

ANALYSIS OF LEA BONDI JARAY CASE

by Rafael Ramos

The value of historical works of art has seen a dramatic increase within the last half century. Whether being sold as a high-valued asset or collected as a precious cultural artifact, works of fine art have gained an increased stronghold in the media as well as certain fine arts circles. Certainly, in a city with a rich cultured arts scene as New York City, it is no surprise that occasionally the ownership rights of high value artworks are fought over tirelessly in a court of law.

One such case of entangled ownership rights surrounds a famous painting from 1912 entitled *Portrait of Wally*. The work was crafted by the hand of influential 20th-century Austrian painter Egon Schiele. The painting shows a red-headed woman in a black dress known to be Schiele's lover and principal model, Valerie Neuzil. Neuzil can be found as the inspiration for a number of the famous painter's works up until 1915 when Schiele married Edith Anna Harms. It should be noted that in the decades following Schiele's death and after World War II, the Austrian painter gained notoriety and is today known as one of the most important painters of the 20th century (Spodak, 2010).

The primary subject of the long-winding series of cases pertaining to *Portrait of Wally* was the Austrian-Jewish art collector and owner of the Würthle Gallery, Lea Bondi Jaray. Mrs. Bondi obtained *Wally* at an unspecified time in the 1920's and had the portrait as part of her personal collection until the Nazi occupation of Austria in March of 1938. As operation of a Jewish-owned business was strictly forbidden under the impending German Nazi law, Lea Bondi Jaray had no choice but to sell her beloved art gallery to a Nazi art enthusiast. It was in the midst of this transaction that Mrs. Bondi was forced to leave her home for safe-haven in London. She later recalled that when the purchaser of her gallery saw the prized painting, he coerced her to include the painting with the other components of the gallery. Mrs. Bondi stated that her husband urged her not to make a scene over the issue because of the power and influence held by the Nazi regime at that time and his fear of the danger of retribution.

After the fall of the Nazi regime, the U.S. military secured Austria, and the Nazi art collector who had acquired Mrs. Bondi's collection was arrested and all of his property was secured. As was the policy of the U.S. military at the time, an inventory of the seized Nazi assets was supplied to the Austrian government. This included the famous Schiele portrait as well as all the other paintings included in the art gallery transaction. *Portrait of Wally* was given to the Austrian National Art Gallery and was indefinitely housed at the Belvedere Palace (Walls, 2010).

Years later in 1953, upon finding out about the location of her long-lost painting, Mrs. Bondi commissioned a renowned Schiele enthusiast and art collector named Dr. Leopold to go to the Belvedere Palace and reclaim *Wally* in order to send it back to her in London. Mrs. Bondi recalled in a letter reprinted in part by the New York Times:

Later, Leopold came to London, and we talked about my picture. As I thought he was a nice, decent person, I asked him to pick up my picture from the Belvedere and send it to me immediately. And I promised him that I would make efforts for him to find drawings and other works by Schiele in London. The next thing I heard was that my picture was ... owned by Dr. Leopold (Bondi qtd. in Dobrzynski, 1997).

Just as Mrs. Bondi had written, after Dr. Leopold left for Austria, she was informed that he had inducted the work into his own collection, completely cutting out its rightful owner. Despite repeated attempts to regain possession of the work up until her passing in 1969, the famous Schiele remained in the hands of Dr. Rudolph Leopold (Historical Society of the New York Courts).

Beginning in 1994, Dr. Leopold compiled his lengthy collection of art, along with *Portrait of Wally*, into The Leopold Museum, and began putting various collections up for loan at prestigious art galleries and museums worldwide. As a part of this effort to gain exposure for his collection, in late 1997 a number of Egon Schiele's works, along with Mrs. Bondi's painting, were loaned out to the famous Museum of Modern Art in New York City (Walls). A few months after the painting was shipped in September, the Museum of Modern Art received a series of letters penned by an heir of Lea Bondi Jaray. The letters requested that *Portrait of Wally*, along with another illegally obtained painting entitled *Dead City III*, not be returned to the Leopold Museum until a proper legal investigation as to the ownership status of the paintings was completed. The museum received this letter on December 31, 1997, a mere five days before the paintings were set to be shipped overseas.

A lengthy and complex legal dispute ensued involving several courts and jurisdictional venues. On September 21, 1999, in a 6-to-1 decision the New York State Court of Appeals reversed the order in the Appellate Division to return the painting to the Bondi estate. The painting was ordered to be sent back to the Leopold Foundation (Historical Society of the New York Courts).

Mrs. Bondi's heirs were relentless. They continued to aggressively pursue a lawsuit against the Leopold Museum and other actors in play. It was estimated that by late 1999 the claimants had accumulated legal fees which surpassed the then \$2 million value of the painting (Lufkin).

On the same day as the New York Court of Appeals decision, another action began in federal court when United States Magistrate Judge James C. Francis IV issued a federal warrant to seize the painting. The warrant's basis was that there was probable cause that *Wally* was stolen property that had illegally been brought to the United States. In the days following this groundbreaking action in the case, several U.S. agencies began issuing orders to seize the painting and have it returned to the Bondi estate. After receiving these orders from federal court, the Museum of Modern Art refused to turn over the prized asset to the estate and countered by filing a civil complaint in federal court. The museum insisted that the Nazi art collector did not steal *Wally* and that it was purchased through legitimate means. The museum further supported their assertions through the National Stolen Property Act and attempted to have the stolen property claim forfeited in order to maintain possession of the work (Walls).

The legal dispute wore on, and on September 30, 2009 a U.S. District Judge submitted a lengthy report in response to various motions asserting that the property was indeed stolen and that also – a key component of the case – there was probable cause that Dr. Leopold was aware of the fact that it was obtained illegally. Yet another trial was scheduled for July 26, 2010. Dr. Leopold died in June 2010 at the age of 85, nine months after the District Court concluded its findings (Fox). On July 20, 2010 – five days before the scheduled trial – the Leopold Museum settled to pay \$19 million to the estate of Mrs. Lea Bondi Jaray, officially ending a seven-decade pursuit of justice (Hickley). At a ceremony held to commemorate the end of the lengthy legal battle and return of *Wally* to its rightful owners, historian and museum director David Marnell remarked of the painting:

She can teach us about justice, even justice that comes after more than seven decades: how fidelity to basic values ... and no small measure of hard work can help to get some things right (Marnell qtd. in Rosenbaum, 2010).

The case of *Portrait of Wally*, perhaps more than any other, highlights the immensity of tribulations that Holocaust survivors must endure in order to reclaim property from that historic era. This particular series of lawsuits provides a sense of inspiration that even after such a tremendous amount of time, wrongs from World War II can still be given a semblance of right. It is evident through the enormity of the judicial process that it was no small feat to prove the Bondi estate had rightful ownership. Despite this tiresome process, it is quite clear that the right and just conclusion was reached in the end. Not only was the painting illegally obtained by the Nazi art collector so many years ago, but Dr. Leopold also manipulated the scenario to his advantage in a highly unlawful manner.

Although all of the original actors of the case are long gone, the legacy of Egon Schiele's celebrated portrait now bears a broader message as well: with diligence and dogged persistence, even the most futile claims to just acts have a chance to succeed so that the past might lead way to a brighter future.

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