

# *Man Ray* *Trust*



Monday, March 1, 2021

## **NOTICE:**

### **THE MAN RAY TRUST ASSERTS CLAIM ON PROPERTY OFFERED IN CHRISTIE'S MARCH 2 AUCTION**

“Man Ray et les Surréalistes: Collection  
Lucien & Edmonde Treillard”, Christie’s, Paris, March 2, 2021

The Man Ray Trust, established by Juliet Man Ray to maintain and protect Man Ray’s legacy and work, has requested that Christie’s delay its “Man Ray et les Surréalistes: Collection Lucien & Edmonde Treillard, Sale # 19833 Man Ray” auction scheduled for Tuesday, March 2.

The Man Ray Trust raised serious concerns to Christie’s about the provenance and rightful ownership of the overwhelming majority of the works offered for auction.

The Man Ray Trust believes Edmonde Treillard, the wife of Lucien Treillard who was a part-time assistant for Man Ray, does not have clear title to most of the works offered in this auction. Of the 188 lots offered at auction, the Man Ray Trust is questioning the ownership of 148. The timing of the auction 30 years and 33 days after Juliet Man Ray’s death raises suspicion due to the 30-year statute of limitations for raising issues of title under French law.

Contemporaries of Man Ray and Juliet Man Ray advised the Man Ray Trust that there is significant reason to believe Lucien Treillard stole a substantial number of Man Ray’s works and possessions immediately following his death. Lucien Treillard maintained access to Man Ray’s studio while Juliet Man Ray was unable to visit the studio in her grief. According to contemporaries with knowledge of the circumstances, Lucien Treillard used this period of time to take a significant number of works and personal items from Man Ray’s studio without authorization.

The Man Ray Trust is alarmed by the sheer scope and size of this sale, which offers not only fine photographs by Man Ray, but also unique contact prints, personal correspondence to Man Ray, and artworks by Marcel Duchamp and Max Ernst. The Man Ray Trust holds both the artist’s moral rights and the copyright, but received no prior notice from Christie’s about the preparations for an auction of such a large trove of heretofore unseen works attributed to Man Ray by such an improbable consignor. Without authorization, the elaborate and interactive online catalogue

makes liberal use of copyright images and details of Man Ray images for exclusively marketing purposes, well beyond fair use display rights and routine ADAGP permissions.

The auction catalogue does little to explain, other than a few gifts, how a part time assistant should have come to receive hundreds of works and personal effects of Man Ray. The Man Ray Trust requested that Christie's postpone the auction so that experts selected by the Man Ray Trust can examine the works. In addition, at the request of the Man Ray Trust, Man Ray Research Scholar Steven Manford reviewed the contents of the Christie's catalogue. A summary of his research findings is attached below.

It is the Man Ray Trust's firm belief that a significant portion of the material being offered by Christie's – roughly 79 percent of the lots offered for auction -- was purloined and is the rightful property of the Man Ray Trust, as the direct heirs of Juliet Man Ray. Neither Christie's nor Edmonde Treillard have provided any evidence of clear title to these works of art, nor to the personal items, such as notes and cards from many, including Pablo Picasso and Marcel Duchamp.

The Man Ray Trust believes that Edmonde Treillard does not have clear title to the overwhelming majority of the works offered in this auction and therefore is compelled to advise the public that they purchase stolen goods at their own peril and that the Man Ray Trust will be undertaking appropriate legal and other remedies to address this long-standing wrongdoing.

February 28, 2021

Statement of Opinion by Steven Manford, Man Ray Research Scholar

Made at the Request of The Man Ray Trust in Support of Its Title Claim Regarding:

Photographs Attributed to Man Ray and Representations Made in Christie's Catalogue Entitled *Man Ray and the Surrealists, Collection Lucien and Edmonde Treillard, Sale # 19833 MAN RAY* as Found Online at christies.com in Advance of the Auction Scheduled for March 2, 2021 in Paris

**This Statement of Opinion is offered at the request of The Man Ray Trust:** Based upon my published and un-published research, information and belief, and my independent review of the evidence presently available in the online catalogue posted by Christie's entitled *Man Ray and the Surrealists, Collection Lucien and Edmonde Treillard*, it is my professional opinion, as detailed below, that the cataloging and essays fall far short of the auction house's general standards and practice, particularly with regard to the verso markings on Man Ray photographs. This statement is 4 pages.

In this instance to varying degrees, the cataloging is (1) misleading at best and either (2) problematic or (3) outrightly deceptive at worst. Likewise, the introductory essays are (4) a study in misdirection, an attempt unsupported by verifiable facts (unlike the findings published in my monographs on the subject) to denigrate the hard evidence presented by the stamps that do appear--and by the absence of stamps or any markings at all--on the works themselves. Also, new research findings based on what can be viewed in the online catalogue appear to undercut the authenticity of several of the works on offer, and to cast further doubt on the provenance of most. It should be noted that verso images do NOT appear in the PDF version of the auction catalogue. Careful review also raises legitimate questions about the existence of good title that is implied by the fanciful description of the Treillard's relationship to the artist and his wife as being so significant and intimate that it warranted the gifting of hundreds of works, exhibition prints, contact prints, and personal correspondence.

**More specific overview:** By virtue of Christie's ambiguous representation of the "*cachet de photographe*", the cataloging evades the question of the extent of the artist's hand manifest in each work and instead implies that all of the stamps found on these photos are authentic and applied by Man Ray himself - even where stamps were fabricated after Man Ray's death. The cataloging of the photographs omits and elides already verified facts regarding Lucien Treillard's creation and use of counterfeit stamps, one stamp in particular being well known to every credible auctioneer and dealer. Because the appearance of this stamp raises red flags as to authenticity, provenance and good title to knowledgeable Man Ray sellers, some disclose it, some explain it, and some say nothing.

Likewise, the accompanying essays display similar linguistic legerdemain as they assert and imply, rather than demonstrate, any verifiable provenance for the works or why good title belongs to the consignor. Instead, the essays and marketing copy weave together anecdote, old snapshots, and self-serving, embellished assertions to create a misleading picture of the Treillard couple's personal relationship with Man Ray and Juliet Man Ray as one in which a decidedly parsimonious couple after decades of marginal finances (the Man Rays) would gift hundreds of works to an assistant. It is a story analogous to the recent restitution case of Pierre & Daniele Le Guennec, Picasso's electrician and his wife claiming a similar, implausible benefaction that, likewise, was concealed for decades.

**In general**, the accurate cataloging of the photographic object of Man Ray is difficult under the best of circumstances, in no small part because of Lucien Treillard's creation of posthumous stamps after Man Ray's death and the widespread and dubious use of two particular counterfeit stamps, a situation exacerbated over time by Treillard's access to the Man Ray studio's inventory and archive as a result of the misplaced trust of an elderly Juliet Man Ray. For many years, the existence of one particular Campagne Première address stamp was known only by a limited number of the photo trade and a few astute connoisseurs. The stamp and some of its effects are described in item (1) below. For a thorough discussion please see the Manford publication: "Behind the Photo: The Stamps of Man Ray" (2006-2009) and the cover essay "Man Ray Photographs: The Problems Have Not Gone Away", in the Autumn 2019 edition of the IFAR Journal, published by the International Foundation for Art Research, New York.

**More specifically about the ethical imperative to disclose Treillard's stamps:** The above referenced Christie's catalogue's lot entries and descriptive essays ignore and/or elide important facts about Lucien Treillard and his counterfeit stamps (items # 1-4 below) that are known to many photography specialists. This appears to be deliberate obfuscation, given the frequently dispositive role that stamps and other markings (or their absence) perform in resolving the questions of authenticity, provenance, and clear title that invariably accompany the appearance of Treillard's fake stamps. This is a clear departure from Christie's more thorough practice where the Manford inventory of Man Ray Stamps has been cited routinely in numerous auctions over many years.

**Omission and/or Elision of Well Known, Relevant Facts in Christie's Cataloging and Essay:** Another result of Christie's omission and elision of the well known, relevant facts about Treillard and his counterfeit stamps (as summarized briefly yet in specific detail in item (3) below) is found in the cataloger's repeated use of "*cachet du photographe*", a term which on its face is misleading because it frequently refers NOT to a *bona fide* impression of an authentic Man Ray photographer's stamp but rather to Lucien Treillard's counterfeit stamps, as well as other posthumously created stamps. Obviously, reliance on such ersatz stamps as even partial evidence of authorship when the hand of the artist never touched said stamp raises red flags as to the authenticity of origin, actual date of creation, and good title for any photographs being attributed to Man Ray. Also, the sudden appearance of such a large number of Treillard stamps from a single, suspect source supports the Man Ray 2015 Trust's title claim regarding the whereabouts of works, negatives, contact prints, correspondence, paintings, objects, drawings, and ephemera that went missing from the studio.

Kindly note the following observations and findings based on a close examination of all of the available recto and verso images presented in this Sale's online catalogue:

**(1) misleading at best: *cachet de photographe* ...."stamp of the photographer".** In 2006, Manford published the first edition of a monograph entitled "Behind the Photo: The Stamps of Man Ray" in which it is disclosed for the first time the existence of Treillard's fake Campagne Première stamp, now known in the fine art photography trade and among serious collectors as [Manford M28]. Even worse than just ignoring it, the significance of this posthumous stamp is hidden behind the essentially non-descriptive term, *cachet de photographe*. Notably, Christie's has cited this stamp correctly in previous

sales, but not in this instance. Christie's repeatedly states that the photographs in the sale are "cachet du photographe", a "stamp of the photographer". Nonsense. When one adds together the number of fake stamps in the present sale, as well as the posthumously added stamp impressions, the result is that the majority of stamped works on offer bear impressions created from rubber stamps that Man Ray did not create, touch, or authorize. The artist literally had no hand in its application ever. Treillard's counterfeit stamp implies that Man Ray did, thus misleading collectors, museums, and historians for whom these stamp impressions would be understood as having been added by Man Ray himself, and confirming such works as authentic and correct, as well as vintage if other authentication criteria necessary for accurate dating are present.

**(2) problematic: Agfa back printing and the Bokelberg fake Man Rays.** Several photographs on offer have been printed on Agfa brand paper, as is indicated by the back printing of the Agfa logo discernible from the online catalogue. While Man Ray had a printer create editions in the sixties and seventies, and copy prints were also made on Agfa papers, Man Ray himself did not use such a marked paper. However, the Agfa back printing is known to Man Ray collectors and curators because similar Agfa marked papers were used in the fabrication of fraudulent and doctored Man Ray prints created in the 1980s and 1990s, some of these known as the "Bokelberg Man Rays." It is problematic that more was not done to vet the works and address such timely authenticity concerns when evidence of the artist's hand is not otherwise explicit.

**(3) outrightly deceptive at worst: photographs fraudulently stamped by Lucien Treillard.**

The majority of stamped photographs on offer are stamped with two fake stamps created and used by Lucien Treillard. At least 36 photographs are stamped with the fake Campagne Première stamp and with another stamp. Compelling evidence of this second counterfeit stamp has come together in the past 18 months and will appear in a future monograph. Approximately 27 lifetime stamp impressions are to be found on these photographs. The Treillard stamps mislead collectors and curators by using a counterfeit stamp to make an attribution of authorship, ostensibly from Man Ray's own hand but not really, to unsigned photos which may or may not be entirely authentic, correctly dated, or even a Man Ray. The cynical application of these particular fake stamps and posthumous stamps has always been to enhance value, and to assist in selling them by subverting the known, whole truth that to truly confirm Man Ray's hand depends on meeting other authentication criteria.

**(4) a study in misdirection: the abuse of Man Ray's and Juliet Man Ray's trust.** Both the cataloging and the essay present cherry-picked facts out of context. However, the introductory essay in particular gives a conveniently cavalier and dismissive interpretation of what the presence or absence of an authentic Man Ray stamp means, and what the presence of a fake Treillard stamp on a particular photograph attributed to Man Ray means. When substantiating a work's authenticity, correct dating, provenance and clear title, particularly in a situation such as this Treillard sale where a very large number of the fake stamps appear without proper identification as being one of the Treillard stamps, proper distinction between *bona fide* and counterfeit stamps is dispositive. Moreover, the appearance of numerous other photographs without any markings at all, yet also displaying other elements that raise questions as to the origin, provenance, and title of so many works, is a red flag. Unfortunately insofar as title questions go, the result of these elisions, half-truths, and embroidered facts is a revisionist narrative that goes beyond permissible "sales puff" to portray Lucien Treillard as

a much more significant associate of Man Ray than he was, re-framing him as a creative collaborator during the artist's lifetime and subsequently as the foremost interpreter and defender of Man Ray's *oeuvre*. As the contemporaneous historical record shows, Treillard's actual role was that of a part-time assistant helping an aging artist and his wife to manage commercial and production tasks but who used that position to abuse his employers' trust and to take advantage of his unsupervised access to the studio. The emergence of this trove of material after decades of deliberate concealment and surreptitious exhibition of select works is not addressed in the introductory essay for obvious reasons. It is another departure from Christie's standard practice of providing documented provenance and reasonably researched context, especially for an auction of so many heretofore unseen works.

Unsurprisingly, the essay says nothing about the troubled aspects of Man Ray's artistic legacy, nor does the author acknowledge the frequency of Lucien Treillard's name or involvement whenever a controversy has emerged. A few examples:

- (a) The “Bokelberg” fake Man Rays scandal never directly linked Treillard though there are ample clues that he had a role, foremost being the fact that many of the images deceptively printed and marked were made from negatives under his control.
- (b) The posthumous, and sometimes poorly made, prints issued with vague or no markings, were under the control of Treillard. Just where the profits went remains a mystery with many contemporaries observing that it was Treillard who benefited from his "defense and promotion" of Man Ray's artistic legacy.
- (c) The Treillards have long dismissed the allegations of “missing” Man Ray artworks and archives saying that such material does not exist, and yet each year more such material surfaces, and can be traced back to Treillard through oblique acknowledgements in catalogues, museum exhibitions, and through agents, where the work's actual lender has been veiled with the description "Private Collection, Paris".
- (d) Supporters and collaborators of Lucien Treillard and his practices have suggested that Man Ray and Juliet Man Ray were sloppy and careless, and this is the reason for the illogical marking of photographs, and we should just accept photographs as Man Rays and the accompanying provenances and title as correct. The pattern and practice, as evidenced by when and on what Treillard's fake stamps appear, indicates otherwise, and that it was Lucien Treillard who was indiscriminate and self-serving in his creation of counterfeit stamps and affixing them.

**Bottom Line: Christie's and consignor's stratagem to "Hide in Plain Sight" backfires.**

The cataloging and essays are a combination of assertion, omission, elision, and misdirection. It is an audacious attempt to imply a *bona fide* provenance for such a large, heretofore unseen, inventory of Man Ray works. Equally bold is the failed gambit of trying to dismiss well established and widely accepted object-based scholarship about the role of Man Ray photographer stamps in authentication. Paradoxically, rather than rehabilitate Lucien Treillard's indelibly tarnished reputation in the marketplace for Man Ray photographs, and demonstrate correct provenance and good title, the cataloging and essay have achieved the opposite. This stratagem to "hide in plain sight" has renewed scrutiny of the widespread appearance of the fake "Treillard (not Man Ray) stamps" on all manner of works, from *bona fide* vintage prints, to misattributions as to correct date (and even artist), to outright fake works. It provides further historical and physical evidence that supports the Trust's title claim.