

Portrait That Ruined Medical School Professor Convicted of Attempted Grand Larceny in L.A.

by Jeanne Schinto

Vilas Vishwan Likhite, a 67-year-old former physician and assistant professor at Harvard Medical School, was convicted as charged on April 28 in Los Angeles County Superior Court on one count of attempted grand theft for trying to sell what he portrayed as an original pastel drawing by Mary Cassatt to two undercover police officers.

The sting took place on December 16, 2004, at the New Otani Hotel & Garden in the Little Tokyo section of downtown Los Angeles, not far from the police station where the operation had been planned by Detective Donald Hrycyk, a.k.a. "the art cop." Likhite had been told that the two prospective art buyers were Koreans in the United States on business. His meeting with the men, actually Tae Hong and John Byun of the I.A.F.B., had been arranged by two art brokers whom Likhite had tried to get involved in dealing art with him. The brokers had brought the Cassatt to a gallery owner, who had pronounced the work bogus, after which they went to Detective Hrycyk, who subsequently laid his trap at the hotel.

Portrait of Miss Saltonstall in an oval frame with a signature in the lower right, "Mary Cassatt," wasn't the only artwork offered to the undercover agents. According to court records, while Hrycyk secretly videotaped Likhite's sales pitches with three hidden cameras set up in the adjoining room, the men were shown a purported Willem de Kooning, a canvas said to have been painted by Hans Hofmann, and about 20 other works.

Hrycyk told us that Likhite spoke for over an hour in the hotel room. Likhite prefaced his claims for the art by speaking about how he came to have it; the illiterateness of his father, who had worked for a maharaja before India's war for independence; he deposited him; the Likhite family's move from India to Illinois in 1950; his father's trials and sacrifices; his own college education; his medical schooling; his rise to his position at Harvard. (He did not mention the fact that he had left Harvard in the 1970's and that his medical license had been revoked in 1989.)

After an hour, Likhite finally got to the art, a fraction of the approximately 2000-piece collection that he said had been given to his family by the maharaja as a token of appreciation. The undercover agents went into a huddle and made an initial offer of \$30 million for four of the artworks. According to the preliminary hearing testimony of Hrycyk, Likhite said he would need to consult with "scholars" before accepting a price so "low." The undercover agents then settled on the portrait of the young woman. Likhite told them that, although the painting was worth \$1.2 million, he was willing to sell it for \$800,000 and proffered a bank deposit slip for ease of payment. That's when the door to the adjoining hotel room opened, and Detective Hrycyk walked in to make his arrest.

The indictment did not mark the first time that Likhite had been in legal trouble ever. In 1989 (the same year he lost his medical license) he was convicted in Massachusetts by Middlesex County Superior Court on one count of grand larceny and one count of attempted grand larceny for peddling artworks that were not what he had presented them to be. In 1985 he had been sued in U.S. District Court for the South District in New York by an attorney and his wife, Martin and Diane Ackerman, who claimed that Likhite and others had conned them into buying a sham Jackson Pollock. The plaintiffs dropped the suit when they realized the defendants didn't have enough assets to pay the \$600,000 restitution they sought.)

We went to Cambridge, Massachusetts, to read the court records from the 1989 case. They have been lost, we were told. We tracked down one of the plaintiffs, Edward Nardell of Newtonville, Massachusetts.

Nardell told us he had paid \$12,000 for what Likhite represented as a sculpture by Constantin Brancusi, two drawings by Amedeo Modigliani, and a charcoal sketch by Marc Chagall. When he took his Marjorie B. Cohn, the same person who Likhite claimed had art artworks from him, Nardell said Cohn told him that it was not a Chagall. That news prompted Nardell to confront Likhite, who immediately repaid him his money. Nardell then visited his district attorney, where he learned that Likhite had also sold artworks, purportedly by Edgar Degas, Pierre Bonnard, and Daniel Ridgway Knight, to Anthony Biancanello of Wellesley, Massachusetts, who had initiated a lawsuit to get his money back.

Nardell, who joined that suit, told us a little bit about how he, a physician and associate professor at Harvard School of Public Health, had been "totally disarmed" by the kindly Dr. Likhite. They had met in 1986 at a sale conducted by Richard A. Bourne Co., Inc., a former auction house on Cape Cod. "We discovered we knew people in common. I knew people who had trained with him," said Nardell. "He had been on Harvard's faculty. He told me he left medicine because he had inherited a bonanza of art from his father." Nardell was then 39, furnishing a new house, and buying at auction for the first time. "It was exciting to meet someone who would take me by the hand. As it turned out, he had a hand in my pocket."

Nardell also told us he thought he was in good company when he started buying art from Likhite, who claimed to be a consultant to Fidelity, Inc., whose chairman and chief executive is the collector Edward "Ned" Johnson III. "[Likhite] said he knew him from caring for his ill father and that he was being paid as Fidelity's art consultant. [Likhite] said that Fidelity was interested in buying part of his collection in order to establish an art fund." One of Nardell's medical colleagues was not so sure. "He said to me, 'If a thing looks too good to be true, it probably is.'"

Nardell was not ready to see the truth. "Vilas used to tell me about the great art fakers of the world. Would he be selling me fake art if he's telling me about them?" Then Nardell met someone at a party who worked for Fidelity and who said he knew of no art fund being planned by the firm. When Nardell, his suspicion aroused, phoned Fidelity to ask about Likhite's work there, he was told they had never heard of him.

Actually, according to Detective Hrycyk, the Ned Johnson story contains its soupçon of a half-truth. "I talked to Ned, and he did have one brief contact with this guy probably fifteen years ago," he said. The maharaja story is also verifiable to an extent, he added. In the 1930's and 1940's Likhite's father really did work in the agriculture department for a maharaja, and the maharaja may have given the Likhite family what they believed to be a Modigliani drawing after the maharaja fell from power, shortly before the Likhites moved to the United States when Vilas Likhite was a boy.

Nardell, who has read quite a bit in these intervening years about sociopaths, said, "The sandwiching of lies between truths and half-truths is typical of the behavior. It's hard to figure out when you're involved with it. I don't pretend to give anybody any advice on this, but I think I would question anything as exotic as his story."

So, if the art didn't come from the maharaja, how did Likhite acquire it? Detective Hrycyk has been trying to figure that out. There were the auctions, of course. He is remembered by more than one Boston art world regular with whom we spoke.

John Curuby, president of the Boston Art Club, is among them. "I knew him from Hubley's, the Cambridge auction house," Curuby said. "He was quiet, dapper, engaging, but it didn't seem like he knew anything about art. He would buy second-rate paintings. We thought he was either very foolish or...." Curuby said that he and his art-collecting friends hated to think that Likhite intended to pass off the art as worth much more than it actually was.

"He also frequented some of the Boston galleries," said Detective Hrycyk, "looking for something that could magically be changed into something [more valuable]." One place Hrycyk mentioned was the Brodny Gallery of Fine Arts on Newbury Street. "For a number of years he'd go there, looking for low-value estate-type art that Brodny kept in the basement."

Richard Brodny also remembers Likhite. "He bought some things and paid his bills," he told us. Brodny doesn't know what happened to the art after it left his shop. "He never said, 'Oh, that looks like a John Singer Sargent. I think I'll buy it.'"

In Cambridge there is a warehouse, Metropolitan Moving and Storage Corp., where, according to Hrycyk, Likhite has been storing art for three decades. Metropolitan's proprietor, Neal Mizner, confirmed the detective's statement but would not go into detail. "He has owed a tremendous amount of money to Mizner," said Hrycyk. "Likhite has gone round and round with him over the years." Eventually, in an unexpected way, that storage space would play a role in Likhite's undoing in California.

After his Massachusetts conviction, Likhite moved to Orange County, California, where he apparently spent a great deal of time trying to convince people to invest in his proposed cancer immunization program. (At Harvard back in the 1970's, he had told the Massachusetts Board of Registration in Medicine, which revoked his license after a four-year investigation in the 1980's, that's what his experimental work had been all about. The medical board was not impressed, since he had injected his experimental drugs into two patients, without their consent, who complained of severe side effects.)

He was not living high on anybody's hog out West. At the time of his arrest for the Cassatt caper, he was living in a one-bedroom condo in Mission Viejo and, the Orange County Register would later report, existing on food stamps and Meals-on-Wheels.

George Gauldling, a 76-year-old former president of a community hospital in Fullerton, California, has been to that condo many times. Gauldling told us he got involved with Likhite in 1995 because he was interested in the doctor's medical research. "I know nothing about art," Gauldling said, and he never bought any from him. "There was a company that Vilas was trying to establish, called Vaccine Sciences. That's what I was trying to help raise money for."

The condo, said Gauldling, "was a mess with art lying around everywhere. He'd pull a piece out of the closet and say it was worth fifteen million." Why, then, the simple lifestyle? And the threadbare sport coat that Gauldling said Likhite always wore? Gauldling believed Likhite was an eccentric "genius" and didn't question him.

Years passed. The two became close friends. According to Gauldling, Likhite said he couldn't drive because of a serious illness, so Gauldling always played the part of chauffeur. He'd drive Likhite to his doctor's appointments. When they'd go to lunch, Gauldling would always pick up the tab. Gauldling also invited him "any number of times to dinner, to parties. He was always a good storyteller."

Gaulding continued to try to help Likhite raise money, introducing him to his banker friends and others, without success. Then came a trip that Gauldling made with a friend to Boston in the summer of 2002. Likhite coincidentally was scheduled to make a trip there at the same time. Gauldling and his friend were invited by Likhite to see his Cambridge warehouse space.

"[We] saw at least four big vaults with art stacked up," said Gauldling. There were hundreds of paintings along with a few violins, supposedly by Stradivarius, lying broken in a dusty corner. Likhite claimed the art's total value was \$1 billion. "When we left there, my friend said, 'George, it doesn't make sense. Supposedly all those paintings are worth a billion dollars, and yet you say he lives like he does with no money, just a condo, no car.'" But Gauldling's disbelief was still wistfully suspended.

That fall, after failing again to raise funds for Likhite's cancer research, Gauldling broached the subject of selling some of the collection. Could he art sales be a way to fund the project? Gauldling recalled his suggestion to Likhite, "Let's fly back to Boston—I'll pay for it—and we'll get those violins, take them to a dealer, have them authenticated, and sell them."

Likhite "wouldn't have it." In Gauldling's words, he "went berserk." But he did agree to use the art as collateral against loans. "So I took a painting, a Mary Cassatt, to a gallery friend in Beverly Hills. He had ones by Mary Cassatt for sale there. My friend said Likhite's was worth nothing." Gauldling confronted Likhite with the news, and their friendship ended. "I called him a liar and a manipulator. Later, I felt bad about it. I even wrote him a letter of apology." Likhite didn't reply.

Apparently, Likhite then went in search of new investors, not for his medical research but for his art. That's when he engaged the two brokers who took the Cassatt to a dealer who said it wasn't real. They went to Detective Hrycyk after that.

His bail was set at \$800,000 initially but later reduced to \$250,000. Likhite was held in the Los Angeles County Jail in lieu of bail.

Attorney Ho Kyung "HK" Kim was engaged as his lawyer. We asked Kim, if the paintings were real, why couldn't a few of them be sold to raise Likhite's bail? "I suppose that's a possibility," Kim said, "but the authorities continue to hold most, if not all, of Doctor Likhite's artwork. They believe it's evidence."

We asked Kim how he was being paid. "That's a private issue. But I will tell you that I'm not getting paid very much."

During the months that Likhite waited for his trial to take place, we checked in by phone with attorney Kim every now and then. "We have an expert who says that this pastel is pretty good," he said. "It has some chance of being authentic, subject to further study and review." He knew, of course, that the district attorney's office was lining up its own experts, which would eventually come to include Jay Cantor, director of the Mary Cassatt catalogue raisonné project of Adelson Galleries, New York City; Paul Schimmel, chief curator at the Museum of Contemporary Art, Los Angeles; Scot Levitt, fine arts department director for Bonhams & Butterfields; and Kevin Anderson of Anderson Galleries, Beverly Hills, the person to whom George Gauldling had brought the Cassatt for an appraisal.

Kim was not intimidated, he said. "As a writer, I'm sure you've read the fair comment rule. Under that, pursuant to the First Amendment, a self-appointed catalogue raisonné committee has no special right to form an opinion than any other person. That's my point of view, and I've expressed it numerous times in motions and other filings. I still believe that Doctor Likhite, after this torturous process, will be vindicated."

Kim also questioned the idea of a catalogue raisonné committee using "its dominant position in an industry to close off, chill, or cramp the debate on the issue of authenticity, quality, or any other metric of 'opinion.' To have a catalogue raisonné committee that is funded by Adelson Galleries, in which the person who is at the head of the committee is also engaged in finding newly discovered works, which then are sold by Adelson—I question that process very seriously," he said. "I don't say that process is illegal, but it shouldn't be the exclusive right of wealthy gallery owners."

"I don't think a private party to this transaction would have had a good chance of winning on an action for fraud," he continued. "I find it ironic that it's actually easier to prosecute a criminal allegation of fraud than it would have been to press a cause of action for a civil violation. It's interesting, it's ironic, and, fundamentally, it's very unfair."

It was Kim's opinion that "Doctor Likhite was originally targeted because of the comments he made about his family's connection with the maharaja. That connection has been substantiated. It was a close connection, and it's beyond dispute. It's an exotic detail, and very cinematic, but it is true."

In another conversation, we asked Kim if the trial was going to boil down to a battle of the experts. "In my view, opinions cannot be criminalized. But yes, it is going to be somewhat a battle of the experts. Catalogues raisonnés do not prevent anyone else on the planet from having his or her own opinion. I'll hold my guns on that point."

"The catalogue raisonné process is a valuable process. It is part of the debate about the authenticity of art and important to the industry. But in my view it cannot close off debate entirely. There can be a number of catalogues raisonnés that compete with one another."

The day after the guilty verdict came in, Kim wrote us in an e-mail: "It remains the defense position that opinion cannot be criminalized. If yesterday's verdict were allowed to stand, it would mean that a private organization, e.g., the Cassatt Committee, could issue an opinion, and then criminalize any contrary opinion. There is a fundamental issue of fair comment under the First Amendment that ran through this case. The nature and significance of the opinion of a catalogue raisonné committee was important to the trial. However, the judge refused to instruct on the distinction between fact and opinion and refused, as well, to instruct on the significance of the First Amendment's fair comment rule. I think the case law is clear in all federal courts that have considered the matter that a catalogue raisonné committee issues only an opinion and that such committees, by the issuance of their opinions, do not have the ability to bar the world from expressing a contrary view. There is a right to disagree."

On the day of the verdict, the defendant was ordered released on his own recognizance, pending sentencing. The following day, attorney Kim e-mailed us his closing argument and his PowerPoint presentation, along with the declaration that his defendant would be moving for a new trial.

A week later he wrote that, in the defense's view, "there has been entirely too much focus on my client's difficulties since he left Harvard Medical School. As a matter of evidence law, character is considered largely inadmissible, not because it lacks relevance, but because it is so easily open to misunderstanding and prosecution by innuendo. (Speculation is the worst way to predict the future, especially of a person.) Also, a defendant is required to answer only specific charges, rather than to defend an entire lifetime. The issue is if you can believe it in the context of a criminal case-art history, and the tension between the business of art and art scholarship. Harvard Medical School, aside from owning some artworks, has little to do with the legal relevance of this case."

Harvard would appear to agree. Although we were told by the university's public information office about a year and a half ago that Likhite had been an instructor at Harvard Medical School "throughout Boston City Hospital" from 1972 to 1974 and an assistant professor there from 1974 to 1977, a couple of days after the verdict was announced, Don Gibbons of the medical school's press office was reported by the *Boston Globe* as saying that the school's faculty database does not go back far enough to confirm or deny these contentions.

On June 12, the trial judge, Rand S. Rubin, denied Likhite's motion for a new trial and sentenced him to one year (which he had already more than served), along with three years' probation.

And what of the fate of the art itself, the purported Cassatt and the rest? "The judge ought to make sure that every one of those paintings in that warehouse is marked 'fake,'" said George Gauldling.

In Massachusetts in 1989, Likhite got probation, restitution, and no jail time, but there was no ruling on the art itself. No court, after an art fraud trial, decrees that fake art must be destroyed or even labeled as bogus. A con artist is free to try to sell to new people.

Ronald D. Spencer, contributing editor of *The Expert Versus the Object: Judging Fakes and False Attributions in the Visual Arts* (2004) and an attorney who represents the FBI in cases involving counterfeit art that art rejected by catalogue raisonné committees and other authenticators doesn't have to be labeled as such. And the fact that these works are regularly reffered "shouldn't be so surprising," according to Spencer, "the owner tries to get it authenticated. He's turned down. He then brings a lawsuit. He loses the lawsuit. But the law of the judge doesn't say, 'And you must destroy the work.' And so he comes back and tries again. It's not rocket science. This is what happens."

Eventually, perhaps only to pay off the back rent owed on the Cambridge warehouse space, the art stored in Massachusetts will probably return to the marketplace, where, if all is not art lucky, it will be sold for exactly what it is.

As for the art that Likhite has in California, prosecutor Catherine Chou said, "You can't seize property without probable cause, so you feel he's going to commit crimes with it. But I think this is a little different, in that that we know what his intent was, at least in terms of the artworks that he brought to the hotel." We asked if Likhite's attempts to sell the art essentially converted it into contraband, which, like illegal drugs, can be confiscated and destroyed. "Basically," she said.

For now, however, nothing will be done with those artworks except if Nardell says he will be sold by Los Angeles County, pending Likhite's planned appeal. The court is set to meet again on December 12.