

The Museum of Modern Art

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April 24, 1990

STATEMENT REGARDING KATE STEICHEN'S PROMISED GIFT TO THE MUSEUM OF MODERN ART OF MATISSE'S VIEW OF COLLIOURE WITH THE CHURCH (VUE DE COLLIOURE A L'EGLISE)

On September 12, 1973, the painting View of Collioure with the Church (Vue de Collioure à l'Eglise) (1905) by Henri Matisse was formally promised and personally presented to The Museum of Modern Art by Kate Steichen, daughter of Edward Steichen, photographer and director of the Museum's Department of Photography from 1947 to 1962. It has been consistently on view in the Museum's Painting and Sculpture collection galleries since 1984, when the expanded Museum reopened, and was often exhibited before that time. Since shortly after Ms. Steichen's death on April 18, 1988, the Museum's ownership of the work has been contested by her heirs.

Museum Director Richard E. Oldenburg stated, "The Museum deeply regrets that it should be in conflict over any donation, particularly one from a family with which it has been so closely associated over the years. However, we believe that Kate Steichen fully understood the implications of her gift and that it was her clear intention that the picture be added to the Museum's collection."

Kirk Varnedoe, director of the Department of Painting and Sculpture, added, "While some museums display works on loan alongside those in their collection, it has always been the policy of our Painting and Sculpture Department to show in our collection galleries only those works that are either fully owned by the Museum, or that are, as in this case, promised gifts. This Matisse has been in our possession since it was brought to the

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Museum by Kate Steichen seventeen years ago and has been on our walls, identified by label as a promised gift, for much of that period."

In October 1973 the Museum received a letter from Kate Steichen's attorney enclosing a copy of her will bequeathing the work to the Museum. On November 27, the Museum sent a letter back confirming the receipt of the will and noting that the work would be included in two exhibitions, one featuring recent acquisitions to the collection and the other titled Matisse in the Collection of The Museum of Modern Art.

In December 1973 Ms. Steichen wrote to William Rubin, then director of the Department of Painting and Sculpture, "Now it is done and done, what I choose to call 'The Promised Gift of Love'...my little Matisse which you now have on what I believe is called Permanent Loan, and bequeathed in my will to MoMA in memory of my beloved father, which makes me *très contente*."

On March 7, 1974, Ms. Steichen again wrote to Mr. Rubin stating that she "thanked God that my little Matisse is Home Safe. Now I feel that I know my father would be very pleased....And after all, isn't this what it was all about?"

A press release issued for the 1974 exhibition Recent Acquisitions: Painting and Sculpture noted that the work was promised in honor of Edward Steichen and that "The painting is an important addition to the Museum's collection of *fauve* works and its only example of this period in Matisse's development."

The credit line--"Extended Loan and Promised Gift from Kate Steichen in memory of Edward Steichen"--was published repeatedly in Museum publications, including the catalog for the 1976 exhibition The Wild Beasts: Fauvism and its Affinities and in Matisse in the Collection of The Museum of Modern Art (1976).

In late April 1988, following Ms. Steichen's death, the executors of her estate requested that the work be delivered to the estate. Prior to that time, the Museum had never received any document superseding the 1973 will or any indication that it had been changed.

The Museum retained outside counsel and was advised that, based on the facts and current law, it has a strong case to support the validity of the promised gift. Given this advice, the Museum believes that it has an institutional responsibility to contest the claim of the Steichen estate. Nevertheless, it has been amenable to and has had discussions with the heirs in an attempt to resolve the matter amicably. These efforts have not been successful, and on April 18, 1989, the estate executors commenced an action in the Superior Court in Bridgeport, Connecticut, against the Museum. This action was dismissed in November 1989. A new litigation was commenced by the estate on April 12, 1990, in Federal District Court in Connecticut.

"We feel a responsibility to preserve this gift for our public," said Mr. Varnedoe. "Over the years we have conserved the painting, developed the *fauve* period of our collection with it in mind, and exhibited and published it as part of our permanent collection. We relied on a firm commitment from Ms. Steichen and believe that an important principle is at stake."

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