

Spoils of War

International Newsletter. No. 5. June 1998

Imprint:

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International Newsletter. No. 5. June 1998

Editorial

This issue of "Spoils of War" already reaches you from Magdeburg, the capital of the land Sachsen-Anhalt. As planned and as announced in the previous issue the Coordination Office – the editorial center of "Spoils of War" – moved to Magdeburg at the beginning of January 1998. Please note the new address:

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Please note that the text of "Spoils of War", No. 5 as well as of the previously published numbers is to be found on internet, but the relevant address has changed recently: <http://www.beutekunst.de/>. The e-mail address of the editorial center, however, remained the same (KSTdLfdRvK@aol.com).

As we still finance the newsletter with the contributions mainly of Belgium (Ministry of Economic Affairs), the Netherlands (Ministry of Education, Culture and Science, Inspectorate of Cultural Heritage) and Germany (Coordination Office of the Federal States for the Return of Cultural Property), it is getting difficult for us to provide all interested private persons with a copy of "Spoils of War". To get a better overview who of the *private persons* are still interested and what their relation to the topic is we kindly ask them to write to the editorial center if they want to remain on the distribution list.

In number 4 of "Spoils of War" we printed the text of the Russian law on "Cultural Values Removed to the U.S.S.R. as a Result of World War II and Located in the Territory of the Russian Federation" and comments from experts of different countries. One more comment is printed in this issue (see special reports, p.9). As you probably all know, the Russian Constitutional Court recently declined President Yeltsin's request not to have to sign the law because of formal reasons. The President had to sign and he did so shortly after Easter. At the same time he appealed to the Constitutional Court again, now because of his estimation, that this Russian law on the displaced cultural property is incompatible with international law. We certainly will inform you of the further development in this respect.

The Russian edition of "Spoils of War" has been successfully printed and is being distributed among the Russian archives, libraries and other institutions concerned with the problem of spoils of war. We have received direct and indirect requests from 85 Russian institutions which are interested in getting both the Russian and English editions of the international newsletter. Please let the Russian editorial board member Ekaterina Genieva at the Library for Foreign Literature know if you would like to join the mailing list for the Russian edition (see imprint for the address). In addition the Russian edition is available on the internet. Any of our authors, however, who do not wish to have their articles translated or object to the internet publication are asked to let us know. We are very glad to announce that the Open Society Institute has made the decision to support the Russian language publication of the four next issues of the newsletter "Spoils of War". We are very grateful for this help.

The editorial board met in November last year in The Hague. Thanks to the courtesy of the Inspectorate for Cultural Heritage we are able to conduct a very instructive and fruitful meeting. We would like to thank the Inspectorate and especially its leader, Charlotte van Rappard, for the support.

Last but not least we have to announce some changes on the editorial board. Jacques Lust already left the board with the last issue. Since April 1997 he has a new job at the Royal Museums of Fine Arts of Belgium in Brussels. His successor on the board (as well as in the Ministry of Economic Affairs) is Nicolas Vanhove, whom we are happy to welcome as our new colleague and member. He joined us at the editorial board meeting in May this year, which took place at the Library for Foreign Literature in Moscow, where we were made welcome by Ekaterina Genieva and Svetlana Gorokhova. Their hospitality made our meeting both successful and enjoyable.

With this issue Doris Lemmermeier takes her leave from the board. Already since March she is working as Director of the Potsdam office of the German-Polish Youth Organization ("Deutsch-Polnisches Jugendwerk"). Nevertheless she made it possible to see this issue out the door. A successor for her post at the Coordination Office has been appointed: Dr. Regine Nahrwold started work in June. The members of the board express their thanks to Christiane Kienle for her helpful contribution to the editing of this issue of "Spoils of War".

The remaining members of the board would like to take the opportunity to thank their two founding members for their invaluable contribution to the building and development of "Spoils of War". Without them the international newsletter would not be what it is now – for a long time they were the heart of our board. We wish both of them the best for their professional and private life and we are sure that you as our readers endorse these wishes.

Because of the changes in the editorial board there will be only one issue of "Spoils of War" this year. The next issue is planned to be published in February 1999.

Yours Sincerely

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Special Reports

Legal Issues

Introduction to International Law of Restitution of Works of Art Looted during Armed Conflicts. Part IV

This is the fourth and **last part of a series** of articles on the history of the international law on restitution by the same author.

The Napoleonic Wars and their aftermath marking so strongly the beginning of 19th century were extremely important also from the point of view of the far reaching development of international law. Their influence on the law was at least twofold. On the wider and longer perspective they laid down foundations for the entirely new doctrines of the national cultural heritage and of the common heritage of mankind, which will be, in fact, fully recognized and adopted only one and a half century later. The more direct impact on the law was the final formulation, in the second half of the century, of the first legally binding statutes encompassing proposals connected with the protection of cultural property during armed conflicts suggested by writers so long ago.

How it came to the birth of the common heritage doctrine? Of course, the background for the formulation of this concept was much deeper than just the need to solve a current legal problem. To understand the uncompromising attitude of the Allies towards the issue of restitution after Napoleon's defeat, and the unusual social response it caused we have to turn back some decades and analyze the processes that occurred at the last years of the previous century. It was the end of the era of Enlightenment marked with the fall of the Bourbons. Revolution made the nation a sovereign and that fact, however complicated and shocking it could be, and certainly at once not fully understood, had to change the mentality of Europeans. It brought in result the rise of national consciousness sometimes even to the extent of nationalism. This time, the time of the formulation of the modern nations was also characterized by the development of a link between the newly isolated national groups and cultural goods belonging to them. These goods were necessary for each nation as they contributed substantially to the definition of its identity. They created a new category, a national cultural heritage - a testimony of historical tradition that gives the nation its "historical legitimation".

In the light of this changes we can more easily understand why the return of the works of art to the places from which they were removed by the French had all the attributes of a triumph. It explains the enthusiasm of the crowds of people with flowers greeting returned paintings at the Brandenburg Gate in Berlin, and gun salutes, pealing bells and illuminated streets to welcome works of art in Düsseldorf. In another more poetical

way these feelings were earlier expressed by 39 artists living in Rome, in their famous letter emphasizing the necessity of leaving "works of every school under the sky that witnessed their birth, and in the environment for which they were created by their authors".

Taking all these events into account, Charles de Visscher assumed that the restitution ordered by the Allied Powers in 1815 was based "on the very general principle of the integrity of the artistic heritage of conquered nations". This observation rightly indicates, that, at least at the beginning of the 19th century, the necessity of restitution was not longer justified by the nature of the object to be returned, as it had been in the case of "res sacrae", or by the fact that the prize was recognized as "praeda illicita", because of the circumstances of its seizure. The described facts paved the way for the development of a new basis for the restitution which was to be more developed in the following century.

It is, however, not yet the end of the whole story. The extremely turbulent history of the beginning of the 19th century gave ground for the delivery of an even further reaching idea. In the decision of the Halifax Vice Admiralty Court ordering in 1813 the return of certain works of art captured by the British ship to the original owner in the United States we find something more than the effort to protect a national heritage. The Court held that "the arts and sciences are admitted amongst all civilized nations to form an exception to the severe rights of war, and to be entitled to favour and protection. They are considered not as the peculium of this or that nation, but as the property of mankind at large, and as belonging to the common interest of the whole species; and that the large restitution of such property to the claimants would be in conformity with the law of nations, as practised by all civilised countries".

A similar spirit we can also find in another document of the epoch. Commenting the bombardment of Washington, Sir J. Mackintosh told two years later in the House of Commons: "It was an attack, not against the strength or resources of a state, but against the national honour and public affections of a people. After 25 years of the fiercest warfare, in which every great capital of the European continent had been spared (...), it was reserved for England to violate all that decent courtesy towards the seats of national dignity, which, in the midst of enmity, manifest the respect of nations for each other, by an expedition deliberately and principally directed against palaces of government, halls of legislation, tribunals of justice, repositories of the muniments of property, and of the records of history - objects among civilised nations exempted from the ravages of war, and secured, because they contribute nothing to the means of hostility, but are consecrated to purposes of peace, and minister to the common and perpetual interest of all human society".

There is not enough evidence at our hand now to make fully clear what was the original background for these statements. Was it something going beyond the incidental sign of cosmopolitanism? All what we can be sure of now is that the authors of these opinions certainly can be placed among the fathers of the concept of the common heritage of mankind developed to the extent of international legal standard one and a half century later.

Despite that more theoretical achievements, described events and atmosphere created by them influenced also directly the evolution of law. It was still yet the 19th century which witnessed the adoption of the first legal acts banning destruction and looting of what is today referred to as cultural property. The so-called Lieber Code of 1863, the Brussels Declaration of 1874 and the Hague Convention of 1899 paved way to modern laws on the protection of cultural heritage in time of war. They are discussed in full detail, as well as further documents including the complex Allied Restitution Law adopted after World War II, in the author's book "Art Treasures and War. A Study on the Restitution of Looted Cultural Property, Pursuant to Public International Law", published earlier this year by the Institute of Art and Law, Leicester UK.

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The Ukraine and the Russian Law on Removed Cultural Values

The drafting and discussion of the Russian federal law "Cultural Property Displaced to the USSR as a Result of the Second World War and Currently Located on the Territory of the Russian Federation" took over three years to elaborate and discuss. It was the product of a complex political and diplomatic game which has now reached its culmination.

On April 6, the Constitutional Court placed president Yeltsin under obligation to sign the bill on removed cultural values. On April 15, 1998 at 25 minutes past four o'clock in the afternoon the president signed the bill, so that it is now obligatory. But nevertheless Yeltsin and his team go on persisting that this legislative act harms international obligations of Russia and contradicts to standards of international law. The president consulted the Constitutional Court of the Russian Federation, where the question has arisen, whether the acknowledgement of the law is against the constitution. It is difficult now to give a sufficient prognosis of further events. But for now this is the most scandalous event in contemporary Russian history and history of international affairs, since this law has become a *fait accompli*.

Over half a century after the end of the war Russia is persistently trying to establish a legal basis for its unilateral proclamation that the millions of unique art treasures removed by Soviet troops as spoils of war - books, manuscripts, archival documents, artworks, antiques and relics - are Russian property (Art. 6). Above all this cultural property was not only state property of Germany and its allies, or the private property of individuals in those countries, but also the cultural property of countries they occupied (i.e. essentially the allies of the USSR and the victims of aggression). The exact quantity of this cultural property remains unknown to this day. For more than 50 years since the end of the war these priceless treasures have been kept in the strictest of secrecy in special repositories in Moscow, St. Petersburg, Nizhnyi Novgorod (Gorki) and other Russian cities.

The publication of information on this issue in the late 80s and the revival of international efforts towards returning cultural property displaced during the war startled Russian parliamentarians into taking hasty unilateral steps, openly flouting

international public opinion and infringing on a whole range of international conventions, declarations, agreements and treaties to which Russia, as one of the legal successors of the former Soviet Union, is a party. It is typical that even the Legal Department of the Russian State Duma took the view that the initial drafts of the law amounted to the "confiscation" of the property of others and warned of the danger of retaliatory action being taken by a number of countries. Unfortunately the spirit of the law has not been changed, despite substantial alterations to its overall structure and the wording of individual articles.

The fulfilment of the promises made to the German leadership by Gorbachev and Yeltsin in the name of the USSR and Russia in return for Germany's financial assistance and support for democratic reforms is significantly complicated by the conditions and the time-frame for the acts of restitution stipulated by the law. The return of military archives to France and the "Koenigs Collection" to the Netherlands are open questions. The hopes for the restitution of national relics to Belgium, Bulgaria, Hungary, Italy, Poland and a range of other countries also appear most uncertain.

The Russian law directly touches the national interests of the Ukraine, particularly in terms of the cultural property evacuated from the Ukraine to Russian territory during the war and not returned since, but also Ukrainian cultural property transferred to the USSR in the scope of postwar restitution and now kept in Russia.

The evacuation of the inventory of Ukrainian museums, archives and libraries to the Eastern parts of the USSR took place under complicated war-time conditions in a state of haste and confusion. Some transports were attacked by German planes whereupon the transported cultural values vanished without a trace. The traces of the other cultural values were lost for reasons unknown. In this manner unique art collections from museums of Charkov, Nikopol and Kerc got lost on Russian territory. Items made out of precious metal and stone were also transported by special detachments of the NKVD ("Nacional'nyj Komitet Vnutrennich Del", later renamed into KGB), who did not leave any documents. The fate of many of these cultural values is yet unknown: for instance parts from the collections that were evacuated from the historical museums of Dnepropetrovsk and Chernigovsk. It is from these very museums that artefacts were brought to different places by various squads. As a result the Ukrainian cultural values appeared to be scattered over the vast territory of the Ural, Syberia and Central Asia (Kazachstan and Uzbekistan). Because of conditions of insufficient control by the ones in charge Ukrainian cultural values got lost, were stolen or embezzled at their places of storage during the evacuation. In particular certain documents give evidence to confiscation or theft of exhibits from Ukrainian museums in Tjumen, Ufa, Novosibirsk (Russia), Aktjubinsk and Celkar (Kazachstan). There were also cases where pieces from evacuated collections were exhibited in local museums in Russia, which were eventually not returned to the Ukraine. For instance we are talking about the 20 pictures of ancient weapons from the collections of the local museum of Poltava, which were exhibited during the evacuation in the Baskirskij museum in Ufa. These 20 pictures are still kept in the museum in Ufa.

In regard to this it is plain to see that the problem of finding and returning of cultural values evacuated to Eastern parts of the USSR exists and demands a solution. This is to be acknowledged by the Russian side too.

The search for Soviet cultural property in Germany was conducted by special detachments of the Soviet Military Administration in Germany (SMAD). In 1945 an independent search force of the Ukrainian Academy of Science was also involved in this task. As of 1946, however, the Ukrainian specialists were removed from these tasks. Cultural property was first sent to Moscow and Leningrad for sorting and allocation, or the recipients were determined directly in Germany. When a large quantity of cultural property belonging to Ukrainian museums was found in the American zone in Bavaria in 1946 (over 1,800 boxes and parcels, found in particular in Höchstädt palace), the Ukrainian government dispatched a representative to Germany, V. Bogusevich. But the restitution section of the Supply and Reparations Authority of the SMAD refused him entry to Munich where the Collecting Point for lost cultural property was located. For a long time the Ukrainian government received no information whatsoever and was later compelled to content itself with the objects which arrived in the Ukraine from Moscow or Leningrad.

This arrangement was plainly discriminatory. According to Western researchers' figures, all in all over half a million units of cultural property were transferred to the Soviet Union. To be exact, it was 534,120 objects, 167,117 of which originated from Kiev. Other figures suggest that a minimum of 350,000 of the objects handed back to the Soviet Union belonged to the Ukraine. Evidently a significant proportion of the cultural property returned to the USSR was not returned to its rightful owners in the Ukraine but ended up in repositories in Russia. For example, in the 60s and 70s Ukrainian specialists stumbled upon a number of significant art treasures in the depots of Russian museums in Moscow, Novgorod and Perm: the 17th-century icons "St. George" and "The Espiers of the Land of Canaan", the paintings "Lazzaroni" by Jan Mille (16th century), "The Shore at Scheveningen" by Cornelius Belt (17th century), and a landscape study by an unknown Russian master. These were subsequently returned to Kiev. About 20 paintings were returned from the Hermitage to Alupka. The painting "Portrait of a Young Woman" (19th century) by A. Zhodyeyko was returned to Kharkov. It is a fact that the early 16th-century icon of the Mother of God from the Church of Ilya (Elijah) in Chernigov was returned to the USSR from Dresden in 1950 and is now located in the repositories of the Tretyakov Gallery. At least 30 (in reference to other figures it could be 20) 12th-century mosaics and frescos from the Gold-Dome Mikhailovsky Cathedral in Kiev, evidently removed and taken to Germany in 1943 and returned to the USSR after the war, ended up in Russian museums in Moscow, St. Petersburg and Novgorod. (The fact of the removal of the artworks from the cathedral is confirmed by German documents.) They are still kept in Novgorod in closed collections.

It should be remembered that the first versions of the law stipulated that these states would have a 12-month period, later extended to 18 months, within which to submit their claims for the return of cultural property and provide evidence of it being their "national cultural property", as long as they had not received compensation from Germany for its loss. Furthermore, it was absolutely unrealistic for the Ukraine to

furnish detailed, well-founded claims within this time-frame; not one Ukrainian expert had ever had access to the special Russian stocks. The coordination of the solution of the problem concerning missing or existing compensation for Ukrainian losses through Germany had obviously a twofold aim. On the one hand the existence of German cultural values on Ukrainian territory is of importance, since it might work as a kind of compensation itself. Either the Ukraine would loose the right to claim losses back from Russia or it would have to deliver all German cultural values to Russia in order to maintain its right. On the other hand artificial obstacles at negotiations between Germany and the Ukraine were put up, because the achievement of a compromise during them could have meant the threat of the return of Ukrainian cultural values situated on Russian territory. This is how the Russian side established the basis to have the sole right to represent all former republics of the USSR (today Independent States) in bilateral talks with Germany and other interested countries.

After the publication of critical articles in the Ukrainian press and the delivery of critical papers at academic symposiums, Russian officials were at pains to point out that the law took account of the interests of the Ukraine and other former Soviet republics. These states were to be returned their cultural national property currently located in Russia. A corresponding article was included in the text of the law (Art. 7), which is undoubtedly an important step. As a positive development it can be estimated that in the latest version of the law there is a temporal delimitation to assert the claims on behalf of the former Soviet republics and that there is no question of compensation through Germany. In this way the Ukraine received a real opportunity to get its cultural values back, that were lost during the war.

However, the Russian law provides insufficient detail on the mechanism for fulfilling these promises. The definition of "national values" is currently formulated in such a way that it could easily be narrowed to ethnic Ukrainian artefacts alone, leaving aside the large quantity of other historical and cultural treasures lost by Ukrainian museums, libraries and archives in the war years. This law is not acceptable for the Ukrainian side since it deals with "national cultural values" that were situated within the territory of the former republics of the Soviet Union until February 1, 1950. In the text of the law the argumentation of reasons for the choice of this date is missing. But the hidden intention is obvious: by doing so the Ukraine loses the right for cultural values from the Crimea to be returned, because the Crimea was "reunited" with the Ukraine in 1954. However, the issue of obtaining complete and reliable information remains a problem. Without ongoing and extensive work in the Russian stocks it will be very difficult for the Ukraine to assert its rights. It would be logical and fair to form a joint commission to search for Ukrainian cultural property. However, the law states that all expenses for examination, preservation, restoration and transportation are to be borne by the party putting forward the claim (Art. 18, item 4). This means that the moral and material damage inflicted on the Ukraine in the years of the war through the enormous loss of cultural property, and the loss of many of the records which would allow the precise losses to be established, is compounded by the expense of compensating Russia - essentially for illegally and secretly withholding it in its repositories for around 50 years and not undertaking any steps to return it to its true owners.

Russia justifies appropriation of the property removed as war booty with the necessity of compensation for the losses inflicted on the Soviet Union in the war years. This argumentation is however absolutely not convincing.

Experts are well aware of the fact that files of losses that were caused by cultural institutions of the Soviet Union in the course of military actions and occupations, were put together in a hasty manner and were the result of objective reasons (missing documents and inventory; knowledge of evacuated items a.s.o.). In many cases documents and files had a very rough and approximate character. Quite often given figures of lost items did not accord with their description on the inventory lists. Many museums, archives, and libraries then could not define their losses at all. In this regard the mass transportation of German cultural values to the territory of the USSR had nothing in common with the plan of the Allies of a quadripartite procedure of restitution, which focused on compensation of yet open losses in relation to concrete items for the amount of identical German items (i.e. an item for an item). Thus it is important to say that until the fall of the USSR a complete and precise list of lost cultural values has not been established in this manner. This kind of work in the former republics and today's Independent States has only begun in the last decade. Even the procedure of expropriation of German cultural values did not resemble the legally safe process of compensational restitution. They were taken to the USSR on a big scale without any registering of the actual losses in files. The number of removed cultural values from Germany clearly exceeded for instance the total losses of Russian museums and other institutions. At this point it should be mentioned that a list exists in Russian archives that was put together by Soviet experts at the end of 1943/ 44 in which all pieces of art from the collections of German museums are registered that were to be taken to the USSR after the German surrender. This list was established until the Red Army reached German territory and contained on the whole 2000 items. That is why it seems so paradox to account for "compensations" today when they were put together half a century ago without sufficient knowledge of the actual numbers of removed cultural values from Germany.

Typical for the Russian position in negotiations with Germany and other countries is that Russia endeavours to use general numbers for all former republics of the USSR, if we are talking about losses of cultural values and their compensation. But claiming to speak in the name of all republics of the former USSR in matters of compensation, Russia's law demonstratively ignores the right of the other states to co-determine the fate of the stocks of art treasures stolen as war booty.

According to official figures more than 427 museums on the territory of the USSR were looted during the war, of which 171 museums, i.e. 40% of the total, were on the territory of the Russian Federation within its borders at that time (including the Crimea). In the Ukraine (without the Crimea) 151 museums were affected, although specialists also quote a figure of 174. It follows that, within current territorial boundaries, the magnitude of Ukrainian and Russian losses in terms of looted museums is approximately equal. And in terms of the quantity and value of the displaced items the Ukraine's losses are at least twice those of Russia's. According to estimates made in the first years after the war, around 300,000 exhibits (or 53% of the total) were taken from just 21 Ukrainian museums (including individual museums in

the Crimea) which comprised 28% of the most significant museums of the USSR. This list of museums included only 15 museums of the RSFSR (14.6% of the total), which lost around 160,000 exhibits (28.3% of the total losses). But for some reason practically all the significant cultural property displaced to the USSR as "compensation" ended up in Russia. Actual museums, other cultural institutions of the Ukraine and private people, who had to suffer the actual losses of the war and in whose name the transportations of German cultural values to "compensate" lost and removed artefacts were undertaken, never really received anything.

It should also be recalled that in the postwar years there were no criteria or mechanisms for the affected institutions and private individuals (e.g. in the Ukraine) to seek redress for their lost cultural property from Germany and the other responsible parties. In this context Russia's competence to now lay down the terms of "compensatory restitution" is highly questionable. Although the law has been passed, it will never be implemented. For example, what relationship does the "Koenigs Collection" bear to Russian losses when the crimes of Dutch Nazis and the theft of cultural property took place on the territory of the Ukraine and Poland ("the Pieter Menten Affair")? With Hungarian cultural property moved to Russia the problem is the same - the Hungarian army operated largely in the Ukraine and it was precisely the Ukraine which suffered losses of cultural property as a result of the activities of Hungarian troops. But the Hungarian cultural property has been hidden away in Nizhnyi Novgorod (Gorki).

So it seems the goal of the displacement of cultural property to the USSR was actually something other than compensation. This fundamentally challenges the moral and legal foundations of the Russian law and raises serious doubts as to its soundness from an ethical and legal point of view.

It is plain to see that the Ukraine and other former Soviet republics which suffered in the war must have a deciding voice in determining the fate of the stocks of art treasures stolen as war booty. These are enormous cultural assets which should be re-allocated fairly on the basis of international norms and democratic principles. Perhaps this problem needs to be discussed in the framework of preparations for and ratification of the general Russian-Ukrainian agreements on the division of property, debts and assets of the former USSR.

Russia's position appears particularly odious when seen in the context of the general tendency towards a compromise-oriented approach to the question of the return of cultural property, which has developed in international relations. There are a considerable number of positive examples of fruitful cooperation both in the postwar years and in recent years in particular. The search for mutual understanding in questions of restitution has been fostered by the regular international meetings of the heads of the responsible agencies with the participation of experts from many countries. This process began in autumn 1994 in Bremen. We hope that, in conjunction with the realities of life, it will also succeed in returning Russia to the path of constructive cooperation.

Sergei Kot, Institute of Ukrainian History,
Ukrainian National Academy of Science, Kiev

Recent Developments in the Recovery of Old Master Drawings from Bremen

Both the Kunstverein Bremen, the parent organization of the Kunsthalle Bremen, a private museum in Germany, and the Azerbaijan State Museum in Baku, claim ownership of at least eight drawings seized by the U.S. Customs Service and currently held by U.S. authorities in New York. The United States Attorney's Office for the Southern District of New York has obtained a series of indictments concerning the trafficking in twelve of the seized drawings, estimated to be worth more than \$10 million¹, and has seized additional drawings. At least eight of the twelve that are the subject of the current indictments, and possibly some of the others, are believed to have been stolen first from Bremen, at the end of World War II, and later from Baku. The drawings that have not been traced back to Bremen are presently claimed by Baku alone. This criminal case - itself significant because of the value of the art in question and the issues raised - will set the stage for a civil dispute between Bremen and Baku over ownership of the drawings.

The current criminal cases began with the arrest and indictment of Masatsugu Koga, a Japanese national, who was accused of criminal involvement with stolen goods because of his alleged role in possessing and attempting to sell the twelve drawings.² Koga was charged with violating the National Stolen Property Act³ and for conspiring to violate the act by knowingly possessing stolen property that had crossed a state or United States boundary after being stolen and by offering the property for sale.⁴ Koga has pleaded guilty and appears to be cooperating in the prosecution of Natavan Aleskerova, an attorney from Azerbaijan, who has more recently been arrested and indicted for alleged receipt, possession, concealment or sale of stolen property as well as criminal conspiracy.⁵ U.S. Customs will retain the eight disputed drawings, along with others it has seized, until the criminal charges are resolved.

Once the criminal matters are over, the U.S. Attorney's Office can be expected to file a civil interpleader case to allow the court to decide the conflicting claims to ownership of the property. Unless there is a political solution between Germany and Azerbaijan, the two Museums can be expected to litigate their conflicting ownership claims in a civil lawsuit in New York to determine ownership and right to possession of the drawings.

The Drawings and their History

The eight disputed drawings that come from Bremen are attributed to old masters such as Albrecht Dürer, Jacob van Ruisdael and Rembrandt, and include the world-famous "Frauenbad" (Women's Bathhouse) by Albrecht Dürer.⁶ During the Second World War, the Kunsthalle Bremen hid its prints and drawings collections and some paintings at the Karnzow Castle for protection from air raids.⁷ The area of the castle became the Soviet zone of occupation and, in spite of the Kunsthalle's efforts to preserve its collection, thousands of items were taken away by Soviet soldiers, and others, including these eight drawings.⁸

It is not entirely clear how a portion of the Bremen losses came to be in Baku. It is reported that 14 works with Bremen stamps were offered to the State Museum in 1946 or 1947.⁹ Seeing the Bremen stamps, Baku authorities notified the KGB, who confiscated the artwork.¹⁰ The drawings were then hidden until 1993, when they were first exhibited.¹¹ Around the time the Kunstverein found out that 14 drawings were in Baku, and requested their return, the drawings disappeared again as part of a reported theft of 287 works.¹² Some of the Bremen drawings that were missing from Baku surfaced in New York City in 1995, when a group of the same works were shown to Sotheby's; the auction house, however, waited a day to notify U.S. authorities, so the drawings were gone and the trail cold before U.S. law enforcement could take any action.¹³

Most recently, at the German Embassy in Tokyo Koga offered twelve drawings allegedly originating from Germany beginning with a price of \$12 million, then for a lower price of \$6 million.¹⁴ Eight of the offered drawings could immediately be identified by the German Embassy in Tokyo on the basis of the catalogue of the works of art from the collection of the Kunsthalle Bremen, lost during the evacuation in the Second World War, as belonging to the Kunstverein in Bremen. The other four drawings have no connection with the Kunsthalle Bremen. Koga, a short time after, offered the same twelve drawings at Bremen to representatives of the Kunstverein. The Kunstverein offered Koga a 'finder's fee' in the amount of 10-15 per cent of the value of the eight drawings from Bremen, but this offer was rejected by Koga. Bremen had notified U.S. law enforcement of the possibility that the drawings were in New York. U.S. Customs then arranged a sting operation, which led to the seizure of the first twelve drawings.¹⁵

The Criminal Proceedings

In a prelude to the civil dispute between Bremen and Baku, Natavan Aleskerova filed a motion to dismiss the criminal charges, arguing that the eight Bremen drawings were lawfully seized from Germany. She bases this argument on the proposition that the Allied Control Council and the Soviet Military Administration in Germany authorized seizures of cultural property from Germany.¹⁶ (The Kunstverein Bremen disputes any claim that seizure of the drawings was lawfully authorized).

In addition, Thomas Hoving, the former Director of the Metropolitan Museum in New York, and New York art dealer Frederick G. Schab have submitted affidavits to the New York court in support of Aleskerova, questioning the attributions of the drawings and stating that they appear to be in poor condition.¹⁷ In court papers, Hoving stated that he found the drawings to be "seriously questionable from the standpoint of condition and attribution".¹⁸ Based on these affidavits, Aleskerova's counsel has argued that the drawings are fake and cannot support a criminal prosecution.¹⁹

The Court has denied Aleskerova's motions to dismiss so, in the absence of some agreement between Ms. Aleskerova and the prosecutors, these issues will be heard again when the case comes to trial, presently scheduled for June 29, 1998.

A Federal Interpleader Action

Once the drawings are no longer needed as evidence in the criminal case, their fate will be in the hands of a federal judge who will decide whether the drawings will return to either Germany or Azerbaijan. In the United States, only the judicial branch of the federal government can decide conflicting claims of ownership and the method used to resolve ownership disputes is an interpleader action under Federal Rule of Civil Procedure 22 or 28 U.S.C. § 1335, 1397, 2361. In this type of action, a party or 'stakeholder' holding property to which there are multiple claimants may ask the court to decide the issue of ownership. If the stakeholder has no interest in the property, the claimants are left to contest amongst themselves the ownership issue.

One of the purposes of interpleader is to protect the stakeholder from liability.²⁰ By asking the court to decide ownership, the stakeholder, such as the federal government in this case, avoids the risk of being the subject of a later suit for returning the property to the wrong claimant. Thus, one of the requirements for an interpleader action is that there are two or more claimants who are 'adverse', i.e., each claims an exclusive right to the property.²¹ If there are not multiple adverse claimants, the stakeholder is at less risk and is less likely to require the protection of the court.

The Kunstverein is not unfamiliar with the procedure of an interpleader action. In 1995, it recovered three drawings also stolen from the Castle Karnzow at the close of the Second World War. In that case, I represented the Kunstverein in its recovery of the drawings from Yuly Saet, a Russian refugee who offered the three drawings to art dealers in New York. A dealer informed Constance Lowenthal, then Director of the International Foundation for Art Researching New York, and the Federal Bureau of Investigations seized the drawings from Saet in a sting operation. When the government decided not to prosecute Saet, the FBI turned the drawings over to a federal district court in New York to decide ownership. The court, recognizing the facts supporting the Kunstverein's claim of ownership, decided on the Kunsthalle's unopposed motion for summary judgment that the drawings should return to Bremen.

Conclusion

The presently-pending criminal case will not decide ownership of the drawings as between Baku and Bremen. However, once the criminal case is over, that dispute can be expected to be aired, including the raising of the question of whether the taking of the drawings at the end of WWII was opportunistic looting by individuals or official trophy-taking. If found to be the latter, the Court may have to decide the lawfulness of the Soviet taking of private cultural property.

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The author is counsel to the Kunstverein Bremen and the Kunsthalle Bremen.

Notes:

¹ Benjamin Weiser, \$10 Million in Looted Art is Recovered, N.Y. Times, Sept. 10, 1997, at A3.

² Id.

³ 18 U.S.C. § 2311, et seq. (1970).

⁴ Section 2314 of Title 18 of the United States Code prohibits the importation of merchandise known to be stolen at the time of import. *Id.* at § 2314. It specifically states that "(w)hoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud" shall be in criminal violation of the act. *Id.* at § 2314 (Supp.1997).

⁵ Jo Ann Lewis, *Twice-Stolen Art Takes A Twisted Trail to N.Y.*, *Wash. Post*, Oct. 21, 1997. Ms. Aleskerova's husband, Aydyn Ali Ibragimov was also accused of this crime in the same indictment, but U.S. authorities have not apprehended him. Under the U.S. legal system, the indictment is merely a formal accusation, and the accused retains the presumption of innocence unless and until proven guilty.

⁶ Jo Ann Lewis, *Duerer, Drawing a Hot Bath*, *Wash. Post*, Oct. 26, 1997, at G9.

⁷ Constance Lowenthal, *U.S. Customs Recovers Old Masters Drawings*, *IFAR Report*, Oct. 1997, at 4.

⁸ *Id.*

⁹ Mamed Mamedov, *Did Bul-Bul-Ogly start whistling?*, *Moskovskii Komsomolets*, October 1, 1997.

¹⁰ *Id.*

¹¹ *Id.*; Jo Ann Lewis, *Twice-Stolen Art Takes A Twisted Trail to N.Y.*, *Wash. Post*, Oct. 21, 1997.

¹² *Id.*; Mamed Mamedov, *Did Bul-Bul-Ogly start whistling?*, *Moskovskii Komsomolets*, October 1, 1997. Minister of Culture of Azerbaijan, Polad Bul-Bul-Ogly reportedly claimed that the stolen works were not authentic. *Id.*

¹³ Jo Ann Lewis, *Twice-Stolen Art Takes A Twisted Trail to N.Y.*, *Wash. Post*, Oct. 21, 1997.

¹⁴ *Id.*

¹⁵ Jo Ann Lewis, *Duerer, Drawing a Hot Bath*, *Wash. Post*, Oct. 26, 1997, at G9.

¹⁶ Reply Memorandum of Law in Support of Motion to Dismiss Indictment dated January 12, 1998 citing Nikolai Nikandrov, *The Transfer of the Contents of German Repositories into the Custody of the USSR, in The Spoils of War 117-20* (Elizabeth Simpson, ed., 1997).

¹⁷ Affidavit of Thomas Hoving dated January 14, 1998; Affidavit of Frederick G. Schab dated January 14, 1998.

¹⁸ Affidavit of Thomas Hoving dated January 14, 1998.

¹⁹ Reply Memorandum of Law in Support of Motion to Dismiss Indictment dated January 12, 1998 at 2-5.

²⁰ 7 Charles Alan Wright, et al., *Federal Practice and Procedure* § 1704 (2d ed. 1986).

²¹ 28 U.S.C. § 1335; 7 Wright, *supra*, § 1705.

Berlin Aviation Collection Lost without Trace in Pomerania

The largest aviation museum in the world was once situated in Berlin, which is largely unknown today. The "Deutsche Luftfahrtsammlung" (German Aviation Collection) was in Alt-Moabit Street near Lehrter Station, housing more than 120 planes, 200 engines, pictures, models, cups and many other things. When Berlin became more and more threatened with bombing raids by the allies, a plan was developed to transfer this museum. Fritz Petereit, who was born in Treptow on the Rega river, an employee at the airport's society was commissioned to plan the transfer. Due to his origins he was convinced that Pomerania was one of the safest areas in the German Reich. Thus, in June and July 1943 the museum was evacuated to a great extent and everything was shifted either by train or trucks to safe places. Petereit remembered in this context transportations to Treptow, where three or four aeroplanes were stored in the pottery Ernst Bordt of Bollenburg and in the storeroom of the Laabs Brothers carpentry in Großen Küte Street. Many aeroplane engines were kept in the dance hall of a restaurant in Darsow, between Gummishof, Levetzow and Dargislauff. Two aeroplanes

were removed to Hammer, between Schönlanke and Scharnikau; further aeroplanes were likewise taken out to Schlachau, possibly to the drying places of a brickyard. Several aeroplanes were stored in Ratzebühr, north of Schneidemühl. Finally, the Quast Guest House of Neuhöfen, between Fihlene and Scharnikau, was the storing place of three or four aeroplanes. After 40 years Petereit understandably could not remember further storing places.

For at the end of the war only 24 aeroplanes of the "Deutsche Luftfahrtsammlung" were discovered by the Poles, the question arises what has happened to the remaining ca. 100 planes. Surely many were destroyed during fights. Since the museum also housed quite modern airplanes, some of them may have been taken away by the Russian Army. It would be of great importance to know whether the reader can remember anything relating to this matter. Who possibly had noticed in the summer of 1943 something concerning the transportation of aeroplanes? Did anybody notice aeroplanes in the storerooms or dance halls of their villages?

In connection with the museum's further extension and the current negotiations between the Federal Government and the Polish Government concerning the return of cultural objects, it would be of great importance to obtain more information and perhaps to receive some pictures, too.

Holger Steinle, German Museum of Technique, Berlin

Correspondence may be addressed to: Deutsches Technikmuseum Berlin, Holger Steinle, Head of the Aviation Department, Trebbiner Str. 9, 10963 Berlin.

Catalogue of the Sárospatak Reformed College's Misplaced Collection

It is not for the first time that the international newsletter "Spoils of War" covers the subject of the "Catalogue of Trophy Books from the Sárospatak Reformed College's Collection Currently Kept in the Collection of the Nizhny Novgorod State Regional Scientific Library" (NGOUNB). We are happy to inform the reader that the catalogue has been published with a number of 500 copies. The NGOUNB has received 100 copies out of the mentioned 500 to be distributed, another 100 have been passed on to the Hungarian Cultural Center in Russia, and the remaining copies are at the disposal of the Library for Foreign Literature (VGBIL) - the main compiler of the catalogue.

The fulfillment of the project was possible due to the financial support of the Open Society Institute in Budapest. The descriptions of the old-printed editions of the 15th-18th century - most of which are in either Latin or old Hungarian - were made within a very short period of time. All-in-all, there are 1,300 items of printed editions and seven items of manuscripts.

This collection from the Sárospatak Reformed College, which as a result of World War II was transferred to the Nizhny Novgorod Library, is, obviously, a unique selection of works: we identified many editions only by turning to reference books containing information exclusively about the Hungarian printing production. Among the books of the 16th century identified on the basis of the Hungarian National Bibliography there

was a number of books of which only a single copy survived. Of course, having a very clear idea of how precious the editions we worked with are, we, the staff of the Scientific and Research Rare Books Department of the VGBIL, tried to do our work very thoroughly, permanently keeping in mind that the catalogue will return to mankind cultural values which for a long time have been considered irrevocably lost.

From the very beginning the bibliographic project was planned to be international. At the first stage of the work on the catalogue we used the list drawn up by our Hungarian colleagues who had visited the Nizhny Novgorod Library prior to our visit to this library, and it was them who attributed part of the trophy books stored in Nizhny Novgorod to the Sárosptak collection. At the final stage of the work we received assistance from the Hungarian bibliographer L. Nad. Unfortunately, we could not take into account all of his remarks to our bibliography, mainly because by the time of his letter's arrival the catalogue already was at the printer. This is why only the most important passages could be corrected.

The catalogue has got an extensive reference system as there are: alphabet index, index of places where the edition was published (geographic index), language index. Besides the printed form, there is an electronic version of the catalogue, and any user of the internet can get acquainted with it.

The five months of our work on the catalogue have been intensive, but now that the work is done we are happy to feel involved in the process of Russia's drawing together with the world community as an equal member, which does not try to conceal what is stored in its library's collections because this belongs to everyone. The catalogue of the Hungarian misplaced books is a symbol of the restitution process which is rather slow and difficult but nevertheless moves forward.

Evgenia Korkmazova, Bibliographer,
Library for Foreign Literature, Rare Book Collection, Moscow

International Program of the Library for Foreign Literature on the Preservation and Making Accessible of Captured and Rare Book Collections

In order to attract attention to the international restitution program and to propagandize a rich experience of work with captured and rare book collections, the All-Russia State Library for Foreign Literature (VGBIL) has developed a comprehensive program how to work with rare and captured book collections, ensuring maximum accessibility of resources by using traditional methods and new technologies. The program is to be implemented in 1998.

The program comprises seven projects:

1. Creation of the internet accessible electronic version of the "Spoils of War" journal on the VGBIL server.
2. Creation of the internet accessible electronic database of the owners' inscriptions of rare and captured books in the VGBIL rare book collections.

3. Creation of a printed version of the Index of Former Owners of Books from the VGBIL rare book collections.
4. Creation of a panel exhibition of materials on book owners based on the VGBIL rare book collections.
5. Creation of an electronic catalogue of the Dutch printed editions of the 16th-17th century from the VGBIL collections and installing it on the VGBIL server.
6. Organization of training seminars for the biggest holders of captured literature in five Russian provincial towns, including travelling panel exhibitions, launching workshops on dealing with rare and captured book collections, delivering lectures on using new technologies for a better accessibility to collections.
7. Creation of an electronic text library of the VGBIL rare books collection.

All parts of the program are due to receive regular coverage on the VGBIL server. For a better implementation of this task the program suggests the installation of a special regularly updated www page.

Project 1: The electronic version of the "Spoils of War" journal

Objective of this project is to work out a Russian electronic versions of the journal for introducing it to internet users and, possibly, free of charge distribution of the journal by e-mail.

The Russian language electronic version (translation into Russian of the four printed issues) will be formed by using an electronic model obtained from the publishers and the conversion of this model into HTML format for further development to establish research and reference elements.

Electronic versions of the journal will be established within three months from the start of this project and will be installed on the VGBIL server for free access at <http://www.libfl.ras.ru>.

Project 2: Creation of the internet accessible electronic database of the owners' inscriptions of rare and captured books in the VGBIL rare book collections

Objectives of this project are: Creation of a card index of rare and displaced book's owners (no less than 300 records); producing software to establish a database providing possibilities of reference by owner signs and standard fields of bibliographic record; translation of card index into electronic form; scanning of 600 images of title pages and owner's inscriptions; coordination of database and images for further reference, using browsers via internet.

An electronic database comprising Dutch, German, Latin, French, Italian and Polish entries will be established within 4 months from the beginning of this project and will be placed on the VGBIL server for free access at <http://www.libfl.ras.ru>.

Project 3: Creation of a printed version of the index of former owners of books from the VGBIL rare book collections

Objective of this project is the creation of a printed version of the index of former owners on the basis of the index produced in project 2.

Project 4: Creation of a panel exhibition of materials on book owners based on the VGBIL rare book collections

Objective of this project is to create a travelling panel exhibition of rare book owners in order to promote rare and captured book collections of the Library for Foreign Literature.

The travelling exhibition will be used as a separate issue as well as a part of the general restitution program of the Library for Foreign Literature. Three months will be needed to establish this exhibition.

Project 5: Creation of an electronic catalogue of the Dutch printed editions of the 16th-17th century from the VGBIL collections and installing it on the VGBIL server

The VGBIL has a rather significant collection of books printed in the Netherlands between the 16th and 18th century (more than 1500 items). The collection includes not only masterpieces of famous printers (such as Elzevier, P. Mortier etc.), but also quite ordinary editions, some of which are completely unknown to bibliographers in the world. This collection also contains a number of captured editions. The catalogue will be of great interest from both scientific and restitutional standpoints.

An electronic version of this catalogue comprising about 600 titles, including bibliographic descriptions, owners' inscriptions, artists' and engravers' names as well as reproductions of the title pages and some illustrations, will be the first step in a complex program of research in the field of the Netherlands book collections in Russia.

The electronic version of the catalogue is due to be established within 6 months from the start of the project and will be installed on the VGBIL server for free access at <http://www.libfl.ras.ru>.

Project 6: Organization of training seminars for the biggest holders of captured literature in five Russian provincial towns

Objective of this project is to organize training seminars in five Russian towns (Novosibirsk, Tomsk, Ekaterinburg, Voronezh and Saratov), where the libraries are in possession of rich rare and captured book collections. These seminars will promote the restitution program in four directions:

- delivering lectures on the restitution program and on problems of the accessibility of collections
- conducting workshops on dealing with rare book collections (preservation, cataloguing, promotion of the collections, etc)
- conducting workshops on using new technologies and the internet in opening and making accessible rare and captured book collections with demonstration of electronic resources, created in the framework of the program
- producing a panel exhibition of rare and captured book collections.

Training seminars will be held every one and a half months starting immediately after the production of the main part of the electronic editions and the panel exhibition. Four specialists from the VGBIL will participate in each seminar.

Project 7: Creation of an electronic text library of the VGBIL rare books collection

In order to establish an electronic full text library of the rare book collection it is necessary to launch a special file server providing storage for plenty of digital texts. The server will be accessible via internet. The server will be filled with the most interesting digitized rare editions of the 16th century from the Netherlands available in the Library for Foreign Literature.

The scanner will be used to digitize the editions, because it provides a high level of preservation of rare books and a high quality of images. An appropriate software will be used for further work with the images.

The actual volume of the fully digitized editions of high historical and bibliographic importance would be 5 books of a total of 1500 pages/ images. Each digital edition will be followed by an article and a bibliographical list of later editions of the text with selected images of title pages and illustrations. Later this library will include the editions of the 17th and 18th century.

The creation of the electronic library will not only ensure the preservation of rare books but will also provide a high accessibility to the collection. Additional bibliographical information will allow to observe the development of each edition. This kind of electronic edition will be unique for the internet. The implementation of this project will take twelve months.

We are glad to announce that the Library for Foreign Literature and the Ministry of Culture of the Russian Federation are working closely together with the Dutch Ministry of Education, Culture and Science on the implementation of these projects. This cooperation is a great example of mutual understanding and effective activities that will, no doubt, make information much more accessible.

Svetlana Gorkhova, Head of the International Relations Department,
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The Case of the Ossolineum Collection

This article refers to a contribution by Maciej Matwijow, a librarian at the Ossolinski Foundation in Wroclaw, in Spoils of War No. 3, December 1996, pp. 14-15.

In the past 50 years claims to the Ossolineum in Lviv fluctuated with the political situation in Poland. Lately, President Kuchma's visit to Poland in the spring of 1996 gave rise to many articles implying the Ukrainian President's consent to return the Ossolineum collection to Poland. But before we apply the word 'return' we should be aware that the case of the Ossolineum collection is a very special one. We should remember that: 1) Count Ossolinski in his testament donated his collection to the city of Lviv; 2) since its legal registration in 1827 as a regional library, the Ossolineum was supported by the Galician Sejm (Parliament); 3) all collections that were bought or

given as gifts were acquired in situ; 4) at the time of the founding of the V. Stefanyk Library of the Academy of Sciences of Ukraine in 1940, the collection of the Ossolinski Library constituted 430,000 of the more than one million books, manuscripts, ancient prints, etc. from other Ukrainian libraries, and some 500,000 from such Ukrainian institutions as the Shevchenko Scientific Society and the People's Home; 5) there are no documents from the 1946-47 period assigning the Ossolineum to Poland signed by the Polish side, only a talk about a "present to the Polish people". Today the V. Stefanyk Library with over seven million units is housed in seven buildings throughout the city, one of which - the central administrative building - is occupying the site of the former Ossolineum Library.

Although the collection was at its original location, nevertheless, against legal rules, the removal of books, manuscripts, and art collections to Poland was carried out six times. The first action took place on March 18, 1944. Thirty-five trunks of the most valuable literature from the Ossolineum Library (1,255 manuscripts, 2,226 deeds, 1,167 ancient prints) were removed to Kraków together with the Chartoryisky, Pavlykovsky and other collections. The second transport to Kraków is dated October 1, 1944 (969 manuscripts, 381 deeds, 859 ancient prints, 2,371 drawings from the Ossolinski Library and from other Lviv libraries). The shipment also included ancient church prints from the Lviv University Library. Of the 450 incunabulae, only 46 remained in Lviv. Original drawings by the ingenious German artist Albrecht Dürer also disappeared at that time. Later they reappeared in the American zone of the occupied Germany and were sold on the international market. We also know from the letters of M. Gembarovich, former head of the Ossolinski Library, that more than 40 trunks of books, also containing a number of Soviet books in the fields of technology, economics, statistics, and military science, were removed at that time.

The third shipment took place under the German occupation. The collection was transported to Aldensbure and then partly destroyed by the Soviet occupational troops. What later has been sent to Moscow and what went to Poland is unknown.

By Stalin's order (July, 1946) the fourth shipment of literature from the academic library took place. All legal transactions were carried out through Moscow. According to Gembarovich, not only Polish books, but also books from Ukrainian publishing houses were transported to Poland, altogether some 150,000 units (108,000 prints, 7,068 manuscripts, 34,464 ancient prints).

The fifth shipment of literature occurred in December 1946. It contained 67,381 units, including documents and manuscripts. In addition 208 exhibits were taken to Poland from the Picture Gallery, 197 from the Historical Museum, 65 from the Art and Craft Museum (today the Ethnographical Museum at the Ethnological Institute of the National Academy of Sciences of Ukraine), 272 works of art from the Kyiv museums (e.g. Panorama Ratslavska). The art load weighed more than 124 tons and required 13 railroad wagons.

In 1987, under Gorbachov's order, the sixth transfer from the Lviv Stefanyk Library was carried out. Fifty books were delivered to Jaruselski personally, and 2,400 to the city of Wrocław.

There are also Ukrainian collections in Poland. The most valuable church manuscripts and ancient prints of the Peremys'ka Kapitula should be mentioned first. After the war they were dispersed throughout several Polish towns. The fate of the "Kholm Kapitula collections" is unknown. Thousands of Ukrainian documents are in the Public Library in Warsaw. Correspondence of outstanding Ukrainian personalities and a number of Ukrainian newspapers are preserved at the Central Military Archives. Large archival collections from Halychyna (birth certificates, marriage licenses, etc.) are stored in Kraków. This is only a partial list of Ukrainian documents being preserved in archives and libraries in Poland. There is also a large number of Ukrainian cultural artifacts (icons, paintings, archeological objects, etc.) presently in Polish museums and other collections.

The matter of the return of cultural valuables that were plundered and transferred from country to country due to military occupation during the Second World War is being considered at the highest levels of world organizations. Today, we have favorable conditions for active partnership in science and culture and there are outstanding technical possibilities for cooperation (photocopying, microfilming, network of communications such as internet). Therefore I think that we will gain more in preserving cultural heritage for humanity by establishing good relations than by claims. The Lviv Stefanyk Library is open to everybody. Scientists and scholars from all over the world take advantage of it. The main task of librarians today is to improve the maintenance of library treasures, their restoration and preservation for future generations, and to protect them from irreparable harm.

Larysa Krushelnytska, Professor and Doctor of History,
Director of the Lviv Stefanyk Scientific Library of
The National Academy of Sciences of Ukraine, Lviv

Center on the Problems of the Transferred Book Collections in St. Petersburg

During the last years the general public has begun to show a special interest in the fate of cultural values displaced during World War II. The Russian government established the State Commission on the Restitution of Cultural Values under the chairmanship of the Minister of Culture of the Russian Federation. The Commission includes expert groups on archival, library, and museum collections, which cooperate with similar groups in other countries.

In 1995 the Center on the Problems of the Transferred Book Collections was created at the National Russian Library in St. Petersburg.

The task of the Center is to coordinate the activity of institutes investigating the fate of the Russian library collections which were lost or transferred during World War II: to determine the losses, to detect the ways of the outflow, the search, the preservation of the collections and separate printing works and their return after the war. The Center also deals with the investigation of the fate of not only Russian book collections but

also of the collections of other countries somehow related to the problems of displaced books.

At the moment the Center begins to fulfill its tasks and invites to cooperation all the libraries and organizations ready to help in the creation and the updating of a joint data base, in the formation of the list of book losses and of the availability of the transferred collections.

The Center on the other hand is ready to give information about the books which belonged to your institution and to offer consultations in the field of transferred book collections. Please feel free to contact us if your institution is interested in cooperation with the Center and let us know the name of your contact person in this field.

In October 1998 the Russian National Library, the Ministry of Culture of the Russian Federation and the Russian Library Association plan to hold the 3rd Conference on the history of Russian libraries: Libraries During World War II: Displaced Collections, Research and Reconstruction Problems.

Regional ethnographers, librarians, professors and teachers, the members of commissions in search of lost values in Russia and abroad have been invited to participate in this conference. All issues related to the intricate fate of the Russian book collections during World War II and right afterwards (transfer of the most valuable collections, book restitution issues, the fate of evacuated collections) will be discussed at the conference.

We would be grateful for any information about book losses, transfers and restitutions of book collections, stamps and inscriptions of lost libraries and any other findings and discoveries of experts. All these facts would be useful to reconstruct the library history of this complicated period.

The organizers of the conference are unfortunately not in a position to cover your travel and accommodation expenses. Would you, please, contact us as soon as possible if you intend to take part in the conference. In order to book a hotel room for you, we need to receive your request before September 1, 1998. We very much hope that you will be able to participate in the conference.

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**For Germany and Themselves: the Motivation behind
the Nazi Leaders Plundering and Collecting of Art.
Part II**

This is the second part of a series of articles by Jonathan Petropoulos, based on his book "Art as Politics in the Third Reich" (Chapel Hill, London 1997, ISBN 0-8078-2240-X). The last part will appear in "Spoils of War" No. 6.

Hermann Göring, declared in 1939 to be Hitler's successor as leader of Germany, had the second largest collection among the Nazi elite. The inventory of art in his possession at war's end extended to over 1,375 paintings, 250 sculptures, 108 tapestries and 175 objects of art.¹ In the 1950s, Göring's collection was estimated at DM 680 million.² He thus had grounds for boasting to his captors at Nuremberg that his was the finest private collection in Europe.³ Most of the works were housed in his favorite residence, Carinhall, though his other properties also contained parts of the collection.⁴ Like Hitler, the Reichsmarschall had a number of agents employed (under the supervision of the director of the "Kunstsammlung des Reichsmarschalls" Walter Andreas Hofer). The two leaders' agents competed with each other to both purchase and plunder artworks. The emphasis of Göring's collection lay on Renaissance painting, Dutch and Flemish old masters, and the court art of 18th century France, as he granted precedence to Hitler for 19th century art. Highlights of his collection included Cranach the Elder's "Venus and Amor" (one of 19 Cranachs that he owned); Rembrandt's "Portrait of the Artist's Sister" (one of five works by the artist in Carinhall); Watteau's "Pretty Polish Girl" (plundered in Poland); Fragonard's "Young Girl with Chinese Figure" (taken from the Rothschilds by the ERR in France); and Velazquez's "Infanta" (which was purchased in the Netherlands). Göring, it should be noted, had the self-confidence to indulge his own tastes and collect Impressionist art. This proclivity extended to Pierre Bonnard's vibrantly colored "The Work Table", and three of Van Gogh's more conservative works, "Sunflowers", "Bridge at Arles", and a drawing of a landscape.⁵ In private, the Reichsmarschall did not feel constrained by the official aesthetic guidelines.

Propaganda Minister Joseph Goebbels, the government figure most responsible for supervising the cultural production during the Third Reich, focused his collecting efforts on contemporary art. Initially sympathetic to German Expressionism, he placed Ernst Barlach's sculpture "Man in the Storm" in his office in 1933 (and later moved it to his Schwanenwerder home in 1936) and revealed an interest in patronizing the painter Emil Nolde. Hitler vetoed the idea of supporting Nolde, and Goebbels indeed abandoned his public support for modern art. Yet like a number of the other top leaders, he did not always feel the need to toe the party line privately (even though he had played a key role in articulating this line). As the Barlach sculpture in his residence suggests, or, to take another example, his commissioning of a portrait from the former member of the Berlin Secession Leo von König, who painted in an Impressionistic style, Goebbels subscribed to the notion that he was above many, if not all of the rules.⁶ Yet like many other NS leaders, Goebbels publicly played the role of patron of contemporary Nazi art: he made an annual visit to the "Große Deutsche Kunstausstellung" (Great German Art Exhibition) in Munich in order to purchase artworks, and like his cohorts, he was allowed to make his selections prior to the opening of the exhibition, so as to acquire the better pieces.⁷ Goebbels would typically buy 25 to 50 works from the show, using a part of the one million Reichsmarks budgeted by the Propaganda Ministry for artistic patronage.⁸ He also exploited his other official positions to enhance his collection. One example, which stems from his

being the "Gauleiter" (district leader) of Berlin, was his arrangement of a long-term loan of two Rembrandt portraits. The contract Goebbels signed stipulated that the works would hang in his Lanke home, and, for reasons not entirely clear, the Propaganda Minister arranged for RM 100,000 to be transferred to the city administration (it was evidently some kind of deposit).⁹ During the war, Goebbels employed agents to buy artworks for him who were quite active in Western Europe: for example, a Hans Makart work entitled "Siegfried's Death", Jan van Goyen's "Landscape in the Woods", and Hubert Robert's "Landscape", were all bought in Paris in 1943 and 1944.¹⁰ Goebbels also made use of various international contacts; notably, in 1942, he bought Van Dyck's "The Holy Family" for 150,000 Swiss francs from Theodor Fischer, the Lucerne-based dealer who had auctioned off the purged "Entartete Kunst" (Degenerate Art) in 1939.¹¹ As there is no comprehensive inventory of Goebbels collection, it is difficult to ascertain the exact size of his holdings. Considering his financial resources and penchant for luxury (like other members of the Nazi elite he had multiple residences which were lavishly appointed), it is evident that he possessed a significant collection.¹²

Joachim von Ribbentrop, the Foreign Minister from 1938 to 1945, made careful lists of the artworks that he and his wife owned for insurance purposes. He had married the daughter of Germany's most important wine merchant (Henkell), and artworks graced their Dahlem villa at an early point. In 1932, Annelies Ribbentrop inherited an important work by Fra Angelico, a portrait of the Madonna, which the couple took with them to London when the ambassadorial appointment came through in 1937.¹³ In attempting to pass himself off as a cosmopolitan aristocrat, Ribbentrop, with the active support of his wife, bought a significant number of French works, including Boucher's "Group of Three Girls"; Gustav Courbet's "Landscape at Ornans" and "Bathing Woman"; André Derain's "Head of a Woman"; and Claude Monet's "Landscape with Railway".¹⁴ Ribbentrop, however, was clearly under Hitler's sway, and accordingly he collected 19th-century Austro-Bavarian painting: works by Waldmüller, Thoma, Defregger, and Makart were in both his home and his Wilhelmstraße office.¹⁵ The Ribbentrops' collection was divided into officially sanctioned works (including a number by contemporary Nazi artists) and more modern pieces: for example, paintings by Gustave Moreau and Giorgio de Chirico, were in their Dahlem home.¹⁶ Over 110 works are listed in their inventories.

Heinrich Himmler proved less adventurous in his taste, if not in his methods of acquisition. The Reichsführer-SS bought a great deal, making regular visits to the "Große Deutsche Kunstausstellung" in order to purchase artworks.¹⁷ He went so far as to engage a specialist to locate artworks and negotiate purchases: SS-Sturmbannführer Wilhelm Vahrenkamp served as Himmler's personal agent throughout the war.¹⁸ Himmler also utilized the police and plundering agencies under his purview to obtain pieces. The confiscation of Jewish-owned artworks began in Austria after the "Anschluß" (annexation of Austria, March 1938) and in the Altreich in the wake of the "Kristallnacht" (crystal night, November 1938): Himmler's forces in the SD ("Sicherheitsdienst", Security Service) and the Gestapo not only carried out these measures, they also oversaw the storage and safeguarding of the confiscated art. By 1941, they had achieved sufficient order in terms of cataloguing the artworks and

training a staff to permit the liquidation of the inventory. The Gestapo organized the process, giving Hitler's agents the first choice. Many of the remaining works were sold by an obscure and mysterious agency called the Vugesta (an acronym for "Vermögens-Umzugsgut von der Gestapo" or Property Removed by the Gestapo). The Vugesta employed art historians and dealers to appraise the pieces, and auction houses such as the Dorotheum in Vienna and Adolf Weinmüller in Munich assisted in the sale of those works not destined for museums or Nazi leaders.¹⁹ The revenue went to the Reich (or the federal government) by way of the Finance Ministry.

Himmler's personal taste leaned toward German and Dutch works. As mentioned above, he patronized Nazi artists, but he also admired landscapes and genre paintings from the preceding century.²⁰ One document from February 1944 lists 69 works under the heading "Bestandsaufnahme der Ölgemälde des Reichsführers-SS" (Property List of Oil Paintings of the RF-SS), which were almost entirely Dutch landscapes (many of the works are cited as "anonymous", an indication, perhaps, of either their unexceptional quality or the hasty manner in which they were acquired).²¹ Better-known artists in Himmler's collection include Teniers, Jordaens, and Dürer. Himmler also avidly collected "vor- und frühgeschichtlich" (pre- and early historic) pieces, such as Viking swords and spears with runic inscriptions.²² His research foundation Das Ahnenerbe (translated by the International Military Tribunal as Ancestral Heritage Research Organization), which investigated early Germanic culture and anthropology from the Nazi perspective, helped Himmler to pursue the archaeological objects.²³

Baldur von Schirach, the Reich Youth Leader who became the "Reichstatthalter" (Governor) in Vienna, also possessed a noteworthy collection. He bought art from a variety of sources both inside the Reich and abroad. His contacts in the Netherlands, including a friendship with the plunderer Kajetan Mühlmann, proved especially useful, as these sources delivered a number of works, including: Breughel the Younger's "Winter Landscape"; Van Gogh's "Field with Poppies"; and what was believed to be a Vermeer, "Man with a Tall Hat".²⁴ Schirach also purchased art from a number of Austrian galleries, including a Renoir from the Welsh Gallery in Salzburg. Postwar investigators have alleged that he patronized the Vugesta - the Lucas Cranach "Madonna and Child" found in his possession has been cited as one such example.²⁵ It had belonged to a Jewish Austrian family named Gomperz before being seized by the Gestapo. Schirach evidently bought the work from the Vugesta in 1942. In another case Schirach consulted with both Hitler and Posse, ostensibly to ensure that there be no conflict with the Linz program, about personally acquiring a work by Breughel the Younger, "Wolf Attacking Shepherds", which belonged to Ernst Pollak, an Austrian Jew; the piece was placed in the Reichstatthalter's official residence on the Hohe Warte overlooking Vienna.²⁶ Despite his immoral methods of collecting, Schirach had progressive views about art by Nazi standards. Utilizing his budget for the "Special Assistance for the Purpose of Advancing Individual Artists", he patronized figures who were on the fringe of acceptance in the Third Reich (opponents even rumored that he was helping Emil Nolde, which appears an unfounded claim).²⁷ In 1943, Schirach expressed this sympathy for more modern artistic styles by way of sponsoring a show entitled "Junge Kunst im Deutschen Reich" (Young Art in the German Reich); this support elicited protests from the conservative camp, most notably from Alfred

Rosenberg, and Schirach was sternly rebuked by Hitler, suffering a loss of prestige and power.²⁸ In short, he had failed to respect the public-private dividing line which was central to the regime.

There were many other National Socialist leaders who also possessed substantial collections. The limitations of space, in some cases, incomplete data, prevent a thorough account here of the holdings of the entire NS elite. Yet it is clear that the following individuals actively collected art: Robert Ley, the head of the "Deutsche Arbeitsfront" (German Labor Front); Arthur Seyss-Inquart, who became the Reichskommissar for the occupied Netherlands; Martin Bormann, who headed the party Chancellery and served as Hitler's secretary; Wilhelm Frick, the Minister of the Interior; Hans Frank, the Governor General in Poland; Erich Koch, the Gauleiter of East Prussia (and later Reichskommissar in the East); Joseph Bürckel, also a Gauleiter, who moved from Vienna to the Saarland-Lorraine in 1940; Julius Streicher, the Gauleiter of Franconia and publisher of "Der Stürmer"; and Albert Speer, the architect and Minister of Armaments.²⁹ This is but a preliminary list of those who amassed collections: pursuing art was clearly a widespread and significant phenomenon.

But why did they collect art? One can surmise a number of reasons, and these can be arranged with regard to their importance. The foremost motivations were ideological ones: art collecting conformed to the political and racial conceptions of the leadership corps. Here, of course, Hitler set the tone and provided the example for his subordinates. Their emulation of Hitler in this respect constituted an instructive manifestation of the "Führerprinzip" (leadership principle): issues or projects which captivated Hitler's attention also interested his subleaders. The pressure to conform to Hitler's conception of a NS leader was both explicit and constant. Goebbels made note of this in many of his diary entries, as for example his remark of June 16, 1938 that "the Führer regrets very much that some of our Gauleiters have so little understanding of art".³⁰ If Hitler had not collected art, it is unlikely that this phenomenon would have spread so widely among his subleaders. In a more subtle manifestation of the Führerprinzip, the transformation of Hitler's personal collection into an official (or national) project helped justify the subleader's practice of blurring the distinction between private and official. Collecting they followed his lead in using ministerial and party funds for acquisitions that were personal in nature.

Art collecting for the Nazi elite was, however, much more than a means of emulating the dictator; it derived further significance by being tied to a number of ideological precepts. The statements of the Nazi propagandists stressed that the Aryan was the creator and bearer of culture. To be Aryan meant to be cultured, so the Nazis styled themselves as men of culture. This ideological and essentialist projection of a cultural being is recognizable in the personae of the members of the Nazi elite: the artist-architect Hitler; the writer-intellectual Goebbels; the patron of the theater and arts as that Göring fancied himself; the mystic-scholar Himmler, who was attuned to cultural as well as to racial origins; the poet and bibliophile Schirach; the recreational Heimat-painter Julius Streicher; or Heydrich, the accomplished violinist. In short, nearly all the elite had interests in the cultural sphere. Hitler's concern that his men be cultured went so far that he prescribed dosages of "culture" for the party faithful. Albert Speer recounted one instance in his memoirs of how during the obligatory attendance at

Wagner's "Die Meistersinger" during the 1933 Nuremberg rally, a number of the lower-ranking leaders failed the cultural litmus test by falling asleep.³¹ To display such ignorance of culture ran counter to behavior expected from the top Nazi leaders, who, for the most part, played the role of the cultured Aryan in an eager, if yet undigested, manner by attending exhibitions, operas, and concerts. Before long, they came to view themselves as not only sensitive to the arts, but as capable of determining the nation's cultural policies.

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Notes:

¹ Theodore Rousseau, Consolidated Interrogation Report No. 2: the Göring collection (OSS Report, September 15, 1945), 174.

² Heinrich Fraenkel and Hermann Mannvell, Hermann Göring (London 1962), 263.

³ Rousseau, Consolidated Interrogation Report No. 2, 174.

⁴ In addition to Carinhall, Göring had a castle called Veldenstein near Bayreuth, a hunting lodge in Eastern Prussia called Romintern, a Berlin villa in the Leipzigerstraße, a castle at Mautendorf near Salzburg, a chalet near Hitler's Berghof, a model farm named Gollin near Berlin, and Ringenwalde, an 18th-century manse also near Berlin.

⁵ For more specific discussions of Göring's collection, based on the OSS report penned by Rousseau, see Haase, Kunstraub und Kunstschutz, 86-153, and Kurz, Kunstraub in Europa, 78-90, 158-173, 339-342. See also the documents in the Getty Center for the Humanities, Douglas Cooper papers.

⁶ Goebbels portrait is reproduced in Bruno Kroll, Leo von König (Berlin 1941).

⁷ Photographic albums produced by the museum staff to chronicle Goebbels purchases are now located in the Library of Congress's Adolf Hitler Collection. See the volumes entitled "GDK 1939 (and 1941)": Lichtbildealbum über von Herrn Reichsminister Dr. Goebbels angekaufte Arbeiten.

⁸ For Goebbels Mittel zur Förderung Künstlerische Zwecke, see Bundesarchiv Koblenz (BAK, Federal State Archive), R2/4868, Bl. 321-24: a Vermerk of Dr. Hofmann of the RMVP (Reichsministerium für Volksaufklärung und Propaganda, Reich Ministry for Public Enlightenment and Propaganda), Abteilung Bildende Kunst (Art Department), January 8, 1940.

⁹ BAK, R55/698, Bl. 100: a RMVP Vermerk, November 4, 1941.

¹⁰ BAK, R55/423, Bl. 48-50: a list of 48 objects bought from the RMVP, undated. See also R55/667, Bl. 1-46: a list of objects purchased in France by RMVP representatives. The January 30, 1945 receipt for the Makart is noted in R55/1392, Bl. 69.

¹¹ BAK, R55/667, Bl. 30: a memorandum from Dr. Rolf Hetsch of the RMVP Abteilung Bildende Kunst to Goebbels, April 10, 1942.

¹² Goebbels had three sumptuous residences in or near Berlin: Schwanenwerder, Lanke, and his Dienstwohnung (official residence) in the Hermann Göringstraße. In 1942, he bought "a feudal estate", to use Heiber's words, called Mehlsdorf (although he never lived there). Helmut Heiber, Goebbels: A Biography (New York 1972), 228-31 and 310-11.

¹³ BAK, NL/163, Binder 7, has many documents pertaining to Fra Angelico, which the Ribbentrops technically shared with Annelie's brother. For Ribbentrop's extravagant remodeling of the German embassy in London, and the elaborate security precautions surrounding the Fra Angelico, see Paul Schwarz, This Man Ribbentrop (New York 1943), 204. For a list of the numerous other artworks taken to the London embassy by the Ribbentrops, see BAK, R2/Anhang, Akte 25.

¹⁴ The best inventory of the Ribbentrops' collection is BAK, NL/163, Binder 8, which includes numerous photographs. With respect to the Ribbentrops' admiration for French art, they purportedly attempted (without success) to engage André Derain to execute portraits of family members. See Simon, The Battle for the Louvre, 98.

¹⁵ Note that Ribbentrop also had official funds for the purchase of artworks. BAK, R2/1290, for the letter of two Finanzministerium employees discussing the Foreign Minister's budget: Burmeister wrote to Baccarich, July 10, 1943, "es stehen dem Auswärtigen Amt zur Ausstattung des Hauses des Herrn Reichsaußenminister in der Wilhelmstraße aus Sondermitteln mehrere Millionen Reichsmark zum Ankauf von Gemälden und sonstigen Kunstgegenständen...".

¹⁶ Note that a number of these modern works belonging to the Ribbentrops are listed in BAK, R170/1457.

¹⁷ For an example of Himmler visiting the GDK in Munich, see BAK, NS19/3165: a note of August 29, 1942 from the Persönlicher Stab des RF-SS to "Erika", which describes Himmler's visit the previous day where he bought approximately 20 pieces.

¹⁸ For documents pertaining to the employment of SS-Sturmbannführer Vahrenkamp, see BAK, NS19/3055, as well as Vahrenkamp's Berlin Document Center file.

¹⁹ For a discussion of the Vugesta see OMGUS 5/347-3/3. See also the files in the Oberfinanzdirektion (Munich) (OFD), Binder IV, Bl. 69, where Posse wrote to Dr. Herbert Seiberl on the "Institut für Denkmalpflege" (Institute for the Preservation of Historic Monuments) about purchases from the Vugesta. For an example of the cooptation of art historians, the employment of Professor Dr. Otto Reich by the Gestapo to appraise the Gomperz collection in Vienna, is noted in OFD, Binder XA/127: a letter from Zabransky to Reimer, September 18, 1943. The Vugesta in Vienna, which was headed by a Karl Herber, was located at the Bauernmarkt. See the files in the Österreichisches Staatsarchiv (Austrian State Archive): the Verwaltungsarchiv (Administration Archive) file on the Vugesta.

²⁰ For an example of Himmler's support for contemporary artists, see the documentation concerning Himmler's commission to the sculptor Anton Graul to create a statue entitled "Liebende" (Lovers) for the Wewelsburg castle, in BAK, NS19/3086, documents from the period July 3, 1944 to March 9, 1945.

²¹ For the three page list of oil paintings belonging to Himmler (and being stored by the Firma Hees & Rohm, Leipzigerstraße), see BAK, NS19/36666, February 26, 1944.

²² For examples of Himmler purchasing early Germanic artifacts, see BAK, NS21/Binder 227, where a Prince Juritzky in Paris is negotiating the sale of valuable objects of this nature (letters dated December 15, 1941 and March 23, 1942).

²³ Michael Kater, *Das Ahnenerbe: Die Forschungs- und Lehrgemeinschaft in der SS* (Heidelberg, Ruprecht-Karl Universität doctoral dissertation, 1966). *Das Ahnenerbe* undertook 45 research projects, most of them cultural in orientation. See International Military Tribunal, Trial of the Major War Criminals (Nuremberg ITM 1947), vol. XLII, 78-79; and Simon, *The Battle of the Louvre*, 11.

²⁴ Schirach evidently paid the art dealer Alois Miedl 800,000 florins for the Vermeer, although the work is not listed in the artist's catalogue raisonné. See Jean Vlug, *Objects removed to Germany from Holland, Belgium and France during the German Occupation of [sic] the Countries* (OSS Report in conjunction with the Stichting Nederlands Kunstbezit, December 25, 1945), 103-4. Henriette von Schirach described receiving an early Renaissance painting from Miedl (whom she calls "M") in Holland during the war. Henriette von Schirach, *Der Preis der Herrlichkeit* (Wiesbaden 1956), 220. For more on Mühlmann, see Petropoulos, "The History of the Second Rank: the Art Plunderer Kajetan Mühlmann", in *Contemporary Austrian Studies IV* (1995), 177-221.

²⁵ For information pertaining to the purchase of Renoir, as well as the commerce with the Vugesta, see the Allied Authorities' interrogation of Schirach in OMGUS, 5/347-3/3.

²⁶ See Kurz, *Kunstraub in Europa*, 62.

²⁷ For Schirach's purchases as Reichstatthalter in Vienna, see the Österreichisches Staatsarchiv, Archiv der Republik, files on Kunstwesen und Ankauf, 1940-1954, 15B-1 (Karton 71). See also Schirach's memoirs, *Ich glaube an Hitler* (Hamburg 1962), as well as the account of his official for artistic matters in Vienna, Walter Thomas Anderman (real name Walter Thomas), *Bis der Vorhang fiel: Berichtet nach Aufzeichnungen aus den Jahren 1940 bis 1945* (Dortmund 1947), 140-46. For claims that Schirach aided Nolde, see the accusation of Robert Scholz (Alfred Rosenberg's artistic adviser) in BAK, NS8/243, Bl. 96-97: an Aktennotiz to Rosenberg, November 16, 1942.

²⁸ For Schirach's patronage of the "Junge Kunst" exhibition, which included the purchase of a number of works, see Österreichisches Staatsarchiv, Archiv der Republik, Bundesministerium für Unterricht, 1789-1943, No. U71. The best scholarly discussion of the episode is in Jan Tabor, "Die Gaben der Ostmark", in Hans Seiger, et. al., eds. *Im Reich der Kunst: Die Wiener Akademie der Bildenden Künste und die faschistische Kunstpolitik* (Vienna 1990), 293-94. See also Schirach, *Ich glaube an Hitler*, 228.

²⁹ See Jonathan Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill 1996).

³⁰ The quotation in the original reads, "Der Führer bedauert sehr, daß einige unserer Gauleiter sowenig Verständnis für die Kunst haben". See Joseph Goebbels, *Die Tagebücher von Joseph Goebbels: Sämtliche Fragmente*, vol. III, 457.

³¹ Albert Speer, *Inside the Third Reich* (New York 1969), 99.

Return to Dresden after Decades. An Exhibition of the State Galleries Dresden

In April 1998, "Back to Dresden. An Exhibition of Formerly Missing Works of the State Galleries Dresden" opened at the Georgenbau of the Dresden Palace. The exhibition, organized by Uta Neidhardt, focuses on works which had been lost in context with World War II events but could return to their former owners over the years.

Rather than to show only works returned to the Picture Gallery as planned in the beginning the scope has been enlarged to six further museums in the end. On display is therefore a wide range of objects belonging to the seven state galleries Collection of Sculptures, Armoury, Department of Prints and Drawings, Museum of Arts and Crafts, Collection of Porcelain, Gallery of Old Masters and Gallery of New Masters: ca. 60 paintings, among them works by Cranach and the Meister of Frankfurt, a large group of Egyptian pieces of the Collection of Sculptures, ca. 70 drawings and several volumes of graphic art of the Department of Prints and Drawings, ca. 50 splendid weapons of the Armoury, four works of the Arts and Crafts Museum and several 18th and 19th century pieces of Meißen porcelain of the Collection of Porcelain. The great variety of what has been lost and regained until today is shown standing as *pars pro toto* for the still missing.

As varied the appearance of the exhibits, they all share a common fate: the winding ways of being lost and found. As far as one can possibly reconstruct nowadays the events which took place at the end of World War II or its aftermath, varying conditions can be linked up to the fate of the diverse art collections of Dresden. The collections were stored in more than 50 different depositories, parts of them had already been transferred to larger depositories such as Castle Pillnitz.

Most of the artworks had not been under control, if only for a short time, and were consequently endangered in regard of lacking restorers' care or theft, i.e. by local people. First thefts happened around May 9, 1945 during the surrender of the depositories to representatives of the Soviet army. Four paintings stolen could be recovered in the 60s after a press campaign initiated by the former director Hans Ebert. Other thefts by members of the Soviet forces took place during the phase of the Soviet control of the collections. This can be concluded from some of the individual 'return stories' of objects. After the shipments of large parts of collections to the Soviet Union organized by the 'trophy commissions', the return of the remaining contents of the depositories to Dresden lasted until the end of the 40's. During this period valuables also disappeared. It was in the mid-50's after the return of large quantities of artworks from the Soviet Union to Dresden when taking account of the losses became actually possible. As a result several catalogues of the losses were published being the basis for

further research. A special problem which had to be faced by the researchers represented those works which had come back from the Soviet Union but ended up by chance in other German collections where their actual provenance remained in the dark. Three monumental Egyptian Lion sculptures, for instance, were situated in the National Gallery Berlin until the mid-60's. In the late 80's "Waldweg über eine kleine Anhöhe" (Forest Path over a Small Hill) by Alexander Kernincx returned which had been before in the Bavarian State Galleries and then given to the art gallery Moritzburg in Halle, Saxony-Anhalt.

So each piece has its own individual story. This is vividly illustrated by a letter addressed to the Picture Gallery Dresden. An elderly lady tells how her mother's restaurant had been confiscated becoming the headquarters of Soviet troops. When the occupation ended the Russians 'gave' her two pictures. Not matching her taste, she stored them for years in her linen cupboard and left them to her daughter who intended to hand them back to the legitimate owners. As the result of a generous gesture the paintings of Egbert van der Poel and Bernhard Halder are exhibited.

Up to this day ca. 450 paintings are still missing as part of a total of thousands of objects. On the other hand, a number of losses could return during the last decades. The most recent examples, Cornelius van Poelenburgh "Landschaft mit der Ruhe auf der Flucht nach Ägypten" (Landscape with Rest on the Flight into Egypt), Johannes van Haensbergen "Felsenlandschaft mit Badenden Frauen" (Rocky Landscape with Bathing Women), Allaert van Everdingen "Kleine Felsenlandschaft" (Small Rocky Landscape), were officially presented on the opening day. They are only mentioned as an exception, no photos could be published on such short notice in the otherwise lavish catalogue.

This exhibition might encourage other institutions to also document their losses and returns in form of an exhibition. The efforts of the museum staff to document, research and finally publish the lost and found ones are a success in itself. The idea of presenting the results to the general public takes the initiative one step further. Giving an overview of the so far achieved implicitly also expresses the hope to appeal to those who might still have knowledge of traces and whereabouts or are even in possession of artworks. To see the findings of the search makes Dresden worthwhile a visit for everybody interested in the topic.

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The author thanks Uta Neidhardt for her advice and friendly support.

For the catalogue see the Bibliography.

The exhibition runs until July 12, 1998 at the Georgenbau of the Dresden Palace.

Hier SRMOSAIK

Review of the 1997 Russian Press on the Issue
of the Restitution of Cultural Values. Part II

This review of the Russian press draws on the "Restitution File" maintained by O.M. Ivlieva, Chief Bibliographer of the Information Center at the Library for Foreign Literature, Moscow (contact phone: +7 - 095/ 915-3636).

My last review of the Russian press which appeared in the previous issue of "Spoils of War" covered the period up to the visit of the Russian President B.N. Yeltsin to Baden-Baden on April 17, 1997 and his official meeting with the German Chancellor Kohl. With regard to the restitution of cultural property the media focus in the first quarter of 1997 was on the discussion of the Federal Law on Cultural Values Removed to the USSR as a Result of World War II and Located in the Russian Territory. On May, 15 the Federal Assembly duplicated the State Duma overruling the presidential veto on the law of "trophy values" and voting again for the law to be enacted. It was then expected that President Yeltsin would appeal to the Constitutional Court in respect to the lawfulness of passing the bill because of its inconsistency with articles of the Russian Constitution. The president, however, took an "unexpected decision": he returned the law to the Federal Assembly because he felt there had been a breach of order during its passage, the Upper Chamber having voted by roll call. Thus, by the end of 1997 the law on removed cultural property had not yet been passed.

After April 17, 1997, the debate on restitution issues in the Russian press took a quieter course, with only two splashes occurring during the review period. The first was in connection with the April 1997 summit and the second, in mid-May, was in connection with the Federal Assembly voting to pass the law on removed cultural property over the presidential veto, and the finding in Germany of a fragment of the notorious Amber Room.

The Russian media were unanimous in branding the Kohl-Yeltsin meeting as a failure as far as the restitution issue was concerned. The titles of articles are eloquent enough: "Doubtful triumph in Baden-Baden" (*Nezavisimaya Gazeta*), "Why did Baden-Baden never turn into another Rapallo?" (*Literary Gazette*), "Yeltsin and Kohl gambled in Baden-Baden" (*Vek*), etc. Even a gift from "my friend Boris" (eleven folders from the Walter Rathenau archive) could not wash away the bitter taste of the German disappointment with the lingering uncertainty about the future of cultural property found within the Russian Federation. Only two articles attracted my attention. In the first, entitled "A law that defeats its purpose" (*Moscow News* No. 15, April 13-20, 1997), Nikolai Afanas'evsky, Deputy Minister of Foreign Affairs of the Russian Federation, states in no uncertain terms that this law instead of solving the question of ownership of removed cultural property, merely complicates Russia's relations with most European states. The second, "From the scary to the shameful" (*Moscow News*, No. 16, April 20-27, 1997), is by the late Lev Kopelev (a Russian émigré author) who calls for general humanity and common sense saying justly that "to deprive a whole nation, to deprive the coming generations of treasures of their national art, to take revenge on both forefathers and ancestors, to take revenge on millions of men for crimes that were committed by ten thousand degenerates is unfair, unlawful, and downright inhuman".

In mid-May, as mentioned above, the Russian press was highly vocal again on the issue of "trophy art". Almost every central newspaper contributed to the more than 30 articles on this subject. The discussion seemed to focus on the discovered fragment of the Amber Room, which during the postwar period has become a symbol of all cultural

losses of Russia. One of the four coloured-stone mosaics that had formed the center-pieces of the amber panels was discovered in Bremen, raising, of course, the question of ownership of the panel and whether it would be returned to Russia. In addition, several papers carried articles giving sensational versions of the whereabouts of the Amber Room itself. One frequently mentioned location is the so-called Fox Mountain in the Czech Republic where, according to one witness, boxes containing the Amber Room had been hidden, the entrance to the cave being blocked up and mined. The immediate task is to identify the precise location of the cave and to clear the mines. Another site is Ordruf in Germany where during the war work a standby capital for Nazi Germany was being built. According to Alexander Nadzharov, the author of an article in the "Ogonyok"-magazine, this repository is well known to many Russian political leaders, including the president and vice-president, but for reasons best known to them the Amber Room has not been unearthed yet. It is all due to Russian bureaucrats being so inactive, feels Alexander Nadzharov.

One article of this review period stands out among the publications that continued to discuss the federal law on removed cultural property. "The people must have their say" (Pravda, May 8, 1997, p. 6) by Oleg Kudryavtsev, DSc (Hist.) makes a case for deciding the fate of the cultural values by a referendum and warns that should we allow a revision of the outcome of the Second World War, if only in regard to the issue of removed cultural property, "next we shall be faced with the territorial question".

During the summer period, despite a general lull in the country's politics the media turned out an occasional article on restitution topics. They included brief notes giving new versions of the whereabouts of the Amber Room, views on the fate of the Federal Law, and information about the "nazi gold" allegedly unearthed in archival papers; a discussion of the Pushkin Museum's title to the Franz Koenigs collection of drawings and the Trojan gold.

The authors are generally repetitive. They include Nikolai Gubenko, former Minister of Culture of the U.S.S.R. and an active supporter of the new federal law, Irina Antonova, the die-hard director of Moscow's Pushkin Museum, the Deputy Minister of Culture of the Russian Federation Mikhail Shvydkoy, and the journalists Alexander Nadzharov, Yury Shpakov, Tatyana Fedotkina, Sergey Volkov, and Lev Bezymensky.

To sum up, from the media discussion in 1997 it is hard to tell how the problem of removed cultural property will ultimately be resolved. But it is my hope that a sober approach and humanity will prevail because these spiritual values must belong to all.

Evgenia Korkmazova,
Library for Foreign Literature, Moscow

Belgium

As announced in the last issue of "Spoils of War", the study Commission on the Fate of the Jewish Goods Spoliated or Left behind during the Second World War started its work in September 1997. It has a two year mandate to study the economic sanctions taken against the Jewish community under the German occupation and the measures

taken by the Belgian authorities after the war to recuperate the seized or left behind goods and find the legitimate owners. Despite limited means, it started an important work for both the Belgian Jewish community and Belgian contemporary history as it will enhance the knowledge of the German spoliations and of the post-war time in Belgium. The commission holds hearings of experts and representatives of the different sectors involved (bank, insurance, real estate etc.) who promised their full cooperation on this matter. At the same time, the historians are looking for and listing public and private archives regarding this subject. This work had never been done before, consequently these archives are kept in several different places under various conditions of preservation and are often incomplete which is an important problem for the commission's work.

The first intermediary report is scheduled to be published in June 1998.

In February, the board of the Ministers has officially designated the Minister of Economic Affairs, Elio Di Rupo, as the official representative of the Belgian State in spoliated goods recuperation cases. This decision will simplify the procedures that Belgium could make in order to recuperate spoliated goods.

Nicolas Vanhove, Ministry of Economic Affairs, Brussels

CRCZECH

Germany

In January this year the Coordination Office of the Federal States for the Return of Cultural Property moved to Magdeburg. The office is now located in the Ministry of Culture and Education of Saxony-Anhalt. It is part of the Foundation for Castles, Stately Homes and Gardens of this federal state. All 16 states of the Federal Republic of Germany are now members of the Coordination Office. The executive committee of the Coordination Office - consisting of the head of the departments of Culture in the respective Ministries of all states - during its session in Hamburg in November 1997 elected a new board. Chairman now is Eckard Kirn (Saxony-Anhalt), the deputies are Barbara Kisseler (Lower Saxony) and - as already during the last years - Bernd Mehlitz (Berlin).

Since the Russian law still is pending there has been no advance in the Russian-German negotiations. But at least one of the expert groups between the two countries met again after a long time. The expert group of museums and collections held its meeting on December, 2 and 3 in St. Petersburg. The only topic was the inspection of the medieval glass windows of the Church of St. Mary ("St. Marienkirche") in Frankfurt/Oder. 111 single pieces (40 x 80 cm) were brought to Potsdam in 1943 to secure them. The Soviet trophy brigade took them to the Hermitage. During transport many of the pieces were damaged. It was agreed that experts from the state

Brandenburg, where Frankfurt/Oder is located, and the Hermitage will work together on a list of the single pieces and establish a plan concerning the time and costs of the restoration. The next meeting is supposed to be held in June this year.

The Hermitage is planning an exhibition with parts of the Schliemann collection of Trojan antiquities, which were brought to Leningrad in 1945 and remained there until now. The director of the Museum for Pre- and Early History in Berlin was invited to St. Petersburg in order to talk about the German-Russian cooperation on behalf of the exhibition ("Schliemann, St. Petersburg, Troja"). In return in January this year the responsible curator of the exhibition in the Hermitage came to Berlin.

The German-Polish working group met in November last year in Warsaw for the second time. Both sides handed over a list of restitutions of cultural property between the two countries since 1945. They also provided lists of cultural treasures now to be found in institutions of the other country. The experts agreed that it is their task only to establish the facts and not to talk about the political or legal problems. The next meeting will take place in Magdeburg on May, 27 and 28.

On the occasion of the visit of President Herzog to Ukraine three drawings from the Bremen Kunsthalle were given back on February 5, 1998. The private collector Sergej Platanow had the paintings in his possession and prompted the return. Drawings from the Kunsthalle Bremen also surfaced in the USA. In September last year 12 drawings were confiscated in New York by U.S. authorities. For more details on this case see the special report by Thomas R. Kline in this issue of "Spoils of War".

The results of the enquiry about Italian cultural property now possibly located in the Federal Republic of Germany were handed over to the Italian side by the German Foreign Ministry. Some objects could indeed be found in German institutions after the distribution of the Italian catalogue "Treasures Untraced - An Inventory of the Italian Art Treasures Lost during the Second World War".

On April, 9 an exhibition in Dresden opened its doors: "Back in Dresden: An Exhibition Formerly Missing Works of the State Galleries Dresden. Collection of Sculptures, Armoury, Department of Prints and Drawings, Picture Gallery Old and New Masters". The variety of objects which have been lost and found again is shown with this exhibition. Among the objects there are four paintings by Cranach. The exhibition will be open for two months.

A painting by Rogier van der Weyden - "Philip der Gute von Burgund" (Philip the Good of Burgundy) - was supposed to be auctioned by Christie's in Paris. It is identical with the loss from the museum in Castle Friedenstein/Gotha. The German authorities and the museum were informed about the case. It is also the town of Gotha which is involved in a law suit on the painting by Joachim A. Wtewael ("Holy Family with Holy John, Holy Elizabeth and Angels"). The next hearing in this case will take place in London in June. The judgement is expected for the summer this year.

Doris Lemmermeier, former Project Leader of the Coordination Office
of the Federal States for the Return of Cultural Property, Potsdam

Hungary

The meeting of the Hungarian-Russian Restitution Committee was held in Moscow, on November 10-11, 1997. The Russian party informed us that the Restitution Bill passed by both houses of Parliament was now before the Constitutional Court whose decision could be expected sometime in spring 1998. If the bill is enacted, its execution will be the task of the Ministry of Culture of the Russian Confederation instead of a separate organization as originally planned.

Both parties agreed that the identification of the 134 paintings and statues in the Grabar Institute has been carried out, and the identification of the books from the Sárosptak Library has also been completed. They agreed that they would combine their efforts to ensure that these books be returned as soon as possible.

The members of the Hungarian delegation visited the Museum of the Russian Armed Forces where they were received cordially by the director of the museum and they were shown the Hungarian historical military flags housed in the museum. These flags include some which had been taken as booty by Tsarist troops in 1849. Even though these flags had been returned to Hungary before World War II by the then Soviet government, the Red Army seized these flags again in 1944-45, and took them to Moscow. The museum collection also includes a large 18th century gobelin from the Royal Palace in Buda Castle, brought there from Vienna by the Emperor Francis Joseph after 1867, which was similarly taken to Moscow as part of the war booty. This gobelin, however, is currently not housed in this museum, but in one of its affiliate museums. A photo of this gobelin has appeared in a military publication published in Moscow.

Sadly, no agreement was reached concerning possible research in Russian archives, meaning that Hungarian experts are still barred from investigating formerly classified documents which might provide clues to the fate of Hungarian artworks.

Complying with the request of the Russian party, the Hungarian committee will prepare the legal title to the return of Hungarian artworks that are currently held in Russia. The Russian side emphasized that Russia will act in harmony with international legal norms in matters of restitution. The Russian side mentioned two cases when the Hungarian army had taken valuables from Russia (from the Kursk library and the Ostrogozhsk museum). The Hungarian side will investigate whether books and artworks from these two Russian collections are currently housed in any Hungarian museum.

The Hungarian party has handed over documents concerning the meeting between representatives of the Allied Control Committee and the Hungarian government on June 1, 1946, which verify that the Hungarian government complied with the requirements set down in article 6 of the Armistice Agreement signed in Moscow on January 20, 1945. This article stipulated that the Provisional Government of Hungary undertakes to return all goods which were taken from the Soviet Union to Hungary.

István Fodor, Director of the Magyar Nemzeti Múzeum, Budapest

Korea

Historical Background

The Korean peninsula, currently including South and North Korea, was under the reign of the Choson dynasty from 1392, and then had been occupied as a colony by Japan from 1910 until 1945. With Japan's surrender at the end of the Second World War, Korea was liberated in August 1945 after thirty-six years under the rule of Japanese imperialism. However, the world's political surroundings at that time forced the Korean peninsula to be divided into South and North Korea. Subsequently in June 1950, the Korean War broke out between the two regions, and lasted until July, 1953. Korea has remained as a divided country since the Armistice Agreement in 1953.

The displacement of cultural property outside of Korea was, for the most part until the end of the Second World War, done by the Japanese Government-General ("Chong-dok-bu") and by Japanese individuals which included Japanese antique dealers and private collectors who started their business during the colonial period. "Chong-dok-bu" removed, in the name of academic research, a large number of Korean antiquities and important archives to Japanese institutions such as museums and universities.

The Japanese Government-General's ("Chong-dok-bu") Destructive Policy of Korean Cultural Property During the Pacific War (1941-1945)

In 1937 Japan launched a full-scale attack on China after the Manchurian Incident of 1931 which had provided the Japanese government with a military foothold in the Far East. After the war with China, Japan concluded the Tripartite Pact with Germany and Italy, and entered the Second World War attacking the American fleet in Pearl Harbour in December, 1941.

During this war, Japan carried out a so-called "total national mobilization policy", and transformed Korea into a supply base for Japan's war industry. "Chong-dok-bu" even enforced measures for the requisition of Korean items made of metal under the slogan "Spiritual Cooperation Behind the Guns" in order to use the metal for weapon materials. Due to the enforced measures, metal articles of many kinds which included Korean cultural objects, such as metalwork used in religious ceremony, temples' bells and Buddhist statues were told to be "donated" to the Japanese war effort (see picture I).

Simultaneously, with increasing signs of defeat for the Japanese in the War, there were also more active independence movements of the Koreans. Such circumstances led "Chong-dok-bu" to establish its colonial policy to destroy Korea's heritage. As a part of the destructive policy, "Chong-dok-bu" executed a secret plan whose document was titled "A Matter Concerning Both Enforcement of Discipline of Korean Confucian Scholars and Removal of Anti-State-of-Affairs Historic Remains in Korea".

This document was drawn up on November 24, 1943, and was forwarded from the director of the Bureau of Education & Management, "Chong-dok-bu" to the director of

the Bureau of Police Administration. Thereafter, the head of each provincial police division was notified of the document as a secret order. By means of the directive, "Chong-dok-bu" tried to destroy Korea's historical stone monuments that had likely given rise to national consciousness and anti-Japanese resistance movements. Included amongst the monuments were "Hwang-san-dae-chop-bi" of King Taejo (1392-1398)¹ and "Seok-chang-bi"² of Sa-myong, the great Buddhist priest during the Hideyoshi's Invasion of Korea in 1592. The document indicated that such items were required to be pulled down since they gave victorious accounts of the history of Korean resistance to Japanese invasions.

In particular, "Hwang-san-dae-chop-bi" had the important value of representing the academic and aesthetic standard of the times during which it had been created. It was, however, the very first monument to be destroyed, by dynamite explosion. "Seok-chang-bi" was also demolished in accordance with the order of the head of the police division, Kyung-sang-nam Province in December, 1943.

The Agreement Concerning Cultural Property and Cultural Cooperation Between the Republic of Korea (R.O.K., South Korea) and Japan, 1965

After the end of the Second World War and the restoration of independence to Korea in 1945, the Republic of Korea (R.O.K., South Korea) and Japan established what is called the "R.O.K. - Japan Talks" on February 15, 1952. The talks were held six times in fourteen years until the two countries came to an agreement. They signed "The R.O.K. - Japan Basic Relations Treaty" for the normalization of diplomatic relations on June 22, 1965. It was the fourth in the series of the talks of 1958 when the Republic of Korea commenced to develop a serious discussion concerning the return and restitution of Korean cultural property which had been removed and displaced by Japan during both the Second World War and the colonial occupation.

The "Agreement Concerning Cultural Property and Cultural Cooperation Between the Republic of Korea and Japan" was included as an attachment to the treaty in 1965. It prescribed that the Japanese government should return to the R.O.K. government the cultural property enumerated in a list attached to the Agreement within six months according to a mutually consented procedure. Concerning the Korean cultural property possessed by Japanese private organizations and citizens, the minute book of the Agreement stated that the Japanese government hoped and recommended that such property should be returned to the Republic of Korea.

The R.O.K. government claimed the restitution of 4,479 items which had been identified at the time of the agreement. Only 1,432 items amongst them were returned. It hardly affected the restitution of Japanese private collections. Also, in case of the archives, the Japanese restitution came under strong criticism, since it was discovered that the quantity of the collections of literary works was calculated not by the set but by the volume.

The Korean cultural property brought into Japan has been continuously identified by academic associations, non-governmental organizations and individual researchers since the two countries signed the treaty in 1965. Thus, the Republic of Korea has been making a proposal to Japan for the organization of a joint committee which can investigate the actual conditions of Korean items that Japanese private organizations

and citizens currently possess. However, as Japan has continued to show no affirmative response, further official contacts between the two governments have scarcely been made in order to consider these matters since the Agreement in 1965.

Jongsok Kim, Researcher, City University,
Department of Arts Policy and Management, London

For references and literature see section Bibliography.

Notes:

¹ Hwang-san is the name of a Korean site where King Taejo (the first king of the Choson dynasty, 1392-1398) defeated the Japanese armed forces during the Hideyoshi's invasion of Korea in 1592. Dae-chop is a sweeping (great) victory, Bi a stone monument.

² Seok-chang does not have a related historical meaning, but may be a religious or literary one that should be considered to only be a name. Bi is a stone monument.

Luxembourg

Unfortunately there is no big news from Luxembourg. We were in direct contact with our friends in Moscow, who couldn't understand why professor Rastorguiev didn't give us the information we asked for. We wait and hope...

On the other hand we are now able to give more precise information on the ways Jewish property was spoliated by Germans in Luxembourg. Some hints point to works of art, but there is no precise description available until now. So we think that patient research is still needed if we want to complete our documentation.

A follow-up conference scheduled for early summer in Washington at the U.S. Holocaust Museum was announced at the London Conference on Nazi Gold by Under Secretary Stuart Eizenstat. This conference should focus on real property, securities, bonds, insurance and artworks.

Having in mind the positive results of the London conference, we hope that the follow-up conference could give a decisive impulse to the recovery of works of art spoliated during the war. We believe that research work that will be done for this conference will help us to get access to archival material not available until now.

Paul Dostert, National Council of the Resistance, Luxembourg

Norway

Rediscovering History. The Restitution Process in Norway. Introduction

On March 29, 1996 an official Committee was appointed by the Norwegian Ministry of Justice to conduct a survey on what happened to Jewish property in Norway during and after World War II. The Committee was headed by a County Governor and consisted of seven members, mostly lawyers and historians. Two of these members were appointed by the Jewish communities of Norway: psychologist Berit Reisel and historian Bjarte Bruland.

The methods employed by the Committee in its investigation were a study of general source materials, examination of registrations in estate files (i.e. the files that were opened on each estate) and a study of the records relating to the administration of estates. These approaches provide different sorts of information and have different kinds of limitations. They must therefore be seen in context if they are to contribute to an overview of the entire liquidation and reparation process.

After more than a year of work the Committee split into a majority of five members and a minority of two, who delivered each their own report to the Minister of Justice on June 23, 1997. The majority report was characterized by a financial accounting approach while the minority report was characterized by a wider perspective including moral and ethical aspects. The difference in views and perspectives between the two reports had grave economic implications. On April 30, 1998 the Norwegian Prime Minister, Kjell Magne Bondevik, made public that the Government had chosen the minority's views and approach to the matter and the minority report as the basis for further work. The following article is written by the two members of the minority.

Historical Background

The economic liquidation of the Norwegian Jews during World War II was total. The Norwegian Jews were deprived of all rights of ownership and any kind of business base. This led to economic losses in the broadest sense of the term, in that an entire religious, cultural, economic and social community was destroyed.

In 1941-1942 the Jewish population of Norway consisted of approximately 1,000 households numbering a total of 2,173 individuals. These families lived mainly in Oslo and Trondheim, but the sources show that there were Jews living in over 60 municipalities throughout the country. The Jewish minority was primarily involved in the business sector. Norwegian Jews owned 401 enterprises. Approximately 40 individuals were members of professions (doctors, dentists and lawyers). The remainder were craftsmen and artists. Few were employed in the public sector, or as farmers or fishermen. There were two main communities, in Oslo and Trondheim. In both cities the Jewish population enjoyed a lively cultural life, and the Jewish communities operated many religious institutions and cultural organizations which ran various educational and welfare programs. There were also old-age homes and an orphanage. In Oslo and Trondheim there were three synagogues as well as centers for religious studies. Both communities had mortuaries, and there were three cemeteries.

Due to the Quisling regime in Norway during the period of German occupation from April 9, 1940 to May 8, 1945 the Jewish minority in Norway was treated as harsh as the Jews in other parts of occupied Europe with Auschwitz as their ultimate destination. In contrast to the situation in several other European countries, however, Jewish property was seized by the Norwegian state and included in the national treasury. In order to understand the economic losses incurred by the Jewish minority during World War II, the physical and economic liquidation of the Jews must be regarded as two aspects of the same crime, sharing the following systematically organized features: restriction of rights, segregation and isolation, confiscation and economic liquidation, deportation, and physical liquidation. In other words, the liquidation was compound, and its objective was the complete annihilation of the Jews as a group. The methods used to

achieve the economic part of the goal ensured that the religious and cultural centers, together with the property and businesses of Jewish families, were liquidated as though they were bankrupt estates. The purpose of this was to enable the Nazi authorities to seize control of the property while also ensuring that all Jewish business operations ceased.

These economic measures were carried out as a result of the Norwegian Act of October 26, 1942 relating to the confiscation of property belonging to Jews. The process of formalizing the economic liquidation was closely connected with the process of physical liquidation of the Norwegian Jews, and, indeed, the deportations began immediately after the economic liquidation process had begun. It would obviously not have been possible to implement such a complete liquidation of the property and assets of an entire group of people if plans for internment or deportation had not been prepared in advance. A total of 767 Jews were deported from Norway. Thirty survived. The remainder of the Jews who had lived in Norway fled the country.

The formalized liquidation process was based on the principle that each estate would be settled as though it were bankrupt. For the same reason, each individual household was converted into a joint ownership with one individual in the home, usually the husband, designated as the owner. This meant that each unit (household or business) was transformed into a fixed quantity, on the condition that the unit continued to exist as a legal person, so that the current expenses could continue to be charged to the estate even after liquidation had taken place.

The collective aspect of the economic liquidation of the Norwegian Jews was of major significance, as they were not meant to survive. Their belongings and assets were distributed according to certain distribution formulas, to ensure the interest of the Nazi regime. Some of the assets were sold however, and the profits from this sale formed the basis of what is called the joint Jewish assets. By the end of the war the Liquidation Board had used approximately 30 per cent of these assets for its own administration (see Table I, Distribution of Assets and Table II, The Liquidation Process for Registered Assets).

After the war the complicated process of reparation began. Everyone from whom property had been stolen, Jews and non-Jews alike, should, in principle, have been able to demand its return. However, this proved to be impossible, one of the reasons being that the financial basis for reparation was no longer intact. In addition, the authorities established a complex system of regulations based on two main principles which they regarded as important in post-war reparation efforts: equalization and reconstruction. The rules laid down according to these principles were designed to determine the amount of reparation each applicant should receive in proportion to what he had lost. The equalization principle was implemented by calculating reductions according to a special scale. The result of this system was that the greater the loss, the smaller the percentage of compensation. The reconstruction principle was implemented by making special reductions in the estate for each family member who had died.

These principles of compensation had particularly far-reaching consequences for the Jews, due to the collective and total nature of the liquidation, and to the unique pattern of deaths. Thus, 230 families were totally annihilated, and the remaining families

experienced serious losses. According to the reparations agencies, the survivors were not considered eligible for full compensation, because this compensation was based on assumptions about the applicants' ability to reconstruct their pre-war lives and businesses. They were either given reduced compensation or were simply not taken into consideration at all when compensation was paid out, even when they were legal heirs. Another area of concern for the reparations agencies was that if Jews were to inherit from their deceased relatives, they would be considered "war profiteers" as "they would acquire funds to which they would not have had access under normal circumstances".

As a result of the unique pattern of deaths, the compensation paid out by the reparations agencies followed two different courses: one for the survivors who were registered as having funds in the joint Jewish assets, and one for the heirs of those thus registered. People in the second category might be members of the same household as the registered owner of funds in the joint Jewish assets, but since they were not registered as the owner, they had no right to claim their inheritance until the registered owner was declared legally deceased. But because they did not issue death certificates in Auschwitz, the survivors had no way of proving that their missing relatives were dead. This meant that rather than being regarded as legally deceased by Norwegian authorities, the murder victims were, until the autumn of 1947, classified as missing. In 1947 efforts were begun to reclassify those missing as dead, and to devise an order of deaths for each family. For instance, in cases where a mother and her children had been sent into the gas chamber together, the reparations agencies had to determine in which order they died, so as to determine the heir's place in the order of inheritance. All of these complications meant that the process of settling the estates was protracted, usually lasting from eight to ten years, or even longer; the last settlement for which we have information took place in 1987. Due to the length of this process, the expenses charged to the estates were extremely high. The estates of the deceased amounted to half of the estates which were awarded funds from the reparations agencies.

The total of the joint Jewish assets can be estimated to NOK 23 million in 1940 values. According to the Statistics Norway price index, this amounts to ca NOK 450 million in today's value. The categories not included in the joint Jewish assets, however, were the value of the property distributed according to the distribution formulas, losses incurred due to the destruction of the Jewish enterprises which formed the economic basis of the Jewish community, and other losses which cannot be quantified but which clearly had economic consequences. The total scope of the economic loss, therefore, is considerably higher than the calculated estimate of the joint Jewish assets would indicate.

The reparation agencies awarded NOK 7,854,758.10 in 1947 values to the survivors as a whole. The total economic burden, however, placed on the Norwegian Jews through the procedure of liquidating estates during the war, and through the settlement and division of estates after the war, was greater than the amount eventually awarded by the reparations agencies. Although not all expenses charged to the estates reverted to the state treasury, most did so, and, in addition, the state itself inherited several estates. The special nature of this situation was due to the character and extent of the economic liquidation of property, as well as to the unique pattern of deaths caused by the

systematic physical liquidation of the Norwegian Jews (see Table III, The Restitution Process after the War).

The Implementation of the Results of the Survey

The fact that the committee split into two and delivered two incompatible reports created a grave problem for the Norwegian Government. It meant that the Government had to choose between two sets of approaches and two ways of understanding history.

The interesting thing, though, is, that this incompatibility is also to be found in many of the ongoing processes in Europe today; contradicting viewpoints as regards a financial accounting approach and a humanistic one. The financial accounting approach implies knowledge of whether the rules and regulations from the post-war era were applied correctly or not. The humanistic approach is critical to the very fact that ordinary rules and regulations were applied to such an extraordinary situation as the Holocaust/Shoah. The 50 years of historical distance creates an ethical dilemma and a moral responsibility. The Norwegian Government chose the humanistic approach and was willing to take upon itself the subsequent responsibility and act accordingly. This means, in addition to an official apology to Norwegian Jewry, the Government will make a payment of NOK 450 million, the same amount that was confiscated by the Norwegian treasury during World War II. The total amount will be divided into four categories:

- Individual payments to all survivors and their heirs.
- Collective payments to the Jewish Communities in Norway and their institutions.
- Contribution to international Jewry.
- An initial sum to establish a Center for Holocaust Studies and studies of minority issues in general in Norway.

Berit Reisel, Psychologist, Bjarte Bruland, Historian,
Members of the Norwegian Restitution Committee, Oslo

If you are interested in The Reisel/Bruland Report on the Confiscation of Jewish Property in Norway during the War. Part of Official Norwegian Report 1997:22, you may contact Berit Reisel, Borgenvn. 23b, 0373 Oslo.

Poland

1997 was yet another year of the office of the Government Commissioner for Polish Cultural Heritage Abroad to work on the register of war losses in the area of art, but also the year of interesting events, meetings and initiatives of the Bureau and its collaborators.

In January there was published the first issue of a new periodical - the "cenne, bezcenne/utracone" (valuable, priceless/lost) published by the Warsaw Center for Protection and Preservation of Historical relics and the office of the Government Commissioner. The publication is devoted to the broadly understood cultural assets which, in effect of wars, robberies or due to the other reasons (like the July flood in Poland) have been lost or suffered considerable damage. As regards war losses in the area of works of art, in every issue there is published a catalogue together with

illustrations, arranged by topics, presenting lost paintings, sculptures, decorative art etc. As a complement to the catalogue there are published brief articles devoted to the collections lost during the War or vanished individual works of art worth reminding because of their high artistic value or interesting history.

It is also noteworthy that in April, in Berlin there took place the first meeting of the Polish-German Working Group dealing with the documentation of cultural assets transferred in effect of the war into the territory of the other country. The second meeting took place in November in Warsaw. The objective of the newly established group is carrying out archival, documentary and identification work allowing to follow the war history of many works of art and being useful in locating their present whereabouts. The next meeting took place at the end of May 1998 at the Coordination Office of the Federal States for the Return of Cultural Property in Magdeburg.

No doubt a singularly noteworthy event was the return to Poland - after fifty three years - of the eighteenth century painting from the Wilanow collection, by Pompeo Battoni (1708-1787) representing Apollo and two Muses - Euterpe and Urania (see Bibliography). This painting of considerable size (122 x 90 cm) came back to Poland from the Pawlowsk Palace near St. Petersburg and the official transferring ceremony was held on October 28, 1997 in the office of the Government Commissioner for Polish Cultural Heritage Abroad at the Ministry of Culture and Art (see section Restitutions).

Monika Kuhnke, Office of the Commissioner
for the Polish Cultural Heritage Abroad, Warsaw

The Netherlands

At this moment there are several committees doing research on various issues connected with World War II. The most important ones are the following. The Van Kemenade Committee studies the assets dating back to the war held by foreign banks. The Scholten Committee does research into the so-called dormant accounts at Dutch banks and insurance companies. The Kordes Committee studies the archives which played a role in the settlement after the war of Jewish claims, such as the archive of the Amsterdam bank Lippmann, Rosenthal & Co.

The Ekkart Committee does research into the history of works of art which returned to the Netherlands after the war thanks to the art recovery efforts of the Ministry of Finance. This research is carried out jointly by the Inspectorate for Cultural Heritage ("Inspectie Cultuurbezit") in The Hague and the Netherlands Institute for Cultural Heritage ("Instituut Collectie Nederland") in Amsterdam. Objects which had been voluntarily sold to Germany during the occupation as well as recovered objects which remained unclaimed became the responsibility of the Ministry of Culture in 1952. From the paintings, drawings and objects of decorative arts whose history is unclear at this moment, a representative number of objects have been selected and a thorough attempt will be made to research their exact history and provenance. The purpose of the investigation is to find out whether or not it is now possible, with archival and up

to date art historical research, to find the hitherto unidentified owners. This research will take a few months to be completed. A report of the findings will then be given in the newsletter "Spoils of War".

All objects with a recovery history are registered and fully described and carry an inventory number starting with NK. In October last year, the Ministry of Culture published a brochure about this NK-collection. The Ministry of Culture will take documented new claims into consideration as well as claims which were rejected after the war but can now be documented by new evidence.

Josefine Leistra, Inspectorate of Cultural Heritage, The Hague

SRUKPOL

Database of the Coordination Office of the Federal States for the Return of Cultural Property

Introduction

The database of the Coordination Office documents the cultural property losses related to the Second World War (archival materials, books, museum objects) of institutions of the Federal Republic of Germany. The database was especially designed for this purpose in 1994 in close co-operation between the Coordination Office and a software firm (HEC, Hanseatische Software-Entwicklungs- und Consulting GmbH). Besides the documentation of the losses themselves in the database is also collected all available and important information about the history of these losses and the research carried out in various archives. The description and explanation of the database structure as well as all important operating instructions are compiled in a special manual ("Handbuch").

The software used is MS-ACCESS 2.0. The system is based on tables linked with each other according to the necessary relation of the information. The whole database consists of 53 tables. The input of the data is carried out in 86 different forms. One form comprises data for different tables.

The input of so-called master data ("Stammdaten") is essential for the functioning of the database. Master data are being used at various places of the database and in various contexts. They are fed into the system only once and are then available when needed. The database compiles master data in 15 tables and forms. One set of master data is for example all necessary information about an institution - address, phone, fax, predecessor institution, actual staff working there etc. All these data are available in the background of the database although in the different forms, for example, only the name of the institution is given.

The master data can be selected with the help of so-called combination boxes ("Kombinationsfelder"). The system shows all available data of a special master type when asked. Thus typing errors are avoided which otherwise could lead to false results. An additional function of the master data is the definition of terms, which is basic for

the structure of the information. Thus i.e. it is possible to set the different categories of museum objects. This structure enables the user to construct standardized queries ("Abfragen") of different levels of complexity.

Technical Equipment

The Coordination Office is working with a server and five computers linked with it and with each other. The computers have a memory of 32 Mbytes, 16 Mbytes is the absolute minimum in order to have the database functioning properly. An additional hard disk of 2 Gbytes had to be installed on the server of the Coordination Office. On this extra hard disk there are exclusively data of the database to be found. We started out using Windows 3.11 and we are now switching to Window 95. Word processing is done with Winword 6.0, image processing with Photo Styler 2.0. On a tape streamer a back-up of the data can be carried out for additional safeguarding. Photographs of single objects as well as inventory stamps or ex libris etc can be fed into the database by a scanner of the type "Mustek 1200 Sp".

Input Structure of Information

The focus of the database is lying on the single institution which reported the loss. The database is operating on different levels of information. Starting with an overview the information is getting more and more detailed. The institutions as well as the losses are divided in the following categories: archives (losses of archival material), libraries (losses of books, manuscripts etc) and museums (losses of museum objects). At different points of the database where you can choose, for example, the type of objects, the system provides only the choice relevant for the respective category (i.e. the master data).

First Level of Information. For each institution the central form is the so-called short report of the loss ("Verlustkurzfassung"). It is the starting point for all sections of information concerning the respective institution. The image is shown below.

In our further description of the database we are concentrating on the loss of a museum and in this context on actual museum exhibits. In the development of the database the fact was taken into account that museums can also be the owner of books, archival material or a library the owner of globes, artworks, graphical art or other museum exhibits. Due to the complexity of the system only a first insight can be given with this article.

Verlust-Nr: 8

Melder

Institution: Kulturhistorisches Museum Magdeburg

Abteilung:

Bundesland: Sachsen-Anhalt

Katalog existiert: vorhanden: Liste existiert: vorhanden: Verlorene Werke der Malerei: Erfaßt:

Objektartliste:

Circa	Anzahl	Spezifizierung	Objektart
Nein	338		Gemälde / Malerei
Nein	7		Handschriften / Bibliothek
Nein	12		Urkunden

Verlustgeschichte Neues Objekt

Listen

Archiv

Bibliothek

Museum

Sammlung

Dokumentation

Historische

Bibliograph.

Recherche

Verhandlung

Rückführung

Datensatz: 7 von 318

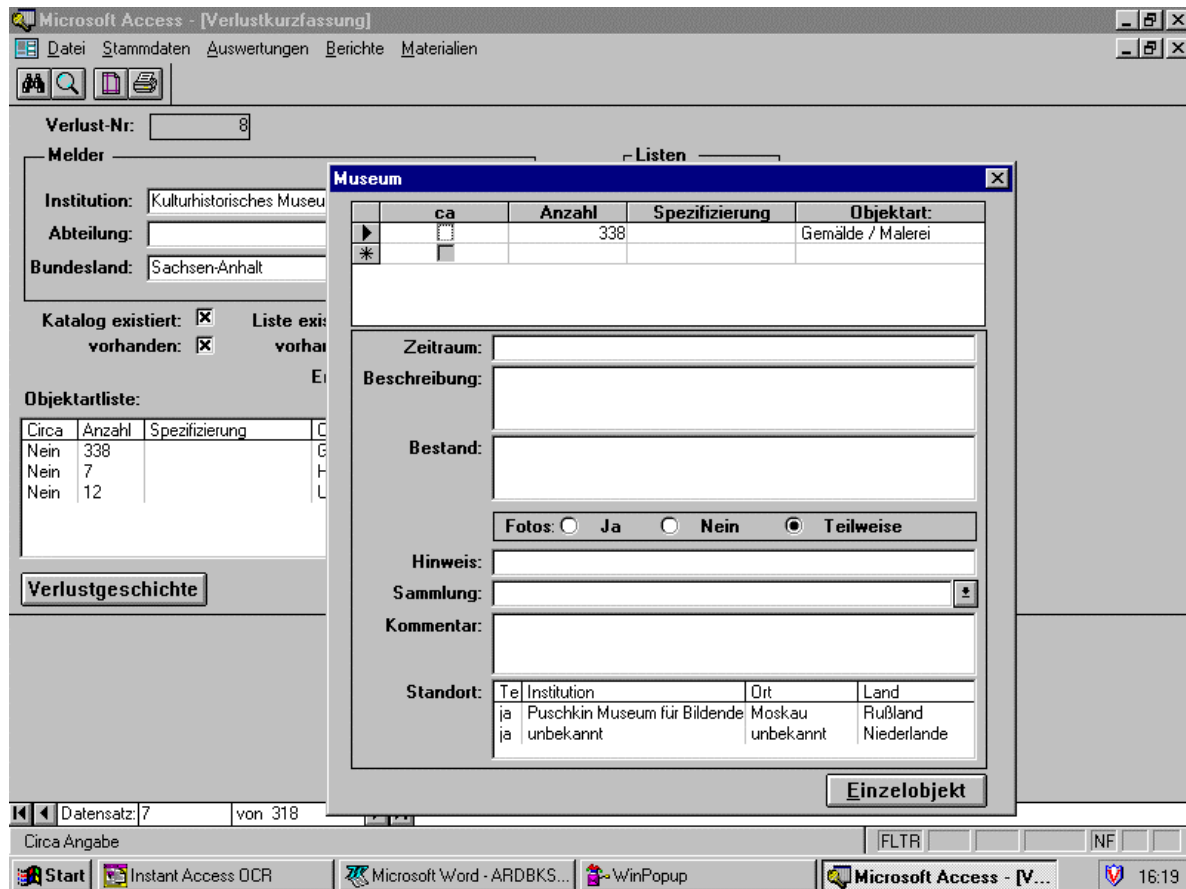
Formularansicht

Start Microsoft W... Instant Acce... Microsoft ... WinPopup Microsoft W... Microsoft W... Systemsteue... 12:13

The name of the institution, the department and the federal state are given first (all further special information is provided as master data in the background). It is indicated, whether this institution has a catalogue of its losses or a list and if these lists are available at the Coordination Office. The overview information about the loss is shown in form of a list ("Objektartliste"). Divided into the object categories (i.e. paintings, drawings etc) the total number of the losses is listed. If the button history of the loss ("Verlustgeschichte") is pushed, the image just in this section of the "Verlustkurzfassung" changes and a short overview of the different courses of the history of this special loss is listed - way of loss (i.e. plunder, trophy commission), place and date. With a doubleclick on the respective line more detailed information about the background of the loss history is available (i.e. responsible person, nationality, organization, number of objects lost at this particular place).

Second Level of Information. The buttons on the right side of the "Verlustkurzfassung" open the way to more detailed information about the lost cultural treasures. Pushing the

buttons archive, library, museum and collection forms, especially designed for these categories, appear.



A description of the lost cultural treasures differentiated in special contexts, i.e. the present location of the objects - if known -, their date of creation, a more detailed distinction of types of objects and comments are given in the forms. They are similarly constructed for the various categories of losses but also take into account the special information needed for example for books or museum objects.

Third Level of Information. From these forms it is possible to go further to the description of the single object ("Einzelobjekt").

The screenshot shows a Microsoft Access window titled "Microsoft Access - [Verlustkurzfassung]". The main form is "Museum - Einzelobjekt 1. Maske".

Form Fields:

- Verlust-Nr.: 8
- Melder: (empty)
- Institution: Kulturhistorisches M...
- Abteilung: (empty)
- Bundesland: Sachsen-Anhalt
- Katalog existiert: Liste vorhanden:
- Objektartliste:

Circa	Anzahl	Spezifizierung
Nein	338	
Nein	7	
Nein	12	
- Verlustgeschichte: (empty)
- Objektart: Gemälde / Malerei
- Restitution:
- Detail: (button)
- Titel: Drei Putten
- Material/Technik: Öl auf Holz
- Beschreibung: Drei auf je einer Holztafel gemalte und in einem Rahmen zusammengesetzte Putten. Roter Hintergrund - zwei Kinder sitzend mit an den Kopf erhobenen rechten
- Künstler: Marées, Hans von
- Datierung: 1880/81
- Maße: 108 x 32,5 cm
- Inventarnummer: GK 735, St 351
- Besitzer: (empty)
- Sammlung: (dropdown menu)
- Kommentar: (empty)
- Standort: Puschkin Museum für Bildende Künste
- Verlust durch "Entartete Kunst":
- Verlust durch Zerstörungen:
- Vermuteter Kriegsverlust:

Navigation: Datensatz: 1 von 338

Table: Standort

Te	Institution	Ort	Land
ja	Puschkin Museum für Bildende	Moskau	Rußland
ja	unbekannt	unbekannt	Niederlande

Navigation: Datensatz: 7 von 318

Footer: Datierung des EO (M)

Information about the title, material/technique, description of the single object, artist, measurements, inventory number, collection, comment, place where the object is now to be found is given in this form. It is also possible to scan a picture of the object. A second form "Detail" adds information about the actual condition of the object now, if known, the inscription, the frame et al.

Other Sections of Information. Another section of information is to be found on the central form of the "Verlustkurzfassung" under the heading documentation ("Dokumentation"). Two types of documentation are provided: historical ("historische Dokumentation") and bibliographical ("Bibliographie") documentation. The bibliographical documentation lists all publications about the loss of this institution - catalogues, articles et al.

The most important part of the documentation is the Historical Documentation. It contains the information about the research undertaken in different archives - name of the archive, record group, record number, file number, type of file, short synopsis of the contents, comment. It also works with different levels of information. If wanted more detailed information on a single file can be given in the next form (sender, addressee, date, copy available et al).

The button research ("Recherche") leads to a form where the actual state of the research results and the steps yet to be taken are recorded. The form negotiation

("Verhandlung") shows if the loss of this institution already was part of negotiations with another country or direct negotiations between the institutions, if anything is mentioned in minutes of negotiations et al.

The button below opens the form restitutions ("Rückführungen"). Here all returned cultural goods of the institution can be listed as well as the circumstance and the context of their return.

Output Structure of Information

On the level of the short report of the loss a menu line ("Menüleiste") gives all output possibilities. They are reduced to the essential necessities of the user. The following essential menu points are available: file ("Datei"), master data ("Stammdaten"), queries ("Auswertungen"), reports ("Berichte") and materials ("Materialien"). This reduced version is important in order to simplify the daily work with the database and to avoid changes of the basic structure by mistake. Thus it is not possible to delete basic data. Under File, for example, the system only offers "close" and "finish". Of course, at the beginning of the work with the system the user has to give his identification. Only the system administrator has complete access to the whole structure of the database.

The menu points queries and reports lead the way to the structured output of the available data. Different types of queries are constructed according to the information wanted. The most typical types of information wanted are informations about particular single objects, inquiries for institutions with losses in the single federal states or where archival material concerning certain institutions can be consulted.

Queries offer the data in form of tables, reports in form of text with special headings. The construction of these queries and reports is relatively complicated because of the complex structure and relation of the different tables that contain all information of the database. All queries and reports ready for usage are presented in the menu.

Actual State of the Database

The input of the data is an ongoing process and, of course, not yet completed. After the construction of the database the work was concentrated on the first level of information in order to have an overview about all losses of institutions in the Federal Republic of Germany as soon as possible. Right now loss reports of 258 institutions are registered: 42 archives, 35 libraries, 136 museums, 16 churches and 29 other institutions (i.e. university collections). Although there might still be some institutions missing about which we couldn't get any information so far these numbers are relatively complete. The losses of private collections are not registered in the database because this is not the responsibility of the Coordination Office.

The focus of the input now is lying on the second and third level of information. About 21,000 single objects are listed. Single objects are mainly listed in the museum category. Out of twelve different archives information of 180 partly extensive files are allocated to the respective institutions in the historical documentation. There is still a lot of work to do in these levels of information.

Evaluation

In the course of the last years the structure of the database was extended only at very special parts of the information levels. After the return of the books from Georgia to Germany i.e. we added a special form for restitutions.

Of course, there are some assets and some disadvantages. The input structure is very user-friendly. It is possible to construct queries and reports for relatively detailed output information. The construction of these special queries and reports although is fairly complicated. Yet once completed every user can work with them fairly easy.

It is not possible to receive all information available for one institution with a single query. The system cannot process these data at once. However, with the construction of single steps it is nevertheless possible to compile all these data.

The form of the queries is good, although the tables are mostly processed again with Winword, because some of the information is given too often in one section of the tables automatically constructed. This complicates the overview. But it is fairly easy to get a better result in Winword. To get a good report is, however, quite complicated and time-consuming. Thus until now we have concentrated on queries.

As with all databases a high main memory is necessary. It was extended already twice. The graphics also consume a lot of memory.

On the whole the experience with the system and the structure of the database has proofed very satisfying.

Doris Lemmermeier, Jost Hansen, former employees of the Coordination Office of the Federal States for the Return of Cultural Property, Potsdam /Berlin

Target-Lists and German Cultural Material. Findings of a Research Trip to the National Archives Washington

From December 6-20, 1997 I researched relevant records in the National Archives of the United States of America with the aim of establishing whether they contained any indication that in the Second World War the American Government had intentions or even plans to remove German cultural material to the U.S.A as reparations or compensation. The investigation was prompted by assertions in historical journals that towards and after the end of World War II one of the targets of American military policy had been the systematically planned seizure of German cultural material.¹

After a systematic check through hundreds of relevant records it can be said that there is no proof that the American Government had such political intentions. The analysis of the files also provided information about the treatment of German cultural objects and art treasures that could be useful in negotiating the return of German cultural material from other countries in general and from Russia in particular.

Records from military and civil provenances with information relevant to the research mission were found especially in the following record groups:

RG 165 War Department General and Special Staffs

- RG 331 Allied Operational And Occupation Headquarters, World War II, Supreme Headquarters Allied Expeditionary Force (SHAEF)
- RG 239 American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas
- RG 218 U.S. Joint Chief of Staff
- RG 226 Office of Strategic Services
- RG 84 Foreign Service Posts of the Department of State
- RG 260 Office of the Military Governor, United States (OMGUS)

It would be beyond the scope of this report to provide a detailed analysis of the records researched in the National Archives. At this point it must be emphasized that tracing the relevant records was considerably facilitated by the provision of extensive finding aids, which in connection with the current discussion about the origins and whereabouts of the so-called "Nazi gold" are becoming more and more sophisticated and are continually brought up-to-date. The classes and file references listed in these finding aids included all the relevant records needed to carry out the investigation.²

Besides single targets within large scale military operations it is above all technological and industrial institutions (including factories for the production of armaments, for the manufacture of various metals, chemicals etc, laboratories for chemical and biological warfare, the findings of technological research at universities and institutes), as well as persons who were members of the NSDAP or held important offices, that are among the many targets from the months August 1944 to May 1945 traced in this investigation. Furthermore, in American wartime strategy against Germany ministries, government agencies and Nazi organizations at all administrative levels within the boundaries of the Reich were considered as military targets.

The target-lists also included libraries housing collections of important research literature on processes and developments in the technical sciences or holdings of National Socialist propaganda literature.³ The archives named in the list clearly refer to the current administrative records of German government agencies and organizations. Historical archives or museums are not included in the lists as targets.⁴

Considering the numerous official documents on the goals of American policy concerning cultural objects and works of art before and after the end of hostilities, there are no grounds for assumptions that German cultural objects were included as targets but could not be traced in American archive holdings. American Government directives to U.S. Army units as to how to proceed on finding German cultural material show that there were no plans to remove it to the United States. Principles for the treatment of foreign and German cultural material found by the American troops in Germany were only developed during the process of the occupation of Germany, in liaison with the British Government. Their essential aim was to track down treasures looted by the National Socialists in other European countries and to transfer them to Central Collecting Points in the Occupied Zones, with the intention of returning them to their countries of origin. German cultural treasures from other parts of Germany that were found in the process were to be treated in the same way, whereas "art treasures which are indigenous to the Region or which were already there in private or public collections should remain where they are".⁵

An American Government decision to transfer 202 paintings from the Collecting Point in Wiesbaden - all except two came from the Kaiser Friedrich Museum in Berlin (among others Botticelli, Cranach, Dürer, Holbein, Rembrandt, Rubens, Tizian, Tintoretto, van Eyck) - to the U.S.A. was a deviation from these principles. Despite the official announcement that the paintings could be better safeguarded in the United States than in the Collecting Points and despite the assurance from the Military Government that they would be returned to Germany there were deliberations within the American Government to consider these works of art as a basis for German reparations to the United States. The decision to transport the paintings to the U.S.A. led to the famous "Wiesbaden Manifesto" in November 1945 in which the Kunstschutz officers of the Military Government (Walter Farmer) protested against the removal of German art treasures from Germany. The consequent uproar and criticism in the American public against the decision certainly contributed to persuading the American Government against removing further German cultural objects and art treasures to the U.S.A. The paintings were shown in the U.S.A. in numerous exhibitions (about 10 million visitors); the proceeds were donated to German aid organizations. In 1949 the paintings were returned to Germany. They remained first in Wiesbaden and were finally transported to Berlin in 1955 - to the Dahlem Museum in the U.S. sector of Berlin, not to the Museum Island in the Russian sector.

The circumstances and consequences of the removal of the paintings to the U.S.A. are well-known.⁶ The motives behind this case of an official transfer of German cultural property to the U.S.A. are not however to be found in a preconceived plan.

The removal was not a target and not the action of a "trophy commission" but only an isolated decision, made against the background of the failure of the Allies to agree on a common reparations policy and can also be seen in relation to the massive removal of German cultural material from the Soviet Occupied Zone to the U.S.S.R.⁷

In general one must agree with the contents of an American Military Government memorandum of spring 1947. It mentions the outrage of the American public at the transfer of the German paintings to the U.S.A. and concludes: "From the time of the occupation of Germany, we have assumed custodianship over German art treasure. Beyond the return of art property looted or acquired during (and as a consequence of) the Nazi aggression, we regarded art property of Germany as sacred. We have taken an active stand in the protection and safeguarding of cultural material in the name of human rights and civilization".⁸

Credibility is lent to this account by the intensive efforts of the American Military Government in Germany to investigate the numerous thefts of German cultural objects and works of art by American Army personnel, to punish the offenders and to return the cultural objects when found. In the records of the Military Government there are extensive lists with descriptions of stolen cultural objects and works of art, including details of where and when they were stolen.⁹ There is also a list of the treasures of the Quedlinburg church that were stolen in 1945 by an American soldier. The criminal investigation into this theft by the American Military Government at the time was unsuccessful.¹⁰

In connection with the thefts the correspondence of the Military Government makes a point of emphasizing that the United States is committed to keeping the Hague Convention of 1907.¹¹

How important it was for the American Military Government to comply with the Hague Convention can also be seen from further documents, discussing the fundamental question as to what extent cultural material could be "war booty" or "trophy of war". The inquiry from the Economics Division, February 13, 1946 was answered immediately by the Legal Division on February 14, 1946 with reference to Article 56 of the Hague Convention of 1907: "The answer is in the negative, regardless of where the works were captured and whether they were publicly or privately owned".¹² A further request of July 19, 1946 asked the Legal Division for its opinion on the relationship of the Potsdam Agreement of 1945 to the Hague Convention of 1907 with respect to cultural materials as possible reparations or as "replacement in kind".¹³ On January 1, 1947 there followed the request for opinion on the question as to whether one of the four occupying powers had the right to remove indigenous archives, records and documents from Germany, although they did not come under the existing legislation of the Allied Control Council regarding confiscation - it was a matter of archival material from the 16th to 19th centuries.¹⁴ The Legal Division answered with a detailed memorandum of March 17, 1947.¹⁵ It stated first of all that the Supreme Commanders of the Occupied Zones of Germany received their powers from their respective governments, acted therefore as representatives of their governments and were also bound to the international agreements recognized by their governments. The four occupying powers in Germany had committed themselves to observing the Potsdam Agreement and the Hague Convention. The Hague Convention was international law, binding for the USSR, too, as they had recognized it in connection with the Nuremberg war trials. The memorandum then explained that the Allied Control Council, with its directive of May 13, 1946, had agreed on the confiscation of literature that contained National Socialist and militaristic propaganda.

However, the removal of historical archives from Germany by an occupying power was a breach of international law according to the Hague Convention, unless an occupying power could provide clear and convincing proof that paramount public interests would be served by the removal and that the public conscience would accept such a removal. In the case of National Socialist and militaristic literature such proof existed and was accepted as valid by the four occupying powers. As to the question of the treatment of cultural material as war booty the memorandum is explicit: "'War booty' and 'trophies of war' are terms applicable only to situations existing during hostilities. In any event ... that if works of art were to be confiscated in Germany after surrender, such confiscation would have to be based upon proof by the confiscating power that a public interest is served by the removal which would constitute justification in the public conscience. We think, with respect to works of art, as with respect to archives, that seizure without compensation could be justified only where the works of art had in the first instance been acquired in or removed from another country by force or duress." A public interest that would justify ignoring a ban on the removal of cultural material from Germany founded on fundamental principles of international law had however not been expressed by any one of the occupying powers. The

memorandum closed with the statement: "We do not wish to imply that such public interest may not exist or may not ultimately be expressed. Archives and works of art might be declared legitimate objects of seizure for reparations. But in the absence of a declaration of paramount public interest in the removal of such property we can conclude only that the unilateral expropriation of the same by any one of the occupying powers at this time would constitute a breach of international law."

Kai von Jena, Federal State Archive, Koblenz

Notes:

¹ In his essay "Wehret dem Unrecht, wo es sich zeigt: Kulturelles Erbe als Trophäe des Krieges. Geheimdepots mit Beutekunst", *Eleusis* 2/April 1997, p. 15 Klaus Goldmann states that the Soviet army could seize only a few of those treasures named in their target-lists because by 1945 the Germans had evacuated most cultural material of national importance to the west of the country. As a result the U.S.S.R. confiscated many more cultural objects of a 'lower' quality than originally planned. On the other hand US-T-Forces were able to 'secure' almost all of those cultural objects on the target-lists they had drawn up in 1943. Cf. also *Magdeburger Museumshefte* No. 5 (1995), p. 46.

² U.S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II. Finding Aid to Records at the National Archives at College Park. Prepared by Dr. Greg Bradsher, National Archives and Records Administration, College Park, Maryland. The Interagency Group on Nazi Assets Coordinated by Stuart E. Eizenstat, Under-Secretary of Commerce for International Trade, Special Envoy of the Department of State on Property Restitution in Central and Eastern Europe, May 1997, Revised and Expanded October 1997.

³ Documents relating to confiscated book holdings in RG 260/Property Division/721 folder 74 ("Library of Congress Mission").

⁴ Collections of target-lists in RG 84/26 and 37, RG 165/2051 and RG 260/Property Division/720 and RG 331/137, 139, 144-146, 152-153. Cf. also the memoranda, Nov. 4, 1944 in RG 226/210 and Jan. 11, 1945 in RG 226/209.

⁵ American and British statements about the treatment of the German and foreign cultural treasures discovered in their zones (June 23, 1945) in RG 218/38. - Relating to the procedure of restitution cf. the memorandum, Sept. 24, 1945 ("Restitution Policy and Procedure") in RG 260/Property Division/722 folder 1, and also "Restitution Branch Report" (Sept. 1947) in RG 260/Property Division/703.

⁶ A detailed account in Lynn H. Nicholas, *The Rape of Europa. The Fate of Europe's Treasures in the Third Reich and the Second World War*, New York 1994, pp. 382-409. Further relevant documents in RG 260/Property Division/157 and RG 260/Adjutant General/9, folder 4 and 344, folder 3.

⁷ Lynn H. Nicholas, p. 386ff. - Cf. the undated note "Additional Observations" in RG 260/Adjutant General/9, folder 6. Summaries of reports about the removals of collections from German museums in the Soviet Occupied Zone and in Berlin by the Soviet authorities in RG 260/223, Report LB-313, June 3, 1946 ("Museum Collections Taken to Russia") and RG 260/227, Memorandum, March 18, 1948 ("Removals of Cultural Objects and Works of Art by the Soviet Authorities").

⁸ Memorandum "The German Museums and the War" in RG 260/230, folder "Public Relations".

⁹ Lists, March 1, 1947, with details of 149 paintings stolen between April and December, 1945 in RG 260/Economics Division/115, folder 7 ("Art Looting by American Personnel"). Further documents relating to thefts in RG 260/46, Economics Division, RG 260/Legal Division/230, 234 and 235, also RG 260/Adjutant General/809, folder 13 (Information Brief, February, 25, 1947 "Return of Looted Objects of Art to Countries of Origin").

¹⁰ RG 260/Economics Division/224 (Correspondence OMGUS Bavaria and OMGUS Hessen, Dec. 17, 1947 and Jan. 28, 1948). - Re the tracking down of the objects and their return to Germany in 1990 cf. Lynn H. Nicholas, p. 355 ff. and 442 ff.

¹¹ RG 260/226/(Feb. 12, 1947, "U.S. to Round Up and Return Art Treasures G.I.'s Took Home").

¹² RG 260/Economics Division/115 (Memorandum "Works of Art as War Booty").

¹³ *Ibid.* ("Relationship of Potsdam Agreement to Hague Convention with Respect to Cultural Materials").

¹⁴ Ibid. ("Request for Opinion on Archives as War Booty").

¹⁵ Ibid. and RG 260/Legal Division/227 ("Right of Occupying Power to Remove Indigenous Archives, Records and Documents").

Books from Armenia Returned to Germany

On May 4, 1998 referring to the German-Armenian agreement about cultural cooperation of 1995 Foreign Minister Vardan Oskanyan of Armenia handed over 575 books to his German counterpart Klaus Kinkel at a ceremony at the Foreign Ministry in Bonn. The Armenian side also expressed its intention to continue to return large numbers of books to Germany. In 1996, it was Georgia which as the first of the former Soviet republics returned a large quantity of books and thereby gave an important signal.

Of the books, manuscripts and scores, owned mainly by the state libraries of the cities of Bremen, Hamburg and Lubeck, ca. 230 works will return to Hamburg, ca. 100 to Lubeck and ca. 55 to Bremen. The State and University Library of Hamburg, having suffered severe war losses, welcomes the return particularly. Among the folios are four most precious volumes of church music scores of the youngest son of Bach, Johann Christian Bach, a number of historical, juridical and theological works such as a mass book from the 12th century, one of the oldest works returned which stems from the founding period of the city of Hamburg.

In the 1940s the German libraries of Lubeck and Bremen had evacuated their collections in the saltmines of Plemnitz and Wintershall in Upper Saxony, Hamburg had deposited them in the stately home of Lauenstein in Saxony. In the summer 1946, the books had been shipped to Leningrad by Soviet troops and were passed on from there to the Library of the Academy of the Sciences in Yerevan where they arrived in 1948. The then librarian in charge in Yerevan Hasmik Manasserjan accompanied now the transport back to Germany. At present all books are in Hamburg where they will be examined in detail in regard to their condition and exact provenance.

Christiane Kienle, Coordination Office of the Federal States
for the Return of Cultural Property, Magdeburg

RESTKASS

The Return of Hungarian Archival Material Taken to the U.S.A. after World War II

Hungarian archivists and historians have for a long time known that the records and documents taken by Fascist government officials and other organizations fleeing the advance of the Soviet army were seized by American military officials and were eventually taken to the National Archives of the U.S.A. These were deposited in the collection Hungarian Political and Military Records 1939-1945, under No. RG

242/1053. Professor György Ránki had the opportunity to study this collection in the 1960s, as did Gyözö Ember, the former director of the Hungarian National Archives. The Hungarian National Archives also received microfilm copies of the greater part of the documents in this collection, and thus researchers in Budapest too had access to this material after 1969.

The return of the documents was never seriously considered during the past decades since these records reflected a Nazi-Fascist ideology, and as such, they were considered to be war booty. Following the collapse of the postwar political system and the radical political changes in the countries of Central and Eastern Europe, the problem of cultural goods seized from other countries received priority on the international agenda and the International Council of Archives decided that the main theme of its 1994 round table conference would be the issue of the unlawfully seized archival material. We were first approached by our American colleagues in Thessaloniki, who told us that they were considering the possible return of non-American archival material.

About nine months later, during the preparations for the next conference, we received an official communication from the U.S. National Archives that we could examine the "Hungarian collection" housed there and that, if we wished so, this collection could be returned to Hungary.

Together with my colleague, we examined the material in question in September, 1995. It soon became clear to us that the microfilm copies from the late 1960s did not include a small, but by no means insignificant part of the ca 8 running meter long collection, stored in 56 boxes. The documents in question are the personal documents of Hungarian company officers who actively participated in the war. These documents were most likely classified at the time, explaining why they were not accessible to Hungarian researchers.

Naturally, we officially requested the return of these documents through diplomatic channels. The collection was eventually returned to Budapest in June, 1997. The greater part is now housed in the Hungarian National Archives, while the military records are kept in the Archives of Military History.

The returned documents outline a rather tragic period of Hungary's history: the World War II period. The greater part of the collection is made up of the various personal writings of Ferenc Szálasi, leader of the Hungarian Arrow-Cross movement - the Hungarian variant of Hitler's National Socialism -, and his ideology: various plans, draughts of speeches and studies on diverse subjects. In spite of the deranged ideology reflected in them, these documents remain important for the study of history. Similarly important are the records and documents of the Arrow-Cross Party, the Szálasi government, the Nation-Building Office and the Accounting Office which, for example, include the records of evidence of important public figures of the Horthy period. Other material in this collection consists of the official records of the Hungarian military commanders and the chiefs of staff. Three boxes contained the personal dossiers of high-ranking officers, such as Szilárd Bakay, Gusztáv Henyey and József Heszlényi. The collection also included a number of printed articles, maps and atlases, as well as right-wing leaflets and brochures printed between 1939 and 1944.

It must here be noted that archivists from other countries, such as the Netherlands, Slovakia and Croatia, were also permitted to study the material from their countries which were housed in the National Archives in Washington. These have since probably also been returned to their country of origin.

I would like to take the opportunity to applaud the exemplary gesture made by the U.S. in matters of restitution. It is to be hoped that international agreements stipulating the return of cultural goods will also be observed in other areas.

János Lakos, Titular Director, Hungarian National Archives, Budapest

Restitution of a Battoni Painting to Poland

In October last year an 18th century painting by Pompeo Battoni (1708-1787) showing Apollo and the two Muses Euterpe and Urania returned to Poland.

The Battoni painting was purchased at the end of the 18th century or in the beginning of the 19th by the Wilanow owner, an eminent connoisseur and lover of the works of art - count Stanislaw Kostka Potocki together with another work by the same author known as the "Allegory of Architecture, Painting and Sculpture". Both paintings were author's replicas of the composition (now in the private collection in Turin) and for over 100 years they constituted an inseparable pair in the Wilanow collection. During the German occupation most of the works of art in the Wilanow Palace were packed pending transportation to the Reich or further decisions of the occupying authorities. One can suppose that the Battoni paintings stayed at the Palace until autumn 1944 when the German commissioner of the Warsaw museums, Alfred Schellenberg arrived at Wilanow and personally looted many paintings, especially works of art of foreign provenance.

Retrieving operation carried out after the War allowed repossession of many works of art taken away from Wilanow. However, a considerable part of the paintings which had ended up in the territory of the Reich was subsequently captured by the victorious Red Army and taken away to the Soviet Union as war booty. These paintings, returned to Poland in the beginning of 1951, were put on display as paintings "taken away by the Germans and saved by the Red Army". 50 canvasses were returned then.

It is known that they were brought to Poland from the Hermitage Museum in the then Leningrad, which was, next to the Pushkin Museum, the second most important museum depository for the works of art secured by the Soviet troops. However, both Battoni paintings were not among them. "Apollo and the two Muses" did not return to Wilanow as it was already at the Pawlowsk palace at that time. The whereabouts of the "Allegory of architecture, painting and sculpture" are unknown although one can venture an opinion that its fate has been similar.

The transfer of the painting in 1945 from the Hermitage to the nearby Pawlowsk was not a happenstance. The palace there, as was the case with the other czarist residences in the neighborhood, was to a great extent looted and destroyed by the German troops. The magnificent palace surrounded by a huge park - in its beginnings, the property of Catherine II.'s son - later the favorite place of Marya Fedorovna and then of the

subsequent Constantine grand dukes, was occupied by the German troops for over three years. But it was not only then, when the greatest havoc was wreaked upon it. As early as after 1925 the Soviet authorities undertook a decision about a sale at an auction of a great many precious works and objects d'art. The first to go under the auctioneer's gavel of the renowned Western auction houses was the jewelry followed by foreign painters' works (paintings by Rembrandt, Rubens, Greuze, Boucher), bronzes, porcelain, furniture. As the following Nazi occupation contributed to the damage it was no wonder that after the end of World War II no effort was spared to substitute for the losses. That was done with the works of art taken away from Germany. But among them there were also those, that Germans "secured" in the occupied countries... That was the case of the Battoni painting.

That the "Apollo and Two Muses" was at Pawlowsk has been known for a long time. Anyway the Russians were making no secret of it, displaying the canvas on permanent exhibition. However, the relevant agreements lacking it was not possible to hold negotiations about revindication. Prof. Lorentz' efforts failed. The chances for recovery of the painting opened up only in 1994 following the signing of the agreement on cooperation in the area of disclosing and returning the property of cultural value translocated into the territory of the other state by the commissioners of the Polish and Soviet governments on May 18 of that year. By virtue thereof the talks begun and an expert appraisal was arranged for and conducted at a later time by the Polish art historians and restorers. It fully corroborated that the canvas was from the Wilanow collection (there were discovered the Potocki's ownership marks and the formerly mentioned inventory number: 214). The only thing left to do was waiting for the Russian decision.

The positive decision was hastened by the discovery of the eighteenth century water-color titled "A View of Monrepos near Ludwigsburg" in the National Museum's Wroclaw branch. This water-color with the Gatchina palace ownership marks, landed under circumstances unknown at the Wroclaw Museum (then "Schlesisches Museum für Kunstgewerbe und Altertümer") between September 1940 and December 1943. It should be added that the stately Gatchina palace, erected in the second half of the 18th century for prince Orlov, Catherine II.'s paramour, was heavily destroyed during World War II, as was the cases with the Pawlowsk residence. The destruction was so serious that no effort was made to restore it back to its function of a museum it had been since 1918. After the war the building was rebuilt retaining its style and turned over to the army.

It was only of late that a decision was taken to restore the interiors. So there's no wonder that the recovered water-color "A View of Monrepos" is a very valuable exhibit, one of the few original ones which have survived the turmoil of the war.

When on that fateful October 28, 1997 the works of art were exchanged both parties kept assuring each other that the cooperation in the area of the search for and the return of the broadly understood property of cultural value lost in the war would be continued. One can only hope that such celebrations will be held more frequently and more and more often it will be possible to cross out the works of art from the long list of losses.

Dutch Portrait by Govaert Flinck Recovered

At the end of 1996, a painting by the 17th-century artist Govaert Flinck missing from the Netherlands since 1945 was recovered (see "Spoils of War", no. 3, p. 46).

In October 1997, after restoration, this painting was given on loan to the Amsterdam Historical Museum by the Dutch State. The painting had been catalogued as a portrait of the Amsterdam burgomaster Abraham Boom in J.W. von Moltke's book "Govaert Flinck 1615-1660", published in Amsterdam in 1965. Moltke published a pre-war photograph of the painting and mentioned as last known location the Munich Collecting Point, from where the painting was stolen in the autumn of 1945.

After recovery, the portrait could now be studied in context for the first time since the war and an interesting discovery was made by the museum curator. It turns out that the painting, made in 1643, actually portrays the Amsterdam businessman, shipowner and magistrate Pieter Reaal. Comparison with a group portrait by Flinck dating from 1642 led to this identification.

Josefine Leistra, Inspectorate of Cultural Heritage, The Hague

BIBLIO

Latest News

Role of Holocaust Claims Processing Office Expanded

The Holocaust Claims Processing Office (HCPO) opened in September 1997 as a division of the New York State Banking Department, focused so far on examining the background of dormant Swiss bank accounts and uncollected European insurance policies. The office adds to its responsibilities the search for lost and looted art to banking and insurance claims, announced Governor George E. Pataki on May 6, 1998.

Due to the fact that many artworks were maintained in safe deposit boxes or listed on insurance policies, this expanded search for lost and stolen valuables dovetails with the office's banking and insurance investigations already under way since last year. The office has received since 1997 more than 3,000 inquiries and nearly 1,400 people have completed forms, giving details of dormant bank accounts and uncollected insurance policies which may belong to Holocaust survivors and/or their heirs.

Acting Superintendent of Banks Elizabeth McCaul expects to cooperate very closely with The Art Loss Register, the Holocaust Art Restitution Project (HARP) and the World Jewish Congress' Commission for Art Recovery.

The services of the Holocaust Claims Processing Office can be used free of charge. The toll-free phone number is 1-800-695-3318. Correspondence may be addressed to its main office at 2 Rector Street, 2nd Floor, New York, N.Y. 10006 or via e-mail at <http://www.claims.state.ny.us>.

World Jewish Congress: Commission for Art Recovery

A new commission has been established by the World Jewish Congress: the Commission for Art Recovery. It is founded and funded by Ronald Lauder, former U.S. Ambassador to Austria and chairman of the Museum of Modern Art in New York. The commission will work on the recovering of Jewish art plundered by the Nazis.

The staff of the commission consists of well-known experts in the field. The director, Constance Lowenthal, was the executive director of IFAR (New York); the researcher, Hector Feliciano, is author of the book "Le Musée Disparu" ("The Lost Museum"). A report on the work of the commission will be published in the next issue of "Spoils of War".

New Addresses

Please note that the Netherlands State Institute for War Documentation ("Rijksinstituut voor Oorlogsdocumentatie") moved to a new address. The Institute may now be reached at Herengracht 380, NL-1016 CJ Amsterdam, The Netherlands, phone. + 31 20 523 38 00 / fax + 31 20 523 38 88 / e-mail riod@xs4all.nl.

The Netherlands Institute for Art History ("Rijksbureau voor Kunsthistorische Documentatie") has new phone and fax numbers: phone + 31 70 333 9777 / fax + 31 70 333 97 89.

Website Concerning Cultural Property Losses

On the internet, under <http://museum-security.org>, a website and mailinglist can be found which is devoted to cultural property. Information is offered, among others, about security products, reporting stolen property and restitutions of objects missing since World War II.

Quedlinburg Treasure

In October 1996 the judge of the Quedlinburg case had decided that prosecutors had not filed their charges in time (see "Spoils of War", no. 3). Consequently the trial was canceled. In April 1998 a three-judge panel of the United States Court of Appeals for the Fifth Circuit in New Orleans affirmed the decision of the judge. The prosecutor announced that it is unlikely that she would appeal the case to the United States Supreme Court. But the heirs of Joe Meador - who brought the treasure to the United States after the Second World War -, Jack Meador and Jane Meador Cook, still have to face a tax trial. The tax sum possibly to be paid by them may well add up to \$50 million. The tax trial could begin in fall this year.

Objects of the Amber Room in Germany

The mosaic secured by the police in Bremen which is supposed to belong to the famous Russian Amber Room (see "Spoils of War" no. 4) was examined by experts. According to the results of these examinations the mosaic originates from the 17th century. The material is authentic. Further reports will be made, one of them in Florence.

In April 1998, the Ministry of the Interior in Bonn ordered a search team to carry out excavations in a quarry in the Southern German region near the city of Coburg. This was done

because of indications that it had been the location where the Amber Room had been buried. The Amber Room, from the imperial Catherine Palace outside St. Petersburg, was dismantled by German troops in 1941 and last seen in Königsberg in 1945. The search remained without result.

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You want the project to continue?

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Until now this newsletter is not funded by any foundation. This means that we cannot afford to pay people to work on it. All editorial board members work on the newsletter during their free time. You, as our readers, can help us to make the work a little easier. How to do that?

- Send us all your contributions without being asked for and in time.
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- Tell us about the restitutions you know about.
- Ask your colleagues to write us about their research.
- Send us press articles related to the topic of World War II losses.

Thank you for your cooperation - we certainly will appreciate it!

The sixth number will appear in February 1999.

Technical note:

Please send your papers in form of a printout as well as on disk. Possible text processing programs are: Winword 6.0, Winword 2.0, WordPerfect, Word. Please don't make any special formats, just write the plain text. If you have notes, please don't insert them; attach the notes on a separate page. Indicate on the printout where to put them.

The reports should have a size of 2-3 pages maximum. Any longer report will be either shortened by us or must be rejected.

Two clear black & white photographs with full photo credits may be included (One for the English, one for the Russian edition).

For the bibliography, please give the correct title reference, a translation into English, and a short annotation.

Please send your papers to the addresses given in the imprint.

**DEADLINE FOR THE 6th NUMBER OF "SPOILS OF WAR":
November 1, 1998**