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The Loss of French Musical Property During World War II: Post-War Repatriations, Restitutions, and 21st Century Ramifications

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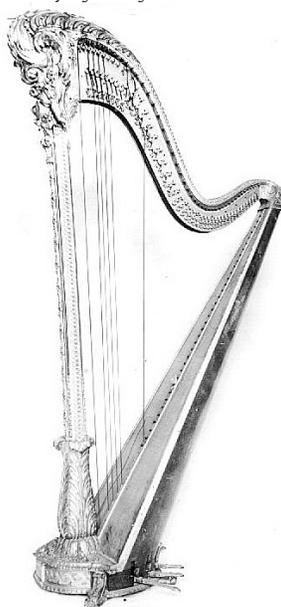
Institut de recherche sur le patrimoine musical en France; CNRS/Bibliothèque nationale de France

***The Loss of French Musical Property During World War II,
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*by Carla Shapreau**

*Lecturer, School of Law; Research Associate, Institute of European Studies
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Erard Harp, Style Louis XVI, Serial No1752

Created in June 1873

Purchased by le Comte Joseph de Montbron à Montagrier on April 22, 1874

Musée de la musique, Paris

OAR 240,² Present Owner Unknown

The purpose of this study is to evaluate the nature and scope of French music-related losses during the Nazi era, the status of post-war recoveries, and what remains missing today. The first phase of this research project has involved archival research, analysis, and documentation of selected evidence in the U.S. and France pertaining to musical manuscripts, printed music,

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1 Special thanks to Anne Georgeon-Liskenne, *Conservateur, Direction des Archives, Ministère des Affaires étrangères et européennes*, Christine Laloue, *Conservateur, Musée de la musique, Cité de la musique, Alain Prévet, Archives des Musées nationaux*, Greg Bradsher, Director, Holocaust-Era Assets Records Project, U.S. National Archives & Records Administration, and M'Lisa Whitney, Archivist, U.S. National Archives & Records Administration.

2 <http://www.culture.gouv.fr/documentation/mnr/MnR-pres.htm>. The *Musées Nationaux Récupération* ("MNR") lists approximately 2,000 works, e. g., paintings, sculptures, drawings and other objects of art ("OAR"), repatriated to France from Germany and Austria after World War II, or otherwise recovered after the war, and whose original owners have not yet been identified. These cultural items are presumed to have been confiscated or the subject of a questionable transfer during the occupation of France.

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musical instruments, books, and other musical materials.

In France, document review and analysis were conducted in the *Archives nationales*, the *Musée de la musique*, the *Centre de Documentation Juive Contemporaine*, and *Direction des Archives, Ministère des Affaires étrangères et européennes* (“MAEE”). In the MAEE alone, approximately 323 dossiers were examined and photographed, including approximately 4,716 images. Selected records in the *Archives des Musées nationaux* were also evaluated. In addition, research was conducted in the United States National Archive. The categories of materials reviewed include, but are not limited to, captured records of the Nazi *Einsatzstab Reichsleiter Rosenberg* (“ERR”), French post-war claim files containing witness statements, inventories, and property dispositions associated with the *Répertoire des biens spoliés en France durant la guerre 1939-1945* (“*Répertoire*”). Selected records of Allied discoveries of plundered French musical property in Germany and Austria were also investigated, as were repatriation, shipment, and restitution records.

Many post-war claims for the recovery of music-related objects confiscated in occupied France filed by survivors, heirs, or successors, were included in the *Répertoire* and can be found in the following volumes:

- Volume III, Chapter VII, Pianos and Harpsichords
- Volume III, Supplement II, Chapter IX, Musical Instruments
- Volume IV, Supplement I, Chapter VIII, Musical Instruments
- Volume IV, Supplement II, Chapter IX, Musical Instruments
- Volume VII, Chapter I, Archives and Autographs; Chapter II, Manuscripts; Chapter IV, Rare Books, Chapter VI, Scores; and Chapter IX, Libraries
- Volume VII, Supplement III, Chapter XVI, Archives, Autographs, and Rare Books

In order to determine the history and disposition of these claims, many, but not all, of the relevant underlying claim files located in the MAEE were reviewed. Analysis of provenance and authenticity is also relevant to an understanding of French losses, historical reconstruction, and the potential for recoveries. A few case studies are briefly discussed below in an effort to highlight the nature and scope of issues under consideration.

In general, confiscations in France of music-related property during the Nazi era were carried out by two ERR divisions: the *Sonderstab Musik*, which was tasked with misappropriating all things musical, and *Möbel Aktion*, which seized the contents of homes of Jews who had fled or had been deported.³ Although the collections of captured *Sonderstab Musik* documentation in France and the U.S. are incomplete, they contain useful references to victim names and/or inventories. Misappropriated musical objects were taken for temporary storage to depots at the Palais de Tokyo, rue de la Manutention, rue de Richelieu, and the Bassano and Austerlitz camps, and on occasion to the Louvre,⁴ before shipment to Germany. Detailed descriptions of misappropriated musical objects are often insufficient. However, by reviewing records created before, during, and after World War II, historical reconstruction is possible, although often with gaps in the evidence.

³ See Jean Matteoli, *Mission d'étude sur la spoliation des Juifs de France: Rapport général*, Paris: La Documentation française, 2000; Annette Wieviorka and Floriane Azoulay, *Le pillage des appartements et son indemnisation*, Paris: La Documentation française, 2000, and Willem de Vries, *Sonderstab Musik, Music Confiscations by the Einsatzstab Reichsleiter Rosenberg under the Nazi Occupation of Western Europe*, Amsterdam: Amsterdam University Press, 1996.

⁴ Wanda Landowska's musical collection, including her library and musical instruments such as her “clavecin de Bach” and “piano de Chopin,” were seized and taken to the Louvre before being shipped to Berlin. Letter dated March 28, 1945 from Count Etienne de Beaumont, Landowska's legal representative, to Monsieur A. S. Henraux, Président, *Commission de Récupération Artistique* (“CRA”), *Direction des Archives, Ministère des Affaires étrangères et européennes*.

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In addition to confiscations by the *Sonderstab Musik* and *Möbel Aktion*, French bells were requisitioned by the Reich and melted down for the German war effort from the regions of Alsace and Lorraine. One estimate suggests the wartime removal (primarily in Metz and Strasbourg) reached approximately 3,000 bells, with approximately 1,340 returned or returnable, and 1,160 not recoverable as whole bells.⁵

One of the most dramatic post-war discoveries of confiscated French musical objects took place on May 30, 1945, when U.S. troops in the Bavarian countryside discovered “a castle full of pianos, accordions, violins...” These were stolen French objects that had been secreted by the ERR at Raitenhaslach Castle, Monastery and Brewery, intermingled with German property, evacuated for safekeeping, and placed under the protection of an ERR caretaker. The U.S. Monuments, Fine Arts, and Archives Division of the U.S. Army (“MFA&A”) reported that about 65 pianos, spinets, harmoniums, and other instruments, modern and antique were in crates, as well as 80 crates of music and books. Instruments of the violin family, guitars, wind instruments, and other instruments, as well as phonograph records were identified, all with French markings. “Estimated about 25 truckloads for Rosenberg material alone.”⁶

The conditions at Raitenhaslach were described as chaotic, “[m]aterial is distributed throughout the house, some in locked rooms, some not. Many crates have been opened, sup-

posedly by inspecting officers. Some damage has been done...” There was also a report that two violins had vanished under the ERR caretaker’s watch. The U.S. Army noted that, “[t]he Rosenberg material, however, being looted and not securely stored, considering its fragile nature, should be given a high priority for removal.”⁷

Some of the musical objects discovered at Raitenhaslach can be traced back to ERR inventories of objects looted in France, such as the list of items taken from the home of world-renowned Polish harpsichordist Wanda Landowska at Saint-Leu-La-Fôret. In the case of Landowska, only a portion of her large musical collection was recovered at Raitenhaslach. Landowska’s collection and her inventory were confiscated in September 1940, but a noteworthy undated “approximate” inventory of Landowska’s musical collection was located in the course of research in the MAEE, and appears to be Landowska’s post-war reconstruction. Although the Landowska



One of six of Landowska’s war-damaged antique keyboard instruments discovered at Raitenhaslach in 1945 and repatriated to France.

(source: U.S. National Archives and Records Administration, Photo Archive)

5 Percival Price, *Campanology, Europe 1945-47*, Michigan: The University of Michigan Press, 1948, at pp. 32 and 142. Broken bells from Alsatian parishes found in Ulm post-war weighed approximately 30-40 tons. Letter dated April 3, 1946 from the City of Strasbourg (signature illegible) to the CRA, MAEE; see also June 24, 1946, “List of French Property From Central Collection Point Munich,” 19th Shipment, Records Concerning the Central Collecting Points, Munich Central Collecting Point, (“Ardelia Hall Collection”), U.S. National Archives and Records Administration (“NARA”), Record Group (“RG”) 260, Microfilm Publication M1946.

6 Memo, August 27, 1945 by MFA&A Officer Jonathan T. Morey, Ardelia Hall Collection, NARA, RG 260, M1946.

7 *Id.* and August 28, 1945 letter by MFA&A Officer Jonathan T. Morey, Ardelia Hall Collection, NARA, RG260, M1946.

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objects found at Raitenhaslach were returned, many objects confiscated from Landowska's collection remain unaccounted for today.

The French musical objects discovered by the U.S. at Raitenhaslach were inventoried at the Munich Central Collecting Point and repatriated by the U.S. to France from 1946 to 1949, for restitution to their owners. Confiscated French musical objects were also located in other repositories in Germany and Austria and returned to France.

In contrast to confiscations, so-called "purchases" involving musical property also took place during the occupation of France. Musical instrument dealers were conducting a brisk business, some acting as agents for the Reich in France. One example of this was violin dealer Hama & Company of Stuttgart, who acquired sixty-seven stringed instruments for the Reich Bruckner Orchestra at St. Florian, near Linz. Hama's invoices for May and June 1944 state, in part: "We sell to you in the name and by order of the Reich Ministry for Propaganda and Public Enlightenment, Berlin..."⁸ Many of the instruments in Hama's invoices are identified by maker, city, date of origin, and purport to be rare and valuable 17th and 18th century Italian instruments.

The Reich Bruckner Orchestra was established in 1942 and was a subsidiary of the *Reichsrundfunk* in Berlin, the Reich's National Radio. It was capitalized by the Ministry of Propaganda under Joseph Goebbels and instituted to disseminate German propaganda, including music.⁹ Therefore, musical

instrument acquisitions for this orchestra were derived from Reich funding.¹⁰ The *Reichsrundfunk* also acquired and left behind at St. Florian a library of 5,000 volumes, with many fine editions pertaining to music and art,¹¹ as well as 6,165 volumes of printed music.¹² Whether any of these books or music originated in France is currently unknown.

After the war the provenance and whereabouts of many of the Reich Bruckner Orchestra musical instruments were called into question. On April 9, 1948, Dr. Güllich, of the Austrian *Bundesministerium für Vermögenssicherung und Wirtschaftsplanung*, stated that the *Reichsrundfunk-Gesellschaft* did not know from where or whom the instruments originally came. Dr. Güllich and Dr. G. Kreutz, *Bundesdenkmalamt* representative in Linz, indicated to U.S. MFA&A Officer Evelyn Tucker that the antique musical instruments under discussion had not been intended for the orchestra's use.¹³

However, Tucker conducted her own investigation and learned that the *Reichsrundfunk's* assets generally consisted of looted

[downloads/downloadofthefirstmonth/February13/](#).

10 Evidence that a dealer working in Germany for the Nazi party, or with its support, generally annulled any appearance of a "normal commercial transaction." See Wojciech W. Kowalski, *Art Treasures and War*, Institute of Art and Law, London, (1998), p. 53, citing Office of Military Government for Germany, U.S. Property Division. Reparation and Restitution Branch, *Memorandum on Procedure of Restitution*, 23 June 1948. ANR, Records of BWRR, sign. 5, p. 125.

11 MFA Field Report by Evelyn Tucker, February 17-21, 1948, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926.

12 November 25, 1947 memo and inventory, *Reichsrundfunk-Gesellschaft M. B. H. Brucknerstift*, at St. Florian, Records of the Reparations and Restitutions Branch, USACA, NARA, RG260, M1927.

13 Letter from Dr. Güllich dated August 9, 1948 to Headquarters, U.S. Forces in Austria, Property Control Branch, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926 and memorandum dated November 4, 1947, by E. S. McKee, Head of U.S. Reparations and Restitutions Branch of USACA to Commanding General, U.S. Army, Property Control Section, quoting Evelyn Tucker's October 30-31, 1947 Field Report, Records of the Monuments and Fine Arts Branch, USACA, NARA, RG 260, M1927.

8 May 25, 1944 and June 7, 1944 invoices from Hama & Co., Records of the Reparations and Restitutions Branch of the U.S. Allied Commission for Austria ("USACA"), NARA, RG 260, M1926.

9 Inter-office communication, February 8, 1949, Records of the Property Control Branch, USACA, NARA, RG 260, DN1929. Audio recordings in May and June 1944 of the Reich Bruckner Orchestra, presumably on these instruments, may be heard performing Bruckner's No. 5th and 6th Symphonies under the baton of Georg-Ludwig Jochum, <http://www.abruckner.com/downloads/downloadofthefirstmonth/may13/>; <http://www.abruckner.com/>

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objects.¹⁴ Through interviews she determined that the antique instruments had been acquired specifically for use by the Reich Bruckner Orchestra at St. Florian. Tucker stated, “The Administrator said the instruments were purchased in Germany during the war and they had no way of knowing their origin beyond that, except, of course, that the original origin was certainly France.” Tucker went on to say, “[u]pon seeing the harp, which is very beautiful (made in Paris in 1672)...the Harp is still in the packing case it came in to St. Florian and it has instructions in French stamped all over the case. This gives strong support to the French claim as I believe all these instruments were purchased by Rundfunk through the same firm in Stuttgart.”¹⁵ In addition to Hamma & Co., Musikhaus Lüdemann, of Köln, was supplying musical instruments to the Reich Bruckner Orchestra, also “in the name and by order of the Reich Ministry of Propaganda.”¹⁶ Additional archival records shed light on Ministry of Propaganda involvement in the acquisition of antique musical instruments for orchestral and other use.¹⁷

Only thirteen Reich Bruckner Orchestra instruments were repatriated to France after the war.¹⁸ U.S. documentation indicates that when the war ended and the Reich Bruckner Orchestra dissolved, many musicians were allegedly authorized

to take their “official instruments, their music and furniture, with them to Germany.”¹⁹ A December 16, 1945 inventory for the Reich Bruckner Orchestra instruments was prepared at Bad Aussee, which lists 25 orchestra musicians by name and approximately 70 instruments, many claimed as the musicians’ property.²⁰ However, some of these instruments also appear on Hamma & Co.’s invoices, further suggesting that musicians took instruments possessed by the Reich Bruckner Orchestra after it disbanded. Whether any of these dispersed instruments were obtained from occupied France is unclear, but warrants further investigation in light of French references in the archival records.

Under the January 5, 1943 London Declaration,²¹ as well as post-war legal regulations, wartime purchases involving persecutees were presumptively tainted and generally considered null and void.²² Under the Allied post-war policy of “external

14 Inter-office communication dated March 22, 1949, by Hans N. Schroeder, Acting Head, German External Assets, Branch of the U.S. Element, USACA, quoting, E. Tucker’s Final Status Report, February 16, 1949, page 7, Records of the Property Control Branch, USACA, NARA, RG 260, DN1929.

15 Field Report dated July 2, 1948 by Evelyn Tucker, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926.

16 September 15, 1944 and November 30, 1944 invoices from Musikhaus Lüdemann to the Bruckner Orchestra, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926.

17 See e. g., *Stiftsarchiv St. Florian, Akten der Reichsrundfunk-Gesellschaft, Schachtel Liquidation: Diverses I*.

18 Letter dated January 13, 1949 from G. H. Pommery to James A. Garrison, Chief Reparations, Deliveries and Restitutions Division, USACA, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926.

19 Letter dated November 25, 1947 from the *Reichsrundfunk-Gesellschaft*, St. Florian, to the Military Government Property Control Linz, Landhaus, regarding the musical instruments and music at the *Reichsrundfunk* at St. Florian, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926.

20 *Stiftsarchiv St. Florian, Akten der Reichsrundfunk-Gesellschaft, Schachtel Liquidation: Diverses I*. A July 25, 1946 letter from the Austrian trustee for the *Reichsrundfunk* reported that only eleven instruments had been taken into custody and of these only one was a violin (maker not identified). *Id.*

21 <http://www.lootedartcommission.com/inter-allied-declaration>.

22 Military Government Regulation Title 18, U.S. Monuments, Fine Arts and Archives, applicable in the U.S. Zone of occupation in Germany, excluding Berlin, provided that transactions involving properties transferred from persecutees from January 30, 1933 to May 8, 1945, within Germany, or territories it or its allies occupied, were considered “looted” and subject to return to the country of origin if obtained by confiscation, acquisition under duress, or purchase if the sale involved those persecuted “for reasons of race, religion, nationality, ideology, or political opposition to National Socialism.” The rights of “good faith” purchasers were subordinated to the rights of the persecuted owner. This legal presumption could be rebutted with evidence of a normal arms-length commercial transaction in which fair market values were involved and access to sales proceeds were accessible. Dealers making purchases with Reich funds would arguably stretch the definition of a fair

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restitution,” plundered property recovered by the Allies was repatriated to the presumed country of origin. The receiving nation bore the responsibility for determining ownership and restituting the property to its true owner.²³ Unfortunately, in some instances, various factors contributed to a failure to restate. Often music-related property was not sufficiently identifiable, lacking distinctive markings or related documentation to result in a return. In other cases, the true owner, heirs, or successors were not located.

For those musical objects misappropriated in France, and repatriated after the war, the Commission for Art Recovery (*Commission de Récupération Artistique* (“CRA”)), created in November 1944, investigated confiscations of plundered art and other cultural property, and sought their recovery from Germany and Austria. When objects were repatriated to France, their restitution to owners was administered by the Office for Private Assets and Interests (*Office des Biens et Intérêts Privés*, “OBIP”), established in 1944. In December 1949, the CRA was dissolved and OBIP assumed its functions and acquired its records.²⁴

On December 31, 1949, the CRA transferred to the OBIP its inventory of over 155 musical objects that had been recovered from Germany, including Erard harps nos. 1662 and 3830,²⁵ a large number of violins, cellos, bows, and many other musical

objects.²⁶ On December 20, 1950, documentation confirms that a significant number of musical instruments were transferred from the OBIP to the *Administration des Domaines* for liquidation.²⁷ Many of these musical materials had been damaged during the war. It is unclear whether the selection process utilized qualified experts or proper criteria before music-related objects were sold off at auction.

In 1950, the *Commissions de choix* (selection commissions) were established to research and select unclaimed cultural objects removed from France during the occupation and discovered post-war by the Allies in Germany and Austria for provisional accession into French state collections, held in trust for the true owners (*Musées Nationaux Récupération* (“MNR”)). The *Commissions de choix* included in its selection process both confiscated objects and items “transferred” in France during the occupation. For those objects that did not make the culturally significant cut required for inclusion into the MNR collection, nearly 13,000 unclaimed or unidentified works of art and cultural property, these were processed by the *Administration des Domaines* and liquidated at auction in the early 1950s.²⁸

With each cultural object selected by the *Commissions de choix*, provenance and authenticity analysis are generally warranted. Musical items in French state collections designated as *Objets d'art anciens* (“OAR”) can be counted on one hand. One

commercial transaction beyond a reasonable interpretation.

23 *Plunder and Restitution: The U.S. and Holocaust Victims' Assets, Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the U.S. and Staff Report* (2000), at SR-139-144.

24 Georgeon-Liskenne, *Conservateur, Direction des Archives, Ministère des Affaires étrangères et européennes*, La Courneuve, “French Archival Sources and Researches about Jewish Cultural Property, Spoliated by the Nazis before 1945,” paper delivered at the 2009 EU Conference on Holocaust Assets, <http://www.holocausteraassets.eu/en/working-groups/looted-art/>.

25 Erard harps nos. 1662 and 3830 are both listed in the Erard historical business records, along with their date of creation and owners, *Musée de la musique*.

26 CRA “Inventory of Violins and Other Musical Instruments,” transferred to the OBIP on December 31, 1949, MAEE.

27 OBIP memorandum dated December 20, 1950, MAEE.

28 Elizabeth Karlsgodt, *Defending National Treasures: French Art and Heritage Under Vichy*, Stanford, Calif.: Stanford University Press, 2011, at p. 284 and endnote 62, citing Minutes from the meetings of the Commission de choix, sessions 27 October, 17 November, 29 December 1949 and 29 May 1951, AMN R20 3(3); Isabelle Le Masne de Chermont and Didier Schulmann, *Le pillage de l'art en France pendant l'occupation et la situation des 2000 oeuvres confiées aux Musées nationaux*, Paris: Documentation française, 2000, at pp. 40-42, 55-56, 97-100.

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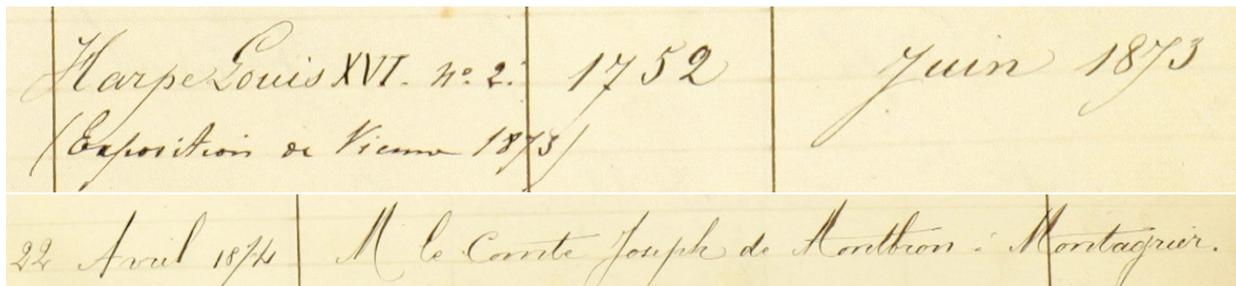
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Erard Livre de Fabrication (E.2009.5.46), Musée de la musique

Erard Harp No. 1752, View 44

(source: <http://archivesmusee.citedelamusique.fr/pleyel/archives.html>)

example is Erard harp No. 1752, OAR No. 240, depicted in the illustration above.²⁹ The provenance listed in the *Musées Nationaux Récupération* database states that this harp was made about 1874 (“vers 1874”). This is close, but the Erard business records housed at the *Musée de la musique* are more precise and state that this harp was made in June 1873. It was exhibited in the Vienna Exposition of 1873, and sold on April 22, 1874 to Monsieur le Comte Joseph de Montbron à Montagnier, haute Vienne.

According to genealogical records, Monsieur le Comte Joseph de Montbron à Montagnier was born on July 14, 1831, had a son named Auguste Adrien Joseph Etienne, born May 1864, who married Lucie Joseph Marie Marguerite Chérade de Montbron on September 6, 1893. The *Musées Nationaux Récupération* database contains no mention of the original owner of this harp or the correct date of manufacture, suggesting that provenance research may not have been conducted.

Friedrich Welz acquired this harp during the occupation of France; Welz was an art dealer, owner of Salzburg’s *Landesgalerie*, and a Nazi party member.³⁰ The U.S. discovered the harp

in Salzburg after the war, Welz inventory No. 156. A November 18, 1947 inventory of Welz’s property included this Erard harp in a “[l]ist of the objects of art acquired in the occupied territory, by order of the Gauleiter and Reichsstadthalter in Salzburg.”³¹ After the U.S. repatriated this harp to France, according to the MNR database, it appears that the OBIP misdated this harp as an 18th century instrument.³² The harp was selected by the *Commission de choix* on November 17, 1949 and entrusted to the national museums of France. It was first housed in the Louvre. On July 25, 1950 it was moved to the castle of Compiègne and on July 6, 1973 it was moved again to the *Musée du Conservatoire*. It is today in the *Musée de la musique*.

The Erard Sales Book states of this harp, in part: “Harpe gothique N°2 style Louis XVI, ornée de sculptures, fabriquée pour l’exposition de Vienne en 1873, avec accessoires et étui. 7000.”

lery,” which Welz acquired under circumstances of duress after the Austrian *Anschluss*. See, *U.S. v. Portrait of Wally*, 663 F. Supp. 2d 232 (S. D. N. Y. 2009); http://portraitofwally.com/sites/all/articles/us_attorney_press_release.pdf.

31 November 18, 1947, U.S. Army translation of Welz inventory, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926.

32 See MNR database entry at <http://www.culture.gouv.fr/documentation/mnr/MnR-pres.htm>

29 <http://www.culture.gouv.fr/documentation/mnr/MnR-pres.htm>

30 Field Report, November 20-21, 1947, Evelyn Tucker, Records of the Reparations and Restitutions Branch, USACA, NARA, RG 260, M1926. Welz is well-known for his misappropriation of Egon Shiele’s, “The Portrait of Wally,” owned by Lea Bondi Jaray, the Jewish owner of the Viennese “Würthle Gal-

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The image shows a handwritten ledger page on grid paper. The top section is headed 'M. le comte Joseph de Montbrion'. It lists a harp: '1876 Avril 22 1752 Harpe Galloque N. 2 Style Louis XVI, ornée de sculptures, fabriquée pour l'exposition de Vienne en 1813, avec accessoires et étui. 7000'. The price '7000' is written in the right margin, with a wavy line underneath. The bottom section is headed 'Montagnier (H. Pierre)'. It lists three items: '1876 Avril 22 Especes à valoir 2500', '1873 Harpe Galloque N. 2 Orable Reprise pour 1000', and 'Jhr 20 Especes à valoir 2700'. The price '2700' is written in the right margin, with a wavy line underneath. Below these, it says 'Jhr 8 Especes pour Solde 200', with '200' written in the right margin and a wavy line underneath. A final '7000' is written in the right margin at the bottom right.

Erard Livres de Ventes No. 2, Archive Musée de la musique Erard Harp No. 1752, View 217

(source: <http://archivesmusee.citedelamusique.fr/pleyel/archives.html>)

After the disposition of many cultural works in the late 1940s and early 1950s, it would be another decade before many of the unsolved music-related claims in the *Répertoire* came to a close in 1961. On March 17, 1961, Dr. Andrae, of the German Federal Office for External Restitutions, Bad Homburg, concluded that unresolved French claims for musical instruments and scores could no longer be remedied by restitution.³³ Dr. Andrae's rationale for his finding was that French musical instruments and scores had suffered one of three fates:

- 1) French musical objects were shipped to Berlin and Leipzig for the NSDAP Hohe Schule but were destroyed by Allied air raids,
- 2) French musical materials had been evacuated to a cha-teau close to Langenau/Hirschberg in Silesia, which was occupied by the Soviet Army in the spring of 1945. After the war these objects were outside of the territory and control of the Federal Republic of Germany,³⁴ or

33 March 17, 1961 letter by Dr. Andrae to the French Ambassador to Bonn, MAEE.

34 Dr. Andrae makes reference to an original Beethoven manuscript that was left at Langenau, identified as a score ("partition") in Volume VII of the *Répertoire*, number 14770. This work was owned by "Baronne Alexandrine de Rothschild," and identified as "Manuscrit musical (1 feuille 1/2). Manuscrit original formé de thèmes pour l'Archiduc Rodolphe."

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3) French musical items that had been safeguarded by the ERR at Raitenhaslach were discovered post-war by American troops, and restituted to France.³⁵

Notably, Dr. Andrae stated that some of the musical instruments plundered in France were provided to the “*Reichsschatzmeister der NSDAP*” (Reich Treasurer) and distributed to the “*Ritterkreuzträger*,” (Knight’s Cross recipients) as well as to other individuals.³⁶ Such instruments would most probably have been of high quality, and these remain unaccounted for today. There is, however, evidence that the Reich loaned, gave, and otherwise transferred alleged high-end instruments of the violin family to various musicians and orchestras during the Nazi era.³⁷ This category of instruments was summarily dispensed with by Dr. Andrae in his 1961 decision. Therefore, the German Federal Services’ determination that no musical instruments or scores could be found in the Federal Republic of Germany appears to warrant further evaluation.

Rose Valland responded to Dr. Andrae’s conclusion via letter dated May 5, 1961 addressed to the French Ministers of Cultural and Foreign Affairs, indicating that she agreed with Dr. Andrae’s conclusion that there was no longer any chance for restitution of these missing musical objects.³⁸ Dr. Andrae and Rose Valland indicated that unresolved and qualified claims could be resolved under the July 19, 1957 German Brüglaw.³⁹

This project has not analyzed whether or not surviving claimants who lost musical objects actually received indemnification under the Brüglaw.

For the musical instruments identified in the *Répertoire*, Volume IV, Supplement I, Chapter XIII, hand-written annotations confirm that these claims (130 musical instruments) were rejected on the date of Dr. Andrae’s formal decision, stating — “*demandes rejetées 13-6-61*.”⁴⁰ These listings purport to include rare and valuable historical instruments, such as instruments made by violin makers of the Amati and Guarneri families, Lupot, Maggini, Ruggieri, Stradivari, Tecchler, Vuillaume, and many others, the authenticity of which has not been confirmed. The other *Répertoire* volumes that contain music-related claims are generally not annotated with post-war dispositions. Determining the history of any particular loss generally requires a review of the underlying claim files located in the MAEE.

This study will continue beyond the date of this Final Report. Two preliminary charts will later be linked online to this report, drawn from U.S. and French records. From the U.S. side the chart will provide data on post-war repatriations to France of music-related property. From the French side, the chart will document post-war French claims for the recovery of confiscated music-related property, including claimant, object description, and the disposition of these losses, if known.

Many aims of the first phase of this project have been realized. However, the universe of relevant historical documentation is vast. Therefore, further research is warranted and is ongoing.

Although post-war returns to France of confiscated and otherwise misappropriated musical objects were notable, many of the musical materials plundered from French soil during World War II have not yet been found. Greater emphasis on

35 *Id.*

36 *Id.*

37 For example, violinist Otto Schärnack, who had performed with the Berlin Philharmonic and other orchestras, gave a post-war statement to the U.S. that the Reich Ministry of Propaganda had loaned him an alleged 1765 Joannes Baptista Guadagnini violin in May 1944; its origin unknown, possibly acquired from occupied countries (Italy, France, or Belgium) during the war. Ardelia Hall Collection, NARA RG 260 M1946.

38 May 5, 1961 letter by Rose Valland to the State Ministers of Cultural and Foreign Affairs, MAEE.

39 For a discussion of this legislation, see <http://www.civs.gouv.fr/article581.html>.

40 First Supplement to Volume IV, *Répertoire des biens spoliés en France durant la guerre 1939-1945*, Archives des Musées nationaux.

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provenance research and disclosure by those involved in the transfer, collection, and study of culturally significant musical objects is warranted. Access to archival documentation, including historical dealer records, associated with transfers

during the Nazi era is also warranted. Only through mining the archives for detailed evidence of unresolved music-related losses and dissemination of this research will historical reconstruction be made readily accessible to the public.