

# New evidence in Grosz Nazi loot case against MoMA

Museum disputes heirs' claim for three works by the German painter George Grosz

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A federal lawsuit seeking restitution of three works by German artist George Grosz (1893-1959) from New York's Museum of Modern Art (MoMA) is being bolstered by expert testimony submitted on behalf of the painter's heirs by Jonathan Petropoulos, a leading expert on Nazi art looting. The lawsuit, filed in April in federal court in New York, claims the works were taken from Grosz in the Nazi period and should be returned by the museum, which acquired them between 1946 and 1954 without exploring their provenance with due diligence.

The Grosz estate first demanded the works in 2003, but in 2006 the museum asserted its legal ownership. MoMA has moved for dismissal based on statutes of limitations, but the judge has yet to rule on that motion. The museum has commissioned its own report written by Nazi loot experts Laurie Stein and Lynn Nicholas, author of the landmark study *The Rape of Europa*. A copy of the report has been obtained by The Art Newspaper.

In rejecting the claim, MoMA initially relied on a \$29,000 report written in 2006 by former US attorney general Nicholas Katzenbach, which found no evidence that the works were illicitly traded in the Nazi era. Petropoulos calls those findings "unreliable and inaccurate".

The disputed works are Portrait of the Poet Max Herrmann-Neisse (with Cognac Glass), 1927, the 1928 oil Self-Portrait with a Model, and the 1920

gouache Republican Automatons. Grosz had consigned them to his dealer Alfred Flechtheim, who fled the country in 1933, as did Grosz. The dealer died in 1937 and the self-portrait and gouache ended up in a 1938 auction at Mak van Waay, an Amsterdam firm known as liquidators of Nazi looted property. Petropoulos calls the auction a “sham”, something Nicholas and Stein deny. Nicholas states that Flechtheim was facing bankruptcy and that this, not Nazis threats, led to sales. Also Grosz owed money to Flechtheim’s gallery and had been notified that his work would be held as partial payment.

How the seller in 1938, Carel van Lier, obtained the works remains unclear, but it is known that he purchased back Self-Portrait with a Model for 16 Guilders (\$11) and sold it on two months later for 150 Guilders (\$102) to Fortune magazine director Leo Lionni, who donated it to MoMA in 1954. Republican Automatons and four other works sold to an Amsterdam collector for 25 Guilders (\$17), and the gouache was later acquired by William Landman of Toronto, from whom MoMA bought it in 1946.

Portrait of the Poet Max Herrmann-Neisse remained in Germany and in 1952 was sold to MoMA by Curt Valentin, the New York-based partner of Karl Buchholz, a German dealer appointed by the Nazis to sell “degenerate” art. The Grosz estate sought documents relating to other works acquired through Valentin to determine if the works were acquired significantly below market value, an indication that the museum knew they were looted Nazi art. MoMA refused to disclose those documents and the judge ruled the material tangential, but the estate lawyers plan to appeal. MoMA responded: “The museum has fully complied with all of its discovery obligations in this case, and any suggestion to the contrary is simply incorrect.”

Petropoulos notes that in selling the portrait, Valentin was acting as agent for Charlotte Weidler, a German art critic then working for Pittsburgh’s Carnegie Institute. She claimed to have “inherited” it from Flechtheim, which Nicholas finds “plausible”. But Petropoulos says the dealer willed everything to his son and that there is evidence that she misappropriated the work. Despite the below-market price of \$775, the museum did not investigate, or inform Grosz, who was then living in Manhattan. In 1953, Grosz wrote to a friend describing his work as “stolen” but he did not seek restitution. Instead he argued with the museum over royalty rights for

reproducing his work.

Ralph Jentsch, managing director of the estate, says that the artist's heirs are not seeking to sell the works but to include them in a future Grosz museum.

Correction

In an article on the dispute over three works by George Grosz, we described Leo Lionni as the director of Fortune magazine. He was the art director (November 2009, p13).

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