



Berlin, June 21, 2019

## **SPK Appeals to U.S. Supreme Court on Guelph Treasure Restitution Lawsuit**

*The Stiftung Preussischer Kulturbesitz will appeal to the U.S. Supreme Court to dismiss a lawsuit seeking restitution of the Welfenschatz (Guelph Treasure) on the grounds that American courts lack jurisdiction over the case.*

A collection of medieval religious works of art, the Guelph Treasure (Welfenschatz) is housed in the Kunstgewerbemuseum (Museum of Decorative Arts) of the Staatlichen Museen zu Berlin (National Museums in Berlin). The first demands for its restitution were made in 2008. After years of thorough research into the circumstances of the 1935 sale of the Guelph Treasure, the Stiftung Preussischer Kulturbesitz (Prussian Cultural Heritage Foundation, SPK) determined that this sale was not a forced sale due to Nazi persecution and therefore found no grounds for restitution. The question of whether the Welfenschatz is confiscated art had been brought before the German Advisory Commission on the Return of Cultural Property Seized as a Result of Nazi Persecution, Especially Jewish Property, in accordance with the Washington Principles. The commission confirmed in 2014 that the 1935 sale of the Guelph Treasure was not a forced sale due to Nazi persecution.

In February 2015 a lawsuit was filed in the U.S. District Court for the District of Columbia in Washington, D.C., for the restitution of the Guelph Treasure (*Philipp and Stiebel vs. Federal Republic of Germany and Stiftung Preussischer Kulturbesitz*). Regardless of SPK's belief that the lawsuit is without merit, SPK contends that the lawsuit, which concerns a transaction that occurred in Germany between German nationals, should not be heard in a U.S. court. SPK therefore filed a Motion to Dismiss the case in 2016 due to a lack of jurisdiction.

Under U.S. law, the issue of U.S. court jurisdiction must be determined prior to a court's consideration of the merits of the case. For the purpose of assessing the admissibility of the suit on jurisdictional grounds, the court must disregard the legal merits of the suit and assume that of all the plaintiffs' allegations are true.

After the District Court refused to dismiss most claims against SPK in 2017, SPK appealed the decision to the U.S. Court of Appeals for the District of Columbia Circuit. A three-judge panel of the D.C. Circuit denied SPK's appeal in July, 2018. SPK requested en banc (full court) review in September of that year. The request for en banc review was denied on

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June 18, 2019, with one U.S. Court of Appeals judge issuing a dissenting opinion that urged that the full court consider SPK's Motion to Dismiss the restitution claim against it.

SPK will formally request that the U.S. Supreme Court reverse the appellate court decision and dismiss the lawsuit. A review by the U.S. Supreme Court would only examine whether an American court should have jurisdiction over this case.

The Stiftung Preussischer Kulturbesitz is firmly committed to fair and just solutions in the restitution of Nazi confiscated art. Since 1999, SPK has processed more than 50 requests for restitution and returned around 350 works of art and 2,000 books to their rightful owners. They include a drawing by Vincent van Gogh, works by Munch, and The Watzmann, a painting by Caspar David Friedrich.

SPK is represented in this matter in the United States by the law firm of Wiggin and Dana.

**Further information about the Guelph Treasure** and a detailed historical review of the sale in 1935 are available at:  
<http://www.preussischer-kulturbesitz.de/en/newsroom/dossiers-and-news/all-dossiers/dossier-the-guelph-treasure.html>

More on the implementation of the Washington Principles:  
<http://www.preussischer-kulturbesitz.de/en/newsroom/dossiers-and-news/all-dossiers/restituted.html>

## **About SPK**

With its museums, libraries, archives and research institutes, the *Stiftung Preussischer Kulturbesitz* (Prussian Cultural Heritage Foundation) is one of the most important cultural institutions in the world. Its outstanding collections include all areas of cultural tradition: from archaeological and ethnological objects by way of the visual arts to literature and music. They are the basis of intense scholarly and educational work. The combination of art and culture, with science and research, is an unmistakable feature of the Foundation. The Foundation was established in 1957 by federal law as a foundation directly responsible to the German government. It is financed by the German federal government – from the budget of the commissioner for culture and the media – and Germany's sixteen states.