

## **20 Years of the Washington Principles: Roadmap to the Future**

### **Remarks by Ambassador Ronald S. Lauder as Prepared for Delivery**

“Thank you.

“We all know why we are here today. We all know what began here in 1933. And we know that we are still trying to sort out the consequences of what happened.

“What you may not know, is why I am here, and why I became involved in the topic of Nazi-looted art 30 years ago.

“Please let me explain this with two very personal stories. The first took place in New York City when I was a teenager.

“I became interested in collecting when I was very young, and there was a small shop on 54<sup>th</sup> Street off Fifth Avenue in New York City that I visited often. The owner was a warm, kind man with an accent that reminded me of my grandparents.

“One afternoon, I went in and asked him if he had anything by Egon Schiele. He went upstairs and came down with a beautiful watercolor.

“I loved it and I asked him if he had any others.

“He paused for a moment and then gave me a strange look. With an almost embarrassed smile and a slight shrug of his shoulders, all he said was:

“Once, I had more Schiele’s, but not anymore.”

“I was only 15, but I had enough sense to drop the topic and not ask any further questions.

“I had forgotten that moment in the shop until many years later, in 1986, I was serving as the U.S. Ambassador to Austria, and I went to see the Mauerbach Monastery outside of Vienna.

“The old monastery, built in the 17<sup>th</sup> century, had been used to store Nazi-stolen art. Most of the monastery was empty as I walked down the long corridors until I came to one room that still haunts me. There on the floor were piles of empty picture frames.

“Frame, after frame, after frame – all their contents long since vanished.

“And my mind immediately went back to that kind man in his shop when I was 15 years old and his embarrassed smile when I asked the simple question: “Do you have any more Schiele’s?”

“No, he didn’t have any more.

“But someone did, and that is why we are here today -- to finally solve a long-standing issue that I will grant you, is complicated and difficult.

“It is filled with good intentions, but there is also greed, intransigence, and an extreme lack of sensitivity towards the victims.

“You have the entire panorama of human emotions tied up in the return of art that was stolen from Jews by the Nazis beginning in 1933, and the continued denial of its return to the rightful heirs since 1945.

“As a collector and a Jew, this upset me greatly, so I created the Commission for Art Recovery in 1997, which has been the prime mover in restituting art.

“20 years ago, I was present when this document – The Washington Principles - was endorsed by 42 countries. These Principles set up the most logical and best framework so far for the return of art that was stolen from Jews.

“The Washington Principles don’t tell countries how to work out the legal details of return because every country has a different legal system. Instead, the Principles encourage countries to find Jewish art in their museums, their institutions and, private collections that was stolen by the Nazis.

“The Washington Principles provide a logical framework that every country can adopt and should have adopted. As I said, 42 countries endorsed it, and, yet, here we are 20 years later and much of this stolen art is still kept from the rightful owners.

“In almost every country in Europe, there are different reasons that this has happened, but in the end, it all comes down to one issue -- justice has been denied -- and because of that the old ghosts of World War II won't go away.

“Let me give you a brief rundown of some of the European countries and how they have dealt with their stolen art:

“In France, after the war, 60,000 artworks came back, of which 15,000 went unclaimed. Of those, France gave 2,000 of the best works to its museums and sold all the rest.

“For 20 years, France has not been able to figure out who owns those 2,000 works in their museums -- which is interesting -- somehow the auction house, Christie's, can review 100,000 pieces every year, but France cannot figure out 2,000 pieces in 20 years.

“The previous minister of culture in France told us she wants to return all stolen works. I hope that the new minister, who took office a few weeks ago, will continue to pay attention to this matter, and finally do the right thing.

“However, a new law, called the de-accession law, should be passed which would finally help claimants get their Nazi era looted art back.

“Hungary has spent years – and a lot of tax-payer money – fighting the heirs of the Herzog family that owned a prominent collection. There are 44 works of art, owned by the Herzogs in Hungary's museums. The trial has gone on now for 19 years. There is absolutely no question that they belonged to the Herzogs. Yet, Hungary has not and will not take responsibility for what happened to the property of its Jewish citizens.

“In the end, I believe the courts will decide in favor of the Herzog family – the case is that clear-cut. Hungary should spare itself the embarrassment of losing this case, give back the paintings now, and get credit for doing the right thing. Everyone, especially Hungary, will be better off in the end.

“In the Netherlands, which was once very responsible and took the moral high ground on this issue, things have sadly changed. The Dutch have argued that if a painting was sold by the owner, then it was not stolen. But in reality, the owners had to sell their works to survive.

“Now, the Netherlands also say it must examine who has a greater interest in a work -- the museum, that has illegally possessed it for decades -- or the claimant, who was denied possession of the work for a lifetime. I realize the museum grew attached to the work over the decades, but let me remind you, these works were stolen.

“In the United States, if a person is holding a stolen object, he is just as guilty as the thief who grabbed it in the first place. Nazi-looted art in Europe should be no different.

“Poland has been fighting for the return of all of the art taken from its museums after the war, which was certainly a crime, but when anyone questions the stolen art taken from Jews and hanging in Polish museum things are different. Then Poland says time has run out for anyone to claim them.

“Who set up this arbitrary clock?

“Spain decided that since it was neutral during the war, it is not responsible for doing the research to find out which works of art ended up in Spanish museums during and after the war. In 1995, the Thyssen-Bornemisza Museum acquired an entire collection which included stolen works. Spain is fighting to keep a Pissarro painting owned by the Cassirer family, and it’s been fighting for 13 years.

“And let us not forget Switzerland, where the museums and art dealers still hold the opinion that they were “helping” the fleeing Jews when they conveniently took the art off their hands and made a great deal of money doing so. The prime example of this is the auction Galerie Fisher, that sold looted art during and after

the war. Some of this art is still in Switzerland today. The Swiss should do all they can to find looted art and give it back to the rightful owners.

“Private art dealers should finally open their archives as well and come clean.

“In my country, I lobbied heavily for Congress to pass the HEAR act which makes it easier for claimants to make their case by eliminating the statute of limitations. But lower courts in the United States have set up road blocks for individuals to sue other governments for the return of stolen works. If you saw the film, *The Woman in Gold*, with Hellen Mirren, you saw a vivid example of these court cases.

“In the case of the Norton Simon museum in California two paintings – Adam and Eve – by Lucas Cranach were held up in US courts for years over new technicalities. All of this shows that are still problems today over stolen art in the US as well.

“And, finally, the one country that bears the greatest responsibility: Germany.

“Since 1945, I believe it would be hard to find a more responsible country than Germany on so many different fronts. Your behavior, your commitment to Holocaust awareness, is exemplary and should be followed by all nations. I think the problems that have arisen in regard to the return of Nazi-looted art are more institutional than personal.

“State Minister Grütters is a perfect example of someone with the best of intentions, but who is constantly blocked by a frustrating federalism and bureaucracy. Just a few days before this conference, Minister Grütters called on all parties involved to finally solve this issue, and I was delighted to hear this.

“After the discovery of the Gurlitt trove in 2014, Germany showed a strong commitment to push for restitution. But too often, we have seen countries only reacting to events like Gurlitt, instead of initiating the process on their own before such things are discovered and get the media’s attention.

It was very unhelpful when Dusseldorf first cancelled an exhibit on Max Stern and then reinstated it under pressure while also holding up a restitution case.

“There is also a problem with German auction houses that sell their works throughout Europe without proper provenance research. In some cases, they sell looted works and the purchaser gets a clean title. This is plain and simply laundering art.

“The most important step would be and must be the total transparency of all museum collections, and in our age, that means digitization.

“We need this with all public archives as well. That is why I have initiated the Jewish Digital Cultural Recovery Project which will make all the relevant archival information accessible to everyone.

“I am sure there are officials and researchers that have done and continue to do the right thing, but you have a system stuck in a byzantine bureaucracy. If all levels of government make this a real priority, Germany could actually solve this issue.

“As an example, there are over 5,000 museums throughout Germany that must answer to the laws of each of the 16 Laender or municipalities. Every one of these museums must open up its archives and put all of its works online with their provenance history for the public to see at the very least.

“If there is just one stolen work in each museum, which is quite possible, plus all the other institutions throughout the country, we are talking about many thousands of pieces that are still hidden.

“Research has only started at about 10 % of the museums and institutions and it has already produced thousands of returns. It should not be 10 percent, it should be 100 percent.

“Let me address the German claims process: You have the Lost Art Foundation and the Limbach Commission. In 15 years, the Limbach Commission has only looked at 15 claims -- that’s one claim every year. That is not an impressive record.

“It was started with the best of intentions, but it was badly designed, and it hasn’t really accomplished what it was set out to do. While I understand the political

balancing act that placed the Lost Art Foundation in Magdeburg, it shows that the government did not make this a priority.

“Add to that the fact that the current makeup of the Limbach Commission does not reflect the necessary expertise and international balance that would make the Commission a trusted forum to bring a claim.

“The Commission needs a total redesign. And it needs to be staffed with more people who have vision and commitment.

“I believe that is how Germany will move ahead and finally solve this issue once and for all.

“Finally, I cannot force a country to give back what was stolen. I cannot force you to address the issue with a vision to solving it. I cannot force every single museum to put all of its art on line with relevant provenance information. I cannot force you to create a comprehensive pan-European database to help rightful owners find their works of art.

“All of this has to come from you, it must come from every country in Europe and beyond.

“If you want me to believe that your intentions are really good -- that you really want to do the right thing -- then you must deliver on results.

“Open your museums. Provide real advice to your museums. And really help the victims in pursue their cases, help them break down the roadblocks that have stopped them for the past decades.

“We have heard the term: “Do the right thing.”

“You know, I believe there is an added benefit to doing the right thing. Everyone will feel better when a stolen object is returned to its rightful owner.

“This goes directly to the strongest virtues of our Judeo-Christian foundations. We teach our children right-from-wrong when they are small. We do this because we know it is one of the major building blocks of our civilization.

“We all have that responsibility.

“You here, in Germany, especially have that responsibility.

“Do the right thing now. Do it so your children and their children will not have to continue to live under this dark cloud.

“Do it for your children. Do it so Europe is remembered for its virtues. And do it for the kind art dealer who I met when I was 15 years old, who I think, is smiling down on us today for finally making this right.

“Thank you.”