

Testimony of
Ronald S. Lauder, Chairman
Commission for Art Recovery
World Jewish Congress
Before The
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Mr. Chairman, Mr. La Falce, thank you for the opportunity to address this committee's second hearing on the subject of Nazi-looted art. As Chairman of the World Jewish Congress Commission for Art Recovery, I have been evaluating the problem and monitoring developments in the United States and in Europe. There have been many events; some promising and some that are dismaying. The Commission has been working on two fronts -- with claimant families and negotiations with the German government -- and we are looking at the picture to see how we can be most useful and effective.

I first confronted the issue of art stolen by the Nazis as U. S. Ambassador in Austria. In 1986, I was shown a huge cache of art stored at the Monastery of Mauerbach, near Vienna. It was stolen by the Nazis from Jewish families and never returned. Political pressure led to Austria passing a law to sell the art at auction for the benefit of survivors and Jewish charitable organizations. The Austrians said the works were third-rate and not very valuable, but the sale realized over \$13 million.

I have been involved in restitution through my activities in many Jewish organizations: the World Jewish Congress and the World Jewish Restitution Organization among them. I am a member of the Volcker Commission that is overseeing the Swiss Bank settlement. Restitution from governments is a simple concept. Return property. No penalties. No interest. Just undo the grievous wrong that was done decades ago.

Among the heinous crimes of the Nazis, art theft is not the worst. No return of art, no material restitution can make the Jewish people whole, make up for the loss of lives, the destruction of family bonds, the death of the vital culture of Europe's Jews. Through my foundation I have set up 58 educational and community programs to help revitalize Jewish life in fifteen eastern European countries. We reach 7,500 children and several thousand adults. I believe that each generation has a responsibility to right past wrongs as best we can. Theft of cultural goods was a crime at the Nuremberg Trials, and uncovering and telling the truth about it is an important component of Holocaust remembrance. Every demonstrated fact makes it harder to deny the Holocaust.

I took up the art restitution cause over two years ago at the request of the World Jewish Restitution Organization. Since then, the Commission for Art Recovery has been active on behalf of families, here and abroad. Through our research, we have helped

families locate art taken by the Nazis over fifty years ago. We found it in public and private collections in many countries, or traced it through an auction sale to a dealer. Identifying and locating is the essential first step in the process of return.

Last week, the North Carolina Museum of Art agreed to return a Madonna and Child by Lucas Cranach the Elder to two elderly sisters in Vienna. The museum had received it in the 1960's as a gift, and it came to the museum at the owner's death in the 1980's. Until the sisters told the Commission for Art Recovery about the theft, no one had located the painting in sixty years. We found it. The family had good documentation, and the museum in Raleigh weighed the evidence. They returned it without a lawsuit. Ten months from start to finish. This is the first case I know of in which an American museum has returned Nazi-looted art to a claimant without court proceedings. It should be an example for other museums – here and abroad.

Raleigh is a long way from Vienna. The museum did not look the proverbial gift horse in the mouth. If they had, I am not sure that they would have been able to identify it back in the 1960's as the property of this Austrian family. Today, museums would be more careful, and many museums now call on the Commission for Art Recovery for guidance in researching potential acquisitions.

I want to emphasize that art is different from other assets. Once stolen and re-sold, it can move around the marketplace, and around the world, without anyone taking much notice. In the last fifteen years the International Foundation for Art Research and the Art Loss Register have made that much more difficult. But because so many years have passed when the art world paid no attention, art that was taken by the Nazis or was sold under duress can – and does – turn up anywhere: Raleigh, Leipzig, Berlin, Seattle, and Chicago.

In art restitution, there are no "Swiss Banks" that retained assets in the face of survivors' pleas; there are no insurance companies that demanded death certificates from the children of Jews who were gassed by the Nazis.

Although Jews who owned art were a minority, the systematic plundering of Jewish possessions by the Nazis is an important chapter in the Holocaust, and one that is not completely understood. In spite of the good work that has been done, national commissions, including our own, are taking a new look at the history. New research will expand on the work of Lynn Nicholas and Jonathan Petropoulos. Today the committee will hear from commissions from Holland and from the United States.

One of the most important areas for research is the history of the Jew Auctions held by the Nazis for the benefit of the Third Reich. Beginning in the mid-30s, Germany held auctions of Jewish collections. Before the war, these works were up for grabs. Anyone who wanted to attend and bid was free to do so; there was nothing illegal about doing business with Nazi Germany at that point. Many of the records of those sales are still classified by German authorities, and the Commission is pressing for the declassification of these documents. The world does not yet know the names of all the families whose

collections were stolen and dispersed in this way. In the Jew Auction catalogues, sometimes an asterisk before an item signals that it was "non-Aryan" property.

One family that came to the Commission for Art Recovery are the heirs of Gustav and Clare Kirstein, prominent citizens of Leipzig. Gustav was a principal in a distinguished art printing firm in Leipzig and a patron of artists. He was forced out of his business by the Nuremberg laws and died in the 1930's. His widow stored everything with art dealers in preparation for shipment to the United States. She hoped to join her daughters there, but when the Gestapo took her passport away in 1939, Clare Kirstein committed suicide. The family lawyer, a Jew who was reduced to functioning as a notary serving a greatly diminished population of Jews, authorized the 1942 auction of the Kirstein collection in Leipzig. The auction house, still based in Germany, answered the Commission's inquiry and told us that the proceeds of that sale went to the Reich. We identified more than fifty works from the Kirstein collection in the Museum of Fine Arts in Leipzig, and we have reason to hope that as a result of our discussions they will be returned. We found another in a museum in Hannover, and its return to the family is almost assured because of our efforts.

Before this Committee's first hearings on art, the world was aware of the unfinished business created by the Nazi art looting machine. We learned about the art that was returned to European countries after the war and how imperfectly the different countries dealt with the problem. Some are working now to clean up this unfinished business. But others are not.

Ten years ago, the world learned that thousands of works of art missing for fifty years had survived behind the Iron Curtain. As ArtNews revealed, Red Army Trophy Brigades took these home in 1945. They include masterpieces of Impressionism and Post-Impressionism as well as Old Master Drawings and Asian art and the Gold of Troy.

This art is still being held hostage in the Russian Federation. It is caught up in politics; the Russians refuse to return anything to Germany. However, many of the works of art that the Red Army took home from Germany did not belong to Germany or even to Germans. Instead, the Nazis took them from Hungary during Adolf Eichmann's heartless regime. He put the art on display in his headquarters at the Hotel Majestic and later sent them to Germany where the Soviets took them. Russia today is also holding art acquired by the Nazis in Holland and claimed by The Netherlands.

The Commission for Art Recovery is in touch with several families whose art is in Russia today, and we are planning to undertake negotiations on their behalf. We have also offered our good offices to Germany, since their discussions with Russia have stalled.

Hungary managed to keep a lot of art that the Nazis took from its citizens of Jewish descent. Martha Nierenberg is here to tell you about that.

Let me turn to Austria. I mentioned earlier that the government eventually agreed to the 1996 auction of the Mauerbach art. Austria's legislature passed a good law in 1998, under the leadership of Elisabeth Gehrler, Minister of Culture. The goal was to identify works of art in Austria's national museums that were taken from victims of the Nazis, and to return them to the heirs. I understand that the museum in Graz has just published a book on art it acquired under questionable circumstances.

Austria had a unique political history. It was governed as part of the Third Reich, during which time Jews were deprived of their possessions and their lives. After the war, the United States chose to view Austria as a friend. In those years, Austrian museums took possession of the art property of its surviving Jewish citizens. For those who had fled and chose not to return, the art was exacted as a quid pro quo for allowing them to export some of their other assets.

Under the new law, a special office was set up to look into the facts surrounding the museums' acquisitions. It also established a committee to review the researchers' findings and make recommendations. Now claimants knew where to write. From what we know, the responses were fairly prompt. The new law led rather quickly to the identification of almost 1,000 pieces of art, arms and armor, and decorative arts that had been "given" by the Austrian branch of the Rothschild family. These "gifts" were extorted. The art was returned and auctioned by the family at Christie's last summer.

Many speakers praised Austria at the 1998 State Department Conference here in Washington. Sadly, those first cases were the exception, and other families have been denied the return of their art. I see this as part of the movement to the far right, and the party of Jörg Haider, whose pro-Nazi and anti-Semitic remarks have been widely quoted. Following the Rothschild returns, Austria selectively refused the claim of an American citizen, Maria Altmann, who is an heir to the Bloch-Bauer art collection. In this case, the committee recommended that the porcelain sets and pencil drawings could be returned, but it refused to return the magnificent portraits of her Aunt Adele, by Gustav Klimt. Elisabeth Gehrler immediately ratified the committee's recommendation and invited Mrs. Altmann to sue in Austrian court. But with property as valuable as Mrs. Altmann's Klimts, Austrian courts require a bond of half a million dollars just to get started. Yes, you heard me correctly.

Maria Altmann's story has been submitted to the Committee and is included in the record.

It is terribly difficult for Maria Altmann or Martha Nierenberg to sue a government an ocean away. It is daunting, expensive, time-consuming, and dismaying, since courts are often not politically independent. Our Department of State, which took the lead in bringing 44 nations together for the Washington Conference and in drafting Principles on Nazi-Confiscated Art can -- and should -- do more. I believe that each relevant country needs a claimant friendly and transparent procedure. We proposed an Action Plan to Germany that can be modified for other countries (Appendix I). Our State Department should encourage countries to set up a procedure to put teeth into the Washington

Principles and make the words real. In some cases, countries that signed agreements with the United States after the war exaggerated their returns of confiscated property; it is time for the State Department to look into this and see that those claims are made real, even though it is fifty years later.

In France, Hector Feliciano publicized the situation. He was especially effective in getting the French government to focus on the works of art it held for fifty years without even trying to find the pre-war owners. By dispersing it among many museums, the French made it almost impossible for a Nazi art theft victim to find his property. Largely because of Feliciano's goading, the National Museums posted all these works of art on the Internet.

The French government set up a national commission to research the role that France played during the occupation and after the war. The Mattéoli Commission has issued interim reports; the final report is to be issued this month. The art report will take a few months more and is expected in April. France still must account for 13,000 works of art found in Germany that American forces returned to France along with some 45,000 that France identified and returned to their pre-war owners. France did not bother to research the ownership of the 13,000 and auctioned them after the war. These works of art, perhaps taken from France's Jewish citizens and residents, were not deemed to be museum quality. How much money went into the national treasury as a result is yet to be determined by the Mattéoli Commission.

The Commission has been in discussions with German officials in the Ministry of Culture and with Minister Naumann for eight months. Germany also has a group of unclaimed works of art that it calls the Linz List, in the belief that the works were acquired for the world-class museum that Hitler planned for his boyhood hometown of Linz. When Germany's unilaterally determined period of restitution ended in 1962, the art was put on display for museum directors. Over the next 20 years, the art was dispersed -- lent to 102 museums and more than 50 government offices. No list was available. If a claimant imagined that their art survived the war and might be in Germany, it was unclear how to determine if it was. The art is administered by the Finance Ministry; upon request, they provided the Commission for Art Recovery with a computerized list of about 2,200 works of art. However, a German government press release in November referred to 13,000 works of art, and no one has been able to explain the huge gap in the numbers.

Some German museums have been honest about art in the inventories that they know or believe were taken from Jews, and almost all have been responsive to the Commission's queries on behalf of claimants. The museum in Mainz, for example, published over 30 paintings in one of its catalogues that it actually states were "Taken from Jewish possession between 1933 and 1945." Recently, the consortium of Berlin museums has returned art to the heir of Max Silberberg. Others have returned art from the Littmann collection to the heirs. A museum in former East Berlin has published a booklet with paintings of doubtful provenance in its collection. The Bavarian State Museums had undertaken a provenance review of its vast collections. Our months of

negotiations with the Ministry of Culture hastened the release in December of a statement issued by all German museums "On the Tracing and Return of Nazi-confiscated art, Especially from Jewish Property" (Appendix II). Although it is an important step, we were disappointed with its tone. It begins by reviewing Germany's good works in this field (which ended by Germany's unilateral decision in 1962) and then declares a number of good intentions. But each intention is modified with a "where applicable" or "when appropriate" -- and all to be decided by the current possessor of the art and the information! I only wish the German museum community had asked to hear the point of view of the victims. They would have found out how unfriendly and bureaucratic their well-meaning words seem to a family shut out of the process for 50 years and still haunted by the Nazi past.

In its discussions with the German Ministry of Culture, the Commission presented an Action Plan to create a straightforward and simple procedure for claimants. I am happy to say that Minister Naumann personally wrote to me last week to tell me of the adoption of most of our suggestions. Just two days ago, one of the ministry's officials wrote to the Commission's director to provide even greater detail on many of the new programs. He credited our meetings and suggestions with many of the steps Germany will take. Germany will set up a central office for claims with substantial funding from the federal government and a committee to oversee its operations. We urged the publication of the so-called Linz List on the Internet. In March, Germany will put the list on the Internet, with English translations of the titles provided by the Commission. At last, claimants whose art is missing may be able to locate it. Our discussions continue, and with the good will that exists on both sides, we will bring about the necessary changes to make the appropriate art returns from Germany.

I believe that Minister Naumann will continue to use his influence to bring about major changes Germany and clear up this unfinished business. This week, The Jerusalem Post published an interview with him (Appendix III). Minister Naumann is clearly sympathetic to our suggestions and is moving forward with them. With modifications, the Action Plan could serve well for other European countries whose governments are still in possession of art taken from Jewish owners.

Radio Prague announced that museums in the Czech Republic will be looking into their inventories, and I hope that all museums will do this, including those in countries that were not invaded. Museums are public institutions, and no part of their collections should be based on theft.

I hope this report gives the Committee a sense of the developments as we have been following them. Much remains to be done. I urge our State Department to work with each country to set up a procedure with the advice of those who understand the point of view of victims whose suffering began under the Nazis.

Thank you.

Appendix I

ACTION PLAN

1. It is the policy of the Federal Republic of Germany that, in recognition of its moral obligation arising out of the Nazi persecution of Jews, (i) all works of art taken from Jewish owners during the period 1933-1945 by the National Socialist regime that are currently held or controlled by the Federal Republic and federal organizations shall be returned to their rightful owners, and (ii) no legal technicalities, such as statutes of limitations, preclusion periods or postwar global settlements shall impede the return of this art. The art includes, but is not limited to, art forcibly taken from Jewish owners, art that Jewish owners were forced to sell at distress sales, art sold at "Jew auctions" and art that Jewish owners were prompted to relinquish. The government of the Federal Republic regards morality as the primary basis for the restitution of works of art to families dispossessed by the National Socialist regime for reasons of race, politics, religion, or other beliefs.

2. The government of the Federal Republic will take an active role, in cooperation with the Commission for Art Recovery, to seek out the rightful owners (or their heirs) of art with a dubious provenance during the years of 1933 - 1945. Toward this end, the government has undertaken, as announced on November 15, 1999, to assure the publication on the Internet of a catalogue of the art known as the "Linz Collection." These works of art were mostly acquired for Hitler's planned museum in Linz. Today, the Linz list comprises approximately 13,000 objects of varying quality and includes paintings, works on paper, sculpture, tapestries, carpets, furniture, decorative arts, manuscripts, books and rare coins. Among the most valuable objects are 1,500 paintings, including works by major Italian and Flemish artists from the 16th and 17th centuries as well as Austrian and German 19th century art. The Linz Collection was administered by the government and, by 1982, was dispersed among German museums and federal organizations, making it difficult for a potential claimant to identify his property. This Internet catalogue will illustrate each artwork and provide for each item the name of the artist, the title of the artwork and, to the extent available, its provenance. In addition, the Internet catalogue will "user-friendly" search mechanisms. The availability of the catalogue will be widely advertised internationally by the Federal Republic in leading newspapers, media and on the Internet. The government of the Federal Republic anticipates publication of this catalogue in March of 2000. The catalogue will also be periodically updated with additional information as it becomes available.

3. The government of the Federal Republic will facilitate and coordinate the return of the art currently held or controlled by the Federal Republic and federal organizations. A "Claims Office" will be designated as the central clearinghouse for the receipt of all inquiries by claimants for art, in effect, a "one-stop shop." The Claims Office will be a cooperative effort of the Federal Government and the Länder. The office will coordinate a review of archives, records and other materials that may have any bearing on any inquiry or claim. Within the next few months, to further assist claimants in the claims process, a "Guide to the Art Claims Process" will be published and widely

distributed in print and on the Internet. The guide will explain in detail the claims process and provide the addresses, telephone and facsimile numbers and email addresses for the contact persons in the Claims Office. The Guide will also detail examples of the documentation or other evidence that will be required to substantiate a claim for art; but it will also make clear that such examples will not be exclusive and that other evidence will also be considered. Each claimant will receive a written response from the Claims Office within three weeks of receipt of the claim. The response will either acknowledge the validity of the claim and request the claimant to contact the Claims Office to arrange for the return of the art or will, clearly and in detail, explain what type of further documentation to substantiate the claim may be needed. The response will include the name of an official to contact to resolve any issues concerning the claim. Art that is confirmed as belonging to a claimant will be promptly returned to the claimant. If the claimant or other owners of the art have previously received compensation for the art, such compensation shall be repaid (without interest) to the federal government. The claims process shall continue for a reasonable period of time.

4. The government of the Federal Republic recognizes that many new sources of information have become available in recent years, and art that is currently held or controlled by the Federal Republic or federal organizations that may have been the subject of a lump sum or "global" settlement with any successor or restitution organization will be returned to proper claimants notwithstanding the terms and conditions of any such prior settlement. The government of the Federal Republic will make available records of art that was subject to such global settlements.

5. The Federal Republic has worked with the Länder and local governments to develop a joint statement of principle on the restitution of art looted from Jewish families by the Nazis. This statement will provide a framework, within the guidelines of the Washington Conference on Holocaust-Era Assets, for the identification and restitution of Nazi-looted art.

6. After the completion of the claims process, art that is not claimed after a reasonable period of time shall be turned over to the Conference on Jewish Material Claims Against Germany, as successor organization, for disposition.

7. The Federal Republic may acquire any art that is not claimed after a reasonable period of time by payment of prices to be agreed upon with the Conference on Jewish Material Claims Against Germany. As a matter of historic soundness, the Jewish provenance of such art, as well as its acquisition by the Federal Republic, will be noted in an appropriate form (e.g., plaques, etc.) if such art is publicly displayed in museums, government offices or other public institutions.

8. The Federal Republic will prepare periodic (but at least semi-annually) reports for the public on the progress of the return of the art. These reports will be published in print form and will be made available on the Internet.

9. In order to provide for the protection of United States claimants, procedures will be adopted to ensure that the return of any art to citizens of the United States will be comply with the tax – exemption provisions of the United States-Federal Republic of Germany Income Tax Convention of 1989. Similar procedures will be adopted for art returned to citizens of other countries, whenever applicable.

10. The Federal Republic believes that the art taken by the Soviet forces as the result of World War II includes many works of art looted by the Nazis from Jewish families. The efforts of the Federal Republic and the Länder to recover this art is an integral part of their program to restitute art to rightful Jewish owners. To the extent that any of this art is returned to Germany, the Federal Republic will handle this art in accordance with the principles set out in this plan, and, in particular, paragraphs 2, 3 and 6.

Appendix II

**Statement
by the Federal Government,
the Laender (Federal States) and
the national associations
of local authorities
on the tracing and return
of Nazi-confiscated art,
especially from Jewish property**

of 14 December 1999
(text as of 9 December 1999)

**English version provided by the German Chancellor's Office to the
Commission for Art Recovery**

In accordance with the requirements of the Allied restitution provisions, the Federal Act on Restitution and the Federal Indemnification Act, the Federal Republic of Germany has fulfilled merited claims on grounds the confiscation of works of art by the Nazi regime after WW11, and set up the necessary procedures and institutions for enabling persons entitled to such indemnification to enforce their claims vis-à-vis other parties liable to restitution. The claims primarily arose to those who immediately suffered damage and their legal successors or, in case of Jewish assets without heirs or Jewish assets that were not claimed, to the successor organisations established in the Western zones and Berlin. The material restitution was effected either on a case-to-case basis or by global settlement. The restitution law and the general civil law of the Federal Republic of Germany thus finally and comprehensively provide for issues of restitution and indemnification of Nazi-confiscated art, especially from Jewish property.

In the German Democratic Republic (GDR) the compensation pursuant to Allied law of wrongs perpetrated under National Socialism did not go beyond a rudimentary stage. In the course of German reunification, the Federal Republic of Germany has undertaken to apply the principles of restitution and indemnification law. Nazi-confiscated art was returned or indemnified in accordance with the provisions of the Vermögensgesetz (Property settlement Act) and the NS-Verfolgtenentschädigungsgesetz (Federal Indemnification Act concerning persons who suffered damage at the hands of the National Socialist regime). Thanks to the global filing of claims on the part of the Conference on Jewish Material Claims against Germany Inc. (JCC) in its capacity as today's association of successor organisations claims situated in the accession area with regard to cultural property of Jewish parties having suffered loss. As formerly in the West German Laender, material indemnification on a case-to-case basis was sought; where this was not possible, compensation was effected by global settlement.

I.

Irrespective of such material compensation, the Federal Republic of Germany declared its readiness at the Washington Conference on Holocaust-Era Assets on 3 December 1998 to look for and identify further Nazi-confiscated cultural property in so far as the legal and factual possibilities allow and, if necessary, take the necessary steps in order to find an equitable and fair solution. Against this background, the decision by the Foundation Board of the Prussian cultural Heritage Foundation of 4 June 1999 is welcomed.

The Federal Government, the Laender and the national associations of local authorities will bring their influence to bear in the responsible bodies of the relevant statutory institutions that works of art that have been identified as Nazi-confiscated property and can be attributed to specific claimants are returned, upon individual examination, to the legitimate former owners or their heirs, respectively. This examination includes a match with material compensation already provided. Such a procedure allows to identify the legitimate owners and avoid duplicate compensation (e.g. by repayment of compensations already paid).

The relevant institutions are recommended to negotiate the extent and procedure of return or other material indemnification (e.g. in the form of permanent loans, financial or material equilisation) with the clearly identified legitimate former owners or their heirs, respectively.

II.

The German public institutions such as museums, archives and libraries have supported the tracing of Nazi-confiscated art already in the past by means of

1. exploitation of and access to the data research findings and records available to them
2. investigations in case of concrete inquiries and research, on their own initiative, in case of new acquisitions
3. search activities in the framework of the institutions' tasks
4. providing information on the history of Nazi-confiscated art in collections, exhibitions and publications.

These efforts shall be carried on wherever there is sufficient reason.

III.

Furthermore, the Federal Government, the Laender and the national associations of local authorities consider in accordance with the principles of the Washington Conference to provide a website on the Internet with information on the following:

1. What the institutions involved can do for publicising art of unclear origin to the extent that is presumed to have been confiscated by the Nazis.
2. A search list in which every claimant may enter the items he is looking for and thus report for investigation by the relevant institutions and the interested public.
3. Information on the transfer abroad of Nazi-confiscated art during or immediately after the war.
4. Establishing a virtual information platform where the interested public institutions and third parties may enter their findings relating to the tracing of Nazi-confiscated art in order to avoid duplicate work on the same subjects (e.g. at which auction was Jewish cultural property of which collection sold?) and make such information available by the way of fulltext retrieval.

IV.

This statement refers to archives maintained by public institutions, museums, libraries and their inventory. The public bodies funding these institutions are called upon to ensure the implementation of these principles by taking decisions to this effect. Institutions under private law and individuals are called upon also to apply the principles and procedures laid down at the Washington Conference.

Appendix III

The Jerusalem Post, February 7, 2000

"PLUNDERED ART ON THE LINE: Germany will inaugurate a Web site to help restore Nazi-looted art to its rightful owners"

By Marilyn Henry

Germany's culture minister is cleaning house.

Michael Naumann, intending to root out Nazi-looted art, called on all major German museums to inspect the provenances of the artwork in their possession to ensure they are "clean." Those that are not are destined for the Internet.

"We are amassing a list on the federal museum level of pictures and artwork, including coin collections and artifacts, that have dubious provenances, either because they come out of the so-called Linz collection of Hitler and his henchmen or because they were found in depots with unclear provenances," Naumann said.

The materials are being reviewed at a center in Magdeburg by art historians and other experts, who also are investigating millions of artworks, books, and artifacts that were plundered after 1945 by the Soviet occupation forces in East Germany.

Next month, the ministry plans to publicize the data, including pictures, online. "The intention of the Web site is to find the real owners of the artifacts and the books," he said.

The German initiative is but one aspect of massive but inconsistent series of efforts by a number of nations, with varying degrees of enthusiasm, several Jewish organizations, and an assortment of art trackers and lawyers--to restore Nazi-looted art to its rightful owners.

In December 1998, some 40 nations meeting at a US State Department conference on Holocaust-era assets produced an 11-point agreement known as the Washington Principles. The nonbinding guidelines included a call to open museum archives to facilitate provenance research, public announcements of unrestituted works, and steps for reaching a "just and fair solution" for looted works whose owners cannot be identified.

"The Foundation of Prussian Cultural Properties, which includes the great museums of Berlin - for instance, the Pergamon Museum - within a year of the new government returned artwork worth more than DM 20 million to the original owners," Naumann said in an interview last week in Stockholm, where officials from 46 nations convened for a conference on Holocaust education and research.

The artwork that set the tone was a Van Gogh sketch, *L'Olivette*, which was removed last June from the National Gallery of Berlin and given to the surviving heir of a Breslau art collector whose work was sold at a Nazi-era "Jew auction" before he was sent to Auschwitz. In December it sold at auction, at Sotheby's, for almost 5.3 million pounds. - double its estimated value.

The German initiative also has a wide definition for what constitutes loot.

Many Nazi victims previously had lost the rights to claim their property because, technically, they had sold it, albeit at bargain-basement prices. Those types of sales, while under compulsion, had the veneer of legal transactions, leaving the owner without the chance to recover the work.

That has since changed.

"The Germans have now agreed to pursue a policy in which German Jewish losses after January 1933, in general, have to be considered 'forced losses.' Claimants don't have to prove that they didn't voluntarily sell their art but were forced to sell," said Willi Korte of Washington, a highly experienced investigator of looted art. "This opens the field for claims considerably."

Naumann gave no indication of what standards of proof would be required of claimants. The ministry will be on guard against fraudulent claims, but cannot be so rigid that it precludes a legitimate claim by an owner or heir who lacks documented proof.

When asked how he intends to strike that balance, Naumann said: "Solomonically."

"That's an issue that pertains not only to claims of originally Jewish ownership," he said. "It pertains to every claim. All the museums in the world are full of artwork that once belonged to someone else, and not all of them came into the museums in a legally clean, late-20th-century manner with a 20-page contract signed by a lawyer."

Museums originated as houses of war trophies, "and the attitude of gathering trophies is fully alive and kicking in other nations," Naumann said. He was referring to Russia, where the Duma passed a law that declared its looted "trophy art" to be constitutional.

Many of the works in Russia are art that was originally owned by Jews, confiscated by the Nazis, and then taken by the Russians.

Naumann assailed the Russians for reneging on a statement made at the 1998 Washington conference in which it said it would restore Jewish art to the rightful owners. "But for that purpose they would have to actually publish a complete list and they are not doing that yet," he said.

Germany has not yet set a deadline for claims, nor is there a plan to dispose of heirless looted art. "Once we come to the bridge, we will cross it," said Naumann.

Naumann's actions appear to be independent of another German initiative that deals with property claims, a DM 10 billion government-industry proposal to compensate Nazi-era slaves and forced laborers and settle claims against Germany for confiscated assets.

At talks this week in Washington, advocates for Nazi victims specifically asked that cultural property, including claims for art, be excluded from the proposal, in part because many artworks have yet to be located or be identified as plunder.

Coordinating a national approach to Nazi loot was complicated in Germany because postwar institutions are not under the centralized control that characterized the Third Reich.

"One of the great achievements of our [postwar] constitution is that the cultural ministry of each state is totally independent," Naumann said. "Therefore, getting together on this issue has taken a year. But now we've succeeded in persuading the Laender [the states] to form a unified force."

While the German states have a coordinated approach, that is not true across Europe. France and Austria also are active in identifying possibly looted art. France's system is centrally controlled, allowing the state to dictate to all museums. Austria passed legislation to accelerate restitution, which led to the return of an art collection belonging to the Rothschild family.

The absence of a universal system, however, retards the search for looted art, which easily crosses borders in both legal and illegal transactions.

"I think it is a subject that could and should be brought up in the European council of cultural ministers," said Naumann, "but I do not deem it to be the role of Germany to be the hector and lecturer on this."

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