

## ABSTRACT

Plunder and Profit: Museums, Private Collectors, and Nazi Looted Art

Mary Ellen Stanley, M.A.

Thesis Chairperson: Julie L. Holcomb, Ph.D.

Throughout World War II, looting was an activity that was widely embraced by Nazi Germany, the Soviet Union, and the United States Armed Forces. Although the natures of looting varied among these specific entities, every theft left a mark on the history of art in both the private and public collections of Europe. The repercussions continue to affect the contemporary art world and museum collections practices. Owing to the lack of standards in the museum field, works with questionable provenance lie in museum's collections that detrimentally affect museums' public service missions and their accountability to the public. As a result an ethical quagmire is created in which museums must re-evaluate their collections management practices and acknowledge the realities of the art market in order to remain within ethical practices. This thesis investigates World War II looting, restitution efforts, cases, and the contemporary challenges museums are facing with Nazi looted art.

Plunder and Profit: Museums, Private Collectors, and Nazi Looted Art

by

Mary Ellen Stanley, B.A

A Thesis

Approved by the Department of Museum Studies

---

Kenneth C. Hafertepe, Ph.D., Chairperson

Submitted to the Graduate Faculty of  
Baylor University in Partial Fulfillment of the  
Requirement for the Degree  
of  
Master of Arts

Approved by Thesis Committee

---

Julie L. Holcomb, Ph.D., Chairperson

---

Kenneth C. Hafertepe, Ph.D.

---

Heidi J. Hornik, Ph.D.

---

Gary N. Smith, M.A.

Accepted by the Graduate School  
May 2013

---

J. Larry Lyon, Ph.D., Dean

Copyright © 2013 by Mary Ellen Stanley

All rights reserved

## TABLE OF CONTENTS

LIST OF FIGURES.....	v
ACKNOWLEDGMENTS.....	vi
DEDICATION.....	vii
CHAPTER ONE.....	1
History of Looting during World War II.....	1
Adolph Hitler and Nazi Germany.....	2
Adolph Hitler and Nazi Germany’s Art Collection Methods.....	13
Intentions for the Works Looted by the Third Reich.....	18
The Soviet Union.....	19
The United States Armed Forces.....	24
CHAPTER TWO.....	32
Nazi Repositories and Allied Restitution Efforts.....	32
Monuments Men.....	33
Western European Repositories.....	36
Neuschwanstein Castle.....	37
Altaussee.....	39
The Jeu de Paume.....	42
Other Storage and Protection Efforts.....	46
Beginning of Allied Restitutions.....	47
Issues and Conflicts with Restitutions.....	51
Documentation of Nazi Looted Art.....	56
CHAPTER THREE.....	64
Modern Day Restitutions.....	64
Art Acquisitions and the Art Market Post-World War II.....	65
Contemporary Provenance Research.....	79
American Organizations Standards in Accessions.....	73
International Efforts.....	76
Technology.....	77
Popular Media.....	83
Contemporary Motivations for Restitution.....	84
CHAPTER FOUR.....	89
Contemporary Restitution Cases.....	89
Maria Altmann.....	93
Museum of Modern Art, New York.....	97

Elicofon.....	100
Southern Methodist University, Meadows Museum of Art.....	103
Kimbell Art Museum.....	107
Museum Standards in Restitution Cases.....	111
CHAPTER FIVE.....	114
The Private Collector.....	114
The G Family.....	115
Methods and Motivations of the G Family.....	116
Pursuit of the Boy.....	118
<i>Portrait of a Child, Bust-Length, In a Red Coat and White Shirt,</i> <i>With a Green Ribbon</i> .....	122
The Painting's World War II History.....	126
Receiving the Painting and the Transfer in Ownership.....	140
Purchasing in the Art Market.....	145
CHAPTER SIX	
Conclusion.....	149
BIBLIOGRAPHY.....	165

## LIST OF FIGURES

Figure 1. Jean-Baptiste Huet (Paris 1745-1811), <i>Portrait of a child, bust length, in a red coat and white shirt, with a green ribbon</i> .....	122
Figure 2. Verso of <i>Portrait of a child, bust length, in a red coat and white shirt, with a green ribbon</i> .....	129
Figure 3. Edmond de Rothschild Stamp, “ER 63”.....	130
Figure 4. Edmond de Rothschild Sticker, “ER 63”.....	131
Figure 5. Einsatzstab Reichsleiter Rosenberg stamp, “R 69”.....	132
Figure 6. Linz Identification Number, “1496”. ....	132
Figure 7. Einsatzstab Reichsleiter Rosenberg, Record “R 69”.....	134
Figure 8. Einsatzstab Reichsleiter Rosenberg, Record “R 69”.....	135
Figure 9. Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg, Photographic Record “R 69”.....	136
Figure 10. Database on the “Munich Central Collection Point,” search results for Munich No. 3010 and Linz-No. 1496.....	137
Figure 11. File-Card MCCP Control Number File.....	138
Figure 12. MCCP Restitution Card File.....	139
Figure 13. MCCP Restitution Card File.....	140
Figure 14. Special Commission Linz Photograph.....	140
Figure 15. Verso of Painting detailing Harari and Johns, Ltd. Sticker and Christies Chalk markings.....	142
Figure 16. Christie’s Auction Purchase Summary.....	143
Figure 17. Christie’s Invoice.....	144
Figure 18. Christie’s Invoice, Christie’s Art Transportation.....	145

## ACKNOWLEDGMENTS

I would like to thank the following people for their assistance, collaboration and guidance in the writing and research of this thesis. Firstly I would like to thank Dr. Julie Holcomb, my thesis committee chair, for introducing me to the subject of looted art and fostering my passion for the subject. I greatly appreciate your guidance and enthusiasm for my topic. Thank you to Dr. Kenneth Hafertepe, Dr. Heidi Hornik and Mr. Gary Smith for serving on my thesis committee. I would also like to thank the G family who so welcomingly opened up their home and collections for me to investigate. Without your assistance and cooperation, this thesis would have never been possible. I have truly enjoyed researching your beautiful collections that inspired me to pursue this topic. Thank you all so much for your constant support, inspiration and enthusiasm that you have given me throughout this process.

## DEDICATION

To my parents who gave me the opportunity to pursue this project

and

To the G Family who provided me with the resources to make this project possible



## CHAPTER ONE

### History of Looting during World War II

During World War II, various individuals and groups directed the most colossal art theft in history. The most highly criticized and publicized groups of looters were Adolph Hitler and members of the Nazi elite such as Reich Marshall Hermann Wilhelm Göring. In addition, other nations and individuals also participated in wartime looting but on a smaller scale. Even though these lesser-known players such as the Soviet Union and the United States military may not be as harshly reprimanded as Nazi Germany in regards to their looting activities, these groups in some cases had just as a profound affect on the state of European private and public collections.

The looting which occurred throughout the World War II period greatly altered the state of the world's cultural patrimony and in some cases permanently damaged or destroyed the world's most pristine private and public European collections. In addition, state archives, libraries and places of religion were ransacked, often robbing a community of its entire history or erased any trace of certain cultures. Given that each of these three groups had distinct natures and various purposes for looting, the methods in which these groups confiscated artworks during the war were extremely different. These methods ranged from organized and strategic, identifying specific targets in Western Europe, to being haphazard and destructive in the Eastern Slavic countries. In addition, the attempts at maintaining some sort of legality in collecting art works varied throughout Europe and gradually diminished over time. With the distinct motivations, methods and intentions

for the variety of pillaged treasures, the history of the cultural rape of Europe during World War II takes on a dynamic and complex character.

### *Adolph Hitler and Nazi Germany*

Hitler wanted to amass a prestigious collection to graphically demonstrate Germany's wealth and culture, which would place it on par with the nationalistic and propagandistic practices in Europe at the time. Countries such as France and Italy were admired for their traditions of artistic excellence and for their national collections in museums like the Louvre and the Uffizi. These countries were destinations for those who sought to become educated in cultural matters and to acquire a certain level of esteem within the world. Although Hitler's passions, tastes and abilities to amass a vast art collection escalated with the rise of the Nazi party and his own power, his appreciation and affinity for the arts had its foundations in his youth, long before his entrance onto the German political scene. This endeavor was rooted in personal issues during the time he spent in his adopted hometown of Linz, located in upper Austria. Born in 1889 at Braunau an Inn, Hitler, was an excellent student who achieved high marks and was said to have a positive future. According to one teacher, Hitler was described as, "very much alert, obedient and lively."<sup>1</sup> However upon entering into secondary school, his potential did not manifest itself and he was removed from his school in Linz due to his poor academic performance.<sup>2</sup> Hitler made other attempts at various schools but failed to accrue satisfactory marks, and was strongly disliked by both his teachers and peers.

---

<sup>1</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses* (New York: Welcome Rain Publishers, 2000), 3.

<sup>2</sup> Ibid., 4.

Finally, he quit school and at sixteen he took an inspirational trip to Vienna, which motivated him to leave behind his academic failures in Linz and pursue his life-long dream of being an artist in the thriving metropolis of Vienna. Vienna at the time was one of the centers of the art world, which was why Hitler was attracted to the city.<sup>3</sup> After the death of his father Alois Hitler in 1903 and the death of his mother Frau Klara in 1907, Hitler could travel and pursue his artistic career without any hindrances.<sup>4</sup>

Upon Hitler's arrival in Austria, he applied to the Academy of Fine Arts in Vienna, but he was rejected by the panel for admissions. Significantly, Hitler believed the panel included numerous Jewish members.<sup>5</sup> Although the Academy's panel rejected his application to study to become an artist, they suggested that he instead pursue a career as an architectural draftsman.<sup>6</sup> Hitler followed this suggestion, but his failure to obtain his diploma from his school in Linz prevented him from further studies to become either an artist or an architect. Despite these rejections, Hitler continued to pursue a career as an artist without any formal artistic training, but again he tragically failed, eventually leaving him in a state of poverty.<sup>7</sup> His failure to become an artist or architect led Hitler to develop a passionate hatred for Vienna. The emotional scarring from his inadequacies became a festering wound that would remain with Hitler throughout his life. This wound

---

<sup>3</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses* (New York: Welcome Rain Publishers, 2000), 2.

<sup>4</sup> Ibid., 5.

<sup>5</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History* (New York: Center Street, 2009), 11.

<sup>6</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts* (London: Casel and Company Ltd., 1964), 18.

<sup>7</sup> Ibid., 22.

eventually served as Hitler's inherent motivation for the creation of his museum at Linz, which existed to glorify Hitler and the greater Third Reich as well. Hitler intended the city of Linz to become the "cultural Mecca" of the New Europe he would seek to create with the looting of cultural patrimony during World War II.<sup>8</sup>

Hitler's personal connection with Linz, his passion for the arts and his obsession in exhibiting his culture and power, influenced Hitler's decision to collect artistic treasures from around the world to exhibit in a grand museum in Linz, the Führermuseum. With Hitler's rise to prominence in the German political scene and his eventual election of Chancellor of Germany in 1933, he sought to establish and exhibit not only his personal wealth and knowledge, but the wealth and knowledge of Germany as a nation, thus place himself among the greater leaders in European history and Germany among the great nations. Not only would a prestigious art collection glorify the contributing parties, such as the members of the Nazi elite, but the exquisite building that Hitler designed and intended to build to house his looted art would make an international statement as well. With the creation of this new art metropolis in his hometown, Hitler was attempting to strategically shift the spotlight from other great cities such as Vienna to his hometown. He hoped that the building of the new Führermuseum would both revolutionize his small and unacknowledged home town, and emphatically glorify his roots.

Since this project did have such personal motivations for Hitler, the project remained very much in his control until his suicide in April 1945, at the end of the war. Hitler was determined to personally supervise and approve of every detail from the

---

<sup>8</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts* (London: Casel and Company Ltd., 1964), xiii.

design and construction of the museum, to hiring its staff, to selecting every single one of its artistic treasures.<sup>9</sup> The obsession with this particular project not only played a huge role in Hitler's personal life through the entire pre-war and World War II period, but also in the personal and working lives of his colleagues and allies. Hitler's passion for art and his desire to create the Führermuseum was proverbial and widely acknowledged by the majority of the Nazi party including foreign allies. As a result, Hitler's contemporaries sought favor with the Führer by manipulating his passion for art to improve their position within the party. They saw art as a negotiating tool and a means to greater power.

Nazi Germany as a nation and the Nazi party shared similar motivations as its leader for amassing art. Politically, the accumulation of such a prestigious national collection would serve as a form of national and international propaganda. According to Jonathan Petropoulos there were seven main motivations for this type of propaganda based on a vast German national collection of art. First, on a national and international scale it was hoped that a great art collection would demonstrate that the Aryan race was the preeminent promoter of culture thus promoting Germany. Secondly, Hitler's collection would also demonstrate that German culture was superior to that of all other nations and racial groups. Thirdly, the possession of such a collection of cultural patrimony would reflect military strength, and fourthly, biological vitality.<sup>10</sup> On a more individual and personal level, it was thought that acquiring collections and works of art would further enhance personal careers within the Nazi party, would serve as a form of

---

<sup>9</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 9.

<sup>10</sup> Jonathan Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill: University of North Carolina Press, 1996), 7.

self-definition, and finally provide social recognition. These cultural conceptions and ideals were all established because of “the perceived power of art due to its association with the preexisting ruling class and their aesthetic values.”<sup>11</sup> The established cultures of societies throughout the world saw art as a tool by which to measure a nation’s financial, cultural, educational, and historical wealth, a conception that has been established long before the period. Due to the power and prestige associated with art and its influence on a nation, the looting of art was a widely condoned practice due to not only the internal power art could create among the elite, but the international acclaim such a collection would attribute to the German race. Not only would the German nation be admired for their military but their cultural power as well. Thus the theft of art in Europe’s greatest countries became one of the primary activities of the Third Reich.

Looting was an accepted and widely endorsed activity within the German nation. One motivation for looting for the nation of Germany was to reacquire war trophies and the spoils of war that were scattered across Europe, which were taken previously from the German nation during various wars since 1500.<sup>12</sup> Some of the principal treasures that Hitler wished to recover were the *Ghent Altarpiece* of Jan Van Eyck and the Dirk Bouts *Last Supper*, which were significant not only as a part of Germany’s patrimony but also significant internationally as great works of art.<sup>13</sup> In addition to recovering works previously pillaged from Germany, the Nazis also sought to expand their collections with

---

<sup>11</sup> Jonathan Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill: University of North Carolina Press, 1996), 7.

<sup>12</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe’s Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 121.

<sup>13</sup> *Ibid.*, 143.

new acquisitions in order to supplement their meager national collections. By international standards, the Nazis' collecting scope and practices were and continue to be widely criticized.<sup>14</sup> Today, modern art scholars heavily criticize German collecting methods, their targets for looting and claim that Nazi tastes displayed the Nazi elite's lack of artistic training and art historical knowledge. In collecting practices, the Nazis favored old master paintings, especially the works of Italian and Dutch origin as well as Germanic pieces.<sup>15</sup> More specifically, they prioritized paintings by northern European artists such as Rembrandt, Cranach and Vermeer, artists who were considered to encapsulate the true "Aryan" spirit.<sup>16</sup> The favoritism shown towards such artists that displayed distinctive German traits and referred to the Latinate and schools of painting were driven by not only personal tastes but also the ever present desire to glorify the German nation and its history, including its artistic history.<sup>17</sup>

Aside from collecting the works of the great European masters who possessed international acclaim, the Nazis also collected and confiscated what was considered at the time contemporary and modern art, but with a drastically different intention. The majority of modern art, such as the works of the Impressionists like Van Gogh, was labeled as "degenerate" art and was publicly labeled as such. Modern art was considered

---

<sup>14</sup> Joseph W. Bendersky, *A Concise History of Nazi Germany: 1919-1945, Third Edition* (Plymouth: Rowan and Littlefield Publishers, Inc., 2007), 123.

<sup>15</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, xi.

<sup>16</sup> Deborah Wythe, ed., *Museum Archives: An Introduction* (Chicago: The Society of American Archivists, 2004), 185.

<sup>17</sup> Paul Richard, "Hitler's Taste in Art," *The Washington Post*, March 28, 2008, [www.washingtonpost.com/wp-dyn/content/article/2008](http://www.washingtonpost.com/wp-dyn/content/article/2008) (accessed September 9, 2012).

“decadent” even if it was made by Germans.<sup>18</sup> It was thought that such art would threaten the German culture and thus by not collecting, endorsing or coveting such art the Germans would be able to protect “German art from degeneration.”<sup>19</sup> Although this particular genre of works was not within the Nazi tastes, it did not evade looting practices. These works were often confiscated from both private and public collections for financial gain and did not escape the Nazis’ grasps. Its value on the international art market, in some cases, made it an equally viable and attractive target. In this attempt to preserve and glorify the German artistic tradition and create financial capital, more than 16,000 works of modern art were labeled “degenerate” and removed from German museums. In most cases these works were later destroyed or sold.<sup>20</sup>

Since Nazi Germany’s tastes were not on par with the international market, contemporary and modern works were often sold to foreign buyers for a price to create additional capital, which would help Nazi Germany pursue other works that fit within the scope of their particular collecting practices. “Degenerate art” was also used to trade for other preferred works from collectors and dealers.<sup>21</sup> Art auctions for “degenerate” art were often held, the largest being the degenerate art auction held at the Gallerie Fisher in Lucerne, Switzerland.<sup>22</sup> At this auction, works by famous artists such as Vincent Van

---

<sup>18</sup> Peter Schjeldahl, “Hitler As Artist, How Vienna Inspired the Fuhrer’s Dreams,” *The New Yorker*, August 19, 2002, [www.newyorker.com/archive/2002/08/19](http://www.newyorker.com/archive/2002/08/19) (accessed September 9, 2012).

<sup>19</sup> *Ibid.*, 18.

<sup>20</sup> Robert M. Edsel, *Rescuing Da Vinci* (Dallas: Laurel Publishing, 2006), 22.

<sup>21</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe’s Treasures in the Third Reich and the Second World War*, xi.

<sup>22</sup> *Ibid.*, 5.



Gogh, Picasso, Dali, and Ernst were sold for a fraction of their true value to both museums and private collectors.

Even though some works were not within the Nazis' collecting scopes and artistic tastes, they nevertheless did not escape the clutches of the Nazis' invasive looting practices, thus indicating the expansive and intrusive nature of Nazi Germany's grasp on Europe's cultural patrimony. As a result, no art, no matter its value, was safe or irrelevant to the Nazis' collecting practices. All art in Europe had a purpose within the Nazi collecting scheme. Whether the art served as a form of currency, as a tool for negotiation, or a work of art to hang in a private or public collection, all of the art confiscated had a critical purpose in the collections scheme.

With the acknowledgment of Hitler's obsession with the Führermuseum project, his colleagues and certain members with the Axis Powers employed this passion to better their personal and professional status with Hitler and other leaders of the Nazi party. Hitler himself gave a painting to Hermann Göring on his forty-fifth birthday, showing the value he and Hermann Göring personally saw in art.<sup>23</sup> Many members of the Nazi Elite and other foreign officials would also often confiscate or purchase art with the intention of gifting the pieces to individuals such as Hitler or Göring. In Italy, Nazi collectors benefitted from the cooperation of Mussolini and his Foreign Minister, Ciano, who often made gifts of works from their national collections that Hitler or Göring desired for their own personal collections. Such actions resulted in the depletion of their own nation's

---

<sup>23</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 144.

cultural patrimony.<sup>24</sup> These gifts allowed certain officers to advance themselves within the Nazi party while allowing other individuals such as Mussolini to retain a positive and friendly relationship with the leaders of the Third Reich. Art was recognized by all as a stable form of international currency, and people who could afford art used it to their advantage.<sup>25</sup> For example, on Hitler's fiftieth birthday, Heinrich Himmler, head of the Gestapo, presented a painting to the Führer as a birthday gift.<sup>26</sup> As a result of these public displays of the gifting of art, there was conflict among the leaders in the Nazi party vying for these precious works of art.<sup>27</sup> Oftentimes, various members of the Nazi party competed for the acquisition of the most favored works or works of Germanic origin, which were the most highly coveted.

Although the mass looting of Europe's art treasures was largely attributed to Hitler, various other members of the Nazi elite also followed suit. Another avid looter, Göring, was obsessed with amassing a private collection for his estate at Carinhall, his private home near Berlin. Although he labored to collect for the Führermuseum throughout the war, Göring was also passionate to create a collection to exhibit his personal wealth and knowledge. In addition to Göring, other members of the Nazi party such as the Reich Minister of Propaganda Joseph Goebbels and Heinrich Himmler also

---

<sup>24</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 157.

<sup>25</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 116.

<sup>26</sup> Robert M. Edsel, *Rescuing Da Vinci*, 36.

<sup>27</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 66.

collected works throughout the war for the Führermuseum, for themselves and the German Nation.

In some cases art works were given by families or individuals to Nazi officials to obtain the proper exit papers or to thwart their imprisonment in concentration camps. In some cases they were given to officials to spare Jews' lives.<sup>28</sup> Thus art, in many cases, was treated as an equivalent for an individual life.<sup>29</sup> For example Jewish collector, Kurt Walter Bachstitz escaped arrest due to the prestige of his art collection. Kurt Walter Bachstitz was the brother-in-law of Walter Hofer, one of the leading curatorial experts within the Nazi ranks and the personal art advisor of Göring. Hofer was often deemed the "Curator of Carinhall."<sup>30</sup> Hofer threatened his brother-in-law with arrest and detention for being of Jewish descent. Hofer forced Bachstitz to relinquish his Munich dealing house and to divorce his sister in order to obtain exit papers and avoid imprisonment. As a result, Hofer's sister acquired the business and Göring received the numerous valuable works he sought.<sup>31</sup> Additionally, Jewish scholars and dealers escaped death camps and persecution by entering into unique agreements with Nazi leaders. They traded their expertise in the fine arts for their lives. Such agreements include the example of Myrtel Frank, a textile merchant in the Rhineland, who secured exit papers in exchange for his

---

<sup>28</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 111.

<sup>29</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 41.

<sup>30</sup> James S. Plaut, "Loot for the Master Race," *The Atlantic Monthly*, September 1946, <http://www.theatlantic.com/past/docs/unbound/flashbks/nazigold/loot.htm> (accessed August 10, 2012).

<sup>31</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 326.

art expertise. He served as an “unofficial agent” for the chief German looting organization, the Einsatzstab Reichsleiter Rosenberg and consulted on confiscated collections throughout the war.<sup>32</sup> Another more extreme example is the case of Dr. Max Friedlander, the Director of the Kaiser Friedrich Museum in Berlin, who was released from a Nazi detention camp at Osnabruck in northwest Germany, on the condition the he would evaluate paintings for Hofer and his colleagues.<sup>33</sup> Art and even expertise in art were widely perceived and understood to be an effective negotiating tool and a form of currency. As a result the individuals who could afford such currency utilized it widely to advance themselves in both their personal and professional lives, and in some cases to save their lives and to escape the perils of the concentration camps.

At the end of the war, German troops often pillaged their country’s already looted Nazi collections. German troops, suffering from personal agony or anger, manifested their frustrations with the Führer by stealing and or destroying the works he arduously collected.<sup>34</sup> Since German troops were extremely aware and exposed to Nazi leaders’ obsession with art and often knew their collections were held, soldiers often looted storehouses, abandoned trains or various repositories to steal such objects or often to destroy coveted works out of hatred for the Third Reich. As a result, the entire German nation, the German army as well as the Nazi elite contributed to the extensive war time looting and the destruction of Europe and Russia’s cultural heritage. Although some

---

<sup>32</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe’s Treasurehouses*, 325.

<sup>33</sup> Ibid.

<sup>34</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler’s Art Thefts*, 150.

members within Germany had a more devastating effect on the cultural plunder of Europe than others, due to the countless number individuals, the destruction was immense.

### *Adolph Hitler and Nazi Germany's Art Collecting Methods*

The first method of acquiring art relied on the traditional method of the outright purchase of works. Throughout the war, the Nazi elite aggressively pursued the flourishing wartime art market by patronizing certain art galleries and auction houses, which greatly benefitted from the Nazis' deep pockets and aggressive collecting methods. Majority of the purchases were made through auction houses, galleries or through dealers who bought directly or indirectly from private owners. Some of the most famous auction houses, which flourished during the war, include the auction houses of Lange, Weinmueler, Dorotheum and the Hôtel Drouot.<sup>35</sup> One of the primary suppliers of paintings to the museum at Linz was the art dealer Frau Maria Dietrich of the Almas Gallery in Munich.<sup>36</sup> Prolific dealers such as Dietrich were stationed throughout the occupied territories in Europe purchasing and moving art for various Nazi leaders. This provided Hitler an informant in virtually every functioning art market in the conquered territories. As a result of the influx of money, the ubiquitous presence of German agents throughout Europe, and aggressive Nazi collectors, the European art market continued to flourish. Dealers throughout Europe knew they could ask high prices from Nazi buyers due to their keen level of interest and the capital with which they could buy, and many

---

<sup>35</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 85.

<sup>36</sup> *Ibid.*, 92.

works of art fetched incongruous prices. These individuals can be interpreted as three types of “agents” for the museum at Linz: Nazi officials who bought work to seek favor from Hitler, dealers and agents within Germany, and dealers or agents in the occupied countries.<sup>37</sup> Some art dealers such as Walter Bornheim were known for their particular ability to pick out “birthday presents” on behalf of those attempting to impress Hitler and Göring.<sup>38</sup> Thus this extensive network allowed for very few works of public acclaim or value to escape Hitler, the Nazi elite, or the Führermuseum.

Although many works were acquired from auction houses and private dealers, the majority of the art acquisitions were acquired through looting. The majority of the looting in the western European countries of Austria, France and the Netherlands concentrated on the private collections of Jews. When confiscating what was considered the personal property of these families, the Nazis had to utilize a more nuanced method to acquire the collections.<sup>39</sup> The seizure of private art collections was mainly confined to the great Jewish collections of Europe. The anti-Semitic agenda of the Nazi Party and the ability of the party to pass legislation deeming Jews as enemies of the Third Reich made it legal to confiscate items from the famous collections such as the Rothschild collections, the David-Weill collection and the Alphonse Kann collection. When seizing Jews’ cultural patrimony, if Hitler did not have a legal means to confiscate, purchase, or acquire a collection or a particular work from a prestigious Jewish collection, he would institute a

---

<sup>37</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler’s Art Thefts*, 88.

<sup>38</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe’s Treasures in the Third Reich and the Second World War*, 157.

<sup>39</sup> Ibid.

new anti-Semitic law that would make such confiscations legal.<sup>40</sup> One example is the armistice made with the citizens of France that did not include the French Jewish population. Under the terms of this armistice, Jewish citizens in France were not considered equal to other French citizens and were declared permanent enemies of the Reich.<sup>41</sup> This legislation essentially gave legal justification to the seizure of Jews' personal possessions including their priceless collections of art, by depriving them of the right to own property. Another even more extreme example of corrupt legislation was Dienststelle Westen's M-Action legislation that gave German troops the liberty to confiscate large quantities of private property from the homes of Jews, consisting of everything from art, antiques, and books to other everyday household items.<sup>42</sup> According to Alfred Rosenberg's report on November 5, 1942, which was later presented as evidence at the Nuremberg Trials, "52,828 Jewish lodgings were seized and sealed in favor of bombed-out victims. Including special orders, furniture has been removed from 47,569 dwelling for the shipment to the bombed cities." He further noted that "61,619 Jewish lodgings were looted, that the furniture occupied over 1 million cubic meters, and that it took 26,984 freight cars to remove it."<sup>43</sup>

---

<sup>40</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 53 and 179.

<sup>41</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 137.

<sup>42</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 31-32, 39.

<sup>43</sup> Robert M Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 117.

In order to enrich the German private and national collections, various legal and illegal methods were utilized to seize artworks. Initially Nazi Germany, in the looting of art from other European countries, pursued to legally acquire works of art in order to maintain a positive public image and avoid negative propaganda. Hitler and his Nazi contemporaries attempted to adhere to the legal business standards and remained sensitive to the public's consideration and response to collecting activities and methods.<sup>44</sup> According to David Roxan and Ken Wanstall, "Hitler was prepared to build up his Linz collections from the art treasures of the occupied countries only if these transactions could be clothed with the appearance of legality, if not with legality itself."<sup>45</sup> Hitler originally made obvious attempts to make purchased acquisitions adhere to legal means. With the acquisitions for the museum at Linz, Hitler directed that the bills for all the acquisitions for the Führermuseum should be promptly and fully paid.<sup>46</sup> Some individuals who dealt with the Führer, such as gallery owners or private dealers, received payments for their art works, but they were often drastically underpaid, were forced to sell their works, or in some cases never received a payment. However documentation for these sales was nevertheless procured. Although legal means were initially utilized, they were more often than not corrupt. Works were ordinarily acquired through quasi-legal means that were at its best only cloaked with legality and were by no standards legal.

Although attempts at legal methods of acquiring art prevailed in western Europe, in the later years of the war, when the looting of art predominated in the east, most

---

<sup>44</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 141.

<sup>45</sup> Ibid., 179.

<sup>46</sup> Ibid.



attempts to clothe illegal activities with some form of legality disappeared. As with the anti-Semitic fervor seen throughout Europe, the Nazis showed the Slavic countries very little respect for their possessions and especially their cultural patrimony. Due to the Nazis' disdain for the Slavic countries and the increasing disinterest in attempting to cast the Third Reich in a positive light, the Nazis disregarded public opinion and pilfered not only private Jewish collections but also the public national collections, decimating the majority of Eastern European countries' cultural patrimony. The Slavic nations, like the Jewish people, were seen as a drastically inferior race and in turn their cultural patrimony was treated as such. For example, in the invasion of the Soviet Union the Nazis desecrated literally everything they saw, deliberately destroying or defacing various buildings, monuments, and national collections.<sup>47</sup> With this attack on the national collections and monuments, Hitler attempted to erase these cultures. As with the "degenerate" art in the West, the Nazis decimated the Eastern European countries' cultures in the hope that the German cultural heritage would seem more prestigious and that the infiltration of Slavic cultures in Germany would never occur. However, if certain famous works of international acclaim or works that fit into Germany's collecting scope were found, as in the case of Leonardo da Vinci's *Lady with an Ermine* or Raphael's *Portrait of a Young Man*, they were transferred to German repositories. Still, large quantities of art were disregarded and vandalized due to their Slavic association.

---

<sup>47</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 115.

### *Intentions for the Works Looted by the Third Reich*

With the mass quantity of looted art works Nazi Germany and Hitler acquired, there were various intentions for the individual works and collections. The majority of the stolen art works had four final destinations. Certain works were intended to serve and glorify the German public at the Führermuseum in Linz. Other works were selected to supplement the collection in Göring's personal palace at Carinhall, while another portion of works were selected for the universities and other places of higher learning chosen by the Third Reich. Finally, other works were selected to be distributed throughout Europe and especially to Germany to supplement German national collections.<sup>48</sup> One of the most famous and central art repositories that sent art to these four main destinations was the Jeu du Paume in Paris. This German collecting point, due to its central location in the artistic world, its status as a museum, and its existing museum professional staff, served as a strategic collecting point and point of dispersal for large quantities of confiscated art in France. Often the staff at the Jeu de Paume held temporary art exhibitions for Göring, who regularly visited this museum to approve acquisitions for both his private collection and the Führermuseum at Linz. Other famous repositories that were utilized were the functioning salt mines at Altaussee in Austria and the castle of King Ludwig II, often known as "Mad Ludwig", in Neuschwanstein located in southwest Germany. Though not a museum like the Jeu du Paume, these two locations served primarily as storage houses rather than conduits.

After the conclusion of World War II, an analysis of the contents of these various collections located in these repositories throughout Europe revealed that the

---

<sup>48</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 30.

Führermuseum had compiled the largest collection of art consisting of 6,755 paintings of which 5,350 were old masters. Göring acquired the second largest and second most prestigious collection with 1,700-2,000 works followed by Heinrich Himmler, Joseph Goebbels, and Joachim von Ribbentrop, the German Foreign Minister during World War II, and then concluding with the rest of Nazi elite whose personal collections corresponded to their respective ranks within the Nazi party.<sup>49</sup> This indicates the Nazis use of art as a status symbol and its value and power in public exhibition in the Third Reich. So much art was unaccounted for throughout Europe at the conclusion of the war that, according to a 1969 report, 20,083 works acquired by the Nazis at the time were still considered state property and were located in various museums, embassies and government offices.<sup>50</sup> Nazi Germany, both its leaders and its citizens, initiated and fueled one of the greatest cultural plunders in history. With these various attempts to rob and destroy and rob the art collections of various cultures, certain nations were devastated to an extent that these nations retaliated in attempt to mend their wounds. These attempts to re-define cultural patrimony often created forces as destructive as Nazi Germany, and even inflicted even more damage on cultural patrimony, thus perpetuating an incredibly detrimental looting cycle.

### *The Soviet Union*

The Soviet Union served as another significant contributing party to looting during World War II. Although the looting conducted by the Soviet Union's armed forces was pervasive, the intentions for pillaging were not significantly different than the

---

<sup>49</sup> Jonathan Petropoulos, *Art as Politics in the Third Reich*, 15.

<sup>50</sup> Ibid.

motivations of Nazi Germany and have been seen as a desperate reaction to the losses suffered by the Soviet Union during the German invasion. Due to the catastrophic loss of life in the Soviet Union from events such as the horrific siege of Leningrad and the annihilation of public monuments and collections, the Soviet Union sought a form of consolation or compensation for the destruction of the life in their country and the loss of a large percentage of the Soviet Union's cultural heritage. The Einsatzstab Reichsleiter Rosenberg task force raided 375 archives, 402 museums, 531 institutes, and 957 libraries in Eastern Europe and specifically the Soviet Union.<sup>51</sup> Moreover, the defacement of national monuments and buildings such as in the removal of the famous amber panels of the Amber Room permanently changed the art and architectural history and artistic holdings of Russia. Prominent cultural elements that defined the Soviet Union were permanently lost. It was the mentality of the Soviet Union that reparations for the losses were just. Reacquiring their stolen art treasures and acquiring new artistic treasures would aggrandize their national collections and thus serve as reparations for their losses.

In response to the Nazis' aggressive and destructive campaign, the Soviet Union retaliated with equally aggressive looting methods and goals. In order to seek restitution and reparations for their losses in the war, for both the loss of life and the destruction of their cultural heritage, the troops of the Soviet Union in addition to taking back the works it rightfully owned, also pillaged works from Germany and other nations as a form of additional restitution.<sup>52</sup> It was thought that Germany owed these works to Russia in

---

<sup>51</sup> R.L. Hadden, "The Heringen Collection of the US Geological Survey Library, Reston, Virginia," *Earth Sciences History: Journal of the History of the Earth Sciences Society*, 27, no. 2, (November 2008), 248.

<sup>52</sup> Robert M. Edsel, *Rescuing Da Vinci*, 32.

compensation for what they destroyed. At the end of the war, the Soviet officials and lower level troops were extremely strategic with targeting and hunting down the Nazi repositories harboring stolen art. Once these repositories were found, in addition to removing Soviet works and works lawfully belonging to Germany, they also removed works that rightfully belonged to other European public and private collections, thus completely disregarding the previous legal status of the collections and the legal rights of their previous owners.<sup>53</sup> In addition, due to German vandalism in the Soviet Union, the Soviet Union troops mimicked this destructive practice, and participated in the burning and destroying of certain works of art.

Similar to the methods of Nazi looting in the beginning of the war, the Soviet Union's looting of Europe was also strategically planned long before the Soviet Union's advances commenced. Officials within the Soviet government, orchestrated specific plans for the looting of Germany's collections and other certain territories in which cultural patrimony was being hidden six months before the invasion of Germany in 1945.<sup>54</sup> These strategic plans included detailed monetary estimates of the value of works from the Soviet Union that were stolen, damaged or destroyed by the Nazis.<sup>55</sup> Similar to Hitler's art advisors, the members of the Soviet Union responsible for the country's cultural endeavors included museum professionals who compiled extensive lists of museums, their locations and the objects that they wanted to target throughout the

---

<sup>53</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 361.

<sup>54</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 193.

<sup>55</sup> *Ibid.*, 193.

conquered German territories. These targeted works were typically works of significant international value, either culturally or monetarily.<sup>56</sup>

Many similarities exist between the looting methods of the Soviet Union and Nazi Germany. Due to the Nazis' severe hatred and disregard for the Slavic nations, the Nazi leaders disregarded the legal precautions which they adhered to in the West and stole entire collections, both public and private, on the Eastern front. Soviet looting also disregarded any attempt to legally confiscate works. Although the complete disregard for legality in the looting practices of these two nations is an obvious similarity, the lack of legal tact by the Soviet Union in the acquisition and reacquisition of artistic treasures during the war was not motivated by the desire to annihilate the cultural patrimony of what the Soviet Union considered to be lesser countries, but instead were attempts for restitution and reparations. However, the Soviet Union's lack of attempts at legality made tracking and inventorying the stolen goods essentially impossible since there was very little documentation compiled in the looting process.

Once it was obvious that Germany was going to lose the war, the Allies taking over the German territories not only had to be concerned with controlling Nazi looting and its repercussions but had to be equally concerned with the looting of the advancing Soviet Union as well. Troop movements and the missions of the Monuments Men, the group responsible for protecting the cultural patrimony of Europe, were often influenced by the fear of the Soviet Union arriving to certain art repositories before the English forces or American forces. The fear that the Soviet Union military would unjustly remove works from the repositories or destroy them became one of the main concerns of

---

<sup>56</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 194.

the Monuments Men. This corrupt looting remained out of the public eye for some time until these actions by the Soviet Union Armed Forces surfaced and revealed that illegal confiscations of art was prevalent among officers and in turn the entire Soviet Union armed forces.<sup>57</sup> In some documented cases, lower level troops would be assigned to loot for senior Soviet officials who wanted works to take home with them as souvenirs.<sup>58</sup> The USSR, like Nazi Germany, had special groups such as “trophy battalions” or “trophy brigades,” which were art experts responsible for the housing, shipping and security of art acquired and sent to the Soviet Union.<sup>59</sup> A comprehensive inventory list of the works looted by the Soviet Union was never made. However, one physical example of the massive number of items obtained by the Soviet Union was the number of very publicly received items at the various national museums. At the completion of the war, the Pushkin Museum located in Moscow, received over one half million works of art while the Hermitage in Leningrad also housed a large amount of loot as well. As a result, these museums experienced significant storage issues due to the rapid influx of works needing to be incorporated into the existing collections and storage spaces.<sup>60</sup> Since storage space and resources to care for this rapid influx were not available, art was often neglected and in many cases permanently damaged or lost in the shuffle.

In the Soviet Union, the majority of the looting was conducted with the intention to re-establish the national collections, to supplement the collections of the national

---

<sup>57</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 209.

<sup>58</sup> Ibid., 195.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid., 208.

museums, restitute their works, and to make reparations for their extensive losses.

Although the Soviet Union was truly a victim of Nazi aggressions, their looting activities overall have had as significant an effect on the status of Europe's collections as the looting activities of the Third Reich. Ironically, this victim in the aftermath had similar motivations as its enemy, to seek reparations for their losses in wartime and to glorify their nation through art. Although the Soviet Union was not the initial aggressor, their response and intents with the looting of art were equally as destructive.

### *The United States Armed Forces*

In addition to the Nazis and the Soviet Union, there was also consistent looting by members of the United States occupational forces. However, in comparison to Germany and the Soviet Union the looting by the United States troops was less pernicious. Since the United States military did not have a previously articulated plan or intricately compiled list of targets for acquisitions, these thefts occurred on a much smaller and individual scale. Although some United States soldiers committed petty thievery during the war, the majority of the larger scale looting by Allied troops in Europe occurred during the immediate post war period.<sup>61</sup> Soldiers in all of the Allied Nation's armies did some looting, but the majority was conducted by the United States Army. This was due to the fact that majority of the Nazi art repositories were located in the post-World War II American zones, allowing American troops the most direct access to the looted artistic treasures. However, the majority of the largest repositories such as Altaussee, were outside the United States territory and in one of the other four zones, causing American

---

<sup>61</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 104.



troops to scramble to these sites to ensure the safety of plundered objects. If American troops made it to a repository in time, they often had to haphazardly move artwork out of certain zones for its protection.<sup>62</sup> Thus United States troops had consistent and excessive access to artistic treasures that were unaccounted for, and thus not easily missed.

Motivations for looting by United States troops was not a national or organizational policy, and must be examined at the level of individuals soldiers. The national policy was to return artwork to their rightful owners, but looting was still carried out by random individuals. So in order to understand the overall nature of the looting, it is crucial to understand the individual motivations of the members of the United States armed forces. Some troops sent valuables home out of spite for Germany and the war, while others saw artistic treasures as souvenirs or just as an opportunity for possible financial gain. Soldiers often pocketed very small objects that were clearly seen by soldiers as trinkets of no cultural significance beyond their aesthetic value. In most cases these troops were not aware of the monetary value and cultural significance of the items they took. In the aftermath of the war, when repositories and castles were found, armed military personnel were often assigned to guard the buildings that served as repositories. In other cases, soldiers often temporarily inhabited family estates with the family's valuables remaining in the house. In guarding of these various buildings, enlisted men and in many cases officers would handily and in some cases publicly swipe silverware or other household valuables with no repercussions. In the 45<sup>th</sup> Infantry Division various guards, captains, colonels, nurses, and Women's Army Corps captains were deemed as "souvenir hunters" and regularly removed items from repositories and estates creating

---

<sup>62</sup> Kenneth D. Alford, *Nazi Plunder, Great Treasure Stories of World War II* (Cambridge: De Capo Press, 2001), 5.

small collections of their own.<sup>63</sup> In one case a private sent an eighty piece set of silverware home to his wife in St. Paul, Minnesota, with the permission of his commanding officer.<sup>64</sup> In situations where soldiers were seeking financial gain, troops brought home paintings, which they could easily carry, and sold them to American collectors.

Another factor that would have not necessarily motivated United States troops to loot, but would not have discouraged troops from looting, was the lack of significant penalties or punishment for illegally acquiring works of art. The penalties for looting in the United States Armed Forces were extremely lax and rarely enforced. It was punishable by a mere \$70 fine if a soldier was caught sending valuables home, which was not a significant deterrent, especially since the fines were rarely enforced.<sup>65</sup> Due to the haphazard state of storage facilities and the lack of initial accountability of art at the conclusion of the war, removing works was easy and most likely widely accepted. With very little organization and ways to remain accountable for the loot present, controlling the looting activities of American troops remained almost impossible.

Currency, in addition to art, was stolen as well. When the United States Army transferred Germany currency and gold coins from the Merkers mine, there was a great concern for the safety of the Dutch gold coins and Reichsmarks that were being transferred. Colonel Bernard Bernstein, responsible for the transportation, had significant

---

<sup>63</sup> Kenneth D. Alford, *Nazi Plunder, Great Treasure Stories of World War II* (Cambridge: De Capo Press, 2001), 18-19.

<sup>64</sup> *Ibid.*, 19.

<sup>65</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 168.

concerns for transportation due to external threats. However, he did not consider the possibility of internal threats and thus internal safety precautions were not instituted. Even though great attempts were made to ensure the safety of the Dutch Gold coins and Reichsmarks, while in the hands and under guard by the United States Armed Forces, \$12,470 in U.S. Currency disappeared from the mine. In addition, a large number of Dutch gold coins and 486,800 Reichsmarks were stolen in transit.<sup>66</sup> Regardless of the investigation by both the commanding officer and the European Civil Affairs Currency Section, the stolen goods were never recovered.<sup>67</sup>

In addition to looting for personal gain, another, more serious form of looting occurred within the United States military. After the conclusion of the war, American officers clubs and senior army officials' offices throughout Europe were decorated with priceless cultural treasures. These decorations and furnishings included looted paintings, sculptures, linens and furniture that should have been immediately restituted.<sup>68</sup> Although this is not an instance in which the intention was to permanently keep the works of art for personal use, the use of these unlawfully appropriated treasures in such locations compromised collections, their safety and prolonged their return to their country of origins. Thus reinforcing and validating the Nazis' original intention for the looted art and directly hindering the restitution process.

One of the most highly disputed instances of American looting was the case of the theft of the Hesse jewels. At the end of World War II the Kronberg Castle near Frankfurt

---

<sup>66</sup> Kenneth D. Alford, *Nazi Plunder, Great Treasure Stories of World War II*, 15.

<sup>67</sup> Ibid.

<sup>68</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 176.

Germany, owned by the family retainers of Princess Margaret of Hesse, was taken over by Patton's Third Army. Once the army had taken over the castle, the family was asked to temporarily relinquish the residence and was asked to leave. Upon the family's return to the castle, 1800 bottles of valuable wine were missing. In addition, while the soldiers were stationed in the castle, a soldier while looking for additional bottles of wine on the family's property came across the Hesse family's famous jewels. The jewels, not initially stolen, were turned over to Captain Katherine Nash, the Women's Army Corps officer and commander of the rest house. When Nash gained custody of the jewels, she stated she would return the jewels to the proper owners. To the dismay of the family and the embarrassment of the United States Armed Forces, the jewels were never given to the proper authorities to and were eventually reported to be stolen. After it was reported that these jewels were stolen, Captain Nash returned to the United States where she was questioned about the whereabouts of the jewels. In her interview she revealed that she indeed did steal the jewels and when she and her lover decided that they could not go through with the theft of the precious jewels they were left in a locker at a train station. After an arduous and extremely public trial, this theft resulted in her imprisonment for five years.<sup>69</sup> Although this example is one of the most high profile cases of American looting, countless other examples of smaller thefts of stones, trinkets, religious objects and small paintings occurred throughout the war. In the aftermath of the war one of Göring's most coveted works, *Madonna with Child*, by Hans Memling, was also stolen from the offices of Colonel Quinn and has never been recovered. The historically and monetarily valuable painting was estimated to be worth around \$250 million in 2001.

---

<sup>69</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*, 354-355.

The work was placed in the office of Colonel William W. Quinn for protection while the authorities were waiting for further instructions on what to do with this priceless treasure. While the painting sat in Colonel Quinn's office, numerous people passed in and out of the office and at some point the painting simply disappeared.<sup>70</sup>

In addition to looting art works, at the conclusion of the war American troops also removed personal items and other valuable items from the homes of the Nazi elite. These items possessed both great monetary value and historical value. When American troops overtook the Führerbau in Munich, troops scavenged through the various documents and personal belongings of the leaders of the Third Reich housed in the building. It was reported that an "unidentified American sergeant was rummaging through the heaps of paper and personal items when he discovered a box. Inside were some of Adolf Hitler's most personal belongings, including his gold plated pistol. The container also housed Hitler's swastika ring, a tiny oil painted portrait of his mother, and a framed photo of his German Shepard."<sup>71</sup> In 1981 it was revealed that these items turned up in a private collection. In the aftermath of the war, Hitler's personal residence located in Berchtesgaden was also thoroughly searched and ransacked. Not only did soldiers steal clothing, trinkets and drink valuable wine, but in many cases stole important Third Reich documentation. It has been recently discovered that two soldiers, who served in the 989<sup>th</sup> Field Division and the 501st Battalion of the 101st Airborne Division, removed from

---

<sup>70</sup> Kenneth D. Alford, *Nazi Plunder, Great Treasure Stories of World War II*, 53.

<sup>71</sup> *Ibid.*, 20.

Hitler's home Einsatzstab Reichsleiter Rosenberg albums that documented works of art and decorative art objects collected by the Einsatzstab Reichsleiter Rosenberg throughout Europe.

The theft of art works, documents, and personal property by American troops escalated the complexity of dealing with looting during World War II. Since the motivations for looting were determined on a more personal basis, the intentions greatly varied. Thus documentation was not as prevalent, making recovering and tracking down the loot of American soldiers almost impossible since often no physical trail was left behind. American troops provided no documentation or inventory lists of what they acquired and since their value in most cases was obviously unknown, their significance remained unacknowledged by American soldiers. Thus these items remained in possession of their heirs who are also in most cases unaware of the value of the objects that they have inherited or in some cases purchased.

The looting and cultural plunder of Western and Eastern Europe during World War II by the Nazis, the Soviet Union and the United States Armed Forces resulted in the largest destruction and loss of cultural heritage in history. Although these three groups had very different motivations, methods and intentions for the stolen goods, it is clear that art possessed and continues to possess an inherent universal value that was strategically sought after. Whether this art was targeted and shrewdly sought after through a nationally orchestrated plan or taken in secret by an individual soldier because of its aesthetic value, these works were seen by all as a precious prize. As seen in the various looting styles of Hitler, the Nazi elite, the Soviet Union and United States troops, different methods and different scales of looting required a variety of resources in which

to address the mass quantities of art. While individual soldiers just put things in their pockets, large organizations, especially armies and the governments that created them, needed multiple facilities in which to store their booty. During the war, the large quantities of Nazi looted art created a significant problem of storage. Once the national museums and possible storage spaces within Germany's large cities were filled to the brim, Hitler had to decide where to store the vast number of additional paintings, sculptures and tapestries among a number of other artistic objects that his troops had seized. As a result, temporary repositories were built or adapted from existing structures in which to house the rapidly growing collections. Due to some strategic documentation conducted by the Nazis, locating the repositories both hidden and public was possible, which lead to the discovery of these hoards. The majority of the booty was stored in these repositories and through museum-like practices at these storage facilities, restitution of these works at the end of the war was made possible. Even though not all of the work was returned in the aftermath of the war, the museum like practices and techniques used at storage facilities continue to serve as crucial resources in contemporary restitution cases. The continued dispute over the illegally appropriated art collections of the Nazis, and the continued examination of their practices has drastically affected the international art market and the status of museum's collections across the world. This is evident in the resources available and how afflicted parties are utilizing such resources. As a result, in order to examine how modern day restitutions and viable claims are plausible, an examination of the facilities, practices and work of the monuments men is critical.

## CHAPTER TWO

### Nazi Repositories and Allied Restitution Efforts

At the conclusion of World War II, the arduous process of restitution commenced. Although the majority of the looting was conducted by the Nazis, the burden and responsibility of restitution fell to the Allied Powers. When the Allies reconquered the previously conquered land, the land was split into a four-zone plan in which different members of the Allies were responsible for controlling their respective territory. With this zoning came the responsibility of addressing the massive amounts of stolen goods and art works that were scattered throughout Europe. The Allies in charge of these territories swiftly addressed restitution claims and attempted to return stolen goods to the country of origin. Once the expansive nature and methods of Hitler's looting was revealed, Allied troops began the intensive search to locate the various Nazi art repositories scattered throughout continental Europe. To the Allies' frustration, massive quantities of art were stolen and located in a wide variety of structures, some with restricted access. As a result families' personal belongings and art collections were not necessarily promptly or ever successfully returned. The looting conducted by the Nazis was so systematic and extensive that, "it took more than six years to identify and return the bulk of the booty."<sup>1</sup> Even though the majority of the Nazi loot was returned in the immediate six-year period after the war, the discovery of looted items continues today. With technological innovations and increased access to collections in both auction houses

---

<sup>1</sup> Robert M. Edsel, *Rescuing Da Vinci* (Dallas: Laurel Publishing, 2006), 36.



and museums throughout the world, restitution claims have increased. As a result institutions and individuals worldwide are forced to revisit this complex issue, which was never fully or successfully resolved. Although the individuals of the Monuments Fine Arts and Archives Program, know more colloquially as the Monuments Men, successfully returned an enormous number of treasures to their proper owners; however, hundreds of thousands of works including, art, books and archives remain lost. The men and women involved in the movement of cultural property, with their museum and art historical training, made it possible through their documentation and methods to track art at the conclusion of the war, which greatly aids in modern restitution.

### *Monuments Men*

During World War II, the individual organization that had the greatest success and effect on the preservation of cultural heritage was the Monuments, Fine Arts and Archives program. Although these men did not carry arms or fight in combat, they were scholars, curators and museums directors, and were responsible for the preservation of the world's greatest artistic achievements. Essentially, they were responsible for upholding a part of the history of human civilization. The Monuments, Fine Arts and Archives program was established in 1943 to help protect the cultural property and cultural heritage of Europe during World War II and was in charge of restitution of works in the aftermath and remained active until 1951.<sup>2</sup> In the early phase of operations they sought to protect cultural properties such as monuments, historical structures and places of religion, but as the war entered its final stages their mission expanded to include art

---

<sup>2</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History* (New York: Center Street, 2009), xiv.

collections and in some cases the personal property of Jews. Three hundred fifty men and women from thirteen nations served in the Monuments Fine Arts and Archives section during World War II and at the end of the war there were only about sixty American and British Monuments Men in Europe.<sup>3</sup> The majority of the men and women in the MFAA were art or architectural historians, and in many cases, were trained museum professionals. For example, James J. Rorimer was a rising curator at the Metropolitan Museum of Art in New York before World War II and after his service as a Monuments Men he became the director of the Met.<sup>4</sup> These individuals had a profound effect on the preservation of Europe's cultural property and heritage and without their efforts many significant structures and objects would have been lost. After the war many of these individuals, especially in the United States, went on to have successful careers in the museum and fine arts field. For example, the Metropolitan Museums of Fine Art hired three former Monuments Men as curators: Theodore Rousseau Jr., Edith A. Standen, and Theodore A. Heinrich. At the National Gallery of Art in Washington D.C., Charles P. Parkhurst became the Director and Chief Curator while Perry B. Cott and Everett Parker Lesley Jr. became curators. Monuments Men also held various scholarly positions in art history departments at various universities such as Princeton, Harvard, and Columbia while David E. Finley and Charles P. Parkhurst eventually became presidents of the American Association of Museums.<sup>5</sup>

---

<sup>3</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, xiv.

<sup>4</sup> Ibid., 44.

<sup>5</sup> Robert M. Edsel, *Rescuing Da Vinci* (Dallas: Laurel Publishing, 2006), 36.

The overall mission of the Monuments Men was to preserve cultural property in the various theaters of World War II. They had very few resources in which to fulfill these missions, but their art historical knowledge and museum training helped them to perform their tasks. Although some structures were permanently lost, the Monuments Men also helped in preservation methods, such as in the preservation of the Campo Santo in Pisa along with its frescoes. In addition to preservation, the Monuments Men also played a critical role in the restitution process in the aftermath of the war. The Monuments Men's art historical knowledge and museum professional training is seen in the Allied restitution practices, methods, art handling, and documentation.

The Monuments Men were responsible for finding the major Nazi art repositories throughout Europe. These significant repositories include the mine at Merkers in Germany, discovered by the U.S. Third Army army under General Patton, the salt mine at Altaussee in Austria, and Neuschwanstein Castle in Germany, which was overseen by Captain James Rorimer. At these sites, Monuments Men personnel were responsible for the entire process, from locating the stolen goods until their eventual restitution to its proper owners. When a Nazi repository was found, the Monuments Men guarded, inventoried, catalogued, packed, removed, and eventually transferred works from the repository. Throughout Europe Monuments Men established collecting points and transferred stolen goods to their country of origin. In order to understand the process of restitution for which the Monuments Men were responsible, the locations and storage methods where the bulk of the art was found must be examined.

### *Western European Repositories*

The majority of the art which had been seized for the national collections of Germany and the Führermuseum were acquired, compiled, catalogued, and organized by the Nazis in various secret repositories throughout Western Europe. Since there were no locations large enough or secure enough to hold all of the booty plus the national collections that were removed from museums for better protection, a multitude of alternative repositories had to be established. In the aftermath of the war, the Allied Forces discovered over 1,500 repositories that contained stolen goods from countries across Europe as well as some German and Austrian museum collections, which had been evacuated from their institutions for their protection early in the war. While the majority of the Nazi storage houses were discovered in 1945, the locations of other smaller repositories were gradually revealed through the word of mouth of local civilians, the assistance of German troops, and Nazi documentation found at repositories. Moving the art works during wartime either by train or car proved to be risky due to rioting by civilians and the possibility of bombardment thus certain repositories were constructed in close proximity to particular collections that temporarily enhanced the collection's safety. Although the numerous repositories varied in location, size, and type of structure, the majority of the repositories were established in Germany, under the close and watchful eye of the Third Reich. There were more than 1,000 repositories for art located in Germany alone, of which the majority were located in southern Germany.<sup>6</sup> Some of the most famous repositories include Heilbronn in northern Germany, Hohenschwangau Castle in southern Germany, and most famously the palace of King Ludwig II,

---

<sup>6</sup> Robert M. Edsel, *Rescuing Da Vinci*, 248.

Neuschwanstein, located in southwest Germany and Altaussee in Austria.<sup>7</sup> In order to maintain some physical and intellectual control over the mass quantity of stolen art, it was sent to various temporary repositories until the museum at Linz was built. There it remained until the situation in Europe settled after the war. The art's intended resting place within the Nazi collecting scheme, its previous owners, and the individuals responsible for confiscating the works determined an art work's temporary holding location. Thus, each repository had different leaders, structures, organizational schemes, and protective measures installed. Some repositories were quite visible, such as castles, while some repositories were more private such as underground caves or basements, thus making the discovery of all the repositories a difficult task.

### *Neuschwanstein Castle*

One of the largest and most significant Nazi art repositories was located in Neuschwanstein Castle, a nineteenth century Romanesque Revival Palace built for King Ludwig II, located in southwest Bavaria within the mountains on the German-Austrian border. This castle, although not a structure originally designed to store art, was adapted to serve as a storage house. At this particular repository over 20,000 items were held. This group of items consisted of mostly objects that were confiscated by the Einsatzstab Reichsleiter Rosenberg task force, including the majority of the Einsatzstab Reichsleiter Rosenberg task force's documents, due to the fact this was first and foremost an Einsatzstab Reichsleiter Rosenberg repository. It was said that the patrimony of France

---

<sup>7</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 256.

was held at King Ludwig's Castle at Neuschwanstein.<sup>8</sup> The records kept by the castle's staff, like other Einsatzstab Reichsleiter Rosenberg documentation, was detailed and extensive. Inventories state that the castle held 21,903 works of art from 203 private collections.<sup>9</sup> The fact that Neuschwanstein housed the majority of the looted private collections of France was indicated by the Einsatzstab Reichsleiter Rosenberg identification stamp stenciled on the backs of the works. Upon discovering Neuschwanstein, Monuments Fine Arts and Archives officer James Rorimer, the leading officer at the site, described the castle as, "a castle in the air come to life for egocentric and mad thirsters after power; a picturesque, romantic and remote setting for a gangster crowd to carry on its art looting activities."<sup>10</sup> Although this fairy tale castle was well known because of its previous historical status as a royal residence and as a sort of national monument, it was located high in the Bavarian Alps, isolated, and not easily accessible with modern or convenient transportation. This isolation made it an ideal hideaway for the priceless art collections, jewels, and decorative arts predominately belonging to French Jewish families.<sup>11</sup> In Neuschwanstein, the castle was stuffed with not only the boxes and crates holding paintings and sculptures but furniture, tapestries,

---

<sup>8</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 351.

<sup>9</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses* (New York: Welcome Rain Publishers, 2000), 145.

<sup>10</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 350.

<sup>11</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 248.

dining ware, books, jewelry, and silver.<sup>12</sup> The most famous collections that were held in Neuschwanstein Castle were portions of the Rothschild's collections and the David Weill gold and silver collection.<sup>13</sup>

### *Altaussee*

Another Nazi art repository that held one of the most prestigious collections of art was the repository in the salt mines at Altaussee, located not far from Hitler's boyhood home in Austria. Due to its close proximity to Linz, Altaussee served as the ideal and conveniently close holding location for the works for Hitler's Führermuseum.<sup>14</sup> In turn, this repository was thought to possess the most valuable collection of art since the works were been hand-picked by Hitler and his consultants to glorify Germany.<sup>15</sup> With the invading Allied Armies, increased bombing and bombardment of Germany towards the end of the war, Hitler felt an increasing need to more safely secure his personal art collections. This location, unlike the other numerous locations such the castles and countryside estates, was a salt mine and thus underground. The salt mine's location and the way it was horizontally situated in the landscape protected it from aerial bombardment. Furthermore since the contents of the mine would be located so far underground, the salt mine was a secure location from advancing armies and the public. The access to the salt mine at Altaussee, like at Neuschwanstein, was limited due to its

---

<sup>12</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 23.

<sup>13</sup> *Ibid.*, 93.

<sup>14</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 305-306.

<sup>15</sup> *Ibid.*, 250.

location tucked away in the mountains, which created restricted access to both the mine and its contents. The Altaussee mine, which records indicate had been used since the 1100s, was a complex underground system of caverns, which was deemed as a perfect safe haven for artistic treasures and was adapted as such.<sup>16</sup> Once the various cavernous chambers within the mine were designated as storage spaces, they were adapted to hold certain objects. Workers expanded the catacombs and installed wooden floors and ceilings in the chambers. Transportation within the expansive mines was made possible by a miniature railway system that allowed access to the majority of the main chambers. In addition, giant wooden racks were assembled to organize the art.<sup>17</sup> The wooden shelving divided spaces into numbered sections so that the storage locations of artwork including their movements within the mine could be recorded.<sup>18</sup> This information was reflected in the ledgers, which recorded each work that went into the mine and its identifying qualities. The use of the ledgers maintained its effectiveness and accuracy in the early years of the war, but after the Allied invasion of Europe the contents of other repositories were quickly and chaotically moved to Altaussee. This rapid influx overwhelmed the record-keeping system, and certain artworks were never recorded in the inventories.

The Altaussee mine initially only stored works from the museums of Vienna. However, Hitler later claimed the repository for his personal use when the German

---

<sup>16</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History* 304.

<sup>17</sup> Ibid., 305.

<sup>18</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 155.



nation's fate became uncertain. He used the mine to store all of the treasures intended for his museum at Linz because the mine provided a heightened level of protection not offered in any other repository. In addition to the mine's excellent location, the mine was highly sought after because the environment created in its interior was ideal for storing art. Although this dark, moist, salt laden mine would initially appear to be a collection manager's nightmare, this repository, unlike many of the repositories in Europe, proved to be the most effective in preserving its items. The salt in the walls absorbed the excess moisture which kept the humidity in the mine at a constant 65 percent. Furthermore, the temperature of 40 degrees Fahrenheit in the summer and 47 degrees Fahrenheit in the winter helped preserve the mine's contents more effectively than other repositories, which experienced variations in both temperature and humidity from season to season.

Altaussee also proved to be an ideal repository due to its importance to the local population. Since the mine was the primary source of income for the area, the local people were extremely diligent in protecting the salt mine from vandalism and destruction and, in turn, preserving the art; thus in a way "salt saved art."<sup>19</sup> Although Altaussee and all of its contents were almost destroyed by the Nazis at the end of the war, with the help of several individuals it escaped the most dismal fate. When it was apparent that Germany was going to lose the war, the Third Reich planned to destroy collections of art rather than let them fall into enemy hands, and in certain cases this fiendish plan was carried out. However, the collaboration of local civilians, mine employees, and the Monuments Men, saved the precious contents of the mine. In addition to the 6,500 paintings that were discovered, one hundred tons of German gold

---

<sup>19</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 375.

bullion was also stored in the mine.<sup>20</sup> Some of the most famous works of art stored in the mine included Michelangelo's *Bruges Madonna*, Jan van Eyck's *Ghent Altarpiece*, and Vermeer's *The Astronomer*, which the Monuments Men found hanging on the wooden racks marked with "A.H. Linz." Altaussee, due to its location and the stable environment created by this natural safe haven, proved ultimately to be one of the most efficient and excellent repositories used by the Nazis. Furthermore, its organization and protective measures made returning the art stored here to its proper owner possible.

### *The Jeu de Paume*

One of the most significant art repositories, which doubled as a conduit for Nazi art trafficking and a preliminary location for the stolen French collections, was the Galerie Nationale du Jeu de Paume, located in the Tuileries Gardens in Paris. During World War II, the Jeu de Paume served as a storage site for the art collections stolen primarily by the Einsatzstab Reichsleiter Rosenberg Taskforce, also known as the ERR, in France. The Einsatzstab Reichsleiter Rosenberg taskforce's official role during the war was to provide materials for Alfred Rosenberg's scholarly institutes. The primary goal of Rosenberg's institutes was to scientifically prove Jewish inferiority through the use of the acquired collections.<sup>21</sup> In addition, they also collected for Hitler, Göring, and the Führermuseum in Linz. The Einsatzstab Reichsleiter Rosenberg's expansive operations mainly targeted the contents of the French private collections and the

---

<sup>20</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 146.

<sup>21</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 177.

organization conducted the bulk of their operations in their main headquarters at the Jeu de Paume. These operations primarily consisted of cataloguing, crating, and transporting stolen art to various locations and repositories throughout Europe, especially out of France. This repository also served as an art gallery for which the members of the Nazi elite, such as Göring, would visit to evaluate the stolen works of art and choose which works would be incorporated into the national collections, the personal collections of the Nazi elite, and the Führermuseum. Art dealers such as Bruno Lohse would stage exhibitions of the newly acquired art and also collected works of “degenerate art,” which in some cases, when not sold, were burned on the grounds. Many museum professionals in occupied France collaborated in secret to protect their collections. However, others were forced by the Third Reich to work for the Nazi efforts. Some art historians served as consultants for the Third Reich while other museum professionals were used at the Nazi repositories to perform collections management practices such as handling and inventorying art. While some performed their duties strictly to the Nazis’ preferences and specifications, other individuals performed their tasks while serving as an undercover spy to counteract Nazi looting activities. Whether it was by secretly transporting art or copying Nazi documentation, the efforts of these museum professionals helped preserve the cultural patrimony of France.

Although many French museum officials served in the French Resistance movement and helped salvage countless works of art within French museums and French private collections, one of the greatest contributors in the preservation of cultural heritage of France was Rose Valland. Valland, who was later recognized for her service to French cultural patrimony, served possibly the most critical role in tracking the circulation of

stolen goods from the Jeu de Paume with her spying techniques. Valland also assisted members of the French Resistance in prohibiting works from leaving France. As the overseer of the Jeu de Paume in Paris at the time of the German occupation, she used the information she collected at this repository and museum to track the movement of art during the war and to stop art shipments. At the end of the war, Valland also played a critical role in locating looted art in the repositories located throughout Europe and the specific train cars containing loot. This was made possible by Valland's brilliant spying and documentation techniques. Once the Nazis took over the Jeu de Paume and transformed the museum into a repository, the management instituted at the museum on the Nazi end was poorly run and chaotic, and as a result Rose Valland was asked to stay to maintain continuity.<sup>22</sup> Valland, along with other staff members, helped conduct daily operations such as cataloguing, object handling, exhibition design, and crating works for shipment. In order to protect the contents of the Jeu de Paume and essentially the greater cultural patrimony of France, Valland spied on the activities of the German staff in charge of transporting the art out of the Jeu de Paume. Valland memorized the travel patterns of the art, secretly copied documentation, and recorded the final location of works that had been moved out of Paris.<sup>23</sup>

Initially the documentation concerning the works of art passing through the Jeu de Paume was complete and thorough, especially in regards to the well known works of art. However, as the war progressed looting activities increased and concerns about the legality of such activities gradually decline, the quantity of art in France to identify and

---

<sup>22</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 177.

<sup>23</sup> Ibid.

catalogue became so immense that it was almost impossible to account for all of the works. Thus the documentation efforts at the Jeu de Paume were often hastily done and without an adequate art historical reference library.<sup>24</sup> As a result the documentation concerning lesser known pieces was not as complete, resulting in a large number of the attributions being poorly researched if not outright incorrect. Regardless of these lapses in the documentation efforts, Rose Valland and her fellow museum professionals kept informed of the location and status of the cultural patrimony of France and maintained its safety.<sup>25</sup> Valland served as one of the most significant links for stolen private French private collections and without her presence as a spy, the majority of the French personal collections would have been lost.<sup>26</sup>

After the conclusion of the war with the information Valland possessed, MFAA officers later found the art along the rails, in their final repositories and in some cases prevented the works from being sent out of Paris.<sup>27</sup> She is credited with secretly recording about 20,000 pieces of art that circulated through the Jeu de Paume and her work, along with that of other members of the French Resistance, prevented many works from leaving France entirely and most likely prevented them from being lost through either exportation or destruction. After the liberation of Paris by the Allied Forces, Valland and other museum officials such as the Louvre's Jacque Jaujard and his

---

<sup>24</sup> Lynn H. Nicholas, *The Rape of Europa: The fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 134.

<sup>25</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 135.

<sup>26</sup> *Ibid.*, 160.

<sup>27</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 177.

assistants worked with various other Monuments Men and other authorities responsible for the restitution of art. They not only greatly contributed to the protection of France's cultural heritage but also served a pivotal role in the restitution process. Their work under duress for the Third Reich during the war in the selection, compilation, and handling of works made them critical components in the restitution process. With their knowledge and skills in documentation, their methods assisted in the location and protection of art.

### *Other Storage and Protection Efforts*

In addition to the Nazi art repositories that housed and protected art during the war, certain civilian groups also took similar steps to protect their collections from both the Nazis and dangers of war. Private collectors, religious institutions, archives, libraries, and museums took measures to establish safe havens for their collections. In the case of large European museums, curators compiled lists of the most important and valuable works in their collections and identified possible storage sites, which were secure and accessible to available transportation. Evacuation routes were then developed to transport the art.<sup>28</sup> In cases where objects were too large, too heavy or part of a non-movable structure, such as Leonardo da Vinci's *The Last Supper* and Michelangelo's *David*, protective measures were taken, such as creating temporary protective coverings or sandbagging. Although public collections and cathedrals had the financial resources and repositories to move and protect their collections, some private collectors did not have such options or resources available to them. As a result they deposited their

---

<sup>28</sup> Robert M. Edsel, *Rescuing Da Vinci*, 48.

treasures in safe boxes, gave them to museums, or had them “Aryanized” for safekeeping.<sup>29</sup>

In the movement of works out of the European museums, various methods were used to move art to temporary repositories. Since the works were often extremely large or fragile, special techniques, and extensive resources were used to maintain the safety of works in transportation from museums such as the Louvre to estates outside the city such as the Château at Chambord, the first Louvre storage destination, and the Château de Sourches, near le Mans.<sup>30</sup> In addition to the Louvre, other museums in France, Russia, Italy, Holland, and England also made attempts to evacuate their collections. Although most of the attempts made by museums to protect collections were located in Europe, the National Gallery of Art in the United States also took protective measures. The National Gallery of Art decided to move its works to the Biltmore Estate constructed by George Washington Vanderbilt that was situated within 100,000 acres outside Asheville, North Carolina. This American repository was ideal for holding American collections because of its isolation, its accessibility by railroad and its excessive storage space for the works removed from the National Gallery.

### *Beginning of Allied Restitutions*

Due to the massive quantities of art in the numerous repositories that were found, the overwhelming task of returning loot and addressing restitution claims proved too arduous and time consuming for one country or organization to handle. Furthermore, due to the volatile nature of looted art and the anger surrounding this widespread issue, no

---

<sup>29</sup> Robert M. Edsel, *Rescuing Da Vinci*, 48.

<sup>30</sup> *Ibid.*, 60-61.

country or organization wanted the full responsibility of returning these priceless objects of cultural heritage to their rightful owners. Certain nations, such as the United States, had received negative press in Europe for the ways in which they handled the preservation of cultural property and historical sites during the war and were thus in many cases not trusted. With the destruction of Monte Cassino, the burning and destruction of various national monuments and sites, both accidental and intentional, the Allies had to take additional steps to ensure that restitution was effective and adhered to the highest standards possible. In order to successfully reconstitute works, the task of returning art to their rightful owners became the shared responsibility of the Allies in charge of the divided zones of conquered Germany. Whichever zone a German art repository fell under, the nation and military in control of that particular zone was in control of the repositories and its artistic contents.<sup>31</sup> As a result, a wide array of methods, with varying degrees of effectiveness, were used to repatriate the loot.

The zoning system was intended to alleviate the burden of restitution on the Allies by dispersing the responsibility among the Allies. However, due to the importance of the contents of certain repositories in the Russian zone, members of the Monuments, Fine Arts and Archives division feared for these work's fates, given the ruthless methods and mentality in acquiring art of the Soviet Union army. The catastrophic losses suffered from the German invasion led the Russians to seek reparations for their losses and one of their main sources for reparations became art. Not only the art which was looted from the Soviet Union during the war was taken, but the collections legally and rightfully owned by the Germans and in some cases the collections of non German citizens. Thus

---

<sup>31</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 369.



in order to prevent further chaos in the restitution process, officers attempted to not only take control of a repositories' artistic contents before the Soviet armies arrived, but also sought to ensure their transfer to the safer zones of the Allies to increase their chances of restitution. There was an urgency to remove art from its locations in the Soviet Union zone particularly to collecting points within the American and British Occupation Zones since they had units dedicated to the restitution process. Regardless of these attempts, the Soviet forces nevertheless still discovered numerous smaller repositories. The majority of these repositories' contents were sent to Moscow and Leningrad to join the Soviet Union's rapidly growing collections, collections which remain intact today.

Once the looted art caches were found, new receiving centers and holding locations or collecting points for art were necessary in order to temporarily hold and eventually disperse art back to its owners. Thus central hubs for the restitution activities of the Monuments Men were created, that were deemed as collecting points. These collecting points, typically located in large cities, such as Munich, were located close to convenient forms of transportation and had access to proper resources in which to preserve and ship art back to its owners. In the United States Zone, the two main collecting points were located in Munich and Wiesbaden.

In order to maintain physical and intellectual control over the contents of the artistic treasures at the various collecting points, Monuments Fine Arts and Archives officials were stationed at each center to address the overwhelming influx of artistic treasures. Since museum professionals and art historians were prevalent among the Monuments Men and involved in the restitution process, museum practices were utilized in the restitution of loot. The majority of the Monuments Men officers were members of

the museum community or art historians and thus their stewardship of the looted collections naturally utilized museum professional skills and methods at the collecting points. This is evident in the process works underwent in the restitution process. Once an object arrived at a collecting point, it went through the typical steps of museum accessioning. The works were recorded, inventoried, photographed, and studied before being returned to their countries of origin. In this practice each work was given an identification number corresponding to its collecting point and was given a card within the collecting point's documentation system, so one was able to identify works of art within a physical card database. These cards possessed the typical information seen in museum accessioning and cataloguing practices such as an identification number, the medium, artist, dates, and dimensions. The MFAA documentation was also often supplemented by the documentation previously created by auction houses, private collectors, and by the Nazis which all greatly helped with the timeliness and effectiveness of the restitution process while providing a semi-comprehensive history of the works. Works were also handled according to its medium and underwent conservation practices if needed. The effectiveness and relevancy of museum practices permeated the operations of the Monuments Fine Arts and Archives division throughout its service. This is not only evident in documentation created and used by the MFAA personnel but is apparent in the extensive use of photography to document evidence. Furthermore, these officials sought professional and scholarly advice, constructed conservation and restoration labs, and consistently modeled their documentation using collections management best practices. Although these individuals were more often than not

overwhelmed with the quantity of art being sent into their collecting points, the use of museum practices made this task achievable.

In addition to the Allies personally returning certain collections to their owners, it was decided that restitution claims would also be addressed by returning the quantities of loot to the governments of the nations which the private owners lived. This method was commonly utilized to further alleviate the burden of restitution and to help expedite the process. In turn the government of the individual's country would then ultimately be in charge of seeing the works being returned to the private owners. In the cases of many famous French private collections, such as the Rothschild collection, in which the owner of a famous work was known, the individuals of a zone took it upon themselves to address the return of the works of art to the proper owners in order to avoid negative propaganda. This was also the case with famous works of art belonging to national museums or religious structures. These works were often not only the first works to be returned but were often returned personally by officers of the Monuments Men. These works were easily recognized due to art historical publications that included photographs of works such as art history reference texts or by art historians who could recognize works from written descriptions.

### *Issues and Conflicts with Restitution*

Although various attempts at efficient and timely restitution were pursued and were often successful, there were a multitude of issues and debates in regards to how to most competently and quickly return works of art to the families and institutions from which they were confiscated. Although the utilization of the zoning technique to distribute the task of restitution would appear to lighten the burden of restitution on both

the individuals and resources at different collecting points, some of the governments were not necessarily cautious, quick or ethical with the return of the property. Although an aggregation of reasons can account for these various delays in return, art in many cases in the immediate aftermath of the war was not the primary concern of European governments. With the discovery of the concentration camps, the attempts to address the devastating effects the war had on particular regions, and the overall struggle to reestablish the devastated nations, the returning of property often was a secondary thought. Furthermore, since these collections were largely the possessions of elite families and institutions of Europe, these families in most cases did not endure as much suffering due to their ability and means to avoid the concentration and work camps. Thus motivations and concern for the returning of these works was not as compelling. These families also did not receive extended assistance from the governments because they could, in most cases, afford to locate and gather their collections personally.

In addition, the governments in some countries showed no urgency or great concern in returning materials in order to retain them for their own benefit. In many cases, governments would harbor paintings that were clearly stolen and would not relinquish them to their owners. For example, the Swiss government was inefficient at addressing restitution claims because of its neutrality and its overall lack of concern. Since Switzerland was a neutral territory, there was not an overriding ethical concern to ensure swift restitutions or an outside force to ensure restitutions. Both the lack of a side in which to endorse and their quiet support of the Nazis in their lack of opposition did not promote an urgency to seek justice for affected families. Sometimes restitution attempts were delayed for so long that individual owners of private collections would personally

hunt down their own collections and make personal claims themselves against their government.<sup>32</sup> In some cases, neutral countries, stored works in bank vaults under the names of senior members of the Nazi regime, who upon the losing of the war fled Germany to live under neutral governments with their looted collections intact.<sup>33</sup> Switzerland was neutral during the war and served after the war as a safe haven for many war criminals. Many looted collections remained in secret locations such as vaults long after the war to prevent their discovery and thus inhibited their return. For example, it is estimated that the value of loot residing in Switzerland was valued between \$29 million and \$46 million.<sup>34</sup> Since the chance of discovery and restitution in these neutral countries was low, these neutral countries became ideal hiding locations for Nazis' collections.

Other issues with the restitution process in neutral countries, and specifically in countries such as Switzerland, Spain, and Portugal, was that these countries were used throughout the war as conduits for stolen art out of Europe into the non-European art markets. These countries, due to their participation in art trafficking inhibited the restitution process and were in certain instances responsible for the permanent loss of works. For example, Portugal served as the primary conduit into the South American art market, a market that greatly prospered during the war due to the drastically changing nature of the European art market. The Germans utilized a secure route to traffic art which started in Bilbao Spain, passed through Portugal then eventually to South America,

---

<sup>32</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 137.

<sup>33</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses*, 163.

<sup>34</sup> *Ibid.*, 144-145.

thus Portugal served a central and critical role in the Nazis' success in smuggling art out of the country.<sup>35</sup> In some cases, works that did not make it out of Portugal to non-European art markets due to complications were held in the German embassies in Spain and Portugal for protection.<sup>36</sup> Although attempts at monitoring and recovering loot from neutral countries were conducted by the organizations and individuals seeking justice for these collections, these attempts almost always failed due to the lack of concern and the lack of an international legal framework to enforce the return of such collections.

Another difficult issue which was immediately addressed in order find the legal owners of the looted art, was determining what works were legally acquired by Germany, which would not be considered stolen, and what works were considered to be illegally acquired. Determining what works were rightfully owned by Germans proved to be an incredibly convoluted task due to the ambiguity of legality and its various interpretations and manipulations in war time. Some items were illegally seized by national standards but legally seized in regards to Nazi perceptions. Some were even legally seized during wartime and were thus truly Germany's. Furthermore laws were implemented during wartime, enabling unethical confiscations while some objects were bought, subject to forced sale or outright stolen. All of these various methods for acquiring art and varying levels of legality made determining what was and what wasn't stolen a daunting task.<sup>37</sup> Furthermore, evaluating legality in the interpretations of documentation further hindered

---

<sup>35</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses*, 132.

<sup>36</sup> Ibid.,160.

<sup>37</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*, 323.

the restitution process due to the difficulty in determining what Germans legally and illegally took due to the terminology used by the Nazis to describe their purpose or methods in acquiring acquisitions. Documentation detailing acquisition methods included terms, “safeguarded”, “secured”, “purchased”, “traded” and “confiscated” which were terms created and used by the Nazis. However, these terms of action were not necessarily accurate because such terms were utilized to deem their looting practices legal.<sup>38</sup> This use of terminology made the determination of what objects were and were not looted in the German’s storage houses even more difficult. In many cases, restitution or the lack of restitution became an ethical battle and many objects were not returned due to an individual’s interpretation of a deliberately inaccurate legal document. Another prevalent issue in regards to the restitution of collections and individual works of art arose with the “heirless” collections, which were collections belonging to families of which the entire family perished in the Holocaust or the war.<sup>39</sup> Since there were no heirs to legally return the works to, collections were often held in museums and within governments until decisions on what to do with such collections were made. In many cases they made their way into national collections and remain unlawfully in these collections today. Thus such forms of documentation which often made restitution possible, also greatly hindered attempts with the manipulation and ambiguity of reality.

---

<sup>38</sup> Robert M. Edsel, *Rescuing Da Vinci*, 106.

<sup>39</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe’s Treasure Houses*, 164.

### *Documentation of Nazi Looted Art*

Although locating the expansive amounts of stolen art was a lengthy and arduous task, determining the locations of loot was possible due to the intricate art looting organizations in Germany and diligent Nazi documentation efforts. The documentation of the Nazi party, in regards to art theft, was in most cases impeccable and was detailed to a point that it resembled museum documentation. This documentation was a critical and continues to be an essential resource in the process of restitution. Almost every large Nazi repository such as the Jeu du Paume and Neuschwanstein Castle included archives, which not only provided information on that particular repository but other repositories as well. The documentation and archives found in these repositories often led to the discovery of other repositories and in the search, other smaller less official repositories were eventually found. Thus the documentation provided a paper trail or map to the works of art. These included smaller and more obscure storage locations such as family basements, train cars, food caches or oil barrels.<sup>40</sup> These written records and archives were of essential value because they often were the only source of information available in regards to the contents and locations of the extensive caches of looted art. There were very rarely any oral accounts because the victims of the Nazi art looting were more often than not deceased, missing, in Nazi work camps, fled the country or were too scared to provide witness accounts due to the fear of persecution as inflicted upon them by the Nazis.<sup>41</sup> However, in some instances the documentation had such an explicit and obvious

---

<sup>40</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 390.

<sup>41</sup> *Ibid.*, 158.



value that when the Monuments Men at the end of the war arrived at repositories, it was discovered that the Nazis had taken or destroyed a large portion of their excellent records.

Organized looting groups throughout the war, such as the Einsatzstab Reichsleiter Rosenberg task force, created detailed documentation to maintain both physical and intellectual control over their looted collections. These methods mimicked contemporary museum practices at the time. The Einsatzstab Reichsleiter Rosenberg commission created over 20,000 catalogue records including 8,000 negatives, shipped reference books to various repositories to ensure accurate information and even circulated rubber stamps that marked the ERR acquisitions.<sup>42</sup> Not only was the Einsatzstab Reichsleiter Rosenberg commission's documentation methodical, efficient, and accurate, the information was so specific that the catalogue records described each art work's location down to the number of the crate, shelf, storage location in and final destination.<sup>43</sup> These cards also included information on the work's previous owners, where the work came from, the title, when it was created, the artist, medium, and what preservation work had been done. This can be attributed to the extensive use of German museum professionals in the art looting organization activities throughout World War II. The information utilized to identify and inventory works within the museum community was also relevant and useful in controlling the volumes of loot, thus they were extensively and widely used.

---

<sup>42</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 343.

<sup>43</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 395.

This information and methods not only served the Nazis during the war, but also served the Allies in the aftermath of the war.

The format and diligence of the Nazi record-keeping played a significant role in the successes in the restitution of art. The information provided by the Einsatzstab Reichsleiter Rosenberg documentation provided such a wealth of information that identifying a work and its previous owners was possible. One example of a repository that had excellent record keeping which served a pivotal role in restitution was the records and archives kept at the Neuschwanstein castle. This documentation, like in modern archive and museum practices, included photographs, catalogue records, detailed inventories, object descriptions, condition reports and other essential records.<sup>44</sup> All of which contributed to success of restitutions of the works held at Neuschwanstein castle. Rorimer, the Monuments Man who was the commanding officer at Neuschwanstein repository stated, “I passed through the rooms as in a trance, hoping that the Germans had lived up to their reputation for being methodical and had photographs, catalogues and records of all these things. Without them it would take twenty years to identify the agglomeration of loot”.<sup>45</sup> Although some documentation at Neuschwanstein was destroyed by the retreating Nazis who understood the value of such documentation, a large percentage of documentation survived. In the castle, one room was lined with a collection of filing cabinets that contained photographs, catalogues and records. These catalogue cards which were made for every confiscation by the Einsatzstab Reichsleiter Rosenberg in France also included documentation concerning their shipments to other

---

<sup>44</sup> Robert Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 409.

<sup>45</sup> Ibid., 351.

repositories, thus providing a physical and traceable link to find previous owners, other repositories and thus ensuring the potential for eventual restitution.<sup>46</sup> The documentation found here served as a critical resource and evidence for what the Einsatzstab Reichsleiter Rosenberg and other Nazi organizations seized in western Europe.

At Neuschwanstein, the markings on the paintings themselves also played a critical role in their identification. Room upon room in the castle was crammed with art bearing the Einsatzstab Reichsleiter Rosenberg stamp on the frames of the works, back stretchers, backs of canvases or on the crates.<sup>47</sup> Methods of marking works were used by various organizations, such as the official Einsatzstab Reichsleiter Rosenberg stamp which more often than not indicated not only the particular object's worth but where a work came from, who it was looted by and where the work was intended to reside at the end of the war.<sup>48</sup> The castle archives included photographs, catalogues and records. There was a catalogue card for every confiscation by the Einsatzstab Reichsleiter Rosenberg which amounted to around 21,000 cards including documentation detailing shipments to other locations.<sup>49</sup> Gestapo records were also useful. These inventories aided the Nazis' confiscations and were also later helpful in the restitution process for the extensive detail they provided. Furthermore, the expropriation of Jews' property in order to maintain a legal appearance also required extensive paperwork.

---

<sup>46</sup> Robert Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 352.

<sup>47</sup> Ibid., 351.

<sup>48</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts* (London: Casel and Company, Ltd., 1964), 41.

<sup>49</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 352.

Another type of Nazi documentation which assisted with particularly with the restitution of private collections was the accessioning system that was used to inventory and record the works the Nazi organization utilized. Since the individuals in charge of cataloguing collections were often previously employed in the great museums of Europe, like Rose Valland, collections were catalogued and inventoried especially in the Einsatzstab Reichsleiter Rosenberg in a way that made it easy to identify which works belonged to which families or institutions. In the case of the inventory documentation for the esteemed Schloss family collection, the 262 paintings that were confiscated were entered in the records as Linz Item 3108. All of the paintings were entered in the records under the same collection number, with an additional individual identification numbers, thus linking all the works as an accession of a particular collection in an identifiable manner.<sup>50</sup> In regards to Hitler's collection for his museum at Linz, located primarily at Altaussee, every work was stamped with the letters, "A.H." making it extremely easy to determine where each work's intended destination was.<sup>51</sup> Furthermore at Altaussee, the extensive record keeping in the ledgers and albums of the transportation and specific locations of art of the contents allowed for the invading officers to more quickly locate specific pieces in the extensive caves.<sup>52</sup> Another form of documentation and marking of art works that greatly assisted with the restitution process was the markings methods of the private collectors used with which to identify their works in their private collections.

---

<sup>50</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 143.

<sup>51</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 305.

<sup>52</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 167.

These identification stamps assisted with the restitution process in finding the rightful owners of certain family's collections, in most cases the families who had large collections. Private collectors often marked their works in their collections with various symbols, letters or numbers of their own, such as is the case with the Rothschild collection. These stamps became easily recognizable and made identification throughout the restitution process much easier.

The value of this excellent documentation was recognized not only by the Monuments Men but also by the Nazis themselves. These records, which were sometimes compiled with the records of other institutions, were critical since there was a very significant lack of vocal accounts to supplement the physical documentation. As a result, in some cases when the Germans retreated and it was apparent that Germany was going to lose the war, German officials deliberately overturned and destroyed crates, cabinets and other storage devices containing information, intending to obstruct the Allies' efforts.<sup>53</sup> Even though a significant amount of documentation was found intact, the loss of certain documentation made the restitutions of some artworks extremely difficult.<sup>54</sup> Some forms of documentation that proved not useful and more often detrimental were the documents that were forged by a variety of parties throughout World War II. Throughout the war the Nazis, art dealers and the agents for Linz created pseudo-legal documentation to prove legal title, deeds or bill of sales for paintings or

---

<sup>53</sup> David Roxan and Ken Wanstall, *The Jackdaw of Linz: The Story of Hitler's Art Thefts*, 151.

<sup>54</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, 130.

outright forged documents.<sup>55</sup> Such documents were not only created by the Nazis but art dealers, auction houses and gallery owners as well.

Due to more pressing issues and lack of resources, the restitution movement lost momentum and eventually died off. The financial expense, time, and resources that went into the researching of the collections and into the packing, shipping and transportation of art was eventually such a burden that the process gradually came to a close due to a lack of funding. Furthermore, other repercussions of the war eventually took precedence over the returning of property. However, the quest to discover the remaining World War II Nazi loot began anew in the 1990s, and the contested parties gradually changed. Now the Nazi elite were no longer the harbourers of these works of art, and the individuals placing claims were not the World War II era owners. Instead, this battle is now the responsibility of a detached generation. Thus, the climate, nature and motivations of the restitution claims have now taken on a new personality and appears to possess more financially driven motivations. Restitution is now no longer the responsibility of the Allied Forces but has gradually become the responsibility and burden of museums or private collectors who own pieces that have illegally found their way into their collections. Unexpected parties have filled the roles of perpetrators and victims. Often these parties are deemed enemies but are often merely innocent victims of a distant crime in history.

Even though the cultural plunder of Europe occurred over seventy years ago, the issue is still prevalent and will continue to be as more resources become available, technology develops, and the art market continues to thrive. With modern day claims and

---

<sup>55</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 153.

restitutions, there have been two distinct sides to claims: the individual who initiates a claim and the individuals who have a claim made against them. This adversarial relationship between claimants and current owners in most cases prevails, however in some cases a claimant or truly legal owner of a work does not make the initial claim; rather, an owner of a looted work initiates the return. Such methods create a more collaborative and amicable relationship while maintaining an elevated level of accountability to the public. Today, the heirs of looted works that were never returned or have been contested since the war initiate the majority of restitution claims. Since the 1990s various modern methods since the war have been utilized by heirs to find their families' looted collections. These methods were previously not available to their older relatives, so that restitutions previously thought impossible are now plausible. Families are now searching for their ancestor's works that were never found in the aftermath of the war in museums and auction catalogues located throughout the world.<sup>56</sup>

Although the men and women of the Monuments Men arduously worked for six years to return loot to their countries of origin, hundreds of thousands of works of art, documents and books are still lost. As a result, there are various modern day restitution cases that have drastically changed the faces of museums and the art market. These cases, which are addressed through modern courts of law on foreign soil, hark back to the details of World War II and rely on the methods and information procured by the Nazis and Monuments Men to identify its true owners. Since the world and ways in which we live and interact with art have drastically changed, with the passage of time, the true owners of these looted works of art becomes an ethical debate.

---

<sup>56</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasurehouses*, 189.

## CHAPTER THREE

### Modern Day Restitutions

Although attempts after the war were made to return all of the loot to its proper owners, due to the various issues associated with restitution, not all of the stolen acquisitions were successfully returned. In many cases looted property was returned to the right individuals. In other instances, loot was often returned to its country of origin and no members of the family who rightfully owned the work were alive to receive it. Thus these collections were “heirless” and were in most cases retained by the government and incorporated into national collections. Sometimes, works were retained by governments due to interpretations of legal documentation deeming unethical sales as legitimate. In restitution claims, the ambiguity of whether something was looted or not looted often affects the legality of true ownership and often remains debatable. The overwhelming volume of the loot to return and the lack of resources to return such works led to a situation in which art works were often never returned or were not returned to the right owners. Works were also often misplaced in the chaos of transportation, stolen while in route to various collecting points and wound up in the hands of dealers, private collectors or in the collections storage areas in the back of museums and have remained unseen to the public from the end of World War II until today. Consequently, certain parties unethically benefitted from the chaos. Although some of the “blockbuster” works such as the *Ghent Altarpiece* or Vermeer’s *The Astronomer*, were returned promptly and safely to the right owners, this was due to their fame or due to their wealthy and famous



owners. As a result of the inaccuracies in the immediate post-war period, families and heirs across the world have continued to hunt for their family's artworks.

Since the end of World War II most of these artworks have traveled across the world, been sold through various art dealers and auctions houses and have passed through multiple hands of ownership illegally. Furthermore with the passage of time, sympathy for the plight of these families has decreased. Collecting practices and standards in art dealing in the post World War II era have greatly varied and rarely adhered to an established framework. Since there are a multitude of uses for art in the contemporary world, the standards of collecting and in turn selling greatly vary. Furthermore art has both private collectors and public collectors, thus the standards of the buyers differ as well, especially since the accountability to the public varies among these diversified owners. While an institution accountable to the public requires a certain ethical standard, other parties are not held to the same standard. This makes the dilemma of restitution more convoluted and determining the true provenance of a work an even more arduous task.

### *Art Acquisitions and the Art Market Post-World War II*

In the aftermath of the war some art collectors innocently acquired works that had never been legally returned to their proper owners. In many cases, museums and art collectors, who knew they were acquiring a piece with a looted history, thought they were acquiring their works legally but were unaware of the work's questionable provenance, and thus they acquired these works in what is considered legally as, "good faith." "Good faith" according to Black's Law Dictionary is considered to be, "due diligence around the effort made, information given or transaction done, honestly, objectively, with no

deliberate intent to defraud the other property”<sup>1</sup>.<sup>1</sup> Alarmingly, in many cases, works were knowingly obtained illegally. Some individuals who were selling their works were wholly unaware of the questionable legal ownership of the works they have acquired. Only when the works were placed in front of the public eye, in places such as public collections, museums, galleries or on the public auction block, was their true provenance, or lack thereof revealed. As a result of these possibly corrupt practices in the art world and the increased circulation of art and sales, there has been a heightened need to clearly establish legal ownership of a work of art. This in turn has created a greater need for complete and accurate provenances and more thorough provenance research.

Previously it was not thought to be necessary to thoroughly vet each work of art that comes through the door into a new institution, such as a museum. However, due to varying museum practices which differ both within nations and internationally and the general lack of awareness in museums in the importance of provenance research before the rise of restitution claims, not all works have been thoroughly vetted and have traveled the world without being properly investigated. This can be attributed to lack of awareness, lack of standards within museums or a general lack of concern for this certain accountability to the public. Although this mentality can appear malicious, it is often due to the lack of standards in the field or lack of provenance research previously being a crucial component in the buying and selling of art. This accountability to the public is unique because it is a form of accountability not commonly discussed or even thoroughly investigated by the public since it is not seen directly by the public but rather is examined

---

<sup>1</sup> Black’s Law Dictionary, “What is GOOD FAITH,” *Black’s Law Dictionary Free Online Legal Dictionary 2<sup>nd</sup> Ed.*, <http://thelawdictionary.org/good-faith> (accessed October 2, 2012).

in the private confines of the museum. Nevertheless, this type of accountability is critical in maintaining a museum's public service mission. Museums first and foremost serve the public and are stewards of the public's collections. Not only does such a mission include educating the public and protecting the world's cultural heritage but also includes remaining legally accountable to the public. If a museum does not maintain ethical practices and remain accountable to the public in a legal sense, the public's perception of a museum and the entire museum field will be tarnished, and the role museums play in society will be compromised. If museums are seen as corrupt institutions they will no longer be seen as safe places of learning or institutions fit to uphold and maintain the world's cultural heritage. This not only deters the average museumgoer from utilizing what the museum community is designed to offer but also discourages one of the museums main benefactors, the donors, from participating and funding a museum's growth. This necessity to maintain legality in regards to acquisitions or in the business component of art dealing was previously the concern of the legal departments within the museum or within the administrations of museums. The majority of museum staffs were not aware of the legal standards within art dealing and concerning collecting practices. Now this necessity to be aware and to stay relevant with the standards in the market and provenance research must be the task of all museum employees that come into contact with collections.

As a result, collecting tactics of private collectors, auction houses and museums have been questioned and reformed in order to prudently address this important issue. With increased circulation of art and the rise of restitution claims, museums must undergo further steps to ensure a work is clearly vetted. This necessity is seen in the case

of the Solomon R. Guggenheim Museum, which exhibited the collection of contested collector Dr. Leopold, in which an heir disputed the provenance of a work in an exhibit. This particular work was not part of the museum's collection but was instead a temporary loan. The director of the museum Thomas R. Krens stated, "How a collection is assembled doesn't come up when a museum takes a collection exhibition. If a collection you have never heard of shows up on your doorstep, that's different. It would demand scrutiny. But this collection has been shown at the Royal Academy and at other institutions, and it has been written about it in a serious way, so that gives the impression that most of these questions have been vetted."<sup>2</sup> Thus this standard and museum practice has been called into question, making museums more aware of provenance issues in all of the works that pass within its doors. As a result, museums have had to carefully check their collections and new acquisitions order to avoid negative repercussions, a step which was thought to be previously unnecessary. This is also seen in the case with the MoMA in which one work in an exhibition was contested, that was previously assumed to be legally acquired. As a result, the collecting practices and standards in museums since the war must be examined and the steps by which these works were acquired must be retaken and elevated to current collections practices standards as outlined by organizations such as the American Association of Museums. The mistakes of the museum professionals of the past must be repaired and resolved to reestablish ethical museum practices.

---

<sup>2</sup> Judith H. Dobrzynski, "THE ZEALOUS COLLECTOR—A special report; A Singular Passion For Amassing Art, One Way or Another," *The New York Times*, December 24, 1997, <http://www.nytimes.com/1997/12/24/arts/zealous-collector-special-report-singular-passion-for-amassing-art-one-way.html?pagewanted=all&src=pm> (accessed October 3, 2012).

### *Contemporary Provenance Research*

As a result of the rise in provenance claims and the circulation of art, there is a heightened importance placed on provenance research. Provenance research, unlike ever before, has become a critical component of museum practices in order for a museum to not only safeguard their holdings but to remain accountable to the public. It also helps museums to avoid the acquisition of additional works that have provenance issues. This is not only an ethical standard, but also a financial consideration of museums to address, since in many cases returning works to families can be considered a financial loss due the amount of money invested these in works of art. Although collections are not supposed to be considered a museum's asset, in many cases they are treated as such. This is seen in the financial evaluations and balance sheets of museums and in museum's actions in seeking appraisals and insurance policies for their collections. Museum professionals are taught to not view or utilize the contents of their collections as assets or in terms of their monetary value, which is an ethical standard that is intended to help museums uphold their public service missions. However, realistically this is ideal. These works must be considered as an asset but as an asset that is not expendable. Although this can be considered a bold claim, the term "asset" must be understood and utilized in the museum field in both a financial interpretation and more symbolic way. Financially, these works must be considered assets because of the market from which they come from, the art market, which is driven and focuses on dollar amount. Since museums compete with private collectors and their tool to compete with is money, this fact must be considered. On the flip-side, money also encourages people to donate to museums. Although a lot of people do donate without seeking some financial compensation this is not always the

case. Often people donate for a tax write-off and have their works appraised for this purpose. As a result viewing collections as a financial asset is necessary. For example, if a museum pays out of its collecting budget millions of dollars to purchase a work and have to return it without financial compensation, this is a significant loss of money, which affects the museum and affects the public because now that money to serve the public in ways such as the purchasing of new works and protecting other works is lost. So they must evaluate if works of art that they are acquiring are a sound investment or asset within their collection. Realistically museums must consider this in order not to harm future collecting practices.

The lack of standards in provenance research in previous decades has placed a financial burden on museums. Museums have found it necessary to backtrack and research gaps in the provenance of works that have been in their collections for fifty years, often in the works that have been exhibited to the public for decades. With the lack of documentation in art dealing transactions and sub-par documentation efforts before and during World War II, the efforts in establishing sound provenance records for various works becomes increasingly difficult. In many cases, documentation is non-existent. For example, when the art market was at it strongest during World War II, collections and individual works were transported and sold at such a rapid rate that often there were no written transactions, including no receipts.<sup>3</sup> Some deals were made with only a verbal transaction. Also works and collections were often sold, purchased and later confiscated in bulk and accessioned or documented into records as the collection of a particular family, so to detail exactly what works were acquired, familial records or art

---

<sup>3</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 155.

gallery records would have to be consulted. Thus the incredible inconsistencies in art dealing have created significant gaps in the provenance of works of art, which before World War II were of no real concern. Today, however, the legacy of looting is that gaps in provenance can keep a work from being bought or sold in the domain of the public and thus reduced to the black market. This art market of the underworld is a huge world-wide criminal enterprise and the movement from the black art market to the legitimate art market and vice versa is extremely easy and often goes unnoticed. This can be attributed to the facts that in the United States, the sale of a work of art does not require a title document to accompany the work of art.<sup>4</sup> Furthermore, private collectors often do not request a title, and thus often do not request provenance records because they show no general concern for where their objects come from. Furthermore, with the growing wealth throughout the world especially in countries such as China, Russia and Brazil, and limited amount of collectable items, it is tempting to turn to the black market, in which the prices of the valuables, like prices in the legal art market, keep going up.<sup>5</sup> According to CNBC wealth reporter Robert Frank, “There are now 11 million millionaires in the world and growing, but there are only so many bottles of 1945 Mouton Rothschild that they’ve made. So you have a growing number of buyers, a shrinking number of collectibles, prices are going to keep going up.”<sup>6</sup> According to Interpol and UNESCO, it

---

<sup>4</sup> Jessica Joseph, “Ripping off the Rich: Stolen Art, Collectibles Create a Billion-Dollar Black Market,” CNBC.com, July 30, 2012, [http://www.cnbc.com/id/48361203/Ripping\\_Off\\_the\\_Rich\\_Stolen\\_Art\\_Collectibles\\_Create\\_a\\_BillionDollar\\_Black\\_Market](http://www.cnbc.com/id/48361203/Ripping_Off_the_Rich_Stolen_Art_Collectibles_Create_a_BillionDollar_Black_Market) (accessed December 27, 2012).

<sup>5</sup> Ibid.

<sup>6</sup> Jessica Joseph, “Ripping off the Rich: Stolen Art, Collectibles Create a Billion-Dollar Black Market”.

is estimated that the trade in stolen cultural property has a \$6 billion annual turnover.<sup>7</sup> As a result, the opportunity to conduct transactions on this market is plausible and accessible.

Restitution claims and the current climate in the art market have been extremely beneficial and influential in the importance and transformation of provenance research. Since provenance has become such an issue, it has become an essential step in selling and buying. Not only are museums forced to thoroughly vet their works, but since auction houses cannot promote the illegal resale of looted art they “actively investigate provenances of the works they sell,” which also comes into play when individuals in galleries are selling their works.<sup>8</sup> According to Sophie Lillie, “Art dealers have become potent allies in promoting and upholding the principle that looted art has no resale value and cannot be sold on the open market.”<sup>9</sup> This drastically influences the need for not only proper provenances to be intact but for the standards in sales to be conducted ethically and legally.

These claims have also greatly increased the need for provenance research in museums and have affected the quality of museum’s provenance research. This research has become in many museums not the responsibility of a curator or collections manager, but instead a full time salaried position. For example, large American museums, such as

---

<sup>7</sup> Helen Wackrow, “The Black Market-The Other Business of Art,” *The Business of Art, Paying and playing the muse, The University of Sydney*, August 9, 2006, <http://blogs.usyd.edu.au/bizart/2006/08/> (accessed December 27, 2012).

<sup>8</sup> Sophie Lillie, “The Backlash Against Claimants,” *Common Art Recovery*, June 2009 <http://www.commartrecovery.org/sites/default/files/docs/events/SophieLillie.pdf> (accessed September 12, 2012).

<sup>9</sup> Ibid.



the Virginia Museum of Fine Arts and the Metropolitan Museum of Art, not only have extensive provenance research information available on their websites but have a full time salaried employee and individual department within the museum workplace dedicated strictly to provenance research. With the rise of research concerning the provenance of objects, it has also affected the necessity and use of archives and has, “given increased visibility and prominence to art museum archives.”<sup>10</sup> This changing focus within the museum community not only serves the museum community in its endeavors to prove rightful and legal ownership of their collections but also assisted in the cases of individuals making claims against museum. As a result, in many instances institutions are now forced to share their resources in order to maintain national standards and their missions to serve the public. In turn, the dispersal of knowledge and use technology that serves a pivotal role in restitutions now more than ever, plays a huge role in museum collections practices.

#### *American Organization’s Standards in Accessions*

With the gradual evolution of the field of provenance research and the attempts of American museums to approach this issue at the national level with a form of coherence, national and international organizations have set standards to serve as a framework for museums to abide by in their collections practices and more specifically in the context of Nazi looted art. For example, the American Alliance of Museums, formerly known as the American Association of Museums, is a national American organization that serves as a beacon for museums in the United States. This organization compiled a statement and

---

<sup>10</sup> Deborah Wythe, editor, *Museum Archives: An Introduction* (Chicago: The Society of American Archivists, 2004), 7.

formulated guidelines that detail how to address looted art in museum collections.<sup>11</sup> In 1998, in response to rising restitution claims, the Association of Art Museum Directors along with the American Alliance of Museums and with the influence of the International Council of Museums, published guidelines detailing procedures on how to address Nazi-era looted art. These guidelines include information on how to address acquisitions and the provenance of acquisition, specifically, whether the acquisitions were acquired by purchase, gift, bequest or exchange.<sup>12</sup> It also includes how loans should be addressed, how existing collections should be evaluated, how research should be conducted, what to do when an unlawfully appropriated object is discovered, when there is a claim of ownership placed upon a work, and ways to remain accountable to the public. The International Council of Museums has also instituted similar standards. In the initiative and survey conducted by the American Alliance of Museums, along with the United States government, other funders, and the *Washington Conference Principles on Nazi-Confiscated Art* have greatly influenced and motivated museums in the United States to investigate their collections and honor claims. Out of the 332 museums the conference approached to report on their progress in the investigation of museum collections and objects that might have been stolen during World War II, two hundred and fourteen museums sent a response while 118 museums, (35%), did not respond as of 2006.<sup>13</sup> In

---

<sup>11</sup> Collections Stewardship, "Standards Regarding the Unlawful Appropriation of Objects During the Nazi Era," American Association of Museums, <http://www.aamus.org/resources/ethics-standards-and-best-practices/characteristics-of-excellence-for-u-s-museums/collections-stewardship> (accessed December 5, 2012).

<sup>12</sup> Claims Conference and World Jewish Restitution Organization, "Nazi-Era Stolen Art and U.S. Museums: A Survey," July 25, 2006, 14-26.

<sup>13</sup> Ibid.

2006, the museums who responded to the survey which stated they were conducting provenance research, 52% of the participating museums completed research on less than half of the applicable items in their collections while 33% did not detail to what extent that they completed research.<sup>14</sup> Such results indicate that efforts and standards are neither universally addressed nor met.

As seen in the various cases studies discussed, it is clear that national standards, especially in the United States, have been made to address this controversial issue. Due to bad press in 1998 concerning restitution cases, the directors of a multitude of American museums, mostly larger museums, performed a comprehensive review of their collections to establish proper provenance for their collections or made initial steps to initiate the research process.<sup>15</sup> Although this process has successfully filled in some art works gaps and questions in provenance, it has also revealed previously unbeknownst issues in museum collections that not only calls into question Nazi looted art, but works that are subject to NAGPRA or are considered to be illegally looted antiquities. In addition, the Association of Art Museum Directors published a set of guidelines to serve as a roadmap for museums to abide by, and the American Alliance of Museums has also made strides to establish principles and standards of return, which although it is adopted by many accredited museums, is often not necessarily followed.<sup>16</sup>

---

<sup>14</sup> Claims Conference and World Jewish Restitution Organization, "Nazi-Era Stolen Art and U.S. Museums: A Survey," July 25, 2006, 14-26.

<sup>15</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses* (New York: Welcome Rain Publishers, 2000), 229.

<sup>16</sup> Ibid., 238.

### *International Efforts*

Other efforts have also been made at an international level to address looted art, not only in regards to Nazi looted art but antiquities as well. In recent years, there have been attempts to create guidelines on the illicit movement of cultural artifacts with UNIDROT, the international return of stolen or illegally exported cultural artifacts initiative of the United Nations. This standard states that if items are returned there would be, “fair and reasonable compensation”.<sup>17</sup> Although these attempts have been made, UNIDROIT was greatly opposed by the international art market, and was not thoroughly adopted internationally. Furthermore, some member nations of UNIDROIT are known to have been centers of the black art market during World War II that helped which the exportation and marketing of looted art. Such countries include Peru, Lithuania, Hungary, Paraguay and Romania.<sup>18</sup>

While the search for looted art continues, other various types of agencies have arisen to help with the process. International law enforcement agencies and private foundations like the Institute for Art Research in New York keep an eye on the markets and on new research discoveries.<sup>19</sup> Furthermore with the, “fall of the Iron Curtain and the reunification of Germany there has been a new whirlwind of investigations within Germany in hope of finding still hidden artifacts or clues concerning works that are still

---

<sup>17</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses* (New York: Welcome Rain Publishers, 2000), 337.

<sup>18</sup> Ibid.

<sup>19</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 443.

missing.”<sup>20</sup> These discoveries are constantly monitored by a variety of organizations attempting to discover stolen objects, just not in a unified or collaborative effort.

### *Technology*

In the aftermath of the war, the number of restitution claims declined due to the attention given to what were considered more critical issues. With the Nuremberg Trials, attempts to convict Nazi War criminals for their crimes and the exposing of the Nazi War crimes and the gradual public awareness of the Holocaust, the motivation to return looted art lost its momentum. In comparison to the lives lost during the war and the Holocaust, personal property often became an afterthought. However, with the evolution of technology, the invention and increased accessibility to the internet and the passage of time, there has been an increased flow of information throughout the world, and thus claims have increased dramatically since the 1990s. More specifically, with the influx of modern technology into Eastern Europe, the research of works in this part of the world, which was so significantly affected by both Russia and the Nazis, the members of the art world will now be able to research and provide access to new information.<sup>21</sup> This technology and new information has affected both sides of restitution claims and has greatly assisted and enhanced the progress and quality of provenance research and has allowed for increased standards.

Before the invention of the Internet and ample accessibility to a wealth of information, private sales required minimum provenance research especially since such

---

<sup>20</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 444.

<sup>21</sup> Robert M. Edsel, *Rescuing Da Vinci*, (Dallas: Laurel Publishing, 2006), 285.

information was not previously widely and easily available. Locating information was a time-consuming and expensive process and was not considered necessary in the field. Thus, the increased use of technology and the resultant heightened accessibility to information is forcing the standards of business practices to change. “The democracy of the Internet has “facilitated the flow of information and is forcing certain established business practices to change”.<sup>22</sup> Now that more information is available and is more easily accessible, it is now included and required in certain situations. This is making the provenance standards in the art market change and in turn forcing the provenance standards in museums to change as well.

The digitization of museum collections and archives gives individuals making their claims today an extensive amount of resources only a click away to help them in their hunt for their lost items. In regards to the institutions or parties such as museums, who are having claims made against them, they now not only have the same resources in order to maintain the ownership of their collections but to also vet their collections. For museums that are extremely proactive and uphold the highest ethical standards, they can currently post works with questionable provenances to remain accountable to the public while also looking through databases of images to see if any of these works identified remained unacknowledged in their collections. If so, then they act upon these questions and remain accountable to the public. These databases are not only facilitating the research of looted works but allow for researchers in museums to thoroughly vet their collections.

---

<sup>22</sup> Robert M. Edsel, *Rescuing Da Vinci*, (Dallas: Laurel Publishing, 2006), 285.

An example of a database which is not only a database to exhibit works that continue to maintain their looted status, but is a source for restitution news is [lootedart.com](http://lootedart.com), a central and public registry and repository of information on Nazi looting, which details previous and current advancements in research and serves as a guide for families to identify and recover looted cultural property.<sup>23</sup> In addition, the database constantly updates news on families seeking restitution, works of art in question, affected institutions, monitors policy developments, provides information on the art trade and community, and publishes primary sources concerning Nazi looted art.<sup>24</sup> This database is also searchable by country, which under each country there are specific tabs detailing information concerning, “Status Reports, Laws, Policies and Guidelines, Official Bodies and Reports, Research Resources, Museums, Libraries and Archives, the Art Trade, Looted Cultural Property, Libraries and Archives, Claimant Information, Cases and Events and Conferences.”<sup>25</sup>

Another portal, which appears to be designed more towards assisting museums in their research endeavors, is the portal constructed by the American Alliance of Museums titled, “Nazi-Era Provenance, Internet Portal”. This is also a searchable database, which has 28,848 objects from 173 participating museums and has guidelines for research and restitution for not only the public in general, but for more specifically museums who wish

---

<sup>23</sup> Lootedart.com, The Central Registry of Information on Looted Cultural Property 1933-1945, “About US: Overview,” last updated 2012, <http://lootedart.com/about> (accessed November 5, 2012).

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

to participate.<sup>26</sup> It also lists museums which indisputably do not hold items in their collections which could have been subject to Nazi-era looting. Their mission is to, “provide a searchable registry of objects in United States museum collections that changed hands in Continental Europe during the Nazi era (1933-1945).<sup>27</sup> This particular portal, launched in 2003, is specifically designed to serve both people searching for lost objects and specifically museums in the United States in order for museums to, “fulfill their responsibility to make information about objects in their collections centrally accessible.”<sup>28</sup> This portal aids museums and ensures that member museums are accountable to the public in the most efficient way. In addition to these larger general portals that detail works across the world, other smaller databases are run and organized by individual countries that were affected by looting. Databases exist in countries such as Austria, the Czech Republic, France, Germany, Netherlands, Poland and Russia.<sup>29</sup> Other databases have also been created to combat stolen art in general, which move beyond including just Nazi looted art but stolen art and looted antiquities. One excellent example is the Art Loss Register.

In addition to these databases, other sources of information, that are accessible through the Internet, are assisting museums and families in provenance research. In the

---

<sup>26</sup> Nazi-Era Provenance Internet Portal, “The Nazi-Era Provenance Internet Portal Project, Our Mission” last updated 2012, <http://www.nepip.org/> (accessed November 15, 2012).

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Provenance in the World War II Era, 1933-1945, “Lost Art Databases & Resources,” Smithsonian, last updated March 2010, [http://provenance.si.edu.jsp.lost\\_art\\_databases.aspx](http://provenance.si.edu.jsp.lost_art_databases.aspx) (accessed November 5, 2012).



cases of families, who were affected by the looting during the war and did not receive their collections back or only part of their collections, their descendants are still on the hunt. These descendants scour auction houses catalogues, museums and exhibitions across the world to catch their family's works showing up in these various public venues. Previously, individuals would have to physically travel around the world to various institutions in order to find their works, now they can remain in their home. With the rapid digitization of museums collections, the digitization of the holdings of galleries, and the rising frequency and accessibility to online auctions, research has become much easier, effective and can be conducted at a much more rapid pace. In addition to databases, there are also other institutions that have helped with research and making claims. Other commonly addressed resources to assist in making claims in the United States are the Holocaust Claims Processing Office, New York State Banking Department, the U.S. Holocaust Memorial Museum, National Archives and Records Administration, Holocaust-era Assets, the Getty Research Institute and ICOM's Spoliation of Jewish Cultural Property Web page.

Another technological development that has played and continues to play a significant role in the continuous process of restitution is photography. Not only did photographs during World War II of famous old master paintings allow individuals involved in the restitution process to recognize and successfully return certain paintings of public acclaim, but it has helped in today's restitution climate. In the process of restitution in the immediate aftermath of the war, photography helped aid the officers in the visual identification of works and in maintaining the intellectual control of art works. Photography has also expanded the field of provenance research and has allowed for

more images of lost works to be identified due to the fact that photography is a medium that is easily reproduced.<sup>30</sup> Since photography is easily reproducible and has the ability to be widely circulated through either widely circulated reproductions of photographs or putting photographs on internationally accessible venues like the Internet, individuals can now visually recognize their families' works in auction house catalogues, website and in other forms of mass media, and thus find the present locations of their works of art.

With the evolution of technology and the further research being conducted, new discoveries are constantly being made which has provided further resources for provenance research. Recently, a new database the, "Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg: Database of Art Objects at the Jeu de Paume," has specifically helped families who were affected in France during World War II.<sup>31</sup> This database has combined the meticulous documentation of the Einsatzstab Reichsleiter Rosenberg that specifies in detail the works the organization looted, records from the U.S. National Archives and the German Bundesarchiv in a single central searchable database.<sup>32</sup> This free online service, created by the Conference of Jewish Material Claims Against Germany and the United States Holocaust Memorial Museum, lists more than 20,000 art objects stolen throughout the war. Other research discoveries have helped expedite the restitution process along with the opening of information to the public that was never previously available. For example, in recent years newly discovered Nazi documentation

---

<sup>30</sup> Robert M. Edsel, *Rescuing Da Vinci* (Dallas: Laurel Publishing, 2006), viii.

<sup>31</sup> "Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg: Database of Art Objects at the Jeu de Paume," updated 2013, <http://errproject.org/jeudepaume/>.

<sup>32</sup> "Jewish Groups Launch New Online Nazi-Looted Art Database," last updated 2012, <http://www.artinfo.com/print/node/278282>.

has helped clarify what as looted from European museums and private collections. In March of 2012, the National Archives unveiled two of Hitler's albums which possess meticulous catalogues of looted art that, "may number as many as 100 volumes."<sup>33</sup> Ironically, two of these volumes were previously in the possession of the families of two American soldiers, who took them from Hitler's residence in the Alps as, "souvenirs."<sup>34</sup> Museums and research institutions have also contributed to research efforts by acquiring and digitizing archival materials concerning auction houses or galleries. In November of 2012, the Getty Research Institute acquired the Knoedler Gallery records and after the records are processed, they will be made available to the public and digitized.<sup>35</sup> This exhibits the growing emphasis on museum archives and business archives considering business in art. This is not only forcing the standards of provenance research museums to change but is also forcing more legal documentation to be procured for private transactions, the transactions being conducted in auction houses and galleries as well. Technology is changing the standards of practice and in turn is changing the practices of art markets and museums.

### *Popular Media*

In addition to technology facilitating provenance research, popular media throughout the world also plays a defining role in fostering the rise in restitution claims

---

<sup>33</sup> Sonia van Gilder Cooke, "Found: Nazi Records of Hitler's Looted Art," *Time*, March 30, 2012, <http://newsfeed.time.com/2012/03/30/found-nazi-records-of-hitlers-looted-art/> (accessed November 29, 2012).

<sup>34</sup> Ibid.

<sup>35</sup> Carol Vogel, "Getty Institute Buys Knoedler Gallery Archive" *The New York Times*, October 18 2012, [http://www.nytimes.com/2012/10/19/arts/design/getty-institute-buys-knoedler-gallery-archive.html?\\_r=0](http://www.nytimes.com/2012/10/19/arts/design/getty-institute-buys-knoedler-gallery-archive.html?_r=0) (accessed November 12, 2012).

and provenance research. The subject of Nazi looted art is easily considered a, “blockbuster” topic. Stories concerning loot and claims have not only infiltrated the print media with popular books such as Robert Edsel’s *Monuments Men*, and Lynn H. Nicholas’s *Rape of Europa*, but has also been the subject of various films, documentaries and television specials. Various titles include the documentary film version of the *Rape of Europa*, the *Portrait of Wally*, *Adele’s Wish*, *The Train* and various other NPR and BBC radio specials among many other documentaries aired on major news channels such as ABC and NBC. The popularity and saturation of the media with these interesting stories and topics has made this particular history a household topic and has greatly raised awareness that reaches its grasp beyond the museum and academic field.

### *Contemporary Motivations for Restitution*

In addition to research developments, improved technology and the popular media, financial motivations are driving restitution claims. According to Robert M. Edsel, “Money has changed the dynamics; it will continue to do so.”<sup>36</sup> In contemporary restitution cases the focus, almost without exception is on the dollar amount of the value of the painting.<sup>37</sup> Within the last 10 years there has been an “explosion” in the commercial value of art. With the increased publicity of the art market and the raising awareness of the issue of looted art, the market is booming and the rising prices, especially in old master works, have motivated individuals to bring their stored artworks

---

<sup>36</sup> Robert M. Edsel, *Rescuing Da Vinci*, 286.

<sup>37</sup> Robert M. Edsel, *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History* (New York: Center Street, 2009), 324.

out of hiding and to sell them at auction.<sup>38</sup> Thus, financial implications more often than not greatly promote restitution claims. These works and collections belonging to these families are often treated as tangible financial assets rather than an heirloom or art work in a collection that serves the public. For example, in the case of the famous Austrian branch of the Rothschild family, the living members of the family auctioned off of their trove of treasures through Christies in 1999, which brought a total of \$89.9 million, over double what the auction was predicted to produce. This particular auction of Nazi looted items according to Lord Hindlip, the chairman of Christie's, was "one of the most successful sales in the history of Europe."<sup>39</sup> The returning of the art collection by Austria to the family received a significant amount of criticism which centered on the issue of whether this collection should remain in the public. However the Austrian Culture Minister at the time, Elisabeth Gehrler, stated that, "she wanted to rectify what she termed immoral decisions at the end of the war."<sup>40</sup> This statement reveals that the repercussions and issues are still extremely relevant regardless of the lapse in time. In an interview with the current matriarch of the Austrian branch, Baroness Bettina de Rothschild, stated that she reluctantly sold the works from the collection in spite of the public criticism due to changes in financial situations and the ever changing world. Baroness Rothschild stated that, "It breaks my heart to see these things beings sold; they are the last of my childhood. But it just doesn't make sense to keep them. We all live very differently today than my parents did. Not only are the security questions terrifying and the

---

<sup>38</sup> Robert M. Edsel, *Rescuing Da Vinci*, 42.

<sup>39</sup> Carol Vogel, "At \$90 Million, Rothschild Sale Exceeds Goals," *The New York Times*, July 9, 1999, [www.nytimes.com/1999/07/09/world](http://www.nytimes.com/1999/07/09/world) (accessed October 15, 2012).

<sup>40</sup> Ibid.

insurance costs prohibitive, but this type of 18<sup>th</sup>-century French furniture needs a butler and two housemaids constantly polishing it. That's just not the way we live.”<sup>41</sup> Thus although the extremely appealing price tag on this collection was an obvious motivation for selling these works of art, there are also other financial issues which individuals are having to consider. This includes another ethical component that includes the safety of such priceless collections. Although it was unclear which possessions went into private collections versus public museums, some of the museums which bought treasures include Versailles and the Cleveland Museum of Art, while some private collectors such as the Sheik Hamad bin Khalifa al-Thani, the Emir of Qatar, purchased multiple items as well, showing that the fate of these restituted works was indeed uncertain.<sup>42</sup> This mindset of treating art as an asset, is a continued theme from the Nazi mentality, when looted art was treated as an asset, a safe investment was used as a stable form of international currency.<sup>43</sup> This is not only manifested in the quick turn around and cycle which occurs in the cases in which paintings are returned to rightful owners and immediately put up at auction, but in the cases in which families instead of being given their works back are financially compensated. Some families in these cases did not receive their actual paintings or art works back but were instead awarded a cash sum in equivalence to their

---

<sup>41</sup> Carol Vogel, “Austrian Rothschilds Decide to Sell; Sotheby’s in London Will Auction \$40 Million in Art Seized by Nazis,” *The New York Times*, April 10, 1999, [www.nytimes.com/1999/04/10](http://www.nytimes.com/1999/04/10) (accessed October 15, 2012).

<sup>42</sup> Carol Vogel, “Cleveland Museum Was the Buyer of a Prized Rothschild Portrait,” *The New York Times*, July 10, 1999. [www.nytimes.com/1999/07/10/arts](http://www.nytimes.com/1999/07/10/arts) (accessed October 21, 2012).

<sup>43</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe’s Treasure Houses*, 238.

work.<sup>44</sup> In other cases, some works of art were returned to their rightful owners for a price and was not considered a price for purchase but rather it was, “not a price, but a finders’ fee.”<sup>45</sup> However, often individuals sell these works because they do not have the financial capital to care for works of art or ensure their safety.

Although looting in the Third Reich occurred over seventy years ago, a large number of works are still missing and restitution claims will continue to occur, placing an even greater emphasis on provenance research. As this research continues to be conducted and new information is revealed, provenance research will become more complete and it is likely that more restitutions will be made. Through studying various restitution cases and claims, the volatile nature of restitution can be revealed. The personalities of these cases can manifest themselves in a variety of ways both nationally and internationally, privately and publicly. However more often than not, these claims are made on museums and place a huge burden on museums. Since the museum, like an auction house, is an extremely public institution, it becomes a media target and an easy target for heirs to approach. As a result, museums have taken various approaches to vet their art collections and address restitution cases. Although some museums approaches to restitution cases have appeared more ethically sound than others, with the gradual passage of time the practices of museums have evolved along with how museums have handled restitution cases. These cases are all extremely unique and manifest a variety of

---

<sup>44</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe’s Treasure Houses*, 237.

<sup>45</sup> Ibid., 246.

repercussions within the art community that all create individual ethical debates within the confines of the museum.



## CHAPTER FOUR

### Contemporary Restitution Cases

With the publications of books such as Robert Edsel's *Monuments Men*, families, individuals, and enthusiasts deemed by the media as, "treasure hunters" across the world have rapidly become aware of the repercussions of the Nazi art looting activities during World War II. The consequences of this looting continue to be relevant. The number of restitution claims, law suits and investigations concerning certain works of art in museums, auction houses and private collections has gradually risen and has garnered a great deal of publicity. Since this has greatly affected numerous museum collections across the world, various institutions have revisited questions about the provenance of their collections and claims on ownership in a variety of methods. Many museums have taken the responsibility to vet their collections without being forced to do so by a claimant, but others wait until the provenance of a piece is questioned. Some museums are very transparent with the public in how they handle their claims, while others remain steadfast in their claims of ownership and insist on settling disputes of ownership in courts of law. This method has placed a heavy financial burden not only on the claimants, but also on the museums. With improved accessibility to archives and the development of other avenues of research, the resources previously used only by the museums have become increasingly important to outside individuals as well. Thus provenance research has become the key piece of evidence and often the only piece of evidence in such claims.

This emphasis on provenance research serves not only the museum community in their endeavors to prove rightful and legal ownership of their collections but also non-museum employees making claims against museums. Although some provenance records will always have a permanent gap due to poor documentation or the destruction of documentation as seen during World War II, new discoveries, increasing availability and accessibility of resources have allowed some gaps in provenance to be filled. In an examination of various museums and their specific restitution cases, it can be seen that museums across the world take a variety of approaches to establish their ownership of their collections. While some are doing their “due-diligence” to ensure the validity of ownership of their works, this attempt is not seen universally. In addition to the museum community, other individuals and institutions in the art world are having to address the rise in restitution cases by adapting their practices.

Like museums, auction houses such as Christie’s and Sotheby’s also have disclaimers and statements of cooperation concerning Nazi looted art. Due to the very public nature of the business in which they conduct with public auctions, auction houses have had to address and plan for potential conflict. With the extreme accessibility in this business by the public through means such as the circulation of published catalogues and online collections, they have had to maintain steps to ensure that the works in which they are auctioning are indeed rightfully owned by the selling parties or by the auction house. On the Christie’s website, for example, there is an entire page dedicated to restitution. The auction house states that they take every effort to ensure looted art works are not sold and also assist with the research and identification of stolen property. On the Christie’s website they also state that they are serious contenders in the restitution process, and

assist both parties in the case of a restitution claim. The website states, “In this, we are privileged to work as both part of the art world and as part of the restitution community.”<sup>1</sup> They also approach restitution practices in a method which is similar to museum practices; it is stated that the goal of their restitution efforts is “fairness, transparency, consistency and practicality.”<sup>2</sup> In addition to this general statement, the Christie’s website also provides an extensive set of guidelines in how to deal with provenance issues and ownership disputes from the Nazi-era. These guidelines not only outlines their approach but also provides information that helps assist holders and claimants and makes the claims process as easy and clear as possible.<sup>3</sup> Christie’s also participates in sponsoring symposia and events addressing restitution issues such as the Holocaust Art Restitution Symposium presented by Christie’s and Union Internationale Des Avocats.<sup>4</sup> This is critical for their accountability to the public to maintain the prestige of their business. Although they do not serve the public in the manner of museums, in order to maintain the success and prestige of their business, they too must remain accountable to the public.

In the case of private collectors, while some collectors buy their works or their collections in what is considered, “good faith” others knowingly buy looted art works and conduct deals on the black market. These corrupt business transactions, since they are mostly conducted out of the public eye, are more often than not never exposed. Since

---

<sup>1</sup> “Christie’s Restitution”, Christie’s, [www.christies.com/services/restitution/](http://www.christies.com/services/restitution/) (accessed January 2, 2012).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

they do not serve the general public, they do not have to remain as accountable especially since they do not have a business or public reputation to uphold. Although they have a legal obligation, these private collectors are not as easily exposed. As a result certain looted art works maintain their status as, “missing” and will only be discovered when they are either donated to museums or sold at auction or in a gallery. Although museums in most cases are attempting to vet their own collections, other institutions and private collectors are not as diligent in their efforts to maintain ethical standards. Due to the prevalence of illegal art dealing, standards are extremely difficult to both standardize and maintain among the world’s collectors.

There are several reasons for the rise of the awareness of looted art, and the increase in restitution cases. First, as World War II survivors pass away, more works are being found and offered to the public. The second reason is the increasingly healthy art market, which has a hearty appetite for old master paintings. Third, because most World War II survivors are now deceased, owners and collectors who own looted art who know that they own looted works of art are no longer as hesitant or apprehensive to sell their works because they believe that the chances are lower that a claim will be brought against them. Since these owners are able to fetch such a high price for their works in either an auction house or gallery, the incentive to sell is greater. This is also the case for some individuals filing claims on looted works. Fourthly, publications such as the *Rape of Europa* and *Monuments Men* and documentary films such as the *Portrait of Wally*, have raised awareness. Finally with the shrinking nature of our world due to changing technology, more people are aware of and are looking for looted works. Museums are approaching the rise in restitution claims publicly, privately, proactively and passively.

However with the media's interest in the issue, the cases often become very public very quickly placing museums in tricky positions as to how they should handle a claim, the media and their collections. This makes the museum's approach to these ethical issues even more volatile, and such debates can allow museums to respond with a variety of methods since no set standard exists. Since each claim is drastically different and every museum is different in their perceptions on the issue, a variety of methods have been used in recent years, yielding a variety of outcomes.

*Maria Altmann*

In addition to museums and institutions in the United States, museums in Europe also have had to react to a rise in restitution claims with various techniques. In the museums of Western Europe, due to the unethical collecting practices at the end of the war, many of the great museums of Europe deliberately took advantage of the chaotic time and assimilated works into their national collections. Whether the works were acquired from the heirless collections, were retained due to a manipulation or interpretation of a deed of sale, or museums just refused to return them, a significant amount of art work remains illegally in European national collections, especially in Austria. One of the most famous restitution cases to date is the case of Maria Altmann, in which five paintings by the internationally acclaimed Austrian artist, Gustav Klimt, were returned to the Altmann family by the Austrian government. In this particular case, a distinct perspective and defensive approach by the museum was exhibited. The Austrian gallery in which the contested works were hanging did not approach the heirs first but instead waited for the claimants to initiate the claim that eventually turned into a dramatic legal battle for the works. Maria Altman, a Jewish refugee and the heir to the works, on behalf of her family

who fled Vienna in 1938, battled for seven years for five paintings that were stolen from her family during World War II among other family heirlooms including the family business. Two of these paintings were portraits of Maria Altmann's aunt, Adele Bloch-Bauer and three were landscapes. In addition to these paintings, a large porcelain collection along with the family's sugar refinery was confiscated.<sup>5</sup> Altmann led this particular fight on behalf of her family because she resided in Los Angeles, California in the United States while her other family members lived in Canada, which does not sue foreign governments.<sup>6</sup>

In 1998, the potential dispute surrounding the paintings was brought to Altmann's attention by Hubertus Czernin, a journalist who discovered documents in the Austrian government archives while researching for his series of exposés concerning the Austrian acquisition of looted works.<sup>7</sup> In his research Czernin was attempting to shed light on the Austrian government's practices in returning certain looted artworks in the immediate aftermath of the war on the illegal and corrupt premise that, "the owners agreed to sign away their rights to other seized art."<sup>8</sup> In the aftermath of World War II certain governments, such as the Austrian government, when returning loot to victims of looting,

---

<sup>5</sup> William Grimes, "Maria Altmann, Pursuer of Family's Stolen Paintings, Dies at 94," *The New York Times*, February 9, 2011, <http://www.nytimes.com/2011/02/09/arts/design/09altmann.html?pagewanted=all> (accessed November 12, 2012).

<sup>6</sup> Art Stolen, Art Rescued, "Restitutions To-Date," The Rape of Europa, <http://rapeofeuropa.com/stolenRestitutions.asp>, last modified 2012, <http://www.rapeofeuropa.com/stolenRestitutions.asp> (accessed November 12, 2012).

<sup>7</sup> William Grimes, "Maria Altmann, Pursuer of Family's Stolen Paintings, Dies at 94."

<sup>8</sup> Ibid.

retained certain “star” works of art to bolster their national collections, and would only return works if collectors agreed to relinquish a portion or a single work from their collections.<sup>9</sup> After this discovery Altman, who was previously unaware that the paintings and numerous other works were still legally the property of her family, hired two lawyers who filed a claim against the Austrian government. In the attempts to acquire the paintings, the price of pursuing the restitution case in Austria was so tremendous that Altman decided to file suit in California against the Austrian government. The price for pursuing the case in Austria was so expensive due to the fact that, “costs are calibrated according to the value of the assets at issue” which with the value of the paintings in questions, was an extraordinary amount of money. Maria Altmann battled this particular case all the way up to the United States Supreme Court, which in turn ensured the restitution of the paintings.<sup>10</sup> Altmann won appeals all the way to the Supreme Court, which ruled in favor of the restitution of the paintings. This allowed Altmann to pursue her claim under the Foreign Sovereign Immunities Act upon which the case went to a panel in Austria that was run by three Austrian academics.<sup>11</sup> The paintings eventually underwent Austrian arbitration, upon which the court ordered the museum to return the paintings to the rightful owners, the Altmann family.<sup>12</sup> In January 2006 the paintings

---

<sup>9</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe’s Treasure Houses*, 188.

<sup>10</sup> William Grimes, “Maria Altmann, Pursuer of Family’s Stolen Paintings, Dies at 94.”

<sup>11</sup> “Maria Altmann, Maria Altmann, pursuer of looted paintings, died on February 7th, aged 94,” *The Economist*, last modified February 17th, 2011.

<sup>12</sup> Ibid.

were given back to Ms. Altmann.<sup>13</sup> Although this fight was an extremely arduous and lengthy process, Altmann stated in 2001, “They delay, delay, delay, hoping I will die. But I will do them the pleasure of staying alive.”<sup>14</sup>

Once these paintings were returned to the heirs, the collection was immediately put on view at the Los Angeles County Museum of Art because Altmann thought, “it would be a beautiful thing to show them in this country [United States], since these paintings and the work of Gustav Klimt was rarely exhibited to the public in the United States.”<sup>15</sup> The Los Angeles County Museum in addition to exhibiting the works agreed to pay for the work’s transportation costs and insurance.<sup>16</sup> The Austrian government originally had hoped to purchase the paintings from the Altmann family in order to ensure they would remain in Austria. However, museum officials reported that they could not afford the paintings, which were valued at \$300 million.

After the paintings were exhibited at the Los Angeles County Museum of Art the works were quickly put up for auction to the public through Christie’s. The Neue Galerie in Manhattan bought the earlier portrait of Adele for \$135 million to hang permanently in the museum which was made possible with the generous funding by businessman and philanthropist Ronald S. Lauder. The four other paintings were auctioned by Christie’s

---

<sup>13</sup> Anne-Marie O’Connor, “Maria Altmann dies at 94; won fight for return of Klimt portrait seized by Nazis,” *The Los Angeles Times*, February 8, 2011.

<sup>14</sup> Ibid.

<sup>15</sup> Art Stolen, Art Rescued, “Restitutions To-Date,” The Rape of Europa, <http://rapeofeuropa.com/stolenRestitutions.asp>, last modified 2012, <http://www.rapeofeuropa.com/stolenRestitutions.asp> (accessed November 12, 2012).

<sup>16</sup> Ibid.



for a total sum of \$192.7 million and went into private collections.<sup>17</sup> This award for Maria Altmann's paintings was the largest single return of Nazi-looted art and served as an example for numerous other restitution cases.<sup>18</sup>

*Museum of Modern Art, New York*

One of the most disconcerting modern restitution cases, from a museum professional's perspective, is the international restitution case concerning the work, "Portrait of Wally." The painting, "Portrait of Wally," by the Austrian painter Egon Schiele painted in 1912 of the artist's mistress, was owned by Lea Bondi, an Austrian Jew, whom fled to London during World War II. The painting was acquired by the Nazi leader Friedrich Welz, another notorious Nazi collector, and after the conclusion of World War II was returned to the Austrian government by the Monuments Men to retribute to the family, upon which the works fate was out of the hands and documentation of the Monuments Men.<sup>19</sup> Later in 1954, the painting was acquired by the Expressionist art collector Rudolf Leopold, who acquired the work from Austria's Belvedere Museum, which was most likely aware that the painting was illegally acquired Nazi loot. In 1993, Rudolf Leopold transferred the "Portrait of Wally" to the Leopold Museum; in 1997 the Museum of Modern Art in New York City borrowed the work on loan for a Schiele retrospective exhibition. In 1998 after the exhibition was open to the

---

<sup>17</sup> William Grimes, "Maria Altmann, Pursuer of Family's Stolen Paintings, Dies at 94."

<sup>18</sup> "Maria Altmann, Maria Altmann, pursuer of looted paintings, died on February 7th, aged 94."

<sup>19</sup> "Austrian Museum pays \$19 million for Nazi-looted painting," last modified July 21, 2010, <http://www.jta.org/news/article-print/2010/07/21/2740157/austrian-museum-pays-for-Nazi-looted-painting?> (accessed December 4, 2012).

public, the Manhattan district attorney's office began investigating a claim on the work in the exhibition made by an heir of the Bondi family.<sup>20</sup> After the initial investigation, the Austrian Leopold Museum argued that the painting was not considered stolen property and was acquired in good faith from the painting's legitimate postwar owners.<sup>21</sup>

When the original owner, Lea Bondi Jaray, was still alive, she was very aware of the fact that she was indeed the proper owner of the painting but did not have the means or resources to seek the work's restitution. She died in the late 1970's without receiving the painting or any sort of compensation for the work.<sup>22</sup> Due to the financial burden of pursuing restitution in Austria, as similarly realized by Maria Altmann, Bondi never sued. Later, under the legal system of the United States, Bondi's nephew filed a claim for the painting, alarming not only MoMA but the other museums in the United States due to the fear that the lawsuit would put a halt on international loans.<sup>23</sup> As a result of the suit, the painting was subpoenaed and for more than a decade the court weighed the legal ownership of the painting. The painting was confiscated and stored in a federal storage facility in Queens, while the international dispute was resolved.<sup>24</sup> In a settlement arrived

---

<sup>20</sup> "BBC News Entertainment and Arts, Row over Egon Schiele work costs Austrian museum \$19m," last modified July 21, 2010, <http://www.bbc.co.uk/new/entertainment-arts-10709321?print=true> (accessed December 4, 2012).

<sup>21</sup> Judith H. Dobrzynski, "THE ZEALOUS COLLECTOR—A special report".

<sup>22</sup> Ibid.

<sup>23</sup> Michael Phillips, "Portrait of Wally": Nazi-looted painting a study in motives???" *Chicago Tribune*, June 15, 2012, [http://articles.chicagotribune.com/2012-06-15/entertainment/ct-mov-0615-premier-attraction-20120615\\_1\\_nazi-looted-painting-leopold-museum-egon-schiele](http://articles.chicagotribune.com/2012-06-15/entertainment/ct-mov-0615-premier-attraction-20120615_1_nazi-looted-painting-leopold-museum-egon-schiele) (accessed November 25, 2012).

<sup>24</sup> Ibid..

at in 2010, the Leopold Museum in Vienna agreed to pay the heirs of Lea Bondi Jaray, \$19 million in financial compensation for the disputed work.<sup>25</sup> According to the Bondi estate, this financial compensation adequately reflects the value of the painting.<sup>26</sup>

This case is unique due to the fact that it was a legal battle which ensued between the Manhattan district attorney's office, the United States government and the heirs of Lea Bondi against both the Leopold Museum in Austria and Dr. Leopold, who had already earned a scandalous reputation for corrupt art collecting practices. Furthermore it was a battle that was fought on the very public stage of the MoMA.<sup>27</sup> This case singlehandedly paved the way for other significant restitution cases due to the fact that initiative was taken by the United States government to resolve the dispute of ownership. This is monumental in the field of restitution because it indicates that the United States Government would utilize national resources to seek justice for the World War II victims of Nazi looting.<sup>28</sup> This case is also hugely significant due to uproar it caused in Austria and its effects in the Austrian government that resulted in the passing of new restitution laws.<sup>29</sup> It is considered as "the pivotal case" in art restitution around the world because

---

<sup>25</sup> Nicolas Rapold, "The Multidimensional Fate of a 1912 Schiele Portrait," *The New York Times*, May 10, 2012, <http://movies.nytimes.com/2012/05/11/movies/portrait-of-wally-documentary-on-schiele-painting.html> (accessed November 25, 2012).

<sup>26</sup> "BBC News Entertainment and Arts, Row over Egon Schiele work costs Austrian museum \$19m."

<sup>27</sup> Mark Speir, "Portrait of Wally," College of Communication, The University of Texas at Austin, September 6, 2012 <http://communication.utexas.edu/features/portrait-wally> (accessed November 15, 2012).

<sup>28</sup> Judith H. Dobrzynski, "What makes the Portrait of Wally case so significant," *The Art Newspaper*, April 24, 2012, <http://www.theartnewspaper.com/articles/What-makes-the-Portrait-of-Wally-case-so-significant/26309> (accessed November 25, 2012).

<sup>29</sup> Ibid.

of its international effects.<sup>30</sup> This case brought light to numerous collections across the world that needed to be evaluated and the existing proliferation of stolen art in collections which had been long established, studied and coveted. The thirteen year legal battle and settlement between the estate of Lea Bondi Jaray, the United States Government and the Leopold Museum in Vienna, serves as a symbol of success and as a model for future restitution cases. This case also exhibits the dramatic international effects of restitution on the art community.

### *Elicofon*

The looting activities of the United States armed forces have also led to significant restitution cases. Although these cases are not as common, they have shed a great deal of light on this other, less well known aspect of war-time looting. One of the most significant cases is the case involving two portraits by Albrecht Durer painted in 1499. These paintings were originally owned by the Kunstasammlungen zu Weimar in Germany and were hidden for protection during the duration of World War II in a castle. The painting disappeared while American troops were billeted in the castle.<sup>31</sup> Although it is not clear and most likely will never be clear who looted these two portrait paintings, they were most likely stolen by U.S. Soldiers from the castle during the war and were

---

<sup>30</sup> Mark Speir, "Portrait of Wally," College of Communication, The University of Texas at Austin, September 6, 2012.

<sup>31</sup> John Henry Merryman, *Thinking about the Elgin Marbles, Critical Essays on Cultural Property, Art and Law, Second Edition*, (Frederick, MD: Kluwer Law International, 2009), 521.

later officially deemed to have been stolen during World War II from the collection of the Weimar Museum.<sup>32</sup>

These two portrait paintings remained missing until they were discovered by chance in the home of a Brooklyn personal injury lawyer, Edward I. Elicofon who purchased the paintings from a former United States soldier in 1946.<sup>33</sup> The exact method by which the paintings made their way to the United States and into the hands of Mr. Elicofon is not clear. All that is known is in the aftermath of World War II, a young unidentified discharged United States soldier came to Elicofon's home and brought a half a dozen paintings, and claimed that he had bought the works in Germany. Upon which, Elicofon bought the two portraits for \$500.<sup>34</sup> Elicofon received a receipt from the young man and never heard from the soldier again.<sup>35</sup> Elicofon, a collecting enthusiast, at the time of purchase was wholly unaware of both the painting's creator and their historical and monetary value. It was not until Elicofon's friend and researcher Gerard Stern found the two works which were reproduced through photographs in a book that detailed missing German artworks did they know their status as looted art.<sup>36</sup> Upon this incredible

---

<sup>32</sup> "1,000,000 in Durers Found in Brooklyn," *Life Magazine*, Vol. 60 No. 22, June 3, 1966 (Published by Time inc.), 35.

<sup>33</sup> Carol Kino, "Stolen Artworks and the Lawyers Who Reclaim them," *The New York Times*, March 28, 2007.

<sup>34</sup> John Henry Merryman, Albert E. Elsen and Stephen K. Urice, *Law, Ethics and the Visual Arts, fifth edition*, (Maryland: Kluwer Law International, 2007).

<sup>35</sup> Kenneth D. Alford, *Allied Looting in World War II, Thefts of Art, Manuscripts, Stamps and Jewelry in Europe*, (North Carolina: McFarland and Company, Inc., Publishers, 2011), 117.

<sup>36</sup> "1,000,000 in Durers Found in Brooklyn," *Life Magazine*, Vol. 60 No. 22, June 3, 1966, 34.

discovery which was deemed by the Metropolitan Museum of Art as the “discovery of the century,” it was highly publicized making the front page of the *New York Times*.<sup>37</sup> Both were authenticated as the works of the famous Renaissance German master, Albrecht Dürer and were valued in 1966 to be worth approximately \$500,000 each.<sup>38</sup> These small paintings measure 11 2/3 and 9 1/2.<sup>39</sup> After the discovery was widely announced and written about in popular publications such as *Life Magazine*, Elicofon was sued by both West Germany and the Grand Duchess of SaxWeiman-Eisenach who claimed that her husband’s family was the true owner of the works and that they were stolen. However, East Germany, where the museum was located, could not sue Elicofon because it was not officially recognized by the United States.<sup>40</sup> The case continued to be disputed for over a decade, finally resulting in the restitution of the paintings to East Germany.

This particular case serves as a prime example of a disputed ownership between a valid owner of stolen art and an individual who bought a work of art on what is considered good faith. At the time when Elicofon purchased the paintings, the standards in art dealing and sales were extremely lax, with very little emphasis on provenance. In many cases, even outside of Europe and after the conclusion of World War II, art was purchased and transferred with very little documentation and without very little research,

---

<sup>37</sup> Kenneth D. Alford, *Allied Looting in World War II, Thefts of Art, Manuscripts, Stamps and Jewelry in Europe*, 117.

<sup>38</sup> “1,000,000 in Durers Found in Brooklyn,” *Life Magazine*, Vol. 60 No. 22, June 3, 1966, 34.

<sup>39</sup> Ibid.

<sup>40</sup> Carol Kino, “Stolen Artworks and the Lawyers Who Reclaim them.”

resulting in similar cases. This case is unique, because the main argument for the case addressed the issue of the statute of limitations. This particular case was resolved on the basis of the New York State statute of limitations. Mr. Elicofon, the defendant, argued that the statute of limitations pertaining the painting had expired in 1949, three years after the theft occurred while the lawyers for the original owners argued that the statute of limitations did not apply until there was a claim upon the work.<sup>41</sup> The case which was decided in favor with East Germany, confirmed the principle that an owner should have the chance to find their looted work before the statutory period starts.<sup>42</sup>

*Southern Methodist University, Meadows Museum of Art*

Some museums are taking a proactive approach in addressing their museum collections. Although most of museums that are accredited by the American Alliance of Museums claim to take this approach, some museums are more diligent in this proactive approach than others. The American Alliance of Museums and other national museum organizations have encouraged such an approach to ensure museums maintain the ethical and more specifically their legal responsibilities to the public. This proactive approach is seen specifically in the public restitution cases and provenance issues which have occurred at both the Meadows Museum of Art at Southern Methodist University and at the Kimbell Art Museum. Not only were both of these museums transparent with the fact that they had Nazi looted art works with incomplete or questionable provenances in their collections, but these institutions took it upon themselves, without any claims being made

---

<sup>41</sup> John Henry Merryman, Albert E. Elsen and Stephen K. Urice, *Law, Ethics and the Visual Arts*, fifth edition, 149.

<sup>42</sup> Carol Kino, “Stolen Artworks and the Lawyers Who Reclaim them.”

on their works, to clearly solidify the ownership of their paintings and to perform their due diligence in the cases in which uncertainty in provenance records could not be thoroughly reconciled.

The Meadows Museum at Southern Methodist University in Dallas, Texas has taken on both the responsibility and financial burden to conduct extensive research in an attempt to resolve issues of ownership with three individual paintings in their collections. These three paintings, which are considered to be three of the museum's most important works, were discovered to be previously part of the extensive Rothschild collections, of which more than 6,000 objects were looted from the family.<sup>43</sup> The identities of these previous owners were determined by the indicative markers on the back of the paintings. The "R" written on the stretches of the canvas on the back of the painting indicated that these works were previously part of the Rothschild's collection in Paris. It was also determined that the works were looted due to the following four numbers following the Rothschild's "R", which were inventory codes used by the Einsztab Reichleister Rosenberg commission during World War II to document the growing collections.<sup>44</sup> Although these paintings have hung publicly in the museum since their acquisition, they were discovered by the author Robert M. Edsel, while doing research for his book, *Monuments Men*.<sup>45</sup> Edsel came across an old photograph taken in a repository in post-war Germany that clearly depicts the two paintings at a collecting point. Edsel

---

<sup>43</sup> David Schechter, "Paintings hanging in the SMU's Meadow's Museum are among those Nazis stole from Jewish families," *The Dallas Morning News*, May 14, 2000.

<sup>44</sup> "SMU's Meadows Museum has Art Nazis' Stolen in World War II," May 14, 2000, <http://abclocal.go.com>.

<sup>45</sup> Ibid.



recognized these works as the two paintings which that were showcased at the Meadows Museum. The two paintings seen in the photograph are the pair of famous devotional paintings by the Spanish master, Bartolome Esteban Murillo, of Seville's patron saints Justa and Rufina painted circa 1665. After Edsel came across the two works in the photograph, he immediately contacted the Meadows Museum, which shortly after took steps to address the provenance of these looted works in their collection. After they were purchased at auction, these two paintings were given to the museum on September 20, 1972 as a gift of the Meadows Foundation. It is stated that when the paintings were purchased at auction through Christies, the buyers were unaware of the paintings' history as works stolen by the Nazis. However, regardless of this extensive amount of information found, in the years the paintings have been exhibited to the public, no restitution claims have been made.<sup>46</sup>

Although no formal claims had been made on the paintings and no claimants have come forward to contest the painting's ownership, the staff at the Meadows Museum chose to conduct the necessary research to ensure that these paintings were in fact legally and rightfully theirs. In order to take this proactive approach to produce a complete and accurate provenance, the museum underwent great efforts in their attempts to dispel controversy and any questions in regards to the provenance of the two Murillo paintings. According to the assistant curator at the Meadows Museum, the "Museum is hiring experts in London and Paris to sort through the Nazis' meticulous paperwork and fill in

---

<sup>46</sup> Meadows Museum of Art. "Collections Highlights," Southern Methodist University, Meadows Museum of Art. Accessed November 20, 2012, [http://smu.edu/meadowsmuseum/collections\\_Murillo\\_Justa.htm](http://smu.edu/meadowsmuseum/collections_Murillo_Justa.htm).

one missing gap in the paintings' chain of custody."<sup>47</sup> The documentation proved that the works were returned to the French government in the aftermath of the war but further documentation beyond this point has not been found, thus resulting in a gap which poses the question of whether the paintings were eventually returned to the Rothschilds by the French government. In addition to conducting and financing extensive research, the Meadows's Museum also took supplementary steps to both produce publications and to display the works across the world in the eye of the scrutinizing public, which has still resulted in no alternative claims in ownership. Although a gap in the provenance of these pair of paintings still remains to be filled, the Meadows Museum proved to be the rightful owners of the other disputed painting in their collection that also came from the Rothschild's estate, "Portrait of Queen Mariana" by Diego Velazquez.<sup>48</sup> The museum also thoroughly researched the rest of their holdings that could have changed hands in continental Europe during World War II and checked the canvases of other paintings to see if any other physical evidence existed to reveal Nazi handling.<sup>49</sup>

Although to the public the continued ownership of Nazi looted art without explicit proof that the museum does legally and rightfully own a work of art may seem unethical, the Meadows Museum has gone above and beyond in comparison to other institutions to be transparent and to uphold the highest ethical standards in addressing the looted art in

---

<sup>47</sup> Meadows Museum of Art. "Collections Highlights," Southern Methodist University, Meadows Museum of Art. Accessed November 20, 2012, [http://smu.edu/meadowsmuseum/collections\\_Murillo\\_Justa.htm](http://smu.edu/meadowsmuseum/collections_Murillo_Justa.htm).

<sup>48</sup> David Schechter, "Paintings hanging in the SMU's Meadow's Museum are among those Nazis stole from Jewish families."

<sup>49</sup> Meadows Museum of Art. "SMU's Meadows Museum has Art Nazis' Stolen in World War II."

their collections and to remain accountable to the public. Not only has the museum broadcasted the painting's dubious history and questionable provenance, but on their website they also have an extensive disclaimer explaining how they are dealing with the two disputed Murillo paintings. In this disclaimer, it is explained in detail the research being conducted, their findings, and the fact that the research continues to be ongoing. It also states that the Meadows Museum of Art is in compliance with the guidelines established by both the American Association of Museums and the Association of Art Museum Directors in regards to how they address their provenance research and their works that changed hands in Continental Europe between 1933 and 1945. In the information concerning the two Murillo paintings, they also clearly state that although no claimant has come forward, that in the event if one eventually does that they will resolve the issue with the claimant in, "an equitable, appropriate, and mutually agreeable manner", which is a direct quote from the "American Association of Museums Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era." In addition to this disclaimer, the current provenance and previously published provenance are also included, which leaves any visitor to their website with a comprehensive amount of information and an excellent perspective of the painting's specific chain of ownership and the methods in which the museum would handle such claims.<sup>50</sup>

#### *Kimbell Art Museum*

In addition to the Meadows Museum, the Kimbell Art Museum in Fort Worth, Texas, also took a proactive approach in addressing their museum collections. In 2011, as in the case with the Meadows Art Museum, the Kimbell Art Museum was approached

---

<sup>50</sup> Meadows Museum of Art. "Collections Highlights."

by Robert M. Edsel who was doing research for an unrelated project and saw a photograph of a Renaissance portrait bust residing in the Kimbell's permanent collection. This photograph documented that the bust was found at the conclusion of the war in the Altaussee salt mine in Austria; it was thus undeniably stolen by the Nazis, and given its holding location in Altaussee it was most likely had been chosen for Hitler's museum at Linz. It was determined by Edsel, his assistants and Nancy Edwards, the Kimbell Art Museum's curator of European Art and Head of Academic Services, through the research of inventory cards and this particular photo that the bust was sold by the famous World War II art collector, Otto Lanz, to Hans Posse, Hitler's most coveted art advisor, before the beginning of World War II and then sold to Hitler for the Linz museum.<sup>51</sup> The bust titled, *Portrait of a Woman, Probably Isabella d'Este*, created circa 1500, was acquired by the Kimbell in 2004. This bust is an excellent example of the dubious nature of Nazi documentation and the manipulation of "legal" transactions by the Third Reich during World War II. Once the bust was discovered in the salt mines at AltAussee, it was documented to be returned by the Allies to the Netherlands. After its return to the Dutch government, the government authorities declared that it had been legally sold to Hitler before the war. Thus it had not been subject to a forced sale, and therefore should not be returned it to its previous owners. Upon this decision, this particular bust, along with the greater Lanz collection became the property of the Dutch state.<sup>52</sup> In addition to the preliminary research conduct by Robert Edsel, Nancy Edwards traveled to Amsterdam

---

<sup>51</sup> "Rare Terracotta Portrait Bust, Owned by the Kimbell Art Museum, Discovered to have been in Nazi Salt Mine During WWII," *Dallas Art News*, July 6, 2011.

<sup>52</sup> Robert M. Edsel, "Bust of Isabella D'Este at the Kimbell Art Museum," *Monuments Men Newsletter*, Third Quarter XXIV (2011), 1.

and discussed the bust's history with colleagues at the Rijkmuseum, the original intended resting place for the Lanz collection according to Lanz's will before its purchase by Hitler. In Edwards' research, she discovered that the bust was indeed included in the 1941 sale to Hitler, was kept in the salt mines, was returned to the Netherlands and then legally bought back by Otto Lanz's daughter.<sup>53</sup> This documented a completely unblemished chain of ownership and legally ensured the Kimbell's ownership. Further research has effectively established the bust's provenance and as a result remains a part of the Kimbell's permanent collection.

As at the Meadows Museum, the provenance research concerning *Portrait of a Woman , Probably Isabella d'Este* was initiated by the Kimbell Art Museum without any formal claims being made upon it. Thus, the museum took the arduous task entirely upon itself to fill the gap in the bust's provenance. Even though the Kimbell Art Museum went to extensive lengths to research this particular piece of Nazi looted art in their collection and were public with their attempts to resolve this issue, their online collections do not provide as an extensive provenance record or disclaimer as to their position on Nazi looted art. Instead, there is a brief explanation of the role of provenance research in the museum and a statement affirming their compliance with the American Association of Museums guide to Provenance Research. Although a provenance for this work is provided, its website does not provide as extensive detail as the Meadows Museum beyond the history of this sculpture and the fact that it has been thoroughly vetted.

---

<sup>53</sup> Robert M. Edsel, "Bust of Isabella D'Este at the Kimbell Art Museum," *Monuments Men Newsletter*, Third Quarter XXIV (2011), 1.

While rightful ownership was proven proactively for the work of the *Portrait of a Woman, Probably Isabella d'Este* by the Kimbell, earlier in 2006 the Kimbell had to address another restitution case of a different nature. The Kimbell restituted Joseph Mallord William Turner's painting, *Glaucus and Scylla*, painted in 1841, after a claim was made for it. This painting, which had been one of the highlights of the Kimbell's collection, was purchased by the museum from a New York gallery in 1966, and was later discovered to be unlawfully seized by the pro-Nazi Vichy regime in France in 1943. The painting was restituted to Alain Monteagle, the representative and heir of John and Anna Jaffé, Jewish collectors who lived in Nice, France during World War II. The painting remained in the family's custody until the Vichy Government seized the contents of Mrs. Jaffé's home along with the art collection, which is was sold in a Nazi auction of "Jewish property" in 1943. The painting's history beyond this point remains dubious, however it was destined to pass through various hands in France, Britain and eventually traveled to the United States and was later sold by Newhouse Galleries in New York to the Kimbell.<sup>54</sup> Upon Mr. Monteagle showing his research and evidence of rightful ownership to the Kimbell, the museum agreed that the Jaffé heirs did indeed have a proper title and restituted the painting. However the Kimbell art museum shortly repurchased the painting after its restitution in 2007 for \$5.7 million, after the painting was put up for auction at Christies.<sup>55</sup> In addition to the J.M.W. Turner work at the Kimbell, the heirs of John and Anna Jaffé have also sought to claim other paintings stolen

---

<sup>54</sup> "Review of the Repatriation of Holocaust Art Assets in the United States", Serial No. 109-113, July 27, 2006.

<sup>55</sup> Michael H. Price, "Kimbell Art Museum buys back Turner masterwork, "Fort Worth Business Press," April 23-29, 2007, 2.

from their family collection at other institutions throughout the world. Although the heirs have successfully reacquired some of their family's stolen collections and in turn sold these painting, more than 50 paintings from this collection remain missing.<sup>56</sup>

### *Museum Standards in Restitution Cases*

As seen in the cases studies, various methods exist to address restitution claims. Although claims against museums can be resolved using a wide range of methods ranging from financial settlements to lawsuits, standards have been established to guide museums in this process. In the United States, it is clear that national standards have been established to address this controversial issue. The directors of a multitude of American museums have also taken strides to perform a comprehensive review of their collections to establish proper provenance for their holdings or made preliminary steps to initiate the research process.<sup>57</sup> These museums are proactively addressing their collections rather than waiting for the possibility of a claim. Institutions that take this approach are maintaining a higher level of ethical practices and accountability to the public. In these actions, these museums are better serving their public service missions.

Although there are multiple statements of support from various countries throughout continental Europe and the United States, there is a continued need to quell public questions concerning looted holdings. It is clear that, "political commitment to

---

<sup>56</sup> Rape of Europa. "Restitutions To-Date," RapeofEuropa.com, last modified 2012, <http://rapeofeuropa.com/stolenRestitutions.asp>.

<sup>57</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses*, 229.

restitution is crucial to transforming public opinion and prevailing against backlash.”<sup>58</sup> This is seen in official statements from government institutions across the world. In Europe, attempts are also being made to remain accountable to the public, especially in Germany. Currently Germany is still very persistent in helping pursue and return looted works of art. Not only are they contributing to the variety of databases and assisting claimants, but according to the German Minister of culture, Bernard Neumann, there is still an, “unerring moral commitment,” to return loot to its rightful owners.<sup>59</sup> Other foreign governments have also continued to show support for restitution. For example, Great Britain’s Department for Culture, Media and Sport has also released statements concerning the continued support for restitution policies.<sup>60</sup>

Although many museums are making these efforts, the world’s premier auction houses are taking steps as well. For example, in December of 2004, Christie’s followed in Sotheby’s footsteps and appointed a director of restitution. Although no one will be able to quantify the value of the loot beyond monetary value, Sotheby’s and Christies have sold a combined total of \$252 million of art that has been returned to families from museums and private collections since 1996.<sup>61</sup> Making these institutions play a hugely significant role in the processes of restitution.

---

<sup>58</sup> Sophie Lillie. “The Backlash Against Claimants.” Common Art Recovery, June 2009. <http://www.commartrecovery.org/sites/default/files/docs/events/SophieLillie.pdf> (accessed September 12, 2012).

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Robert M. Edsel, *Rescuing Da Vinci*, (Dallas: Laurel Publishing, 2006), 25.



Since auction houses and private collectors play such a significant role in the transportation of looted art and in the art world in general, a closer look into how transactions occur and the methods which private collectors use to collect must be examined. Once the private collector is better understood the other component of restitution can be understood. This includes both the private collectors who are aware of the restitution process and individuals who negatively affect the restitution process. By examining a private collector and the components of their collections practices, flaws and inconsistencies in the field are revealed. These flaws and inconsistencies greatly affect museum practices and possibly negatively affect the donor museum relationship.

## CHAPTER FIVE

### The Private Collector

In order to truly understand the other significant players competing in the art market, the contemporary private collector must be examined. Private collectors must be evaluated in the context of the art world, art market, museums and in restitution cases because of their defining role in the use and purchase of art. Throughout history, private collectors are often the reason that works of art circulate and were initially created. Private collectors and the patrons of works had these artworks created for easily identifiable personal or public use. These intentions make these works relevant to a contemporary audience in either an aesthetic or historical manner due to their inherent nature and historic value. These qualities continue to be the reasons why these works of art are still being collected and studied by both the public and private collector.

The private collector who competes with museums in the purchase of artworks in the auction houses and galleries throughout the world has unique motivations and intentions for collecting art. Unlike the museum community, private collectors do not have the same restrictions in their collecting practices and in turn have colorful and varied collecting methods. With private collectors, emotions, personal preferences and tastes factor into purchasing a work of art. In regards to museums, private collectors are often seen as the opposition of museums in the art market because culturally significant works are temporarily or permanently lost from the public when they are purchased by private collectors. Regardless, private collectors are a crucial component in museum practice since this group plays such a significant role in the art market as buyers and in

museums as both patrons and more importantly as donors. Private collectors also play a hugely substantial role in the repercussions of restitution because private buyers often purchase works that are taken off museum walls and sold at auction. Thus to better understand the dynamics, mentality and collecting priorities of the private collector, I have conducted a case study concerning a contemporary private collector who purchased a painting that had been stolen by members of the Third Reich. The creators of private collections also often have interesting narratives on how they acquired their works and more often than not typically buy pieces with interesting histories. These narratives help shed light on a party that plays a hugely significant role in the museum community.

### *The G Family*

The G family agreed to be interviewed about their private collection and their particular experience in collecting an artwork that was at one time a Nazi-appropriated asset for this thesis. The members of the G family are life-long family friends and have provided me with the opportunity to study the private collector. Due to our mutual life-long interest in history and art history, the family decided to collaborate with me in this project. In order to protect their privacy, the family will be referred to with the pseudonym the “G family,” with “Mr. G” and Mrs. G” used for the current patriarch and matriarch of the family. I have been given permission to recount all of the information that was gathered during the interviews and to reproduce the photographs that I took of both the front and the back of the painting. A letter has been drafted and signed by both the G family and me which outlines these stipulations of our agreement in detail. Mr. and Mrs. G currently reside in the Dallas-Fort Worth metroplex in north Texas. They have one daughter. The family travels extensively and has consistently collected a variety of

objects from their travels throughout the world. The family uses these collected works as both decorative works of art in their home and as collectible items of personal interest. The works that are not exhibited in their home are properly stored.

### *Methods and Motivations of the G Family*

In order to understand the process by which a modern day private collector purchases and acquires art into their collections and more specifically works that have been identified as Nazi-looted art, I have examined the buying practices of the G family who recently purchased, *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon* by Jean-Baptiste Huet. This study includes an examination of the G family's collecting practices, their purposes for collecting, their purchase through the well-known auction house Christie's, and an examination of this particular painting's journey from its original home in the Rothschilds' apartment in Paris to the home of Mr. and Mrs. G in Texas.

The G family collection includes a variety of works in different mediums, various time periods from throughout the world. When asked what Mrs. G, a lifetime collector and currently the main collecting enthusiast of the family, liked to collect and if she had a particular genre, period, or artist which defined her collections and collecting practices, she stated that she did not collect within the restrictive and rigid framework that defines museum collecting practices. Instead, she collects objects which she personally enjoys looking at, living and interacting with, and takes more of an aesthetic approach to collecting. However, one genre that she was particularly fond of is portrait painting, and she has always possessed a keen interest and desire for collecting portraits. Whether it is a painted portrait of a youth or antique miniatures, Mrs. G has always had an affinity for

portraits, both large and small. She is interested in portraits whether they are painted by famous artists such as Jean-Baptiste Huet or by an unknown artist. Her affection for portraits is rooted not only in an aesthetic appreciation, a component that is seen throughout her collecting practices, but also includes an interesting psychological component that was revealed in her discussion on her decision to buy *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon*. Mrs. G is consistently interested in portraits because they are inherently extremely personal works of art. Portraits and the individuals depicted in them are typically very important and personal to the patron of the painting. When they were created they served as a living relic of a loved one who was important enough to be painted. This obvious importance of a certain individual provides the current viewer with a personal connection with the people of the past. Additionally portraits are interesting to Mrs. G because other people have loved and protected these images of these particular individuals for centuries and have kept these loved ones relevant and symbolically alive through art. Like the collectors and owners of this particular piece before her, she now like her predecessor is given the same opportunity.

Mrs. G in describing her decision to purchase *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon*, stated that she felt like she was “rescuing an orphan.” She was referring not only to the physical work of art, but to the little boy that the painting depicts. When asked why she selected to purchase this particular portrait, among the others scattered throughout galleries, flea markets and auction houses, she said she, “just knew” that she wanted this particular work in her collection. As with another portrait in the G family’s private collection of a young girl by

an unknown artist, she knew that she loved the portrait, and felt a personal connection to the portrait, making it relevant to her life and an appropriate piece to add to her family's growing collections. Like the previous owners before her, these portraits now hang in her home and serve as an aesthetic centerpiece in her family's life.

### *Pursuit of the Boy*

In searching for new works for the G family's collection, Mrs. G looked in a variety of venues for works that pique her interest. In this particular situation she looked through various auction houses, auction house catalogues, galleries, and markets throughout the world. When Mrs. G searched through Christie's auction house catalogues for a sale of Old Master and British Paintings, she found two paintings that suited her tastes. Several months in advance of the auction, Mrs. G had *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon* in mind, along with another painting by a different artist. The auction in which Mr. and Mrs. G participated was conducted at Christie's London Auction House location. So Mr. and Mrs. G decided to participate in this live auction of Sale 7962 of Old Master and British Paintings through Christie's on the Internet website online.

Initially, Mr. and Mrs. G preferred another painting in this auction. However, when observing the nature and direction the way the bidding on the original painting of interest was going, the G family stopped bidding on the painting because, according to Mrs. G, "something in the auction with the painting did not seem right." When the G family stopped bidding, interestingly enough, the original painting sold for significantly

under Christie's estimate.<sup>1</sup> When the G family started to bid on the second painting, *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon* by Jean-Baptiste Huet, the bidding resulted in a duel between the G family and a bidder who was physically present in London. The G family, after a long engagement, eventually won the auction. The painting fetched a purchase price of £37,250, well over its £25,000-£35,000 estimate. The painting was shipped through Christie's art transport from London to the United States and was assimilated into the G family's private collections.

*Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon* was initially appealing to the G family because of its genre: it is first and foremost a portrait. The G family was also interested in the painting for its obvious aesthetic qualities, the reputation of the artist Jean-Baptiste Huet and finally its interesting provenance. This painting, according to Mrs. G, was a perfect acquisition to the family's collection because it beautifully married intrinsic value and historical value into one work, which was highly appealing aspect. Mrs. G commented that this painting further grabbed her attention when she read the painting's provenance record on the Christie's catalogue record. The first element of the provenance record that was a significant point of interest was the fact the painting was once part of the Rothschilds' collection, one of the world's most prestigious collections.

---

<sup>1</sup> Christie's, "Jean-Baptiste Huet (Paris 1745-1811)," Lot Finder, <http://www.christies.com/Lotfinder/LotDetailsPrintable.aspx?intObjectID=5426663> (accessed June 5, 2012).



Figure 1. Jean-Baptiste Huet (Paris 1745-1811), *Portrait of a child, bust length, in a red coat and white shirt, with a green ribbon*, <http://www.christies.com/Lotfinder/LotDetailsPrintable.aspx?intObjectID=5426663> (accessed June 5, 2012).

The second element in the provenance record that was of interest was the fact that the painting was looted during World War II, which indicated it had had extensive travels during the war. Although this information was interesting, Mrs. G because of her previous knowledge on the subject of looted art knew to check to make sure the work had a clearly established and complete provenance before she participated in the purchase of a painting. So the information detailing that the painting was finally later restituted to



France and to the Rothschilds continued to be a motivating factor to pursue this painting.<sup>2</sup> The provenance record as stated by Christies was complete. These facts in the provenance record were of particular interest to Mrs. G due to her previous education concerning the prestige of the Rothschild collections and their place in the history of Nazi looted art. An education developed through both her travels and personal efforts in staying updated with current scholarship.

Mrs. G, unlike many private collectors, has taught herself a great deal, resulting in an in-depth knowledge of the subjects such as the world's famous art collections, art museums, and the history of Nazi looted art. Mrs. G has had a lifelong fascination with the World War II time period, the war, the Nazis, their operations and most importantly the cultural rape and devastation of Europe. Although these subjects were of personal interest to Mrs. G, this has also been an interest of other family members as well. In educating herself on this complicated topic, Mrs. G has utilized books and other media. With her extensive library, which includes publications such as the *Rape of Europa*, *The Monuments Men* and *The Lost Museum*, various movies, documentaries and TV shows she has been able to stay updates about current developments and discoveries in the art market and museum field and visiting historically looted sites on her world travels. This information has allowed her to make sound collecting decisions and purchases, especially in the purchase of *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon*. Not only did this self education allow her to realize that this painting had

---

<sup>2</sup> Christie's, "Jean-Baptiste Huet (Paris 1745-1811)," Lot Finder, <http://www.christies.com/Lotfinder/LotDetailsPrintable.aspx?intObjectID=5426663> (accessed June 5, 2012).

a legal and properly established chain of provenance and the value of a properly established provenance, but that this work had a unique historical value that visually articulates an extremely important event in history.

*Portrait of a Child, Bust-Length, In a Red Coat and White Shirt,  
With a Green Ribbon*

At the beginning of the second World War, *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon* by Jean-Baptist Huet belonged in the highly acclaimed and prestigious collection of Edmond de Rothschild. The Rothschilds, one of the most powerful European families of the nineteenth century, had members of the family that formulated branches which settled throughout Europe's financial capitals such as Frankfurt, Vienna, Naples, Paris and London.<sup>3</sup> Edmond de Rothschild, a French member of the famous Rothschild banking dynasty did not actively work in the family banking business, like his other family members, but is known instead for his extensive artistic and philanthropic efforts. In these efforts, Edmond de Rothschild cultivated a love for the arts and in turn over time compiled one of the most esteemed art collections in history. Today, the Edmond de Rothschild collection is still considered one of the most coveted collections in history. This collection boasted a massive collection of paintings, prints, sculptures, decorative arts, drawings, manuscripts and rare books that

---

<sup>3</sup> House, "The Rothschilds," Waddesdon Manor, last modified December 23, 2012, <http://www.waddesdon.org.uk/house/the-rothschilds/> (accessed January 4, 2013).

were created by some of the world's greatest artists such as Rembrandt, Da Vinci, Dürer and Raphael.<sup>4</sup>

Later in his life, on par with his philanthropic efforts in serving the public, Edmond de Rothschild bequeathed part of his exquisite collection to the Louvre. The Edmond de Rothschild collection that was donated consisted of over 60,000 prints and 3,000 drawings collected from throughout his life. The absorption of this fine collection in the public collections of France helped keep Edmond de Rothschild's philanthropic ambitions alive long after his death.<sup>5</sup> Another small portion of his collection was bequeathed to his son and heir, James A. Rothschild and was eventually put on exhibit to the public at Waddesdon Manor.<sup>6</sup> Waddesdon Manor, located in Buckinghamshire, England, was built for the Baron Ferdinand de Rothschild and later inhabited by James de Rothschild, which like his father bequeathed the house to the government in a mission to serve the public.<sup>7</sup> This magnificent nineteenth century home was built by Baron

---

<sup>4</sup> "Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg: Database of Art Objects at the Jeu de Paume," updated 2013, <http://errproject.org/jeudepaume/> (accessed November 7, 2012).

<sup>5</sup> The Edmond de Rothschild Foundations, "Baron Edmond de Rothschild's legacy," Mission of the Foundations, last modified December 16, 2012, <http://www.edrfoundations.org/partnerships/arts-culture/the-louvre-museum.aspx>.

<sup>6</sup> News, Art and Culture, "Showcasing a Rare Collection," The Edmond de Rothschild Foundations, last modified February 8, 2011, <http://www.edmond-de-rothschild.com/news/not-financial/foundations/showcasing-a-rare-collection-110208.aspx> (accessed December 14, 2012).

<sup>7</sup> House, "History of the House," Waddesdon Manor, last modified December 23, 2012, <http://www.waddesdon.org.uk/house/history-of-the-house> (accessed December 14, 2012).

Ferdinand de Rothschild to display his personal art collections and for the family's famous parties.<sup>8</sup> Today it is open to the public and still continues this mission.<sup>9</sup>

Although the Parisian branch of the Rothschild family escaped the perils of the Holocaust, their extensive collections did not meet the same fate. The family as a whole was not only well known for their international wealth and success in their banking ventures, but before the beginning of the war the family was also well known for their collections and influence in the arts. During World War II, the Rothschild collections were a prime target for wartime looting because of their celebrity-like status in the art world. The members of the Third Reich, particularly Hitler and Göring, were well aware of the family's collections and its wide array of contents. Due to rapidly changing Nazi legislation and their anti-Semitic campaign, the Rothschild's properties, palaces, jewels and art collections were a perfect Nazi target throughout Europe. The manipulation of legislation by the Nazis made this Jewish family and its collections plausible prey, and the collections were subject to the operations and confiscations of the Einsatzstab Reichsleiter Rosenberg. *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon*, was one of the many precious works of art in the collection which were removed from the Rothschilds' private residence in Paris by the Einsatzstab Reichsleiter Rosenberg, and incorporated into the German National collections.

After the work's confiscation from the Rothschilds' residence, this work was shipped to the nearby Jeu de Paume in Paris. Although today this painting is attributed to

---

<sup>8</sup> House, "History of the House," Waddesdon Manor, last modified December 23, 2012, <http://www.waddesdon.org.uk/house/history-of-the-house> (accessed December 14, 2012).

<sup>9</sup> Visit, "Waddesdon Manor," National Trust, last modified December 23, 2012, <http://www.nationaltrust.org.uk/waddesdon-manor/> (accessed December 14, 2012).

Jean-Baptiste Huet, at the time of its confiscation during World War II it was catalogued into the Einsatzstab Reichsleiter Rosenberg documentation as “Portrait of a Boy” by Nicolas Lépicie and was given the Einsatzstab Reichsleiter Rosenberg inventory and identification number, R69. Due to the painting’s level of esteem and the fact it was part of the renowned Rothschild collections, this painting was in turn specifically selected and removed from the bulk of the works stored at the Jeu de Paume and was intended for the Führermuseum. Once it was chosen it was given its Linz number, no. 1496, which identified this particular work in the rapidly growing Linz collections and was finally sent to its German holding location until the end of the war. At the conclusion of the war, this work was removed from its repository and transferred to the Munich Collecting Point, which was run by the Monuments Men division of the United States and then was quickly repatriated to France and restituted to the Rothschilds in 1945.<sup>10</sup>

According to the provenance record provided by Christies, the painting remained in the possession of the Rothschilds until it was sold through Christie’s auction house in London by the descendants of Edmond de Rothschild on March 19, 1982. The purchasers were the London art dealers, Harari and Johns Ltd: in 2011 they sold the painting through Christies to the present owners, Mr. and Mrs. G, who reside in Texas. This provenance record, from a seller’s and buyer’s perspective is complete and adheres to the market’s standards of showing a legitimate, accurate and unbroken chain in ownership. The account above, is more specific than the account provided by Christies.

---

<sup>10</sup> Christies, “Jean-Baptiste Huet (Paris 1745-1811),” Lot Finder, <http://www.christies.com/Lotfinder/LotDetailsPrintable.aspx?intObjectID=5426663> (accessed April 14, 2011).

Christie's account does not give a detailed account of this work's World War II travels, but instead just provides a cursory glance rather than a more historically detailed complete provenance. The provenance record includes,

“Edmond de Rothschild (his stamp on the reverse), from whom confiscated by the Einsatzstab Reichsleiter Rosenberg (catalogued as ‘Portrait of a Boy’ by Nicolas Lépicie inv. No. R69) intended for the Führer Museum, Linz (no. 1496); transferred to the Munich Collecting Point (inv. No. 3010), repatriated to France and restituted in 1945. Anonymous sale; Christie's London, 19 March 1982, lot 117, as ‘M.N.B. Lépicie. with Harari and Johns, Ltd., London, from whom acquired by the present owner.’”<sup>11</sup>

Although the full chain of ownership is listed for this work, this particular work has a wealth of information stamped on the back of this canvas, which once thoroughly investigated, truly ensures the work's complete and solid provenance.

### *The Painting's World War II History*

This particular painting is a fascinating work to examine because of its provenance and the fact its history of ownership is clearly stamped onto the stretchers on the back of the painting since its time in the Rothschild's collection. Each stamp, sticker, chalk marking and seal on the back of the canvas tells an intricate story of where this particular painting has been and how its variety of custodians marked, moved and treated this particular work of art. More specifically, it shows how the Nazis handled their art.

This painting is an excellent example of the documentation efforts of the Nazis and of private collectors because of the various markings and stamps. The first stamp to note, “ER63”, is the Edmond de Rothschild stamp that appears on the reverse side of the work. This stamp, with the letter and number, is seen on the majority of the Edmond de

---

<sup>11</sup> Christies Provenance, “Jean-Baptiste Huet (Paris 1745-1811),” Lot Finder, <http://www.christies.com/Lotfinder/LotDetailsPrintable.aspx?intObjectID=5426663> (accessed April 14, 2011).

Rothschild private collections and serves simultaneously as an identification number and inventory number. Since their family collections were so dynamic and large, in a sense the Rothschild's holdings located throughout their various palaces and homes were museums in themselves. Thus to provide some sort of organization, museum methods were used to address their collections. The objects in their collections were given a stamp dictating "ER" noting that the collection belonged to Edmond de Rothschild and the number 63 which serves as an inventory number which locates this painting to the very specific branch of the Parisian Rothschilds. Also included is a sticker that also dictates the same Rothschild number, along with a portion of the title of the painting. The next stamp is the Einsatzstab Reichsleiter Rosenberg stamp, R69, that coincidentally looks similar to the Rothschild's stamp, which also serves as an inventory number. Like the Rothschild's numbering system, this stamp denotes this work as having been confiscated by the Einsatzstab Reichsleiter Rosenberg, that organization which looted many private collections in France. This number is also used as a reference number for the excellent Einsatzstab Reichsleiter Rosenberg documentation and records. Since the Einsatzstab Reichsleiter Rosenberg commission kept impeccable records and inventoried all their works, a numbering system was necessary to keep track of the art. Once the painting was decided to be an ideal acquisition by Hitler and his art experts, the work was then given a Führermuseum or Linz number, no.1496, which identified this work in the chaotic storage of the Jeu de Paume as a work which was intended for Linz. In an investigation of these particular numbers in online databases that provides access to Nazi documentation, more information on its arduous adventures throughout Europe during World War II was revealed.



Figure 2. Verso of *Portrait of a child, bust length, in a red coat and white shirt, with a green ribbon*, photographed by Mary Ellen Stanley





Figure 3. Edmond de Rothschild Stamp, "ER 63", photographed by Mary Ellen Stanley



Figure 4. Edmond de Rothschild Sticker, “ER 63”, photographed by Mary Ellen Stanley



Figure 5. Einsatzstab Reichsleiter Rosenberg stamp, “R69”, photographed by Mary Ellen Stanley



Figure 6. Linz Identification Number, “1496”, photographed by Mary Ellen Stanley

The provenance record provided by Christie’s serves as a record to prove that this work has passed between the various hands of ownership since the beginning of World War II legally. It is, however, clearly not a comprehensive historical account. With the information provided by Christie’s and the extensive physical evidence documented on the back of the painting, further investigation into the specifics reveals critical information pertaining to the painting’s travels within its time under Nazi ownership during World War II. In researching the Einsatzstab Reichsleiter Rosenberg documentation, which is now digitized and accessible to the public, it was possible to trace the painting’s Einsatzstab Reichsleiter Rosenberg identification number to the written documentation created by the Einsatzstab Reichsleiter Rosenberg during World

War II. The database, which documents the cultural plunder by the Einsatzstab Reichsleiter Rosenberg and the objects at the Jeu de Paume, provides researchers with detailed information as to the painting's movements during World War II. This database allows a researcher to search for works within the ERR registration cards and view the photographs produced by the Einsatzstab Reichsleiter Rosenberg in France and Belgium.

When the Einsatzstab Reichsleiter Rosenberg number "R 69" was entered into the database, the painting and its accompanying information compiled by the Nazis was produced. On the ERR registration cards, valuable information was provided. First, the rubric for how the collection was inventoried into the ERR collection was explained. This card provided the ERR's Collection Name: Rothschild, and the paintings inventory number within the ERR, R 69. The card also provided, the artist, the birth and death dates of the artist, bulk dates, the medium of the work, the work's title, a detailed description of the work which is similar to what is normally seen in a museum database, and finally the painting's dimensions. In addition the card also includes the specific intake location, the Jeu de Paume, the transfer place A H, which stands for Altaussee and Fussen, meaning the castle in Neuschwanstein located in Fussen, while also indicating the work was intended for Linz. Also included in the cards is a photograph of the painting without its frame and a scanned image of the original card file. This documentation that is clearly spelled out in this card is also clearly established on the back stretchers of the painting with the stamps. While searching the MCCC database, which is a searchable database on the art works that were processed through the central collecting point in Munich, the File card, the MCCC Restitution Card File and images



**ERR Collection Name:** (R) Rothschild

**ERR Inventory No.:** R 69

**Artist:** Angeblich Efuciér, vermutlich Michel Lépicie (1735-1784)

**Medium:** Paintings

**Title:** Knabenbildnis.

**Description:** Ovales Bildnis eines Knaben, Profil nach links in roter Jacke und grüner Seidenschleife im blonden Haar.  
AGF/Spa Dr.v.l.  
Lwd.  
H. 46, Br. 37 cm  
Verbleib: AH.  
I,206

**Pre-1940 Literature:**

**Provenance and Comments:**

**Archival Sources:** RG 260 M1943 Reel 17 NARA; Bundesarchiv, B323/280

**Measurements:** 46 x 37 cm

**Intake place:** Jeu de Paume

**Transfer place:** A H.

**Transfer place:** Fussen

**Munich No.:** 3010

**Repatriated to France?** Yes

**Repatriation date:** 1945-09-20

**Restituted?** Yes

Figure 7. Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg, Record “R 69”, Screen shot of ERR database, <http://errproject.org/jeudepaume/> (accessed November 7, 2012).

of the works were found.

In searching the database with the work’s Munich Collecting Point Number 3010 and Linz Number 1496, four individual search results appeared. First was the Munich Central Collecting Point Control Number File which serves as a standard inventory card with the painting’s Munich No. 3010, and the Linz Number as was listed in the database Sonderauftrag Linz, 1496. Also specifically listed is the particular card box this particular Nazi documentation was in, box 611.

DECLASSIFIED

Authority **NND 775067**

By **AR** NARA Date **9/12/1**

LEICA-PHOTO  <b>I, 206</b>	KÖNSTLER Angeblich E f u c i e r , vermutlich Michel L e d r i c i e (1735-1794)  LEBENSZEIT	HERKUNFTSLAND   AUFBEWAHRUNGSSORT	DATIERUNG	INVENTAR-NR.  <div style="font-size: 2em; font-weight: bold; text-align: center;">R 00</div>	
FILM-NR.  BILD-NR.	GROSSFOTO	WERT	INV. NR. ALTE SLG.	AUS KISTE NR.	
<div style="display: flex; justify-content: space-between;"> <div>           THEMA BZW. GEGENSTAND             BESCHREIBUNG         </div> <div>           Emblem-Milano.             Ovals Bildnis eines Krieger, Profil nach links in roter            Jacke und grüner Seidenschleife in blonden Haar.         </div> </div>					
Drag to move. Use arrow keys for next and previous.					
MATERIAL Lwd.		GRÖSSE H. 46, Br. 37 cm		GERAHMTE FASSUNG	BEZEICHNET SIGNATUR  <div style="text-align: center;">.</div>
ZUGANGSTAG IN PARIS : IM REICH :		STANDORTWECHSEL	ZUSTAND BEHANDLUNG (AUCH UMSEITIG)		VERBLEIB  <div style="font-size: 2em; font-weight: bold; text-align: center;">AN.</div>
EINSATZSTAB RR, Sonderstab Bildende Kunst, Berlin W 9; Ballinewstr. 3					

NARA 8624-9585.png

Figure 8. Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg, Record “R 69” Screen shot of ERR database, <http://errproject.org/jeudepaume/> (accessed November 7, 2012).

The next file cards in the search results is the Munich Central Collection Point Restitution Card file, the card files created once the painting was identified that was made when the painting underwent repatriation. This card included the specific date the work was received/Eingang at the Munich Collecting Point, July 8, 1945 and left/Ausgang

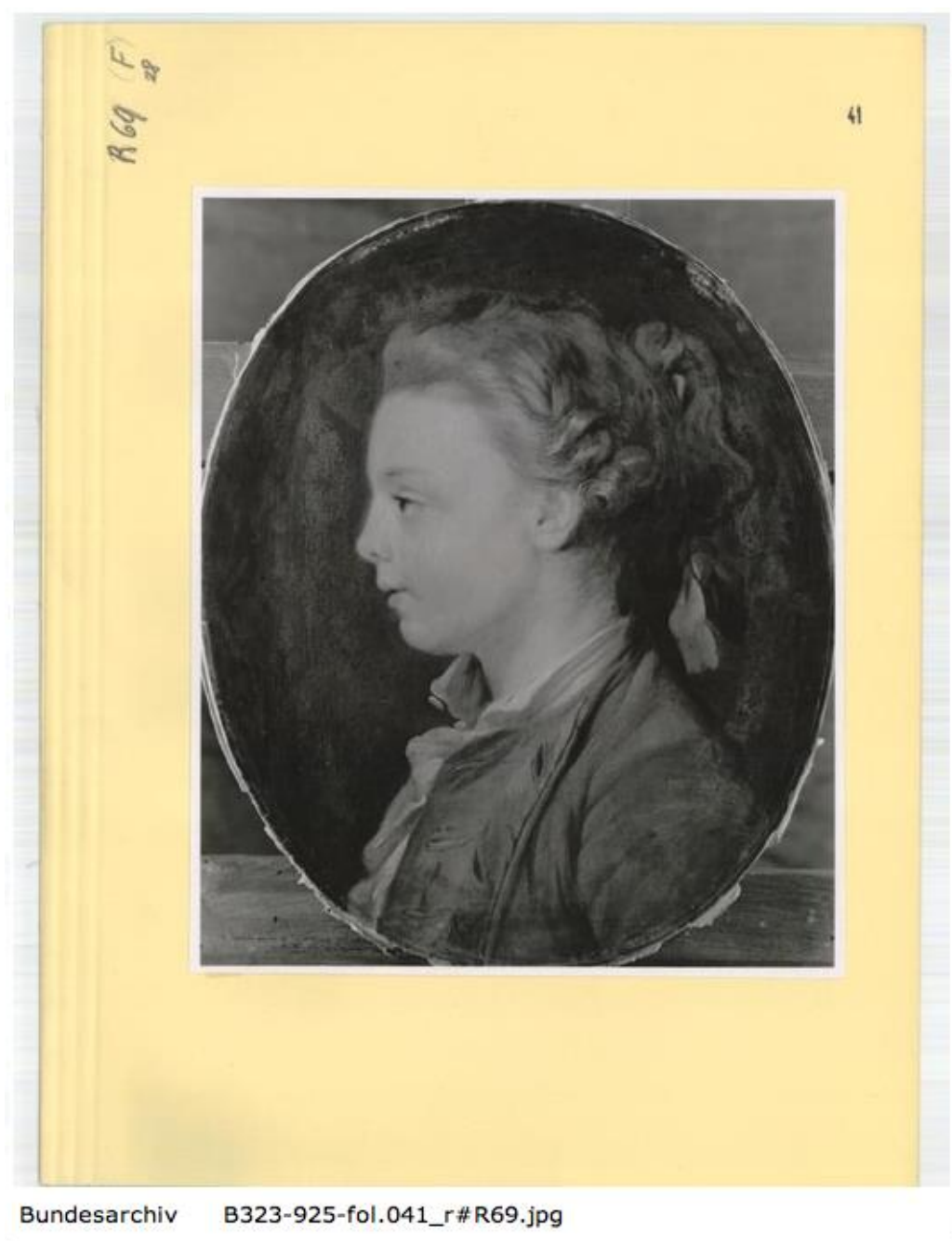


Figure 9. Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg, Photographic Record "R 69", Screen shot of ERR database, <http://errproject.org/jeudepaume/> (accessed November 7, 2012).

Database on the "Munich Central Collecting Point"

Print

Search


Munich No. **3010** Exact  
Linz-No. **1496** Exact

Number of results: 4

Results: 1 - 4

File card - M CCP Control Number File

Please click on the image to see the large-screen version in a new window:



Munich No.: **3010**  
Linz-No. (as listed in database Sonderauftrag Linz): **1496**  
Index: **M CCP Control Number File**  
Card box: **611**  
Owner: **Bundesarchiv, B323/611**  
Object: **Further information: s. picture/scan**

Further information

All index cards / records for Munich No. [3010](#)  
All index cards / records for Linz-No. [1496](#)

Do you want to send us a remark concerning this picture/card?

We appreciate your e-mail to [ccp@dhm.de](mailto:ccp@dhm.de)!  
Please insert following line into the subject field of your e-mail:  
**Feedback CCP 3010 (CP001197)**

Figure 10. Database on the “Munich Central Collection Point,” search results for Munich No. 3010 and Linz-No. 1496, Screen shot of Munich Central Collecting Point Database, [http://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?s](http://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?s) (accessed November 12, 2012).

the Munich Point to be repatriated to France, September 20, 1945. This documentation was located in card box 654. Also found were the photographs of the objects from the Special Commission Linz documents and the photograph from the record from the database on the Sonderauftrag Linz documentation. Thus a combination of multiple organizations’ documentation was accessible.

This documentation, that clearly documents that this work was indeed repatriated to France and to the Rothschild’s collection, also mirrors common museum documentation seen in collections management practices. Interesting to note, is the



3040	Munich	0021251496	206 445
Eingangsnummer (Arrival Number)		Beschriftung (Marks)	Raum (Room)
Art des Gegenstandes Type of object		Bild (mal) Rahmenlos (klein) Malerisches Porträt (profil) Linien 18. Jh.	
Besitzer Possessor		A. de R. 14	
Datum des Eingangs Date of arrival		8.7.95	
Zustand Condition		gut. Beschädigten entlang Rande.	
Bemerkung Remarks		✓	

Bundesarchiv, B323/611

Figure 11. File Card- MCCP Control Number File, Screen shot of Munich Central Collecting Point Database, [http://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?s](http://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?s) (accessed November 12, 2012).

timeliness in which this painting was restituted. Although the bulk of restitutions took up to six years to successfully return, this painting was restituted to France within two months of its intake into the Munich Collecting Point. Its clear markings, its place in a well-known collection and famous owners, ensured its timely and safe restitution to the Rothschild family. This Munich Central Collecting Point Documentation in addition to including the provenance and repatriation documentation also includes pertinent information concerning the identification of the painting. This includes the title of the painting, Portrait d'un jeune homme, the artist of the painting who was thought to be the artist at the time, N.M. Lépicier, its medium, Öl auf Leinwand, its dimensions, and genre of painting, portrait. These fields are seen in many museum documentation methods, softwares and online collections practices. In addition, modern practices are exhibited as well on the back of this canvas with the inclusion of the Harari and John, Ltd. Sticker and the white chalk markings of Christie's auction house.

Property Card Art		Mun. 3010 Aissee 2.1.15	
Author: L. E. Picard = Nic. Bon.	Subject: Porträt d. im Jahre 1945	Presumed Owner: Frankfurter Rotkreuz	
Measurements: L 37,5 W H 46	Material: Öl auf Holz	Inv. No. R 69	Cat. No.
Weight:	Depot possessor: Hitler	Arrival Condition: Gut	PHOTO
Depot Cat.	Identifying Marks: Kiste: A. de R. 14 1496 durch den R 69 Blick: R 69 ab ER R. W. E. u. R. 1496/28 Aussage mit Antenne u. Ort Angabe 35	Description: Kopie d. Original d. Handes. march d. Folz. Faksimile d. Original d. Handes. Mittel nach L. Dornbush. Zur Katalog. ohne Rahmen in Zichenhofen	
Bibliography:	FOR OFFICE USE: Claim No. Other Photos: Yes, No. Neg. No. 1 Movements:		

Bundesarchiv, B323/654

Figure 12. MCCC Restitution Card File Screen shot of Munich Central Collecting Point Database, [http://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?s](http://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?s) (accessed November 12, 2012).

Copies of cards	Arrival Date	Exit
Forwarded: 194	8.7.45	20.9.45 to Paris
History and Ownership: Aissee (Hitler)		
Condition and Repair Record:		
Location: 1111	Bundesarchiv, B323/654	
House: I		
Floor: 2		
Room: 206		

Figure 13. MCCC Restitution Card File, Screen shot of Munich Central Collecting Point Database, [http://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?s](http://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?s) (accessed November 12, 2012).

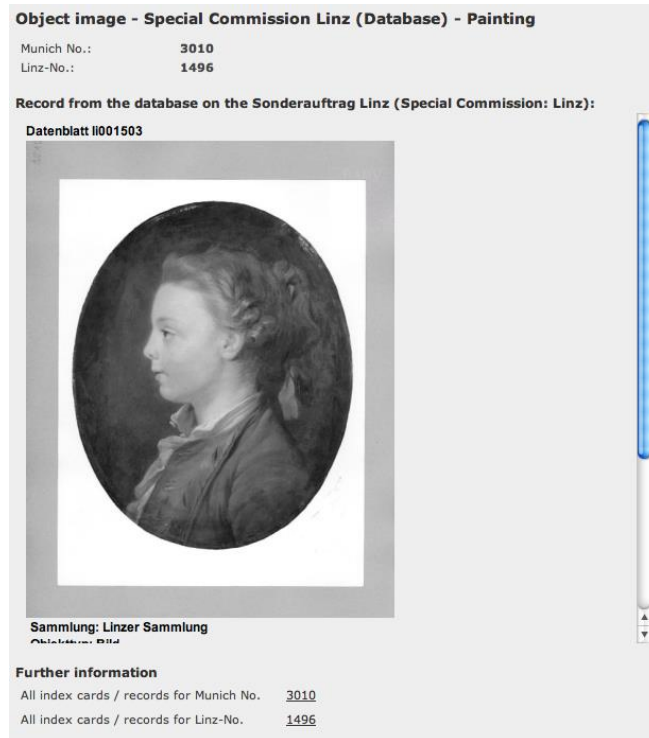


Figure 14. Special Commission Linz Photograph, Screen shot of Munich Central Collecting Point Database, [http://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?s](http://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?s) (accessed November 12, 2012).



Figure 15. Verso of Painting detailing Harari and Johns, Ltd. Sticker and Christies chalk markings, photographed by Mary Ellen Stanley

### *Receiving the Painting and the Transfer of Ownership*

Although the G family purchased their particular painting through one of the most world renowned auction houses, when the documentation that Christie's sent with the painting was examined, it was revealed that very little paperwork or research accompanied this work when it was shipped to the family.

When the G family received the painting, all they were given was an invoice which detailed the facts of the sale, the lot number, description, transaction, the purchase price of the painting and the commercial shipping invoice from Christie's art transport. No information concerning a historical account of the work, a provenance record or research was included in the information that was given to the G family. The only information about the provenance and history of the painting was found on the paintings lot sale description on Christie's auction house website. Due to this lack of information concerning the history of the painting, Mrs. G conducted her own research to gain additional knowledge about the painting, its history and its previous owners. Using Google, Mrs. G researched the Jeu de Paume, the artist, looked up particular Nazi records, and by having the German text translated, she arrived at a wealth of information on this painting.

At the end of the conversation we discussed her eventual intentions for the work. As a museumgoer and art enthusiast, the possibility of donating this particular work to a museum was addressed. Although the G family often frequents museums, the G family has decided to bequeath the painting to their daughter and she will eventually choose what to do with this work of art coveted by her family. Even though this piece is technically the G family's property, the work for the G family goes beyond being merely



a piece of property or asset. The work is now a sentimental part of the family's every day life and now a family heirloom of the G family. The provenance of this work was a selling point and now the G family gets to participate in this growing provenance.

Christie's Live™ - Purchase Summary - THIS IS NOT AN INVOICE 4/14/11 9:07 AM

Account: [REDACTED]

---

**CHRISTIE'S LIVE™**  
AUCTION PURCHASE SUMMARY PRINT

---

<b>SALE INFORMATION</b> SALE 7962: <b>OLD MASTER &amp; BRITISH PAINTINGS</b> LONDON, KING STREET 14 APR 2011 2:00PM	<b>BIDDER INFORMATION</b> PADDLE NUMBER: <b>3017</b>
--	---

---

Thank you for participating in this sale. This document indicates the items for which you have been identified as the high bidder in this auction. In the event you are the successful bidder, your invoice will be mailed shortly after the auction. Regardless of when you receive the invoice, you are expected to pay for your purchases within seven calendar days of the sale and to remove the property you have bought by that date.

While invoices are sent out by mail after the auction, we do not accept responsibility for notifying you of the result of your bids. Buyers are requested to contact us by telephone or in person as soon as possible after the sale to obtain details of the outcome of their bids to avoid incurring unnecessary storage charges.

The purchase price payable is the hammer price plus buyer's premium, value added taxes and any other fees, taxes and charges that may apply.

Buyer's premium varies from one sale location to another. You may visit the Christie's Website to view the current rates and thresholds of the buyer's premium for this sale location.

Payment may be made by personal check, bank wire transfers, cash (subject to certain limitations), Travelers checks and money orders (subject to certain limitations).

<b>Auction Summary</b>	as of 2011-04-14 10:03:33	REFRESH
<b>Number of Lots Purchased</b>	1	
<b>Total Hammer Amount*</b>	£30,000	

---

Lot No.	Lot Description	Hammer Price*	
71	Portrait of a child, bust-length, in a red coat and white shirt, with a green ribbon	£ 30,000	

\*Note: The hammer price does NOT include the buyer's premium, value added taxes and any other fees, taxes and charges that may apply.

It is the buyer's responsibility to pick up purchases and make all shipping arrangements. Please note that the lots may be transferred to a third party warehouse and not be available for pick up at the sale site. After payment has been made in full, Christie's can arrange property packing and shipping at the buyer's request and expense.

For information on concluding your purchase you may visit the Christie's Website for help with the following topics:  
Payment | Collection & Shipping | Storage

If you have further questions, please contact our Client Service department.

---

[Online Terms of Use](#) | [Help](#)

---

[http://apps1.chr1.auctionsolutions.com/chr\\_purchases/chr\\_purchas...GF5bmFtZT1NcnMgR2FnZXQjdXJyZW5jeU1hc2s9QEAXNjM5OTksOTk5LDk5OQ==](http://apps1.chr1.auctionsolutions.com/chr_purchases/chr_purchas...GF5bmFtZT1NcnMgR2FnZXQjdXJyZW5jeU1hc2s9QEAXNjM5OTksOTk5LDk5OQ==) Page 1 of 1

Figure 16. Christie's Auction Purchase Summary, photographed by Mary Ellen Stanley





COMMERCIAL INVOICE

CHRISTIE'S  
ART TRANSPORT

Date Booked 6-May-11  
page 1 of 1

Shipment Reference: **UK 83805**

<b>client</b>	<b>ship from</b>	<b>deliver to</b>
Mrs. [REDACTED] [REDACTED] United States [REDACTED] [REDACTED] Client Tax Id:	Christie, Manson & Woods Ltd. 8 King Street, St James' London, SW1Y 6QT UNITED KINGDOM w - 44 20 7389 2712 f - 44 20 7839 2710 e-mail - arttransport_london@christies.com	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>clearance agent</b>		

**Total value: £37,250.00**

<u>property</u>	<u>description</u>	<u>value</u>
<b>Sold - Purchased property</b>		
962/71	Jean-Baptiste Huet (Paris 1745-1811) Portrait of a child, bust-length, in a red coat and white shirt, with a green ribbon oil on paper laid on canvas, oval 18 1/8 x 14 3/4 in. (46.1 x 37.5 cm.) ; Proc. Code: 10 000 01; Country of Origin: FRANCE -	37,250.00 *

\* We hereby declare to the best of our knowledge and belief that the above items were manufactured or produced as a whole and in the form as exported more than 100 years prior to the date of exportation.

Packing, freight and insurance charges are not included in the above values.

for CHRISTIE'S INC.

Signed: \_\_\_\_\_  
Andrew Kitt

Dated: 6-May-11

Figure 18. Christie's Invoice, Christie's Art Transportation, photographed by Mary Ellen Stanley

Mrs. G said that the fact this painting is not currently reunited and hanging with the rest of the Edmond de Rothschild collection at Waddesdon Manor is “sad”, but she emphasized that she is truly just a temporary custodian.

Although this work is not hanging along with the other works at Waddesdon Manor, as Mrs. G eloquently stated she is a temporary custodian. Even though the museum community sees the acquisition of this work into a private collection as a loss, this temporary custodian, like a museum, highly covets this work of art. Despite the fact that this work does not hang in the highly regulated environmental bubble created by a museum structure, this temporary custodian goes to extensive lengths to ensure that her collections and in particular this specific work are harbored in a suitable environment in which the effects of light, temperature and humidity are monitored. She also has the work properly insured. Its location in a private family home also prevents it from being exposed to the masses of people that visit a museum. Although this painting does not serve the greater public and fulfill a public service mission, it is protected in a safe environment.

*Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon*, serves as a prime example of how Nazi looted art works makes its way through both private and public collections throughout the world. This work, which has had a colorful journey, serves as a symbol of a family and as a family heirloom that has a very healthy and intricate history within the art market. Specifically, not only has this work been through a Christie’s auction twice but also has traveled across the world from Europe to Texas. Even though this work was looted, the history concerning the provenance of this painting is printed clearly on the verso of this canvas due to



documentation efforts of its custodians. It thus continues to have an interesting history and it has been appreciated by both the public and private worlds through both its public and private owners. This example also shows some interesting omissions in information created in art dealing while also exhibiting how thorough research can uncover, more detailed provenances can be easily procured.

### *Purchasing in the Art Market*

Unlike in museum collections that must remain accountable to the public, private collectors are not held to the same collections practices as museums. When a private collector purchases a piece either at auction, at a gallery or a flea market, the standards of buying practices significantly vary and often do not uphold the collections management standards seen in the collections practices at museums. This is both the fault of the buyers and especially dealers. Since the repercussions and risk for a private collector in owning a piece of looted art is significantly less, often works are sold and purchased without adequate provenance research and in turn are purchased illegally. In some cases people knowingly purchase questionable works. Since these variations in practices are what are seen historically in art dealing, the repercussions of hundreds of years of lax record keeping and documentation is seriously affecting the art market and in turn museum practices. This creates doubts for buyers and museums in the art market and thus allows works to leave the public eye and fall into public collections. It also makes the task of constructing a complete provenance record in some cases an impossible task. Although standards in the art market are lax and ridden by hundred of years of inconsistencies, more complete provenances can be achieved with thorough research of available resources.

As seen with the research conducted on *Portrait of a Child, Bust-Length, In a Red Coat and White Shirt, With a Green Ribbon*, all of the research was conducted online, and was easily done. Thus all individuals have the ability to conduct research to ensure proper ownership on their works, both museums professional and private collectors. Although some standards in the market are lax, with the smaller less official documentation methods by private collectors, museums and auction houses such as stamping backs of paintings, the links in provenances and custodians can be determined. While these markings can come in a variety of styles, they are all based on a similar system making their interpretation and further research possible.

In the previous restitution case studies that directly affect the museum community, often times the ownership of works are more often than not contested by an individual or family. Since in many cases many works were never properly returned, they are frequently removed from museum walls out of the public eye, are treated as assets and are sent into the confines of private collections. With the thriving art market, the limited funds within the museum community and the increased activity of private collectors, museums cannot purchase certain works and as a result sometimes a private collector becomes the temporary custodian. Although this fact is often alarming to the museum community, it is in some cases is in a better temporary home than if it remains on the black market. As a result there is a tense battle between private collectors and museums in what remains and does not remain in the public eye. In these particular cases, one must examine art and its original purpose. As a museum we see these paintings and works of art as vehicles for education and serving the public. Art is seen in the hands of private collectors more often as a decorative piece, and aesthetic work, and

in some cases an asset. This is reflected in both buying practices as seen in the art market, appraisals and in insurance policies. As a result, we have to examine the original intent for art. Quite often art is collected for an aesthetic reason and it was also created with that purpose, to be viewed and enjoyed. In many cases people are using art for its original intended purpose and continue to appreciate art for its original purpose. This gives art value outside of the museum community and ultimately the reason why art is monetarily so valuable and why museums collect it.

The examination of this private collector and their collections practices through Christie's presents another view into how Nazi looted art is handled and addressed in the contemporary world. In addition, with the examination of *Portrait of a child, bust length, in a red coat and white shirt, with a green ribbon* the issues the art work and specifically museums address is revealed along with the ability to research provenances on Nazi looted art. Although the G family is an example of a collector with impeccable standards in regards to the purchasing and handling of their collections, even with this flawless transaction, shortcomings in the field are revealed while also exhibiting potential advances which can be made. Even though auction houses like Christie's and Sotheby's do uphold a legal and ethical standard to ensure stolen goods do not find their way onto their auction blocks, the lack of fluidity and the transfer of resources from such institutions to new custodians places an additional burden on individuals, possibly a donor or patron, and museums. Private collectors and in turn some donors of works of art within the museum world are held to these practices that eventually affect a museum and museum acquisition practices in how museums acquire and work with donors. These inconsistencies can strain a relationship. Even though such issues could potentially be

partially remedied in the contemporary world, due to the hundreds of years of a lack of standard framework in art dealing, the issue of provenance will continue to exist.

## CHAPTER SIX

### *Conclusion*

Restitution cases are forcing museums to reconsider best practices. In the museum field, institutions develop collections management policies in order to drive and shape collections practices, while also ensuring that ethical practices are maintained. Although these policies may vary slightly among museums, standard themes are present that are defined in the American Alliance of Museum Ethics, Standards and Best Practices. These standards, titled “Characteristics of Excellence for U.S. Museums,” and a “Code of Ethics for Museums” are designed to help museums uphold best practices in a variety of museum environments and operations.<sup>1</sup> These best practices in regards to collections management include the following,

“The museum owns, exhibits or uses collections that are appropriate to its mission. The museum legally, ethically and effectively manages, documents, cares for and uses the collections. The museum conducts collections-related research according to appropriate scholarly standards. The museum strategically plans for the use and development of its collection. The museum, guided by its mission, provides public access to its collections which ensuring their preservation. The museum allocates it space and uses its facilities to meet the needs of the collections, audience and staff. The museum has appropriate measures in place to ensure the safety and security of people, its collections and/or objects, and the facilities it owns or uses. The museum takes appropriate measures to protect itself against potential risk and lost.”<sup>2</sup>

---

<sup>1</sup> Resources, “Ethics, Standards and Best Practices,” American Alliance of Museums, <http://www.aam-us.org/resources/ethics-standards-and-best-practices> (accessed January 22, 2013).

<sup>2</sup> Collections Stewardship, “Standards Regarding Collections Stewardship,” American Alliance of Museums, <http://www.aam-us.org/resources/ethics-standards-and0best0practices/characteristics-of-excellence-for-u-s-museums/collections-stewardship> (accessed January 22, 2013).

These standards are formulated in order to best serve the interest of the museum and the public that they have been created to serve. These guidelines, in regards to the appropriation of Nazi looted art, must be examined due to the complicated ethical and legal battle that ensues around collecting, retaining, or returning a piece of illegally owned art. Although these standards discuss how a museum should conduct its operations, these merely establish a minimal framework for museums to function within, thus rather than enforcing a particular set of standards, museums should use these standards as a springboard for even higher standards of museum practice.

Museums ultimately perform a public service mission that drives the core museums operations. Museums provide the public with an institution for collecting the world's cultural heritage and a method for the interpretation of such collections. The first component of this mission is to act as stewards of the public's collections. This stewardship includes housing, protecting and preserving the collections entrusted to the museum. The museum also serves the public through a second mission, utilizing the collections entrusted to them as vehicles of education for the public. With the issues surrounding restitution cases and in some cases the relinquishing of parts of collections into the confines of private collections, both components of the museum's mission are compromised. No longer can the museum utilize their collections through educational means, and it can also no longer protect them.

In addition to serving the public through education and as stewards, museums must also maintain ethical practices in regards to collecting works. In order to adhere to standards, museum must ensure that the items that they collect have a complete and unblemished provenance that can ensure that a museum is the legal owner of an artwork.

Although the art market and art dealers do not require a legal title to accompany the purchase or transfer in ownership of a work of art, museums must hold a higher standard in which they must ensure that the works they are acquiring are not being acquired under illegal means in order to secure the financial safety of the museum. Museums must take additional steps to ensure that their collections are rightfully owned to maintain trust with the public. According to Edsel, “eventually, the weight of claims and pressure from the court of public opinion will compel those remaining museums, private collectors and dealers who have not already undertaken a thorough provenance analysis of works in their respective collections to do so. At this late in the game there are no excuses.”<sup>3</sup>

This responsibility also manifests itself in the form of financial responsibility. Restitution cases are challenging established financial practices in regards to collections in museums. Restitution cases can create financial burdens on institutions that manifest themselves in a multitude of detrimental ways. The first burden comes in the form of funding research to vet a museum’s collection in order to prove legal provenance of Nazi-appropriated assets before or after a claim is made. Secondly, an even greater financial burden can occur with the legal fees accrued through consulting legal counsel or dealing with court cases that can often last up to a decade. Thirdly, there is an additional financial burden when a museum chooses to either outright lose a work of art from a museum’s collection or chooses to purchase the contested work back from the owner to maintain the work in their collection. This is a financial burden that can amount to hundreds of millions of dollars and becomes an ethical issue within the museum community.

---

<sup>3</sup> Robert M. Edsel, *Rescuing da Vinci* (Dallas: Laurel Publishing, 2006), 47.

Although the museum community deems it best practice to not treat collections as assets, the loss of a work of art or the money to maintain a work of art can negatively affect museum operations. Thus, how to address whether to fight, retain or collect a work of art becomes a serious challenge for museums. In a tangible financial sense, all of these actions are a monetary loss for the museum because the money that has to be contributed to address restitution cases can be more efficiently used to serve the public more directly, such as through maintaining other collections or through education. Furthermore, the usage of financial assets to maintain one piece in a collection can jeopardize funding in the museum for new acquisitions or the care of other collections. Thus museums in these particular cases must evaluate the work of art within the context of their particular museum and collection. Evaluating a work's value within the museum context can help museum professionals decide what steps should be taken in regards to a particular piece. Although this is compromising an ethical standard in museum collections practices, in the greater scheme of the museum's operations, such an evaluation can affect the museums collections and general operations. Even though museums are being forced to adopt the public's commonly held perception of art, in order to maintain the safety of the museum's collections and finances this is often a necessary step.

In restitution cases, museums are forced to put a dollar amount on their collections because of the financially motivated nature of restitution claims. As seen in the previous case studies, money has permeated the records and media surrounding each case. Despite that this theme is prevalent, it is not a theme produced by museums but rather, the families, media and art market. Although these dollar amounts are interesting and informative for the public as to the fiscal value of the painting, these contested works



are not being evaluated and treated as museums would ideally view and evaluate their works. Valuing contested works as assets is the same method by which most claimants are addressing their works. Claimant's actions indicate that they are treating these collections as assets rather than heirlooms. The interpretation of these works has evolved drastically since the World War II era. For the families, these works are not longer a part of an everyday life style but are treated as a piece of property that was stolen. These works rarely have actual familial or nostalgic importance. As seen in the majority of restitution cases, once these works are returned to the families or the heirs, they are immediately sold at auction for significant sums. Although the practice of treating a work of art as an asset seems unethical from the museum perspective, such artworks are for these families property. Property that has such a monumental value in the art world, that it can significantly change the lives of the legal owners of these works.

In the cases where individuals desired to keep the works, owners often realize the value and fragility of their works and instead of harboring these works in their homes, realize that these works need more monitoring, safety and protection from the elements, all which is expensive. Owners see the ethical issues in keeping these works and instead sell them so that they can be better protected. Even though museums often will buy restituted works back if funding is available, museums often cannot afford the works. In the case of Kimbell, the museum could afford to buy back the Turner work that was restituted, but had to pay for this work twice. This is often not the case such as in the Austrian National Museum with the Klimt paintings, in which the museum could not afford to buy back the paintings. Thus the museum lost five paintings that were on

exhibit to the public and as a result all but one was sold to private collectors, resulting in a huge loss for the public.

Restitution cases are often determined by the financial capabilities of both the museum and the claimant, with those having ample funds to fight a claim having a better chance of achieving a desirable outcome. Money is one of the main issues with restitution on both sides of a case. Every step of restitution is extremely expensive, thus some families and museums cannot afford the legal fees for attorneys or the court fees to fight for their works that remain unlawfully in collections.<sup>4</sup> Although in some cases restitution claims are addressed in other venues and manners besides a court of law, this still does not alleviate a lawyer's extensive fees or include the research to vet a painting, which both can often take decades to complete. Furthermore, restitution is often hindered in countries such as Austria, in which legislation makes it extremely difficult for claimants to pursue works. These cases, due to the expense of trying such cases in foreign courts of law, are being brought to the United States, thus making the United States a hot spot for restitution cases.

The holding of contested works of art illegally can affect the perceptions of potential donors and lenders to an institution. General donors may question a museum's practices if illegally acquired artworks are in the collection. In addition donors of a contested work may face negative public exposure or financial loss or a museum can be negatively affected if a museum turns away donors with works with questionable provenance. This action can have a detrimental affect on donor relationships, especially in regards to loans. Private collectors who loan works to a museum may be hesitant to

---

<sup>4</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses*, 231.

lend works with questionable provenances due to the fear of possible confiscation.

According to Mr. Glenn D. Lowry museums are, “deeply concerned about the prospect that lenders will keep their works at home rather than risk sending them to New York.”<sup>5</sup>

These restitution claims and the hype surrounding them are not only causing works of art to be confiscated but also preventing new works from being shown, both temporarily and permanently.

The fear of restitution cases and international law suits can also have a potentially adverse affect on the international museum community that maintains a gentle balance and working relationship in the form of traveling exhibitions and international loans. If a museum, as in the MoMA case, exhibits foreign works that are contested and retained on American soil, this can affect the flow of works internationally. In a situation where a case is brought to trial, it can even put a hold on international loans. This would be injurious to the entire museum community because without the positive international relationship that fosters and circulation of art throughout the world, the public’s benefit from loans and exhibitions will diminish. Museum’s activities in regards to exhibitions will be frozen and will not gradually transform or develop as the art history field evolves, new scholarship is created or new discoveries are made.

Even though claims are frightening for a museum professional and may result in the loss of an important acquisition that can have market values of millions of dollars, one must consider the affects on Holocaust victims. Realistically, Holocaust victims and their heirs since have not received even close to the amount of restitution they deserve both emotionally or financially. This tragedy happened over six decades ago, and in the

---

<sup>5</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe’s Treasure Houses*, 231.

United States this seems like ancient history. However, in the aftermath of the war there was a great influx of Jewish European immigrants into the United States, and these families, their belongings and culture has become part of the American landscape. The building of the United States Holocaust Memorial Museum has served as a further reminder of the devastating effects of the Holocaust and makes this issue more relevant for twenty-first century Americans. As a result these issues become American issues and American responsibilities, especially in the museum community. Furthermore, the embracement of the European Jewish culture and sympathetic American legislation makes the museum community more accommodating and sensitive to the Jewish community. In addition, the plight of the Jews which were affected during World War II is also unique and not previously seen in looting. This very specific and tangible group that was terrorized so recently in history has generated a great deal of sympathy for these victims.

In addition, honoring restitutions claims is necessary due to the example and precedent it sets for contemporary looting practices since looting is still very relevant and a contemporary issue. Although looting to the extent of the Nazi's has thus far never been replicated in history, there are modern day equivalents such as the controversy surrounding the looting of the Iraq Museum in Baghdad in April 2003. Even though the number of stolen objects was no where near the number of objects acquired by the Third Reich, the issue is not the number of objects stolen but about the lack of "sensitivity and preparedness in anticipating such problems and accusations. Already a lesson from World War II has been lost."<sup>6</sup> If these particular cases are remembered, such activities

---

<sup>6</sup> Robert M. Edsel, *Rescuing da Vinci* (Dallas: Laurel Publishing, 2006), 45.

will not be further endorsed or excused, and art acquired in such a way will have lessened value in the international art world. Such lessons can also potentially motivate the return of stolen art works in countries such as Russia that are notorious for retaining large volumes of loot.

Russia still remains steadfast in their ownership of their objects and shows no real effort or movement towards addressing restitution claims. Regardless of various public affirmations that Russia would attempt to resolve the issue of the detainment of these “twice-stolen” items, the attempts have remained futile.<sup>7</sup> These half-hearted attempts have been justified by the lack of funding or the inaccessibility of databases. Regardless, stolen works have gradually come out of hiding and now are exhibited in public museums such as the Hermitage and Pushkin Museum.<sup>8</sup> Russian leaders who are in charge of the nations cultural patrimony are sticking to a firm “Nyet” when asked if Russia will ever return the war booty and have even passed laws asserting Russia’s right to keep “anything seized by the Soviet Union under Stalin from the Germans,” and thus greatly diminishing the chances of these works ever being returned.<sup>9</sup> Although Russia had a significant portion of its cultural heritage destroyed, it still refuses to relinquish its appropriated World War II art and thus hinders the world-wide progression to remedy this issue.

---

<sup>7</sup> Marilyn Henry, Pressure Russia To Reveal Looted Art’s Heritage,” *The Jewish Daily Forward*, September 8, 2006.

<sup>8</sup> “Heritage Revealed,” Commission for Art Recovery, last updated 2010, <http://www.commartrecovery.org/projects/heritage-revealed>.

<sup>9</sup> “Treasure Looted From Germany Goes on Show in Moscow,” *Spiegel Online*, March 3, 2007 (accessed January 3, 2012).

This is also seen in Austria, another nation that unethically retains looted art. Although Austria has made efforts to return loot, these efforts are often concessions to public opinion, such as a 1995 case when the Austrian government auctioned off a collection of works that were deemed “heirless” upon which the proceeds were donated to Jewish charities to benefit Holocaust victims and their families.<sup>10</sup> In this action, omissions were made from the auction and Austria retained some of the best parts of these collections for their national collections. In addition, in the larger scheme in regards to the amount of objects that are still illegally retained, efforts of such countries remain futile. For example the value of the Klimt paintings restituted to the Altmann family surpassed the total sum of compensation that Austria pledged as the, “global compensation for all Holocaust-related losses.”<sup>11</sup>

Although restitution initially appears to be a deleterious challenge to the museum community, conflicting with a museum’s public service obligation, museums have a clear legal and ethical obligation to the community. This practice is rooted in a museum’s accountability to the public that holds museums to a higher standard. Museums must uphold this greater moral obligation to maintain legal operations in order to maintain trust with the public since the members of the public are both patrons and benefactors. Adhering to the established legal standards in the United States not only allows museums to thrive in the United States as non-profit institutions, but allows them to be a publicly

---

<sup>10</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World war II and the Looting of Europe’s Treasurehouses*, 188.

<sup>11</sup> Sophie Lillie, “The Backlash Against Claimants.” Common Art Recovery, June 2009. <http://www.commartrecovery.org/sites/default/files/docs/events/SophieLillie.pdf> (accessed September 12, 2012).

esteemed institution and beacon for Americans. Since there is no established international court of law to ensure looted art is returned, museums must take this ethical burden upon themselves and take the necessary steps to return stolen works. In order for museums to remain accountable to the public, retain a positive image and address this challenge, there needs to be an improvement on the national moral and ethical standards concerning the practices of dealing with Nazi looted art. This improvement in standards must also be extended to auction houses and galleries to prevent future illegal acquisitions and to foster a functioning flow of information to more effectively vet any disputable pieces. With a universal elevation in standards, a collaborative effort between the various parties in the art world can occur and in turn will positively affect the quality and efficiency of provenance research which would in turn affect museums in a positive way.

The application of a statute of limitations and how it is applicable in the case of Nazi-looted art in the field has been discussed. Although questions have been posed such as is there an appropriate time to end claimants opportunities to no longer be able to make claims, there is currently a desire of some individuals to call a universal statute of limitations to put an end to Holocaust claims and to force people to live in the present in order to protect museums.<sup>12</sup> This concept follows the similar perception that such limitations should be in place to protect museums from detached claimants that now are distanced by two or more generations from their original World War II owners. Others take a stance that looting is just a part of war-time history and that modern day claimants should cease to make claims because, “history is history” and that making claims on

---

<sup>12</sup> Sophie, Lillie, “The Backlash Against Claimants.” Common Art Recovery.

works in public institutions will not repair the damage done throughout World War II. This continual discussion will continue to make this an issue that will never be fully accounted for or fixed.<sup>13</sup> This cultural rape of Europe echoed the other cultural plunders that occurred previously and instead of moving on from this event, continuing to discuss the issue serves as a detriment to the public and impoverishing the world's public collections. Since looting has always been a part of international wartime history, this event is a continuation of an established tradition and thus the repercussion of looting should be moved on from in a similar manner. This realistically is not a plausible expectation because the world is shrinking and much more modern. These objects, which are pieces of property, are of such a significant monetary value that one cannot ignore it as an heir, private collector or museum.

With the rapidly shrinking world, more and more restitution claims will be made with the dissemination of knowledge. Due to the digitization of collections in both museums and auction houses and the increasing levels of outreach of technology across the world, the inner workings of the art world since before World War II will gradually be revealed. In addition, with the increase of publications and productions in the mass media concerning the history of looted art, the population will become gradually more aware of not only the history of Nazi looted art but that works remain missing and families are still being affected.<sup>14</sup> Furthermore with the new discoveries in research, the opening of previously closed archives, and the release of pertinent information

---

<sup>13</sup> Norman Rosenthal, "The Time Has Come for a Statue of Limitations," *The Art Newspaper*, December 2008.

<sup>14</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses*, 205.



concerning Nazi looting activities, the currently existing holes in provenance research and in the provenance of certain works will gradually be revealed. When more information is made available to the public, the families and museums who are trying to make or defend claims will now have more evidence to do such with.

In order to address the challenge of finding disputable works in museum collections, the previously varied museum practices and lack of awareness must be remedied. Not all works within museums' collections and exhibitions have been thoroughly vetted and have traveled the world without scrutiny as to where these particular works came from. Thus acquisitions by private collectors, auction houses and museums must all be critically examined. Museums overall must be much more thorough in investigating acquisitions and in their collections decisions. With the increased circulation of art and restitution claims, museums must take further steps to ensure all holding are rightfully owned. As seen in the case of the Guggenheim Museum which exhibited the collection of the contested collector Dr. Rudolf Leopold, the museum had to evolve their practices in regards to vetting clearly establish collections that have been showed throughout the world in premier institutions. Rather than assuming collections are rightfully owned, museums now have to more thoroughly scrutinize the provenance of all art that is exhibited within their museums, regardless off its origin. Although World War II has ended, the art looted and confiscated still remains to be, "the last prisoners of war."<sup>15</sup> These cases and these works often symbolize what happened to these Jewish families during World War II and thus take on a whole new meaning rather than just an issue of ownership: they have a greater symbolic meaning.

---

<sup>15</sup> Peter Harclerode and Brendan Pittaway, *The Lost Masters: World War II and the Looting of Europe's Treasure Houses*, 344.

Another dynamic that must be examined and that can have even more monumental effect is how works are addressed and handled within private collections. With restitution claims, as seen in the Elicofon case, there is a detrimental cycle created that prevents people from wanting to share their collections with the public and in turn not loan or donate these works to museums. This well-founded fear is now affecting the collecting practices of museums, especially in terms of provenance research. Museums, regardless of the practices of art dealing in the business component of the art world must in some manner disassociate themselves from the elitist market politics and establish standards of practices in regards to provenance research of their own such as giving all the artworks within their collection the attention due, regardless of these works monetary values. This practice, once instituted in museums, will hopefully infiltrate the greater art world and ideally hold the rest of the art world, including art dealers and private collectors to a higher standard, in which these institutions will adopt similar practices and demand more thorough provenance research. If museums and the other members of the art world more cohesively work together as a group and hold one another accountable, the standards in the entire art world will gradually evolve and elevate.

Although some sort of government involvement to ensure legal practices in museums could be effective and helpful in regards to funding provenance research, realistically this is not plausible. As seen with the legislation of NAGPRA, the responsibility of thoroughly researching collections and maintaining legal practices cannot be the responsibility of the government. The government cannot effectively monitor public collections, provide ample research funding or enforce certain standards of museum conduct, thus it must be almost entirely the responsibilities of museums. In

these particular restitution cases, the issues lie with the people involved and must be the responsibility of the people involved. With Nazi looted art in the United States, there is no legislation like NAGPRA to push restitution, thus it must be done on an institutional level on a case by case basis and relies on outstanding ethical practices. Museum must clean the skeletons from their closets hidden away by previous administrators, curators and collections managers and maintain ethical practices as they do in the other areas of the museum. Although it is the attitude of the museum collections professional to want to protect collections, the museum's first ethical responsibility is to the public because without the public, these collections would cease to exist.

Art throughout history and in the world today has been used for a variety of reasons. Whether it is used as a vehicle to educate the public, utilized as means to make a profit or hung on a wall to provide aesthetic pleasure to its owners, art infiltrates cultures in a wide variety of methods and thus has been given by a variety of people different types of values. Some individuals see art as a monetary investment while others appreciate art for its historical or cultural value within their society. However in most cases art has always had at some point an inherent personal value that serves as the reason for why the work was originally created. Thus from these various interpretations of use and value, the museum professional in the community must understand that art today continues to serve an ambiguous role in society that greatly affects how it is bought, sold and who its owners are. This dynamic world fosters the scramble and competitive nature of the art market that greatly affects the status of the world's national collections and in general the cultural heritage seen throughout the world. As a result

museums must evaluate and remain aware and relevant within their surroundings in order to maintain their mission.

Museums can maintain a higher level of accountability to the public and better serve their missions through properly evaluating their collections in regards to potentially Nazi appropriated assets. Although funding for restitution can be sparse, due to the excellent documentation of the Nazis and Monuments Men, achieving lawfully owned collections, prohibiting future illegal acquisitions, and restituting works are possible for museum professionals to achieve. Museums have an obligation to go beyond the minimal museum standards and to maintain accountability to the public legally, financially and through their established mission. Ultimately, museums must take this task upon themselves due to the lack of an international body that both assists in restitutions and enforces them. This is the museum community's duty in order to maintain the public's trust and the public service mission. Once Nazi looted art in museum collections is properly addressed then museums can continue to ethically and effectively serve their public missions as stewards of the world's collections.

## BIBLIOGRAPHY

- “1,000,000 in Durers Found in Brooklyn.” *Life Magazine*, Vol. 60 No. 22, June 3, 1966. (Published by Time inc.).
- Alford, Kenneth D. *Allied Looting in World War II, Thefts of Art, Manuscripts, Stamps and Jewelry in Europe*. North Carolina: McFarland and Company, Inc., Publishers, 2011.
- Alford, Kenneth D. *Nazi Plunder, Great Treasure Stories of World War II*. Cambridge: De Capo Press, 2001.
- Art Stolen, Art Rescued. “Restitutions To-Date.” The Rape of Europa, last modified 2012. <http://rapeofeuropa.com/stolenRestitutions.asp>, (accessed November 12, 2012).
- “Austrian Museum pays \$19 million for Nazi-looted painting,” last modified July 21, 2010. <http://www.jta.org/news/article-print/2010/07/21/2740157/austrian-museum-pays-for-Nazi-looted-painting> (accessed December 4, 2012).
- “BBC News Entertainment and Arts, Row over Egon Schiele work costs Austrian museum \$19m,” last modified July 21, 2010. <http://www.bbc.co.uk/new/entertainment-arts-10709321?print=true> (accessed December 4, 2012).
- Bendersky, Joseph W. *A Concise History of Nazi Germany: 1919-1945, Third Edition*. Plymouth: Rowan and Littlefield Publishers, Inc., 2007.
- Black’s Law Dictionary. “What is GOOD FAITH.” *Black’s Law Dictionary Free Online Legal Dictionary 2<sup>nd</sup> Ed.* <http://thelawdictionary.org/good-faith/> (accessed October 2, 2012).
- Christies. “Jean-Baptiste Huet (Paris 1745-1811).” Lot Finder. <http://www.christies.com/Lotfinder/LotDetailsPrintable.aspx?intObjectID=5426663> (accessed April 14, 2011).
- “Christie’s Restitution.” Christie’s. [www.christies.com/services/restitution/](http://www.christies.com/services/restitution/) (accessed January 2, 2012).
- Claims Conference and World Jewish Restitution Organization. “Nazi-Era Stolen Art and U.S. Museums: A Survey.” July 25, 2006.

- Collections Stewardship. "Standards Regarding the Unlawful Appropriation of Objects During the Nazi Era." American Association of Museums. <http://www.aam-us.org/resources/ethics-standards-and-best-practices/characteristics-of-excellence-for-u-s-museums/collections-stewardship> (accessed December 5, 2012).
- Cooke, Sonia van Gilder. "Found: Nazi Records of Hitler's Looted Art." *Time*, March 30, 2012. <http://newsfeed.time.com/2012/03/30/found-nazi-records-of-hitlers-looted-art/> (accessed November 29, 2012).
- "Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg: Database of Art Objects at the Jeu de Paume," last updated 2013. <http://errproject.org/jeudepaume/> (accessed November 7, 2012).
- "Curating under Communism, 'Politicians Come and Go, But Art is Eternal.'" *Spiegel Online*, July 13, 2012 (accessed January 3, 2013).
- "Database on the Central Collecting Point in Munich, All Index Cards/ records for Mu-No. 3010." Deutsches Historisches Museum. [http://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?s](http://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?s) (accessed November 12, 2012).
- Dobrzynski, Judith H. "The ZEALOUS COLLECTOR- A special report; A Singular Passion For Amassing Art, One Way or Another." *The New York Times*, December 24, 1997. <http://www.nytimes.com/1997/12/24/arts/zealous-collector-special-report-singular-passion-for-amassing-art-one-collector-special-report-singular-passion-for-amassing-art-one-way.html?pagewanted=all&src=pm> (accessed October 3 2012).
- Dobrzynski, Judith H. "What makes the Portrait of Wally case so significant." *The Art Newspaper*, April 24, 2012. <http://www.theartnewspaper.com/articles/What-makes-the-Portrait-of-Wally-case-so-significant/26309> (accessed November 25, 2012).
- Edsel, Robert M. "Bust of Isabella D'Este at the Kimbell Art Museum." *Monuments Men Newsletter*, Third Quarter XXIV 2011.
- Edsel, Robert M. *Rescuing Da Vinci*. Dallas: Laurel Publishing, 2006.
- Edsel, Robert M. *The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History*. New York: Center Street, 2009.
- Grimes, William. "Maria Altmann, Pursuer of Family's Stolen Paintings, Dies at 94." *The New York Times*, February 9, 2011. <http://www.nytimes.com/2011/02/09/arts/design/09altmann.html?pagewanted=all> (accessed November 12, 2012).

- “Jewish Groups Launch New Online Nazi-Looted Art Database,” last updated 2012. <http://www.artinfo.com/print/node/278282>.
- Hadden R.L. “The Heringen Collection of the US Geological Survey Library, Reston, Virginia.” *Earth Sciences History: Journal of the History of the Earth Sciences Society* 27, no. 2, November 2008.
- Harclerode, Peter and Brendan Pittaway. *The Lost Masters: World War II and the Looting of Europe’s Treasurehouses*. New York: Welcome Rain Publishers, 2000.
- Henry, Marilyn. “Pressure Russia to Reveal Looted Art’s Heritage.” *The Jewish Daily Forward*, September 8, 2006.
- “Heritage Revealed.” Commission for Art Recovery, last updated 2010. <http://www.commartrecovery.org/projects/heritage-revealed>.
- House. “History of the House.” Waddesdon Manor, last modified December 23, 2012. <http://www.waddesdon.org.uk/house/history-of-the-house> (accessed December 14, 2012).
- House. “The Rothschilds.” Waddesdon Manor, last modified December 23, 2012. <http://www.waddesdon.org.uk/house/the-rothschilds/> (accessed January 4, 2013).
- Joseph, Jessica. “Ripping off the Rich: Stolen Art, Collectibles Create a Billion-Dollar Black Market.” *CNBC.com*, July 30, 2012. [http://www.cnbc.com/id/48361203/Ripping\\_Off\\_the\\_Rich\\_Stolen\\_Art\\_Collectibles\\_Create\\_a\\_BillionDollar\\_Black\\_Market](http://www.cnbc.com/id/48361203/Ripping_Off_the_Rich_Stolen_Art_Collectibles_Create_a_BillionDollar_Black_Market) (accessed December 27, 2012).
- Kino, Carol. “Stolen Artworks and the Lawyers Who Reclaim them.” *The New York Times*, March 28, 2007.
- Lillie, Sophie. “The Backlash Against Claimants.” Common Art Recovery, June 2009. <http://www.commartrecovery.org/sites/default/files/docs/events/SophieLillie.pdf> (accessed September 12, 2012).
- “Maria Altmann, Maria Altmann, pursuer of looted paintings, died on February 7th, aged 94.” *The Economist*. Last modified February 17th, 2011.
- Meadows Museum of Art. “Collections Highlights.” Southern Methodist University, Meadows Museum of Art Accessed November 20, 2012. [http://smu.edu/meadowsmuseum/collections\\_Murillo\\_Justa.htm](http://smu.edu/meadowsmuseum/collections_Murillo_Justa.htm).

- Merryman, John Henry, Albert E. Elsen and Stephen K. Urice. *Law, Ethics and the Visual Arts, fifth edition*. Maryland: Kluwer Law International, 2007.
- Merryman, John Henry. *Thinking about the Elgin Marbles, Critical Essays on Cultural Property, Art and Law, Second Edition*. Frederick, MD: Kluwer Law International, 2009.
- Nazi-Era Provenance Internet Portal. "The Nazi-Era Provenance Internet Portal Project, Our Mission," last updated 2012. <http://www.nepip.org/> (accessed November 15, 2012).
- News, Art and Culture. "Showcasing a Rare Collection." The Edmond de Rothschild Foundations, last modified February 8, 2012. <http://www.edmond-de-rothschild.com/news/not-financial/foundations/showcasing-a-rare-collection-110208.aspx> (accessed December 14, 2012).
- Nicholas, Lynn H. *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*. New York: Vintage Books, 1994.
- O'Connor, Anne-Marie. "Maria Altmann dies at 94; won fight for return of Klimt portrait seized by Nazis." *The Los Angeles Times*, February 8, 2011.
- Petropoulos, Jonathan. *Art as Politics in the Third Reich*. Chapel Hill: University of North Carolina Press, 1996.
- Phillips, Michael. "Portrait of Wally: Nazi-looted painting a study in motives???" *Chicago Tribune*, June 15, 2012. [http://articles.chicagotribune.com/2012-06-15/entertainment/ct-mov-0615-premier-attraction-20120615\\_1\\_nazi-looted-painting-leopold-museum-egon-schiele](http://articles.chicagotribune.com/2012-06-15/entertainment/ct-mov-0615-premier-attraction-20120615_1_nazi-looted-painting-leopold-museum-egon-schiele) (accessed November 25, 2012).
- Plaut, James S. "Loot for the Master Race." *The Atlantic Monthly*, September 1946.
- Price, Michael H. "Kimbell Art Museum buys back Turner masterwork." *Fort Worth Business Press*, April 23-29, 2007.
- Provenance in the World War II Era, 1933-1945. "Lost Art Databases & Resources," Smithsonian, last updated March 2010. [http://provenance.si.edu.jsp.lost\\_art\\_databases.aspx](http://provenance.si.edu.jsp.lost_art_databases.aspx) (accessed November 5, 2012).
- Rape of Europa. "Restitutions To-Date." Rape of Europa.com, last modified 2012. <http://rapeofeuropa.com/stolenRestitutions.asp>.



- Rapold, Nicolas. "The Multidimensional Fate of a 1912 Schiele Portrait." *The New York Times*, May 10, 2012, <http://movies.nytimes.com/2012/05/11/movies/portrait-of-wally-documentary-on-schiele-painting.html> (accessed November 25, 2012).
- "Rare Terracotta Portrait Bust, Owned by the Kimbell Art Museum, Discovered to have been in Nazi Salt Mine During WWII." *Dallas Art News*, July 6, 2011.
- Resources. "Ethics, Standards and Best Practices." American Alliance of Museums. <http://www.aam-us.org/resources/ethics-standards-and-best-practices> (accessed January 22, 2013).
- "Review of the Repatriation of Holocaust Art Assets in the United States." Serial No. 109-113, July 27, 2006.
- Richard, Paul. "Hitler's Taste in Art." *The Washington Post*, March 28, 2008.
- Rosenthal, Norman. "The Time Has Come for a Statue of Limitations." *The Art Newspaper*, December 2008.
- Roxan, David and Ken Wanstall. *The Jackdaw of Linz: The Story of Hitler's Art Thefts*. London: Casel and Company Ltd., 1964.
- Schechter, David. "Paintings hanging in the SMU's Meadow's Museum are among those Nazis stole from Jewish families." *The Dallas Morning News*, May 14, 2000.
- Schjeldahl, Peter. "Hitler As Artist, How Vienna Inspired the Fuhrer's Dreams." *The New Yorker*, August 19, 2002.
- "SMU's Meadows Museum has Art Nazis' Stolen in World War II." May 14, 2000. <http://abclocal.go.com>.
- Speir, Mark. "Portrait of Wally." College of Communication, The University of Texas At Austin, September 6, 2012. <http://communication.utexas.edu/features/portrait-wally> (accessed November 15, 2012).
- The Central Registry of Information on Looted Cultural Property 1933-1945. "About US: Overview." Looted Art.com, last updated 2012. <http://lootedart.com/about> (accessed November 5, 2012).
- The Edmond de Rothschild Foundations. "Baron Edmond de Rothschild's legacy." Mission of the Foundations, last modified December 16, 2012. <http://www.edrfoundations.org/partnerships/arts-culture/the-louvre-museum.aspx> (accessed December 14).

- “Treasure Looted From Germany Goes on Show in Moscow.” *Spiegel Online*, March 13, 2007 (accessed January 3, 2012).
- Visit. “Waddesdon Manor.” National Trust, last modified December 23, 2012. <http://www.nationaltrust.org.uk/waddesdon-manor/> (accessed December 14, 2012).
- Vogel, Carol. “At \$90 Million, Rothschild Sale Exceeds Goals.” *The New York Times*, July 9, 1999. [www.nytimes.com/1999/07/09/world](http://www.nytimes.com/1999/07/09/world) (accessed October 15, 2012).
- Vogel, Carol. “Austrian Rothschilds Decide to Sell; Sotheby’s in London Will Auction \$40 Million in Art Seized by Nazis.” *The New York Times*, April 10, 1999. [www.nytimes.com/1999/04/10](http://www.nytimes.com/1999/04/10) (accessed October 15, 2012).
- Vogel, Carol. “Cleveland Museum Was the Buyer of a Prized Rothschild Portrait.” *The New York Times*, July 10, 1999. [www.nytimes.com/1999/07/10/arts](http://www.nytimes.com/1999/07/10/arts) (accessed October 21, 2012).
- Vogel, Carol. “Getty Institute Buys Knoedler Gallery Archive.” *The New York Times*, October 18, 2012. [http://www.nytimes.com/2012/10/19/arts/design/getty-institute-buys-knoedler-gallery-archive.html?\\_r=0](http://www.nytimes.com/2012/10/19/arts/design/getty-institute-buys-knoedler-gallery-archive.html?_r=0) (accessed November 12, 2012).
- Wackrow, Helen. “The Black Market-The Other Business of Art.” *The Business of Art, Paying and playing the muse, The University of Sydney*, August 9, 2006. [http://blogs/usyd.edu.au/bizart/2006/08/](http://blogs.usyd.edu.au/bizart/2006/08/) (accessed December 27, 2012).
- “Washington Conference Principles on Nazi-Confiscated Art.” U.S. Department of State, Diplomacy in Action, last updated December 3, 1998. <http://www.state.gov/p/eur/rt/hlcst/122038.htm>.
- Wythe, Deborah, ed. *Museum Archives: An Introduction*. Chicago: The Society of American Archivists, 2004.