of other subjects that were guaranteed to give a terrible case of spastic colon to the majority of the major art galleries and auction houses.

It is the general, and very sensible, attitude on the part of individuals and organizations that might be severely damaged by such publications, to say absolutely nothing about a work that might well seriously damage their business and professional reputations, and pray that either the

publisher will go bankrupt after the first book or be run over by a drunken truck driver while on the way to the bank.

Art salesmen thrive on publicity but only of their own generating.

However, in the case of the Basilisk mailing, one of the seeds fell into fertile ground and produced a mini-scandal which was no doubt very pleasing to someone but certainly not to persons who either bought or sold the works of Auguste Rodin.

One of these mailers apparently got into the hands of one Albert Edward Elsen, a local art expert, who shortly thereafter appeared at the address of the Basilisk Press given on the envelope. It was 2275 Park Avenue in Santa Clara and it housed a Western Union office, telephone answering service and mail drop firm.

There was no sign anywhere on the building to indicate that the Press was engaged in business there.

In spite of this, Elsen, an overweight and florid man with a thick, graying mustache, had a highly vocal and very intemperate heated exchange with the manager of the mail service, demanding at full voice to know where the owners of the press lived. When told that this information was not available, he became even more agitated and was eventually asked to leave the premises before the police had to be summoned.

In August of 1978, George Schattle, an industrial designer of Menlo Park, California, a suburb of San Francisco, filed a lawsuit in the Superior Court of the County of Santa Clara, California.

The suit charged one Albert Edward Elsen, a professor of art history at the prestigious Stanford University and a published specialist on the works of French Impressionist sculptor, Auguste Rodin, with libel, defamation, interference with advantageous contractual rights and invasion of privacy.

Mr. Schattle requested \$3.75 million in punitive and exemplary damages from the savant-cum-art expert.

Most of the issues raised in this case relate directly to the marketing of what is sometimes called 'fine art' and although Schattle vs. Elsen achieved a very private, out-of-court settlement, the facts remain a matter of record and highlight what appears to be certain questionable but long-accepted practices in the merchandising of fine art.

Schattle's claim was that on August 3, 1978, Professor Albert Edward Elsen had written a completely unsolicited letter on his official Stanford University letterhead to one Jerry Jensen, a television anchorman with the San Francisco-based KGO-TV.



Mr. Schattle's attorney, Charles Hawkins, attached this letter to the suit as Exhibit A and as it is public record, significant portions of it are quoted here:

"Dear Mr. Jenson (sic)

"From Gay Morris, who writes on art for the Palo Alto Times, and who has been in touch with the Basilisk Press people, I gather you have a copy of a manuscript titled, 'Rodin: Portrait of a Fraud' (sic) authored by Frederich Hasek. I am also given to understand that you have a long time interest in art frauds and that your researches coincide with the findings in this manuscript. Gay Morris was told this on the phone by a M. McGregor who claims to be one of a group of businessmen who have bought manuscripts from Hasek."

There is a reference to someone Elsen suspects might have written the manuscript, couched in savage, and badly written, derogatory terms and the letter continues:

"For the past three years he and a George Schattle of Menlo Park have been trying to con unsuspecting businessmen into buying four reputedly unique Rodin sculptures, supposedly

obtained by an American army officer during the second world war (sic) from Goering's art collection, to which they had come after the Wehrmacht moved into Poland. These sculptures come in a Wehrmacht crate and these men have a raft of documentation testifying to the authenticity of the Wehrmacht markings--but not a scintilla of evidence on that of the sculptures. The sculptures are outright fakes. For three years, and on one occasion working with the police, I have thwarted the sale of these sculptures."

Elsen goes on to claim that over the years, Schattle and others have tried to slander him, Stanford University, "one of our principle (sic) donors," and even the government of France! He continues on to state that the alleged author of the manuscript also "libels Rodin (Rodin never 'condoned fakes' in his lifetime, as the Basilisk Press advertised in its flyer on the book.)"

Elsen was undoubtedly unaware that the dead cannot be libeled.

The balance of this rather extraordinary outburst sets forth the writer's academic and literary credentials (and the latter are not especially bolstered by a mass of grammatical errata) and claims that he is the world's "foremost expert on Rodin", finally asking Jensen, in a burst of petulant outrage, "Why, in fact, are you given the manuscript to read but not me?"

He concludes with a demand to see the manuscript in Mr. Jensen's possession and have the pleasure of his company through a personal visit when Professor Elsen can personally discuss the "truth and the reputation of a great artist."

By one means or another, never made clear by any of the parties to the suit, this letter came into the possession of the unfortunate Mr. Schattle who then referred it to an attorney.

Prior to the filing of this suit, Mr. Schattle's attorney, Charles Hawkins of San Jose, wrote on May 25, 1978, to Stanford President Richard Lyman.

"Dear President Lyman

"Please be advised that this office represents Mr. George Schattle in connection with pending litigation involving the activities of Professor Albert Elsen.

"Mr. Schattle is the owner of four (4) pieces of Rodin sculpture which he believes to be authentic. Mr. Elsen has examined two of these pieces and for subjective reasons best known to him, Mr. Elsen has formed the opinion that said pieces are not genuine. Another noted art expert has expressed a contrary view.

"Had Mr. Elsen let this matter rest, there would have been no significant problem. However, for unexplained reasons, Mr. Elsen has personally undertaken a campaign to discredit and damage Mr. Schattle and to destroy the value of Mr. Schattle's sculptures.

"I am enclosing herewith a copy of Mr. Elsen's unsolicited letter of Aug 3, 1977 addressed to Mr. Jerry Jensen of Channel 7 news. You will note that the letter is on Stanford University stationery and makes reference to Mr. Elsen's position at Stanford University. This letter is

libelous on its face in that it accuses Mr. Schattle of 'trying to con unsuspecting businessmen into buying four unique Rodin sculptures....' Other references in the letter are equally as damaging and distasteful.

"Furthermore, Mr. Elsen admits that he has thwarted the sale of my client's sculptures and it has come to my attention that Mr. Elsen has contacted the local office of the Federal Bureau of Investigation, the District Attorney of Santa Clara County, and the Palo Alto Police Department in an effort to have unfounded criminal charges files against Mr. Schattle. Elsen has engaged in other activities which are equally as bizarre and damaging to my client's reputation and financial interests, but it would serve no purpose to detail such activity in this letter. Suffice it to say that this office is in the process of preparing a complaint against Mr. Elsen on behalf of Mr. Schattle to recover damages resulting from Mr. Elsen's conduct.

"The purpose of this letter is to determine whether or not Stanford University should be included as a party defendant in this matter. Mr. Elsen's libelous letter was written on Stanford University stationery and he has apparently represented himself to the news media and the police authorities as speaking on behalf of the University. If in fact Stanford University has authorized, ratified, or affirmed Mr. Elsen's conduct in this matter I will, of course, have no choice but to name the University as a party defendant. If Mr. Elsen was acting as an individual without the authority of the University I would refrain from naming Stanford as a party to this litigation.

"Therefore, I would appreciate hearing from your representative in the immediate future concerning the posture of the University in this matter. If I do not hear anything from you within two weeks of the date of this letter, I shall have no choice other than to proceed with the litigation with the University as a party defendant. I hope that you would give this matter your immediate attention and I am looking forward to hearing from your representative in this regard."

John J. Schwartz, University Counsel, with a copy to Albert Elsen, sent Stanford's response on June 5, 1978.

"Dear Mr. Hawkins:

"I am responding to your letter of May 25, 1978 to President Lyman. In answer to your question, please be advised that Stanford University has not authorized, ratified or affirmed the action to which you refer."

The lawsuit against Elsen, duly amended, was filed on December 22, 1978.

An initial impression would certainly be that this litigation appears to be based on a sharp difference of subjective opinion between a highly aggressive, opinionated expert with very little self-control on the one hand and another individual who is in possession of art work that the published expert believes to unoriginal.

Both the letter and the actions of Elsen could well indicate that the art professor had become so outraged at the thought of fakes being marketed that his zeal overcame whatever common

sense he might possess, causing him to overreact to the point where provable and actionable indiscretions were committed.

On the other hand, the violence and apparent malice of Elsen's reaction is certainly out of character for the occupant of the Walter A. Haas Chair of Art History at a prestigious and wealthy university.

Sedate institutions of higher learning do not, as a rule, condone members of their faculty engaging in distasteful public vendettas and in this case, quickly and officially distanced themselves from the specter of an ugly lawsuit with a potential for negative publicity for both the institution and one of its more prominent and tenured staff members.

Albert Elsen was not a stranger to media attention and had been presenting himself with vigor in the local press for some time prior to the Schattle suit. He was very evidently not the sort of individual to keep his opinions, correct or otherwise, to himself.

Albert Edward Elsen was born in New York City in 1927 and obtained his PhD at Columbia University in 1955. From 1952 to 1958, he was associate professor of art at Carleton College in Minnesota, later an associate professor at Indiana University from 1958 to 1962 and a full professor from 1963 to 1968. Elsen had been engaged by Stanford as a professor of art history in 1968.

Among his publication credits are two works that deal specifically with the works of Auguste Rodin: *Rodin's Gates of Hell* in 1960 and *Rodin* in 1963.

In February of 1974, the San Francisco Bay Area press carried several stories about a large gift of Rodin works to Stanford University by one B. Gerald Cantor, a Los Angeles investment banker.

As reported, the initial gift consisted of an incredible 88 pieces of Rodin's work and this largess was increased by an additional seventy more Rodin sculptures from the cultivated and benevolent banker. The press stories also mentioned that Cantor was donating a large sum of cash to Stanford to establish a 'Rodin Sculpture Garden.'

Elsen was quoted very often in print as saying that all of these pieces had been made during Rodin's lifetime, the last one completed "a few months before Rodin's death in 1917."

Nearly all of the pieces were bronzes and all, without exception, bore the signature 'A. Rodin' and most noteworthy, the French foundry marking, 'Georges Rudier/Fondeur, Paris.'

Elsen and Cantor both stated repeatedly to the press that this impressive collection was valued at \$3 million, five hundred thousand at current art market prices.

Lengthy, well-illustrated local press coverage contained statements by Elsen about the importance of this huge collection of original Rodin works and all of these articles were graced with large photographs of Elsen himself in proximity to the Cantor gifts.



As Mr. Cantor, the generous benefactor, had also included a cash bequest of over \$200 thousand so that the University could create the 'Rodin Sculpture Garden,' University publications produced articles lauding Mr. Cantor's generosity and vision. Pictures accompanying the Stanford articles showed the beaming donor standing in proximity to several of his gifts.

Over the next three years, relative quiet descended on the subject of Rodin and his bronzes, broken only by occasional press releases generated by Elsen and the University about the progress of the 'Rodin Sculpture Garden' at Stanford's aging and earthquake-damaged museum complex.



One article did appear in the San Francisco 'Chronicle' that did not laud the brilliance of Albert Edward Elsen, the great generosity of B. Gerald Cantor or the advantages to society in general of a Rodin sculpture garden.

This was a piece in a Sunday supplement by Alfred Frankenstein, also a published art historian, art critic for the 'Chronicle', lecturer on art at Stanford University and a personal friend of Albert Elsen.

In this article, Frankenstein made very pointed, though not specific, mention of the "recent appearance of four fake Rodin pieces in the Bay Area."

Prior to the appearance of this article, on April 6, 1974, George Schattle kept an appointment he had made with Rodin expert Elsen at the latter's home on Alvarado Row on the Stanford campus. Schattle brought two bronze works of art with him for this meeting.

Several years previously, in 1972, Schattle had bought four crated statues from the Ryan family of Newport Beach, California. One of the family members was acquainted with Schattle's mother and as Mr. Schattle was a collector of old arms and armor, the Ryans felt that the old statues stored in their garage since the end of the Second World War might be of interest to him because of their connection with Hermann Goering. As they told Schattle at the time, one of their relatives had found the crates on Goering's abandoned private train in Bavaria at the end of the war.

The custom-built crates and their markings appeared to be entirely authentic but it was not possible for Schattle to determine the value of the statues inside. As Professor Elsen was a well-publicized Bay Area expert and had appeared often, and at length, in the local media on the subject of Rodin, Schattle contacted him for his professional opinion of the pieces and their possible value for reasons of obtaining insurance.

Elsen, according to Schattle's subsequent deposition, appeared to be very agitated when told that these pieces had once been the property of Hermann Goering and had, according to the labels on the crates, been acquired by the Germans in Poland in 1939. He stated that these pieces had been obviously stolen by the "evil Nazis and had to be returned at once." Citing his credentials, Elsen offered to act as a disinterested party in returning what he called "Nazi loot."

Initially, after Elsen had inspected the pieces, there was no talk about them being fake but when Schattle refused to discuss returning them to Polish custody, Elsen, again according to the deposition, became alarmingly angry and said in a loud voice that he now determined that both the pieces were very recent fakes and could not be sold by Schattle without his certainly being arrested for possession of stolen material.

Elsen then renewed his offer to take "protective custody" of the pieces and thereby relieve Schattle of any further possibility of prosecution. Schattle again declined and left Elsen in what he described, and what seems entirely believable considering Elsen's behavior, as a "very loud, incoherent rage. He shouted at me that if I didn't immediately give him all of these Rodin pieces, he would have me arrested that night by the FBI."

It would seem that Albert Edward Elsen did not number an understanding of basic logic among his many virtues because if the pieces were recent fakes, as Elsen alleged, they could not at the same time be loot from 1939 Poland.

The next day, Elsen wrote a long letter to Schattle setting forth his own esthetic and very subjective reasons why all of the pieces were obvious fakes. Since the angry expert had only seen two of the four, this judgment could only be considered as faulty at best.

As example of his polished, professional writing, Elsen's last sentence read:

"In neither sculpture is the finishing and patina up to Alexis Rudier (sic) standards. I gather from you that the Victor Hugo was repatined. It is a lousy job."

As Schattle merely wanted approximate values of his pieces for insurance purposes, he then turned to Thomas Carr Howe, former director of the San Francisco Palace of the Legion of Honor Museum, an institution that possessed a large collection of original Rodin works that had been purchased prior to the sculptor's death in 1917.

Mr. Howe had also been deeply involved with the recovery and identification of looted German art following the end of the war in Europe and was able to favorably address not only the originality of the four bronzes but also the distinctive, custom-made wooden crates in which they came.

He duly authenticated the pieces in writing and there the matter remained until the Frankenstein article.

When Mr. Schattle called the editorial department of the 'Chronicle' to complain about the implications of fraud contained in the article, he was informed by legal counsel for the paper that since the Schattle name had not appeared in the article nor the pieces specifically identified, no actual damages had occurred and therefore no retraction of any kind would issue.

When later called by Schattle, Alfred Frankenstein refused to speak with him other than to inform him, very emotionally, as Schattle reported in his deposition, "gangs of Nazis were behind this and have been attacking poor Al Elsen."

Schattle said later when interviewed for this article, that he had visions of very elderly SS men, armed with walkers and canes, throwing refuse on Elsen's crabgrass-infested front lawn on Alvarado Row.

Subsequent to the publication of the Frankenstein article, Elsen had learned of Howe's authentication of the questioned pieces and bombarded the retired museum head with numerous, aggressive telephone calls, urging him to withdraw his opinion. Howe eventually did so in a formal letter to Schattle but without questioning their authenticity. He merely withdrew permission to use his name but did not state that the bronzes in question were fake.

In an interview with a member of the media, the notes of the reporter who later spoke with Howe quoted him as saying, "I am too old and I do not want to get into a pissing match with Al Elsen."

It was shortly after this that the Basilisk Press sent out its momentous flyer.

Subsequently, a Ms. Gay Morris, art critic for the Palo Alto Times, a small paper in the town adjacent to Stanford University, wrote a letter to the Press and was at once contacted by a Mr. MacGregor who claimed to be a director of the firm. It was subsequently disclosed that Ms Morris was a former pupil of the great Rodin expert.

Mr. MacGregor told the art critic a good deal about the book, its author and the new Rodin collection at Stanford. Somehow in the conversation, MacGregor intimated that Mr. Jerry Jensen, a well-known local television personality, was interested in the pieces at Stanford and he implied, according to Elsen's letter to Jensen, that there was some question about the authenticity of this collection.

This information was obviously given to Elsen by his former pupil and this resulted in the disastrous letter.

As if this imputation of chicanery was not enough of a provocation to Elsen, he then received in the mail from an unknown source, a copy of what was purported to be a news article from an undated and unidentified newspaper.

"And more news of local travelers.... Harvey and Joan Kildrup (he's head of the Ardeth Grange) have returned from three weeks in Palm Springs with beautiful tans and four unique works of art by famed French artist August (sic) Rodin. A previous owner was the infamous Nazi bigwig Herman Goring (sic). The Kildrups will be entertaining Dr. Frederick Hasek, Rodin authority who arranged the sale, this summer. Also included in their purchases is a painting by Claude Monet which once hung in Goring's (sic) office."

Upon receipt of this undated, unidentified and anonymous item, Elsen immediately contacted various local offices of both state and federal law enforcement agencies, including a futile attempt to speak personally with the Attorney General of the United States. Elsen also contacted as many members of the local media as he could find.

Several reporters later indicated in their articles, most of which were written tongue in cheek, that Albert Elsen was verging on hysteria and extremely difficult to understand.

An article appearing in the Palo Alto 'Times' of August 19, 1977, disclosed that there was no municipality by the name of Ardeth in the continental United States and when the FBI attempted to locate an Ardeth Grange at Elsen's repeated insistence, they found that no such farmer's organization chapter ever existed.

At this point, it could be quite reasonably assumed that Professor Elsen had certainly overreacted to provocation that was transparently false. His verbal explosions could well be

ascribed to territorialism for Elsen was, by his own oft-repeated statements, the leading American expert on Rodin, but his injudicious letter to Jensen appeared to be far more concerned with the contents of the alleged forthcoming book on Rodin fakes than in exposing art work he felt was not original.

The basic thrust of the letter, which had obviously been triggered by the anonymous clipping that appeared to be the creative and malicious work of persons still unknown, appeared to be far more of a frantic and insistent demand to know what had been written about the faking of Rodin statues than to address Mr. Schattle's Polish pieces, though Elsen did manage to attack them with his usual disconnected venom as well.

Perhaps Professor Elsen had been further provoked by Mr. Jensen's probing into the art circles of the Bay Area.

On June 7 of that year, nearly a month before Elsen wrote his letter, Jensen contacted a number of institutions and experts to verify certain controversial matters that were contained in his copy of the Hasek manuscript.

Jensen's notes of the contacts contain considerable information not generally in the public domain nor highly unlikely to ever be so.

From a Ms. Cameron of the staff of the De Young Museum in San Francisco, he learned concerning Rodin bronzes that a "Paris factory is churning them out and selling them world wide."

His next call, according to his notes, was to Ian White of the Palace of the Legion of Honor Museum, also in San Francisco, who, upon being read quotations from the manuscript, said they were "essentially true" but referred Jensen to Elsen for any further comment.

Jensen also contacted fellow Bohemian Club member, Thomas Carr Howe who acknowledged seeing the Schattle Rodins and indicated that they appeared original but that Elsen had disagreed with him. Among other remarks about Elsen, Howe also added that art fakery was "the most lucrative pastime in the world...if you can get away with it."

Jensen's last call was to Alfred Frankenstein, a personal friend of both himself and Albert Elsen. Frankenstein had apparently been well-briefed on the subject by Elsen so when Jensen asked him about the allegations in the manuscript, Frankenstein cut him off and claimed that he was well aware of the book and stated that it was written by someone trying to make money by "spreading lies about the art world." He flatly refused to discuss the matter until Jensen supplied him with a full copy of the manuscript.

Jensen did not do so and the immediate result of his refusal was a quick chilling of his relationship with Frankenstein.

Apparently, there was considerable activity behind the scenes following these calls because Jensen received a personal telephone call on September 15, 1977 from Dr. Wallace Sterling,

President Emeritus of Stanford and an old friend. It deserves to be quoted from Jensen's notes in full.

"Received a call this AM from W. Sterling, former Pres of Stanford. Old Friend. Ster. sez 'What's all this about the Rodins?' When told about findings, sez, 'Isn't all of this just a matter of opinion?' Understood someone is putting out slanderous statements about the originality of the Cantor donation and poss. income tax fraud. 'I don't think we need this.' Rep, tax angle not in question but only originality of Stanford pieces/gifts. St. sez 'We have chance of becoming Rodin study center...good PI.' Mentioned letter from Elsen. St. sez 'Al Elsen is an asset to the University' but admits 'he beats his own drum too much.' Asked if Elsen gets fees from outside appraisals, sez 'We are very liberal in our policy about outside income.' Also wants complete copy of book, sez 'Al Frankenstein beating my ear about this one.' Sez he knows nothing about Schattle but also 'Al thinks he owns Rodin, lock, stock and barrel and gets upset when challenged. No crime though, just a personality problem.' Sez 'Hope we can resolve this without any further media coverage.'

In the event, Dr. Sterling's apprehensions did not materialize because Mr. Jensen decided against airing any of his findings.

His notes indicated that he felt the story was on the verge of getting out of control and causing acute problems for many people who were personal friends.

He also mentioned that Sterling had offered him the possibility of a lucrative public relations job at the University, obviously to assist him in his decision about any airing of the entire matter.

No further comments from Dr. Sterling, who died shortly afterwards, appear in Jensen's notes.

When asked about the matter later by a student reporter for the Stanford Daily, Jensen stated that he had no contact with Elsen prior to receiving the letter that led to the lawsuit and concluded his interview of March 1, 1979 by saying:

"I have no idea, in God's name, what led him to write that letter. He might have heard from other sources that I may have done research that could lead to something embarrassing."

The question of the originality of the Schattle Rodins is basically a difference of subjective opinion between art experts but the matter of the Hasek manuscript is not as clear cut.

Basilisk Press, which claimed to be bringing forth a book on fake Rodin bronzes as well as the simple technical means by which such fakes could be detected by possible purchasers or even owners, was housed in a commercial building that hosted a telephone answering service and mail drop concern. Investigation has disclosed that Basilisk Press was not licensed to operate in the city or county of Santa Clara or any other county of the State of California.

A search of the records of the Library of Congress and other public sources does not show any publication entitled Rodin: The Anatomy of a Fraud by Frederick Hasek. Basilisk Press has apparently never published any books at all and yet a manuscript obviously did exist because Mr.

Jensen read parts of it to various individuals.

The only known copy of the work was located in Mr. Jensen's files after his death in 1984. It was in a file filled with typed notes on the subject of fake Rodin pieces and the activities of Albert Elsen. Some of these notes have been reprinted here.

The Hasek manuscript is basically a work concerned with an overview of art frauds, most especially frauds concerning Auguste Rodin, a history of the French sculptor and a fascinating section on the manufacture of bronze works of art and how fakes or copies of known famous bronzes can be easily detected.

Portions of the Hasek manuscript are set forth here to provide the reader with a strong and highly reasonable explanation for the furious and intemperate actions of Professor Albert Elsen and others who shared a strong vested interest in avoiding any controversy whatsoever concerning Auguste Rodin and his works.

"Fakery, fraud and deceit have long been handmaidens to the Muse of the Fine Arts and the marketplace for sculpture and paintings is no place for the uninitiated. Yet every day, thousands of dollars worth of allegedly original and rare pieces change hands, enriching the few and deluding the many."

This is the opening of the work and the author goes on to be far more specific.

"An original piece by any artist, be it Rodin or Da Vinci, is one that the artist conceived and at least partially executed in his lifetime. Anything else, regardless of whatever euphonious title be applied to it: 'authorized,' 'post-mortem work,' or 'posthumous casting' is nothing more nor less than a modern copy, worth only a small fraction of the price of an original. Further, a modern piece taken from an unsigned original plaster study and carrying a copy of the signature of the purported artist is nothing less than a forgery and of even less worth than a replica which originally bore the artist's name."

Examining the career of Rodin, the author continues:

"... in November of 1913, Rodin angrily demanded that a work, 'The Earth' attributed to him and on display at the gallery of a Parisian dealer be seized as a forgery. Shortly thereafter, it was conclusively proved that the piece had in fact been done by Rodin himself in 1898 and displayed by him at the Exposition Rodin. Confronted with this evidence, Rodin freely admitted that he had been in error. This episode is an excellent example of why 'absolute' statements must be viewed with great caution."

There follows a technical discussion of the preparation of molds of sculpture and the techniques for the casting of bronze works. It concludes with the passage:

"The general impression that 'original molds' of plaster exist into which molten bronze is poured is completely incorrect in point of fact and if used, would prove to be dangerous in the extreme, the plaster exploding on contact with the hot metal.

"The rubber mold may be used time and time again to produce more wax pieces but every bronze must be hand done and is not poured into a mold like a lead soldier."

And further:

"The statement, so often heard, that 'Rodin pieces are cast with his consent from original molds' is completely false and a deliberate attempt to mislead prospective purchasers. What does exist in Paris at the Musée Rodin are original plasters...and bronzes...and it is from these that new molds are made and from these new molds, new copies. This is called surmoulage and the resulting pieces are replicas, to be more than generous, not 'authorized pieces from original patterns.'"



This section ends with specifics that need no comment:

"How is it possible, then, to detect a fake Rodin made in this manner if it is made up from original bronzes or an original plaster?"

"Firstly, if the piece is taken from an original bronze, it should be noted that bronze shrinks as it cools from the molten state and therefore a copy will always be smaller than the original. In the case of bronze, the shrinkage amounts to 5%. Attempts have been made to offset this shrinkage by adding small amounts of wax to the base of the waxen form prior to casting. This will serve to bring the height up to the correct size but the width cannot be altered.

"Secondly, the foundry markings on copy Rodin pieces are of great importance. In Rodin's time, he very often used the famous Parisian firm of Alexis Rudier. This gentleman did not use the lost-wax process described here but instead, cast his pieces in fine sand.

"This is called sand casting as opposed to lost-wax casting and the interiors of the pieces show very clearly what process was used. Lost-wax pieces show details of the painting or pouring of the wax while sand cast pieces have an even, slightly gritty inner surface (which can be

smoothed out but is still very uniform.)

"Original Rodin pieces show the foundry marks, 'Alexis Rudier/Fondeur, Paris' on the outer surface of the bronze, generally at the base near the artist's signature.

"In 1954, the Musée Rodin began to use the services of one Georges Rudier, nephew of Eugène, the son of the original Alexis. Georges Rudier, unlike his ancestor, uses the lost-wax casting process and it should become painfully obvious, therefore, that a piece marked 'Georges Rudier/Fondeur, Paris' must of necessity be a very modern replica and, of course, not made from 'the original mold under authority from Rodin himself.'

"Most of these modern surmoulage replicas are badly produced and instead of being carefully patined by hand with heat and chemicals, are painted with a brown lacquer.

"One should note that the collection of the Musée Rodin contains all of the pieces found in Rodin's studio at the time the collection was taken over by the French government; including many pieces made by Rodin's students. Also in the collection are many plaster maquettes or small studies for larger pieces. Some of these crude and unsigned plaster studies have appeared on the art market in bronze, signed 'A. Rodin' and with the Georges Rudier foundry signature. The original studies were never signed and as examples of the artist's work in progress (if they were even done by Rodin and not an eager pupil) have some small value but small value indeed when compared with the selling prices of known originals."

The final comment on the subject of copies is:

"A general rule of thumb in measuring a casting to determine its pedigree is the 5% figure. A work which approximates 5% less in size than a known prime copy is a secondhand work without question and most certainly neither original nor of any value whatsoever other than a decorative piece with which to impress visitors."

In a published interview with a student reporter from the Stanford 'Daily' on February 16, 1979, Charles Hawkins, Schattle's attorney said he believed the case would hold "some surprises" and felt that it would be quickly resolved but that if it wasn't concluded within a month, it could open up a whole new issue.

"What we might get into in this case is that Stanford might be holding \$3 million in fakes."

This admonition must have had some effect because Elsen suddenly stopped preparing regular press releases attesting to the absolute authenticity of the Cantor bequest and two months later, with no press coverage whatsoever, quietly settled the case out of court. The terms of the settlement were never made public and are not a part of the official records now located in the courthouse annex in San Jose.

Mr. Jensen's notes indicate that after the settlement, Professor Elsen made repeated and very vocal attempts to contact him to discover how Elsen's letter had ended up in the hands of George Schattle. Jensen declined to speak with Elsen and after the furious Rodin expert made a number



of additional but equally fruitless calls on the same subject to other staff members at KGO-TV in San Francisco, he gave up his quest.

Jensen made one final note on the case before he closed his files. This dealt with the sale of the Hasek manuscript on Rodin fakes to parties whom Jensen called "concerned, interested and very influential parties from the higher reaches of the art world" for an undisclosed but apparently impressive sum of money. Jensen was requested by the purchasers, who Jensen listed by name, title and occupation, to surrender his copy of the manuscript. He claimed that he had disposed of it by giving it to his former friend, Alfred Frankenstein. As the latter had very recently died as the result of a massive heart attack, the purchasers abandoned their pursuit.

Jensen obviously did not dispose of the manuscript and it was subsequently found in his papers, quite intact and covered with the late newsman's notes.

Jensen's last note said:

"Al Frankenstein was wrong after all. If someone wrote a book telling lies about the art world, the author managed to convince the big boys otherwise."

The four Rodin statues that began the controversy were reported in the media as having been sold by Mr. Schattle for an undisclosed but substantial sum.

There were no further public comments from Professor Albert Edward Elsen when news of this sale became public.

Rodin: The Anatomy of a Fraud was written in 1977 and one statement made at the conclusion of the manuscript is now in error.

"There is another use to which replica art may be put besides merely merchandising it to the trusting and innocent. Wealthy individuals are known to buy up quantities of replicas and then make some kind of arrangement with a willing expert whereby the latter will supply an appraisal attesting to the high intrinsic value of the items.

"Armed with this, and often with the further assistance of the expert, the owner of the pieces now poses as a philanthropist and distinguished patron of the arts and in this role, donates the replicas to a public, non-profit institution such as a museum or public gallery. He is then able to declare this give on his income tax return and take a massive deduction based, not on the purchase price, but the appraisal value."

In 1986, the tax laws were altered to specifically to prevent this from happening. From that year onwards, the only sum a donor of art objects to a tax-free entity can claim is the actual purchase price of the piece or pieces, not an inflated valuation supplied by a potentially venial expert.

Perhaps this aspect of the manuscript was what Mr. Jensen meant when he spoke of "something embarrassing."

The chronicle of the four Rodin pieces is such an interesting microcosm of the more negative aspects of the human condition in general and the fine art market in specific that its study has proven to be well worth the research involved.

There seems to be no question that it is relatively easy to make fake copies of original bronze works of art. Merchandising them, one can clearly see, calls for the cooperation of a willing expert. but in reading through the thick files of official documents, letters, notes, records of depositions and yellowing newspaper clippings, the reader is struck by what most certainly appears to be a pattern of very malicious manipulation of individuals and establishments.

The chronology of events would seem to indicate that the elusive but quite deadly manuscript that caused so much trouble appeared after Mr. Schattle had his personal encounter with Professor Elsen.

It also seems reasonably certain that someone, perhaps Mr. Schattle but more probably someone else, had taken the measure of both the art world and one of its more emotional spokesmen and played on all of them like an out of tune piano.

Two decades after the final settlement was made, the questioned pieces sold and Elsen retired to his classroom to lick his wounds, most of the participants are dead and rapidly forgotten.

Mr. Howe, Jerry Jensen, Dr. Sterling, Alfred Frankenstein and a number of others have left the stage. B. Gerald Cantor gave more of his interesting pieces to Stanford's Rodin Sculpture Garden, which resulted in a small article in the local press, and then joined the others in their very long silence. Only Albert Edward Elsen and George Schattle remain and somewhere, there are four Rodin bronze statues, which produced a great deal of entertaining sound and fury, signifying absolutely nothing.

#### Envoi

At the beginning of February, 1995, a copy of this commentary was sent to Professor Albert Elsen, by an academic colleague, for his comments and observations.

On February 5, 1995, a news story came over the Associated Press wire concerning the progenitor of the Rodin Sculpture Garden.

"Stanford-AP Albert Elsen, a Stanford University art professor and expert on the sculptor Auguste Rodin, has died. He was 67. Mr. Elsen died Thursday of an apparent heart attack."



## \$9 million Rodins: Police help get them back to their owner

by Andrea Gemmet  
Almanac Staff Writer  
April 10, 2001

Four small bronze statues worth \$9 million were recently returned to their owner after a disappearance of nearly nine years following a soured business deal with a Menlo Park man.

The story of the statues -- which were bought at a Menlo Park garage sale 30 years ago, went missing, and were finally returned to their lucky owner -- sounds more like an exciting episode of Antiques Roadshow than a case handled by Menlo Park police detectives.

George Schattle, a Bay Area antique gun collector, discovered four statues by eminent French sculptor Auguste Rodin at a garage sale in 1972. The sculptures are 25 inches tall and weigh 30 pounds each; they are signed and have been authenticated, with an appraised value of \$9 million, according to Menlo Park police detective Sgt. Larry Shannon.

In 1992, after Mr. Schattle retired and moved to Mexico, he decided to sell the statues and entered into a sale agreement with Menlo Park resident Robert Devlin, whose girlfriend owned an antique store, said Sgt. Shannon.

Mr. Schattle contacted Menlo Park police in 1996 after repeatedly trying to get back either his statues or the money from their sale from Mr. Devlin, said Sgt. Shannon.

Menlo Park detectives could find no proof of the sale agreement between Mr. Schattle and Mr. Devlin, and handed the matter over to the civil courts.

But, in 1999, Mr. Schattle's attorney came back to Menlo Park police detectives to ask for their help, and left the entire case file with them, said Sgt. Shannon. In it, detectives discovered the original signed agreement between Mr. Schattle and Mr. Devlin, setting into motion a court battle that landed Mr. Devlin in jail, Sgt. Shannon said.

Mr. Devlin was ordered by a judge to return the statues, and when he failed to do so, was ordered to pay Mr. Schattle \$9 million, according to Sgt. Shannon.

When he failed to come up with the money, Mr. Devlin was hauled into court on contempt charges and Menlo Park police were again asked to step in.

Menlo Park police detective Paul Kunkel was one of the detectives who escorted Mr. Devlin from a courtroom to his house and back last August, after a judge ordered him to produce documents showing the statues' whereabouts. Mr. Devlin refused to and was jailed, said Det. Kunkel.

"The judge went out of his way to give (Mr. Devlin) as much time and latitude as possible, but he was just not doing it," said Det. Kunkel. "If you don't follow a judge's orders, you can end up in lot of trouble and he did. He got put in jail."

The missing statues showed up less than two weeks later and Mr. Devlin was released from jail, according to Sgt. Shannon. After several postponed court dates, the statues were finally returned to Mr. Schattle in January, and his attorney reports that a prospective buyer has been found in England.

Detective Kunkel said the case is one of the most unusual he has ever been involved in.

"It was really interesting. We don't deal with a lot of art theft," he said. "And all of the personalities involved were very interesting."