

# De Kooning's Hidden Legacy

**Behind the curtain of secrecy that descended over Willem de Kooning's tragic last years, his estate has been settled, his art holdings partially liquidated, and market demand created for his controversial late works**

**BY KELLY DEVINE THOMAS**

**L**IKE MANY GREAT artists of his generation, Willem de Kooning led an exalted life that ended in tragedy. An alcoholic who struggled with binges and blackouts, the Dutch-born de Kooning left Manhattan in 1963 for Long Island, where he lived in increasing isolation until his death in 1997, at age 92. He picked up a paintbrush for the last time in 1990. For the last seven years of his life, he was completely debilitated by symptoms attributed to Alzheimer's disease.

In 1989 de Kooning's sole heir and only child, Lisa de Kooning, and John Eastman, the son of the artist's longtime lawyer, Lee V. Eastman, were appointed his conservators by a state supreme court judge who found de Kooning unfit to handle his affairs. They filed a petition to have him declared incompetent ten days after the death of his wife, Elaine, who had overseen his care since the late 1970s. As the court proceedings made public de Kooning's failing mental health, critics, art historians, and dealers began to question whether the hundreds of artworks he had created during the 1980s could be attributed entirely to him, or whether his assistants had intervened in their creation.

De Kooning's dealer, Xavier Fourcade, died of AIDS in 1987. Many of the late works were still in the artist's possession when he was declared incompetent two years later. Lisa and Eastman were faced with the problem of how to handle both a controversial body of work and a legendary artist who was uncommunicative and required round-the-clock care.

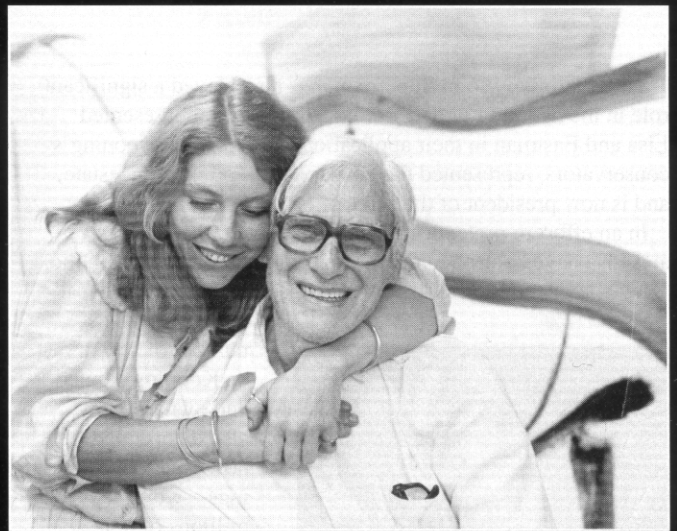
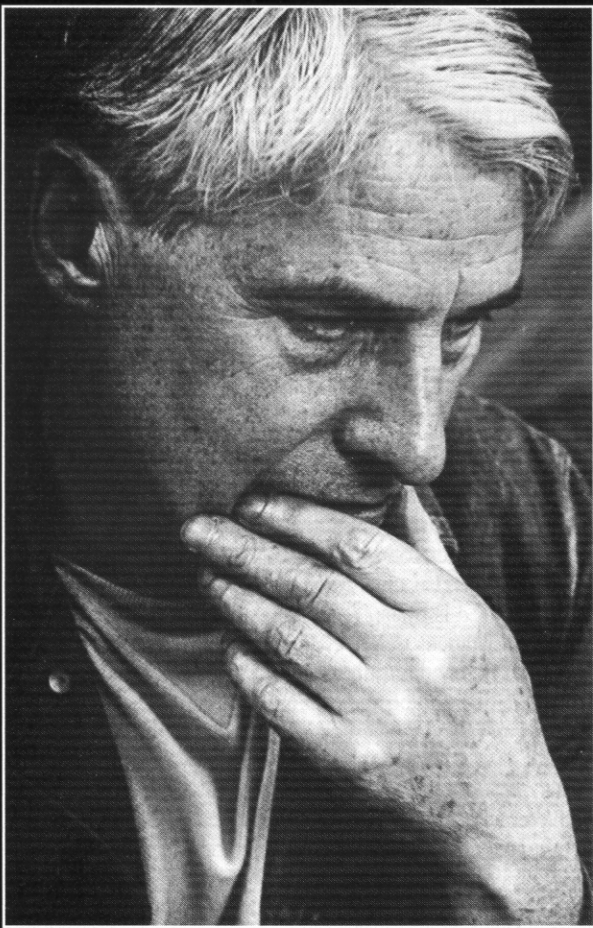
So began an epic endeavor to partially liquidate a dying master's art holdings, create market demand for his final works, and provide Lisa with financial security. Three years ago, de Kooning's estate was successfully closed. The taxes on it were paid, and the artworks in de Kooning's possession when he died were divided between Lisa and a foundation established in the artist's name.

But while de Kooning's affairs were being handled, the public was largely left in the dark. Over the years, a sense of secrecy—beginning when de Kooning first showed symptoms of Alzheimer's disease in the 1980s—has pervaded the handling of his estate, as well as the purpose and art holdings of his foundation.

Lisa and Eastman largely determined how de Kooning's works were cared for, exhibited, and sold during the last eight years of his life. Rather than choose a successor to Fourcade, the conservators sold works through a number of dealers, including Stephen Mazoh, Arne Glimcher, Matthew Marks (who handled the bulk of sales between 1992 and 1996 and later represented the estate), and Lucy Mitchell-Innes (who represented the estate with Marks) in New York; Anthony d'Offay in London; and Doris Ammann of Thomas Ammann Fine Arts in Zurich. They placed works still in de Kooning's possession—primarily his controversial works of the 1980s—in prominent private and public collections, and arranged for the late works to be shown in prestigious museum exhibitions.

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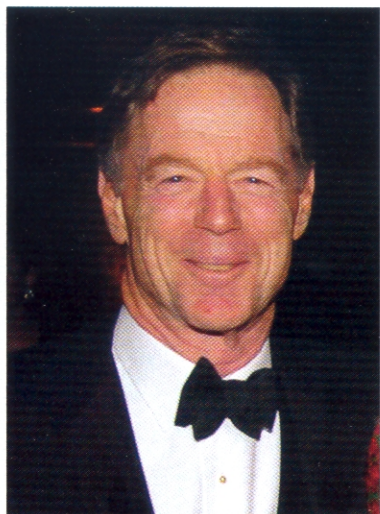


CLOCKWISE FROM  
LEFT **Willem de  
Kooning, 1962;**  
**the artist and his  
daughter, Lisa,  
1983; Elaine de  
Kooning, 1957;**  
**de Kooning in his  
downtown  
Manhattan  
studio, 1963.**



Lisa's attorney, John Silberman, has also played a significant role in the handling of de Kooning's affairs. He represented Lisa and Eastman in their application to become de Kooning's conservators, represented the conservancy and then the estate, and is now president of the foundation.

In an effort to protect de Kooning's market, the attorneys and Lisa have controlled the information released to the public. They convinced the courts to seal all papers that would reveal



**Two attorneys—John Eastman, top, and John Silberman—played a significant role in handling de Kooning's affairs and settling his estate.**

details about the number of artworks de Kooning created and owned. They also determined how his art holdings—worth tens of millions of dollars—would be dispersed after his death by transferring ownership of the collection to the Willem de Kooning Revocable Trust, which Lisa and Eastman, who served as trustees, set up in 1995.

The trust called for the creation of the Willem de Kooning Foundation, which was established in 2001 and received many of the artworks.

Both Eastman and Lisa declined to be interviewed for this article. Silberman, speaking on Lisa's behalf, also rejected a request to visit de Kooning's house and studio in Springs, Long Island, which Lisa inherited and where she lives today, a divorced mother with three daughters.

Silberman agreed

to be interviewed, along with Amy Schichtel, curator of the foundation's collection, at its offices at 790 Madison Avenue in Manhattan. Silberman, a short, silver-haired man with glasses, did most of the talking. He suggested that it was too soon for *ARTnews* to write a story about the foundation. "We're still getting our feet wet," he said. "We're still figuring out what's needed."

The foundation's directors are Eastman, Silberman, and Donn Zaretsky, another attorney who worked on behalf of the conservators and the estate. Lisa is not involved in the founda-

tion, Silberman says. The staff consists of four employees, three of them full-time and one part-time. Most of them—like Schichtel, who was hired in 1992—were first employed to bring order to a studio and warehouse full of largely undated artworks, disorganized records, and archival photographs. There is no executive director, but Schichtel functions in that role, according to Silberman.

The foundation owns more than 1,300 paintings, drawings, sculptures, and prints by de Kooning, dating from the 1960s through the 1980s. The collection is currently being preserved as a resource for scholars and curators and for lending purposes, says Silberman, and does not include any paintings from the heralded 1940s and 1950s. Works on paper predominate, adds Silberman, who is unwilling to disclose more specific information.

The foundation has no immediate plans to become involved in authenticating de Kooning's works, according to Silberman. On rare occasions, Lisa has signed a photograph stating that the work pictured is by her father, however "these were very special circumstances that occurred early on." But, he says, "I think it's fair to say the foundation will one day do a catalogue raisonné. That's a major undertaking."

A catalogue raisonné is essential, scholars and dealers say, to clarify an oeuvre that spanned more than 60 years and includes hundreds of paintings and thousands of drawings, many of which have never been published. "For the last 20 years, there has been a lack of certainty and transparency concerning de Kooning," says Paul Gray, co-owner of Richard Gray Gallery in New York and Chicago. "His market has been unsettled for a long time in one shape or another, for one reason or another."

Furthermore, little is known about Lisa's collection or its value, because the conservators and Silberman persuaded the court to seal the inventory of artworks she retained in 1997 in accordance with the 1995 trust agreement. "The value of the decedent's works of art (and hence the value of what passes both to the foundation and to Lisa de Kooning)," the executors stated in their petition, "is dependent in large measure on critical reviews of the artist and public demand for his works, and such critical reviews and demand in turn are dependent in part upon the public's perception of the quantity of his work that may be available."

**B**ORN IN ROTTERDAM in 1904, de Kooning emigrated to the United States at age 22 and struggled to survive as an artist in New York. He had his first solo show when he was 44 years old, in 1948, the same year the Museum of Modern Art bought his black-and-white abstraction *Painting* (1948). Today de Kooning is recognized as one of the most influential painters of the 20th century, and his works are among the most coveted in the world. According to sources, Hollywood entertainment mogul David Geffen privately acquired his 1955 painting *Police Gazette* for around \$35 million—the highest price known to have been paid for a work by the artist.

A group of paintings, drawings, and sculptures by de Kooning was put up for auction at Christie's last November from the collection of Lee V. Eastman, who began representing the artist in the 1960s and died in 1991. Among the works was an untitled painting from 1977, estimated at \$4 million/\$6 million, that inspired a bidding war between Robert Mnuchin, chairman of L&M Arts in New York, and dealer Larry Gagosian.

Mnuchin won the work for \$10.6 million, including the buyer's premium.

The price far exceeded the previous auction high for a work from the 1970s—the \$3.5 million paid for a 1976 painting at Sotheby's in 1989. In the late 1970s, de Kooning, who was drinking heavily, created a series of large-scale abstract canvases that seamlessly fused figure and landscape. By 1981, after he stopped drinking, he had embarked on a dramatic new style of painting that coincided with early signs of dementia.

By 1987 de Kooning's illness had progressed to such a state, according to Tom Ferrara, an artist who was de Kooning's assistant from 1979 to 1987, that de Kooning wasn't even told of Fourcade's death. "It would have been too troubling to him," says Ferrara. According to *De Kooning: An American Master*, the Pulitzer Prize-winning biography by Mark Stevens and Annalyn Swan published by Knopf in 2004, de Kooning's short-term memory started to deteriorate in the early 1980s, shortly after he sobered up under the care and control of his wife, Elaine.

De Kooning and Elaine met in 1938, married in 1943, and separated around 1955. Lisa was born in 1956 to Joan Ward, one of de Kooning's girlfriends, but he and Elaine—an elegant, outspoken woman and a prominent artist in her own right—never divorced. In the late 1970s, Elaine convinced him to stop drinking and hired assistants to help him in the studio.

After Elaine reentered his life, de Kooning became increasingly inaccessible. Robert Storr, in his catalogue essay for the 1995–97 traveling exhibition of de Kooning's 1980s paintings that he cocurated for the San Francisco Museum of Modern Art, described the efforts of Elaine and the artist's assistants to limit and monitor his contact with outsiders as "a practical and emotional compact of protective denial."

During the 1980s, de Kooning created 341 paintings, according to the SFMOMA catalogue. Some critics perceived them as the futile creations of a fading Old Master. With their meandering, ethereal ribbons of color, many of his 1980s works looked unfinished compared with his densely labored compositions of the past, says New York dealer Allan Stone. "They looked like underpaintings."

Others disagreed. In his catalogue essay for the SFMOMA show, cocurator Gary Garrels described the late paintings as "among the most beautiful, sensual, and exuberant abstract works by any modern painter."

*New Yorker* critic Calvin Tomkins summed up the critical impasse. "There appears to be little common ground," he wrote in 1997, "between those who see the paintings in question as a sublime achievement, a late style comparable to the cut-paper masterpieces of the aging Matisse, and those who describe them as the senile doodlings of a once great artist whose reputation is being damaged for the sake of commercial exploitation."

Tomkins was referring to rumors that the ailing de Kooning had been used as a money machine, forced to churn out paintings. His assistants did aid the artist to varying degrees. Ferrara says that de Kooning had his good days and bad days, but by 1987, the year Ferrara left, the bad seemed to outnumber the

good. According to the Stevens and Swan biography, as de Kooning's dementia worsened, his assistants determined when a work was finished, influenced his paint colors, and in late 1987 and 1988 sometimes filled in corners of the canvas that he missed when his eyesight began to fail.

The market, also, was slow to warm up to the late paintings. In 1987 Richard Gray Gallery in Chicago showed canvases dating from 1984–86 for prices ranging from \$175,000 to



**De Kooning at work, 1971. He didn't want to think about his legacy, says a former assistant. "All he cared about was making the paintings."**

\$225,000. About half of them sold, says Paul Gray. That same year, a 1981 painting from Fourcade's estate fetched \$385,000 at Sotheby's. Three years later, Gagosian paid \$3.74 million for a 1982 canvas—still the highest price paid at auction for a de Kooning dating from that decade. Another painting from 1984 sold for \$3.7 million at Christie's in 2003.

Ferrara maintains that while he was employed by the artist, de Kooning created the works through his own compulsion. "There wasn't that much else in life that he wanted to do," he says. "It was just him and the paintings." Between 1983 and 1986, de Kooning created about a painting a week, according to Ferrara, spending up to eight hours in the studio almost every day.

**A**FTER FOURCADE'S DEATH, Elaine and Lisa were left to determine how to proceed. "They both felt like they had a stake in how things should be handled," says Ferrara. Despite a barrage of offers from major dealers like Glimcher and Gagosian, de Kooning's wife and daughter never selected an exclusive representative. Elaine died from lung cancer in 1989. Silberman, on behalf of Eastman and Lisa, immediately filed the court petition to have de Kooning declared unfit to handle his affairs.

In the early 1990s, the conservators worked with dealers and



**The black-and-white abstraction *Painting, 1948*, was bought by the Museum of Modern Art not long after it was executed.**

curators to get museum exposure for de Kooning's late works. Writing in *ARTnews* in 1995, critic Kay Larson recounted how Eastman, during the opening of the SFMOMA exhibition, approached her and "congratulated himself on the careful orchestration of the sequence: First a retrospective of de Kooning's whole career, which began in May 1994 at the National Gallery of Art in Washington, D.C., with just enough of the late paintings to spark curiosity and some advance press. Then a full-blown exhibition of the 1980s work in San Francisco."

Stephen Mazoh, a private New York dealer, who was a friend of Lisa's and had sold a few works on behalf of the conservancy early on, claims that he was instrumental in initiating the National Gallery show. Mazoh stopped working with the conservators, he says, when Eastman "grabbed all the credit and never acknowledged my contribution."

Marks, meanwhile, had suggested to the conservators that they sell a small number of the 1980s works to select museums and to collectors who would guarantee that the works would eventually go to museums. He sold his first painting on behalf of the conservancy in 1992: *Untitled XXII* (1982) went to SFMOMA trustee the late Phyllis Wattis.

Between 1992 and 1995, Marks sold ten paintings dating from 1982 to 1986 to institutions including SFMOMA, the Saint Louis Art Museum, the Philadelphia Museum of Art, and the Walker Art Center in Minneapolis. Some of the works

were among the 36 canvases in the SFMOMA exhibition, of which 12 were still owned by de Kooning. The first person to buy a 1987 painting, says Marks, was Jasper Johns, who contacted him about acquiring the work after the SFMOMA exhibition.

As the works were dispersed, the art world was trying to ascertain the precise nature of de Kooning's late paintings. What was the cutoff date when de Kooning was no longer in full control of his creative faculties? The National Gallery retrospective, which traveled to the Metropolitan Museum of Art in New York and the Tate Gallery in London, included works up to 1986. The SFMOMA exhibition, which was shown at New York's Museum of Modern Art, among other venues, included works that were made as late as 1987. To help arrive at a date, Garrels assembled a panel of curators, scholars, and artists who examined and discussed the late works, but, as he wrote in the catalogue, "no clear cutoff point could be determined." The only agreement among the panel members was that the 1989 and 1990 paintings "could not stand on their own as fully realized works of art." Storr, however, noted in his essay that after 1987 de Kooning's "mental lapses became acute."

Nevertheless, some works from 1988 have been sold. Gagosian showed four 1988 paintings (two were owned by Lisa, and two were owned by the foundation) in his "Willem de Kooning: A Centennial Exhibition" in 2004. After the show, sources say, a 1988 work owned by Lisa but not included in the exhibition was sold by the gallery for \$1.7 million.

Works dating from 1988 will be shown in an exhibition of de Kooning's 1980s paintings at St. Petersburg's Hermitage Museum this summer.

About half of the paintings will be loaned by the foundation, and many of them, says Julie Sylvester, the Hermitage's associate curator of contemporary art, have never before been shown or published.

**L**ISA HAD A COMPLICATED relationship with her father. When she was growing up, he would often disappear for long periods and frequently had a new woman in his life when he reappeared. She became aware that her mother and father were not married when she was 12, according to Stevens and Swan, and at the same time she realized that he was married to Elaine.

But if Lisa "sensed that she was an awkward fact," according to the biography, there was no doubt that her father loved her. "He was crazy about her," says Ferrara. "In a lot of ways, she was the most important person to him. He didn't really know how to be a father, but he tried to be a friend and caretaker as best he could."

In his 1981 will, the artist left \$200,000 and the lifetime use of a house in East Hampton to Lisa's mother, who died last year. Everything else he left to Lisa in the event that Elaine predeceased him.

According to court documents, de Kooning left \$1.96 million in real estate holdings, \$1.75 million in stocks and bonds,

\$209,015 in cash and bank accounts, and \$458,093 in personal property. Most important, he left artworks reported in court records to be worth \$51 million that were transferred to the Willem de Kooning Revocable Trust in 1995. Silberman says that the reported figure included those works Lisa chose to retain in 1997 minus estate administration expenses relating to the collection.

De Kooning's estate was closed out in 2003, Silberman says, meaning that the taxes on it were paid and the art holdings were divided between Lisa and the foundation. Since 2003 Lisa's collection has been represented by Gagosian and Ammann in Zurich. She is not active in the art world, sources say, and she has sold few of the estate works she inherited. "She's got plenty of stuff," says a knowledgeable source, who adds that the works date from the 1960s to the 1980s. "Every once in a while she'll sell a painting to pay the bills."

Marks and Mitchell-Innes, who represented the estate, advised Lisa and Eastman about which works should be earmarked for the foundation. The top-quality works, Marks says, were sold or kept by Lisa. Others that "we determined at the time were more problematic or less salable" went to the foundation. Marks says that they sold a "tremendous amount," primarily works from the 1980s, which they initially priced between \$500,000 and \$1 million. "Our job was to sell the work to pay the taxes and the expenses of the estate," says Marks.

The trust transferred ownership of 1,344 works of art, valued at \$53.7 million, to the foundation between 2001 and 2003. That figure is based on the estate appraisal conducted by Marks and Mitchell-Innes, which included a blockage discount—an assumption that the value of an artist's works is reduced when a large number come on the market at the same time. Marks says that it is difficult to determine the value of the foundation's holdings today because, in his opinion, de Kooning's work is not yet properly understood: "What the marketplace and critics think is so great now is not necessarily what people in the future will think is great. The pictures change."

Silberman says that decisions about sales are made by the three attorneys—himself, Eastman, and Zaretsky—who serve on the foundation's board of directors. During the past five years, the foundation has sold a dozen works, primarily from the 1970s and 1980s, for a total of \$6.5 million. Among the sales was de Kooning's last work—an unfinished 80-by-70-inch painting from 1990 that Lisa bought from the foundation, with court approval, for \$50,000 in 2002. It sits today on an

easel in de Kooning's studio. Lisa agreed to donate the work to the foundation on her death, Silberman says.

Another work, *Untitled XLVIII* (1983), which the foundation reported selling in May 2003 for \$750,000, was auctioned at Sotheby's six months later for \$960,000. (The estate had valued it at \$352,500.) Silberman says the foundation has never consigned a work to auction, explaining that the person who bought the work from the foundation put it up for public sale. "We did very limited sales for a very short time to fund the foundation," says Silberman, "and now we have nothing for sale."

The foundation, which owns the copyright to de Kooning's



De Kooning's works from the 1980s have met with varying degrees of acceptance from critics and curators.

LEFT *Untitled XLVIII*, 1983. RIGHT An untitled work from 1988.

images, works closely with institutions like the Hermitage, the Museum of Contemporary Art in Los Angeles, and the Kunstmuseum Basel that have organized exhibitions, Silberman says.

The office, which has binders full of images of de Kooning's works, also conducts research. The staff has successfully matched some artworks that derive from the same source material. Even in his 1980s paintings, de Kooning continued his lifelong process of transferring parts of old drawings and paintings into new works.

As for how many works de Kooning created, Schichtel says, the answer will emerge only when a catalogue raisonné is compiled. "We do not have accurate numbers about how many works he created at this point," says Schichtel.

For his part, de Kooning didn't want to think about his legacy, says Ferrara, who once asked the artist if he ever thought about his place in history. De Kooning answered with a story about a centipede and a spider. As Ferrara recalls it, the spider said to the centipede, "You have so many legs. How do you know which one to put in front of the other?" The centipede stopped and thought about it. "I don't know," he replied. Then he stumbled over his own legs and the spider ate him.

"Bill did not want to worry about the problems that people were going to have in the future figuring out all this stuff," Ferrara says. "He didn't want to think about it. All he cared about was making the paintings." ■