



## ART MUSEUMS AND THE IDENTIFICATION AND RESTITUTION OF WORKS STOLEN BY THE NAZIS

May 2007

Since 1943 America's art museums have taken a leadership role in the restitution of art and other property stolen by the Nazis. American museums were active partners with the United States Army's Monuments, Fine Art and Archives section, which succeeded in returning hundreds of thousands of objects to their country of origin in the years immediately following World War II.

In the war's aftermath, many countries previously occupied by Nazi Germany fell under Soviet domination; as a result, archival records necessary for tracing ownership of works of art were closed or inaccessible. Throughout this period, however, American museums – as they have since their founding – continued to research their collections and acquisitions. Ongoing research and public dissemination – through exhibitions, loans, the encouragement of scholarship, publications and other means – of information concerning the origins, history and significance of their artistic holdings is a central part of the mission of every art museum.

With the dissolution of the Soviet Union in 1991, a wealth of new information became available, enabling museums, independent scholars and claimants to initiate intensive research into works stolen by the Nazis. Among the more than 18 million objects held by American art museums in public trust, museums have identified approximately 25,000 works which, though not necessarily stolen by the Nazis, require further study into their ownership history during the Nazi era. These works have been published and/or posted by museums on their web sites and on centralized databases to assist researchers and claimants alike. Based on this research, between 1998 and July 2006 twenty-two works in American museum collections have been identified as having been stolen by the Nazis and not properly restituted after the war. In each of these cases, the works have been restituted to the heirs of Holocaust victims or settlements have been reached with the heirs to graciously allow the works to remain in museums for the public's benefit.

America's museums have been working hard to ensure they do not have in their collections works that were stolen by the Nazis. In 1997, the Association of Art Museum Directors (AAMD) convened a task force to draft guidelines on art stolen by the Nazis and not restituted. The guidelines, first published in June 1998 and amended in 2001, formed the basis of the Washington Principles drafted by the Washington Conference on Holocaust-era Assets, the first conference in the U.S. to address Holocaust assets. The AAMD also worked closely with the President's Commission on Holocaust Assets in the US to develop guidelines and mechanisms for the identification of works stolen by the Nazis and not restituted and the restitution of those works to the original owners or heirs. AAMD and the American Association of Museums have jointly adopted a set of Recommended Procedures for investigating Nazi-era cultural assets. In addition, these organizations have cooperated to create the Nazi-Era Provenance Internet Portal, a searchable registry of objects in U.S. museum collections that changed hands in Continental Europe during the Nazi era, to make it easier for claimants to pursue lost works. AAMD also actively participated in the hearing "Review of the Repatriation of Holocaust Art Assets in the United States" conducted by the U.S. House of Representatives' Committee on Financial Services, Domestic and International Monetary Policy Subcommittee, on July 27, 2006. Hearing archives are available to the public on the subcommittee's website.

Provenance research is complex. Ownership records are often incomplete, wartime documents may have been destroyed, and standards of record keeping have changed over time. Provenance research requires the expert physical examination of works of art, and the thorough investigation of museum archives, auction and exhibition catalogues, monographic studies, and catalogues of collections, dealer records, photographic archives, and publications of the wartime activities of dealers and collectors. It can require examination of archives in foreign countries, access to documents that may not be publicly accessible, and considerable time, expertise, expense and diligence. New documents relevant to provenance research become available each year: by 2001, some 400,000 pages of previously classified data had been released in the U.S. These documents, however, represent but a small percentage of the archival material that remains to be studied.

Despite these challenges, American art museums have focused provenance research on those works that may have been affected by the Holocaust. Most of the larger art museums have already completed much of their research and are continuing this work as new information becomes available. Smaller institutions are dedicating resources to provenance research as aggressively as possible. Careful, reliable research takes time, and America's art museums are fully committed to this vital process.

To ensure continued transparency in the acquisition and presentation of their collections, to facilitate the identification of works that were stolen by the Nazis and not restituted, and to ensure prompt and sensitive responses to claimants, museum directors address the following questions:

- Has the museum identified – or is it in the process of identifying – all objects in its collection that underwent a change of ownership between 1933 and 1945, and that were in continental Europe between those dates?
- Has the museum made it a priority to conduct provenance research on those objects, while balancing this commitment of financial and staff resources with its ongoing educational responsibilities to its community?
- Has the museum made public the results of its provenance research, and is it continuing to do so?
- Is the museum sharing its findings with peer institutions to assist them with their research into comparable works, and is the museum contributing information to centralized databases and related art recovery information resources?
- Given the complicated nature of ownership claims, is the museum balancing a swift and compassionate response to claimants with its responsibility as an institution to act with care and prudence in protecting the works it holds in trust for the public?
- Is a prospective ownership claim accompanied by definitive proof, or is further research required to confirm the claim, and is the museum able to assist with that research?
- What are the steps a museum should take in establishing whether a claim is legitimate?
- When new research provides conclusive evidence of prior rightful ownership, is the museum taking responsible action even if no formal claim has been made?
- Before purchasing a work or accepting a gift or a loan with an incomplete ownership history, has the museum undertaken additional research to determine its Nazi-era provenance status?
- Is the museum updating its provenance research to the best of its ability as new information becomes available?

American museums are committed to conducting research to determine if works in their collections were stolen by the Nazis and not restituted, and responding quickly and scrupulously to requests for restitution from the heirs of the original owners. Underlying this principle is a set of core values to which the members of AAMD subscribe and which guide all aspects of their work as museum professionals. These core values are:

**Mission:** The mission of all art museums is to serve the public through art and education. Fulfillment of this mission is the primary goal of every AAMD member and the touchstone by which all decisions are made concerning museum programs and operations.

**Individuality:** Each museum has a unique identity, and its collections and programs serve the distinctive interests of its community. Museum directors have the responsibility and the freedom to exercise sound professional judgment in ensuring that their museums are responsive to local interests while adhering to the national standards of quality for which AAMD's members are recognized.

**Accountability:** Museum directors are responsible to their trustees, staff, donors and community for ensuring that museums fulfill their public service mission and reinforce the leadership position of museums as cultural and educational resources.

**Integrity:** Museum directors are responsible to their trustees, staff, donors and community for ensuring that museums meet the highest standards of curatorial, professional and ethical integrity.

**Transparency:** Museum directors manage their institutions – and, to the extent possible, the involvement in their museums by outside individuals and organizations – to promote clarity of purpose in action and openness in internal and external communications.

The AAMD promulgates fundamental standards by which art museums should be governed and managed. These principles are found in the publication, *Professional Practices in Art Museums*, which has been revised at ten-year intervals since 1971. The AAMD's commitment to these core values and the success of its members in the identification, recovery and restitution of works seized by the Nazis have ensured that America's art museums are among the most trusted and respected public institutions in the world – resources for education and enjoyment that provide lasting benefits to the people of the world.