

**STATEMENT FROM THE MUSEUM OF MODERN ART AND
THE SOLOMON R. GUGGENHEIM FOUNDATION REGARDING
CLAIMS ON TWO PICASSO PAINTINGS IN THEIR COLLECTIONS**

New York, December 7, 2007—The Museum of Modern Art and The Solomon R. Guggenheim Foundation in New York today jointly filed papers in the United States District Court for the Southern District of New York requesting a declaration confirming their ownership of two works by Pablo Picasso, *Boy Leading a Horse* (1906) in MoMA's collection and *Le Moulin de la Galette* (1900) in the Guggenheim's collection. This action is in response to a claim by Julius H. Schoeps, a private citizen of Germany.

The museums have taken this step in view of Mr. Schoeps's recent history of litigation regarding a work of art with the same provenance as those in MoMA's and the Guggenheim's collections, and his clear indication that he intended to pursue legal action against them. Today's filing asks the court to affirm the museums' ownership of the works based on the extensive factual information that exists on their provenance.

In a joint statement, MoMA's Director Glenn D. Lowry and the Solomon R. Guggenheim Foundation's Director Thomas Krens said, "The Museum of Modern Art and the Guggenheim Museum take the issue of restitution very seriously. We have provided access to our records and encouraged Mr. Schoeps to share with us any factual support for his claim. Evidence from our extensive research makes clear the museums' ownership of these works and also makes clear that Mr. Schoeps has no basis for his claim."

Paul von Mendelssohn-Bartholdy (1875-1935), a prominent and affluent German banker and art collector, who was the original owner of the paintings, gave them to his second wife Elsa in 1927. The paintings were sold in 1934-35 to Justin K. Thannhauser, a prominent Jewish art dealer with whom the family had a longstanding relationship. In 1936, *Boy Leading a Horse* was sold by Thannhauser to William S. Paley, former President and Chairman of The Museum of Modern Art, who donated it to MoMA in 1964. Thannhauser retained *Le Moulin de la Galette* for his personal collection, bringing it to the United States upon his emigration in 1940, and making a gift of the work to the Guggenheim Museum in 1963.

Mr. Schoeps is the grandson of one of Mendelssohn-Bartholdy's five siblings and is no relation to Elsa von Mendelssohn-Bartholdy. In 1935, Mr. Schoeps's grandparents affirmed Elsa von Mendelssohn-Bartholdy's ownership of the paintings, shortly after the death of Paul von Mendelssohn-Bartholdy.

In March 2007, Mr. Schoeps's lawyers contacted the museums, stating that he was investigating the alleged duress sale of the paintings and requesting access to the provenance information. It is the policy of the museums to cooperate with such requests and abide by the guidelines of the Association of Art Museum Directors (AAMD) regarding art restitution claims,

and Mr. Schoeps's lawyers were duly given access to the provenance files. Despite the museums' requests for provenance information, Mr. Schoeps provided only repetitive general statements without a basis in fact. On November 1, 2007, Mr. Schoeps demanded the museums hand over the paintings to him, alleging that because the von Mendelssohn-Bartholdy family was of Jewish descent and the Nazis rose to power in 1933, there is a presumption that the sales of the paintings to Thannhauser were made under duress. However, the extensive evidence concerning the paintings demonstrates otherwise.

Both paintings have been exhibited frequently by their respective institutions since their acquisitions, and have been shown around the world.

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