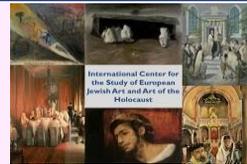


International Center for the Study of European Jewish Art and Art of the Holocaust

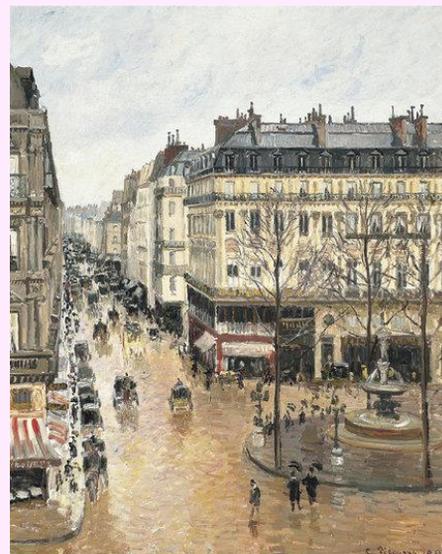


Federal Court Rules That Nazi-Looted Pissarro Painting Belongs to Spanish Foundation

By Ronit D. Appel, June 12, 2015

After a decade-long legal battle, a Los Angeles federal judge ruled last week that a Spanish art foundation is the rightful owner of a Nazi-looted 19th century painting by Camille Pissarro. The Court rejected the claims of the relatives of Holocaust survivor Lily Cassirer Neubauer that the painting belongs to them.

Lily Cassirer Neubauer, a Jewish German woman, inherited the Pissarro painting in 1926. In order for her and her husband to obtain exit visas to flee Germany, she was forced to transfer the painting to a Nazi art appraiser in 1939 in exchange for approximately \$360. Ms. Cassirer Neubauer filed a timely restitution claim for the painting after the war. Because the painting's whereabouts were unknown, Ms. Cassirer Neubauer ultimately settled her claim for monetary compensation with the German government but did not waive her right to seek restitution or the painting's return. In 1951, unbeknownst to Ms. Cassirer Neubauer, the painting surfaced in the United States. In 1978, it was purchased by Baron Hans-Heinrich Thyssen-Bornemisza of Switzerland. In 1988, the Baron and Spain agreed that the Baron would loan his art collection, including the Pissarro painting, to Spain. Spain established the Thyssen-Bornemisza Collection Foundation (the "Foundation") to maintain, conserve, publicly exhibit, and promote artwork from the collection. The Thyssen-Bornemisza Museum was opened in Madrid in 1992 to house the Baron's art collection. In 1993, the Foundation purchased the Baron's art collection with funding provided by Spain.



Camille Pissarro, *Rue St. Honoré, après-midi, effet de pluie*, 1897

Ms. Cassirer Neubauer passed away in 1962. In 2000, her grandson, Claude Cassirer, discovered that the painting was on display at the Thyssen-Bornemisza Museum and in 2001, he filed a petition with Spain and the Foundation, seeking the painting's return. After his petition was rejected in 2005, he filed a lawsuit in California against Spain and the Foundation. When he passed away in 2010, two other relatives, David Cassirer and Ava Cassirer, and the United Jewish Federation of San Diego County were substituted as plaintiffs.

In his June 4th ruling, Judge John F. Walter of the United States District Court for the Central District of California granted the Foundation's motion for summary judgment against the plaintiffs. In granting the motion, Judge Walter held that Spanish law applies to the Foundation's claims and that under Spanish law, the museum had acquired the painting by adverse possession. At the end of his ruling, however, Judge Walter recommended that before the next phase of litigation commences in the Ninth Circuit Court of Appeals, the Foundation should "pause, reflect, and consider whether it would be appropriate to work towards a mutually-agreeable resolution of this action, in light of Spain's acceptance of the Washington Conference Principles and the Terezin Declaration, and, specifically, its commitment to achieve 'just and fair solutions' for victims of Nazi persecution." The Foundation has since stated that it might consider "some form of moral recognition" of the circumstances in which Ms. Cassirer lost the painting, such as hanging a plaque next to the painting explaining that it had been part of the Nazi expropriation of art.