

AFTERWORD

IN MY SEARCH FOR DJ, I FOUND A PERSON NOT UNLIKE YOU OR ME.

We are all shaped by the circumstances and experiences that happen around and to us. In writing this story, I learned more about myself and the women I know that constantly push me to be a better person. DJ is one of those women. She is an unwitting sleuth, a dynamic personality driven to fix the social issues of her world. Our world.

To carry on DJ's mission, I am thrilled to be able to share with you my interviews with two of the world's leading experts on Holocaust-era claims, art recovery, and restitution. Without the efforts of Dr. Jonathan Petropoulos, the John V. Croul Professor of European History Director of the Gould Center, and Associate Director of the Center for the Study of the Holocaust, Genocide, and Human Rights and Attorney Gideon Taylor, Executive Vice-President of the Conference of Jewish Material Claims Against Germany, one of the most important periods of international and cultural history would be lost. These men have given their lives and professional careers to preserving this legacy not only for the families of the victims of World War II, but for all of us.

Lest we forget the message, we will be destined to repeat the lesson.

Dr. Jonathan Petropolous, February 6, 2007.

LM: Dr. Jonathan, do you have a Jewish heritage?

JP: No, not directly. My father was born in Athens in 1930

and grew up during the German occupation of Greece. His family provided shelter to several Athenian Jews during the war. For me this is an issue that concerns all of humanity and teaching about the Holocaust transcends ethnic divisions. It is a human issue, not a Jewish issue.

LM: You are so passionate about the recovery process; take me through the steps of how these lost paintings come to your attention and you recover them for the heirs.

JP: Every case is unique, having its own issues, momentum and dynamics. That is what makes this experience so enjoyable and engaging. I am constantly surprised by the things I discover. Sometimes I discover an archive that is helpful and I contact the heir, other times an attorney calls with questions. In the case of the Bloch-Bauer Klimt paintings, the attorney representing the plaintiffs, most of the Bloch-Bauer heirs, asked me to read tens of thousands of pages in a report and write my opinion on the history of the paintings' ownership. In another case I was asked to solve a mystery about how the Nazis made a mistake in Paris after they looted some medieval manuscripts. That required my researching archives in both Europe and North America. Every case is different. It's like connecting the dots; who owned the painting before the Third Reich, how was it stolen, what happened to it during the war, and where did it go after the war ended. I connect the dots to tell the story of these paintings.

LM: You were brought in to create an opinion in the case of the Bloch-Bauer Klimt paintings. The heirs knew their aunt's paintings were in the Austrian State Museum. What was the one single piece of evidence that proved crucial to securing the return of the five paintings?

JP: The Bloch-Bauer case was so complex, including the jurisdictional issues that took six to seven years to re-

solve (and led to a Supreme Court ruling that governments doing business in the United States are subject to American laws). However, for me the crucial document was the probate decision made by the Austrian authorities in 1926 concerning the estate of Adele Bloch-Bauer. The only copy of this document was held in the Austrian Federal Monuments office, which had been closed to scholars until Austria passed a 1998 restitution law opening these archives. A famous Austrian journalist name Hubertus Czernin wrote a series of important articles and found the key documents, including the 1926 probate judgement. He then brought it to the attention of the family. The document showed that the paintings were not included in Adele Bloch-Bauer's estate, or subject to estate taxes, which meant that the Austrian authorities recognized Ferdinand, Adele's husband, as the owner of the paintings. This meant Ferdinand Bloch-Bauer could do what he wanted with them. Clearly, he did not want to give them all to the Austrian National Gallery (just the one, which he donated in 1936). Up until then, the Austrian authorities had said Adele gave the paintings to the Austrian National Gallery, but the 1926 document proved that the paintings were really Ferdinand's to dispose of as he saw fit, and he wanted to give them to his heirs. That was the crucial document that clarified Adele's disputed will.

LM: Dr., does the huge sums of money being paid for these lost and found paintings compromise the recovery process or help it?

JP: I think the large sums involved have helped facilitate the recovery and restitution work. The Bloch-Bauer Klimts were celebrated because one of the works, the *Golden Adele* was sold to Ronald Lauder and the Neue Galerie in New York for \$135 million; at that time, the most ever paid for a restituted painting. All told, the

five Klimts brought over \$300 million. That's quite a financial incentive for lawyers, sleuths, auction houses, and others. The huge dollars involved in art restitution has increased interest and attracted more people to the field, and because this work is very labor intensive, this helps expedite the process. I confess that the renewed interest in Nazi looted cultural property caught me by surprise. From 2002–2006, I had the feeling that there had been a loss of momentum regarding efforts to resolve these issues. Museums were not conducting provenance research as energetically as before and the important conferences that took place from 1997 until 2001 came to an end. But the Bloch-Bauer case jump-started the process again, in large part to the staggering sums being paid for these paintings. There is also now a cache to owning a piece that was stolen or owned by a Nazi bigwig. Nowadays this background information enhances the value of the painting, making it something special. The desirability of a Holocaust-era provenance piece is certainly in question. As the art market continues to boom, there are some people asking about the appropriateness of unreasonable profits from these recovery efforts. There is a very active debate about the proper compensation for those who facilitate the return and the increasing price for Holocaust-era art.

LM: Does any of the profit from the sale of these paintings filter back to the organizations that facilitate the recovery and restitution to the heirs?

JP: In some cases the heirs have committed to making philanthropic gifts to organizations that work to recover Holocaust victims' assets, but this is more the exception than the rule. In my experience, it doesn't happen as often as it should.

LM: Where are you going to find the next depot of stolen Nazi-era assets?

JP: As the United States has clear-cut laws that state that one can never have good title to stolen property, the search, recovery and restitution efforts will continue for future generations. This is not true in Europe where good intentions (a “good faith purchase”) provides for good title. So, the litigation will probably continue to take place largely in the United States, but the works will come from all over the globe. I think Switzerland houses many important pieces. A lot of work looted by the Nazis was sent to Switzerland; Swiss banks, private collections and duty free-zones. There will be a number of cases there in the future. Second is Russia, where there is the issue of trophy art. Hundreds of thousands of objects were taken by the Soviet army after the war’s end. It will require different political leadership in Russia to make progress in restitution efforts. Third on my list is South America. Over ten thousand Nazis escaped to South America at the end of the war, taking with them paintings and gold as fungible assets. South America has recovered a few, but there is more to be found. I think the art market will provide more information on Nazi-era stolen artwork as the prices and mystique surrounding these pieces continues to gain interest. Many auction houses have increased the size of their staff dedicated to provenance research because it has become very lucrative for them. As the auction house traces the history of a painting, the price goes up, and clearly this increases the activity in the restitution department.

LM: What should the reader do if he/she wants to learn more about the recovery and restitution process?

JP: I think the Art Loss Register, with offices in London and New York, keeps a great database of all types of information on art thefts, not just Holocaust-era. Christie’s and other art auction houses have research depart-

ments where one can ask questions about missing artwork or provenance research. The public can contact individual researchers at various Holocaust museums or recognized art lawyers dedicated to the field to address a claim or concern. The Association of American Museums has a website called the Nazi Provenance Portal which combines the web pages of American museums conducting provenance research. The website is: www.aam-us.org.

LM: Are there university or college degrees for the study of art restitution?

JP: I don't know if there is a specific degree offered, but many university art museum studies programs address provenance research along with restoration and restitution. There is a great opportunity for a career in this area. There is also a book written by several colleagues of mine, called *The AAM Guide to Provenance Research*. This is a great primer for anyone interested in learning more about provenance research.

LM: Do you believe the Vatican has any Nazi-stolen artwork hidden in their archives?

JP: I believe they have relevant information that would contribute to tracking down and restituting cultural property, but whether the Vatican houses looted objects is harder to say. It's more likely that there are relevant documents that they are concealing. The fact remains that the Vatican archives for the wartime years (and more generally, for the pontificate of Pope Pius XII, which lasted until 1958) are not open to researchers. I find this secrecy to be lamentable and it suggests there are aspects of the history of the church they wish not to reveal.

LM: Based on the fact that the Vatican operates all over the world, including the United States, can the same legal

precedent that brought the Bloch-Bauer Klimts home be used to open the storerooms of Vatican City?

JP: As Vatican City is a sovereign state, I would suggest that only they can open their archives. I don't see a legal means, either in the USA or in Europe, to force them to open their files. I would appeal to them on moral grounds. I think when you have Benedict the XVI, a German Pope who was in the Hitler youth, it begs the question: is there sensitivity to these issues? I do know there is a great deal of support amongst church officials to proceed with the canonization of Pope Pius XII, which is highly inappropriate, from what I understand of his behavior during the Holocaust. However, there are many in the church who believe he should be canonized; for that reason, they will oppose the opening of the archives for the World War II period. We must be aware of the politics of canonization regarding Pope Pius XII. I think the only way this will happen that there is evidence from another source that is so compelling that the Vatican is forced to respond. On their own they will continue their policy of controlling information about Pope Pius XII. I would love to see the entire body of documents from this era. This would be a very interesting project to determine what the Vatican acquired during this period.

LM: Thank you, Dr. Jonathan Petropoulos.

March 22nd, 2007. Interview of Atty. Gideon Taylor, Executive Vice President, Conference on Jewish Material Claims Against Germany.

LM: Please tell me about your background and how you got involved with the Claims Conference.

GT: I am originally from Dublin, Ireland. I am an attorney by training, who started working for the American Jewish Joint Distribution Committee, which is the relief and welfare arm of the American Jewish community. I worked there for ten years, during which time I became involved in some Holocaust restitution issues. I succeeded Saul Kagan in January 1999, as the Executive VP of the Claims Conference.

LM: What's the most exciting part of your job?

GT: Finalizing an agreement that brings together history, money, survivors, and political advocacy into one agreement that benefits many Holocaust survivors. The Slave Labor Agreement is an example of that and a highpoint of my time at the Claims Conference.

LM: When someone comes to your organization with a claim, what do you and your staff do to bring about restitution?

GT: We know the issues, so we usually act as advocates on behalf of a group. We work in over sixty countries around the world and we look at the issue to determine how best to address this as a group when representing the survivors. We have a team of historians in the US, Israel, and Germany, who work with the historical materials and archives, researching to find the proof necessary to support the claim. We press it politically, bring it to the table with the leadership of the countries. We negotiate and also sometimes act as the administrator for the funds. We have teams of people checking huge databases and extensive materials in archives, identifying the names of survivors to help people get their

compensation payments. We do the outreach and the processing of the cases. The preparation is huge. It sometime takes months and months or years to succeed in a case like the Swiss Banks Settlement or the Slave Labor agreement. It is important to remember that no amount of money can ever *compensate* a survivor for what happened to him or her. We regard these payments as symbolic acknowledgements; we do not speak of them as providing *justice* — rather we call them *a measure of justice*.

- LM:** What about other countries that had complicity with Nazism. Are they feeling political pressure to come forward with restitution dollars or agreements for survivors of the Holocaust?
- GT:** Generally the main payments have come from Germany, as the center of the Nazi movement. Other countries that were allies (Italy) or neutral (Switzerland) have made limited payments and restitution.
- LM:** Who do you meet with when you are negotiating with these countries?
- GT:** In Germany, our negotiating partner is the Ministry of Finance. However, we often meet with the Chancellor, party leaders, Ministers, the media and public, the whole spectrum of the country.
- LM:** Are the people of these complicit countries interested in righting these wrongs, and at what cost financially and politically, in a world of global economies?
- GT:** In Germany, there is still a sense of responsibility surrounding the war, and the need to address the issue of compensation and restitution for Holocaust survivors. From the 1950s onwards the responsibility of restitution (within Germany) has been communicated by Germans who lived during this period and who see this responsibility to survivors as part of Germany's role in the free

world. There is much lesser emotional connection by those who did not live through or know much about these times which means we have to spend a great deal of time and effort communicating and educating the third or fourth generations. Different countries have new voices, some of which say that an honest reckoning of the past is important to the country going forward in the future. Some countries consider coming into the new Europe, a free market society, comes with obligations and addressing these issues is a priority. There are also voices in these countries that say they can't afford to retribute what was taken and not a penny should go to anyone.

LM: Do pensions pass to the families of survivors as physical assets (ie: paintings) do, when recovered?

GT: Compensation payments are generally only for those who suffer directly. Personal property is an asset that belonged to someone, and those can often be claimed by an heir.

LM: I would imagine there is often a commingling of issues when you are negotiating financial restitution for survivors stripped of their personal property and sent to camps?

GT: Absolutely. The Claims Conference role is to deal with both individual compensation and restitution of assets, sometimes in one agreement. In the Swiss Banks Settlement, the agreement dealt with the issue of refugees turned back at the border of Switzerland, and also with the Swiss bank accounts where we were dealing with property that had been taken.

LM: Is the Claims Conference the consummate head over all the other recovery and restitution agencies and organizations?

GT: When the Claims Conference was founded in 1951, the

debate was over what to call it. The original name was the Conference on Jewish Claims against Germany. Then the founders inserted the word “material” — the Conference on Jewish Material Claims Against Germany. They wanted to make a specific point that while material claims could be addressed in these agreements — the moral issues would always remain for humanity to deal with. Within the world of restitution negotiations, either for personal compensation or for restitution, the Claims Conference is the designated arm of the Jewish world, the responsible body and has been for over fifty years the body (together with its sister organization — the World Jewish Restitution Organization) that negotiates these settlements.

LM: So Gideon Taylor is the one who is sitting across from the Chancellor of Germany or Austria and saying, “you’ve got a cache of artwork, or group of laborers that require compensation or return of their goods?”

GT: Our negotiating delegation often includes Holocaust survivors — they can speak from personal experience.

LM: How many employees do you have on staff?

GT: Over 300 worldwide.

LM: How does the recovery of the five Klimt paintings from the Austrian National Gallery affect other international museums and their loan programs to the US?

GT: We have launched a major international effort on the art issue of Holocaust-era restitution. One of the points we felt strongly about is not asking other countries to do something we were not prepared to do ourselves, which was to research the provenance of all holdings to be sure there are no questionable assets in their collections. We therefore carried out a survey of US museums. The survey gave us great credibility, because we are not asking other countries to do something we wouldn’t do.

The main issues are for museums to do the provenance research, publish the results, and have a claims process to reconstitute the assets. The return of the Klimt paintings certainly highlighted the issue publicly which is of great importance for this process.

LM: What do 300 people do? Are there that many survivors with claims?

GT: Most of those 300 people process individual claims. The Claims Conference is actually four organizations in one: 1. Negotiating body, 2. Administrator of payments to victims, 3. Successor of unclaimed property in the former East Germany, and 4. An organization allocating funds for social programs to aid needy Nazi victims or educate the public about the Holocaust.

LM: Are our US museums and galleries doing enough to investigate their own collections for provenance issues that might be subject to restitution and recovery demands?

GT: It is the issue of priorities. Regardless of the issues surrounding the Holocaust, museums need to do the research to know the provenance of what is in their collections. The current US database of looted art has 24,000 items. We feel we must encourage museums to meet the standards nationally and internationally. To that we have asked the Council of American Jewish Museums to pass a resolution endorsing a policy that their members should follow the same standards as the other American museums regarding provenance research. The European Jewish Museums have also been approached with this request. The National Gallery of Art in Washington is a good example of a museum that has made provenance research a priority. The old practices are no longer acceptable according to international norms. The Claims Conference survey of US museums sent a message about accountability. We can

emphasize the standards to be met, shed a public light on the issue, encourage local initiatives to see what local museums are doing, and while we can't know what over 300 individual American museums are doing, we can try to highlight the issue, as we did with our testimony before the United States congressional committee reviewing the issue.

- LM:** Tell me about the conferences. When an organization has acquired a piece of artwork that is questionable, what new rules are in place, since the Washington and Vilnius conferences, to ensure that piece is recovered and returned to the appropriate party?
- GT:** For the art issue, the accepted principles set a standard. What we look to now is implementation by government and museums locally.
- LM:** Did the Vatican sign either the Washington or Vilnius principles?
- GT:** They were observers in Washington and did not participate in Vilnius.
- LM:** Why has no one demanded the Vatican open their archives, as they have hundreds of operatives in this country and around the world, in countries that have signed the principles or are acting in accordance with standards for restitution and recovery of stolen assets?
- GT:** The issue is far more reaching than the questions of artwork. The Jewish world and many historians have long sought the opening of the Holocaust era Vatican archives to understand the history. That would be an important first step.
- LM:** What's it going to take, since the huge amounts of money surrounding the art and the pensions for the survivors have come to light, to get the public more involved?
- GT:** The United States government has been an important voice. The current and previous US Administrations

and the US Congress have seen this as a bipartisan issue of public support for historical justice. For us, it's not just about public awareness of restitution and compensation that is important, but the awareness of what happened during the Holocaust. Education and public awareness can help teach tolerance to future generations.

LM: What happens when the survivors are gone?

GT: The pursuit of a painting will continue by their heirs, but the moral lessons and personal voices will hopefully, through our educational efforts, continue to be transmitted after the survivors are no longer with us.

LM: Thank you, Gideon Taylor.