

British Paintings Watercolours & Drawings

GEORGE ROMNEY
1734 - 1802

*An exceptional brush and ink drawing
of classical figures arranged in friezes*

Pen and brown ink and wash
With faint black chalk sketches on the verso
4 ½ x 7 ½ inches; 106 x 187 mm
Drawn circa 1776-77

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United States

Government takes hard line against Russia and Spain

Department of Justice intervenes in cases involving allegedly looted art

WASHINGTON, DC. The US government has been taking a hard-line approach in recent art restitution cases, siding with plaintiffs in claims against Russia and Spain over allegedly stolen art and Jewish religious manuscripts and books.

In the lawsuit against Russia, the US Department of Justice filed a statement of interest on 15 June in a case that concerns the immunity granted under a 1965 programme to protect works of art sent from abroad to the US for exhibition. The case was originally brought by the international orthodox Jewish group, Agudas Chasidei Chabad, in federal court in Washington, DC, seeking the return of books and manuscripts allegedly stolen by the Bolsheviks and Nazis. The court denied sovereign immunity for Russia based on the "expropriation exception", which allows a foreign nation to be sued in cases alleging the taking of rights in property in violation of international law. Russia defaulted in the case in July 2010, and the court granted judgement for Chabad.

Russia has not surrendered the items as the court directed and



Russia cancelled the loan to the US of icons from the Andrei Rublev Museum; Pissarro's Rue Saint Honoré, Afternoon, Rain Effect, 1897



Chabad began to seek a court order to seize Russian assets in the US to satisfy the judgement. In a tit-for-tat response, Russia cancelled loans of works of art and asked for the return of some art already on loan to the US (see "US-Russia cultural cold war continues" on www.theartnewspaper.com), fearing that Chabad could seek the art to satisfy the judgement.

Chabad has filed court documents, however, formally committing not to seek to execute the

judgement against art loaned by Russia, which is immune from seizure under the programme.

In the June court filing, the US cautions that the court's anticipated order enabling Chabad to execute on the judgement should not be broad enough to include Russia's protected art, but went on to make clear that this statement of concern was "in no way intended to signal any change" in its longstanding position that the books and manuscripts "should

be transferred to Chabad".

Howard Spiegler, an art lawyer in New York, told *The Art Newspaper* that "it was fairly extraordinary" that Russia defaulted in the Chabad case allowing judgement to enter against it without a full defence. He added that Russia's cancellation of art loans to US museums "seems to be a rather transparent attempt by Russia to somehow blame the Chabad plaintiffs for interfering with art loans. Russia's attempt to deflect attention away from their refusal to return the Chabad property simply will not work."

In May, the Department of Justice filed a statement with the Supreme Court saying it should not hear an appeal by Spain following a ruling that the country is not immune in a legal case over allegedly Nazi-stolen art. Claude Cassirer's estate is suing Spain and the Thyssen-Bornemisza Collection Foundation for a painting by Pissarro, *Rue Saint Honoré, Afternoon, Rain Effect, 1897*, which the estate says Cassirer's grandmother lost to a Nazi art dealer as she fled Germany in 1939. Spain says it is immune from the case as a foreign sovereign nation under the 1976 Foreign Sovereign Immunities Act, which shields foreign nations from US legal cases, except in certain circumstances.

The court cited the act's "expropriation exception", and Cassirer's estate is also invoking it. But Spain says it should not apply because the allegation is that Nazis, not Spain, took the painting. In its May filing, the US said that the lower court correctly decided that this did not matter, and that an appeal is not warranted. ■

Martha Lufkin

Half of Hals will head to a US museum

BRUSSELS. Part of a Frans Hals painting is going to a US museum. The Royal Museum of Fine Arts in Brussels, the owner of the other section, has therefore lost the opportunity to reunite the work.

The left-hand and larger part, *Family Portrait in a Landscape, 1621-22*, had been in the Shropshire family of Viscount

Boyne, but earlier this year it is believed to have been sold to an American museum for £7.75m. A UK export licence has been deferred until 10 July, to allow a British buyer to match the price. Although the work had been on long-term loan to the National Museums and Galleries of Wales, it is not trying to raise the funds. The painting was divided at

some point before 1811 (and sold separately in 1829). The right side, *Three Children with a Goat Cart*, was donated to the Brussels museum in 1928.

The museum said it was unable to raise the money for the left-hand section. The work may still be temporarily reunited, for displays in Brussels and the unidentified US museum. ■ M.B.



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