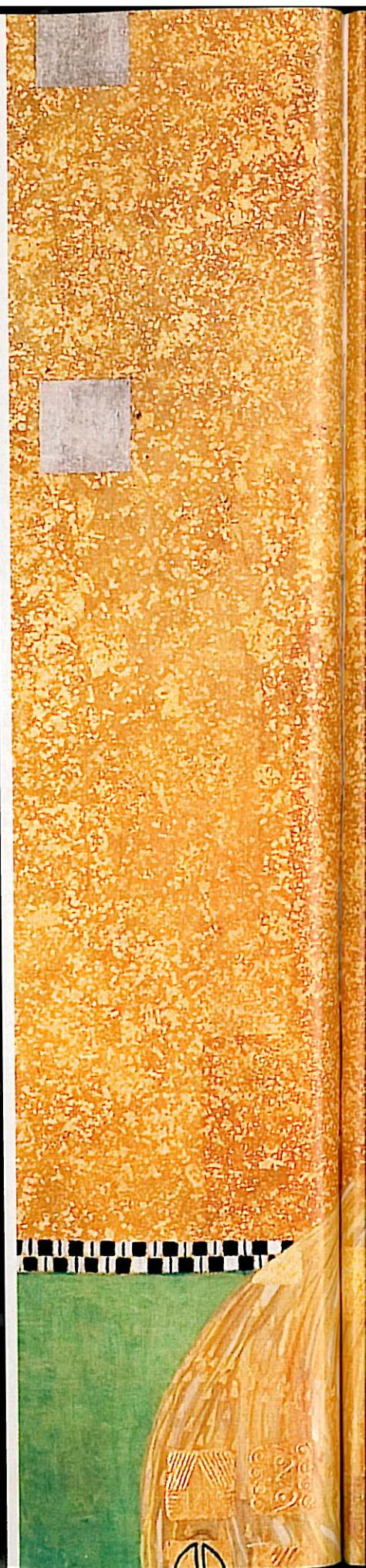


THE ART OF MEM ORY

How an obsessed Brentwood lawyer reunited the most expensive painting in the world with its nonagenarian Los Angeles heir. A tale of Nazis, aristocratic bohemians, and the man called Captain Cautious By Josh Kun





GUSTAV
KLIMT

19 07

I'VE COME TO VIENNA

looking for the Jewish past. By accident I've arrived on Fronleichnam, or Corpus Christi Day, a national celebration of the Holy Eucharist. ¶ When Austria expelled its Jews back in 1670, Corpus Christi Day was slated as the deadline for making your escape. Now it's just another day off from work. The churches are abuzz with the hum of worship, and save for the occasional map-juggling tourist wandering the Ringstrasse, the streets are hushed and empty. There are 15,000 Jews left in Vienna, but during this day of blessed Christian feasting, not even they are crowding the sidewalks.

The only thing open on Fronleichnam are the museums, which helps my cause: The Jewish past I'm looking for is tied to five paintings by legendary Austrian artist Gustav Klimt that for nearly half a century hung in Austria's national gallery in the Belvedere Palace. The paintings originally belonged to Ferdinand Bloch-Bauer, a Jewish sugar magnate who was driven out of Vienna in 1938 by the Nazis. They soon found their way—through a series of coerced transfers and forced bargains typical of World War II art theft—onto the walls of the Belvedere.

One of the paintings, *Adele Bloch-Bauer I*, had become a prized possession of the museum. A portrait of Ferdinand's wife, Adele, it is like no other society painting by Klimt—an erotic, incandescent tribute to excess, splendor, and elegance. The gold gown Adele wears flows into a sea of gold leaf that spills out from edge to edge, shimmering and flickering like bountiful, liquid wealth. The skewed, geometric inlay of floating squares, encircled coils, and Egyptian symbols adds to a feeling of sensual otherworldliness.

Klimt made Adele into something far more than the rich patron of the arts that she was, far more than the iron-willed wife of an industrialist who chain-smoked through a long cigarette holder. In *Adele Bloch-Bauer I*, she becomes an entire aesthetic, an entire way of life. It's as if all of the cultural innovation and sexual wonder of turn-of-the-century Vienna—a world with room for the operatic masquerades of Johann Strauss's *Die Fledermaus*, the taboos of Sigmund Freud's dream analysis, and the utopian vision of Theodor Herzl's Zionism—had found its way into her pouting red lips and sunken eyes.

No wonder Austrians often speak of her as their Mona Lisa. Her lingering stare conjures a lost fin de siècle revolution.

She has also been a big moneymaker. There have been Adele posters, magnets, bookmarks, coffee mugs, matchbooks, chocolate bars, and even gold Adele shoes. Klimt's *The Kiss* may be the museum's blockbuster, the stuff of Art History 101, but Adele was the sleeper hit, the critics' darling, the painting that truly said something about you if you liked it.



FAMILY PORTRAITS: (clockwise from left) Maria Altmann at home in L.A. with a portrait of her mother, Teresa Bloch-Bauer; the Vienna palais; Adele Bloch-Bauer, Maria Altmann's aunt

Anyone could put *The Kiss* on their dorm room wall. *Adele Bloch-Bauer I* was for the refined eye.

Which is at least one reason why the portrait's departure from Austria has left such a sting. In March of this year, it was removed from the Belvedere walls, along

with four other Klimts that once belonged to Ferdinand: a second portrait of Adele from 1912 and three landscapes, *Apfelbaum I*, *Häuser in Unterach am Attersee*, and the ghostly autumn forest of *Buchenwald*. Their exit was the result of a heated seven-year lawsuit filed by one of Ferdinand's heirs, his niece Maria Altmann, who has been living in Los Angeles since 1942. In January an all-Austrian arbitration panel decided in Altmann's favor, and the paintings left Vienna for a three-month stay on the walls of the Los Angeles County Museum of Art.

When I ask a Belvedere guard what room the Klimts used to be in, he misunderstands me.

"They are not here anymore," he says bitterly. "They've gone to Los Angeles."



IT WAS THE YEAR ALEX

Haley first published part of what would become *Roots* and Miss Braxton, a third-grade teacher at Kenter Canyon Elementary School in Brentwood, turned the novel into a class assignment. Each of her students was to go home and put together a family tree. Her favorite student, Randy Schoenberg, came to class with a chart that was, as the 40-year-old now remembers it, "enormous." By the time he was 11, the family tree had grown to 12 feet long.

"I would see if I could remember all of my 16 great-great-grandparents," says Schoenberg, rocking back and forth behind stacks of files and open books that crowd the desk of his Santa Monica office. "I put myself in the center. My siblings never forgave me."

A business and entertainment lawyer since 1991, Schoenberg has represented a number of high-profile clients—Michael Jackson, Kim Basinger, Lloyd's of London. His interest in law came in part from his father, a retired L.A. Superior Court judge, but he has the brainy, histori-

cal fixations of a stacks-prowling scholar, a trait no doubt filtered down from his mother, a former German professor at Pomona College.

When Schoenberg speaks, and he speaks fast, he is an encyclopedia of legal and cultural data, rattling off historical asides culled from every aspect of his career, whether it's his days as a math major and classical music DJ at Princeton or his tenure as the head of an Austro-Czech genealogy group. He keeps his personal life more guarded, revealing it only in casual parentheses—he's been married for a decade, has three children, and Brentwood native that he is, enjoys his tennis at the Riviera Country Club.

Long before Schoenberg took Maria Altmann's case, the Austrian past was alive in him. He has the alert, popped eyes and round, puffy face of his grandfather Arnold Schoenberg, the Austrian composer who pioneered early avant-garde music. His other grandfather, Eric Zeisl, was a more traditionally-minded composer. Schoenberg runs Web sites dedicated to each of them. Both are stuffed with oral histories, archival materials, and links to articles and sound files—so exhaustive that they've become the authoritative one-stop sources on the composers' careers.

A friend of Schoenberg's, an Austrian psychoanalyst, recently sent



JUDGE DREAD: Reproduction of Klimt's *Jurisprudence*, 1907

him a scholarly article about Jewish families two generations removed from the Holocaust. "He's noticed that in every family there's one person who becomes the repository of all history, the torchbearer," says Schoenberg. "My parents certainly don't think this way, and neither do my siblings. I guess I'm the torchbearer of our family."

Schoenberg sees the world as his grandfather Arnold did in his 12-tone compositional system, as information just waiting to be organized into sets and rows. Take what happens when I first ask him about his personal connection to the stolen Klimts. I don't get an answer. I get a sprawling mathematical equation that could fill a blackboard: Arnold plus Klimt plus Altmann equals the whole of pre-World War II Austrian cultural history.

Their connections intensified once they ended up in Los Angeles, a World War II capital of European exiles. The city's cultural life was transformed by the influx of émigré artistry, from directors (Billy Wilder, Ernst Lubitsch) and architects (Richard Neutra) to writers (Bertolt Brecht, Julius Korngold) and composers (Igor Stravinsky, Erich Wolfgang Korngold). Refugee musicians breathed new life into film scores at MGM and Paramount, and the German Jewish conductor Otto Klemperer took over the Los Angeles Philharmonic, which by 1937 was full of European immigrants.

The Schoenbergs settled in Brentwood, the Zeisls in West Hollywood. Arnold Schoenberg called California paradise, but it was far from that for Zeisl, who once listed Hitler and the sun as two of the things he hated most. Languishing in the studios before taking a teaching job at Los Angeles City College, Zeisl composed his opera about the Treblinka death camp, *Requiem Ebraico*, a year after scoring *Lassie Come Home*.

"The sense I had growing up was that Austria, the real Austria, went into exile here in California," says Schoenberg. "It wasn't as if my grandparents came to America and left Austria behind. They never stopped being Austrians. My parents' house, which is the same house my dad's father lived in, is filled with old furniture and old paintings. They all still lived in that Old World, and they all liked to talk about it. Maria Altmann is the last one left. The way she speaks, you can't hear that anymore in Austria."

So when Maria Altmann phoned Schoenberg in 1998 requesting his legal counsel in her fight to recover the Klimts, the appeal carried an extra weight: It was old Austria on the phone, his entire family tree.

At the time, Altmann was 82 and running a small clothing bou-

JOE KLAMARA/AF/GETTY IMAGES

"AUSTRIA, THE REAL AUSTRIA, WENT INTO EXILE HERE IN CALIFORNIA," RANDY SCHOENBERG SAYS. "MARIA ALTMANN IS THE LAST ONE LEFT. THE WAY SHE SPEAKS, YOU CAN'T HEAR THAT ANYMORE IN AUSTRIA."

"My grandfather knew Klimt," he begins. "Klimt supposedly had a thing for Alma Mahler, and her stepfather was Carl Moll, who becomes a big Nazi, and he knew Klimt and my grandfather very well. Alma writes in her diaries that Klimt flirted with her in her late teens, which is around the same time he meets Adele and does all these drawings of Adele. Alma takes composition lessons with Alexander von Zemlinsky, who is my grandfather's only teacher and later his brother-in-law, because my grandfather married Mathilde Zemlinsky, who was his first wife, not my grandmother. So Mathilde and Alma and Zemlinsky and my grandfather all knew each other well. Alma then knows Adele, and Maria went to school with Alma's daughter Manon, who died very tragically, which was the inspiration for Alban Berg's violin concerto, his last work, which is dedicated to her. And Alban Berg was a pupil of my grandfather. Alma's first husband, Gustav, dies, and she has an affair with Kokoschka. He paints *The Bride of the Wind* for her, then they break up and she marries Walter Gropius, then they get divorced and she marries Franz Werfl. Then they move to Los Angeles and live on Bedford Drive, which is a block and a half away from where the Altmanns first lived on Elm. All of these Vienna 1900 people all tie together."

tique in Beverly Hills. She's since retired and now spends most of her time in her unassuming, one-story redwood home in Cheviot Hills, balancing trips to the doctor's office for a bad foot with visits from her grandsons. Altmann is usually accompanied, and fiercely protected, by her eldest son, Chuck, who does his best to shield her from the press. She invites me over when Chuck is busy with another appointment. "He's a German shepherd," she says in her old-fashioned lilt, patting down her wavy brown hair, still unbrushed after a late morning of sleep. "I had to sneak you in."

Altmann's dark and cool living room is an homage to the Europe she was born into—there's a collection of 17th-century pocket watches, scrapbooks brimming with flaking black-and-white family photographs, and up on the wall, a framed replica of *Adele Bloch-Bauer I*.

"I grew up seeing that painting," says Altmann. "It's always been a part of my life."

Altmann was raised across the Ringstrasse from the ponds and English gardens of Vienna's Stadtpark. Her mother—Adele's sister, Teresa Bloch-Bauer—was a refined socialite who had been around money since she was a young girl, mostly thanks to her father, a prominent banker.

Teresa's husband, Gustav Altmann, was a lawyer by trade, but he preferred the life of a dandy—flitting from antiques shops and art galleries to concert halls and the State Opera house. Maria favored the 19th-century grandeur of the Burgtheater, where she listened to Strauss and Mahler and indulged her teen crush on the new lead in the Shakespeare company.

She ultimately fell for an aspiring opera singer, Fritz Altmann, whom she married in December of 1937. "We were the last Jewish wedding in Vienna," she says. "We took our honeymoon in Saint Moritz. My poor husband thought he could make a skier out of me. I was never very sporty."

Sundays she visited her aunt and uncle. By all accounts they were an odd couple. Ferdinand was a far-from-handsome Czechoslovakian industrialist who loved to hunt. Adele was a feisty socialist who commanded a quartet of butlers and maids and read classical German and French literature after breakfast each morning. Theirs was, in Altmann's words, "a marriage of respect," not romance.

"Adele would have loved to be a lawyer or a politician, anything but a housewife," says Altmann. "She had an incredible urge for knowledge. She wasn't somebody who stood there in the kitchen and made scrambled eggs. How she hated the ladies' teas my mother had. She was totally different from the women of those times."

Instead of teas, Adele hosted a heady intellectual salon, which attracted some of the biggest names in Vienna's cultural and political avant-garde: the writer Arthur Schnitzler, leading socialist and president-to-be Karl Renner, and the composers Richard Strauss and Gustav and Alma Mahler. Gustav Klimt, the art world's reigning bad boy, who liked to go naked beneath his painter's smock, was also a regular. Because of Klimt's reputation for sleeping with his models—many of them young Viennese prostitutes happy to spend an afternoon in his bucolic garden studio—there have long been rumors of an affair between Klimt and Adele. She is the only society woman he painted twice (by the time he finished the second portrait, the af-

CLOSING STATEMENTS: (from top) Randy Schoenberg and Altmann at LACMA; Schoenberg; the last viewing of the five Klimts at the Austrian National Gallery; Klimt and friend



fair might have been over—sexual energy was replaced by prim formality).

Ask Altmann about the affair and she'll deny it. Then she'll wink at you.

The first two floors of the Bloch-Bauer *palais* showcased their lavish art collections, much of which Altmann's father helped pick out: antique 18th-century furniture, rare Viennese porcelain (close to 400 settings), numerous 19th-century Austrian paintings by the likes of Ferdinand Georg Waldmüller and Rudolf Von Alt, and of course, the Klimt paintings.

The fierce and radiant woman of *Adele Bloch-Bauer I* was, in part, an ideal. Adele was those things, but she was also sick, born with a slightly deformed finger, punished by chronic headaches, and eventually defeated by meningitis at 43. Two years before her death in 1925, Adele asked Altmann's father to help her draw up her last will and testament. She wrote it in longhand on four stationery sheets embossed with the *palais*' address.

With regard to the Klimt paintings, she wrote the following: "I kindly ask my husband to bequeath my two portraits and the four landscapes by Gustav Klimt after his death to the Austrian National Gallery in Vienna."

On a first read, Adele's intention is clear. She wanted the paintings to go to the Austrian National Gallery. But read it again. She does not bequeath the paintings to the gallery. She kindly asks her husband, "ich bitte" in the original German, to bequeath them to the gallery. Seventy years later, that slight semantic technicality—a wish that is not a command—will turn Adele's will into the most debated document in the history of Austrian art.

MARIA V. ALTMANN,

an individual, Plaintiff, v. Republic of Austria, a foreign state, and the Austrian Gallery, an agency of the Republic of Austria, Defendants. This is a convoluted tangle of a case. Its documents—thousands strong—seem, at times, like a sequel to *The Third Man*, where raised eyebrows say more than words, intentions are murky, and morals are traded on the black market. There is a David and Goliath element to it, but in case no. 00-08913 FMCAIJx, both sides claim to be David.

The leads belong to an elderly Jewish woman, her » **CONTINUED ON PAGE 285**

The Art of Memory

CONTINUED FROM PAGE 167 » young Jewish lawyer, and a Central European republic with a dicey past. The supporting cast includes a dense Austria-to-Los Angeles web of Janus-faced museum directors, backroom bureaucrats, millionaire ophthalmologists, assassinated Yugoslavian husbands, fire starter journalists, turncoat presidents, and sloppy Nazi lawyers.

To understand it, a plot is needed. Whether the plot tells the truth is another question entirely.

This is what we know. The Nazis hit Austria in 1938. Hitler rode into the center of Vienna's Heldenplatz to the sound of cheering crowds and the ringing of church bells. Three days later the Nazis went after the Bloch-Bauer family. SS executioner Felix Landau showed up at Altmann's door and demanded all of her jewelry, including the diamond necklace that Ferdinand had given her as a wedding present. Landau gave it to his boss, Hermann Göring, who—as the story goes—draped it around his own wife's neck.

"Everything was luxurious and fabulous," says Altmann. "And then it just collapsed."

The SS took over their apartment, temporarily held Altmann's husband at Dachau, and then made the mistake of letting the Altmanns head out to a phony dental appointment. By nightfall they had crept across the German border into Holland and were soon in Liverpool, where they stayed long enough for Fritz to get a spot singing with the local opera.

In Vienna, the Nazis were pillaging the Bloch-Bauer empire. Ferdinand fled first to Prague and then to Zurich as the Nazis liquidated his estate to pay, as one Nazi official called them, the "back taxes of the Jew Ferdinand Israel Bauer." The Nazis seized the sugar factory, turned his summer home, a castle outside of Prague, into the headquarters of chief Reich security officer Reinhardt Heydrich (who worked with Heinrich Himmler to engineer the Final Solution), and eventually sold the palais to the German Railroad.

Nearly overnight both residences of the Jewish sugar magnate had become key Nazi headquarters—the idea lab of Jewish mass death and the administrative hub of concentration camp transport.

The art left behind at the palais was also uprooted. Ferdinand's trove of 19th-century

paintings was scattered throughout various Austrian museums and private collections (some went direct to Hitler and Göring; some were taken for Hitler's planned art museum in Linz), and the porcelain was sold at public auction.

After her death in 1925, Ferdinand had turned Adele's bedroom into a loving shrine, with the Klimts keeping her memory alive next to a vase of freshly cut flowers. When the palais was looted, the shrine was picked clean by Dr. Erich Führer, a lawyer whom Ferdinand, while in exile, was forced to hire in a last-ditch attempt to protect what he could of his estate. The estate never had a chance: Führer was an Austrian Nazi before it was legal to be an Austrian Nazi, and his previous clients included the seven German fascists who assassinated Austrian chancellor Engelbert Dolfuss in 1934.

Führer sent the Klimt paintings on a complicated odyssey that would later make their restitution all the more difficult to achieve. He traded two to the Austrian Gallery (they would eventually trade for a third), sold one to the City Museum of Vienna, kept one for himself, and sold another to Gustav Ucicky, an illegitimate son of Klimt's who worked for the Nazis making propaganda films.

"In Vienna and Bohemia they took away everything from me," Ferdinand wrote to his friend, the painter Oskar Kokoschka. "Not even a souvenir was left for me. Perhaps I will get the 2 portraits of my poor wife (Klimt)... I should find out about that this week! Otherwise I am totally impoverished and probably will have to live very modestly for a few years, if you can call this vegetation living. At my age, alone, without any of my old attendants, it is often terrible."

Ferdinand died in 1945, just months after the war ended. His last will left all of his property, from the palais and the Prague castle to the porcelain and the Klimt paintings, to two nieces and a nephew: Altmann, her sister Luise Gutmann (who had fled to Yugoslavia, where her husband was slain by Yugoslavian Communists), and her brother Robert Bentley, who settled in Vancouver. This is where the controversy lies. Adele's will left the paintings to Ferdinand, asking him to transfer them to the Austrian Gallery on his death. Yet Ferdinand chose not to give them to Austria. He wanted the Klimts to be in the safe hands of family.

To begin the restitution process, Bentley retained the Vienna lawyer Gustav Rinesch,

who he was close with in law school. Rinesch was well-known for his wartime representation of Jewish families and was a familiar face at Bloch-Bauer functions. So familiar that he once proposed to Altmann. "He was always around," she says. "We trusted him fully."

Rinesch faced a difficult road in 1948. Recovering Ferdinand's stolen property was a nearly impossible task given Austria's less-than-sympathetic postwar restitution laws. If Jewish families wanted to reclaim what was theirs, they would have to work for it. The official line of Dr. Karl Renner, Adele's onetime friend and Austria's new president, was an indication of what survivors and heirs were up against: "The entire nation should be made not liable for damages to Jews."

"There was a sentiment of not letting these Jewish families build up their previous power within Austria again," says Schoenberg. "It's also a very Austrian way, this veil of neutrality that they have. Whenever Jews wanted, let's say, a little affirmative action in recovering their property, the Austrians say that violates the principle of equality, which was what we were fighting against with the Nazis. 'Why would we want to advantage one group over another?' They're hiding behind the equal protection principle to avoid remedying past discrimination. That's Austria's postwar history, unfortunately."

And it's the wall that Rinesch ran right into. He wrote to the Austrian Gallery asking for the stolen Klimt paintings in its possession. It wrote right back: Not only did the three Klimts belong to the gallery, but so did the two others named in the will. It based its demand on that slippery line of Adele's: "I kindly ask my husband to bequeath my two portraits and the four landscapes by Gustav Klimt after his death to the Austrian National Gallery in Vienna."

If the language of Adele's will was the first major ambiguity of the case, then what happened next was the second: Rinesch agreed to transfer ownership of the remaining two Klimts in exchange for permits that let the heirs export other Austrian paintings from Ferdinand's collection.

This is what we don't know about what happened and why. Did Rinesch understand the difference between a request and a bequest? Did he trade the paintings because he believed they belonged to the gallery? Or did he trade them because the gallery had him against the wall and he wanted to get his

clients at least some of what was rightfully theirs? Both sides point to documents that support their respective interpretations, yet both admit that the facts are opaque. There is no irrefutable evidence that shows what he knew and what he intended.

What is irrefutable is that Rinesch made the trade, and that for the next 50 years, not another thought was given to the restitution of the five Klimts that went on to grace the intimate gallery room in the Belvedere Museum. As far as everyone was concerned—everyone including Maria Altmann—the paintings that had once hung in the palais now belonged to Austria.

THERE ARE THREE WOMEN, long and lithe, each gnarled in a fetal crouch, their naked bodies curled up into themselves to ward off a lake of muddy darkness. The first is sleeping, the second is alert with one eye open, and the third is fully awake, her almond eyes staring straight ahead, as if it's her turn to keep watch. Below them is a shriveled old man, his shoulder blades jutting out like fragile fins. His head hangs down, and his hands are bound beneath his waist by a dark, briny shape—the barnacle-pocked tail of an ancient whale, perhaps, or a sea serpent slithering out of a cloud of ink. The women are either his captors or his protectors. In this world of ambiguous darks and lights, it is too difficult to tell.

Which is probably why the University of Vienna officials who commissioned Gustav Klimt to paint the ceiling of the university's Great Hall were so disappointed. They asked for a grand, redemptive vision of the law, and Klimt gave them *Jurisprudence*, the law as looming shades of gray. The Austro-Hungarian Empire was crumbling, and world war was advancing over the hill. But something even bigger lurked ahead: the end of the law as a given. Only three years into a new century, Klimt had seen the future of justice, and it was a sea serpent in a cloud of ink.

Klimt started *Jurisprudence* in 1903 and completed it in 1907, the same years he spent on *Adele Bloch-Bauer I*. It is as if Klimt needed the one to paint the other. Where *Adele* is assured and luminous, *Jurisprudence* is skeptical and riddled with fear. Where one is blissfully blind to a coming doom, the other sees it all too clearly and can't look away.

That doom finally began to vanish in

1997, when paintings by Klimt's onetime disciple, Egon Schiele, revived debates about looted art. Two Schieles on exhibit at the Museum of Modern Art in New York—on loan from the private collection of Austrian ophthalmologist Rudolf Leopold, which was purchased by the Austrian government in 1994—were alleged to have been stolen by the Nazis and never returned to their original Jewish owners after the war.

The claims surrounding the Schiele paintings triggered a series of investigative articles by Vienna's leading leftist journalist, Hubertus Czernin. He discovered that the Schieles were not the only misappropriated paintings. Czernin was granted unprecedented access to government records and found that many works in the Belvedere Museum, including the Klimts that once hung in the Bloch-Bauer palais, were not donated by their Jewish owners but extorted from them. Czernin's reporting forced Austria's minister of culture and education to draw up a new restitution law: the Federal Statute on the Restitution of Art Objects from the Federal Austrian Museums and Collections.

The law began with the following provision: "The Federal Minister of Finance is hereby authorized to transfer objects of art of the Federal Austrian museums and collections...to the original owners or their legal successors *mortis causa*/by inheritance without consideration." Specifically mentioned were pieces transferred to the Federal Republic in exchange for export permits, a category that Czernin believed applied directly to the Klimt paintings that Rinesch traded to the Austrian Gallery.

In 1999, Czernin faxed a ream of documents to Schoenberg, who had just been hired by Altmann to represent her against Austria. The case was quickly becoming his primary obsession, and a year later he established his own law firm to better focus on it. Soon he was representing not only Altmann but three of the four remaining Bloch-Bauer heirs who had assigned their claims to her as well: her nephews Frances Gutmann and George Bentley and her relative Trevor Mantle.

The new documents from Czernin gave Schoenberg all the ammunition he needed. They indicated that, contrary to what the Austrian Gallery had previously told the heirs, it had doubts about the rightful ownership of the Klimt paintings. In a 1948 letter to his

predecessor, gallery director Karl Garzarolli expressed his concern over the museum's right to the paintings: "I find myself in an extremely difficult situation," he wrote. "I cannot understand why even during the Nazi era an incontestable declaration of gift in favor of the state was never obtained from Ferdinand Bloch-Bauer."

He ended the letter as if he were staring at *Jurisprudence*. "The situation is growing into a sea snake."

Of all the documents Czernin uncovered, the most important was a faxed copy of Adele's will, which Altmann had never seen before. "It had become family lore that Adele had given the paintings away," says Schoenberg. "That, of course, was a misunderstanding of the will."

Altmann later acknowledged as much in her deposition. "If I would have known that my uncle was the owner of the paintings," she told the court, "I would have done something about it."

Schoenberg's reasoning went like this: The gallery would never have traded the export permits for the paintings if it believed it had a sure legal claim. Why not simply take what was theirs? To Schoenberg, the documents and the new law presented a new opening.

But when it came time for the Austrian ministry to issue an award under the 1998 law, it continued to cling to its interpretation of Adele's will. It granted only 16 drawings and 19 porcelain settings. The Klimt paintings weren't going anywhere. Altmann was stunned.

"My point through the whole thing was just apply your own law," says Schoenberg, his voice accelerating. "Your own law says that if a painting is donated in exchange for export permits, you will give it back. So our argument was these paintings were donated in exchange for export permits. That's a legal issue, a factual issue. Let's decide it. If you're right, you get to keep them. If we're right, we get to keep them. Yet Austria did not give us a vehicle to decide that. So we had to go through U.S. courts."

Schoenberg's initial 40-page complaint is surprisingly a page-turner, reading at times like the transcript of a war-crimes trial and at other times like a manifesto of Jewish activism. He keeps the case rooted in the specific events of World War II: The Bloch-Bauers were Jewish, Altmann is Jewish, the Holocaust happened, and Austrian anti-Semitism

did not stop when the war did. Losing the case, he all but implied, would be another Nazi victory.

"I got a few digs in," he says with a twitch of a smile. "In the complaint, I definitely wanted to set a tone for the litigation. I wanted someone reading it to be outraged. There are a lot of lawyers who like to hold back their arguments until the right time, and usually that time never comes. I generally like to blow everything right at the beginning."

The strategy worked, and the court saw history through Schoenberg's eyes, ruling in his favor. The Austrian government appealed all the way to the U.S. Supreme Court in 2004, insisting that U.S. law had no jurisdiction over a sovereign foreign state.

"There was actually little pressure on me," he says of his Supreme Court debut. "Nobody expected me to win. I was there just to not look bad. That was the goal."

Yet before he even finished his opening statement, he was interrupted by Justice David Souter.

"He asked me this convoluted question, and I literally had no idea what he had just said," says Schoenberg. "It was completely incomprehensible. Everyone was waiting for me to answer. And I said, 'I'm sorry, I didn't understand what you said,' and all of the justices all smiled like, 'Don't worry, he does this all the time, and thank God you asked because we didn't understand him either.' It was a great icebreaker. From then on, it went like a dream."

Three months later, as he was preparing to take his kids to school, he got the call. He had won and could now proceed with Altmann's lawsuit against the Austrian government. Yet instead of going to trial—which Schoenberg knew could take far longer than his 89-year-old client was prepared for—he accepted the Austrian government's request to have the case reviewed, in Austria, by an arbitration panel. The deliberations lasted three months.

"It was high-stakes poker, basically," he says. "It was all in on these three arbitrators. It was a huge gamble. Which is funny, because I am very risk averse. They used to call me Captain Cautious because of the way I walked."

On January 16, 2006, Captain Cautious gambled again and lost \$60 at a neighborhood poker game. He came home disappointed and then climbed into bed. He checked his BlackBerry before turning out the light. The

arbitration panel had decided in his favor.

He spoke in German to the Austrian press until the sun came up. Then he called Maria Altmann to let her know she would finally be reunited with her aunt Adele.

During the seven-year saga of *Maria V. Altmann v. Republic of Austria*, there was only one moment when Schoenberg felt overwhelmed. Not the births of two children. Not the long office hours he logged or the flights back and forth to Vienna. Not the Holocaust memorial speech he was asked to give in front of 2,000 school children. Not the banquet talks at Jewish fund-raisers or his roast by the Beverly Hills Bar Association when they named him "Outstanding Attorney for Justice."

Instead it was back in 2000, when he was invited to Washington, D.C., to join in the negotiations for the establishment of Austria's General Settlement Fund. A joint venture between the U.S. and Austrian governments, the fund was set up as a multimillion-dollar restitution purse to award claims to Austrian-Jewish Holocaust victims and their heirs.

Schoenberg was proud to be there, but as the negotiations began, he came to feel that the representatives of the U.S. State Department understood little about the Austrian people he grew up with and whose legal claims he was now representing. The settlements were being approached merely as monetary rewards, not as testaments to a lost world.

At the lunch before the bill's official signing ceremony, he grew upset as he listened to the politicians thank each other without ever mentioning the group of survivors who had been invited to witness the event.

He was there as a prominent lawyer, but it was the grandson who raised his hand and asked to speak.

"I started to talk about my family," he says. "The community that produced Freud and Mahler and Schnitzler and on and on. I knew these names meant nothing to the people I was talking to, and I started crying. The culture was so important to my grandmother, the people, the history, and it had all come down to this, this mediocre—these people, who didn't have any real understanding of what it was they were dealing with. That's when this whole thing started taking its toll. I mean, who was I? I was 34 years old. Was I the only one left who was going to speak about this?"

Shouldn't there be someone 70 or 80 years old pounding the table and saying you guys don't know what you're talking about? That was the big moment for me. To think that I was representing all of them."

GOTTFRIED TOMAN is holding up a photocopy of Adele Bloch-Bauer's last will and testament. His thin beard is finely manicured, and his skin glistens like it's been freshly moisturized. The heat of the Vienna summer afternoon has penetrated his sparsely decorated office in the 17th-century palace that houses the Austrian state attorney's office, for which Toman serves as the director. Toman was the principal consultant to the education ministry that refused to release the Klimt paintings to the Bloch-Bauer heirs.

Six months have passed since the panel decided in Schoenberg's favor, and Toman remains critical of the outcome. It's clear that Toman is angry, and equally clear that he will never show it publicly. His voice never rises above a diplomat's careful monotone, and he saves his cruelest digs for strategic off-the-record asides. No matter how hot it gets in the room, his yellow necktie stays perfectly knotted.

"Mr. Schoenberg—I think his best move in this case was to make the public believe this was a Holocaust restitution case," he says. "Which is definitely not right. This case deals with the interpretation of the last will and has only a very slim level to do with the history of World War II. To say that if Adele Bloch-Bauer had known that the Nazis would take over in 1938 and destroy her home and plunder her collection—of course that's an argument. But you can't use that to read her last will."

Of the volumes of documents associated with the case, Toman believes two are the most important: the will and a 1948 letter from Rinesch to Garzarolli of the Austrian Gallery. In the letter Rinesch writes that the heirs consider the transfer of all five Klimt paintings to the Austrian Gallery as fulfillment of Adele's last will. For Toman, it is proof that there was no forced deal in 1948 and that even the heirs believed Adele's will to be binding.

"She wanted in the lifetime of her husband that the paintings should remain with him, but then they should be handed over

to the Austrian Gallery," he says. "It's very clear that it is a legacy. Of course you can speculate if it was correct that some paintings were handed over to the Austrian Gallery before Ferdinand Bloch-Bauer passed away, but does that change anything? And if so, why was there never even the slightest request for restitution after World War II? Many other families tried and tried again to get their property. But here, there was a gap between 1948 and 1999."

More than once in our conversation, Toman intimates that the 1998 law did not offer a window on justice for Altmann, but a window on what might politely be called opportunity. He never says it—he's far too guarded—but it's hard not to hear ancient anti-Semitic echoes, as if the only reason Altmann wanted the paintings back was to fill her bank account. That was Hitler's belief all along: Show the Jews culture and all they see is money.

I share my reaction with Ingo Zechner of the Jewish Community of Vienna, the city's main Jewish organization, and he tells me about the responses to the case he observed on a number of Internet forums. "Many people welcomed the restitution, and there was lots of criticism of the Austrian government," he says over an afternoon coffee just off the former imperial main drag. "But as soon as the value of the paintings was announced and they refused to sell them to the Austrian government for 30 million euros, the Internet sites were full of anti-Semitic postings. It doesn't take much here for a situation to change like that."

A similar moment occurred in 1999 when the new restitution law returned property to the heirs of the Rothschild fortune. When they turned around and put it all up for auction, the Austrians went wild with criticism. It's a contradiction that rankles Schoenberg.

"Rich Austrians hawk their property all the time, but Jews can't?" he says. "What do you do when you've inherited ten suits of armor and a collection of old Roman coins and you're living in a small apartment? One of the possibilities is that you call Christie's and have the biggest single collection sale that there's been, and then we can put the money in more valuable things than suits of armor. It's always a matter of putting yourself in the person's shoes. You can't understand the Rothschilds' position if you're an Austrian who thinks they're rich, greedy Jews."

Modern Austria has never been too comfortable with its Jews—even the poor ones. Anti-Semitism was rampant under the Hapsburgs, and while Jews were granted full rights of citizenship in 1867, it was Vienna's turn-of-the-century mayor Karl Lueger who got to draw the lines of Jew hatred. "Wer ein Jud' ist, bestimme ich," he famously proclaimed. "I decide who is a Jew." Even after the Holocaust these sentiments were in play, whether it was the revelation of Kurt Waldheim's Nazi past in the '80s or the subsequent rise of right-wing Freedom Party leader Jörg Haider, the son of Nazis who was never shy about his support of SS vets.

"The Bloch-Bauer case was very important not just for the Jewish community but for how all of Austria sees its past," says Zechner. "It's as if nothing ever happened. That's the point of view of the government and the ministry officials, and that's the problem of Austria dealing with its past. They cannot admit that there has been a major Austrian problem, not just one of foreign occupation between 1938 and 1945, but of being responsible for the looting of property, for the deporting of Jews, for the killing of Jews."

At least one Austrian art expert has suggested that Altmann was victorious only because Austria was about to assume the presidency of the European Union and couldn't afford an international backlash. Yet Toman gives all the credit to Schoenberg and the way he framed the case in the American media. Toman's favorite example is Schoenberg's use of a 1941 letter from the director of the Austrian Gallery that was signed "Heil Hitler." "To the world of Southern California, you have only to say Austria and everyone is focusing on the country of Mr. Haider and Mr. Waldheim, so nobody is really interested anymore in facts," says Toman. "You have to show only a piece of paper that was signed 'Heil Hitler' and it will work perfectly, and that's the way it worked."

After the war Austria clung to what many call "first victim theory"—Austria as the first victim of Nazi power—an attitude that kept its own culpability at bay while feeding the country's image of itself as puny, helpless, and perennially subject to abuse by foreign powers. The idea that Austria might have been a perpetrator of Nazi power didn't enter the public consciousness until 1986, when a set of articles by Czernin forced Waldheim out of the Nazi closet. The two views of his-

tory still polarize Austrian political debate.

"The sin of the postwar generation was to paint a simple picture and live with it," says Frederick Baker, a British-Austrian filmmaker who's made four documentaries about Austrian politics. He's sitting at a packed outdoor café above the sprawling, lush green lawns of the Burg gardens. Midnight passed two hours ago, but a DJ is playing silky house music for young Vienna night owls. Baker sees the Bloch-Bauer case as highlighting a divide between a politically antiquated postwar mentality and a new generation that understands the importance of restitution.

"There was a consensus that was broken in 1986 with Waldheim," he says. "He was a symptom of Austria of that time. He didn't see the big picture just like the education minister didn't see the big picture with the Klimts. She wouldn't negotiate. She was, in a sense, trying to put herself forward as a victim. It's suffering—look, we're losing these paintings and we can't stop it because in the end we are too poor and America is rich and we're just a little country. It's victim status all over again."

It was a perception that was only compounded in June, when Adele's portrait was sold to Jewish philanthropist and art collector Ronald Lauder, whose Neue Galerie in New York City specializes in 20th-century German and Austrian art. The portrait's \$135 million sale price, to be divided up between Altmann and the three other heirs, was reportedly the highest ever paid for a painting. The remaining four paintings are together estimated at more than \$100 million and will be auctioned off at Christie's this fall.

"One of the sad things about all that's happened with these paintings is that it's once again about objects, not people," says Baker. "The culture that was lost is far more important than this fetishization of objects. What is far more appropriate is telling people's life stories. How did they contribute? What did they do? Who were they?"

Back in Cheviot Hills, Altmann is bundled up in a turquoise bathrobe, elevating her bad foot on a kitchen chair. The talk of money doesn't even make her put down her morning toast.

"Once the money comes, I would love to help my grandson go to graduate school," she says with a chuckle. "I'm driving a '92 Ford, which is an embarrassment. But still, I'm not changing anything, not the house, nothing."

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