

Munich Nr.	Austrian Repository	Classifi- cation	Author / Subject / Size
74. 13328	Aussee 8148	Painting	Philipp Roeth, 1898 "Landscape with lake", 56 x 35
75. 13359	Aussee 8179	"	Alfred Friedländer "Plunderers at a village", 89 x 55
76. 13360	Aussee 8180	"	Alfred Friedländer "Sudden attack of a village", 90 x 55
77. 13361	Aussee 8181	"	S. Jakobsen "Village-landscape at moonlight", 110,5 x 85
78. 13366	Aussee 8186	"	Julius Zielke "View of Rome", 75 x 135
79. 13368	Aussee 8188	"	Theobald Michau "Scenery with lake and figures", 44,5 x 36
80. 13371	Aussee 8191	"	Adolf Lier "Landscape with ripe corn", 44 x 39,5
81. 13372	Aussee 8192	"	Jan Mancadam "Landscape with a man", 37 x 49
82. 13383	Aussee 8203	"	Bernhard Buttersack "Village-landscape", 92 x 107,5
83. 13387	Aussee 8207	"	Hans Makart "Palace-interior with dead lady", 117 x 87
84. 13394	Aussee 8214	"	School of Claude Lorrain "Landscape near a town, 2 men fetching water", 85 x 85
85. 13396	Aussee 8216	"	Albert Zimmermann "Winterlandscape in the forest at sunset", 97 x 79,5
86. 13426	Aussee 8246	"	W. Schirmer "Castle St. Roche", 15 x 19
87. 13427	Aussee 8247	"	W. Schirmer "Medieval English castle (Godwil-Castle)", 15 x 19
88. 13432	Aussee 8252	"	J. Schindler "Scenery", 23 x 29,5

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2010 715057
By [Signature] NARA Date 7/15

108061

Munich Nr.	Austrian Repository	Classifi- cation	Author / Subject / Size
89.	Aussee 8258	Painting	O. Wisinger-Florian "Flowers with butterfly", 31,5 x 21
90.	Aussee 8260	"	Max Gaiser "Street in a little town with old women", 26,5 x 30,5
91.	Aussee 8261	"	Andreas Achenbach, 1831 "Sailing boats", 18,5 x 11
92.	Aussee 8262	"	Casp. J.N. Scheuren "Farm-house", 30 x 22,5
93.	Aussee 8265	"	Nom "Fishermen in a boat", 32 x 23,5
94.	Aussee 8266	"	Hermann Key "Girl, offering flowers", w/m
95.	Aussee 8267	Drawing	August Holmberg "Picture design: the heels of the tobacco-College of Frederic I.", 14 x 34,5
96.	Aussee 8286	Painting	Friedrich Voltz "Landscape with shepherdess and sheep", 57 x 79
97.	Aussee 8291	"	N. Baur, 1810 "Skating on a river, in front of town", 76 x 60
98.	Aussee 8315	"	German-Roman, middle 19 c. "Italian garden-scenery with village maids at a fountain", 95 x 71
99.	Aussee 8316	"	W. Leistikow, 1905 "Rain in Grünheide", 93,5 x 73,5
100.	Aussee 8318	"	Josef Rebell "Italian ideal scenery", 99 x 68
101.	Aussee 8319	"	Josef Rebell "Italian landscape with figures", 99 x 68
102.	Aussee 8321	"	Alexander von Cronhelm "Mountain-landscape with wanderer at a brook", 74 x 107
103.	Aussee 8324	"	G. Carella, 1836 "Seashore with figures", 58 x 36

- 7 -

RG 260
Entry 1
Box 105

DECLASSIFIED	
Authority	<u>2016 775057</u>
By	<u>[Signature]</u>
Date	<u>7/15</u>

108062

Run. Nr.	Munich Nr.	Austrian Repository	Classification	Author / Subject / Size
104.	45187	Aussee 9097	Painting	J. Wenglein "Landscape with lake in Upper Bavaria", 214,5 x 150

SUPPLEMENT

105.	12911	Aussee 7731	Painting	F. Zucarelli "View of a North-Italian town", 126 x 91,5
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Corrected total - 100 items

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority <u>201d 775057</u>
By <u>[Signature]</u> NARA Date <u>7/15</u>

108063

V

OBERSALZBERG
(Depot Aussee)

Münchner Nr.

- 2999 Tp. - Flämisch, 17.Jh., 210 x 342
- 4722/1 Text. - Französisch, 18.Jh., 150 x 300
- 4722/2 Text. - Französisch, um 1700, 135 x 115
- 4722/3 Text. - Französisch, um 1700, 190 x 280
- 4722/4 Text. - Französisch, 18.Jh., 190 x 225
- 4722/5 Text. - Orient (Türkei?), 18.Jh., 135 x 125
- 4722/6 Text. - Französisch, 18.Jh., 127 x 265
- 4776/5 Silb. - Schale, 17.Jh., 22 x 10, Höhe 6,5
- 4780 Tp. - Brüssel, um 1600, 512 x 335
- 4788 Text. - Aubusson, 18.Jh., 280 x 260
- 4789 Text. - Brüssel, 16.Jh., 220 x 310
- 13601/1 Silb. - Schale, deutsch, 17/18 Jh.,?, ø 16 cm, H. 5,8
- 13602/2 Silb. - Kästchen, englisch, 19.Jh., 18,2 x 10,2 x 9,5
- 13602/4 Silb. - Kerzenleuchter, holländ. 19.Jh., Höhe 18 cm
(2 items)

Corrected Total - 15 items

Abkürzungen:
Text. = Textilien
Tp. = Teppiche
Silb. = Silber

RG 260
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Authority 7010715057
By [Signature] NARA Date 7/15

108064

VI

DEPOT KOGL

Münchner Nr.

21007/7	Glas	- Spiegel
21007/10	Glas	- Fenster (modern), rund
21007/11	Glas	- Fenster (modern)
21036/3	Gem.	- unbekannt, 19.Jh., 42,2 x 37,6
21036/8	Gem.	- A. Priva, 33 x 41
21440/5	St.	- 12 Holzschnitte nach Victor Hugo, ca.67 x 52
21525	Gem.	- Venetianisch, 17.Jh., 82 x 96
21527	Gem.	- Hondekoeter, 171 x 133
21832/11	Sk.	- 15/16. Jh., Höhe 31 cm
21837/19	St.	- Demarteau l'aine (Kupferstich), 35 x 46
21837/20	St.	- 17. Jh., (Kupferstich), 46 x 35
21839/7	Gem.	- Deutsch, 18.Jh., 59 x 77
21851/5	Gem.	- Holländisch, 17.Jh., 62,5 x 65,5
21856/16	Zchn.	- 18. Jh., 28 x 22
21905/1	Glas	- China (Vase), mittlere Größe
21909/12	Gem.	- "O.K.", 1829, 37 x 47
21934/75	Min.	- Darter, 1922, oval 6 x 8
21934/193	Min.	- Deutsch, 19.Jh., 4 x 5
21947/1	Gem.	- unbekannt, 19.Jh., 35,5 x 47
21947/18	Gem.	- Alexander Archipenko, 28,5 x 40
22081/1	Gem.	- Deutsch, 17.Jh., 115 x 95
23285/1	Zchn.	- Wilhelm Kobell, 28,5 x 37
23285/2	Zchn.	- Wilhelm Kobell, 28,5 x 37

Corrected Total - 23 items

Abkürzungen: Glas = Glaswaren
Gem. = Gemälde
Sk. = Skulpturen
Min. = Miniaturen
Zchn. = Zeichnungen
St. = Kupferstiche, Lithographien usw.

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority <u>2016 715057</u>
By <u>[Signature]</u> NARA Date <u>7/15</u>

108065

VII

DEPOT MITTERSILL

Münchner Nr.

30249/1 Text. - Französisch, um 1760-80, 200 x 230
30249/2 Text. - Französisch, um 1760-80, 305 x 228
30251 Text. - Flämisch, 17.Jh., 400 x 257

Corrected Total - 3 items

Abkürzungen: Text. = Textilien

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2010 775057
By [Signature] NARA Date 7/15

108066

VIII

"GÄNZLICH UNIDENTIFIZIERT"
DEPOT AUSSEE

Münchener Nr.

4678	Text.	-	Aubusson, um 1830/50, 720 x 560
4893	Gem.	-	Holländisch, 17.Jh., 65 x 51
10088	Gem.	-	Englisch (?), 18.Jh., ø 82
10132	Gem.	-	Englisch, 18.Jh., 64 x 77
10254	Gem.	-	um 1900, 23 x 34
10255	Gem.	-	um 1900, 23 x 34
10929	St.	-	Perronneau, 18.Jh., 43 x 36,5

Corrected Total - 7 items

Abkürzungen:

Text. = Textilien
Gem. = Gemälde
St. = Stiche, Drucke, Lithographien usw.

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority <u>2025-775057</u>
By <u>[Signature]</u> NARA Date <u>7/15</u>

108067

H1000/cep

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Art Collecting Point Munich

10 Arcisstrasse,
Munich, Jan 22, 1952.

Loading List:

Truck No.: USA 0467420 MUGH T 421

Run. No.	Munich No.
1	1343
2	45187
3	1301
4	46036
5	13024
6	8728
7	2299
8	45082
9	4082
10	9839
11	1573
12	11759
13	13147
14	13366
15	13171
16	13169
17	8966
18	10683
19	4143
20	11429
21	21525
22	22081/1
23	9036
24	8853
25	2601
26	9177
27	9842
28	8970
29	3042
30	10779

Cont'd

RG 260
 Entry 1
 Box 105

DECLASSIFIED
 Authority 201d 775057
 By [Signature] Date 7/15

108068

Run. No.

Munich No.

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11808
10040
13466
10759
10045
11295
11300
10088
2506
9208
9423
10697
9455
21007/7
4670
11373
3024
10132
12976
8775
21851/5
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2508
4889
4898
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21839/7
12927
12931
11311

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2010 7/15/07
By [Signature] NARA Date 7/15

108069

Run. No.	Munich No.
81	13502
82	12997
83	13377
84	12861
85	12862
86	8971
87	13003
88	13004
89	9770
90	13365
91	45089
92	13188
93	13186
94	4157
95	12197
96	13359
97	13360
98	12199
99	11724
100	12196
101	12201
102	9772
103	3534
104	13496
105	13495
106	13498
107	13499
108	8927
109	13396
110	13394
111	13501
112	12345
113	12212
114	13092
115	12344
116	11234
117	12210
118	13096
119	13504
120	12194
121 121	13474
122	13478
123	13475
124	13089
125	13471

Cont'd

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2011 715057
By [Signature] NARA Date 7/15

108070

Run. No.

Match No.

126
 127
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 13472
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 9647
 9717
 5005
 13184
 44710/8

Cont'd

RG 260
 Entry 1
 Box 105

DECLASSIFIED
 Authority 2012/7/15/57
 By [Signature] NARA Date 7/15

108071

Run. No.

Runch No.

171
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21440/5
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45140
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13787
13088
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13648
12137
12506
13793

//////////////////////////////////// Last Item //////////////////////////////////////

*Übernommen
für das Bundesdenkmalamt
Salzburg, am 22. 1. 1952*

Hudwigberg

H. Erika Deberer

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2025775057
By [Signature] NARA Date 7/19

108072

H1C04/EEP
~~48188~~

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Office of Public Affairs
Munich Central Collecting Point

Munich, Germany
January 18, 1952

Loading List

U.S. Army Truck No: USA 0467420 MUCH T 421

Run. No.	Munich No.
1	8812
2	9254
3	9169
4	13154
5	11157
6	11156
7	10661
8	8807
9	10664
10	10651
11	8958
12	8949
13	45188
14	11337
15	11343
16	4359
17	9139
18	9253 8848
19	10665
20	13155
21	11147
22	9242
23	8810
24	12765
25	8940
26	13168
27	13166
28	13165
29	10681
30	21527
31	11099
32	11098
33	11346
34	8690
35	11160

Cont'd.

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2011 715057
By [Signature] NARA Date 7/15

108073

Leading List continued:

Run. No.	Munich No.
36	10654
37	8759
38	11076
39	11322
40	11758
41	8852
42	8794
43	12910
44	12911
45	4863
46	3038

and the following boxes:

No. 20
53
56
30
48
52

Last _____ Item.

*Übernommen namens des Bundesdenkmalamts
am 18.1.1952 in Salzburg*

Heudorferberg

Dr. Erika Dohren.

RG 260
Entry 1
Box 105

DECLASSIFIED
Authority 2012 715057
By [Signature] NARA Date 7/15

108074

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
 Office of Public Affairs
 Munich Central Collecting Point

Munich, Germany
 January 18, 1952

Loading List

U.S. Army Truck No: USA 4771659
 Munich-BSGH
 S-T 2

Case No.:	57
" "	22
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cont.

Case No:	4
" "	5
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-	Final Item -

54
42

*Übernommen namens
 des Bundesdenkmalamtes
 am 18.1.52 in Selburg
 Thudöberg Dr. Gerta Dohren*

RG 260
 Entry 1
 Box 105

DECLASSIFIED
 Authority 2010 715057
 By [Signature] NARA Date 7/15

108075

DECLASSIFIED
 Authority NND 968071
 By JG NARA Date 11-5

RG 59
 Entry NND 968071
 File manz psalter
 Box 4

3027 CAMBRIDGE PLACE N. W.

WASHINGTON 7, D. C.

April 19, 1955

Dear Dr. Scheidig:

An effort has been made to trace the eight missing paintings described in your letter of October 21, 1953. An extensive investigation has been completed, conducted over a period of ten months, of officers and men stationed in 1945 at Castle Schwarzburg, where the paintings were stored.

The investigation has been without results. It has failed to provide any information, or even a clue, that would help in identifying any individuals involved in the theft or in locating any of the missing pictures.

It was reported that the loss of the Cranach was known and that an unsuccessful search for the painting was made. An architect and his wife living within the castle grounds were said to have estimated its value at a million dollars. If it were generally believed that the paintings had such enormous value, it is hoped, that that would be deterrent to any culprit inclined to destroy them. The possibility, I feel, should not be excluded that the paintings might have been taken by someone in the vicinity who knew of the storage place and the great value of some of the other pictures.

In any case, the description and photographs of the eight paintings will be placed on file with other objects missing from Germany. The American museum authorities, who are informed of the loss will notify the Department should any of the paintings appear on the art market in the United States.

Sincerely yours,

Ardelia R. Hall
 Arts and Monuments Adviser

Dr. Scheidig, Director,
 National Art Collection,
 Staatliche Kunstsammlungen,
 Weimar, Germany.

108076

DECLASSIFIED	
Authority	NND 968071
By	TJ NARA Date 10/3/99

RG	59
Entry	Lot 62D-4
File	Ardelia Hall Coll.
Box	2

December 9, 1947

PERSONAL

Mr. Herbert S. Leonard,
MFA & A Section,
Restitution Branch, Economic Division,
OMGUS,
APO 407 - C/O Postmaster,
New York, New York.

My dear Mr. Leonard:

Your letter to the Customs Commissioner of New York regarding the painting by Lucas Cranach of Philip Melanchthon has been forwarded to the Department of State and I am sending a personal answer for your information. I am very glad to have the opportunity to bring you up-to-date with regard to the efforts which have been and are being made by the Department of State and the Government to recover works of art illegally brought to the United States by members of the Armed Forces.

The Department learned from an official of Brooklyn College that the Cranach painting was in the possession of one of the College students, a returned GI. The Department at once requested an investigation by the Bureau of Customs. At that time I went to see Mr. Craig Smyth at the Frick Gallery to inquire further into the circumstances of the looting of the Hitler paintings from Munich. I also initiated a request to OMGUS for the complete list of paintings missing from the Fuhrerbau. The list "Sammlung des Fuhrers - Stand am 1 Nov. 1946" was received 31 January 1947. I shall, of course, be interested to learn if any of the paintings on this list are recovered in Germany.

The Lucas Cranach painting was voluntarily surrendered by the GI to the Bureau of Customs and is now held in Government custody for transfer by the Department of the Army to the MFA&A Section of OMGUS, under the procedure outlined in the enclosed policy, when it will be returned to Munich for the proper disposition under the regular MFA & A procedures. The Cranach painting is but one of several items which have thus far been voluntarily surrendered in various parts of the U.S. and which will be brought to Washington, for return to Germany in one shipment.

108077

DECLASSIFIED
Authority NND 168071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

*Suspect
a German
origin*

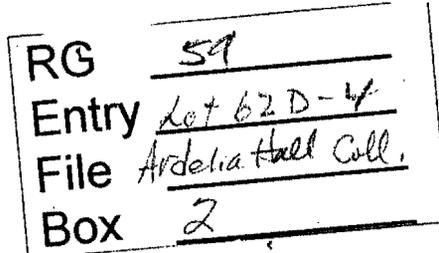
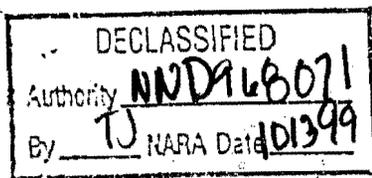
While I am writing on this subject I would like to ask if you would be willing to send me any information you may have regarding the origin of the UP release from Frankfurt which appeared on the front page of the Washington Post this morning. I have already discussed the matter with the Pentagon and they will inform me if any comment is received from Frankfurt. It appears to me as an unfounded accusation, and the surmise, that if paintings were stolen by Germans, GI's alone must have them, is not even reasonable. It strikes me as a smoke screen for traffic in stolen paintings. I hope the MFA&A Section can prevent any further loose generalizations of this sort.

With my kindest regards,
Yours very sincerely,

Ardelia R. Hall

Enclosures:

- 1) Return of Looted Objects of Art to Countries of Origin, Dept. of State Bulletin, Feb. 23, 1947.
- 2) Clipping from Washington Post, Dec. 8, 1947.



741.04

25

DEC 11 1946

Mr. Henry P. Leverich
 Acting Chief, Division of Occupied Areas
 Office of International Information and
 Cultural Affairs
 Department of State
 Washington 25, D. C.

Sir:

Reference is made to your letters of November 14 and December 3, 1946 (ADO), with enclosures, requesting an investigation of a painting which was brought or sent into the United States by a student in Brooklyn College.

The matter is being inquired into and you will be informed as to the results of the investigation.

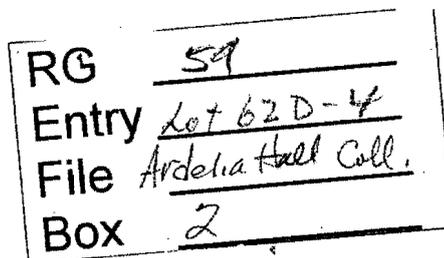
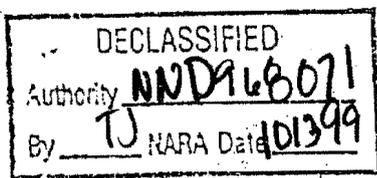
Very truly yours,

(Signed) Shirley Stephens

SHIRLEY STEPHENS
 Chief, Enforcement

FMR:pm 12-9-46

108079



In reply refer to
ADO

My dear Mr. Johnson:

Reference is made to the letter of November 14, 1946, in which this Division enlisted the assistance of the Bureau of Customs in connection with the investigation of the student of Brooklyn College who is in possession of a painting by Lucas Cranach.

The Department has received additional information from the Office of Military Government for Germany in Berlin to the effect that the painting of Philip Melancthon and Dragon, 1535, by Lucas Cranach (twenty centimeters by fourteen centimeters) was not looted from the Fuhrerbau in Munich, but from the Goering collection at Berchtesgaden. This is at variance with the information already received from the Student Adviser, Mr. Peter Blos, but as there are several paintings of the subject by Cranach, it is possible that a second painting was referred to in the above information.

A copy of a letter from the Metropolitan Museum of Art is enclosed. This letter states that the officials of the Museum do not consider it advisable for that institution to accept the custody of the paintings. The Department would appreciate it if the Bureau of Customs would hold the painting in custody until further arrangements can be made.

Sincerely yours,

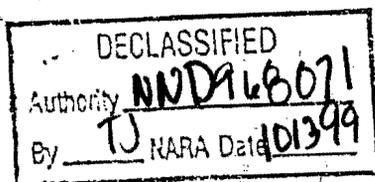
Henry P. Leverich,
Acting Chief, Division of Occupied Areas,
Office of International Information
and Cultural Affairs.

Enclosure:

Copy of letter from Metropolitan Museum of Art, dated November 20, 1946.

Mr. W. R. Johnson,
Commissioner of Customs,
Treasury Department,
Washington, D. C.

108080



RG	<u>59</u>
Entry	<u>Lot 62 D-4</u>
File	<u>Ardelia Hall Coll.</u>
Box	<u>2</u>

Please certify and return to: ADO:GTB

In reply refer to
ADO

My dear Mr. Johnson:

It would be very much appreciated if the Bureau of Customs would be able to aid in the investigation of two returned soldiers having in their possession works of art which they brought from Germany. The full dossier of correspondence, together with information recently obtained by the Department of State from Monuments, Fine Arts and Archives officers formerly in Germany is enclosed.

Both soldiers have expressed the willingness to surrender the objects, but to our knowledge this has not been done. Those held by the returned soldier in Detroit were to have been placed in the temporary custody of Mr. Edgar P. Richardson, Director, Detroit Institute of Arts, Detroit, Michigan. The painting held by the student in Brooklyn College, if a favorable reply is received from Mr. Harry Wehle, Curator of Paintings, should be placed on temporary loan at the Metropolitan Museum of Art.

It is believed that real advantage may accrue in tracing other objects by enlisting the further cooperation of these men so that your investigators may obtain all relevant information.

The former MFA&A officer, Mr. Craig Smythe of the Frick Collection of Art, New York City, is particularly informed regarding the looting of the Hitler depository in the Fuhrerbau at Munich, (from where the Cranach was taken), and a former officer of the Art Looting Investigation Unit, Professor S. Lane Faison, Jr. of Williams

College,

Mr. W.R. Johnson,
Commissioner of Customs,
Treasury Department,
Washington 25, D.C.

108081

DECLASSIFIED	
Authority	NND 68071
By	TJ NARA Date 10/3/99

RG	59
Entry	Lot 62 D-4
File	Ardelia Hall Coll.
Box	2

- 2 -

College, Williamstown, Massachusetts, was directly concerned with the Hitler collection for the proposed Museum at Linz having prepared all the reports on the Nazi art looting for the Hitler Museum at Linz. They would be very ready, I am sure, to give you any additional information.

We shall also forward to you any information which is received from the National Gallery of Art that you may require.

Sincerely yours,

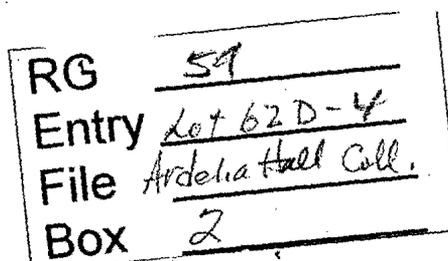
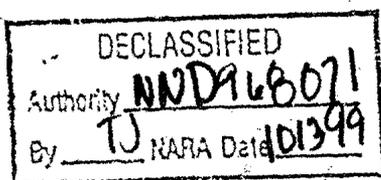
Henry P. Leverich
Acting Chief
Division of Occupied Areas

Enclosures:

1. From Mr. Peter Blos to Mr. Huntington Cairns, dated September 19, 1946.
2. From Mr. Henry P. Leverich to Mr. Peter Blos.
3. From Mr. Henry P. Leverich to Mr. Harry Wehle.
4. Memorandum from Mr. Henry P. Leverich to Mr. Benjamin O. O'Sullivan, dated October 25, 1946.
5. "Information on Cranach Painting".
6. From Mr. Sherman E. Lee to Mr. Lamont Moore, dated July 2, 1946.

(For additional enclosures, see following page.)

108082



- 3 -

7. From Mrs. Leon Whitney to Mr. Hans Speier, dated July 30, 1946.
8. "Objects in Possession of Donald Whitney".
9. From Mr. Hans Speier to Mr. Edgar P. Richardson, dated July 26, 1946.
10. From Mr. Hans Speier to Mr. Sherman E. Lee, dated July 26, 1946.
11. From Mr. Hans Speier to Mr. Donald Whitney, dated July 26, 1946.



ADO:ARHall:mbv

10/28/46

OIC ES

108083

DECLASSIFIED	
Authority	NND 948071
By	TJ NARA Date 10/3/99

RG	59
Entry	Lot 62D-4
File	Ardelia Hall Coll.
Box	2

Please certify and return to: ADO:ARH

In reply refer to
ADO

My dear Mr. Wehle:

We have been informed that a student in Brooklyn College has in his possession a painting by Lucas Cranach of Philip Melancton, which is probably one of the paintings looted by the Nazis for Hitler's museum at Linz. I would like to ask your cooperation in accepting the painting on temporary loan at the Metropolitan Museum of Art until arrangements can be made for the U.S. Government to return it through the appropriate channels to the rightful owner.

Sincerely yours,

Henry P. Leverich
Acting Chief
Division of Occupied Areas

Mr. Harry Wehle,
Curator of Paintings,
Metropolitan Museum of Art,
New York, New York.

ADO:ARHall:mbv

10/28/46

OIC ES

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Authority	NND 968071
By	TJ NARA Date 10/3/99

RG	59
Entry	Lot 62D-4
File	Ardelia Hall Coll.
Box	2

Please certify and return to: ADO:ARH

In reply refer to
ADO

My dear Mr. Bloss:

The Department of State has been informed that one of your students has in his possession a painting by Lucas Cranach taken from the Fuehrerbau on the Konigsplatz in Munich. As this painting is probably one of those looted by the Nazis and it is the policy of the U.S. Government to return such objects to the rightful owner the painting should be surrendered by the student, to be placed in the temporary custody of a New York museum until arrangements for the return can be made. It is also desirable to enlist your cooperation and the further assistance of this student with the appropriate officials of the Government who may be assigned to the investigation in order to obtain all relevant information.

It is not anticipated that any charges will be pressed against a returned soldier who will voluntarily aid the Government in the recovery of dispersed works of art, as that objective is the primary concern of the Department of State.

Sincerely yours,

Henry P. Leverich
Acting Chief
Division of Occupied Areas

Mr. Peter Bloss,
Student Advisor,
Brooklyn College,
Bedford Avenue and Avenue H.,
Brooklyn 10, New York.

ADO:ARHall:mbv

10/28/46

OIC

ES

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Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

A-H - Mr. O'Sullivan

October 25, 1946

ADO - Mr. Leverich

Painting by Lucas Cranach from Fuhrerbau, Munich

Would you kindly send the following cable of inquiry to the Monuments, Fine Arts and Archives Section, OMGUS, Munich.

"Was Lucas Cranach, Philip Melancton and dragon, 1535, 20 cm x 14 cm among paintings looted from the Fuhrerbau, Munich, on May 3 and 4, 1945? It is anticipated that the complete list of the missing Hitler collection of paintings will be needed."

ADO:ARHall:mbv

10/29/46

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Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

"Information on Cranach Painting"

When Miss Ardelia R. Hall of ADO was in New York, she learned from Mr. Craig Smythe of the Frick Gallery, (a former Fine Arts officer), that the Cranach in the possession of a student in Brooklyn College was probably looted from the Fuhrerbau. It was one of 500 paintings looted at the time of the fall of Germany on the 3 and 4 of May, 1945. The Fuhrerbau had been a repository for approximately 600 paintings of high quality held by Hitler and destined for his museum at Linz. Only about 100 large paintings were left when the Fine Arts officers arrived. The looting is believed to have been done by Munich people and advanced combat troops. Professor S. Lane Paison, Jr. of Williams College, of the OSS Art Looting Investigation Unit worked on the Linz problems and wrote the report on Hitler's collecting activities. He is fully informed regarding the Munich incident.

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Authority	NND 968071
By	TJ NARA Date 10/3/99

RG	59
Entry	Lot 62 D-4
File	Ardelia Hall Coll.
Box	2

C O P Y

BROOKLYN COLLEGE
Bedford Avenue and Avenue H
Brooklyn 10, N.Y.

The Office of the Dean of Students
Department of Personnel Service

September 19, 1946

Mr. Huntington Cairns
National Gallery of Arts
Washington, D. C.

Dear Mr. Cairns:

I am writing to you upon the suggestion of Dr. Taylor of the Metropolitan Museum. I wanted some advice from him which, he told me, I might obtain from you.

A student of Brooklyn College has recently returned after two years service in the Army. He has in his possession a picture by Lucas Cranach which he took from Hitler's "Führerhaus" at the Koenigsplatz in Munich. The student is willing to surrender the picture to the proper authority provided it is not returned to Germany but kept in an American Museum. He also would like to know whether any difficulties could arise from such a surrender in good faith.

I would appreciate it if you could advise me how to proceed in this matter because the student has entrusted me with this confidence and I promised to obtain for him authoritative advice.

Sincerely yours,

(signed)

Peter Blos
Student Advisor

PB/JC

Description of painting:

Lucas Cranach
Philipp Melanchton
1535 and Dragon
20 cm x 14 cm
Melanchton in black robe, turquoise background.

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Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2



TREASURY DEPARTMENT
BUREAU OF CUSTOMS
NEW YORK 4, N. Y.



OFFICE OF THE COLLECTOR
DISTRICT NO. 10
ADDRESS ALL COMMUNICATIONS FOR THIS OFFICE
TO THE COLLECTOR OF CUSTOMS
NEW YORK, N. Y.

U. S. CUSTOMS SEIZURE ROOM
311 U.S. Appraiser's Stores
201 Varick Street
New York 14, N.Y.

IN REPLY REFER TO:
VJG/ac
Szm 29923
30051
30161

November 4, 1948.

Department of State,
Division of Libraries & Institutes,
Washington, D. C.

Gentlemen: Ref: ILI 840-403/11-1446.

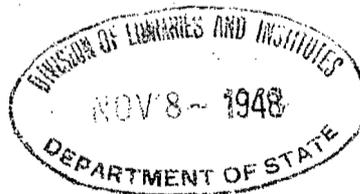
Pursuant to your letter of the 12th ultimo, file number cited, we are on even date forwarding to The National Art Gallery, Washington, D.C. via Railway Express Agency, one (1) oil painting by Lucas Granach, one (1) unframed oil painting by Droochsloot and miscellaneous art objects including a 13th century manuscript.

The original Bill of Lading appertaining thereto is being transmitted to the National Art Gallery.

Respectfully,

HARRY M. DURNING
Collector.

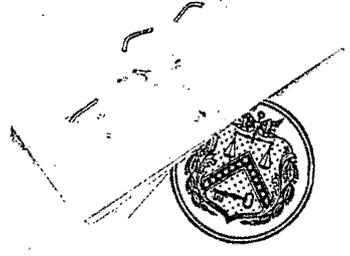
By: *E. G. Collord*
E. G. Collord,
Administrative Assistant,
Seizure Room.



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DECLASSIFIED
Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2



TREASURY DEPARTMENT
BUREAU OF CUSTOMS
WASHINGTON

IN REPLY REFER TO
741.04

Chief, Occupied Area Division
Department of State
Washington 25, D.C.

DEC 4 1947

Sir:

Attention, Miss Hall

There is enclosed for your information and such action as you desire to take in the matter a copy of a report from the supervising customs agent at New York dated November 25, 1947, enclosing a copy of a letter to the U.S. Customs Commissioner at New York City from Herbert S. Leonard, Chief Monuments, Fine Arts, and Archives Section, Restitution Branch, Munich, Germany, in regard to the seizure of a portrait from Raul Hilberg for a violation of the provisions of Treasury Decision 51072 and section 593(b) of the Tariff Act of 1930.

Very truly yours,

Shirley Stephens
SHIRLEY STEPHENS
Chief, Enforcement

Enclosure No. 28197
OIC OCCUPIED AREAS DIVISION
(ADD)
DEC 8 - 1947
DEPARTMENT OF STATE

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DECLASSIFIED
 Authority NND968071
 By TJ NARA Date 10/3/99

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 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2



TREASURY DEPARTMENT
 BUREAU OF CUSTOMS
 NEW YORK 7, N. Y.

CUSTOMS AGENCY SERVICE
 SUPERVISING CUSTOMS AGENT
 ROOM 500
 253 BROADWAY

November 25, 1947.

IN REPLY REFER TO:
 7-1111
 Seiz. 30055

The Commissioner of Customs,
 Division of Investigations and Patrol,
 Bureau of Customs,
 Washington 25, D. C.

Dear Sir:

Attention is invited to Bureau letter of July 7, 1947, file 741.04, addressed to this office, relative to the detention of a painting by Lucas Cranach from a G.I. student at Brooklyn College and other seizures effected by this office, all of which were brought into the United States as souvenirs by returning G.I.'s.

In connection with the seizure of the painting by Lucas Cranach, there is attached a letter addressed to Agent Spinola by Herbert S. Leonard, Chief Monuments, Fine Arts, and Archives Section, Restitution Branch, on October 8, 1947, together with the envelope in which this communication was received.

Very truly yours,

Customs Agent, in Charge
 Smuggling Investigations.

APPROVED:

Supervising Customs Agent.

Inclosure:
 Ltr. 10/8/47
 w/envelope

cc-Collector, N.Y.
 w/cy incl.

KGLinden:LCO

NOV 28 1947

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DECLASSIFIED
 Authority NND 968071
 By TJ NARA Date 10/3/99

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
 ECONOMICS DIVISION
 MUNICH GERMANY APO 407 US ARMY

1947 NOV 21 PM 12:07

HSL/r1

7-1111
 NEW YORK, N.Y.

8 October 1947

SUBJECT: A painting by Cranach
 TO : Mr. Stanley R. Spinola, U.S. Customs Commissioner
 253 Broadway, Room 500, New York N.Y.

Dear Mr. Spinola:

This office was recently informed by Mr. Craig H. Smyth, Frick Art Gallery, that you confiscated a painting by Cranach (Portrait of a Man, "12 X 15") which has been illegally taken out of Germany. It is understood that the painting belonged to the former Hitler Collection and that it is likely to be subject to restitution to one of the formerly occupied countries.

According to Mr. Smyth the matter has been reported to Mr. Henry P. Leveridge, Acting Chief, Division of Occupied Areas, Dept. of State.

We would appreciate it greatly if you would give us detailed account of the case and would advise us what steps should be taken for the recovery of the painting.

Sincerely yours,

Herbert S Leonard
 JW
 Herbert S Leonard
 Chief Monuments, Fine
 Arts, and Archives Section
 Restitution Branch

CUSTOMS AGENCY SERVICE
 BOSTON, MASS.

NOV 17

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DECLASSIFIED
Authority NND 68071
By TJ NARA Date 10/3/99

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Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

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WAR DEPARTMENT
CLASSIFIED MESSAGE CENTER
INCOMING CLASSIFIED MESSAGE

RESTRICTED TOP

PARAPHRASE NOT REQUIRED. HANDLE AS RESTRICTED CORRESPONDENCE
PER PARAS 511 and 60a (4), AR 380-5.

From: OMGUS, Berlin Germany sgd Keating
To : War Department for WDSGA
Info: OMG Bavaria attn MFA and A Section
Nr : CC 7020

19 November 1946

The Philip Melanchton and Dragon, 1535, 20 centimeters by 14 centimeters by Lucas Cranach was not looted from the Fuhrerbau but from the Goering collection while at Berchtesgaden. There were 594 paintings in the Fuhrerbau of which 259 were from the Schloss collection. Many of the paintings have been restituted. A complete list of the contents as of 3 May 1945 and the present status of each is being prepared and will be mailed.

End.

ACTION: CAD

CM IN 3304

(20 Nov 46)

DTG 191505Z mec

RESTRICTED

COPY NO. 12

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

DECLASSIFIED

Authority NND 968071By JW NARA Date 11-5RG 59Entry NND 968071File mann psalterBox 1

THE AMERICAN COMMISSION FOR THE PROTECTION AND SALVAGE
OF ARTISTIC AND HISTORIC MONUMENTS IN WAR AREAS

Owen J. Roberts, *Chairman*
David E. Finley, *Vice Chairman*
Huntington Cairns, *Secretary*
Charles H. Sawyer, *Assistant Secretary*
William Bell Dinsmoor
Herbert H. Lehman
Paul J. Sachs
Archbishop F. J. Spellman
Francis Henry Taylor
John Walker, *Special Advisor*
Sumner McK. Crosby, *Special Advisor*

OFFICE OF THE SECRETARY
NATIONAL GALLERY OF ART
WASHINGTON 25, D. C.

TO MUSEUMS, ART AND ANTIQUE DEALERS AND AUCTION HOUSES:

This Commission has had numerous reports of objects being offered to museums and to the trade by present and former members of the armed forces. Where the source or origin of these objects may be obscure or suspicious and where the objects may be of special artistic importance, the Commission would appreciate being informed of the facts with as full and specific information as possible concerning the objects themselves and the circumstances under which they came to your attention.

The above information will be made available to the Customs and the Foreign Funds Control officials in the Treasury Department for their attention and any further investigation that may be required. The source of the information will be treated as confidential.

It is, of course, obvious that no clear title can be passed on objects that have been looted from public or private collections abroad. We believe, therefore, that it is to the advantage of both public institutions and the trade, as well as for the good name of this Government and its armed forces, that any specific examples of looting of works of art or cultural materials be brought to light as soon as possible.

108094

R6 239
Box 17

May 1, 1946

Dear Mr. Stephens:

Reference is made to your letter of April 30th concerning various objects of art imported by Joseph Bodnar, Jr. and now being held by the Customs Agency Service office at New York.

At present we are working on a plan to return to the country of origin these objects along with others reported from various parts of the country. It is assumed that these will be shipped by the Quartermaster section of the U.S. Army, but final arrangements concerning this have not been completed.

You may expect to hear from us within a few weeks as to the procedure recommended for the return of this material.

Sincerely yours,

Lamont Moore
Assistant Secretary

Mr. Shirley Stephens
Chief, Enforcement
Bureau of Customs
Treasury Department
Washington 25, D. C.

108095

OCT 12 1948

PLEASE CERTIFY AND
RETURN TO *J. F. R. Mall*

In reply refer to
III 940-403/11-1446

Collector of Customs,
U. S. Customs House,
Bowling Green,
New York 4, New York.

Sir:

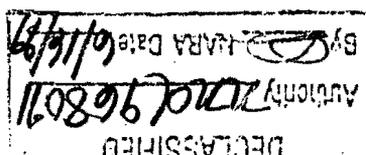
The Department of State was informed by the Commissioner of Customs in a letter dated September 9, 1946 that the supervising customs agent at New York had detained a thirteenth-century manuscript and other miscellaneous art objects from Mr. Joseph Rodar, Jr., 184 East 132d Street, New York and an oil painting of a Village Winter Scene by Joost Cornelius Droochlost, dated 1631, from Lieutenant John H. Hutchinson, USNR. Mr. Shirley Stephens, Chief, Enforcement, Bureau of Customs, informed the Department on March 26, 1947 that the portrait of Philipp Melancthon, by Lucas Cranach had been detained from Saul Hilberg, 742 East 2d Street, Brooklyn 18, New York.

The Department of State in a letter to the Secretary of Treasury dated December 9, 1947 petitioned for the remission of the accrued forfeiture on these objects.

It is now requested that these works of art be forwarded under the enclosed U. S. Government bill of lading, S-34782, to the National Gallery of Art, Washington, D. C. for return to the country of origin. These objects will be exported under customs supervision, at which time the Bureau of Customs at the port of exit will be notified.

The

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- 3 -

The Department of State greatly appreciates the very substantial assistance which the New York Collector of Customs has given in the recovery of looted works of art.

Sincerely yours,

Carl A. Sauer
Acting Chief
Division of Libraries and Institutes

Enclosure

U. S. Government Bill of Lading.
S-34732.



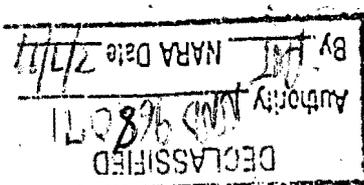
CONFIDENTIAL

9/22/48



108097

DECLASSIFIED
Authority 2009/968011
By NARA Date 6/14/99



COPY

741.04

TREASURY DEPARTMENT
Bureau of Customs
Washington, D.C.

September 9, 1946

The Director
Office of Economic Security Policy
Department of State
Washington, 25, D. C.

Sir:

During the latter part of 1945, the supervising customs agent at New York detained from Joseph Bodnar Jr., a thirteenth century manuscript and other "art objects," as defined by T. D. 51072, which had been taken from a museum in Amorbach, Germany, when it was being looted by members of the armed forces, and apparently imported into the United States contrary to law. Subsequently, an agreement was reached between this Bureau and The American Commission for the Protection and Salvage of Artistic and "Historic Monuments in War Areas, commonly referred to as The Roberts Commission, under which "art objects" when imported contrary to law would be seized by customs officers under section 593 (b) of the Tariff Act of 1930 (U.S.G. title 19, sec. 1593 (b)), a petition would be filed by The Roberts Commission as an interested party under section 618 of the same act (U.S.G., title 19, sec. 1618), for remission of the accrued forfeiture, the petition would be given favorable consideration, and the property would be released to the petitioner which would arrange for restoration through appropriate channels.

After the date of the agreement, an investigation by the supervising customs agent at New York, N. Y., disclosed that an oil painting of a village winter scene with many figures, said to be the work of the Dutch painter, Joost Cornelis Droochsloot, and dated 1631, had been imported from Germany by Lieutenant John R. Hutchison, U. S. M. R., apparently without import requirements having been met. The painting was left for safekeeping in the custody of Mr. Shanney in the building of the New York Historical Society. Also, 949 coins were detained by the supervising customs agent at Chicago from Fred Cooper, whose friends had taken them from a museum in Germany.

The Roberts Commission was unable to complete arrangements for the return of the articles to the country from which taken before it expired on or about July 1, 1946, with the result that the property is still under detention without formal seizure thereof having been made.

I have

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I have been informed that the functions of The Roberts Commission have been transferred to your office and if my information is correct I shall appreciate it if you will let me know at your earliest convenience whether you are interested in the detained articles, whether the procedure previously worked out for their seizure and release has your approval, and what arrangements you have found it possible to make looking to their restoration to the country of origin.

Very truly yours,

/s/ W. R. Johnson
Commissioner of Customs

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DECLASSIFIED
Authority <u>108099</u>
By <u>[Signature]</u> NARA Date <u>7/7/77</u>

From 2004.
No follow-up.
Records: RECORDS SECTION, ROOM 5000
ONE COPY OF RECORDS, NEW YORK OFFICE
RECORDS AND INFORMATION DIVISION AND ON
JULY 11, 1947. S. S. SHERMAN

TREASURY DEPARTMENT

UNITED STATES CUSTOMS SERVICE

New York, N. Y.

July 1, 1947

The Collector of Customs,
New York 4, N. Y.

Attention: Mr. F. B. Laughlin,
Assistant Collector

Dear Sir:

There is inclosed customs Form No. 5955, Report of Seizure, No. 29483, relative to the seizure of a fourteenth century manuscript titled "AFRICA", by Francis Petrarch, from WALTER RECHSTEINER, 728 24th Street, Union City, New Jersey. The manuscript was delivered to this office by Mr. Rechsteiner and his attorney, Nathan J. Littauer, 400 38th Street, Union City, New Jersey, on June 25, 1947, where it was examined and appraised at a domestic value of \$5,000.00 by Customs Examiner H. Rubenson, corded and sealed by this office, and remanded to the custody of Mr. Rechsteiner pending the Bureau's decision on Rechsteiner's petition seeking the manuscript's return.

Action for the recovery of the manuscript was initiated by this office on December 30, 1946, and subsequently by the Bureau of Customs, upon the basis of newspaper articles appearing in issues of the NEW YORK TIMES and the NEW YORK JOURNAL-AMERICAN for December 22, 1946. Both articles, as well as later newspaper items transmitted with Bureau letters of January 3 and 16, 1947, describe this fourteenth century manuscript copy of a Petrarchian poem entitled "AFRICA" as being marked as the property of the Trieste Library, and go on to state that the manuscript was brought to the United States by Walter Rechsteiner, who served in Italy with the 887th Airborne Engineers, and acquired the manuscript in Naples in March 1945 (?) from a peddler for two cartons of cigarettes and the equivalent of \$60.00 in American money. The NEW YORK TIMES for December 24, 1946, published an Associated Press wire photo of Rechsteiner holding the manuscript.

On June 7, 1947, Customs Agent P. J. Calvin interviewed Walter Rechsteiner at 724 24th Street, Union City, New Jersey, and was referred to attorney Nathan J. Littauer, who advised Customs Agent Calvin that

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Authority: NND 968071
By: [Signature] NARA Date 7/7/77

his client had not violated any laws in bringing a manuscript he had legally acquired and had properly declared for customs under the provisions of Public Law No. 633, and in accordance with instructions of his superior officers, therefore, he could not advise his client to surrender the document to customs officers. In addition, Attorney Littauer said that his client had been approached by representatives of the Italian Government, who sought the return of the manuscript, and he felt that he could best protect his client's interests by retaining custody of the manuscript until a decision as to its rightful ownership was rendered in court.

On March 17, 1947, the following letter was sent to Attorney Littauer:

"In conformity with your telephone request of March 13, 1947, wherein you asked that this office outline for you as counsel for Walter Rechsteiner the reasons for effecting recovery from your client of the Petrarchian manuscript 'De Africa', the following is recited:

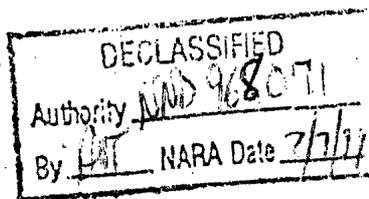
"When Pfc Walter Rechsteiner, 32921366, 887th Airborne Engineering Aviation Company, arrived in Boston, Mass., on the U.S.A.T. JAMES PARKER, on April 1, 1945, there were then in effect certain regulations under sections 3(a) and 5(b) of the Trading with the Enemy Act, as amended (T.D. 51072), relative to the release of art objects (including manuscripts of the kind under consideration) from customs custody, which had been imported after March 12, 1938. The regulations provide that 'No art object hereafter imported from any foreign country, except one which constitutes part of the United Kingdom, the British Dominions or British Colonies***shall be released from customs custody --- unless such release has been licensed or otherwise authorized by the Secretary of the Treasury.'

"Inquiry at the office of the collector of customs at Boston, Mass., shows that Mr. Rechsteiner had not complied with the provisions embodied in the above-mentioned regulation.

"The importation by your client was also contrary to military orders then in effect in the European Theater, enjoining military personnel from dealing, possessing and/or importing any art objects of the character concerned.

"The manuscript now in the possession of Mr. Rechsteiner was obtained contrary to military orders then in effect, and appears to have been imported in violation of the provisions of T.D. 51072 and of section 1593 (b), title 19, U.S.C., since no record exists in the office of the collector of customs at Boston showing that Mr. Rechsteiner declared the manuscript in his possession at the time of his arrival, when declaration and entry for the manuscript should have been made."

108101



RECEIVED BY THE BUREAU OF CUSTOMS
MAY 22 1947
RECEIVED BY THE BUREAU OF CUSTOMS
MAY 22 1947

On May 15, 1947, the Bureau of Customs requested advice as to the status of the investigation, and a report, dated May 22, 1947, reciting the facts developed by the investigation was transmitted to the Bureau. In our report, the Bureau was advised as follows:

"Upon receipt of Bureau letter of May 15, 1947, the writer, accompanied by Customs Agent Galvin, discussed the matter with attorneys in the solicitor's office, particularly as to whether the forfeiture of the manuscript pursuant to section 593(b) would be sustained in court. It was recited that the actual whereabouts of the manuscript was not known at this time, and that in an informal discussion with Assistant U.S. District Attorney C. A. Stanziale, Newark, N.J., on December 21, 1947, customs agents were told that a search warrant could not be issued unless the actual whereabouts of the manuscript was known.

"After a review of the case, the solicitor's office was of the opinion that inasmuch as records obtained from the collector of customs at Boston indicated that the manuscript which Rechsteiner had brought back with him on the U.S.A.T. JAMES PARKER on April 1, 1946 had been released by customs without a license being issued thereon, T.D. 51072 was not applicable, and it was suggested that the matter be referred by the Bureau to the office of the Foreign Funds Control for advice as to what action customs could take to effect recovery of the manuscript, in view of the revocation of T.D. 51072 on June 18, 1946."

In reply thereto, the Bureau, by letter dated June 6, 1947, reported that "On the basis of information submitted the Bureau is of the opinion that the manuscript in question has illegally entered the United States, that it is subject to seizure and forfeiture under section 593(b) of the Tariff Act of 1930. Action looking to the seizure of this item under the provisions of the law mentioned should therefore be taken by your office. In the event a seizure is made, please submit a report of the circumstances to the Bureau, inasmuch as the Department of State is interested in the matter."

After receipt of the Bureau's letter, the facts and circumstances of the case were discussed with Assistant United States Attorney Martin J. Moroney, of the United States District Court, Newark, New Jersey, on June 19, 1947, by Customs Agent P. J. Galvin and the writer. That official advised that sufficient grounds did not exist to warrant criminal prosecution of Rechsteiner under section 593(b) of the Tariff Act of 1930, and that, in his opinion, it was highly improbable that the Government could successfully sustain the forfeiture of the manuscript imported if it were to rely on the same evidence. However, Mr. Moroney recommended that the Bureau of Customs try to handle the matter administratively.

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DECLASSIFIED
Authority NND 968071
By [signature] NARA Date 7/7/77

When Mr. E. J. Shamhart was in New York on June 11, 1947, this matter was thoroughly discussed with him. It was his suggestion that the case be discussed with the United States Attorney's office at Newark, New Jersey, and that any action recommended by that office be followed. Accordingly, constructive seizure of the manuscript has been made.

Mr. Littauer and Mr. Rechsteiner have been advised of the provisions of section 618 of the Tariff Act of 1930, and Mr. Littauer has informed the writer that a petition will be filed in the near future.

Very truly yours,

Customs Agent.

APPROVED:

Supervising Customs Agent.

Inclosure:
c/P 5955 w/appr.

In trip.

2 cc Bureau w/cov. ltr.

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629 457
65 42

DECLASSIFIED
Authority <i>100 968071</i>
By <i>AT</i> NARA Date <i>2/7/77</i>

BAVARIANS REGAIN TREASURE CUSTODY

Art Objects Seized by Hitler and Goering Returned to Control of Germans

By KATHLEEN McLAUGHLIN

Special to The New York Times

MUNICH, Germany, Aug. 31.—Several hundred million dollars' worth of art treasures from many parts of the world were transferred here this afternoon to the custody of the German authorities. Chief among the assets involved were the art collections of Adolf Hitler and Hermann Goering.

The quiet ceremony, in which custody was relinquished by the Americans, consisted primarily in affixing signatures to official documents. A harpsichord concert followed in the library of the building—former Nazi party headquarters on the Koenigsplatz, which since the end of hostilities has served as a collecting center for such valuables.

Over the interval of the past three years thousands of tons of looted art have been dispatched from this structure to owner nations as the available records verified their claims for restitution. Thousands of additional tons stand crated ready for shipment.

As of today the Bavarian Government, represented by its Minister President, Dr. Hans Ehard, will accept responsibility for the remainder, one part of which is the property of the German nation.

To Act as Trustees

For these articles Dr. Ehard and his Cabinet will act as trustees. For the vast storehouse of unidentified and unclaimed art, on which the work of identification is still progressing, the relationship of the Germans is that of bailor. Ultimate supervision, however, remains with the American officials, who retain the authority to control the disposition of any and all objects catalogued.

The paintings alone—including hundreds by old masters, among whom are Rubens, Rembrandt and Titian—await future decisions as to their ownership in dozens of spacious galleries on the four floors of this stone and marble building. Priceless tapestries are here, rare rugs, ancient libraries (some awaiting already identified owners), furniture of many periods and quantities of porcelains, altar goblets, candelabra and rare jewels.

At least one world-famous statue—the Discus Thrower—lies on the basement floor in a section occupied by a collection of antique Greek statuary which was removed

from the Munich Bibliothek

Got Statue in Rome

Herbert S. Leonard, chief of the monuments, fine arts and archives branch of the Military Government in Bavaria, is the authority for the statement that Hitler acquired the "Discus Thrower" in Rome for 17,000,000 lire. The exact legal status of this sculpture, as well as numerous other items and properties acquired by Hitler, will come before a German court on Sept. 10 in Munich.

Mr. Leonard, who has directed the task of searching records and collections for more than a year, will continue to supervise the proceedings, which will be carried on in the future under Dr. Eberhard Hanfstaengl, director of the Bavarian state art galleries.

The unprocessed claims for every conceivable type of art objects still require two steel filing cabinets in headquarters, measuring approximately seven feet in width and eight in height. The French Government alone has submitted seven large volumes that list pieces of furniture looted from that country. Many of these have already been located and shipped.

108104

RG 59
Entry Lot 62D-4
Box 26

DECLASSIFIED
Authority: NND 962071
By: JA NARA Date: 8-16
REPRODUCED AT THE NATIONAL ARCHIVES

J. J. [unclear]
WJ/fw

FBI [unclear]

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (M.G.)
Provision Division
Regulation Branch
AND 742

7 May 1947

Treasury Department
Office of Customs
Washington, D.C.

Dear Sir:

To date, under the provisions of law 633, thousands of packages containing works of art have been sent to the United States without payment of duty. Lately, however, many receivers of packages have been requested to pay an entrance fee. Inclosed is a copy of a letter from the Bureau of Customs, Denver 2, Colorado, giving an interpretation of law 633 which would seem to prevent the shipment of any objects, even gifts, which have not a special government authorization.

It would be greatly appreciated if the HPAA Section could be informed if personal or household effects, including art objects, intended as gifts or for personal use, may be sent from Germany to the United States free of duty, and without special government authorization, by persons in the service of the United States, and their families. Law 633 states that effects may be "brought" into the United States duty free. Does this include mailing and shipping? The inclosed letter states that effects may be shipped "pursuant to Government orders regarding the movement of the owner or the articles." Does "pursuant to Government orders or instructions", as prescribed in law 633, mean an obediense to Government regulations not in effect, or does it mean accompanied by an individual government authorization?

The section would further appreciate knowing if differentiation is made between the property of members of the U.S. Army and property of War Department employees. The question has arisen because Army Postal Offices require a Customs Declaration from War Department employees but not from Army personnel.

Sincerely yours,

NICHOLAS J. DUNN
Chief, HPAA Section

Incl.

122

108105

DECLASSIFIED
Authority AND 765036
By T.J. NARA Date 9/8/99

RG 260
Economics
Division
Box 115

REPRODUCED AT THE NATIONAL ARCHIVES

DMC Files - Capt. Regan - HPAA Section, nest.HR.

LIBRARY OF CONGRESS
WASHINGTON

Office of the Librarian

Feb 4 1947

Dear Mr. Travis:

Under separate cover we are forwarding to you for proper disposition a group of books which belong to the University of Cologne Library.

These books were sent to the Library of Congress by a U. S. Army documents team. It is our understanding that the books were salvaged from a destroyed building where they were exposed to deterioration from the elements and that the documents team took time out from its regular operations in order to save them. They are now being returned in accordance with the general policy of Military Government and the special interest of the library of Congress in restitution of materials belonging to German cultural institutions. Please take whatever steps are necessary to bring about this end.

Sincerely yours,

/s/ Luther H. Evans
Librarian of Congress

Mr. Don C. Travis
Acting Chief, Library of Congress Mission
Headquarters, Berlin Command, S-2 Section
APO 742, c/o Postmaster
New York, New York

1136

108106

DECLASSIFIED	RG 260
Authority <u>AND 765036</u>	Economics Division
By <u>TJ</u> NARA Date <u>9/8/99</u>	Box 116

REPRODUCED AT THE NATIONAL ARCHIVES

Books From L. C. Washington for Cologne

Monatshatte fuer answertige Politik (gebunden) 1939 - 42 uncompl.
Westfaelische Wirtschaft/1942
Zeitschrift f. Anlaend. und Internat. Privatrecht / 1939
Arbeitsschutz / 1942
Volkswenliche Schriften f. d. gesamte Sozialversicherung / 1942
Westdeutsche Wirtschafts-Zeitung, 1942
Ruhr- und Rhein-Zeitung (Wirtschaftszeitung) 1940
Berliner Monatshefte. 3 Ex.
Die Eisenbahngesetz-Farif-Politik in ihrer Wirkung.... 1940
Corpus der altdeutschen Originalurkunden bis zum Jahr 1300 / Lieferung 20 -22
Sammlung von Entscheidungen des Reichsversicherungs-Hauptamts/1940
Nation und Staat / 1940 - 42
Sammlung von Entscheidungen zur Reichsversicherung. 1942
Europaische Revue / mehrere Ex.
Eisenbahn - Verkehrsordnung. 1939
Straassen - Verkehrsrecht. 1940
Polkinnen och Polktaenkor / Goetoborg mehrere Ex.
Zeitschrift fuer Geopolitik. mehr. Ex.
Weltwirtschaftliches Archiv / 1940 / 1 - 11
Zeitschrift f. Völkerrecht / 1939 - 42 mehr. Ex.
Hanseatische Rechts- und Gerichts-Zeitschrift / 1941
Rechtsspiegel der Wirtschaft / 1940/42
Zeitschrift f. Politik. mehr. Ex.
Kartell- Bundeschau / mehr. Ex.
Handelsrecht und Schifffahrtsrecht. Teil I
Reich / Volksordnung / Lebensraum 1943 Bd. 4
Die Veranderung der Bevoelkerungsverteilung in Berlin ... 1936
Answertige Politik 1942
Nordisk Tidskrift 1941 - 1944 mehr. Ex.
Geographie der Schweiz, mehrere Ex.
Giotta, 1939 - 1942 mehr. Ex.
Goethe, Viermonatschrift. mehr. Ex.
Germanisch-Romanische Monatschrift, mehr. Ex.
Zeitschrift f. Deutschkunde, mehr. Ex.
Hessische Blätter f. Volkskunde 1941
Archiv for Nordisk Filologi, 1941/42
Rassenkunde und Rassengeschichte der Menschheit, mehr. Ex.
Korrespondenzblatt des Vereins fuer Niederdeutsche Sprachforschung, mehr. Ex.
Schweizer Volkskunde, mehrere Exemplare
Oberdeutsche Zeitschrift f. Volkskunde, mehr. Ex.
Nederlandsch Tijdschrift voor Natuurrkunde, mehr. Ex.
Deutsche Forschung in Suedosten, 1942
Schweizerisches Archiv fuer Volkskunde, mehr. Ex.
Deutsche Vierteljahrschrift f. Literaturwissenschaft, mehr. Ex.
Rheinisches Woerterbuch, mehr. Ex.
Woordenboek der Nederlandsche Taal. mehr. Ex.
Studi Germanici, mehr. Ex.
Niederdeutsche Zeitschrift fuer Volkskunde, mehr. Ex.
Danske Folkemaal, mehr. Ex.
Archiv des historischen Vereins des Kanton Bern, 1943

1931

108107

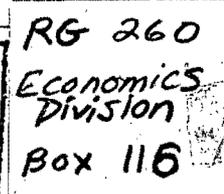
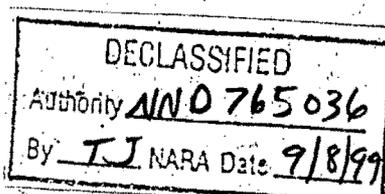
DECLASSIFIED
Authority AND 765036
By TJ NARA Date 9/8/99

RG 260
Economics
Division
Box 116

REPRODUCED AT THE NATIONAL ARCHIVES

Vergangenheit und Gegenwart, mehr. Ex.
 Revue germanique 1939, Teil 1/2
 Deutsche Volksforschung in Böhmen und Mähren. 1944
 Rasse, mehr. Hefte
 Deutsche Rundschau, Nov. 41 - April 42
 Zeitschrift fuer dt. Geisteswissenschaften, mehr. Hefte
 Zeitschrift f. Volkskunde, mehr. Hefte
 Die Literatur, Okt. 41 - Feb. 42
 Dichtung und Volkstum, mehrere Hefte
 Zeitschrift f. Aesthetik und allgemeine Kunstwissenschaft, mehr. Hefte
 Schlesische Blaetter, 3 Hefte
 Rheinische Vierteljahres Blaetter, mehrere Hefte
 Zeitschrift fuer dt. Altertum und dt. Literatur
 Rheinische Blaetter, 1944, Heft 2. 3
 Muttersprache 2 Hefte
 Die Aktion, 1942
 Der praktische Betriebswirt, mehr. Hefte
 Das Inselfschiff, 1942
 Zeitschrift fuer Deutschwissenschaft und Deutschunterricht, mehr. Hefte
 Deutsche Forschung im Suedosten, mehr. Hefte
 Deutsche Literatur-Zeitung, mehr. Hefte
 Zeitschrift fuer vergleichende Sprachforschung
 Wirtschaftswart Nord
 Arbeitsrechts-Sammlung
 Ordbok oever Svenska Spraket
 Der Norden, mehr. Hefte
 Forschungen und Fortschritte, 24 Hefte
 Rheinische Heimatpflege
 Tijdschrift voor Economische Geographie, 20 Hefte
 Economisch-Statistische Berichte, 3 Hefte
 Sippenverband Knipscheer, 6 Hefte
 Koloniales Schrifttum, 9 Hefte
 Zeitschrift f. Mundartforschung
 Repertorium
 Zeitschrift f. Philologie, 3 Hefte
 Archiv fuer das Eisenhuettenwesen, 3 Hefte
 Die gesamten Preisbildungs-Vorschriften
 Wirtschaftsblatt der Industrie- und Handelskammer zu Berlin 1939/41 mehr. Ex.
 Die nationale Wirtschaft, 1941/42
 Verkuendungsblatt des Reichsnahrstandes 1941
 Devisen-Archiv 1941
 Steuer und Wirtschaft 1941
 Deutsches Wohnungsarchiv 1940/41
 Amtliche Mitteilungen d. Treuhaender / Sachsen 1940
 Bank-Archiv 1940
 Forschungen und Fortschritte (Gebunden) 1941
 Wirtschaftswerbung 1940
 Steuer und Wirtschaft 1939
 Hanseatische Rechts- und Gerichts-Zeitschrift 1942
 Amtliche Mitteilungen d. Treuhaenders Thueringen 1940
 Westdeutsche Wirtschafts-Zeitung 1940

11923
108108



REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
 Authority **NUD968071**
 By **JM4** NAPA Date **8/25/78**

RG **59**
 Entry **Lot 62-D-4**
 Box **1**

War Captain Says Hesse Gems Worth \$50,000, Not \$1,500,000

Frankfurt, Germany, Aug. 27 (AP).— War Capt. Kathleen Nash Durant in signed statements introduced today at her trial in the theft of the Hesse crown jewels said she and three associates valued the gems at \$50,000—one-thirteenth of the \$1,500,000 actual worth of the treasure.

The statements were read by the prosecution after the military court ruled that they had been obtained without pressure of promises to protect the captain, former Army manager of the old Kronberg Castle, from prosecution.

The statement quoted her as saying that the jewels were split four ways and smuggled into the United States, and that "we estimated all of it was worth \$50,000."

Captain Durant is being tried on charges of larceny and embezzlement. The prosecution said her statements were made in Chicago last June. In them Capt. Durant named her husband, Col. Jack Durant, Maj. David A. Watson, and Sergt. Roy C. Carlton. Carlton has been charged by the War Department of complicity.

The statements read today gave this account:

The jewels were found buried in the basement of Kronberg Castle and were brought to her room by Carlton.

Then, she said, Colonel Durant arrived the next day, and Major Watson the following day.

"All of us decided to keep the jewelry

rest left with Durant and Watson.

The statement said the stones in some of the jewels were punched out and the settings destroyed in her room at Kronberg, and on one occasion in Watson's room.

Further Thefts Charged

Berlin, Aug. 27 (AP).— Capt. Norman T. Byrne, 45, of Hollywood, has been arrested on charges of having removed two paintings valued at \$10,000, valuable porcelain and a rare stamp collection from Germany and has been returned to Berlin from the United States, the United States Army provost marshal said today.

Byrne, who served as fine arts and monuments officer for the Berlin district section of the United States Military Government, was arrested in San Francisco on August 12 while on temporary duty status, the provost marshal said.

The provost marshal said that when criminal investigation department agents arrested Byrne at the San Francisco Municipal Airport, he was in possession of a Duerer etching named "The Horse" and an oil on wood by David Teniers entitled "The Smoker," valued at \$5,000 each. In addition he had a Peckstein watercolor, the provost marshal said.

108109



RECOVERED MASTERPIECE—Here is a photograph of Peter Paul Rubens' "St. Katherine," which has been recovered from former GI for return to Dusseldorf museum.

Priceless Work of Art Located in Los Angeles

Ex-GI, Who Bought It for \$150 in Germany, Finally Releases Masterpiece to U.S. Official

Los Angeles Times

17 Nov. 1945

"St. Katherine" is going home.

"St. Katherine" is a 17th-century painting by Peter Paul Rubens, one of the world's great masterpieces. But it was one of the thousands of lost masterpieces, a casualty of World War II.

It had hung in the Municipal Art Gallery in Dusseldorf and was stored near that city for protection during the war. When the war ended it was gone.

Recognized by Curator

About a year ago an ex-GI who lives in Los Angeles but whose identity is secret, wandered in to Los Angeles County Museum with a small square of unframed painted canvas, measuring 17 by 21 inches.

He spread it out before Art Curator William R. Valentiner and asked what it was worth.

Valentiner recognized the lost "St. Katherine."

He told the former soldier what the painting was, described the gallery it belonged to and said he could not estimate its value—but that it was worth thousands.

He suggested the GI return it to Dusseldorf.

The onetime soldier was indignant. He said the painting was his; that he had paid \$150 in good money for it to a man he met near Bad Wildungen, Germany, in 1945.

Year of Persuasion

It took a year of persuasion by both museum officials and Federal authorities to make him change his mind.

A fact which helped change it after it was pointed out to him by his lawyer is the existence of laws prohibiting importation of works of art by anyone without a license and prohibiting export of certain items of value from theaters of war without permission.

The government had no interest in prosecution because officials wish to recover and return great lost masterpieces that once hung in the capitals of Europe.

But the laws were a point. So the ex-GI a few weeks ago turned "St. Katherine" over to Customs Officer Leroy Powers. The painting is now in a customs warehouse, awaiting shipment to Washington where the State Department will arrange its return to Dusseldorf.

As for the ex-GI and his \$150, will he get his money back? Powers doesn't think so.

108110

RG 59
Lot 62D-4
Box 19

BY J. NARA Date 7-6-79
Authority NND 96807L
DECLASSIFIED

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REPRODUCED AT THE NATIONAL ARCHIVES

Restitution of Rubens &
other objects in Bonn
in May 1952

The following objects are to be returned from the National Gallery of Art, Washington, D. C. to the Office of the US High Commissioner for Germany, Bonn, by the Department of State, in the custody of Miss Ardelia R. Hall, Arts and Monuments Officer.

1. Rubens, Painting of St. Katherine, Wood panel, 0.529 x 0.428 cm.
Owner: Kunstmuseum, Düsseldorf.
2. Manuscript, bound. "Testament Politique du Roi Frederic II, 1752"
50 pages.
Owner: Konigliche Haus Archives of the German State.
3. Egyptian gold ring from Meroe, Meroitis, 1st century A. D.
Owner: Egyptian Collection, Berlin Museum, Inventory No.22781
4. Manuscript, bound. "Calendrier Perpetuel."
Owner: Konigliche Preussische Meteorologisches Institut (KPMI).
5. Ziegler, Disastice Sive De Judicium Officio (Wittebergae, 1672).
Owner: Bibliothek Schloss Plathe, Pommern.
6. Raimondo Annibale, Trattato...del Fluffo & Rifluffo del Mare (Venetia, Nicolini, 1589)
Owner: "Ex Libris Marini".
7. Bonini, Filippo Maria, Il Tevere Incatenato... (Rome, 1663).
Owner: Giovanni Bellini (?).
8. The Husbandman's Practise... (London, 1603).
Owner: KPMI.
9. Pontani, Giovanni G., Opera (Poetic Works) (Venice, Aldine Press, 1533).
Owner: KPMI.
10. Promosticium (1501).
Owner: KPMI.
11. Pererii, Benedicti, De Maria de Observationse Sanniorum... (1612).
Owner: KPMI.
12. Ettlich Wevssagung durch den hochgelerten Astronomen (Wittenberg, 1500).
Owner: KPMI.

108111

RG 59
Lot 62D-4
Box 19

REPRODUCED AT THE NATIONAL ARCHIVES
NND 968071
DECLASSIFIED

- 13. Pronostico Geral E Lima...(1614)
Owner: KPMI.
- 14. Dampier, Supplement du Voyage autour du Monde (Bouen, 1715).
Owner: KPMI.
- 15. Schreib-Calender und Almanach...1688.
Owner: KPMI.
- 16. Leopoldi, De Astrorum Scientia (no title page).
Owner: KPMI.

Valuation:	Rubens Painting of St. Katherine	\$15,000
	Testament Politique du Roi Frederic II	25,000
	Egyptian gold ring	1,000
	One MS and 12 rare books XXXXXXXX	650
	Total	\$41,650.

108112

RG 59
Lot 620-4
Box 19

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NND 968071
REPRODUCED AT THE NATIONAL ARCHIVES
BY NARA DATE 7-7-78

DECLASSIFIED
Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardena Hall Coll.
Box 2



TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON 25

IN REPLY REFER TO

741.04

AUG 3 1948

Letter from Mr. Herbert Patrick Johnson, 8415 Hooper Avenue, Los Angeles, California, with enclosures.

Date: July 18, 1948.

Subject: Petition for remission of the forfeiture of one jewelled figurine.

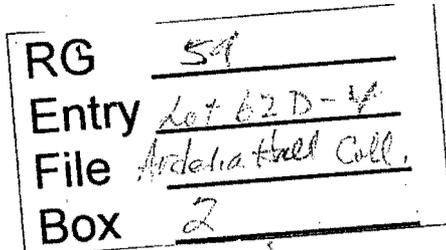
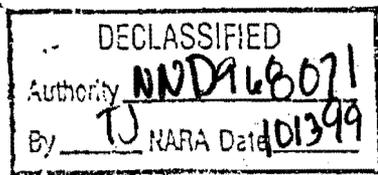
Respectfully referred to Mr. A. R. Hall, Arts and Monument Officer, Occupied Areas Division, Department of State, Washington 25, D. C., to be considered with the Bureau's letter of July 14, 1948, to you, in regard to the above matter.

Shirley Stephens
SHIRLEY STEPHENS
Chief, Enforcement

Enclosure No. 67345

Form 866-A
Jan. 1944 GPO 16-83107-2

108113



July 18-19

741.04

Commissioner of Customs,
Washington, D. C.

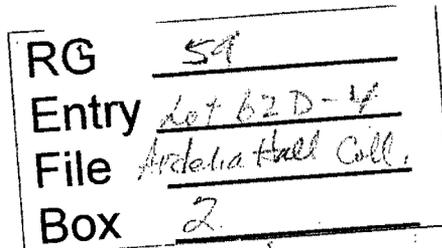
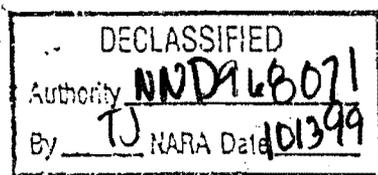
Sir,

I Herbert Patrick Johnson, found
a jewelled figurine, while
stationed in Germany of the
Army of Occupation.

I found the one jewelled figurine
in the city of Munich, Germany, in
a large building in which my
unit the 390th A.P.P. - D.W. B.N.S.P.
was stationed. The building was
located near Kurierplatz, which
is now ~~King~~ King Square in
English. When we arrived at
the building we were given
rooms three to five soldiers to a
room according to the size of the
room, in ~~some~~ my room there
were five of us including myself.

B

108114



and I was one of the first ones in the room of the group, and I found the one jewelled figurine in a locker in the room.

There were other American soldiers there before that there were German traps. I am not sure of the month that I ^{found} this jewelled figurine, but I think it was in the month of August of 1945. In the month of of Nov. part part of my unit including myself was transferred to the second P. S. outfit, so we left Munich, to Mauthausen, about eight miles from Munich, we stayed a short time then we left for Antwerp Belgium. to sail for home. We went through some sort of process by American officers

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Authority	NND 968071
By	TJ NARA Date 10/3/99

RG	59
Entry	Lot 62 D-4
File	Arden Hall Coll.
Box	2

3

they asked us if we had any diamonds or any other types of stones, and I said no, because I did not know they were real or not, I had the one jeweled figurine on my possession at all times. I hope this is a sufficient of information.

Yours Truly
 Herbert Patrick Johnson
 8415 - Glorioso Ave.
 Los Angeles, California

6/28

108116

DECLASSIFIED
Authority **NND 968071**
By **TJ** NARA Date **10/3/99**

RG 54
Entry Lot 62 D-4
File Archie Hall Coll.
Box 2

108117 Leo Dillon A. S.
Los Angeles 2, Calif.
7/29/48

I, THE UNDERSIGNED, WAS IN THE SAME UNIT AS HERBERT P. JOHNSON AND WAS WITH HIM AT THE TIME HE FOUND THE ARTICLE IN QUESTION.

WE HAD JUST MOVED TO A NEW PLACE FOR BILLING IN MUNICH IN THE MONTHS OF JULY OR AUGUST, 1945.

WE, JOHNSON, A. D. GIL, AND MYSELF TOOK THE SAME ROOM FOR OUR QUARTERS AS WE HAD BEEN TOGETHER ALL DURING THE WAR.

AS WE WENT INTO THE ROOM WE NATURALLY LOOKED AROUND THE PLACE AND AS HE WAS FIRST TO GO IN HE FOUND THE SCISSOR WHICH WAS LADY IN A LOCKER.

Sincerely,
G. J. Valenzuela
(G. J. Valenzuela)
ASN 3908205
370th AAF Bn (S) -
Battery "B"

DECLASSIFIED
 Authority **NND 9168071**
 By **TJ** NARA Date **10/13/99**

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

Dear Sirs

I the undersign was in the same outfit as Herbert Johnson during the war. And I was with him when he found the statue in a locker in the quarters assign to us.

This building is in Munich and we were assign these quarters in about the month of July of 1945, by the 390th AAA Av. Bn.

as we came into this room Johnson, Valenzuela and myself looked around the room which ~~was~~ had been occupied by other American troops

And Johnson found the statue as he looked in the locker before us. *Augustine D. Hill*

DECLASSIFIED
 Authority NNDA 68071
 By TJ NARA Date 101399

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

OCT 12 1948

In reply refer to
 III 862.412/7-1448

My dear Mr. Bryan:

The Department of State was informed in a letter from the Bureau of Customs, Los Angeles, to the Supervising Customs Agent Baltimore, Maryland, dated December 23, 1946, that a 14th century ivory diptych had been detained from Mr. Howard F. Travis. The Department of State in a letter to the Secretary of Treasury, dated December 9, 1947 petitioned for the remission of the accrued forfeiture on this ivory diptych.

The Department was also informed on July 14, 1948 of the seizure by the Los Angeles Bureau of a Renaissance, jewelled figurine of a man and monkey and in a letter to the Secretary of Treasury, dated August 15, 1948 petitioned for the remission of the accrued forfeiture on this figurine.

It is now requested that these works of art be forwarded under the enclosed U. S. Government bill of lading, B-34730, to the National Gallery of Art, Washington, D. C. for exportation to country of origin. In the case of these two objects from German museums, they will be returned by the Department of the Army to the Monuments, Fine Arts and Archives Section of the Office of Military Government for Germany (US) for restitution to the rightful owners.

Yours

Mr. William Jennings Bryan, Jr.,
 Collector of Customs,
 E. W. Hollman Building,
 354 South Spring Street,
 Los Angeles 13, California.

108119

DECLASSIFIED
Authority NND 168071
By TJ NARA Date 01399

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

- 2 -

Your cooperation in the recovery of these objects has been greatly appreciated.

Sincerely yours,

Carl A. Bauer
Acting Chief
Division of Libraries and Institutes

Enclosure:

U. S. Government bill of lading.
S-34730.

RECEIVED
DIVISION OF LIBRARIES AND INSTITUTES
SEP 20 1948

0041121:0011121

9/20/48

DECLASSIFIED

Authority NND 968071
By TJ NARA Date 10/13/99RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

Jewelled
/Figurine of Man and Monkey

Edgar Breitenbach

Ardelia R. Hall - ILI

Figurine of Man and Monkey came from Mannheimer Collection brought to Munich from Alt-Ausse Mine. Six or seven other items are missing from collection. They were never listed. It appears more than doubtful that he found it in a locker but rather got it from one of the German packers in the Collecting Point. The German packer may have the other items and they could be traced in Germany by German police or perhaps may know whether his buddies also bought the pieces from the German packers for food or cigarettes.

Investigation should be conducted in a friendly manner in order to get a clue as to the whereabouts of the other items.

OEX: ILI: ARHall: mms

108121

DECLASSIFIED
 Authority **NND 168071**
 By **TJ** NARA Date **10/3/99**

RG 59
 Entry Lot 62D-4
 File Ardenia Hall Coll.
 Box 2

Please certify and return to
 POS/GA-A. 11

REC 7 3 1948

My dear Mr. Secretary:

Reference is made to a letter from Mr. Shirley Stephens, Chief, Enforcement, Bureau of Customs, dated July 14, 1948, informing the Department of State of a report of seizure by the Bureau of Customs, Los Angeles, California, of a Renaissance figurine illegally imported into the United States by a member of the armed services.

The Department of State, therefore, petitions the Treasury Department for the remission of the accrued forfeiture of the jewelled figurine (a man with a monkey), product of the Renaissance period, appraised at \$3000 and believed to have been looted from the collection of Renaissance art either at the Augsborg Museum or the Grunes Gewolbe, Dresden. The figurine was obtained by Herbert Patrick Johnson, 8415 Hooper Avenue, Los Angeles, when stationed in Munich, Germany, as a member of the 390th Anti-Aircraft Battalion Self-Propelled, United States Army; brought into the United States at the Port of New York on the Victory S.S. Frederick, December 26, 1945; and seized by the United States Customs Service of District No. 27, Port of Los Angeles, California, on June 23, 1948.

The Department of State requests that the figurine remain in the temporary custody of the Collector of Customs, Los Angeles, California, pending arrangements for its transfer to Washington, D.C. and return to the Monuments, Fine Arts, and Archives Section of the Office of Military Government for Germany (U.S.), under the terms of the policy: SWMCC 322- "Return of Looted Objects of Art to Countries of Origin".

The communication from the Los Angeles Bureau of Customs, dated June 28, 1948, is returned herewith as requested, a copy of the documents having been made for retention by the Department of State.

The Bureau

The Honorable
 John W. Snyder,
 Secretary of the Treasury.

108122

DECLASSIFIED
Authority **NND 168071**
By **TJ** NARA Date **10/3/99**

RG 59
Entry Lot 62 D-4
File Ardelia Hall Coll.
Box 2

The Bureau of Customs, Los Angeles, effected the seizure of a 14th Century ivory diptych from the Cassel Museum in December 1946. The Bureau is again to be commended for its vigilance and initiative.

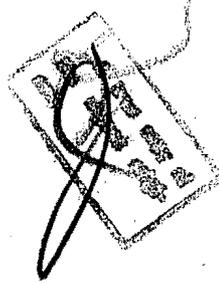
I repeat Sincerely yours,
Sincerely yours,
For the Secretary of State

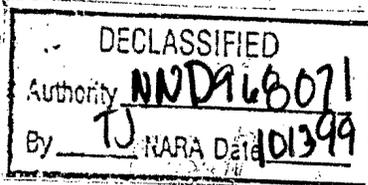
George V. Allen
Assistant Secretary
for Public Affairs

Enclosures:

- 1. Enclosure No. 67571 *copy*
Treasury Department, *letter*
dated July 14, 1948.

POS/GA:ARHall:ejd
7-20-48





RG	59
Entry	Lot 62 D-4
File	Ardelia Hall Coll.
Box	2

741.04

25

JUL 14 1948

Mr. A. R. Hall
 Arts and Monument Officer
 Occupied Areas Division
 Department of State
 Washington 25, D. C.

Sir:

There is enclosed for an expression of your views in the matter with a return of the Bureau's file, a communication from the collector of customs at Los Angeles, California, dated June 28, 1948, requesting information as to whether or not your office desires to file a petition for a remission of the forfeiture of one jewelled figurine appraised at \$3,000 seized from Herbert Patrick Johnson of Los Angeles. You will note that the item in question appears to be a product of the Renaissance Period and that the evidence indicates it was illegally taken from either the museum at Augsburg, Bavaria, Germany, or the Dresden Gallery at Grunes, Gewolbe.

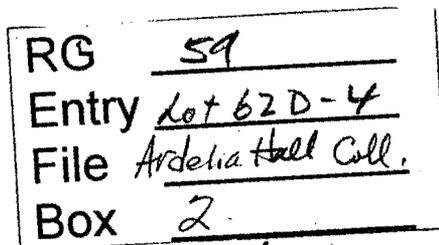
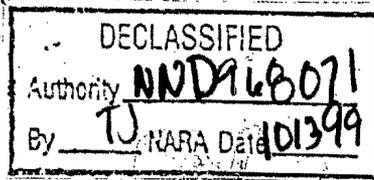
Very truly yours,

(Signed) Shirley Stephens

SHIRLEY STEPHENS
 Chief, Enforcement

In duplicate
 Enclosure No. 67571

108124



In reply refer to:
HEM-3077

TREASURY DEPARTMENT
Bureau of Customs
Los Angeles 13, Calif.
June 28, 1948

Office of the Collector
District No. 27

The Commissioner of Customs
U.S. Treasury Department
Washington 25, D.C.

Sir:

On June 23, 1948, the Customs Agency Service reported to this office the seizure of one jewelled figurine, product of the Renaissance Period, which evidence indicates was illegally taken from either the museum at Augsburg, Bavaria, Germany, or the Dresden Gallery at Grunes Gewolbe.

In view of the past interest of the State Department in matters of this type, there are enclosed copies of the report of seizure and a copy of the Customs Agency Service report of investigation.

The person from whom seizure was made is also being advised of his privilege of filing a petition for relief from the forfeiture, such a petition to be accompanied by evidence of his legal ownership of the figurine. From the report of investigation, it does not appear that he will be able to comply with this latter condition.

In the event the State Department is not interested in filing a petition for this article, it is respectfully requested that the Bureau advise this office in order that court proceedings may be instituted for the condemnation of the figurine at the expiration of the sixty day period if no claims are pending.

Very truly yours,

WM. JENNINGS BRYAN, JR.
Collector of Customs

by

s/R.A. Williams
Assistant Collector of Customs

108125

DECLASSIFIED
 Authority NND 968071
 By TJ NARA Date 10/3/99

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

Customs Form 5956

REPORT OF SEIZURE

District Case No. 3077

United States Customs Service

Port No. _____

LA 4-149

Declaration or Entry No. 606

District No. 27 Port of Los Angeles, Calif.

Customs Agent in Charge Office June 23, 1948

To the Collector of the Port.

Sir: You are hereby notified that the property described below was seized from
 Herbert Patrick Johnson,
 8415 Hooper Avenue, Los Angeles, Calif. carried personally from

Germany at Los Angeles, Calif. on June 23, 1948, and has been delivered to the Customs Seizure Room.

6

	Foreign value	Duty free	Domestic value
One (1) jewelled Figurine, product of the Renaissance Period	\$3000.00	free	\$3000.00
		Para. 1811	

This article is believed to have been looted from either the museum at Augsburg, Bavaria, Germany, or the Dresden Gallery at Grunes Gewolbe. According to Herbert Patrick Johnson, who at the time was stationed at Munich, Germany, as a member of the 390th Anti-Aircraft Battalion Self-Propelled, United States Army, he found the figurine, about 2 months after the termination of the war in Germany, in one of two lockers in a room assigned to him and four other soldiers in a 3-story hotel, the name of which he could not remember, located across the street from the Koenigs Platz in Munich, and that he did not declare the figurine when he removed it from Germany or when he brought it into the United States at the Port of New York on the Victory S.S. FREDERICK, December 26, 1945. Shipment of or bringing the figurine from Germany to the United States was contrary to articles of war. Invoice and entry required by Sec. 481 and 484 of the Tariff Act of 1930, and license under Sec. 3 (a) and 5 (b) Trading with the Enemy Act, in the absence of which the article is subject to seizure under Sec. 593 (b) Tariff Act of 1930.

Sections of laws violated: Sec. 3(a) and 5(b) Trading with Enemy Act,
 Sec. 481, 484 & 593 (b) TA 1930.

Name of officer making seizure: Leon E. Griset, Customs Agent.

Arrests: None

J.J. Mullen,
 Customs Agent in Charge.

DECLASSIFIED
 Authority NND 168071
 By TJ NARA Date 10/3/99

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

TREASURY DEPARTMENT
 Bureau of Customs
 Los Angeles 13, Calif.

June 21, 1948

The Collector of Customs,
 Los Angeles 13, California.

Dear Sir:-

On or about June 10, 1948, HERBERT PATRICK JOHNSON, 8415 Hooper Avenue, Los Angeles, California, took a jeweled figurine to Ballard & Ballard, Los Angeles jewelers, who told him it was worth about \$500.00, and that they would sell it for him provided he cleared it through the Customhouse.

To this end Mr. Johnson then took the figurine to the Appraiser's Store in Los Angeles in order to learn the amount of duty accruing, at which time he was told by Acting Customs Appraiser Hollis Reed that it would be several days before this information could be ascertained.

The figurine was then exhibited by Mrs. Hannah Von Gusman, Administrative Assistant to the Appraiser, and Examiner Charles Koeppe, who specializes in antiques, to Dr. William R. Valentiner, Director Consultant of the Los Angeles County Museum at Exposition Park and considered one of the leading specialists in the history of the fine arts, who regarded it as a product of the Renaissance period and believed it to be a German work of art which had originally been produced in Germany. Dr. Valentiner, added that due to its great artistic value it might be worth \$3,000.00 but that about 30 years ago, at which time he, Dr. Valentiner, was connected with the Metropolitan Museum at New York, Pierpont Morgan might have paid more for it.

Dr. Valentiner added further that he believed the figurine was a looted museum piece and probably came from the museum at Augsburg, Bavaria, Germany, or possibly the Dresden Gallery at Grunes Gewolbe, but that the intrinsic value was not as high as its artistic value. Dr. Valentiner also stated that he would like to borrow the figurine for exhibition purposes at the Los Angeles County Museum.

Acting Customs Appraiser Reed then referred the matter to this office by telephone for investigation and when Mr. Johnson, who is 24 years of age, was interviewed in this office on June 14, 1948, he stated that during World War II he was stationed in Germany as a member of the 390th AAA SA (Anti-Aircraft Battalion Self-Propelled); that two months after the termination of the war in Germany he and approximately 200 more soldiers were quartered in a 3-story hotel, containing many small furnished rooms, located across the street from Keenigs Platz in Munich; that during the war this hotel had been occupied by German

108127

2025 2/11
For Veterans
Life Collection

DECLASSIFIED
Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

soldiers, and later by American soldiers who had been transferred to other quarters before his outfit moved in; that he did not know the name of this hotel; that when he and 4 soldiers were assigned a room together he immediately began looking around the room and found the figurine, which was in full view, in one of the two lockers in the room, and that all soldiers made a practice of searching for articles when they were moved into new quarters.

Mr. Johnson added that he wanted to sell the figurine "to get the money" and that it never entered his mind to sell it in Germany; that he sailed from Antwerp, Belgium on the Victory S.S. FREDERICK, December 12, 1945, and arrived at New York on December 26, 1945, at which time he did not declare the figurine; that some American officers on the dock at Antwerp had asked him if he were taking away any diamonds and he told them he was not, as he did not know at the time that the stones on the figurine were diamonds, and that his negative answer was also prompted by the statement of a soldier named Styre, who repaired watches in the Army as a hobby, who had examined the figurine in Munich and told him that the stones were not diamonds.

Mr. Johnson stated that he was not asked to make a declaration when they left the boat at New York, from which place they went to Camp Kilmer in New Jersey by train; that they stayed there about five days and then were flown from La Guardia Field, New York, to Long Beach, California, and from there transported to Fort Mac Arthur in San Pedro, by bus, where he was discharged on January 13, 1946.

There are enclosed two photographs depicting front and side views of the figurine, which Acting Customs Appraiser Reed describes, as follows:-

Base of gold-colored metal, 2-5/8" square, 2" high. Height of figure, including base, 4-5/8". On back of base, 1 large baroque pearl; on front of base, 1 large pale blue stone; on either side, 1 large deep amber stone. Figure wears diamond-studded turban, robe of colored enamel. Body of figure made of baroque pearls; right hand holds flower set with small diamonds; left hand holds chain attached to figure of monkey.

Very truly yours,

Leon E. Griset,
Customs Agent

Approved:

J.J. Mullen,
Customs Agent in Charge

DECLASSIFIED
Authority **NND 968071**
By **TJ** NARA Date **10/3/99**

RG 54
Entry Lot 62 D-4
File Ardelia Hall Coll.
Box 2



TREASURY DEPARTMENT

BUREAU OF CUSTOMS

LOS ANGELES 13, CALIF.

LA 2-510



CUSTOMS AGENCY SERVICE
CUSTOMS AGENT IN CHARGE

Room 305, H. W. HELLMAN BUILDING
354 SOUTH SPRING STREET

December 25, 1946

The Supervising Customs Agent,
Room 602 U. S. Customhouse,
Baltimore 2, Maryland.

Dear Sir:

We are enclosing a photograph of what is believed to be a 14th century ivory diptych, which is now in the possession of our office pending an investigation to determine its status in the United States.

The article in question was submitted to the Los Angeles County Museum by Howard F. Travis, who told officers of the museum he had obtained it from his brother who had been in Europe. Dr. William R. Valentiner, Director Consultant of the Museum, and one of the leading specialists in the history of the fine arts, recognized the article as a rare work of art, and he is in agreement with Mr. George Swarsenski, of the Museum of Fine Arts, Boston, Mass., and Rudolf Berliner, Curator of Decorative Arts, Rhode Island School of Design, Providence, R.I., that the piece was formerly in the museum at Cassel. They think it is described in "Keechlin" - Ivory of the Middle Ages (French publication) No. 794, where the measurements are given as 10 x 19.6 centimeters.

The Director of the Los Angeles Museum has furnished us with the name of Mr. John Walker, Curator of Paintings at the National Gallery of Art, Washington, D. C., and suggested he should be consulted regarding the ivory carving we now have, because he is a member of the American Committee appointed by President Roosevelt to deal with works of art stolen from enemy countries, and may be in a position to help in the identification of the article.

We will appreciate it if you will consult with Mr. Walker and give us the benefit of any information he may be able to furnish regarding this. An expression of opinion regarding value will also prove helpful.

Enclosure

Very truly yours,

Approved:

J. S. Mullen
J. S. MULLEN,
Customs Agent in Charge.

Leroy B. Powers
LEROY B. POWERS,
Customs Agent.

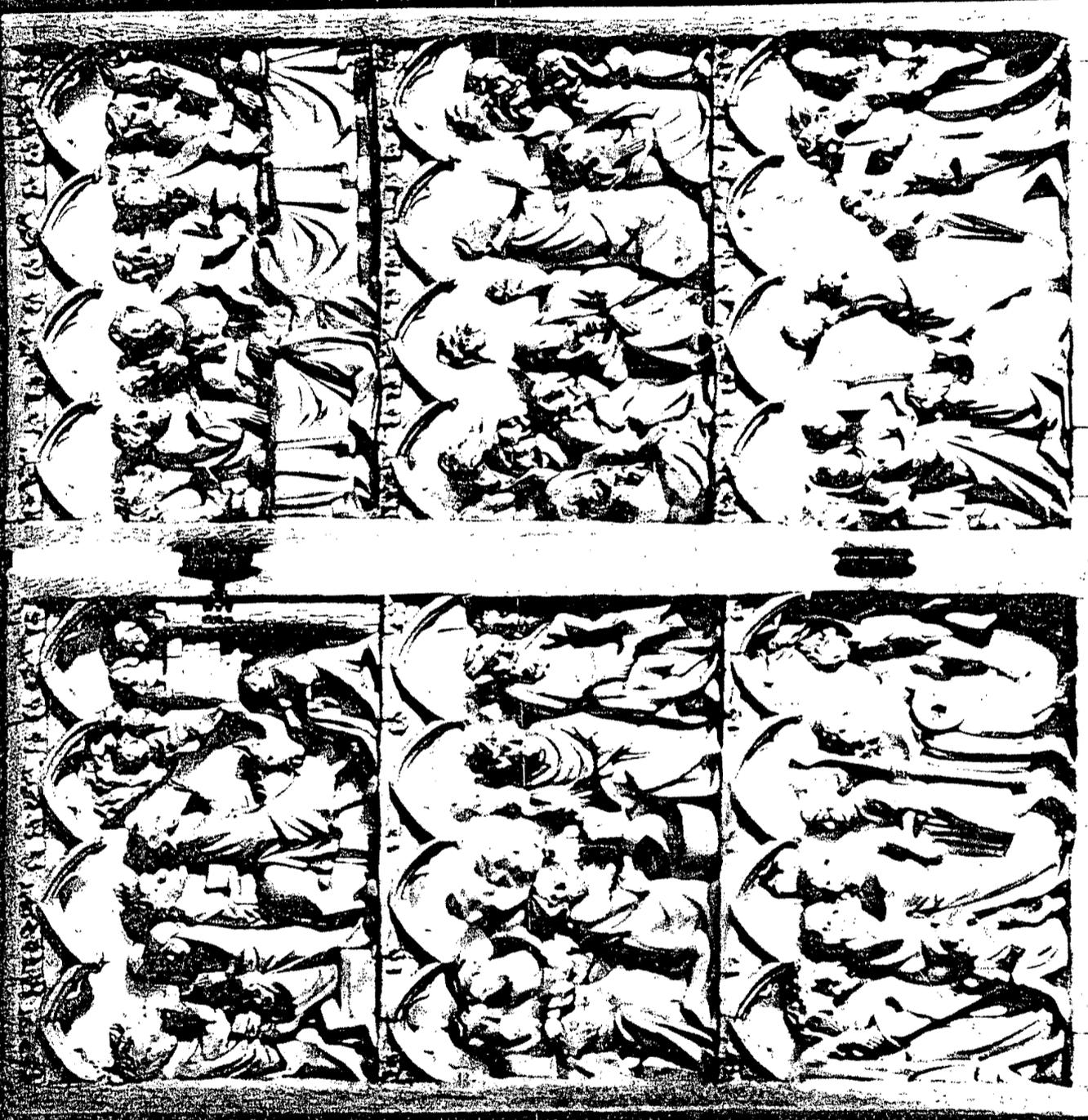
Arthur D. Hansen
Supervising Customs Agent.

3 copies received
1 - Sent to Bureau
of Customs for
for data on file
rbj
2 - Mrs. Sturges
O. J. Hall

Arthur D. Hansen
401 Customhouse
Baltimore, Md.
Phone 5460

DECLASSIFIED
Authority **NND 68071**
By **TJ** NARA Date **10/3/99**

RG 59
Entry Lot 62 D-4
File Ardelia Hall Coll.
Box 2



DECLASSIFIED
 Authority **NVDA 68071**
 By **T/KARA Daid 101399**

RG 54
 Entry Lot 62D-4
 File Adelia Hall Coll.
 Box 2

In reply refer to
 ADO 640.403/9-946

My dear Mr. Johnson:

Reference is made to your letter of September 9, 1946 to the Director of the Office of Economic Security Policy concerning the custody and return of looted works of art recovered in the United States, and Mr. Leverich's reply of September 17, 1946.

Three photostat copies of the enclosed letter from the Los Angeles Bureau of Customs to the Supervising Customs Agent, Baltimore, Maryland, dated December 25, 1946, and the enclosed photograph of the fourteenth century ivory diptych from the Museum of Cassel, Germany, were forwarded to the Department of State by Mr. John Walker of the National Gallery of Art, formerly a Special Advisor of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas.

The opinion of the art authorities already obtained and given in the above letter, that the ivory diptych is from the Museum of Cassel, has been verified by the Department and it is therefore requested that the Bureau of Customs hold the object under detention for formal seizure.

This object falls within the category of works of art illegally held in the United States, referred to in your letter of September 9, 1946, and Mr. Leverich's reply of September 17, 1946. It is expected that the policy for the return of these objects, mentioned in Mr. Leverich's letter, will soon receive final approval.

The Initiative

Mr. V.R. Johnson,
 Commissioner of Customs,
 Treasury Department,
 Washington, D.C.

108131

DECLASSIFIED
Authority NND 968071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

- 2 -

The initiative of the Los Angeles Bureau and the continued cooperation of the Bureau of Customs in this matter is appreciated.

Sincerely yours,

For the Secretary of State:

Hans Speier
Acting Chief
Division of Occupied Areas

Enclosure:

Copy of letter from the Los Angeles Bureau of Customs, dated December 23, 1946, with enclosure.

ADO:ARHall:mbv

1/16/47

OIC ESF CE

108132

DECLASSIFIED	
Authority	NND 68071
By	TJ NARA Date 10/13/99

RG	59
Entry	Lot 62D-4
File	Ardelia Hall Coll.
Box	2

Major Crook, CAD, Dept. of the Army
20935, Pentagon Building
Miss Hall, ADO-OIE, Department of State

March 15, 1948

Request for information about repository in which 14th Century ivory diptych of Kassel Museum was stored.

In the attached draft cable, the Department of State has requested further information from OMGUS on losses from the Reichsbahn Bunker, Kassel, before requesting the interrogation of Travis, in accordance with the MFA&A OMGUS request.

Travis is the soldier living in Dayton, Tennessee, about 20 miles from Chattanooga who brought the 14th century ivory diptych of the Kassel Museum to the U.S. It was surrendered by Travis' brother on identification to the Los Angeles Bureau of Customs. It will be brought to the National Gallery of Art, Washington, for return to OMGUS. The Bureau of Customs, Treasury Department, have full information on this case.

Mr. Theodore Heinrich said that the statement (OMG Hesse, MFA&A Monthly Consolidated Field Report for December 1947) that the ivory carving had been stored and looted from the Bad Wildungen Bunkers was erroneous, and that the ivory carving had been stored in the Reichsbahn Bunker, Kassel, which had been looted by Polish displaced persons.

108133

DECLASSIFIED
 Authority NNDA 68071
 By TJ NARA Date 10/3/99

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

DRAFT OF CABLE

PREPARED BY: _____ EXTENSION: _____ DATE: Mar 22

CLASSIFICATION: _____ CRYPTO. SYSTEM(S): _____ PRECEDENCE: _____

THEATER ADDRESS (ES): _____ NAME: _____ ACTION OR INFORMATION: _____
 TO: OMGUS FOR: _____ FOR: ACTION

CONTENTS OF THIS DRAFT: (CONCURRED IN BY: _____
 (COORDINATED WITH _____

DISTRIBUTION DESIRED: D/PO; OASA; CAD - State; CAD.

NOTE: Submit this original in detail and one (1) tissue copy of text only. Double-space.
 From Cg/CAD.

Re comment on ivory diptych from Kassel Landesmuseum in OMG Hesse MFA&A Monthly Consolidated Field Report December 1947. Diptych has been under formal detention Los Angeles Bureau of Customs since 1946 for return to OMGUS. Understand diptych was taken from Reichsbahn Bunker in Kassel looted by Polish D P's not (repeat not) from Bad Wildungen Bunkers. Dept of State requests description of other objects missing from Reichsbahn Bunker and all available information as to date and circumstances of loss, before requesting interrogation of ~~soldier~~ soldier who surrendered Kassel diptych.

MEMO FOR RECORD:
 (Establishing factual background and necessity for cable)

Handwritten: 12/15
 123

DECLASSIFIED
 Authority NNDA 68071
 By TJ NARA Date 10/3/99

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

C O P Y

3 March 1948

SUBJECT: Ivory Diptych Discovered in America

TO: Commanding General
 Office of Military Government for Germany (U.S.)
 APO 742, c/o Postmaster
 New York, New York

1. Reference is made to letters AG 333 (Civ)(ED) and AG 007 (ED), subject as above, to this Division, dated respectively 19 February 1948 and 20 February 1948, with reference to an ivory plaque now in the custody of the United States customs agent at Los Angeles, California.

2. The Department of State advises that subject plaque is being forwarded to the National Art Gallery in Washington, D. C., where a number of objects of art improperly removed from occupied areas are being gathered together for packing and eventual shipment to countries of origin.

3. The suggestion made in your letter of 19 February 1948 that a thorough investigation of Mr. Howard B. Travis and his brother be made is noted. Mr. Travis' brother is said to reside in Tennessee. The Bureau of Customs has in the past undertaken investigations of this nature. It is believed they will be willing to make an investigation of this case if they are provided with a list of the items sought. It is therefore requested that you furnish a list of the other objects of art which were removed from either the Reichsbahn bunker at Kassel or the Schloss at Bad Wildungen to be used as a basis of any interrogation of the persons who may be suspected in connection with the removal of such items.

FOR THE CHIEF, CIVIL AFFAIRS DIVISION:

Robert L. Duncan
 Captain, GSC
 Assistant Executive

C O P Y

108135

DECLASSIFIED
 Authority **NNDA 68071**
 By **TJ** NARA Date **10/13/99**

RG 59
 Entry Lot 62D-4
 File Ardelia Hall Coll.
 Box 2

OCT 12 1948

In reply refer to
 III 862.412/7-1448

My dear Mr. Bryan:

The Department of State was informed in a letter from the Bureau of Customs, Los Angeles, to the Supervising Customs Agent Baltimore, Maryland, dated December 23, 1946, that a 14th century ivory diptych had been detained from Mr. Howard F. Travis. The Department of State in a letter to the Secretary of Treasury, dated December 9, 1947 petitioned for the remission of the accrued forfeiture on this ivory diptych.

The Department was also informed on July 14, 1948 of the seizure by the Los Angeles Bureau of a Renaissance, jewelled figurine of a man and monkey and in a letter to the Secretary of Treasury, dated August 13, 1948 petitioned for the remission of the accrued forfeiture on this figurine.

It is now requested that these works of art be forwarded under the enclosed U. S. Government bill of lading, S-34730, to the National Gallery of Art, Washington, D. C. for exportation to country of origin. In the case of these two objects from German possessions, they will be returned by the Department of the Army to the Monuments, Fine Arts and Archives Section of the Office of Military Government for Germany (OMG) for restitution to the rightful owners.

Your

Mr. William Jennings Bryan, Jr.,
 Collector of Customs,
 E. W. Hellman Building,
 354 South Spring Street,
 Los Angeles 13, California.

108136

DECLASSIFIED
Authority **NND 968071**
By **TJ** NARA Date **10/3/99**

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

- 2 -

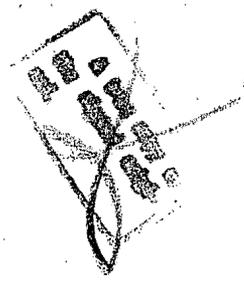
Your cooperation in the recovery of these objects has been greatly appreciated.

Sincerely yours,

Carl A. Bauer
Acting Chief
Division of Libraries and Institutes

Enclosure:

U. S. Government bill of lading.
S-34730.



108137

9/25/48

CSK

108137

DECLASSIFIED

Authority NND 968071
By JW NARA Date 11-5RG 59
Entry NND 968071
File manuz psalter
Box 3

DEPARTMENT OF STATE
INTERNATIONAL INFORMATION ADMINISTRATION
WASHINGTON

In reply refer to
ICS

May 6, 1952

My dear Mr. Murphy:

This will refer to previous correspondence concerning the possibility of your receiving compensation for the return of the manuscript "Testament Politique du Roi Frederic II".

The record indicates that the manuscript was acquired and exported from Germany under conditions contrary to regulations of the Army. It appears further that the importation of the manuscript into this country was not in conformity with the requirements of the customs laws of the United States.

After careful consideration, it has been concluded that under the circumstances the Department should not intervene in your behalf in attempting to secure compensation from the German Government.

Sincerely yours,

Ardelia R. Hall

Ardelia R. Hall
Special Programs Branch
Information Center Service

Mr. John Henry Murphy,
Chief Warrant Officer, USAF,
124 Hobbie Drive,
Montgomery, Alabama.

DECLASSIFIED

Authority NND 968071By JL NARA Date 11-5

RG

59

Entry

NND 968071

File

mainz psalter

Box

3DEPARTMENT OF STATE
DIRECTOR
BUREAU OF GERMAN AFFAIRS

January 7, 1952

Dear Mr. Murphy:

I am having the questions involved in the case of the Political Testament of Frederic the Great looked into by the appropriate people in the State Department. I shall be in further communication with you as soon as I receive a report on this matter.

I was very glad to hear from you and to learn that you are now at the Air Command and Staff School.

Sincerely yours,

Henry A. Byroade
Henry A. Byroade
Director
Bureau of German Affairs

Mr. John H. Murphy,
Chief Warrant Officer, U.S.A.F.,
Assistant Personnel Officer, AC&SS,
Maxwell Air Force Base, Alabama.

108139

DECLASSIFIED

Authority NND 968071By JW NARA Date 11-5

RG

59

Entry

NND 968071

File

main 2 psalter

Box

3OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE

WASHINGTON

In reply refer to
ICD

October 9, 1951

My dear Mr. Murphy:

Reference is made to your letter to the Department of State, of August 18, 1951, with regard to your claim to the manuscript of the Political Testament of Frederick the Great which you acquired in Berlin in the autumn of 1945 and imported into the United States on or about December 12, 1945.

The Department has received the report of the Bureau of Customs, Treasury Department indicating that the manuscript was seized by Customs because it was not declared at the time it was brought into the United States.

The established policy of the United States Government is one of respect for the cultural possessions of all nations. The purchase in Germany of an object of cultural importance was a violation of the SHAN Directive AG 014.1-1 (Germany), 21 November 1944, Subject: Prohibition of sale and export of works of art (and other cultural materials) in Germany and Law 59 of the Military Government, Germany, United States Zone, Article II, paragraph 3(d).

Furthermore, the manuscript of Frederick the Great was looted and dispersed from the Koenigliche Haus Archives of the German State during or following the war. It is not possible to claim clear title for stolen property. Responsible American institutions or individuals will not purchase such property. The Department has received a number of letters from booksellers and librarians, in California and New York, who were informed of your offer to sell the document. They questioned your legal title to the manuscript and asked if it should not be restored to the original owner.

The return of the manuscript to the rightful owner by the United States Government is required under a policy "Return of Looted Objects of Art to Countries of Origin," approved by the

State

Mr. John E. Murphy,
124 Hobbie Drive,
Montgomery, Alabama.

108140

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Authority NND 968071
By JW/MPA Date 11-5

RG 59
Entry NND 968071
File mainz psalter
Box 3

- 2 -

State-War-Navy Coordinating Committee on January 28, 1947 and published in the Department of State Bulletin vol XVI, No. 599, February 23, 1947. The manuscript will, therefore, be returned to the Federal Republic of Germany by the United States Government under this policy.

Sincerely yours,

Philip G. Hodge

Philip G. Hodge
Acting Chief, Special Programs Branch
Division of Overseas Information Centers

DECLASSIFIED

Authority NND 968071By JW/NAPA Date 11-5RG 59Entry NND 968071File mainz psalterBox 3LESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.DEPARTMENT OF STATE
WASHINGTON

August 31, 1951

Dear Jack:

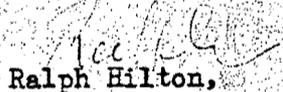
I was very glad to hear from you. I hope that you are enjoying the deep south which happens to be my old stomping ground.

I have gone into the problem with several of my friends in the State Department, and I am assured that it is being given expedited consideration, and I feel that whatever the outcome it will be an equitable one. Since some very complicated legal problems are concerned, of which I am not an expert, I assume that you have employed an attorney, especially to look into the point of whether the law requires a prior declaration of intent to sell whenever an American brings an antique into this country.

Please do not hesitate to call me for further information or any assistance which I can render you.

My best regards.

Sincerely yours,

Ralph Hilton,
Public Affairs Adviser,
Bureau of Inter-American Affairs.Mr. John H. Murphy,
Chief Warrant Officer,
United States Air Force,
124 Hobbie Drive,
Montgomery, Alabama.

108142

DECLASSIFIED
 Authority NND 968071
 By JW NARA Date 11-5

RG 59
 Entry NND 968071
 File mann psalter
 Box 3

Sigmund Rothschild, Esq
 119 West 57th Street
 New York City, New York

124 Hobbie Drive
 Montgomery, Alabama

JUNE - 1951

Dear Mr. Rothschild,

Transmitted herewith for your evaluation and authentication is the "Testament Politique du Roi Frederic II, D.A. 1752", written at San Souci, Potsdam in 1752. This appears to be the cornerstone of Prussian military and political philosophy. I have not been able to determine if full English translation exists. The binding on the manuscript appears of recent vintage, probably about 1900.

The inside cover carries identifying symbols. My inexperienced eye leads me to believe that this was removed from the Koneig House Archives. It came into my possession through the barter of food stuffs amid the ruins of Berlin in the fall of 1945.

I do not know the current status of these Archives, or whether they were destroyed in the Battle of Berlin, or whether they are (or were) in the Russian or American or British Zone. This matter has been discussed with the military authorities (I am in the Air Force).

It is their initial, and unofficial opinion that if this document came from a source that was previously established as government property of the German State, that the legal ownership, even though acquired in good faith by the undersigned, now rests with the U.S. Government.

On the other hand, if this came from a semi-private or endowed collection that was made available for public view or the use of scholars, and that clear title did not rest with the German State then it is mine.

They have been advised that it is being dispatched to you for authentication and evaluation. I would be grateful for any comments you may have to make. Undoubtedly you have considerable experience in this matter.

Your early reply is requested. Check of \$5. is enclosed.

Very truly yours,

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UNCLASSIFIED

OPERATIONS MEMORANDUM

TO: **Amembassy BONN**

DATE: **January 12, 1972**

FROM: **Department of State (S/S-A)**

SUBJECT: **Records Services; Return of Manuscript "Testament Politique du Roi Frederic II"**

REF:

As noted in the attached memorandum of telephone conversation dated January 10, 1972, the manuscript of Frederick the Great was hand-carried to Bonn in May, 1952, by Miss Ardelia R. Hall, Arts and Monuments Officer, Department of State. As further noted in the memorandum, Mr. Matternick, the Head of Cultural Affairs for the German Government received the manuscript. The Department desires to know where the manuscript is located at the present time. Please contact German Federal Archives at Koblenz, Germany.

Please reply by operations memorandum marked for the attention of S/S-A, Mr. Harry Brock.

Attachments:

Memorandum of telephone conversation dated 1/10/72

Copy of an account on the return of the Manuscript, (Information Bulletin, July, 1952)

HCBrock *HCB*

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By JWA NARA Date 11-5

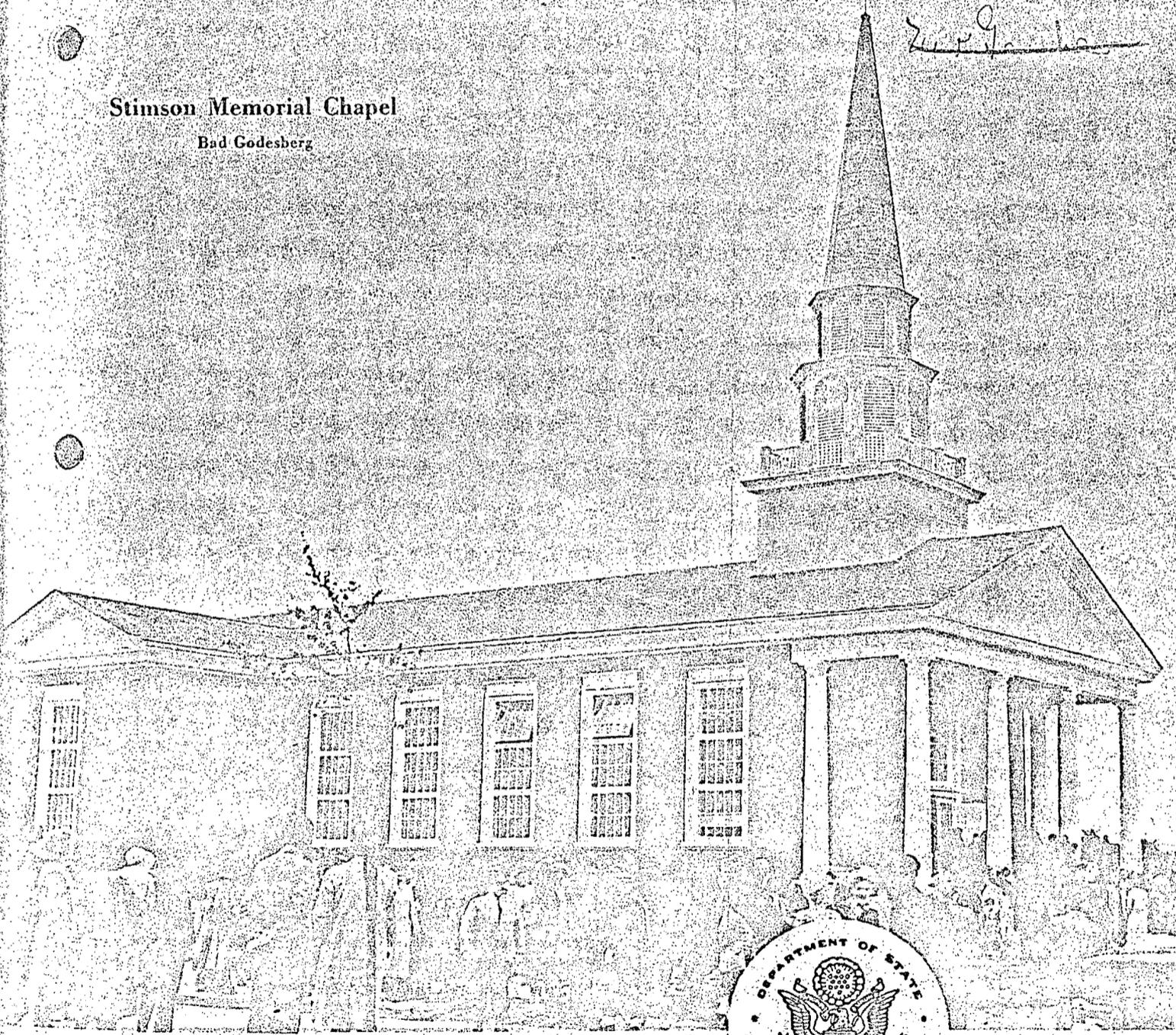
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File mainz psalter
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INFORMATION

Bulletin

Stimson Memorial Chapel
Bad Godesberg

Supplement



THIS ISSUE:

The McCloys Bid "Auf Wiedersehen!" to Germany
Truth and Freedom Education for All
New America Houses at Koblenz and Tuebingen

JULY
1952

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Authority NND 968071By JL NARA Date 11-5

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Cultural Articles Returned

IN KEEPING with the US Government's practice of returning recovered art to the rightful owners, several German-owned cultural objects, found in the United States, were restored recently to the German Government.

Brought to Germany by Miss Ardelia R. Hall, arts and monuments officer of the US Department of State, the objects included a small painting of St. Katherine by Rubens, belonging to the Kunsthalle of Duesseldorf; an Egyptian gold ring, dating from the first century A. D., from the Ferlini Treasure of the Berlin Museum; a fifty-page manuscript in the handwriting of Frederick the Great from the Prussian State Archives, and rare books from the Prussian Meteorological Institute.

Presentation was made by Dr. Edgar Breitenbach, HICOG cultural institutions officer, at a ceremony in Bonn May 16, and acceptance was by Prof. Franz Wolff-Metternich of the Federal Republic's Foreign Office Cultural Department. The Federal Republic was to return them, as soon as practical, to the institutions to which they belonged.

IN AN acceptance note to Miss Hall, Professor Wolff-Metternich said: "We all know only too well that in all the confusion caused by a war the inherited treasures of art are exposed to great dangers and that many of these precious objects that actually belong to the whole world can be removed in such times from their original location.

"But we have made the very satisfactory experience during and after the war that there are men of good will in every country on earth, who — unaffected by the passions of the moment — strive towards the realization of higher ideals and towards justice."

MISS HALL, in her remarks at the ceremony, said: "I would like to point out in connection with the Rubens and the other objects how the success of the program in the United States has been due to the generous and country-wide cooperation of American citizens and particularly of American scholars in museums, libraries and universities with the agencies of the government."

"The Rubens painting was recovered with the initial assistance of the Los Angeles County Museum in California. The manuscript of Frederick the Great was referred to the Department of State on the advice of Dr. Theodore Allen Heinrich, a former monuments, fine arts and archives officer and director of the Wiesbaden Central Collecting Point. The Egyptian gold ring of the Meroitic Period was recognized as property of the Berlin Museum by one of the leading American Egyptologists in the Boston Museum of Fine Arts in Massachusetts.

An article "Search for Looted Art" by Miss Hall was published in the September 1951 issue of the *Information Bulletin*, along with a bibliography of previous articles on this subject.

The return of the rare books were made possible by the University of Pennsylvania and Princeton University in New Jersey.

"Many of these scholars in American museums and universities were deeply concerned for the protection and preservation of historic and artistic property from the beginning of the war. The art scholars in Europe, who being closer to the impending dangers that threatened, exerted continuous and heroic efforts to preserve the treasures which we have inherited from the past. And with works of art and books that could be moved to safety, they were extraordinarily successful. It is only a very small proportion of the vast collections of Europe that escaped from their vigilant care.

"The recovery of these relatively few lost pieces comes about from the continuing interest. It can be our confident expectation that the same concern of all people and the same informed help of all scholars in cooperation with the governments can combine to ameliorate and limit the extent of the losses of movable works of art and retrieve for posterity these lost fragments of our joint cultural heritage."

Referring to the objects returned at the Bonn ceremony, Miss Hall said: "As you probably know, they are not the first works of art to be restored by the United States Government to Germany... Nor indeed will these objects now being delivered to the Federal Government be the last... It is a continuing program for the recovery of those objects which through one or another of the hazards of war became scattered and are still missing. Should they appear in the United States, every effort is made to recover them. They are returned through diplomatic channels to the governments of the owners."

+END



Examining some of the rare books returned from the United States are (left to right): Professor Wolff-Metternich, Dr. Breitenbach and Miss Hall.

(HICOG photo)

Return of Looted Objects of Art to Countries of Origin

MEMORANDUM BY THE STATE DEPARTMENT MEMBER OF SWNCC¹

The American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas (the Roberts Commission) in May made to the State and War Departments certain proposals for the return of cultural objects imported into this country by members of the Armed Forces. The text of the letter from the Secretary-Treasurer of the Commission to the Assistant Secretary of State for Occupied Areas is attached as Appendix "A".

The introduction of looted objects of art into this country is contrary to the general policy of the United States and to the commitments of the United States under the Hague Convention of 1907 and in case of objects of a value of \$5,000 or more is a contravention of Federal law. It is incumbent on this Government, therefore, to exert every reasonable effort to right such wrongs as may be brought to light.

The following program is proposed to that end:

1. The Department of State should send to all museums, libraries, university departments of fine arts, art and antique dealers and auction houses and booksellers a circular of the following content:

a. The responsibility and the desire of this Government to return to their countries of origin those cultural objects which have been wrongfully taken and brought to the United States during and after the war;

b. A request that recipients of the circular be vigilant to note objects in that category, when feasible to invite deposit of such objects pending settlement, and to notify the Department of State immediately of any obtainable information concerning such objects.

A copy of a circular sent out some time ago by the Roberts Commission is attached as Appendix "B".

2. The Department of State should address letters to all known holders of such objects who have been unwilling to give them up to the circu-

larized groups formally requesting the surrender of the objects in question.

3. In the case of objects having a value of \$5,000 or more the Department of State should request the Department of Justice to bring suit under the National Stolen Property Act in case a request is not satisfactorily answered.

4. When the ownership of surrendered objects can be easily determined and such objects are known to belong in countries having diplomatic representation in the United States, the Department of State should make arrangements to have the objects in question suitably packed and delivered to the indicated embassy or legation in Washington and receive an authenticated receipt therefor. If there is some question as to ownership or the local mission does not wish to accept responsibility for return of the property, such property shall be returned to the United States Military Government from whose jurisdiction it was removed so that restitution may be made through the usual channels.

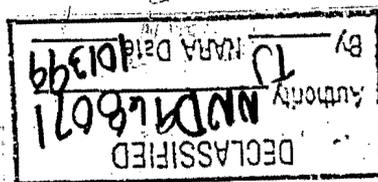
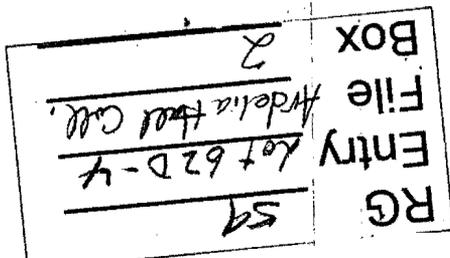
5. When surrendered objects are determined to belong in Germany or Austria or Japan or Korea the State Department should make arrangements for suitably packing and delivery to the War Department for transport to United States Military Government authorities in the country of origin. Should conditions obtaining in a given occupied country make it unwise immediately to return a surrendered object, the State Department should ask the National Gallery of Art to assume temporary custody.

6. The expenses of this program should be borne in the following manner:

a. If the person surrendering a given object acquired it while serving in the Army or under Army jurisdiction, the War Department should defray the necessary costs of return.

b. If the person surrendering a given object acquired it while serving in the Navy or Marine Corps or Coast Guard or under Navy or Marine Corps or Coast Guard jurisdiction, the Navy Department should defray the necessary costs of return.

¹ State-War-Navy Coordinating Committee. For article on the Committee, see BULLETIN of Nov. 11, 1945, p. 745.



THE RECORD OF THE WEEK

jects may be obscure or suspicious and where the objects may be of special artistic importance, the Commission would appreciate being informed of the facts with as full and specific information as possible concerning the objects themselves and the circumstances under which they came to your attention.

The above information will be made available to the Customs and the Foreign Funds Control officials in the Treasury Department for their attention and any further investigation that may be required. The source of the information will be treated as confidential.

It is, of course, obvious that no clear title can be passed on objects that have been looted from public or private collections abroad. We believe, therefore, that it is to the advantage of both public institutions and the trade, as well as for the good name of this Government and its armed forces, that any specific examples of looting of works of art or cultural materials be brought to light as soon as possible.

TAX-TREATY NEGOTIATIONS WITH DENMARK

[Released to the press February 11]

A draft convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income has been prepared after discussions in Washington between a delegation of Danish Government officials and officials of the United States Government. The Danish delegation is returning to Denmark.

The subject of estate taxes was discussed, but no draft convention on this subject was prepared.

The discussions were conducted for Denmark by S. Hiort-Lorenzen and E. Thielsen, of the Danish Ministry of Finance, and M. J. Clausen, of the Danish Ministry of the Interior, who comprised the Delegation, together with the Counselor of the Danish Legation in Washington, Hans Bertelsen. The United States Delegation was headed by Eldon P. King, Special Deputy Commissioner of Internal Revenue. The Department of State was represented in the discussions by Frederick Livesey, Adviser, Office of Financial and Development Policy, and William V. Whittington, Treaty Adviser, Treaty Branch, Office of the Legal Adviser.

The draft convention relating to income taxes

will be submitted by the negotiators to their respective governments for further consideration, with a view to the eventual signing of the convention if found by the two governments to be satisfactory.

Foreign Commerce Weekly

The following article of interest to readers of the *BULLETIN* appeared in the February 1 issue of *Foreign Commerce Weekly*, a publication of the Department of Commerce, copies of which may be obtained from the Superintendent of Documents, Government Printing Office, for 15 cents each:

"Swiss Lumber Situation—Struggle Against Shortages", based on reports from the American Consulates in Basel and Bern.

"Pipeline" Contracts—Continued from page 346

to purchase the material as surplus. The payment which has already been made, could not be refunded, because it has been deposited into miscellaneous receipts of the Treasury, from which it can presumably be extracted (in response to the inquiry by Senator Thomas) only by Congressional action. Furthermore, as shown in the separate statement already mentioned, the United States Government would suffer a considerable ultimate loss because of the small return that would be likely to be realized, as distinguished from the amount to be paid under the pipeline agreements. It is clear, furthermore, that if, as suggested by Senator Tydings, the foreign governments were asked to pay immediately in cash for goods which the United States has contracted to sell to them on credit terms, they would rather have the material declared surplus, because it might in many instances provide an opportunity to obtain it at a considerable discount. This would be so particularly in the case of goods procured under foreign specifications. Such a result would be of no benefit to the United States.

Since the questions to which the foregoing is intended to provide answers were asked by a number of the members of your Committee, I am furnishing herewith extra copies of this letter for distribution to such other members. If the Committee wishes any further information, I am prepared, of course, to furnish whatever I can.

Sincerely yours,

CHESTER T. LANE,
Lend-Lease Administrator.

Department of State Bulletin

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Box

2CONFIDENTIALTIME TABLE OF EVENTS LEADING TO RECOVERY OF
THE 1457 MAINZ PSALTER.

In the recovery of the 1457 Mainz Psalter, the Department of State received the fullest cooperation from the Bureau of Customs, the Curator of Prints of the New York Public Library, and the American Embassy in Praha.

1. October 3, 1947 Consular invoice #7082 certified at Praha, Czechoslovakia. Info from American Embassy, Praha, April 28, 1948.
2. October 7, 1947 Psalter arrived via Dutch Airlines at LaGuardia Field, delivered to Mr. Reichner, New York. Info from Custom's report, May 19, 1948.
3. November 20, 1947 Letter from Mr. Reichner to Department asking if he is entitled to buy old books from Europe and under what official and legal ruling.
4. December 29, 1947 Letter from Department to Mr. Reichner informing him of Department's position, which he showed to Mr. Jackson.
5. January 23, 1948 Mr. Jackson interviewed Mr. Tyler making initial proposal that he be authorized by Department to buy the Psalter for \$10,000.
6. January 29, 1948 Miss Hall in Boston on official business, interviewed Mr. Jackson at Houghton Library and explained Department policy, appointment lasted three hours.
7. February 3, 1948 Letter from Mr. Jackson to Mr. Tyler, saying he is "still on tenterhooks".
8. February 9, 1948 Reply from Department to Mr. Jackson explaining Department's position.
9. February 10, 1948 Department telegram No. 127 to Praha, London, Paris, and Moscow: "USGovt will attempt seizure when present holder ascertained. Believe, however, Psalter may be returned to Europe prior to any possible Govt action. Notify appropriate office of Govt to which you are accredited."

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CONFIDENTIAL

10. February 11, 1948 Letter from Mr. Jackson to Mr. Tyler ending, "As far as the Department is concerned the item might as well be destroyed."
11. February 20, 1948 ARH talked on phone with Mr. A. Rosen, FBI, Department of Justice. With no information as to the whereabouts of the Psalter, no action deemed practical.
12. April 6, 1948 ARH consulted with Chief, Enforcement, Bureau of Customs as to possible seizure of book if no regular entry was made, no action deemed practical.
13. April 23, 1948
(Friday) Another three hour interview with Mr. Jackson who came to Department. ARH learned that a consular invoice had been issued.
14. April 28, 1948
(Monday) Department of State memorandum to Bureau of Customs requesting search for consular invoice and investigation.
15. April 27, 1948 Department telegram #580 to AMEMBASSY, Praha, asking for information on consular invoice.
16. April 28, 1948 ARH in New York, interviewed Supervising Customs Agent to consider difficulties of investigation.

ARH requested from Mr. Karl Kup, Curator of Prints and Rare Books in the New York Public Library, the published description and photographs of Psalter. Photostats to be forwarded to Bureau of Customs to aid in identification of book.
17. April 28, 1948 AMEMBASSY, Praha, telegram No. 580 to Department with full information from consular invoice.
18. April 28, 1948 AMEMBASSY, Praha, Despatch No. 305, Confidential. Subject: Stolen Property: Shipment of "1457 Psalter from Dresden" from Czechoslovakia to New York, with copy of consular invoice # 7082.
19. April 29, 1948 Praha telegram No. 580 delivered by hand to Bureau of Customs, sent to New York by telecon.
20. April 29, 1948 Letter from Mr. Jackson to Mr. Tyler, wants Psalter to exhibit on May 9th.
21. May 5, 1948 Mr. Jackson called ARH and Mr. Tyler on phone.

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22. May 10, 1948 Bureau of Customs informed Department seizure of Psalter effected.
23. May 17, 1948 Letter from State to Treasury: petition for remission of accrued forfeiture.
24. May 18, 1948 Letter from Treasury to Department with full report of investigation.
25. May 26, 1948 Treasury to Department - release of Psalter to Department.
26. May 27, 1948 State to Army confirming request that Army return Psalter to American Zone.
27. May 29, 1948 Reply to Mr. Kup, thanking him for assistance.
28. June 8, 1948 Memorandum requesting State Department courier be designated to pick up Psalter.
29. June 9, 1948 State to Bureau of Customs (Mr. Laughlin) requesting delivery of Psalter to State Department courier.
30. June 9, 1948 Tel. No. 1010 State to USPOLAD, Berlin, (copy to Colonel Peters, GAD) reporting arrangements being made for return of Psalter by air courier.
31. June 11, 1948 Department of Bureau of Customs (Mr. Stephens) requesting that Psalter be delivered to Department courier.
32. June 14, 1948 Notified by telephone that Psalter had arrived in New State.
33. June 14, 1948 Order for complete microfil and photographs of Psalter.
34. June 14, 1948 Mr. Eaton of Rare Book Division, Library of Congress, also identified Psalter.
35. June 16, 1948 Tel. No. 1380 USPOLAD, Berlin, to Department regarding classification and publicity.

CONFIDENTIAL

108153

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Authority NNDA 68071
By TJ NARA Date 10/3/99

RG 59
Entry Lot 62D-4
File Ardelia Hall Coll.
Box 2

June 22, 1948

~~TOP SECRET~~

MEMORANDUM ON THE RECOVERY OF THE 1457 MAINZ PSALTER BY THE DEPARTMENT OF STATE

In sharp contrast with the cooperation the Department of State has generally received from American museums and libraries, it may be asserted that the 1457 Mainz Psalter has been recovered by the Department in spite of the lack of cooperation from the librarian of the Houghton Library of Harvard University.

In January, Mr. William A. Jackson, Librarian of the Houghton Library (for rare books) came to Mr. Tyler with the information that this valuable book of Psalms had appeared on the New York market and outlined his scheme to obtain this book for his library. He described it as worth \$250,000; looted from the repository of the Dresden Library during the war; imported into New York from Czechoslovakia; and implied that it had not been declared. He refused to divulge any information as to the whereabouts of the book, saying that it would be a violation of the confidence that the "refugee" book dealer had placed in him.

Mr. Jackson proposed that he be allowed to secretly ~~XXXXXXXXXX~~ purchase the book for \$10,000, with the approval of the Department, that it be surrendered to the Government and remanded by the Department of State to the custody of Harvard University under a trusteeship of Harvard, the Library of Congress, and Morgan Library. The librarians of the three institutions should decide when the book should be returned to Dresden. The Government, he stated, was not to be relied upon to assume custody of the book.

He was willing to "gamble", as he said, the \$10,000 that he would be able to keep the book indefinitely, for ten, twenty, or thirty years. He further contended that if we did not agree to his proposal the book might be lost, mutilated, or returned immediately to Europe.

In his determination to obtain the Psalter, Mr. Jackson has written numerous letters, made innumerable telephone calls, and come to Washington on two occasions. On his visit to the Department on April 23, 1948; it was learned that a consular invoice had been issued. The Department immediately requested an investigation by the Bureau of Customs, obtained the full information on the consular invoice from Praha, the Psalter was seized by the Treasury Department, and turned over to the Department of State. Arrangements have been made with the Department of the Army to return the book to OMGUS. The United States Political Adviser has been notified of its impending return.

Mr. Jackson does not know how we obtained the necessary information. He has ignored the repeated explanations by letter from the Department and in conversation with Mr. Tyler and Miss Hall that the Department could only handle the matter in conformity with established policy.

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~~TOP SECRET~~

We learn from the Treasury report of their investigation that Mr. Jackson informed the dealer that the Government might seize the book and advised him not to surrender it but to "sit tight" until it was picked up.

I might add that Mr. Tyler has fully supported the position I have consistently recommended. He has always arranged, if possible, for me to be present whenever he talked with Mr. Jackson on the phone. On one such occasion, Mr. Jackson became angry and hung up. In every possible way, Mr. Tyler showed the utmost courtesy and patience in dealing with Mr. Jackson.

ADD: R. Hall

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LIBRARY OF HARVARD UNIVERSITY
CAMBRIDGE, MASSACHUSETTS
THE HOUGHTON LIBRARY

OFFICE OF
ASSISTANT SECRETARY

SEP 14 5 05 PM '48
10 September 1948
FOR
PUBLIC AFFAIRS
DEPARTMENT OF STATE

The Hon. George Allen
Assistant Secretary of State
New State Building, Room 4168
21st Street & Virginia Avenue
Washington 25, D.C.

Dear Mr. Allen:

Herewith is a statement concerning our side of the Psalter affair. I believe it to be accurate, and somewhat restrained. Perhaps time will make me less violent in the matter.

Sincerely yours,

Wm. A. Jackson

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 By TJ NARA Date 10/3/99

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MEMORANDUM ON THE 1457 MAINZ PSALTER OF THE DRESDEN LIBRARY

Among the post-war functions of the Department of State relating to the protection and salvages of works of art and objects of cultural importance is the recovery of looted and dispersed objects which may be brought to the United States. In contrast to other activities of the arts and monuments office, the recovery of looted art in the United States is a domestic problem.

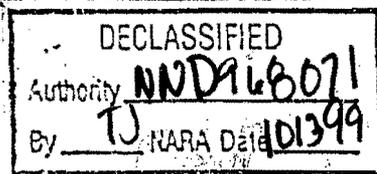
The Department of State has adopted two policies. The first deals specifically with the return of art which was brought home by members of the armed services as war souvenirs, (under SWNCC 322). This has been proven to be of minor importance, as 18 groups have been reported and recovered. The second policy for the control of international trade in looted art was drafted by the Department of State (Econ. Div.) and is called the Tripartite Agreement of July 8, 1946. It is an agreement among the US, the UK, and France with almost all European countries now participating.

The Tripartite Agreement is an outstanding contribution of our Government for the eventual recovery of objects lost in World War II and still missing. It is important that this policy be effectively carried out in the United States, as this country is, today, the chief market for valuable objects. Enormous sums of money might be involved in the illegal traffic of looted art. The successful administration of this policy will contribute to the good name of our country, to the foreign policy of the Department, and win the gratitude of foreign nations, for cultural objects are always cherished.

These two policies are founded upon international law and international agreements to which this Government is obligated. (I would urgently recommend that these obligations be given wider publicity.) But they are based above all upon the principle of respect for the inviolability of art and the integrity of cultural institutions, upheld by this country long before there were any formal obligations to require it. In an American petition to the British to recover paintings lost in the War of 1812, there was written the felicitous phrase that we have "always been at peace with these."

The Department of State has relied upon museums, libraries, and universities for information regarding any object which comes to their attention and is suspected of being loot. The Department has received the most generous cooperation from many museums, which has materially aided in the recovery of valuable objects, mainly from public collections abroad.

The 1457 Mainz Psalter belonging to the Landes Bibliothek of Dresden is the first work of art of supreme importance which has been



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recovered under the Tripartite Agreement. It is justly a national treasure of the German people, printed in Mainz, Germany, owned by a public institution. It is one of the great examples of the discovery of printing in Europe, being the first book printed in color. It is so well known that it would be unsaleable.

The return of this book to OMOUS and to the custody of the Monuments, Fine Arts, and Archives section, to place it on exhibition at the Wiesbaden Central Collecting Point, where German owned collections are held, to give the recovery and return appropriate publicity is in conformity with the Tripartite Agreement. It is believed that it will further demonstrate to the German people our integrity in respecting the ownership of works of art. It will also demonstrate to other European nations our efforts to carry out the program of the Tripartite Agreement. (The Department has already informed the Czechoslovakian, the French, and the British Governments that this valuable Psalter had appeared on the New York market and efforts were being made to recover it. This was done when it appeared probable that it would be returned to Europe.) It will also serve notice to international dealers that this Government is carrying through with the announced policy.

To retain this Psalter for any reason in the United States would, I believe, have a disastrous effect upon the implementation of the Tripartite Agreement and upon Government policies looking toward a final and satisfactory post-war settlement for all cultural property.

ADD: AR Hall

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By TJ NARA Date 10/3/99

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PRIVATE. NOT FOR PUBLICATION.

The State Department and the "1457 Psalter"

The 1457 Mainz Psalter is a book which is regarded by those interested in such matters with almost idolatrous respect, for it is the first book with a date, the first book with a colophon, the first book with a printer's mark, the first book with two-, indeed three-color printing, and the first book to contain music (although this latter is inserted by hand); and while there are ten copies of it known, no copy, nor any fragment of a copy, is in this country. It would be difficult to estimate its proper value, except to say that if the Library of Congress correctly appraised the St. Paul copy of the Gutenberg Bible at \$300,000, then this book is a great deal more valuable, for of the Gutenberg Bible there are more than two score copies known, and eleven are in this country.

It might be more correct to say that there has been no copy here, since at the moment there is one, a copy which properly belongs to the people of Saxony. It comes from the Landesbibliothek in Dresden, and it is the tale of how this book came to this country and of what has happened to it since that I wish to tell here. During the war the German Government sent the rare books from the Dresden Landesbibliothek for safe-keeping to Czechoslovakia. When the Germans were driven out of Czechoslovakia these books were left in Czech territory and were seized by the Russians, just as they seized the Sistine Madonna from the Dresden Gallery, which is now in Moscow. Apparently

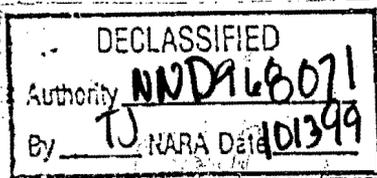
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Box 2

some Russian soldier "liberated" the Psalter while it was en route to Moscow and sold it to a Czech bookseller. I don't know how much that bookseller paid for it, but according to postwar Czech law it was legal for him to own German Government or private property found or obtained in Czechoslovakia. It was not legal for him to export it from Czechoslovakia without a license from a bureau established for that purpose.

This bookseller is a man of considerable experience, and he undoubtedly was aware that it would be possible for him to extract from the book several leaves, particularly the first leaf with the great colored initial B, and the last leaf with the colophon and printer's device, and to sell these leaves, without any necessity of establishing provenance, for at least \$10,000 apiece. That such a figure is not an exaggerated one can be substantiated by the fact that these leaves have been reproduced perhaps as often as any non-illustrated leaves of the fifteenth century, and yet no such leaf is known in the Western Hemisphere; single leaves of block books, even of the more common ones of which several complete copies are known in this country, have sold recently for as high as \$1,000; and a New York bookseller has within the year catalogued one-fourth of a leaf from the 36-line Bible at \$300, despite the fact that there are in this country at least six separate leaves of the 36-line Bible, a book of vastly less bibliographical and artistic interest than the Psalter.

The Czech dealer, knowing that it was only a matter of time until the Russians took over his country, and realising the value of this book, but also the difficulties of selling it without a



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clear title which would be recognized internationally, wrote to a bookseller in New York whom he knew, Mr. Herbert Reichner, asking him if he would be interested in selling a copy of the Psalter. Mr. Reichner answered that of course he would, thinking that it might be merely a facsimile but being curious to know what it was all about. Nothing at the time was said to Mr. Reichner about the fact that this book came from Dresden and it bears no bookplate or other mark of its provenance. About the time the Russians took over Czechoslovakia the book arrived in New York by plane from Holland. It had been sent with a consular invoice which contained several misstatements of fact: 1. that it was sold and not on consignment; 2. that it was valued at some \$300; and 3. that it was dated 1557 instead of 1457. These misstatements are important mainly as technicalities, for it was on the basis of them that the book was first seized, as will be later told; but it should be observed that it is impossible to export books printed before 1500 from a number of European countries without very special permits from the government. It should also be noted that it is difficult, if not impossible, to export books from many European countries without a definite sale being registered. This is, of course, so that the countries may collect the foreign exchange. Nevertheless, these mis-statements made by the consignor in no way defrauded the U. S. Government but merely made it possible to ship the book out of Europe.

When the book arrived in New York Mr. Reichner was somewhat terrified to find that it was obviously the Dresden copy. It was

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Authority	NND 968071
By	TJ NARA Date 10/3/99

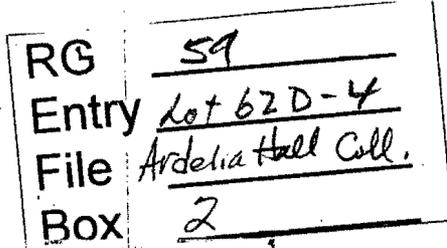
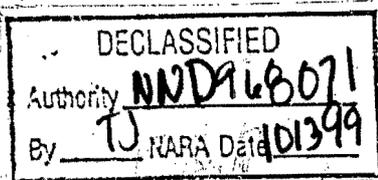
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in the original pigskin binding and it lacked the several leaves that are recorded as being missing from that copy. His first inclination was to return it to the Czech dealer, but before doing so he decided to ask my advice about it, and one Sunday early last spring I called on him and was shown the book. It seemed to me at that time, and it still does, that there is no question but that the book belongs to the people of Saxony. However, it seemed then, and still does, that there is little likelihood at the moment that if the book were returned to Dresden it would stay there. I therefore advised Mr. Reichner that if he would keep the book in his vault and say nothing about it, I would approach the State Department to find out whether they might approve the keeping of this book in America until such time as it could be returned to its proper owners in Saxony.

My reasons for hoping that this might be accomplished were that despite the fact that in Europe there are ten copies of this book, the bibliographical problems which it presents have never been solved, nor has any adequate reproduction of the whole book ever been attempted. The major bibliographical problem is this, that there are apparently two editions both dated 1457 with entirely different settings and containing different numbers of leaves, and the order of printing of these two editions has not been established. The reason why the book has not been facsimiled is probably owing to the fact that no copy is known in

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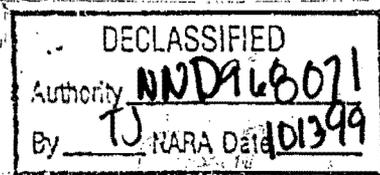


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which the ink is not somewhat faded, and therefore a facsimile cannot give an adequate impression of what the book looked like when it originally came from the press. To solve, if possible, both of these problems seemed to me a challenge which American scholarship might accept.

Shortly thereafter, I went to Washington and called upon Mr. Wm. R. Tyler, an old friend, who stated that he was in charge of such matters in the State Department. I obtained from him a promise that no attempt would be made to trace the present location of the book without telling me in advance. My reason for this was that if the State Department should decide to seize the book, it would be better to have it delivered to them than to have the identity of the Czech bookseller revealed to anyone, for that man, who by sending this book out of Czechoslovakia in order to have it available when he and his family could escape from the Russian Zone, would be in very critical danger if the Russians knew of what he had done. Furthermore, Mr. Reichner had begged me not to reveal his name if it could possibly be prevented, because as a former citizen of Vienna he had had experience with bureaucratic officials, and though now an American citizen he feared that such bureaucrats were of the same type in America as they are in Europe. If the State Department attempted to trace the book, I knew that they would sooner or later discover the consular invoice under which it had been admitted, and the names of both Mr. Reichner and the Czech

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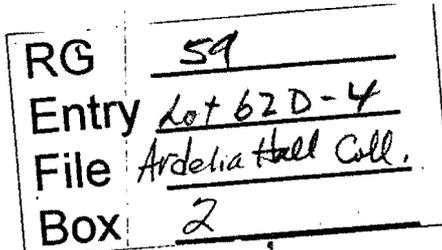
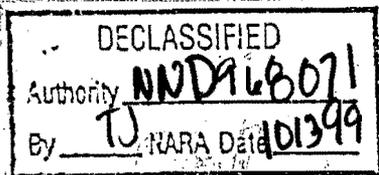
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bookseller would then be in the files of various departments in Washington and might somehow from there get into the hands of the Russians.

Upon receiving this promise, I proposed that a trusteeship be set up consisting of the Librarian of Congress, the Librarian of the Morgan Library, and the Librarian of Harvard, any two of whom would be empowered to decide when it was proper for the book to be returned to Dresden, and that the State Department approve that the book be placed in the custody of the Harvard Library under the control of these trustees, that no term should be set upon the time the book should remain at Harvard, but that that should be left to the judgment of the majority of the trustees. At that time I said that if the State Department would approve of such a trusteeship, Harvard would endeavor to reimburse the Czech bookseller for his service to civilization in preserving the book intact. Later I shall explain why I think this action important not just in relation to this book, but in connection with the recovery of all types of war loot.

Mr. Tyler at that time expressed his belief that this was a proper request, and assured me that he would do what he could to see that it was sympathetically reviewed by the State Department. A few weeks later he informed me that the legal department of the State Department had been unwilling to agree to the trusteeship as outlined by me in our first conversation. In order to make sure of the ethical grounds on which I was basing

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this request, I then consulted Justice Owen Roberts, formerly chairman of the Roberts Commission on Fine Arts Monuments. Mr. Roberts assured me that he thought it proper, and indeed that he thought since I knew of the existence of this book, it was my moral responsibility to do everything in my power to see that my proposal was carried through.

Following my interview with Justice Roberts, I had a conference in Washington with Mr. Tyler and Mr. Huntington Cairns, a former member of the Roberts Commission. At that time I proposed that, failing the acceptability of the trusteeship proposal, the book be surrendered to the State Department, to be received in the name of the people of Dresden, and that it be remanded to the care of Harvard by the State Department, with the understanding that it would remain there until such time as it could be safely returned to the people of Dresden, that this act would be publicly acknowledged both by the State Department and by Harvard, and that the book would be available at Harvard for study and facsimile. This proposal Mr. Tyler agreed to take to the legal department and his superiors in the State Department.

After some delay I was informed that this proposal was viewed favorably by the Department, and I went to Washington to arrange the details. At that time I had a second interview with Miss Ardelia Hall, who is the official of the State Department in whose hands the files of the Roberts Commission are kept, and who is directly responsible for the continuance of such of the

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activities of that Commission as are carried on by the State Department. At that time she was responsible to Mr. Tyler. There is no question but that Miss Hall is devotedly trying to carry out the purpose for which the Roberts Commission was formed, which has been stated in the Tri-Partite Agreement as the return of objects such as this Psalter to the proper owners. At the same time, I cannot resist stating that Miss Hall has some peculiar ideas. One is that there apparently does not exist an honest bookseller or art dealer. Another is that it seems impossible for her to recognize that this Psalter is a printed book, of which there are other copies in existence, and not a unique manuscript. This, which would seem to be a small matter, involves in her mind questions of international copyright and a good many other things which effectually, it seems to me, prevent her from seeing such a proposal as this one in its proper light.

Miss Hall stated that while the proposal appeared to the Department to be feasible, they wished to inform a representative of the Landesbibliothek that the book was to be remanded to the custody of Harvard and, if possible, to obtain his consent. She stated that the present Librarian of the Landesbibliothek, a Russian appointee, probably would not give his consent, but that the former Librarian was in the American Occupied Zone and would undoubtedly be pleased to learn that the book had been recovered and that it would be safely held for his Library at Harvard. She did not say that it was necessary to obtain the consent of this

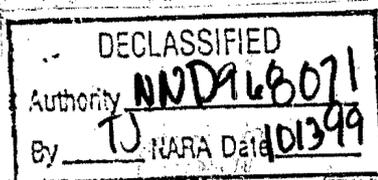
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person, but that it would be a courteous gesture to attempt to do so. A formal statement of the proposal was thereupon drawn up by Miss Hall and me and shown to Mr. Tyler, and I was informed that within a week or ten days word should be obtained from Germany of the consent, and the matter would then be put through. I was eager to have it accomplished at that time as the annual meeting of the Visiting Committee of the Harvard Library would occur some two or three weeks thereafter.

Before returning to Washington, but after having been told that the proposal was viewed favorably by the State Department, I had communicated with the Czech dealer and obtained his consent to accept \$10,000 as full payment for all of his rights and interest in the book. I believe that such a sum is a proper one, not only that the Czech might not some day appear upon Mr. Reichner's or Harvard's doorstep and demand the return of his property, but also because there undoubtedly are, in the hands of private citizens throughout Russian Occupied Europe, objects of great artistic or historical value, formerly German property, such as this Psalter, which are being held, generally legally within the country, by people who would like to use that property as a means of establishing a credit outside Russian-held Europe. They would be encouraged to preserve such items unutilized if they knew that they could receive not the full value, but some fraction of it, if they brought such objects with them to Western Europe. On the other hand, if it is known that they cannot obtain any compensation



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for preserving such items unmutilated, they will do one of two things; either they will turn them over to Russian hands, or mutilate them in order to destroy all record of provenance, and no doubt irreparably damage the articles. The Treasury Department, in its efforts to control smuggling, has for many years paid a percentage to informers. If the United States Government really wishes to preserve such objects as this Psalter and not drive the trade in them underground and to such countries as the Argentine, it would be well advised to consider the possibility of paying some such token sum as was in this case arranged with the Czech dealer.

As soon as a figure of \$10,000 was known to be acceptable to the Czech, I obtained the promise of that sum from ten friends of the Harvard Library, who were told that it was a gamble as to how long the book might remain at Harvard but that the payment of such a sum was not unreasonable if the book should stay at Harvard long enough for its bibliographical study to be completed, that many other scholarly projects involved the payment of sums to obtain the use of original material, and that the \$10,000 would be a fair rent if the work could be carried through to its completion.

On the 23rd of April when I left Washington I had every confidence from the assurances of Mr. Tyler and Miss Hall that the matter would soon be completed. I did not hear from them in the next two weeks and telephoned sometime early in May, only to be

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told by Mr. Tyler that the book was being seized by the Treasury Department on the instructions of the State Department. This action was, of course, undertaken without regard to the promise that Mr. Tyler had given me that I should be informed before such action was instigated. In the course of a week or so the F.B.I. traced the Consular Invoice and Mr. Reichner received a visit from officers of the Treasury Department, who took him and the book to their New York office, where the book was seized and a receipt given. He was informed that it was seized on the grounds of technicalities in the papers, and that he had the right to protest and make a claim, and that in the normal course this claim would be heard, and that, as the Government had been in no way defrauded, there seemed to the New York officials no reason why the book should not be returned to him. I will not go into the details of the making of the protest and the claim, but merely state that the book was eventually turned over to the State Department by the Treasury.

By that time Mr. Tyler had been transferred from Washington and was no longer in charge of such matters, his successor being the Hon. George Allen, Assistant Secretary of State. Mr. Allen and his deputy talked the matter over with me on several occasions by telephone, and informed me that a final decision on policy would be made within a certain time. Whenever that date came, the decision had still not been made, and I was informed again that it would be made by another date. They also assured me that if the decision should be adverse, they would grant me a hearing to make

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Authority **NND 968071**
By **TJ** NARA Date **4/13/99**

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Box 2

Missing Sacred Book Returned to Germany

By the Associated Press

An ancient book of Psalms valued at more than \$250,000 has been recovered in the United States after disappearing from the Russian zone of Germany.

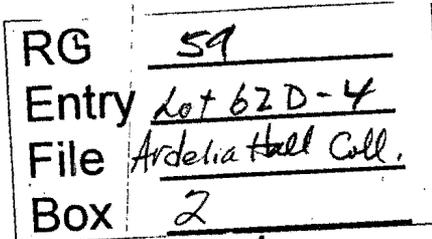
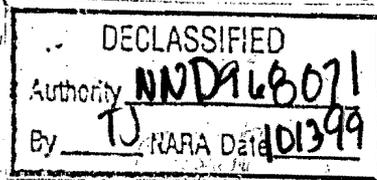
The State Department said the book, called "The Mainz Psalter of 1457," was returned to Germany Monday aboard an American plane which carried John J. McCloy, United States High Commissioner, back from a brief visit to the United States.

A State Department official said the world-renowned book is now in Frankfurt under the trusteeship of Mr. McCloy's office and will be sent later to the German museum at Wiesbaden in the American zone. There are no plans at present to return it to Dresden in the Russian zone.

The department said the book "was probably looted" from a wartime hiding place for art objects from the Dresden Library somewhere East of the city.

It was recovered from a New York dealer who received it on consignment from an European agent. The department declined to disclose any details but said no legal action is planned against either the dealer or the sender.

The Mainz Psalter is described as "one of the great cultural treasures of Germany." It is one of the earliest examples of printing in colors and was published shortly after the Gutenberg Bible.

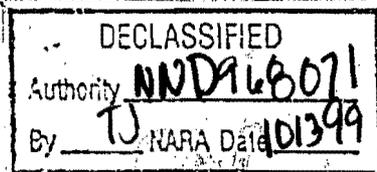


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sure that the matter had been properly considered. Nevertheless, not having heard from them, I telephoned on August 6th and was then informed that a decision had been made to turn the book over to the Library of Congress to be held for return to American Occupied Germany for storage in Wiesbaden, that the decision was made on the grounds that according to the Tri-Partite Agreement the United States Government had no alternative but to turn the book over to some agency of the Government for temporary custody until the present difficulties were settled and the book could be returned safely to Wiesbaden. Apparently, our optimistic State Department thinks that while the present discussions with Moscow are in progress the time is not propitious for returning this book but that as soon as 'things have straightened out a bit', it should be sent. In Mr. Allen's mind this was only a matter of a few weeks or months, and he felt that there was no possible alternative to this decision.

There has from the beginning been no difference of opinion between the State Department and the Harvard Library as to the proper ownership of this object. It belonged and should belong to the people of Dresden. But Dresden is in the Russian Occupied Zone, the book was seized in Czechoslovakia by the Russian army, and had it not been stolen by a Russian soldier and sold to a Czech bookseller, would presumably now be in Moscow together with the other treasures from Dresden which are known to be there. The United States Government has no moral obligation regarding this book, as it has in the case of the paintings from the Kaiser

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Friedrich Museum which were seized by our army. But it does have the responsibility of seeing that eventually it goes back to the people of Dresden, if when it goes back it is likely to stay there. When the present Tri-Partite Agreement regarding war loot was made, our representatives apparently did not concern themselves with the problems that would arise with regard to the return of objects to the Russian Occupied Zone, and apparently, if Mr. Allen is correct, have so tied the hands of the United States Government that it must carry out blindly its obligations under the Agreement, so that this book, which might have been kept temporarily in this country so that scholars could work with it, must now go to dead storage in Wiesbaden, where it can do neither the people of Dresden nor the people of Germany any possible good. I might mention that there are in the American Zone already two other copies of this book, and therefore it is not a unique item and need not be so regarded.

In conclusion I can only say this, that if in the far more weighty matters of international relations which face our State Department today, our officials use no more foresight in making agreements, and are always afraid to do even that which they agree ought to be done, because they will, as they say, "stick their necks out", if, even in minor matters concerning which they have given their personal word they fail to keep it either through pressure of other affairs or plain forgetfulness, and if

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By TJ NARA Date 10/3/99

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in order to make any decision on a large matter or small they must spend weeks and months "in conference", then the outlook for the country in its increasingly difficult foreign relations is dark indeed.

Wm. A. Jackson

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Authority NND 968071
By JW/KARA Date 11-5

RG 59
Entry NND 968071
File main 2 psalter
Box 4

.S - - - - - Dr. Rudolf Berliner

I shall be delighted to do anything I can to help you, although I am afraid it is a losing battle. Nothing was done about bringing to justice the embezzlers of the Heese jewels until the story of their flight was reported in Newsweek; so that you can see the outlook is not very good.

Sincerely yours,

Dr. Rudolf Berliner
Museum of Art
Rhode Island School of Design
Providence 3
Rhode Island

H-880

Dear Dr. Berliner:

I am sorry that you have got bogged down in the buck-passing of Government agencies in Washington, for I feel that you will never again come out into the clear light of day. No one down there will admit to jurisdiction in the field of works of art looted in Germany. The Army should be interested in cases involving infraction of military discipline; but as I am told that the ranking military governor in the city of Berlin was in the diamond-business up to his eyelids, and as I know that the same gentleman appeared as witness for the defense when his Monuments officer was on trial for dealing in works of art, at which time the gentleman said that the accused should be dealt with leniently because he had not known the Army regulations on the subject, I don't know how far you will get with the Department of the Army.

The Department of the Treasury is nominally interested in matters involving the importation of material into the United States without payment of custom duties. But when a university professor temporarily engaged in Monuments and Fine Arts work under military government, and black-marketing like mad the whole time he was there, appeared to have violated no custom regulations in his wholesale shipment of books to New York, the Treasury Department dropped its investigation into that case.

The Department of State is thought by some to have at least a kindly interest in the matter; although to the best of my knowledge it has not yet succeeded in issuing a memorandum on the subject which I am told has been awaiting typing for well over a year.

I shall be glad to know to whom you addressed your inquiry after your consultation with Mr. Washburn, if only to avoid wasting my time by addressing the same office in the further inquiries that you are now prompting me to make.

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File manz psalter
Box 4

Rudolf Berliner - - - - 2.

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Sincerely yours,

Dr. Rudolf Berliner
Museum of Art
Rhode Island School of Design
Providence
Rhode Island
Curator

CSH-H

Dear Dr. Berliner:

I am sorry that you have got bogged down in the duck-passing of Government agencies in Washington, for I feel that you will never again come out into the clear light of day. No one down there will admit to jurisdiction in the field of works of art located in Germany. The Army should be interested in cases involving infiltration of military discipline; but as I am told that the rank-and-file military government in the city of Berlin was in the diamond business up to his eyelids, and as I know that the same gentleman appeared as witness for the defense when his monument officer was on trial for dealing in works of art, at which time the gentleman said that the accused should be dealt with leniently because he had not known the Army regulations on the subject, I don't know how far you will get with the Department of the Army.

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 Authority NND 968071
 By JW NABA Date 11-5

RG 59
 Entry NND 968071
 File Mainz Psalter
 Box 2

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : ILL - Mr. Morris
 FROM : ILL - Ardelia R. Hall *ARH.*
 SUBJECT: Retention of Psalter.

DATE: April 14, 1949

CONFIDENTIAL

With regard to the detention of the 1457 Mainz Psalter in the United States since it was seized by the Treasury Department on May 10, 1948, I believe that the Department would wish to be informed as to recent developments with implications critical of the Government and Department.

I have been informed from an outside source that it is generally known that this valuable book was seized by the Bureau of Customs from a German refugee dealer and has not been returned to Germany. Recently five tapestries from the Bavarian National Museum in Munich and from the Kunsthistorisches Museum in Vienna were surrendered to the Bureau of Customs by a New York dealer, Mr. M. S. Schimann, also a German, under the formal conditions that they be returned to Bavaria and the Austrian Government. I should regard such a stipulation as to the responsibility of the American Government as entirely gratuitous, except that the dealer is undoubtedly aware of the schemes to retain the Psalter.

In spite of the fact that the Department initiated the investigation of the five tapestries and under the usual procedure stands as the petitioner and takes custody of the objects, the Treasury Department wrote that the Collector of Customs at New York had been advised to release the tapestries to the Department of the Army for shipment to OMGUS (letter from Assistant Secretary of Treasury to the Secretary of State, dated February 1, 1949.)

If the keeping of the Psalter, the only object of great importance thus far recovered, should be publicized, criticism from other sources would surely be more outspoken. Any retention of looted art in the United States will inevitably be misinterpreted by enemies of the administration. It would also have serious repercussions abroad upon the international program sponsored by the Department for recovery of missing loot.

It is, therefore, urgently recommended that the decision to retain the Psalter for two or three years be reconsidered and that the book be returned to the Wiesbaden Central Collecting Point with the shipment of Berlin Museum paintings on April 23, 1949. It can be returned by the Department of the Army at this time under special supervision of an officer of the National Gallery under the most favorable conditions of safety and security, and at no cost to the Government.

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 Authority NND 968071
 By JLA/NABA Date 11-5

RG 59
 Entry NND968071
 File mainz psalter
 Box 2

THE LIBRARY OF CONGRESS
 Washington 25, D. C.

C
O
P
Y

June 10, 1949

Dear Mr. Allen:

As you know, informal conversations have been going forward concerning a particular program of scholarly study and use of the Dresden copy of the 1457 Mainz Psalter, such as is contemplated in the second paragraph of your letter to me of March 18. I now have an application for study and use from William A. Jackson of the Houghton Library of Harvard University, in a letter dated May 19, which reads in part as follows:

"May I formally, in the name of the Harvard College Library request your good offices in obtaining the consent of the State Department for the deposit in the Harvard Library of the Dresden copy of the 1457 Psalter, which is now, I understand, in your care? The Harvard Library asks for the custody of this great book in order to carry out a program of study and publication which we hope will result in the solution of a number of problems which are connected with it. In the first place, we wish to examine this copy together with reproduction of all the other known copies, in order to determine the differences between the two editions dated 1457, and their order of publication. We wish also to use this book as a stimulus for the investigation of the beginnings of printing, and, for the first time in English at any rate, to give a proper account of the existing relics of the Mainz press prior to 1457. Of these, there are several items located in private hands in America which have not been studied and which we hope to include in our investigation.

"Furthermore, we hope to solve the problems of reproducing this monumental book in facsimile. The technical matters involved in that will be both difficult and expensive, but it is our hope that eventually we can succeed in reproducing this book for the benefit of scholars throughout the world.

"If the State Department consents to the deposit of this book with us for the above purposes, we will, of course, take such care of it as is fitting for a document of its importance and value, and we will regard ourselves as trustees and curators of the book for its real owners, the people of Dresden. We also agree that if it should become a matter

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of high State policy that this book should be returned to Germany, we will immediately consent to it upon request of the Secretary of State, even though the studies which we propose to undertake have not been completed."

It is my opinion that the project which Dr. Jackson proposes to undertake is worthy of favorable consideration. I know of no alternative use which should have a higher priority while the book remains in the custody of this Government.

Pursuant to your letter of March 18, I propose to ask that President Conant sign the document in which Harvard would undertake to fulfill the conditions under which use of the book would be permitted. Dr. Jackson had told me informally that he does not anticipate that there would be any difficulty about meeting this requirement.

It is clearly implied in Dr. Jackson's proposal that the State Department should commit itself to the retention of the Psalter by Harvard until the date of resumption of physical possession by the Department for the sole purpose of returning it to the people of Dresden, even though the contemplated project might have been completed. I cannot advise the Department to go quite so far and suggest that you reserve the right to demand the return of the Psalter for the purpose of meeting unforeseen situations, diplomatic or other, which might require its recall. In my opinion the Harvard Library would be equally competent with the Library of Congress to serve all purposes of scholarly study and use, and I foresee no necessity of reserving the right to the Library of Congress to repossess the Psalter, except for exhibition purposes. Dr. Jackson has indicated that there would be no objections to satisfying this requirement should it arise. However, I think I should reserve the right for the Librarian of Congress to require Harvard to satisfy legitimate demands for scholarly study and use additional to the study and use proposed in connection with the Harvard project, and to demand the return of the Psalter if in his judgment such demands are not satisfied.

I believe that the conditions of security and of protection from careless handling which would surround this book while it is in the custody of Harvard, would be wholly adequate. The question of insurance is a difficult one in any case, because the amount for which this book would have to be insured would be probably as high as Dr. Jackson suggests in the memorandum which he sent you last September, in the first paragraph of which he states that "this book is a great deal more valuable" than the St. Paul copy of the Gutenberg Bible which the Library of Congress is alleged to have appraised at \$300,000. Consequently, although

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 Authority NND 968071
 By JW NABA Date 11-5

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I believe that I suggested some time ago the requirement of insurance, I now recommend that you permit me to waive this requirement for the purpose and under the conditions mentioned above. The right should be reserved to the Librarian of Congress to insist on measures being taken which are deemed by him to be required for the book's protection and preservation, and in the event of a failure to comply with these requirements, to repossess it. I deem such a situation entirely unlikely to arise, but believe the reservation of power is desirable.

You will recall that Dr. Jackson, in his conversation with you on May 13, requested that the Secretary of State sign or at least initial the letter agreeing to the Harvard project. I feel certain that the signature or the initials of the Acting Secretary of State would be adequate for the purpose.

Sincerely yours,

Luther H. Evans
 Librarian of Congress

The Honorable
 George V. Allen
 Assistant Secretary of State
 Department of State
 Washington 25, D. C.

108178

Pending

In reply refer to
RLI

My dear Mr. Evans:

The receipt is acknowledged of your letter of June 10, 1948, transmitting the application from Mr. William A. Jackson, Assistant Librarian of the Houghton Library of Harvard University, requesting the deposit of the 1497 Mainz Psalter of the Dresden Landes Bibliothek in the custody of the Harvard Library for an indefinite period. The specific grounds for the request of the Harvard Librarian is to carry out a program of study and publication of the Psalter, including its reproduction in a facsimile edition.

Before the Department of State can formally extend its approval for the publication and reproduction of this volume by an American institution, it would be desirous of obtaining the concurrence of appropriate authorities.

I should be in agreement with you that the Department of State can only permit the Psalter to be placed in the custody of the Harvard Library subject to recall at any time and for any reason, at the full discretion of the Department of State. While the physical conditions of security and of protection in the Houghton Library are known to be fully adequate for the preservation of rare books, it would be most desirable for the Library of Congress to insist on appropriate measures being taken which are required for its protection and preservation, particularly in the handling and use of this rare book. The formal conditions in accordance with your recommendations will be considered in detail

when

The Honorable
Luther H. Evans,
Librarian of Congress.

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when the final approval for the deposit of the Paalter in the custody of the Harvard Library is given by the Department of State.

Sincerely yours,

For the Secretary of State:

Under Secretary

OEK: ILI: ARHall:mma 6/23/49 OEK L/B GA GAE

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 Authority: 999096
 BY: [initials]
 DATE: 7/6/99

OEX/D: Mr. Knox

June 22, 1949

ILI: Ardelia R. Hall

Deposit of the 1457 Psalter in the Harvard Library.

In stating in the attached reply to Mr. Evans that before approving of the deposit of the 1457 Psalter in the Harvard Library that the Department wishes to obtain the concurrence of appropriate authorities, I should consider it advisable to obtain the full consent of the interested divisions of the Department and probably of the German authorities. The concurrence of the latter may be particularly desirable in view of the changing circumstances in the American Zone of Germany. All cultural property in the public domain in the American Zone has now been restored to German jurisdiction in accordance with the directive to General Clay.

As a matter of Department policy, I have pointed out again in the attached memorandum to OEX: Mr. Johnstone, dated June 22, 1949, the grave misgivings which I have regarding the retention and publication in the United States of the Psalter, a looted object of supreme cultural importance recovered under an international program.

OEX: ILI: ARHall:mms

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By: [Signature]
Date: 7/6/99

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Office Copy
(Corrected)

TO: Mr. Johnstone

June 22, 1949

FROM: Ardelia K. Hall

The Retention and Publication of the 1457 Mainz Psalter in the United States

To retain and to exhibit the 1457 Mainz Psalter in the United States before it is returned to Germany will place the entire program of the Tripartite Agreement in jeopardy. It is the first important work of art that has been recovered. It is the first time that the Government has met the powerful group of international art and book dealers whose business cuts across all frontiers and often is in defiance of the internal legislation in countries exporting and importing an object. (This was true in the case of the Psalter.)

The exhibition and publication of this rare Psalter in the United States will inevitably involve world-wide publicity. To publicize the recovery of the Psalter but not the return to the rightful owner will open the Government program and the Department of State to criticism. The disadvantages to the United States Government of lending this rare book at this time should be carefully weighed against any possible scholarly advantages that may accrue to Harvard University and American scholars.

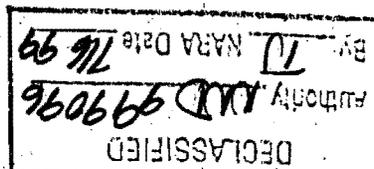
It might be pointed out in the beginning that under normal circumstances a looted work of art, rare book, or manuscript cannot be exhibited with impunity by an American public museum or library. The rightful owner, in this case the Dresden Landes Bibliothek, is certain to be readily recognized by competent scholars. The institutions would be subjected to severe adverse criticism. Looted objects are in such the same category as a forgery and would bring the same unfavorable comment.

To exhibit a looted object in any reputable institution and particularly in one of the greatest libraries of the United States as that of Harvard University will require an explanation and defense as to why a looted object is retained, exhibited, reproduced or otherwise being used. The retention and use of looted works of art, however, cannot be adequately excused or explained when the United States Government has formally agreed to policy of restitution of war loot to countries of origin. (These obligations of the United States Government regarding the international protection of works of art have been compiled

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and are to be published in full.) Any explanation, as Mr. Jackson has been aware from the outset, must include the approval of the United States Government and the Department of State, as an exception to the above-mentioned policy.

It may be said that the exhibition will make the object available to the American public, that publication will reach an even wider audience, or that it is being shown for an admission fee so that in some way the German people will benefit. None of these excuses, however, are consistent with the primary responsibility of this Government to care for and return works of art dispersed through the hazards of war, and to respect all the rights and prerogatives of the owner in the display and reproduction of his artistic and historic property.

It is, furthermore, not properly within the jurisdiction of this Government to grant Harvard University permission to reproduce and publish this volume. ~~Protective paragraphs applying to works of art are to be found under international copyright laws, but the unwritten rules of courtesy between cultural institutions also demand that the reproduction rights of cultural institutions should be respected.~~

The Psalter has been fully recorded by the Department of State, both in microfilm and in color photography, for the protection of the United States Government. It should be noted that research on the Psalter could be appropriately pursued when returned to the rightful owners: the German State, as this object is in the public domain. It may be pointed out that under normal peacetime circumstances such a study could be conducted at any time, in any public institution, wherever an object of this importance may be. The 1457 edition of this Psalter could be reproduced more profitably and successfully from the copy in Vienna which is in a perfect state, whereas the Dresden copy is incomplete, mutilated and badly soiled on the corners from use in turning the pages. ~~This is so obvious to any expert in rare books that the importance of the Dresden copy, for comparative study outlined in the Harvard project, must be recognized as an "excuse" to obtain possession of the book.~~

It must also be recognized that any explanation which is given would be in danger of being misinterpreted. For example, in spite of the fact it was widely announced that the Berlin paintings were brought to the United States only for safe

custody

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custody, it has been implied that the United States looted these paintings. The German curator who accompanied the paintings on tour lectured in Honolulu on "The Looted German Paintings." Life ran a banner headline to its article "United States Returns Captured German Art."

The explanation that Harvard University is benefiting American and world scholarship by the study and publication of this book will be strongly criticized by American scholars who consider that custody of objects of great historic and artistic importance does not permit their use. The tour of the Berlin paintings even to raise money for German charity was vigorously opposed on these grounds by Professor Mason Hammond and Professor Charles L. Kuhn of Harvard University, by Dr. Frederick Clapp of the Frick Collection, and some one hundred other art authorities who signed a petition against "using" the Berlin paintings for exhibition purposes. This protest was circulated but was not publicized.

However, under any exception or excuse the scrupulous custody and return of this book is of first importance. As General Draper said before the Senate Committee at the hearing on the Berlin paintings, there are principles which outweigh the value of the objects themselves.

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THE LIBRARY OF CONGRESS
Washington 25, D. C.

C
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P
Y

June 10, 1949

Dear Mr. Allen:

As you know, informal conversations have been going forward concerning a particular program of scholarly study and use of the Dresden copy of the 1457 Mainz Psalter, such as is contemplated in the second paragraph of your letter to me of March 18. I now have an application for study and use from William A. Jackson of the Houghton Library of Harvard University, in a letter dated May 19, which reads in part as follows:

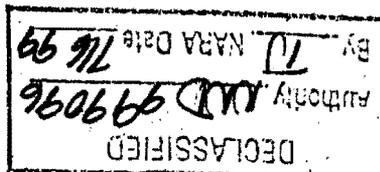
"May I formally, in the name of the Harvard College Library request your good offices in obtaining the consent of the State Department for the deposit in the Harvard Library of the Dresden copy of the 1457 Psalter, which is now, I understand, in your care? The Harvard Library asks for the custody of this great book in order to carry out a program of study and publication which we hope will result in the solution of a number of problems which are connected with it. In the first place, we wish to examine this copy together with reproduction of all the other known copies, in order to determine the differences between the two editions dated 1457, and their order of publication. We wish also to use this book as a stimulus for the investigation of the beginnings of printing, and, for the first time in English at any rate, to give a proper account of the existing relics of the Mainz press prior to 1457. Of these, there are several items located in private hands in America which have not been studied and which we hope to include in our investigation.

"Furthermore, we hope to solve the problems of reproducing this monumental book in facsimile. The technical matters involved in that will be both difficult and expensive, but it is our hope that eventually we can succeed in reproducing this book for the benefit of scholars throughout the world.

"If the State Department consents to the deposit of this book with us for the above purposes, we will, of course, take such care of it as is fitting for a document of its importance and value, and we will regard ourselves as trustees and curators of the book for its real owners, the people of Dresden. We also agree that if it should become a matter

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of high State policy that this book should be returned to Germany, we will immediately consent to it upon request of the Secretary of State, even though the studies which we propose to undertake have not been completed."

It is my opinion that the project which Dr. Jackson proposes to undertake is worthy of favorable consideration. I know of no alternative use which should have a higher priority while the book remains in the custody of this Government.

Pursuant to your letter of March 18, I propose to ask that President Conant sign the document in which Harvard would undertake to fulfill the conditions under which use of the book would be permitted. Dr. Jackson had told me informally that he does not anticipate that there would be any difficulty about meeting this requirement.

It is clearly implied in Dr. Jackson's proposal that the State Department should commit itself to the retention of the Psalter by Harvard until the date of resumption of physical possession by the Department for the sole purpose of returning it to the people of Dresden, even though the contemplated project might have been completed. I cannot advise the Department to go quite so far and suggest that you reserve the right to demand the return of the Psalter for the purpose of meeting unforeseen situations, diplomatic or other, which might require its recall. In my opinion the Harvard Library would be equally competent with the Library of Congress to serve all purposes of scholarly study and use, and I foresee no necessity of reserving the right to the Library of Congress to repossess the Psalter, except for exhibition purposes. Dr. Jackson has indicated that there would be no objections to satisfying this requirement should it arise. However, I think I should reserve the right for the Librarian of Congress to require Harvard to satisfy legitimate demands for scholarly study and use additional to the study and use proposed in connection with the Harvard project, and to demand the return of the Psalter if in his judgment such demands are not satisfied.

I believe that the conditions of security and of protection from careless handling which would surround this book while it is in the custody of Harvard, would be wholly adequate. The question of insurance is a difficult one in any case, because the amount for which this book would have to be insured would be probably as high as Dr. Jackson suggests in the memorandum which he sent you last September, in the first paragraph of which he states that "this book is a great deal more valuable" than the St. Paul copy of the Gutenberg Bible which the Library of Congress is alleged to have appraised at \$300,000. Consequently, although

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I believe that I suggested some time ago the requirement of insurance, I now recommend that you permit me to waive this requirement for the purpose and under the conditions mentioned above. The right should be reserved to the Librarian of Congress to insist on measures being taken which are deemed by him to be required for the book's protection and preservation, and in the event of a failure to comply with these requirements, to repossess it. I deem such a situation entirely unlikely to arise, but believe the reservation of power is desirable.

You will recall that Dr. Jackson, in his conversation with you on May 13, requested that the Secretary of State sign or at least initial the letter agreeing to the Harvard project. I feel certain that the signature or the initials of the Acting Secretary of State would be adequate for the purpose.

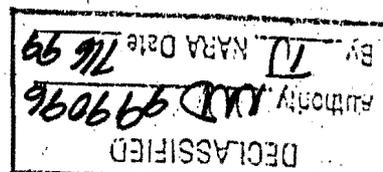
Sincerely yours,

Luther H. Evans
Librarian of Congress

The Honorable
George V. Allen
Assistant Secretary of State
Department of State
Washington 25, D. C.

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RECENT POLICY REGARDING 1457 PSALTER

July 28, 1948

Mr. Sargeant recommended that Psalter should not be loaned to Harvard University.

July 28, 1948

(Letter from Mr. Allen to Mr. Evans.)

Library of Congress given custody of volume.

Agreement provides for examination by experts for identification; at place and manner in discretion of Library. Volume to be returned at request of Department.

August 10, 1948

(Receipt for Psalter signed by Library of Congress and Department of State.)

Same as above letter. Examination by experts for identification. Volume to be returned to Department as soon as notified by the Department.

October 18 & 19, 1948

(Minutes of second meeting of United States Advisory Commission on Educational Exchange.)

The United States Advisory Commission recommends "The Librarian of Congress in his discretion and under such conditions as he may prescribe might lend the volume to Harvard University for a prescribed period...subject to recall at any date specified by the Department."

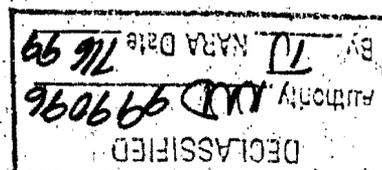
November 26, 1948

(Letter from Mr. Johnston to Mr. Branscomb, Chairman of the United States Advisory Commission.)

Department accepts recommendation (given above under October 18, 19, 1948) of United States Advisory Commission, regarding looted objects of art and Psalter.

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December 22, 1948

(Letter from Mr. Johnstone to Mr. Branscomb, Chairman of the United States Advisory Commission for circulation to members.)

(Same as above.)

December 31, 1948

(Memorandum from Mr. Johnstone to Mr. Sargeant.)

Under 2b: "That it is the responsibility of the Library of Congress... to determine under what conditions the volume may be displayed or be used by scholars for examination and research."

March 18, 1948

(Letter from Mr. Allen to Mr. Evans.)

"Department has no intention of imposing any obligation to withhold it (Psalter) from such scholarly study and use as may be consistent with its protection, from the risk of damage or destruction. Such study and use would take place either at the Library of Congress... or at some scholarly institution in the United States..."

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Letter from Mr. Evans to Mr. Allen, dated June 10, 1949.

Mr. Jackson proposes:

(1) Harvard College Library requests the custody of the 1457 Psalter of the Dresden Library in order to carry out a program of study and publication, to reproduce this monumental book in facsimile.

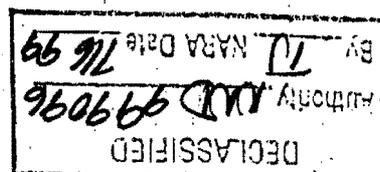
(2) Will regard themselves as trustees, curators of the book for its real owners, the people of Dresden.

(3) We also agree that if it should be a matter of high State policy that this book should be returned to Germany, we will immediately consent to it upon request of the Secretary of State.

(4) Mr. Evans said Jackson proposed that the State Department should commit itself to the retention of the Psalter by Harvard until returned to Dresden Library. Mr. Evans recommended that the Department reserve the right to demand ~~the right to demand~~ the return of the Psalter for the purpose of meeting unforeseen situations.

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TIME TABLE OF EVENTS LEADING TO RECOVERY OF
THE 1457 MAINZ PSALTER.

In the recovery of the 1457 Mainz Psalter, the Department of State received the fullest cooperation from the Bureau of Customs, the Curator of Prints of the New York Public Library, and the American Embassy in Praha.

1. October 3, 1947 Consular invoice #7082 certified at Praha, Czechoslovakia. Info from American Embassy, Praha, April 28, 1948.
2. October 7, 1947 Psalter arrived via Dutch Airlines at LaGuardia Field, delivered to Mr. Reichner, New York. Info from Custom's report, May 19, 1948.
3. November 20, 1947 Letter from Mr. Reichner to Department asking if he is entitled to buy old books from Europe and under what official and legal ruling.
4. December 29, 1947 Letter from Department to Mr. Reichner informing him of Department's position, which he showed to Mr. Jackson.
5. January 23, 1948 Mr. Jackson interviewed Mr. Tyler making initial proposal that he be authorized by Department to buy the Psalter for \$10,000.
6. January 29, 1948 Miss Hall in Boston on official business, interviewed Mr. Jackson at Houghton Library and explained Department policy, appointment lasted three hours.
7. February 3, 1948 Letter from Mr. Jackson to Mr. Tyler, saying he is "still on tenterhooks".
8. February 9, 1948 Reply from Department to Mr. Jackson explaining Department's position.
9. February 10, 1948 Department telegram No. 127 to Praha, London, Paris, and Moscow: "USGovt will attempt seizure when present holder ascertained. Believe, however, Psalter may be returned to Europe prior to any possible Govt action. Notify appropriate office of Govt to which you are accredited."

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10. February 11, 1948 Letter from Mr. Jackson to Mr. Tyler ending, "As far as the Department is concerned the item might as well be destroyed."
11. February 20, 1948 ARH talked on phone with Mr. A. Rosen, FBI, Department of Justice. With no information as to the whereabouts of the Psalter, no action deemed practical.
12. April 6, 1948 ARH consulted with Chief, Enforcement, Bureau of Customs as to possible seizure of book if no regular entry was made, no action deemed practical.
13. April 23, 1948
(Friday) Another three hour interview with Mr. Jackson who came to Department. ARH learned that a consular invoice had been issued.
14. April 26, 1948
(Monday) Department of State memorandum to Bureau of Customs requesting search for consular invoice and investigation.
15. April 27, 1948 Department telegram #580 to AMEMBASSY, Praha, asking for information on consular invoice.
16. April 28, 1948 ARH in New York, interviewed Supervising Customs Agent to consider difficulties of investigation.

ARH requested from Mr. Karl Kip, Curator of Prints and Rare Books in the New York Public Library, the published description and photographs of Psalter. Photostats to be forwarded to Bureau of Customs to aid in identification of book.
17. April 28, 1948 AMEMBASSY, Praha, telegram No. 580 to Department with full information from consular invoice.
18. April 28, 1948 AMEMBASSY, Praha, Despatch No. 305, Confidential, Subject: Stolen Property: Shipment of "1457 Psalter from Dresden" from Czechoslovakia to New York, with copy of consular invoice # 7082.
19. April 29, 1948 Praha telegram No. 580 delivered by hand to Bureau of Customs, sent to New York by telecon.
20. April 29, 1948 Letter from Mr. Jackson to Mr. Tyler, wants Psalter to exhibit on May 9th.
21. May 5, 1948 Mr. Jackson called ARH and Mr. Tyler on phone.

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22. May 10, 1948 Bureau of Customs informed Department seizure of Psalter effected.
23. May 17, 1948 Letter from State to Treasury: petition for remission of accrued forfeiture.
24. May 19, 1948 Letter from Treasury to Department with full report of investigation.
25. May 26, 1948 Treasury to Department - release of Psalter to Department. *
26. May 27, 1948 State to Army confirming request that Army return Psalter to American Zone.
27. May 29, 1948 Reply to Mr. Kup, thanking him for assistance.
28. June 8, 1948 Memorandum requesting State Department courier be designated to pick up Psalter.
29. June 9, 1948 State to Bureau of Customs (Mr. Laughlin) requesting delivery of Psalter to State Department courier.
30. June 9, 1948 Tel. No. 1010 State to USPOLAD, Berlin, (copy to Colonel Peters, CAD) reporting arrangements being made for return of Psalter by air courier.
31. June 11, 1948 Department of Bureau of Customs (Mr. Stephens) requesting that Psalter be delivered to Department courier.
32. June 14, 1948 Notified by telephone that Psalter had arrived in New State.
33. June 14, 1948 Order for complete microfil and photographs of Psalter.
34. June 14, 1948 Mr. Eaton of Rare Book Division, Library of Congress, also identified Psalter.
35. June 16, 1948 Tel. No. 1380 USPOLAD, Berlin, to Department regarding classification and publicity.

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 Authority NND 968071
 By JW NARA Date 11-5

RG 59
 Entry NND 968071
 File mainz psalter
 Box 2

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : OEX/D: Mr. Knox
 FROM : ^{ARRH} ILI: Ardelia R. Hall
 SUBJECT: Deposit of the 1457 Psalter in the Harvard Library.

DATE: June 22, 1949

In stating in the attached reply to Mr. Evans that before approving of the deposit of the 1457 Psalter in the Harvard Library that the Department wishes to obtain the concurrence of appropriate authorities, I should consider it advisable to obtain the full consent of the interested divisions of the Department and probably of the German authorities. The concurrence of the latter may be particularly desirable in view of the changing circumstances in the American Zone of Germany. All cultural property in the public domain in the American Zone has now been restored to German jurisdiction in accordance with the directive to General Clay.

As a matter of Department policy, I have pointed out again in the attached memorandum to OEX: Mr. Johnstone, dated June 22, 1949, the grave misgivings which I have regarding the retention and publication in the United States of the Psalter, a looted object of supreme cultural importance recovered under an international program.

OEX: ILI: ARHall: mms

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 Authority NND 968071
 By JW NARA Date 11-5

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 Entry NND 968071
 File Mainz Psalter
 Box 2

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : OEX: Mr. Jehnstons DATE: June 22, 1949
 FROM : ILI: Ardelia R. Hall ^{ARK}
 SUBJECT: The Retention and Publication of the 1457 Mainz Psalter in the United States

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To retain and to exhibit the 1457 Mainz Psalter in the United States before it is returned to Germany will place the entire program of the Tripartite Agreement in jeopardy. It is the first important work of art that has been recovered. It is the first time that the Government has met the powerful group of international art and book dealers whose business cuts across all frontiers and often is in defiance of the internal legislation in countries exporting and importing an object. (This was true in the case of the Psalter.)

The exhibition and publication of this rare Psalter in the United States will inevitably involve world-wide publicity. To publicize the recovery of the Psalter but not the return to the rightful owner will open the Government program and the Department of State to criticism. The disadvantages to the United States Government of lending this rare book at this time should be carefully weighed against any possible scholarly advantages that may accrue to Harvard University and American scholars.

It might be pointed out in the beginning that under normal circumstances a looted work of art, rare book, or manuscript cannot be exhibited with impunity by an American public museum or library. The rightful owner, in this case the Dresden Landes Bibliothek, is certain to be readily recognized by competent scholars. The institutions would be subjected to severe adverse criticism. Looted objects are in much the same category as a forgery and would bring the same unfavorable comment.

To exhibit a looted object in any reputable institution and particularly in one of the greatest libraries of the United States as that of Harvard University will require an explanation and defense as to why a looted object is retained, exhibited, reproduced or otherwise being used. The retention and use of looted works of art, however, cannot be adequately excused or explained when the United States Government has formally agreed to policy of restitution of war loot to countries of origin. (These obligations of the United States Government regarding the international protection of works of art have been compiled

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DECLASSIFIED
 Authority NND 968071
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 File mainz psalter
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and are to be published in full.) Any explanation, as Mr. Jackson has been aware from the outset, must include the approval of the United States Government and the Department of State, as an exception to the above-mentioned policy.

It may be explained that the exhibition will make the object available to the American public, that publication will reach an even wider audience, or that it is being shown for an admission fee so that in some way the German people will benefit. None of these excuses, however, are consistent with the primary responsibility of this Government to care for and return works of art dispersed through the hazards of war and to respect all the rights and prerogatives of the owner in the display and reproduction of his artistic and historic property.

It is, furthermore, not properly within the jurisdiction of this Government to grant Harvard University permission to reproduce and publish this volume. The unwritten rules of courtesy between cultural institutions demand that the reproduction rights of cultural institutions should be respected.

The Psalter has been fully recorded by the Department of State, both in microfilm and in color photography, for the protection of the United States Government. It should be noted that research on the Psalter could be appropriately pursued ~~when~~ when returned to the rightful owners, the German State, as this object is in the public domain. Under normal peacetime circumstances such a study could be conducted at any time, in any public institution, wherever an object of this importance may be. The 1457 edition of this Psalter could be reproduced more profitably and successfully from the copy in Vienna which is in an almost perfect state, whereas the Dresden copy is incomplete, mutilated, and badly soiled on the corners from use in turning the pages.

It must also be recognized that any explanation which is given would be in danger of being misinterpreted. For example, in spite of the fact it was widely announced that the Berlin paintings were brought to the United States only for safe

custody

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 Authority NND 968071
 By JW NAB Date 11-5

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Entry	<u>NND968071</u>
File	<u>mainz psalter</u>
Box	<u>2</u>

- 3 -

CONFIDENTIAL

custody, it has been implied that the United States looted these paintings. The German curator who accompanied the paintings on tour lectured in Honolulu on "The Looted German Paintings." Life ran a banner headline to its article "United States Returns Captured German Art."

The explanation that Harvard University is benefiting American and world scholarship by the study and publication of this book will be strongly criticized by American scholars who consider that custody of objects of great historic and artistic importance does not permit their use. The tour of the Berlin paintings even to raise money for German charity was vigorously opposed on these grounds by Professor Mason Hammond and Professor Charles L. Kuhn of Harvard University, by Dr. Frederick Clapp of the Frick Collection, and some one hundred other art authorities who signed a petition against "using" the Berlin paintings for exhibition purposes. This protest was circulated but was not publicized.

However, under any exception or excuse the scrupulous custody and return of this book is of first importance. As General Draper said before the Senate Committee at the hearing on the Berlin paintings, there are principles which outweigh the value of the objects themselves.

ORX: ILI:ARHall:mms

CONFIDENTIAL

108198

DECLASSIFIED
 Authority NND 968071
 By JLW NARS Date 11-5

RG 59
 Entry NND968071
 File mainz psalter
 Box 2

July 8, 1949

MEMORANDUM

TO: P - Mr. Sargeant
 FROM: I/B - Thomas E. Bracken
 SUBJECT: 1457 Psalter

I have had submitted for review a letter written by Miss Ardelia Hall to the Librarian of Congress dated June 23, 1949, and discussing the conditions for deposit of a 1457 Psalter in the Harvard University Library. The volume in question belongs to the Landes Bibliothek, Dresden, and is believed to have been looted during the war. It was transferred to a bookdealer in Czechoslovakia and shipped by him to a bookdealer in New York under a falsified date of publication and a false valuation. The Bureau of Customs seized the psalter and released it to the Department of State for exportation to the Office of Military Government for Germany under customs supervision. The Department, on August 10, 1948, delivered it to the custody of the Library of Congress for safekeeping until it became practicable to return it to the Collection Center for the American Zone at Wiesbaden. Mr. Jackson, an Assistant Librarian at Harvard University, while recognizing the title of the people of Dresden, seeks to have the psalter deposited in the custody of Harvard for an indefinite period so that a program of research and publication, including reproduction in facsimile edition, may be carried out. Mr. Jackson has requested Luther Evans of the Library of Congress to use his good offices to obtain the consent of this Department and Miss Hall's letter is in response to a request from Mr. Evans.

From a strictly legal point of view, it may be contended that we are not violating the literal terms of any international agreement in making the volume available in the manner contemplated. It may be of some assistance to you, however, for us to identify certain pertinent documents which in the past have represented policy determinations by the United States Government in this field.

The United States deposited ratifications of the Hague Conventions of 1899 and of 1907. The 1907 Convention (IV) (which, as between the Contracting Powers, is substituted for that of 1899) is similar to the of 1899. With respect to military authority upon the territory of the

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 Authority NND 968071
 By JW NAB Date 11-5

RG 59
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 Box 2

-2-

enemy, its regulations provide that private property must be respected and cannot be confiscated. Pillage is formally forbidden; the property of institutions dedicated to the arts and sciences, even when State property, is to be treated as private property; and all seizure of, or destruction or wilful damage done to institutions of this character, historic monuments, or to works of art and science is forbidden.

It is worth noting that the War Department has incorporated these Hague Regulations in its Basic Field Manual - Rules of Land Warfare, 1940 and that Directives to the Commanders of our Occupation Forces have made special reference to the preservation of works of arts. (Directive to Commander in Chief of United States Forces of Occupation Regarding the Military Government of Germany, J.C.S. 1067, April 1945; Directive to the Commander in Chief of United States Forces of Occupation Regarding the Military Government of Germany, July 11, 1947; Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan, November 1, 1945.) Further, Colonel Raymond, on behalf of the Legal Division of the Office of Military Government for Germany, has rendered an opinion that, in the absence of a declaration of a paramount public interest, an occupying power cannot unilaterally expropriate archives and works of art. While he found that, in view of the termination of hostilities, the Hague Convention (IV) of 1907 was inapplicable, he reasoned that many of its provisions were expressive of general principles of international law which place the burden on the occupying power to establish an overriding public interest in each case of removal.

With respect to other American Republics, we also ratified in 1935 a treaty which provides that historic monuments, museums, and scientific, artistic, educational and cultural institutions shall be considered neutral and as such protected by belligerents and that the same respect and protection shall be accorded in time of peace as in time of war. It provides that use may be made of a distinctive flag (Roerich), and the signatory and acceding states agree to adopt the measures of internal legislation necessary to insure said protection and respect.

Some of our agreements and declarations have related specifically to the return of looted property. In January of 1943, we were party to the inter-allied declaration against acts of dispossession committed in territories under enemy occupation or control. This was followed by Article VI of the Final Act of the United Nations Monetary and Financial Conference, Bretton Woods which supported the steps taken by the United Nations for the purpose of locating and restoring looted property and recommended that the Governments of all countries there represented take measures to prevent its transfer within territories subject to their jurisdiction. The United States was represented at Bretton Woods and at the Inter-American Conference on Problems of War and Peace at Mexico City in 1945 which resolved that the countries there represented

adopt

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DECLASSIFIED
 Authority NND 968071
 By JLW NARA Date 11-5

RG 59
 Entry NND968071
 File main 2 psalter
 Box 2

-3-

adopt, reaffirm, and implement the principles and objections laid down in the Breton Woods document, as well as in the Declaration against dispossession which preceded it. Specifically, we resolved at Mexico City to take measures to uncover, disclose and prevent the transfer of any property unjustly obtained or taken in like manner by the enemy from other peoples and measures for the restoration of such property to its rightful owners. Finally, we became a party to the Tripartite Agreement with respect to the Control of Looted Articles, Paris, July 8, 1946. By this agreement we undertook to request neutral countries to locate and control cultural property looted by the enemy in countries formerly occupied by it and to request the governments of liberated countries to furnish lists of spoliated articles. The agreement stated:

"The governments of the United States, Great Britain and France underline the usefulness which the application of the above indicated measures represent for the liberated countries as well as for themselves and that they are desirous of having the neutral countries adopt them. Each government undertakes to effect all appropriate measures and will request the governments of the liberated countries to do likewise."

These documents show that this government has several times taken the position that war-looted property should be returned to its true owner. Further, we are informed that since the signing of the Italian peace treaty, Italy has been invited to participate in the system established by the Tripartite Agreement by submitting lists of property looted from it as well as by contributing to the discovery of property looted from other countries and located in Italy. In the case of Germany, American Military Government has sent the Department lists of looted property and we have made a practice of returning recovered articles to the American Zone Collecting Point. SWNCC 322, a memorandum by the State Department Member of the State-War-Navy Coordinating Committee, recites in paragraph 1(b)

"the responsibility and the desire of this Government to return to their countries of origin those cultural objects which have been wrongfully taken and brought to the United States during and after the war"

and suggests that a circular announcing this policy be sent to museums, libraries, etc.

It seems, therefore, that the documents here reviewed as well as the past practice of this and other Departments offer considerable precedent for the prompt return of the psalter rather than a loan to Harvard or other universities which may make similar requests. Although it is

impracticable

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DECLASSIFIED
Authority NND 968071
By JW NAB Date 11-5

RG 59
Entry NND 968071
File mainz psalter
Box 2

impracticable to send the volume to Dresden at the present time, adequate facilities for its storage and display exist at Wiesbaden. Under these circumstances, the contemplated deposit at Harvard University may create the impression that we have appropriated the volume for such time and purposes as we deem useful.

cc: ILI - Miss Hall

L:L/B:Winifred R. Ryan/ejs

108202

DEPARTMENT OF STATE

OFFICE OF GERMAN AND AUSTRIAN AFFAIRS

July 26, 1949

To: P - Mr. Howland Sargeant
From: GA - Robert D. Murphy
Subject: 1457 Psalter

The original draft of the letter to the Librarian of Congress, concurred in by GAE, has been referred back to me, together with a new draft bearing the date of July 21. We much prefer that an approach be made to the German art authorities of the American zone before the recovered Psalter is turned over to Harvard University for study and reproduction. Mr. Bracken's memorandum of July 8 makes out a strong case for this procedure which cannot be disregarded. It is probable that the German art authorities of the US zone would interpose no objection if they were formally notified of our Government's intention to ^{deliver} ~~develop~~ the recovered Psalter within a reasonable, specified time. This course of action would seem to be most desirable to uphold the good reputation we have enjoyed with respect to the preservation and safeguarding of German art objects. We therefore recommend that the letter be dispatched as originally drafted.

Robert D. Murphy

GA:JDBeam:AMR

108203

RG	59
Entry	5383
Box	1

Authority	AD 999096
BY	7/26/49
DATE	7/26/49
DECLASSIFIED	

July 8, 1949

MEMORANDUM

TO: P - Mr. Sargeant
FROM: L/B - Thomas E. Bracken
SUBJECT: 1457 Psalter

I have had submitted for review a letter written by Miss Ardelia Hall to the Librarian of Congress dated June 23, 1949, and discussing the conditions for deposit of a 1457 Psalter in the Harvard University Library. The volume in question belongs to the Landes Bibliothek, Dresden, and is believed to have been looted during the war. It was transferred to a bookdealer in Czechoslovakia and shipped by him to a bookdealer in New York under a falsified date of publication and a false valuation. The Bureau of Customs seized the psalter and released it to the Department of State for exportation to the Office of Military Government for Germany under customs supervision. The Department, on August 10, 1948, delivered it to the custody of the Library of Congress for safekeeping until it became practicable to return it to the Collection Center for the American Zone at Wiesbaden. Mr. Jackson, an Assistant Librarian at Harvard University, while recognizing the title of the people of Dresden, seeks to have the psalter deposited in the custody of Harvard for an indefinite period so that a program of research and publication, including reproduction in facsimile edition, may be carried out. Mr. Jackson has requested Luther Evans of the Library of Congress to use his good offices to obtain the consent of this Department and Miss Hall's letter is in response to a request from Mr. Evans.

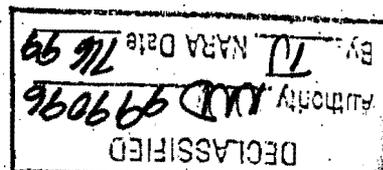
From a strictly legal point of view, it may be contended that we are not violating the literal terms of any international agreement in making the volume available in the manner contemplated. It may be of some assistance to you, however, for us to identify certain pertinent documents which in the past have represented policy determinations by the United States Government in this field.

The United States deposited ratifications of the Hague Conventions of 1899 and of 1907. The 1907 Convention (IV) (which, as between the Contracting Powers, is substituted for that of 1899) is similar to that of 1899. With respect to military authority upon the territory of the

enemy,

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enemy, its regulations provide that private property must be respected and cannot be confiscated. Pillage is formally forbidden; the property of institutions dedicated to the arts and sciences, even when State property, is to be treated as private property; and all seizure of, or destruction or wilful damage done to institutions of this character, historic monuments, or to works of art and science is forbidden.

It is worth noting that the War Department has incorporated these Hague Regulations in its Basic Field Manual - Rules of Land Warfare, 1940 and that Directives to the Commanders of our Occupation Forces have made special reference to the preservation of works of arts. (Directive to Commander in Chief of United States Forces of Occupation Regarding the Military Government of Germany, J.C.S. 1067, April 1945; Directive to the Commander in Chief of United States Forces of Occupation Regarding the Military Government of Germany, July 11, 1947; Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan, November 1, 1945.) Further, Colonel Raymond, on behalf of the Legal Division of the Office of Military Government for Germany, has rendered an opinion that, in the absence of a declaration of a paramount public interest, an occupying power cannot unilaterally expropriate archives and works of art. While he found that, in view of the termination of hostilities, the Hague Convention (IV) of 1907 was inapplicable, he reasoned that many of its provisions were expressive of general principles of international law which place the burden on the occupying power to establish an overriding public interest in each case of removal.

With respect to other American Republics, we also ratified in 1935 a treaty which provides that historic monuments, museums, and scientific, artistic, educational and cultural institutions shall be considered neutral and as such protected by belligerents and that the same respect and protection shall be accorded in time of peace as in time of war. It provides that use may be made of a distinctive flag (Roerich), and the signatory and acceding states agree to adopt the measures of internal legislation necessary to insure said protection and respect.

Some of our agreements and declarations have related specifically to the return of looted property. In January of 1943, we were party to the inter-allied declaration against acts of dispossession committed in territories under enemy occupation or control. This was followed by Article VI of the Final Act of the United Nations Monetary and Financial Conference, Breton Woods which supported the steps taken by the United Nations for the purpose of locating and restoring looted property and recommended that the Governments of all countries there represented take measures to prevent its transfer within territories subject to their jurisdiction. The United States was represented at Breton Woods and at the Inter-American Conference on Problems of War and Peace at Mexico City in 1945 which resolved that the countries there represented

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adopt, reaffirm, and implement the principles and objections laid down in the Breton Woods document, as well as in the Declaration against dis-possession which preceded it. Specifically, we resolved at Mexico City to take measures to uncover, disclose and prevent the transfer of any property unjustly obtained or taken in like manner by the enemy from other peoples and measures for the restoration of such property to its rightful owners. Finally, we became a party to the Tripartite Agreement with respect to the Control of Looted Articles, Paris, July 8, 1946. By this agreement we undertook to request neutral countries to locate and control cultural property looted by the enemy in countries formerly occupied by it and to request the governments of liberated countries to furnish lists of spoiled articles. The agreement stated:

"The governments of the United States, Great Britain and France underline the usefulness which the application of the above indicated measures represent for the liberated countries as well as for themselves and that they are desirous of having the neutral countries adopt them. Each government undertakes to effect all appropriate measures and will request the governments of the liberated countries to do likewise."

These documents show that this government has several times taken the position that war-looted property should be returned to its true owner. Further, we are informed that since the signing of the Italian peace treaty, Italy has been invited to participate in the system established by the Tripartite Agreement by submitting lists of property looted from it as well as by contributing to the discovery of property looted from other countries and located in Italy. In the case of Germany, American Military Government has sent the Department lists of looted property and we have made a practice of returning recovered articles to the American Zone Collecting Point. SWNCC 322, a memorandum by the State Department Member of the State-War-Navy Coordinating Committee, recites in paragraph 1(b)

"the responsibility and the desire of this Government to return to their countries of origin those cultural objects which have been wrongfully taken and brought to the United States during and after the war"

and suggests that a circular announcing this policy be sent to museums, libraries, etc.

It seems, therefore, that the documents here reviewed as well as the past practice of this and other Departments offer considerable precedent for the prompt return of the psalter rather than a loan to Harvard or other universities which may make similar requests. Although it is

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RG	59
Entry	5383
Box	1

Authority	MD 99096
By	7/99
DATE	7/99
DECLASSIFIED	

impracticable to send the volume to Dresden at the present time, adequate facilities for its storage and display exist at Wiesbaden. Under these circumstances, the contemplated deposit at Harvard University may create the impression that we have appropriated the volume for such time and purposes as we deem useful.

cc: ILI - Miss Hall

L:L/B:Winifred R. Ryan/ejs

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RG	59
Entry	5383
Box	1

DECLASSIFIED
Authority: AD 99096
BY: [Signature] NARA Date: 7/6/99

DECLASSIFIED
Authority NND 968071
By JW NARA Date 11-5

RG 59
Entry NND968071
File mainz psalter
Box 2

December 2, 1949

Mr. Riley suggested:

A memo:

Painting out all information with a shadow on Jackson.

Recommending that steps be taken immediately to return Psalter to Germany.

Refer to customs rule that it should have gone back in 90 days and that it is our belief that it has crippled relations with Customs. No other objects since the Psalter have, in fact, been given to Department of State custody.

Public relations aspect why give it to Harvard? Why not to some other university or any other one?

Emphasize its return, exhibition and study at Wiesbaden.

Check with Mr. Bracken and Winifred.

108208

DECLASSIFIED
Authority NND 968071
By JW NABA Date 11-5

RG 59
Entry NND 968071
File Mainz Psalter
Box 2

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OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY - APO 807

Office of Public Affairs,
Bad Nauheim, Germany.
November 24, 1949.

Mainz Psalter

Letter from Edgar Breitenbach, Chief MFAL Sect, ECR Division.

3. The authorization for a facsimile edition of 1457 Mainz Psalter constitutes indeed a very delicate and difficult problem, particularly since it appears that the book was never on US occupied territory which would be the legal basis for authorizing the request. However, the fact that the book is printed rather than hand-written may change the legal aspect since the reproduction of a printed book does probably not require such authorization. Mr. Heinrich feels that upon return the book should be given into bailleeship of the German Federal Government or to the Hesse Government should they still act as bailee for art property from the eastern zone.

Furthermore, Mr. Heinrich is hopeful that German authorities might be able to trade the Psalter for the famous Hildegard von Bingen manuscript belonging to the Wiesbaden Library and presently held in Dresden.

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Authority NND 968071
By JW/NARA Date 11-5RG 59
Entry NND 968071
File Mainz Psalter
Box 2

STANDARD FORM NO. 64

SECRET*Office Memorandum* • UNITED STATES GOVERNMENT

TO : OEX - Mr. William C. Johnstone

DATE: December 16, 1949

FROM : ILI - Lawrence S. Morris LSM

SUBJECT: The 1457 Mainz Psalter

The Secret staff paper, "The 1457 Mainz Psalter," containing two recommendations formulated on the basis of new information that the Psalter should be returned to the U. S. Zone of Germany and that it should not be remanded to the custody of Harvard University is herewith transmitted for your attention. An appended chronological table of documents and the complete chronological file of documents accompanies the paper. The folder on the Psalter borrowed from P - Miss Lovitz is also returned herewith.

Attachments: "The 1457 Mainz Psalter" with appended "Chronological Table of Documents.."

Complete File on the 1457 Mainz Psalter

Folder on Psalter from P - Miss Lovitz

RRK
OEX: ILI: ARHall; mms

12/16/49

DEC 19 REC'D

OFFICE OF EDUCATIONAL EXCHANGE

SECRET

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DECLASSIFIED

Authority NND 968071
By JANARA Date 11-5

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Entry

NND968071

File

Mainz Psalter

Box

2SECRET

December 20, 1949

MEMORANDUM TO P - MR. SARGENT

SUBJECT: Mainz Psalter

I recommend urgently that the Department exercise its right to request the Librarian of Congress to give this book to the custody of the Department for transmittal to the Wiesbaden collection center in Germany by special courier in order that the Department may fulfill its obligations under the international agreements and Department policy with respect to the return of looted objects of art.

The above recommendations result from a complete and thorough review of the files on this subject in which there is new evidence which leads me to believe that under no circumstances should the Department lend itself to any illegal or semi-illegal transactions which have been engaged in or may be engaged in by Mr. Jackson, the Assistant Librarian at Harvard University. In making this decision it is recalled that the United States Advisory Commission recommended that the book be placed in the custody of the Librarian of Congress and that the Librarian be responsible, under very specific conditions, for the loan of this book to a university for a period not to exceed two years, but that in any case the book be returned to the Department at the Department's request.

Mr. Jackson is pressing Mr. Clapp to loan this book to Harvard for an indefinite period before January 1, 1950, allegedly in order that he may obtain \$10,000 in contributions from private donors before the first of the year so that such contributions can presumably be deducted from their income tax, the \$10,000 allegedly to be paid to Mr. Reichner, the book dealer in New York, as a reward for not having destroyed the book when it was in his custody. I do not feel that the Department can lend itself to any transaction which might result in the action noted above although I am not clear who is to pay the \$10,000 to whom and just what part Mr. Jackson may have in this transaction.

If you concur in this recommendation I shall immediately prepare the necessary request to the Library of Congress for return of the book to the custody of the Department and I shall be glad to take the necessary action to see that the book is despatched under

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Authority NND 968071
By JW NARA Date 11-5

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File mainz psalter
Box 2

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- 2 -

proper safeguards to the Wiesbaden Collection Center in Germany. You may wish to have a discussion of this whole matter with Mr. Luther Evans and Mr. Bernard Clapp prior to transmittal of our request to the Library of Congress. If so I shall be glad to arrange such a meeting.

William C. Johnstone, Jr.
William C. Johnstone, Jr.

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WCJ/ml1

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DECLASSIFIED

Authority NND 968071By JW NARA Date 11-5RG 59Entry NND968071File mainz PsalterBox 2

STANDARD FORM NO. 64

SECRET ATTACHMENTS

Office Memorandum • UNITED STATES GOVERNMENT

TO : OEX - Mr. William Johnstone

DATE: Jan. 9, 1950

FROM : P - Howland H. Sargeant *HHS*

SUBJECT: Mainz Psalter

Bill, I suggest you take the Psalter file over to the Library of Congress -- or have the Librarian of Congress come over to the State Department and sit down with you -- and thrash out the desirability of making the Psalter available to Harvard. This matter has been cooking for a long time and I hope to get it settled once and for all.

Before this week is over, will you please assure me that you have done everything possible to settle the matter?

Attachment:

Complete Psalter File

SECRET ATTACHMENTS

P:HHSargeant:hg 1/9/50

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DECLASSIFIED
 Authority NND 968071
 By JW/NARA Date 11-5

RG 59
 Entry NND 968071
 File mainz psalter
 Box 2

FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : OEX/D - Mr. Johnstone
 FROM : ILI - Lawrence S. Morris
 SUBJECT: Mainz Psalter

DATE: January 20, 1950

Not used. LSM's memo. 7 Feb 50 supplanted this. PWS

CONFIDENTIAL

1. Is use by Harvard a violation of anyone's interest or agreement or any policy, regarding utilization of German objects while in our custody?

Is kind of use a violation of policy and length of use - two years?

Yes. The obligations of this Government specifically include only recovery and restitution of cultural property. These obligations have been stated in the Inter-Allied declarations and agreements of World War II; in the directives of the Joint Chiefs of Staff (JCS 1067 of April, 1945, and the directive of July 11, 1947); and in the SWNCC memorandum 322 (Return of Looted Objects to Countries of Origin. Memorandum of the State Department member of SWNCC. Approved by SWNCC, January 28, 1947).

The obligations of the United States Government under international law relating to possible use or utilization of property are found in the Rules of Land Warfare (1940), Article 318 - 321 on "Treatment of Enemy Property," where utilization of all movable property, including cultural property and that belonging to the State is strictly prohibited unless "directly susceptible of military use."

I have been informed informally that this principle applies in the case of the Psalter.

2. Is book in public domain?

Yes. The Psalter of 1457 belongs to the Dresden Staats Bibliothek. It is a part of a public state collection protected by German law. As such it is in the public domain and inalienable and infeasible.

3. United States Government is substitute for the custodian?

The United States Government in the United States and in the American Zone of Germany acts only as custodian or trustee

for

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Authority NND 968071
By JWA/NARA Date 11-5

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File mainz psalter
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for such property, under the established obligations of international law.

CONFIDENTIAL

QRH
OEX: ILI: ARHall:mms

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DECLASSIFIED
 Authority NND 968071
 By JW/KAPA Date 11-5

RG 59
 Entry NND968071
 File Mainz Psalter
 Box 2

R-E-S-T-R-I-C-T-E-D

MEMORANDUM TO: OEX/D - Mr. Johnstone DATE: February 1, 1950
 FROM : ILI - Lawrence S. Morris *LSM*
 SUBJECT : Questions concerning the Mainz Psalter asked by
 Dr. Luther Evans

This is in reply to your oral request for answers to the following two questions concerning the Mainz Psalter posed by Dr. Evans:

1. Would use of the Mainz Psalter by Harvard University constitute a violation of anyone's interest, or of any policy concerning the utilization of German objects of art while in the custody of this Government?
2. Would the kind of use which would be made of the Psalter at Harvard and the proposed length of use, that is, approximately two years, constitute a violation of policy?

would *constitute a*
 1. IS UTILIZATION A VIOLATION OF POLICY?

No written statement of Department policy exists which touches specifically upon the point of the utilization of looted objects of art while in the custody of this Government. The memorandum entitled Return of Looted Objects of Art to Countries of Origin, approved by the State-War-Navy Coordinating Committee, on January 28, 1947 omits this aspect of the handling of such objects.

There have been, however, certain cases similar to the one under consideration, which indicate clearly the unwritten policy followed hitherto by the Department. The instance closest in character to that of the Mainz Psalter is the case of the Naval Commander who, while in China after the war, purchased in good faith a number of valuable works of art, including bronzes, from departing Japanese. After he had brought the works of art to this country the Chinese Government lodged a claim for them, which was recognized as valid. In conferences with the Department, the Commander proposed that instead of returning the objects to China he should give them to Yale University. When informed that this was not possible, he proposed to lend them to Yale before they were returned to China. The Department ruled that the objects could not be so loaned and they were returned to China without being made available to Yale. Another instance is the handling of the Berlin paintings, which were not utilized in this country for purposes of display until after consultation with appropriate German officials.

In both

FEB 2 - REC'D

R-E-S-T-R-I-C-T-E-D

OFFICE OF EDUCATIONAL EXCHANGE

108216

DECLASSIFIED
 Authority NND 968071
 By JW NARA Date 11-5

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 Entry NND 968071
 File Mainz Psalter
 Box 2

R E S T R I C T E D

- 2 -

In both of the above instances the Department adhered to a generally accepted principle among museums having international relations that any display or use whatsoever of objects of art or other cultural properties may be made only with the consent of, and in accordance with the conditions laid down by, the rightful owners or their authorized representatives.

It is recognized that the Dresden Staats Bibliothek, the rightful owner of the Psalter, is now in the Russian Zone and unavailable for purposes of inquiry. Nevertheless many Germans in the western zones will surely learn of the action taken, and the wisdom or unwisdom of the decision will constitute an additional factor affecting the situation with which HICOG must deal in carrying out its mission. It is because of this that other cultural objects looted from the East Zone of Germany have been promptly returned to the American Zone and placed in the custody of West German officials.

In the light of the Department's action in the instances mentioned above, one is obliged to answer Dr. Evans' first question in the affirmative: the proposed utilization by Harvard University would constitute a break with the unwritten policy followed until now by the Department.

However, since the policy in question has never been officially formulated and the number of cases involving the particular point under consideration is very small, it may be urged that the policy itself should be examined afresh. From the point of view of the best interests of the United States Government and of the Department, and taking into account all aspects of the situation, should the policy be changed?

Had the object in question been looted, or smuggled out, from the territory of one of our former allies in the war or from a neutral country, the action to be taken would be quite simple. A note from the Department to that country's embassy in Washington would state the facts of the case and inquire whether there was any objection to the proposed utilization of the object. If the object had been stolen from, say, the Louvre, it is quite likely that an understanding would be reached without difficulty with the representatives in this country of the French Government.

A decision concerning the wisdom of a given act, however, cannot be made in a vacuum, and in the present case there are two kinds of factors which cannot be ignored. The first have to do with the special relationship in which the United States Government is placed in regard to Germany as an occupying power; the second with the circumstances of the introduction of the Mainz Psalter into this country and, consequently, the appearance of aid and comfort by the Department to the smuggling of works of art. Reports from the recent

American Library

R E S T R I C T E D

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R E S T R I C T E D

- 3 -

American Library Association conference in Chicago and from academic circles in Cambridge indicate that interest already exists, among persons in the world of books and art as to what position the Department will take in this matter.

Unpleasant as it may be to look closely at the circumstances in the present case, it is necessary, in arriving at a decision, to take into account the fact that the Department has been advised that the utilization of the Mainz Psalter in the way contemplated will result in the payment of \$10,000.00 to the New York dealer who conspired to bring the Psalter into this country, the sum presumably to be transmitted by him in whole or in part to the foreign dealer who smuggled the Psalter out of his country by means of a false invoice. If the Department of State, by authorizing the utilization for which the book was illegally introduced into this country, is a party to enabling dishonest dealers to make smuggling a profitable activity, the prestige of the United States Government will be lowered in the eyes of the cultural world and any attempt in the future to discourage such illegal transactions will be rendered infinitely more difficult. The Department would in effect be countenancing a violation of Federal law and of this Government's commitments under the Hague Convention of 1907 cited in the first paragraph of the SWNCC Memorandum of January 28, 1947.

The United States Government has taken the lead since World War II in the recovery and restitution of looted works of art. It has throughout invoked the old common law principle that property acquired from a thief does not enjoy a good title. At present the world knows where the United States Government stands in this matter but the moral leadership it has won can be lost if it does not clearly and unmistakably practice what it preaches.

2. KIND AND LENGTH OF USE.

If the above answer to the first question is sound, obviously it also answers the second question in the affirmative. If any unauthorized use would be a break with the policy hitherto followed, the kind of use and length of use are irrelevant.

The question as to the length of use, however, does introduce the problem created by the retention of the book in this country at all. The Department has in the past endeavored to return objects of looted art as promptly as possible, and this policy appears to be implicitly contained in the SWNCC Memorandum cited above. Other cultural properties originally from museums in the East Zone of Germany have been returned to the West German Government as trustees for the rightful owners and are now on public display to the German people. It is assumed that similar display in Germany would be made of the Psalter upon its return.

RECOMMENDATION

R E S T R I C T E D

108218

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 Authority NND 968071
 By JCA/NARA Date 11-5

RG 59
 Entry NND968071
 File Mainz Psalter
 Box 2

Hold in LSM's files

RESTRICTED

- 4 -

RECOMMENDATION:

It is recommended that the Mainz Psalter be returned to Germany and placed in the custody of the West German Government, without utilization in this country.

* * *

The information might be conveyed to Harvard University that the photographic equipment at present at Marburg, and available for use in reproducing rare books, is among the best in the world and that the Department would be willing to lend its good offices in endeavoring to make arrangements with the German officials concerned for reproduction of the Mainz Psalter.

The above considerations and recommendation are the result of joint consideration of this problem by ILI and GEA and represent the considered judgment of these two Divisions.

Attachment:

SWNCC Memo dated Jan. 28, 1947.

cc: GEA - Mr. Baker

OEK:ILI:LSM:dh

Cleared by phone
 with Mr. Baker
 GEA

LSM

108219

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 Authority NND 968071
 By JANARA Date 11-5

RG 59
 Entry NND968071
 File Mainz Psalter
 Box 2

OEX/D -Mr. Johnstone

ILI - Lawrence S. Morris

Dr. Evans' Questions re Mainz Psalter

State-War-Navy Coordinating Committee Memorandum approved January 28, 1947 and printed in the Department's Bulletin February 23, 1947 (copy attached) contains the most definite statement of administrative policy for return of looted objects of art, but omits any specific mention of utilization while in Government custody or any specific statement concerning the speed with which the Government will carry out its obligations to secure and return such objects.

However, it is a generally accepted principle among museums having international relations that any display or use whatsoever of objects of art or other cultural properties may be made only with the consent of, and in accordance with the conditions laid down by, the rightful owners or their authorized representatives. The Department adhered to this principle in the exhibition of the German art sent to the United States for safe-keeping. GEA (Mr. Baker states that though he is unaware of any formal agreements or policy statements which commit the Department to this principle, it has followed it in practice and should continue to do so.

In view of the above, Dr. Evans' first question: "Is use by Harvard a violation of anyone's interest, or agreement, or any policy re utilization of German objects while in our custody?" must be answered in the affirmative. Any use or display not authorized by the rightful owners or him their duly designated representatives would be a break with the unwritten policy to which the Department has hitherto adhered. Since any unauthorized use would be a violation of the Department's policy, the kind of use and length of use are irrelevant.

The question as to length of use, however, does introduce the problem of the retention of the book in this country at all. Implicit in the SWNCC paper cited, and heretofore observed by the Department in practice, is the policy of returning identifiable cultural property to the country of origin as soon as possible. Other cultural properties originally from museums in the East Zone of Germany have been returned to the West German Government as trustees for the rightful owners, and are now on public display to the German people. It is assumed that similar display in Germany would be made of the Psalter upon its return. With the concurrence of GEA (Mr. Baker) ILI therefore recommends that the Mainz Psalter be returned promptly. This would also relieve the Librarian of Congress and any other government agencies of further pressure on this problem.

OEX:ILI:TWSimpson:gjc

108220

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RG 59
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File mainz psalter
Box 1

Previous Documents

1. TD 51072.
2. Part 52 - Trading with the Enemy Act, Sections 3(a) and 5(b).
3. Tariff Act of 1930 (W.C. Title 19, Section 1593 (b) and Section 1618).
4. Hague Convention (IV) of 1907, Articles 3, 47, 56.
5. Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments in 1935.
6. Inter-Allied Declaration of January 5, 1943.
7. Bretton Woods Resolution VI.
8. Inter-American Conference Resolution XIX.
9. Tripartite Agreement.

Attached
to 78C
011/5

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By JW HARA Date 11-5RG 59
Entry NND 968071
File Mainz Psalter
Box 2*Hold in h S M's files***SECRET**

February 6, 1950

MEMORANDUM TO ILI - MR. MORRIS

SUBJECT: Questions Concerning the Mainz Psalter

I asked Dick Cook to review your memorandum and I have carefully reviewed it myself. I have several questions.

In your paragraph beginning at the bottom of page 2 you state that a decision cannot be made in a vacuum and that two factors cannot be ignored. The first is the special relationship in which the United States is placed in regard to Germany. I agree that this factor must be taken into account.

The second factor, that of the circumstances of the introduction of this book into the United States, is a factor which I am not so certain about. My memory of the file is such that I do not believe the statements made on page 3 can be substantiated. If I recall correctly, the Harvard librarian did inform us that he knew of the book's existence and he also made the statement a number of times that he would take no action without the approval of the Department.

I refer again to my conversation with Luther Evans in which Mr. Evans and I agreed that responsibility for the use of the book by Harvard could and should be discharged by the Library of Congress under every possible safeguard. Mr. Evans stated that he intends to negotiate a contract or letter of agreement with the President of the University setting forth the terms under which the book might be placed on loan to Harvard. I therefore feel that the relationship of the Harvard librarian to the New York dealer is extraneous to the problem. Since we have word from Germany that there might not be objections to its loan to Harvard I am not sure your final recommendation is an altogether good one. It would seem to me that what we might do, as Dick Cook suggests, would be to make a new and official approach through HICOG as to whether the German officials concerned would perceive objection in the loan of the book to Harvard making clear that the book would be returned to Germany and if they would object to this we then might take up the second part of your recommendation respecting reproduction of the book in Germany once it has been returned.

I know that what I say is contrary to your recommendations
and it

SECRET

108222

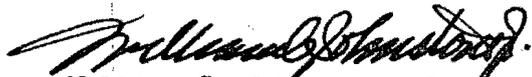
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Authority NND 968071By JW/NARA Date 11-5RG 59Entry NND968071File mannz psalterBox 2**SECRET**

- 2 -

and it may be that GEA's interest in this is such that my ideas are invalid. However, I wish you would carefully reconsider this in the light of our review and come up with a paper which eliminates all question of relationship with the book dealer and which takes into account one factor on which my instructions may not have been clear, namely, what are the public relations aspects of this whole affair? By this I mean if we do approach HICOG on its loan to Harvard, will that hurt or not hurt our German relations at the moment? If we do send the book back immediately will that help or hinder our German relations and likewise would it help or hinder our public relations in this country?

I am sorry to return this for revision but I just don't think we have an adequate paper yet.



William C. Johnstone, Jr. - CEX

WCJ/ml1

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 File mainz psalter
 Box 2

ELI - Mr. Morris

SECRET

MEMORANDUM

February 15, 1950

FEB 20 REC'D

TO: OEX - Mr. William Johnstone
 FROM: P - Rowland H. Sargeant
 SUBJECT: DISPOSITION OF THE MAINZ PSALTER

OFFICE OF EDUCATIONAL EXCHANGE

I have read the memorandum you transmitted to me on this subject under date of February 13 and I concur in your recommendation that the Mainz Psalter be returned immediately to the United States High Commissioner in Germany for appropriate disposition in accordance with established policies and procedures governing disposition of looted objects of art. Please take the responsibility for initiating the actions that you outlined, including a letter from the Assistant Secretary of State for Public Affairs to the Librarian of Congress and the necessary communications and actions with HICOG.

It is my understanding from your memorandum that Mr. Luther Evans, Librarian of Congress, has specifically concurred in your recommendation.

All written communications to be classified as SECRET.

cc: IE - Mr. Charles Hulten
 ILI - Mr. Morris

Attachment:

Memo from Mr. Johnstone to Mr. Sargeant under date of Feb. 13, 1950

Memo from Mr. Morris to Mr. Johnstone of 2/10/50

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DIVISION OF LIBRARIES AND INSTITUTES

P:HHS:ms

FEB 21 1950

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DEPARTMENT OF STATE

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Entry NND 968071
File Mainz Psalter
Box 2

SECRET

~~Mag~~
Morris

→ /L/

Please
take
action
outlined

MEMORANDUM

February 15, 1950

TO: OEX - Mr. William Johnstone
FROM: P - Howland H. Sargeant ^{HHS}
SUBJECT: DISPOSITION OF THE MAINZ PSALTER

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It is my understanding from your memorandum that Mr. Luther Evans, Librarian of Congress, has specifically concurred in your recommendation. *yes*

cc: IE - Mr. Charles Hulten
ILI - Mr. Morris

FEB 20 REC'D
OFFICE OF EDUCATIONAL EXCHANGE

Attachment:

- ~~Memo from Mr. Johnstone to Mr. Sargeant under date of Feb. 13, 1950~~
- ~~Memo from Mr. Morris to Mr. Johnstone of 2/10/50~~

P:HHS:ms

SECRET

108225

W.B. 3/17/50

U.S. Returns Cultural Treasure to Germany.

STATE DEPT. The Mainz Psalter of 1457, one of the great cultural treasures of Germany, has been recovered in the United States and returned by the U.S. Government to Germany.

The U.S. State Department, in making this announcement, explained the treasure was returned under the International Agreement of July 8, 1946, which was formulated by the United States, Britain and France to carry out the program of recovering missing works of art lost during the war. Most European nations are participating in the agreement.

The U.S. Government already has recovered and restored to European countries 500,000 objects of art and 4,000,000 books. In addition, all public collections in the U.S. Zone have been returned to German museums, universities and libraries.

Renowned as the earliest example of color printing, the Mainz Psalter is valued at more than \$250,000. The State Department said it probably was looted from its wartime repository in the Dresden Library. Later it was illegally imported into the United States and was discovered by U.S. authorities in New York. It was returned to Germany a few days ago and will remain in the temporary custody of the U.S. High Commissioner's office pending final return to German ownership.

The book of Psalms is 12½ by 16 inches. Of its 175 pages, 121 are printed, the remainder containing hand lettering. It was the first book to be printed colors. Only 10 copies are in existence today.

108226

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Box	1

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BY: [Signature]
Date: 7/6/99

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By JW NARS Date 11-5

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DEPARTMENT OF STATE

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FROM: Frankfurt

Control 3805

Rec'd April 11, 1950
12:54 p.m.

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DCR

TO : Secretary of State

NO : 3030, April 11, 6 p.m.

REDEPTEL 2390 dated April 8 Mainz Psalter.

Present proposal contemplates turnover of Psalter to city Mainz by US High Commissioner June 24 on occasion great festival celebrating 550th Anniversary Gutenberg Birthday and 50th Anniversary Mainz Gutenberg-Museum. Breitenbach will doubtless discuss plan with you during his present visit.

Proposal further contemplates retention book by city for unspecified period, subject of course to recall any time, or other HICOG order re disposition as indicated 2804. We therefore prefer avoidance of reference to stipulated period of loan.

In view plan transfer June 24, suggest details be left for handling by Heinrich after his return end April.

MCCLOY

BB:BLW

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APR 12 1950

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PP UEP ZVA

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FM USINFO WASHINGTON DC

TO UFB/ISD BAVARIA MUNICH GERMANY

UFKC/INFO SERVICES BAD NAUHEIM

STATE GRNC

ISD FOR WALLEMBERG NEUE ZEITUNG ISD FOR ARNOT EDPROB 141705
 PAREN FOLLOWING MATERIAL NOT RPT NOT TO BE PUBLISHED CMA DISTRIBUTED
 TO GERMAN PRESS OR OTHERWISE MADE PUBLIC UNTIL OFFICIAL CONFIRMATION
 THAT MAINZ PSALTER RPT MAINZ PSALTER HAS ARRIVED AT FRANKFURT ON
 MCCLOY'S PLANE CMA EXPECTED MORNING MARCH FIFTEEN FRANKFURT TIME
 STOP AUTOMATIC RELEASE WHEN PLANE ARRIVAL IS OFFICIALLY CONFIRMED
 UNPAREN PARA

HEREWITH MANSFIELD NEUE ZEITUNG SPECIAL STOP SUGGEST SIMULTANEOUS
 RELEASE BY EDPROBS AMERIKADIENST RPT AMERIKADIENST CMA CREDITING
 NEUE ZEITUNG AS SOURCE STOP PLEASE SEND COPY ALSO TO FRANK MILLER
 RPT FRANK MILLER CMA HICOG PARA

WASHINGTON MARCH FIFTEENTH DASH WITH LANDING OF PLANE THAT BROUGHT
 UNISTATES NIOCG JOHN J MCCLOY RPT HICOG JOHN J MCCLOY BACK TO FRANKFURT
 TODAY AFTER ONE RPT ONE WEEK STAY IN UNISTATES CMA LAST PAGE WAS
 WRITTEN IN ONE OF GREATEST AND HIGHERTO UNTOLD ART STORIES TO COME
 OUT OF WORLD WAR TWO PARA

SAFELY

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RG 59
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 File mainz psalter
 Box 2

- 2 -

SAFELY PACKED AND GUARDED BY SPECIAL COURIER CMA FAMOUR QT MAINZ
 PSALTER RPT MAINZ PSALTER UNQT CMA REGARDED BY ART EXPERTS WITH
 ALMOST IDOLATROUS ADMIRATION AND VALUED HIGHER THAN FAMOUR QT
 GUTTENBERG RPT GUTTENBERG BIBLE UNQT CMA HAS BEEN RETURNED TO GERMANY
 BY UNISTATES GOVERNMENT STOP PSALTER WAS PRINTED IN GERMANY ALMOST
 FIVEHUNDRED RPT FIVEHUNDRED YEARS AGO PARA

THIS BOOK CMA RECOVERED BY UNISTATES GOVERNMENT FROM ILLEGAL
 PRIVATE POSSESSION CMA IS ONE OF FIVE OR SIX RPT FIVE OR SIX COPIES
 IN EXISTENCE STOP IF VALUE CAN BE EXPRESSED IN MONETARY TERMS AT ALL
 CMA TIS GENERALLY ASSUMED TO BE SOMEWHERE BETWEEN TWOFIFTY AND
 THREEFIFTY THOUSAND RPT TWO FIFTY AND THREEFIFTY THOUSAND DOLLARS
 STOP NO RPT NO COPY EXISTS IN WESTERN HEMISPHERE PARA

UNISTATES GOVERNMENT IN RETURNING PSALTER TO GERMANY IS UPHOLDING
 ITS TRADITIONAL POLICY OF RESPECT FOR OWNERSHIP OF CULTURAL PROPERTY
 STOP TIS ALSO ADHERING TO INTERNATIONAL AGREEMENT OF JULY EIGHT CMA
 ONENINE FOURSIX RPT JULY EIGHT CMA ONENINE FOURSIX STOP THAT AGREEMENT
 WAS SIGNED BY UNISTATES CMA UNITED KINGDOM AND FRANCE STOP ALMOST ALL
 EUROPEAN COUNTRIES ARE PARTICIPANTS STOP UNDER ITS PROVISIONS LOOTED
 ART WORKS ARE TO BE RECOVERED WHENEVER POSSIBLE AND RETURNED TO
 NATIONS THAT HAVE RIGHTFUL OWNERSHIP STOP NUMBERS OF ART OBJECTS
 HAVE BEEN RECOVERED AND RETURNED SO FAR STOP BUT MAINZ PSALTER
 EXCEEDS MOST OF THE OTHER RECOVERED WORKS OF ART IN IMPORTANCE AND
 IS BY FAR MOST VALUABLE PARA

FAMOUS

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 Box 2

- 3 -

FAMOUS BOOK IS TO BE HELD IN CUSTODY AND TRUSTEESHIP OF HICOG FOR FINAL RETURN TO GERMAN OWNERSHIP STOP TIS PLANNED TO PUT PSALTER ON EXHIBIT IN GERMANY AS SOON AS ARRANGEMENTS CAN BE MADE STOP EXHIBIT IS MOST LIKELY TO OPEN IN LATE MARCH OR EALY APRIL PARA

FINAL TRANSFER TO GERMANS WILL WRITE QT FINIS UNQT TO STORY PARTLY CLOUDED BY THE SORT OF MYSTERY THAT SOMETIMES SURROUNDS WHEREABOUTS AND MOVEMENTS OF PUBLICLY OWNED ART OBJECTS SO VALUABLE THAT THEY ARE VIRTUALLY UNMARKETABLE STOP THERE ARE STILL MANY UNKNOWN DETAILS OF MAINZ PSALTERS POSTWAR TRAIL THAT WOULD BE WORTHY OF EXPLOITATION BY WRITER WITH IMAGINATION OF SHERLOCK HOLMES RPT SHERLOCK HOMES CREATOR STOP QUESTIONS ARISE AT MANY STATIONS ALONG WAR AND POSTWAR TREK OF MAINZ PSALTER FROM ITS ONETIME REPOSITORY OF DRESDNER STAATSMUSEUM RPT DRESDNER STAATSMUSEUM CMA TO ITS DISCOVERY IN NEWYORK CITY STOP PSALTER WAS LOST SIGHT OF AFTER END OF WAR AND FOUND ITS WAY ILLEGALLY INTO PRIVATE HANDS STOP IT WAS AIR SHIPPED THROUGH TRADE CHANNELS AND ILLEGALLY IMPORTED INTO UNISTATES STOP WHEN PSALTERS IDENTITY AND OWNERSHIP WERE ESTABLISHED BY UNISTATES GOVERNMENT CMA FAMOUS VOLUME WAS RECOVERED FOR RESTITUTION STOP THOUGH UNIQUE AS ART OBJECT, CMA PSALTER IS ONLY ONE AMONG MANY WORKS OF ART SCATTERED OVER MANY LANDS CMA THAT ARE BEING COLLECTED CMA IDENTIFIED AND LEGALLY CLEARED FOR TRANSFER TO OWNER NATIONS STOP IN CASE OF PSALTER THAT PROCEDURE WAS FINNALLY CONCLUDED FEW WEEKS AGO AND SHIPMENT TO GERMANY WAS CLEARED ON MISTER MCCLOYS PLANE TO FRANKFURT PARA

MAINZ

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 File mainz psalter
 Box 2

- 4 -

MAINZ PSALTER CLAIMS MANY FIRSTS RPT FIRSTS IN BOOK PRINTING AND THROUGHOUT ITS MYSTERIOUS AND LESS MYSTERIOUS RECENT FATE ~~IT~~ REMAINED UNHARMED AND WAS NOT RPT NOT IN THE LEAST DAMAGED STOP ART CONNOISSEURS IN UNISTATES ARE GRATEFUL FOR THIS FACT STOP ABOUT TEN CENTIMETERS RPT TEN CENTIMETERS THICK CMA NEARLY THIRTY RPT THIRTY CENTIMETERS WIDE AND FIFTY RPT FIFTY CENTIMETERS HIGH CMA BOOK RETURNED TO GERMANY IS KNOWN AS QT DRESDNER COPY UNQT OF MAINZ PSALTER STOP IN YEAR ONEFOUR FIVESEVEN RPT ONEFOUR FIVESEVEN CMA WHEN IT WAS PRINTED CMA TWO RPT TWO EDITIONS WERE PUBLISHED STOP ONE WITH ONEFOURTHREE RPT ONEFOURTHREE AND ONE WITH ONESEVENFIVE RPT ONESEVENFIVE PAGES STOP DRESDNER COPY COMES FROM FIRST EDITION CMA BUT TWENTYTWO RPT TWENTTWO OF ITS ORIGINAL PAGES HAVE BEEN MISSING FOR LONG TIME STOP ORIGINAL VELLUM RPT VELLUM BINDING IS STILL INFACT CMA HOWEVER PARA

GREAT ADMIRATION ACCORDED MAINZ PSALTER IS DUE TO FACT THAT IT INTRODUCED INTO BOOK PRINTING PRACTICES THAT HAVE REMAINED ALMOST GENERAL TO THIS DATE STOP TIS FIRST KNOWN BOOK OF WESTERN CIVILIZATION CARRYING PRINTING DATE STOP TIS FIRST WITH SOCALLED COLOPHON CMA COLOPHON CMA INSCRIPTION PLACED ON ONE OF VERY BACK PAGES AND MOSTLY REFERRING TO LOCATION AND NAME OF PRINTING HOUSE STOP TIS FIRST TO CARRY PRINTERS MARK STOP TIS FIRST TO CONTAIN MUSIC CMA WHICH WAS INSERTED BY TEDIUS HANDWORK STOP ABOVE ALL CMA TIS FIRST BOOK TO USE TWO RPT TWO COLOR PRINT THROUGHOUT AND THREE RPT THREE COLOR PRINT ON SEVERAL PAGES STOP ITS VALUE ABOVE THAT OF GUTENBERG BIBLE IS

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- 5 -

MATTER OF RARITY STOP WHILE MAINZ PSALTER EXISTS IN ONLY FEW COPIES
CMA MORE THAN FORTY RPT FORTY OF GUTENBERG BIBLE ARE KNOWN PARA
PAREN ABOVE MATERIAL NOT RPT NOT TO BE PUBLISHED CMA DISTRIBUTED
TO GERMAN PRESS OR OTHERWISE MADE PUBLIC UNTIL OFFICIAL CONFIRMATION
THAT MAINZ PSALTER HAS ARRIVED AT FRANKFURT ON MCCLOY'S PLANE CMA
EXPECTED MORNING OF MARCH FIFTEEN STOP AUTOMATIC RELEASE WHEN PLANE
ARRIVAL IS OFFICIALLY CONFIRMED UNPAREN ITEM USINFO END

14/17347

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

23

SECURITY : CONFIDENTIAL

PRIORITY: AIR POUCH

TO : Department of State

262.0041/8-1650

XR 862.44

FROM : HICOG FRANKFURT 378 August 16, 1950

REF :

SUBJECT : REQUEST FOR RETURN OF MAINZ PSALTER TO DRESDEN

For Dept. use only.
AUG 21
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IE

Z...
Brackley

In a letter dated June 22, 1950, the Minister of Education Land Sachsen, Soviet Zone, has protested the loan to the Gutenberg Library of the Mainz Psalter and demanded its return to Dresden. Our reply stated merely that former possession of the Psalter by the Saechsische Landesbibliothek is not disputed but that, pending an over-all settlement of the problem of displaced art and cultural objects, it cannot be returned.

c. looked over

It is not known how much control the Soviet Authorities still exercise in these matters in Saxony.

We are anxious to recover the Hildegard Codex and over seventy Wiesbaden paintings held at Dresden and Pillnitz, but are reluctant to consider opening negotiations even on a German-to-German basis lest this raise the question of Prussian State and other Eastzone property held here and in the British Zone. The quantity of known Western property in the Soviet Zone is very small and not worth jeopardizing our own holdings. It is possible that the Hessian and Saxon Education Ministers could arrange a private exchange of the Codex and paintings for the Psalter. Question of application Article VI of MG Law 19 also arises. May we have your comments and advice?

WILLIAM G. DANIELS
Chief, Property Division
Office of Economic Affairs

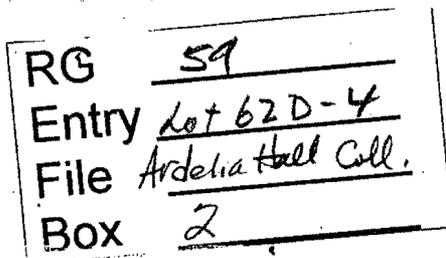
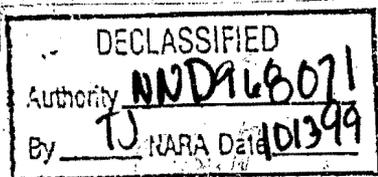
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By: NARA Date: 7/6/99



COPY

The Foreign Service
of the
United States of America

American Embassy,
Belgrade, Yugoslavia
October 30, 1952.

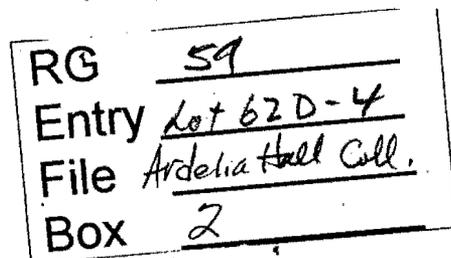
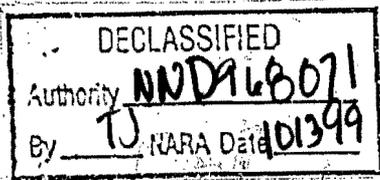
Dear Howland:

On my return voyage to Belgrade in May, I met on the boat a Mr. Norman Harrower, of Fitchburg, Massachusetts, who is a personal friend of Mr. Hofer, head of the Houghton Library in Cambridge. I told Mr. Harrower the story, as far as I knew it, of the Mainz Psalter, adding that I did not know what had finally happened to it. Mr. Harrower said he would try to find out when he returned home.

Enclosed is a copy of a letter I have just received from him, together with a letter to him from William Jackson in the latter's delightful splenetic vein, containing the astonishing report that the Psalter was returned to Soviet-controlled Germany. I can hardly believe this is true. Certainly I myself never intended this result, and if it did happen, I would like very much to find out how it came about. The young lady in the Department who was so concerned with the return of cultural objects (whose name escapes me at the moment) assured me beyond any question that the volume, if returned to Germany, would be held in a collection center at Wiesbaden. As you may recall, I declined to return it, even under that assurance, and turned it over to Luther Evans for safe keeping until such time as the Department felt conditions were appropriate to return it to Germany. I made provisions that the volume, meanwhile, could be studied by the Widener Library in Cambridge. I presumed it might still be in Cambridge, but Mr. Jackson's letter of October 17 does not indicate that it ever got there. (Jake Beam tells me that General Clay took the book back to Germany after I left the Department, but Jake has no idea how it got to the Soviet Zone, if in fact it did.)

Mr. Jackson has good grounds for objecting if the book was sent to Leipzig. However, if our conferences with him were fruitless, it was chiefly because of his stubborn refusal to consider the matter reasonably and try to work out a sensible arrangement. Furthermore, his references to the fact that the book actually belongs to the State Library of Dresden makes it appear that he was the champion for returning it to its rightful owners, whereas you and I know that the whole controversy arose because we wanted to be certain of its eventual return.

108234



-2-

Jackson's heroic "efforts" to save the book for scholarship" misses the point. When we first heard of the book, I was told he was trying to buy it for \$10,000. He began to speak of its eventual return to Germany after we pointed out that the sale would be contrary to our international obligations.

Jackson says the State Department violated a pledge. I do not know what pledge he has in mind. But if the book has actually been returned to Soviet Germany, he has a point.

I hope you will enlighten me. There may well be aspects of the case of which I am not aware. Perhaps the book was returned to Soviet control on the principle that we should behave properly even though the Soviets do not, or because we hoped to wean the East Germans from the Russians.

I am sending a copy of this correspondence to San Reber with a request for any information he may have on the subject.

With warm regards,

Sincerely,

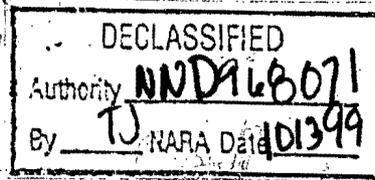
Signed/

George V. Allen

cc: Mr. Samuel Reber
Deputy U. S. High Commissioner,
Bonn, Germany

Enclosures: Copies of letters from
Norman Harrower and William Jackson.

108235



RG	<u>59</u>
Entry	<u>Lot 62D-4</u>
File	<u>Ardelia Hall Coll.</u>
Box	<u>2</u>

C
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NORMAN HARROWER
Fitchburg, Massachusetts

Dear Mr. Allen:

You probably have figures I forgot to do anything about trying to discover the whereabouts of the Psalter, the interesting history of which you recounted to me last spring on our way to Barcelona. The reason, however, is that Mr. Hofer, head of the Houghton Library in Cambridge, has been abroad all summer, and I have just been able to develop an answer.

This answer is unfortunately very meagre in detail. I did see Mr. Hofer last Saturday, who told me that to the best of his knowledge and belief, the Psalter is buried underground at the present time. He got that story in some way from a source which he believes but cannot count on as being accurate.

So that you may have all the detail, I am sending copy of a letter ~~xxxxxx~~ received this morning from Mr. Jackson.

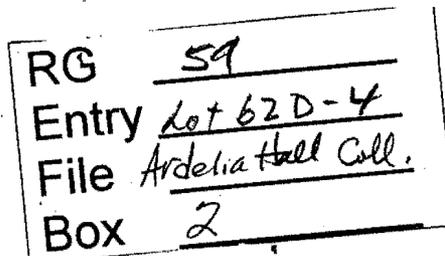
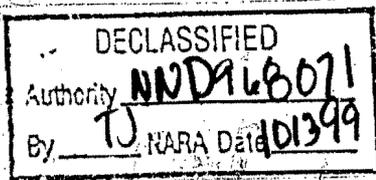
I hope you and your family arrived safely at Belgrade.....

Sincerely,

S/S Norman Harrower

October 20, 1952

108236

C
O
P
Y

LIBRARY OF HARVARD UNIVERSITY
CAMBRIDGE, MASSACHUSETTS
THE HOUGHTON LIBRARY

17 October 1952

Mr. Norman Harrower
Fitchburg, Massachusetts

Dear Mr. Harrower:

Phil Hofer has asked me to tell you about the 1457 Psalter, concerning which George Allen told you. I had several very interesting but fruitless conferences with George Allen and other Assistant Secretaries of State concerning it. The tale of its final return to Germany is a story of a series of frustrations.

You may tell Mr. Allen that the last account I have had concerning this Psalter is that it was sent to Leipzig, that is, into the Russian Zone for exhibition. Whether it was ever returned I know not, though I have been told that it had not been returned. I have not seen the proof for that assertion and only know that I have seen the newspaper clipping of its display in Leipzig.

The book actually belongs to the State Library of Dresden, now also of course, in the Russian Zone. If you are in Cambridge you might wish to see the report concerning this matter which I wrote on the conclusion of my efforts to save the book for scholarship. It was to be returned eventually to the people in Dresden, when it could go there and stay there.

There is no copy of this book on this side of the Atlantic, nor any leaflet from it. It is the first book with a date, the first book with two color printing, the first book with a printer's device, and the first book with musical printing. It has never been reproduced in full. In the course of attempting to save this book, I have every reason to believe at least one man's life was sacrificed through carelessness on the part of the State Department and because they violated a pledge. George Allen, of course, had nothing personally to do with this, nor is the State Department really responsible, except that its machinery for doing anything is so cumbersome as to be, at least in this case, unworkable.

Very truly yours,

S/S Wm. A. Jackson

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ICS - Miss. Hall

November 20, 1952

Dear Ambassador Allen:

Your letter to Howland Sargeant of October 30, about the Mainz Psalter arrived just as he was about to leave here for Paris where he is serving as Chairman of the U. S. Delegation to the Seventh General Conference of UNESCO.

I asked Miss Ardelia Hall, the Department's real expert on the location and return of lost cultural property to give me the facts as she knows them about the Psalter. From what she tells me, it is a fact that the Psalter was transferred to Germany and to the custody of the Office of the U. S. High Commissioner for Germany on March 13, 1950. It has been at the Wiesbaden Landesmuseum ever since, except for a brief period in 1950 when it was loaned across the Rhine to Mainz. I am sure the HICOG Public Affairs staff could confirm the present location of the Psalter if you should wish to check with them from Belgrade.

Sincerely yours,

Joseph B. Phillips
 Acting Assistant Secretary
 for Public Affairs

The Honorable
 George V. Allen,
 American Ambassador,
 Belgrade.

P:BHPatterson:ldp

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GVA:lls

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

11A
att: KCS
Miss Hall
3833

American Embassy,
Belgrade, Yugoslavia,
December 4, 1952.

Dear Mr. Harrower:

With reference to my letter of November 28, I am glad to inform you that I have just received the following report from the U.S. High Commission at Bonn:

"I had some inquiries made here and am glad to be able to let you know that the Psalter was not returned to East Germany. It is at present with the Hessische Treuhandverwaltung fuer Frueheres Preussisches Kunstgut, NEUES MUSEUM, in Wiesbaden.

"A Herr Dr. Bien, telephone Wiesbaden 26136 is the responsible person, should anyone wish to consult the book."

This successfully disposes of the report of which Mr. Jackson heard that the volume had gone to East Germany.

Sincerely,

George V. Allen
American Ambassador

DEPARTMENT OF CIVIL
AND PUBLIC AFFAIRS
FOUR

cc: Joseph Phillips
Mr. Norman Harrower,
Fitchburg, Massachusetts.

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By TJ NARA Date 4/13/99

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File Ardelia Hall Coll.
Box 2



GVA:lls

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

~~HA~~
ICS
3518 Miss
Hall

ADDRESS OFFICIAL COMMUNICATIONS TO

American Embassy,
Belgrade, Yugoslavia,
November 28, 1952.

Dear Joe:

Many thanks for your letter of November 20 regarding the Mainz Psalter. I enclose copies of letters I am writing today to Norman Harrower and to Alfred Boerner, Public Affairs Officer in Bonn.

I'm curious to nail down this report of Jackson's that the volume is in the Soviet Zone.

Cordially,

George V. Allen
American Ambassador

Joseph B. Phillips, Esquire,
Acting Assistant Secretary
for Public Affairs,
Department of State,
Washington 25, D.C.

Enclosures: 2
Copies of letters to Norman Harrower
and Alfred Boerner.

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GVA:lls

American Embassy,
Belgrade, Yugoslavia,
November 28, 1952.

Dear Mr. Harrower:

With further reference to your letter of October 20, and my reply of October 30, 1952, regarding the Mainz Psalter, I enclose a copy of a letter I have just received from the Department of State, indicating that the book has not been sent to the Soviet Zone of Germany and has always remained in the American Zone at Wiesbaden, the Allied collection center, except for a brief period in 1950 when it was loaned to Mainz, which is also in the American Zone.

Mr. Hofer and Mr. Jackson may be interested in the foregoing, in view of the report Mr. Jackson had that it was displayed in Leipzig.

I am asking our Public Affairs Officer in Bonn to give me a definite report on the exact present whereabouts of the volume, since I'm curious to run down this story.

Sincerely yours,

George V. Allen

Mr. Norman Harrower,
Fitchburg, Massachusetts.

108241

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GVA:TTa

GVA:lls

American Embassy,
Belgrade, Yugoslavia,
November 28, 1952.

Dear Mr. Boerner:

I have had word that Mr. William Jackson, Librarian at Harvard, has seen a report that the famous Mainz Psalter was loaned from the Wiesbaden collection center for exhibit at Leipzig and has never been returned from the Soviet Zone.

Since I was concerned with this volume during my last tour of duty in the Department, I would appreciate your letting me know what has happened to it since it was returned to Wiesbaden and what the intentions are in its regard.

Sincerely yours,

George V. Allen
American Ambassador

Alfred Boerner, Esquire,
Public Affairs Officer,
HICOG,
Bonn, Germany.

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EMBASSY OF THE UNITED STATES
BONN
1952

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Entry	Lot 62D-4
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HICOG BE PUB:CA
 APO 742
 c/o P.M. New York, N.Y.

March 31, 1955

Miss Ardelia R. Hall
 Arts and Monuments Advisor
 Department of State
 Washington, D.C.

Dear Ardelia:

Thank you very much for having taken so much trouble to collect the material on Goepel. I gathered from your letter of January 24 that the dispatch of the material through the diplomatic pouch was imminent. As it has not yet reached me, I wonder whether it would be wise to look into the matter?

Enclosed I am sending you a copy of my letter to Mr. Clapp, which is self-explanatory. It is quite incomprehensible to me how Holzinger ever got hold of the Mainz Psalter, which if I remember correctly was given into German federal custody. If you can throw any light on it, I would appreciate it if you would let me know, but please don't do anything officially until Herr von Beyme has exhausted all possibilities.

Sincerely yours,

Edgar
 Edgar Breitenbach

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 Box 2

FORM DS-682
 8-1-50

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OPERATIONS MEMORANDUM

A/AM

TO: Department of State - Washington D.C.

Date: May 5, 1955

FROM: USIS - Bonn *W. Kramer*

SUBJECT: Loan of Mainz Psalter

REF: A-932, April 5, 1955.

USIS Bonn has referred a copy of the referenced instruction to the United States Cultural Officer in Mainz. He will inquire about the current location of the Mainz Psalter and any plans for its loan or removal.

Meanwhile, USIS Bonn would appreciate clarification of the referenced instruction. It is not clear to us who may be expected to request the Federal Republic of Germany for the loan of the Psalter and its removal from Western Germany.

WJK
 WJKramer:mjh

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FORM DS-682
8-1-50

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in the DOR document files.

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ACTION
is assigned to

A/AM

OPERATIONS MEMORANDUM

TO: Department of State - Washington D.C.

Date: August 4, 1955

FROM: USIS - Bonn **1674**

SUBJECT: Loan of Mainz Psalter

REF: A-932, April 5, 1955 and Bonn reply
May 5, 1955, subject "Loan of Mainz Psalter."

RECEIVED
AUG 15 1955
DEPARTMENT OF STATE
RM/R

Mainz Psalter housed Landesmuseum of Hesse, Wiesbaden. Hesse Ministry of Education considered to be guardian of Psalter which is the property of the Dresden Museum. Professor Holzinger, Ministry of Education, Wiesbaden, is aware of interest of a U.S. scholar in Psalter but to date has not located correspondence pertaining thereto. Any request for loan of Mainz Psalter will rest, however, with Federal Government in Bonn.

This Document Must Be Returned to
Central
862A. 421/8-455

CS/MC

RECEIVED
DEPARTMENT OF STATE/AM
AUG 16 1955

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MBallport:mjh

DO/R
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