



HISTORICAL SOCIETY *of the* NEW YORK COURTS

STOLEN ART: FROM THE HOLOCAUST TO THE PRESENT Essay Prompts

1. LEA BONDI JARAY CASE

Here is a fact pattern from an actual case that reached the highest court in NYS, the Court of Appeals. It is followed by a series of questions to help guide you in learning about the role of the NY Courts in the quest to reunite Lea's precious painting with her heirs.

Lea Bondi Jaray, a Jewish woman, was forced to flee her home in Austria with nothing more than she could carry. She left behind one of her most precious assets, a painting entitled, "Portrait of Wally" by Egon Shiele. Her painting was taken from her by the Nazi regime. Prior to her death, she attempted to recover the painting, but to no avail. Her nephew, Henry Bondi, attempted to recover the painting in 1997 while it was on exhibit in New York on loan, from the Leopold Foundation, at the Museum of Modern Art. The museum did not return the painting and on January 7, 1998, the Manhattan District Attorney served MoMA with a subpoena demanding the return of the paintings. The Museum refused and filed suit to invalidate the subpoena.

- Why did the [lower court decide](#) against a return of the painting? Do you think the Court was correct? Why?
- Why did the NYS Appellate Division, the Court that heard the first appeal of this decision, [reverse the decision](#) of the lower court? Do you think the Court was correct? Why?
- The case was then [appealed to the Court of Appeals](#). What was the reasoning of the Court's decision? Do you think the Court was correct and just in its decision? Why?

2. GUGGENHEIM CASE

What role has the New York State Courts played in protecting those individuals who unknowingly purchase stolen art? What obligations do the courts have in upholding the reputation of New York State as the cultural capital of the world? In the case of [The Guggenheim Foundation v. Lubell](#), do you believe the Court was more concerned with perception than the law? Do you agree or disagree with this statement and why?

3. STETTINER CASE

It has taken decades for the victims of stolen cultural art objects to recover their belongings. In the [Matter of Stettiner](#), the heirs sought to act on behalf of their relative and recover stolen artwork. Does the role of the New York State Courts cease upon the death of the rightful owner, or do the Courts have an obligation to protect the interests of the heirs as well? Do you agree or disagree with the role of the Courts in extending ownership to the heirs?