

The Detroit Institute of Arts / Toledo Museum of Art

PRESS RELEASE

NATHAN HEIRS DROP CLAIMS ON PAINTINGS IN TOLEDO AND DETROIT MUSEUMS

Museums' Ownership of Paintings Confirmed in Conclusion of Court Cases

Toledo, OH, and Detroit, MI, May 10, 2007 – The heirs of Martha (Ms. Hugo) Nathan have dropped their claims to ownership of paintings in the collections of the Toledo Museum of Art and the Detroit Institute of Arts, the museums announced today. The announcement came after the Nathan heirs voluntarily filed motions to dismiss their appeals in cases in which the museums' rightful ownership of the paintings had been challenged. The dismissals came on May 9 for Toledo and May 10 for Detroit. The cases involved the heirs' claims, first brought in 2004, for a Paul Gauguin in the collection of the TMA (*Street Scene in Tahiti*, 1891) and a Vincent van Gogh in the collection of the DIA (*The Diggers*, 1889).

Toledo Museum of Art Director Dr. Don Bacigalupi stated, "After two-and-a-half years of in-depth research and discussions, we are tremendously gratified that both the courts and the Nathan heirs have confirmed that the TMA is the rightful owner of the Gauguin."

Detroit Institute of Arts Director Graham W. J. Beal commented, "We are pleased that the issue has been resolved in the best interest of the museums and the public."

The case stemmed from restitution claims brought in 2004 against both the TMA, for the Gauguin, and the DIA, for the van Gogh. The paintings had been owned by Martha Nathan, a German Jew, from 1922 until she sold them, in 1938. In 2004, descendants of Mrs. Nathan's siblings and in-laws (she had no direct heirs) approached the TMA and the DIA and requested the return of the paintings, claiming, in part, that they had been sold under duress. The museums embarked on a comprehensive research project to examine the family's claims; the research proved that Mrs. Nathan voluntarily sold the paintings, and that the museums were the rightful owners. The TMA and the DIA engaged in extensive correspondence with the Nathan family and shared the results of the museums' provenance research in its entirety.

The heirs, however, continued to assert their claims, and in January 2006 the TMA and the DIA each pursued legal action, filing declaratory actions in their respective jurisdictions. The declaratory actions asked the courts to confirm the museums' rightful ownership of the paintings. The heirs filed counterclaims to both actions in August 2006.

In December 2006, a district court judge in Ohio ruled that, because “this sale occurred outside Germany by and between private individuals who were familiar with each other,” and that “the painting was not confiscated or looted by the Nazis; the sale was not at the direction of, nor did the proceeds benefit the Nazi regime,” the Nathan heirs have no ownership claim to the painting, which had been subsequently purchased by the Toledo Museum of Art in 1939. In April 2007, a district court judge in Detroit ruled in favor of the DIA, which had acquired the van Gogh in 1970 through bequest from Robert H. Tannahill, who had purchased the painting in 1941.

The paintings will remain on view at the museums with continued acknowledgment of Mrs. Nathan’s prior ownership.

The Detroit Institute of Arts

Located in the heart of Detroit’s Cultural Center, the Detroit Institute of Arts was founded in 1885 and is recognized as one of the country’s premier art museums. The museum’s approximately 60,000 works of art comprise a multicultural survey of human creativity from prehistory to the 21st century. From the first van Gogh to enter a U.S. museum (*Self Portrait*, 1887) to Diego Rivera’s world-renowned *Detroit Industry* murals, the DIA’s collection reveals the scope and depth of human experience, imagination and emotion.

The Toledo Museum of Art

The Toledo Museum of Art was founded in 1901 upon the belief in the power of art to ignite the imagination, stimulate thought, and provide enjoyment. Exhibited within an architecturally significant campus, TMA’s collection of more than 30,000 works of art transcends temporal and geographic boundaries and includes one of the most comprehensive and historically significant collections of glass in the world. As its founders intended, TMA has maintained free admission for more than a century and strives to integrate art into the lives of all people.

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