

Abbr. (M) et al. to
John H.

FFC 168

- 2 -

Erriam Rokhsar
Teheran Iran
15 Aug 44

Ebrahim Rokhsar
505 Fifth Ave NY
33 miscellaneous Iranian objects dec value 711.56

Switzerland (Lisbon)
B&M Segal, Basle
Galerie Fischer, Lucerne
15 Aug 44

Leopold Blumka 115 East 57th St
NY

4 Cases antiquities.

JJ Meilly Am Consul
Guadalajara, Jalisco Mexico

Keith Spalding
Huntington Hotel
Pasadena Cal.

June 17 '44 Miniature Suit of armor from Jugo Slavia

Joseph Van der Henst
30 Rockefeller Plaza NYC

Gustav Revas
Guatemalan Consul
30 Rockefeller Plaza NY

June 6 44 Segonzac Drawings

above listed in inverse chronology are total cases as of 1 May '45

RG 23917

108567

REPRODUCED AT THE NATIONAL ARCHIVES

SECRET

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

October 11, 1944

Principles for the Restitution of
Works of Art, Books, Archives, and
Other Cultural Property

The following recommended principles are based on the memorandum of the Department of State formulating certain statements of policy with respect to reparation, restitution, and property rights vis-a-vis Germany generally, submitted to the American Commission by the Secretary of State on Sept. 2, 1944. Where those statements of policy have been rephrased, it has been to express the views of this Commission.

1. There should be an unlimited obligation on Germany to restore identifiable looted works of art, books, archives, and other cultural treasures.

Comment. This principle is stated in its broadest terms, although it is recognized that there will be practical limitations with regard to its application. Subsequent statements of policy or principles express some of those practical limitations, and are not to be understood as contradictory of this basic principle.

It is assumed that this principle will be applicable to all Axis countries and satellites. If it is not, an obvious loophole is left in the scheme of restitution. Nazi loot may be deposited for example in Italy, Hungary, or Austria. The obligation of the principal offender should also be the obligation of the accessories. It should be noted, however, that the obligation to restore applies between Axis Nations and satellites. Thus, it is intended that paintings taken by the Germans from Italy shall be returned to Italy.

2. Restitution should be restricted to identifiable property in existence prior to German occupation.

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Comment. The Commission believes that this statement is a practical limitation on the general principle expressed in paragraph 1 which is desirable from the standpoint of administration.

3. Looted property should be restored to the existing governments of the territories where the property had its situs and not to the former owners individually.

Comment. This principle expresses a basic rule of international law which the Commission believes to be sound, although it is understood that minority groups in various European countries have suggested that be abandoned.

4. Looted property should be returned in the condition in which it is found.

Comment. This principle means that the Allied Nations will not permit or require Germany to rehabilitate physically damaged works of art. It is assumed that the Allies will be better able to assess the amount of damage done to works of art if they are returned in the condition in which they are at the time of the armistice. It is contemplated, of course, that costs of rehabilitation by the Allied Nations shall be charged against Germany.

5. The return of such property should not count as a credit against Germany's other reparation obligations unless those obligations are expressly based on the removal of the property.

Comment. In view of the great administrative difficulty which would be involved, the Commission ventures no opinion with respect to the allowance of damage for the loss of use of works of art and other cultural treasures.

6. In any case where damage to property is caused by a bona fide effort by the Germans to save the property, reparation may not be charged.

Comment. The obligation to pay damages should not attach where there has been no wrongful act. However, this

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principle may be entirely eliminated if it is decided that the initial German aggression made that country responsible for all damage flowing from the war regardless of subsequent bona fide efforts to prevent such damage.

7. All property removed to Germany during the period of German occupation (except for current output as contemplated under paragraph 2 above) shall be presumed to have been transferred under duress and accordingly treated as looted property.

Comment. This principle means, among other things, that purchases of works of art by Germans in occupied countries will not be recognized as legal acquisitions. The principle is merely an expression of the generally accepted view that the legal devices employed by the Germans as part of their occupation technique will be disregarded.

8. If identifiable looted works of art, books, archives, and other cultural treasures cannot be found, there should be an obligation on Germany to replace such articles by a comparable work of art or cultural treasure from their own public or private collections.

Comment. For example, assume that the Ghent Altarpiece which is known to have been taken to Germany has disappeared. Restitution is not possible because the object has disappeared. It may be that monetary compensation will not fully satisfy the Belgian Government. In that case, the only way in which the Belgian Government can be compensated is to apply the above-stated principle of replacement, namely, to require the German Government to turn over an equivalent from its collections of Flemish pictures. If the article is so unique that no other similar article (or articles) is deemed to be equivalent, then an approximate replacement should be required from any other cultural material belonging to public or private collections in Germany. It is obvious that the application of the principle of replacement will call for

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international judicial tribunals to decide what is an adequate discharge of Germany's obligations.

It is intended that the cultural resources to be used by Germany to replace looted works of art shall be those of Germany and not Italy or other Axis satellites. In other words, the art of Italy is not to be used to satisfy claims against Germany for reparation in kind.

The following principles recommended by the American Commission are not contained in the State Department memorandum:

9. There should be established by all European countries, neutrals as well as belligerents, a freezing control on the exportation and importation of works of art, books, archives, and other cultural property.

Comment. United States and Great Britain have already set up such controls, at least so far as the importation of works of art is concerned. See (1944) 9 Fed. Reg. 6239. By definition, the vast quantity of current commercial art objects which forms the stock in trade of certain types of "art" dealers should be excluded from this control.

10. The destruction of identifiable looted property by Allied bombing or other military action should not relieve Germany of the obligation to make reparation or to replace that property with other equivalent art.

11. In the application of the principle of replacement, such replacement should be so limited as not altogether to deprive Germany of access to cultural materials.

Comment. This qualification means that German cultural materials should not be disposed of in such a way as to make a cultural desert of Germany itself. To do so would be to create an area of ignorance and superstition which might well serve as a breeding place for future war. It is not only possible but probable that demands for restitution in kind

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will exceed in quantity the materials available in Germany for their satisfaction. Without some limitation of the kind suggested, Germany might well be denuded of works of art, books, and museum exhibits.

12. To carry out effectively the policies above set forth, consideration should be given to the creation of a United Nations committee, empowered to hold in trust and to administer the cultural resources of Germany, in order to repair, so far as possible, the injury done to communities and peoples deprived of access to art galleries, libraries, scientific museums, and cultural materials generally.

Comment. This principle provides for an administrative body, which will obviously be essential to the proper administration of any program of effective restitution. The administrative body should be, of course, a United Nations organization and might well be set up under the principal United Nations organization once that organization is created. The destruction of libraries, galleries, museums, etc., throughout parts of Europe creates a critical cultural problem of the first magnitude. The only feasible method of restoring to the peoples of occupied areas some degree of access to cultural materials is to make materials belonging to Germany as widely available to the victims of cultural depredation as possible. The principle here proposed, providing for trusteeship of German cultural property, will constitute an effective and equitable beginning of a program of substantial cultural restitution. The Commission will marshal cultural resources for disposition in accordance with the principles of restitution ultimately adopted, and will also make those resources available to the extent it deems advisable, having regard to maintaining in Germany the basic materials for cultural life, for the satisfaction of claims determined by international tribunals.

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Matters not covered by the above principles. The following situations are not touched upon in the memorandum of the Department of State, and the Commission does not feel that it can make a recommendation regarding the principles or statements of policy which should govern in these cases:

(A) Property appropriated by Germany from her own nationals;

(B) Cultural property which was formerly in an Allied country found in another Allied country, as, for example, paintings from a French museum found in Holland;

(C) Allied art property found in neutral countries.

Comment. In regard to cases (B) and (C), attention is directed to Recommendation VI of the Final Act of United Nations Monetary and Financial Conference, adopted at Bretton Woods, N. H., on July 22, 1944, as follows:

"That all Governments of countries represented at this Conference take action consistent with their relations with the countries at war to call upon the Governments of neutral countries

"(a) to take immediate measures to prevent any disposition or transfer within territories subject to their jurisdiction of any

"(1) assets belonging to the Government or any individuals or institutions within those United Nations occupied by the enemy; and

"(2) looted gold, currency, art objects, securities, other evidences of ownership in financial or business enterprises, and of other assets looted by the enemy;

"as well as to uncover, segregate and hold at the disposition of the post-liberation authorities in the appropriate country any such assets within territory subject to their jurisdiction;

"(b) to take immediate measures to prevent the concealment by fraudulent means or otherwise within countries subject to their jurisdiction of any

"(1) assets belonging to, or alleged to belong to, the Government of and individuals or institutions within enemy countries;

"(2) assets belonging to, or alleged to belong to, enemy leaders, their associates and collaborators; and

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"to facilitate their ultimate delivery to the post-armistice authorities."

The Commission believes that the adoption by the interested nations of Recommendation VI of the Final Act of the United Nations Monetary and Financial Conference, Bretton Woods, N. H., will provide an adequate guide for situations (B) and (C) above.

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Enforcement Measures.

In implementing the principles set forth in this memorandum, the Commission recommends that consideration be given to the administrative measures already taken by the Supreme Headquarters, Allied Expeditionary Force, contained in the ordinance on property control issued by the Supreme Commander, Allied Expeditionary Force, and the functional policy directive for monuments and fine arts in Germany. Those orders are attached hereto as Annex I.

The Commission further recommends that consideration be given to the issuance of the draft directive to the Commander-in-Chief of the Forces of Occupation (US) (UK) (USSR), prepared by the staff of the American Delegation to the European Advisory Commission in London, dated Sept. 14, 1944. The draft directive has already been submitted to the Department of State by Mr. Lightner, Secretary of the European Advisory Commission, and is attached hereto as Annex II.

The Commission has, however, two recommendations in connection with the enforcement measures:

(1) All directives and military ordinances on this subject should refer specifically to "books" and "archives", as well as to "works of art", "objects of scientific or historical importance", or "objects of other cultural importance".

(2) In the draft directive of EAC to the Supreme Occupation Authority (Annex II), clarification of

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By <u>AW</u> NARA Date <u>7/7/97</u>

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paragraph 8 would seem desirable with respect to the discretion conferred. Once the Occupation Authority determines that an object is a "work of art" or "other cultural material", no discretion with regard to assuming control of it should be permitted.

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By AT NARA Date 7/7/77

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MONUMENTS AND FINE ARTS
(Germany)

1. It is the basic policy of the Supreme Commander to take all practicable measures to facilitate the eventual restitution of works of art and objects of scientific or historical importance which may have been looted from Allied Governments or Nationals.

2. You will, therefore, take the necessary steps to enforce regulations forbidding the sale, movement, concealment or destruction of any work of art or object of scientific or historical importance.

3. It is also the policy of the Supreme Commander to avoid as far as military necessity will permit, damage to all structures, objects or documents of cultural, artistic, archaeological or historical value; and to assist wherever practicable in securing them from deterioration consequent upon the process of war.

4. You will, therefore, take such steps as are consistent with military necessity to ensure that no unnecessary or wanton damage is done to such structures or monuments. You will make such regulations as you think fit to ensure that full respect is paid to them by the troops under your command.

5. You will, in consequence, take steps to ensure that no building listed in the Official Civil Affairs List of Monuments will be used for military purposes without your explicit permission or that of the Commander to whom you delegate the power to give such permission.

6. You will further authorize Commanders, at their discretion, to close any of these buildings and put them out-of-bounds to troops.

7. You will ensure that the prevention of looting, wanton damage and sacrilege of buildings by troops, is the responsibility of all commanders and you will insure that the seriousness of offences of this kind is explained to all Allied personnel.

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By SR NARA Date 12-99

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File 822-1948
Box 24

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CONFIDENTIAL

123
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York

TNY - From the Secretary of the Army

LEGATION OF THE UNITED STATES
OF AMERICA
JAN 13 1948
VIENNA

822

1 Director Chief, 13 Jan
USACA Political 1948
Div: (S)

1. The attached cable has been referred to this office by the C/S with the following comment:

"Each Staff Section must constantly follow up and keep a continuing watch to make certain that allegations such as these are not permitted at any time to apply to United States Forces in Austria".

2. For your guidance.

1 Incl
TNY - From Secy. of the Army

Alfred C. Dorn
C. G. DORN
Colonel, GSC
Director, USAF A.G.

WCArmstrong/es
Tel B-48324

For

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Authority NND 765028
By SR NARA Date 12-1-99RG 84
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File # 825-1948
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CONFIDENTIAL

FROM: WAR FROM CSA ROYALL

TO : CINCFC

INFO: USFA (MULT ADDRESS)

REF NO: WX-93396

Recent allegations, as yet unsubstantiated, have been made charging misconduct and malfeasance in EUCCOM. These allegations in general are:

1. Personnel bringing into US loot and goods including objects of art frequently obtained in black market.
2. Black market activities including:
 - (A) American personnel using items from Post Exchanges and commissary for trade, Post Exchange personnel particularly involved;
 - (B) Some traffic in narcotics;
 - (C) Inadequate punishment of natives involved;
 - (D) Army doing little in cases of violations of regulations and when punish is meted out, there is indication of discrimination between the treatment of officers and their dependents and other personnel;
 - (E) Bribes being accepted by Army personnel;
 - (F) CID evidence being quashed and their agents being bought off.
3. Scandalous conduct with mistresses by American personnel.
4. Public display of lavishness by Army officers and their dependents. Allegations of this type always adversely affect public esteem for Army even if later proven to be unwarranted. For this reason nature of allegations is furnished you for such action as you deem appropriate to insure that no foundation will exist for similar charges in your theater.

In connection with these charges, information already received does indicate a laxity in the inspection of personal and household effects being shipped back to the US and also that certificates are sometimes signed in blank without the required inspection. It is desired that all Commanders take such actions as deemed necessary to correct this practice.

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File

GERMANY
Gold, Currency, Loot

Box

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SECRET

WAR DEPARTMENT CLASSIFIED MESSAGE CENTER

INCOMING CLASSIFIED MESSAGE

PRIORITY SECRET

PARAPHRASED

FROM: Commanding General, United States Forces, European Theater, Main,
Frankfurt, Germany.

TO: War Department

No.: 05/14298

DATE: 5 August 1945

This message is for transmittal to the President, Secretaries of the State and Treasury Departments, and Mr. Crowley, Foreign Economic Administration, from Ambassador E. W. Pauley.

Today I wrote you as follows: We have, as you know, in our possession at Frankfurt, more than \$200,000,000 worth of gold captured in Germany by the United States Armed Forces. A large amount of this gold can be probably identified as having been taken from various liberated European countries. No disposition of this gold has been determined. However, the two following possibilities will soon become the subject of active discussion:

- (a) To restore any identifiable gold to the specific countries from which it was taken.
- (b) To view the gold (or at least the identifiable part) as a common pot, and equitably distribute it among the liberated countries which lost gold because of enemy action.

It is my understanding that it would be possible for the United States to regard this gold as War booty, from a strictly legal standpoint. I have not insisted on such treatment of the gold, but I do believe that if such gold, or any part of it, is returned to the liberated countries, either on a straight basis (restitution) or under the formula (common pot), arrangements should be so made that any claims of the United States against such countries will, in effect, become a first lien on the gold to be returned. This lien should be applicable to satisfy existing American claims and also to ensure payment of obligations that the claimant countries will incur soon for the importation of food and other necessary supplies. This would mean that, although we admit the superior right

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By <u>TJ</u> NARA Date <u>9/24/99</u>	File <u>GERMANY</u>
	Box <u>Gold, Currency, Lost</u>
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of the liberated countries to the gold, our continued possession thereof would be for the single purpose of satisfying our claims against those countries, and that such possession should not be relinquished until our existing and immediately prospective claims are satisfied.

End

ACTION: White House

INFORMATION: G-2 (For State Dept. Treas Dept., and FEA)

GE-11-5860 (6 Aug 45)

Note: This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U.S.C., 91 and 92, as amended. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

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PERSONAL FOR PAULLEY FROM THE SECRETARY

I have consulted the President, the Secretary of the Treasury and Mr. Crowley of FEA in regard to the recommendation contained in your telegram of August 5 (from Berlin via War) that the United States retain a lien on gold looted by Germany from occupied countries in Europe until past and prospective claims of the United States against such countries are settled. I have also noted that your telegram of August 13 (No. 3871 from Moscow) renounces this recommendation on looted gold and includes a recommendation for imposing similar conditions on the restitution of looted securities.

It is the view of the President, my view, and that of Judge Vinson and Mr. Crowley that this government cannot adopt your recommendations. The considerations on which this view is based are as follows:

- (a) The United States has no moral or legal basis for laying claim to or attaching this or any other gold belonging to foreign countries in settlement of past or prospective debts;
- (b) The United States is bound by its adherence, given without reservation, to the United Nations' declaration with respect to Axis acts of dispossession of January 6, 1945; the gold declaration of February 22, 1945; Bretton Woods resolution VI; and resolution six of the Conference on Problems of War and Peace held

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GERMANY
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at Mexico City. In these declarations, which were sponsored by the United States and to which the United States invited the signatures of other nations, the United States is solemnly pledged to support the restitution of looted property;

(c) An attempt by the United States to lay claim to gold belonging to countries with which it maintains friendly relations would seriously prejudice those relations. Particularly in this the case since the United States now owns the greater share of the world stock of monetary gold.

The position of the United States, which you should express in your dealings with your colleagues on the Allied Commission on Reparations, is that gold captured by US forces, as well as gold captured by other Allied forces, should in principle be restored to the countries from which it was looted without reservation, condition, or encumbrance. This Government recognizes, however, that German disposition of some looted gold, and the impossibility of identifying the origin of other gold, require for the sake of equity a modification of the simple principle of restitution of identifiable looted objects to the jurisdiction from which they were removed by Germany. The necessity for such modification and the content of paragraph 10 of the Reparations section of the Berlin Protocol have resulted in the advocacy by the United States of the policy of pooling all gold found in Germany and Austria by Allied troops (British, American, French and Soviet) into a common pot. This gold would then be divided among countries which can establish the fact of

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German looting of gold from their jurisdiction, other than USSR, in proportion to their established losses.

This Government is similarly committed to a policy of restitution of securities looted by Germany from occupied countries of Europe, without reservation, condition or encumbrance. To the extent that the jurisdiction from which these securities have been removed cannot be established, an equitable principle of distribution must be devised among the UK, USSR, US and France to achieve rough justice in dividing these securities among the countries from which they were looted.

This Government is anxious that steps should be taken at the earliest possible date to restore gold and securities, as well as other types of property, to the countries from which they were removed by Germany. I would appreciate learning from you whether you consider it likely that negotiations with your colleagues on the Allied Commission on Reparations are likely to lead to early agreement on principles and procedure. If so, you are authorized to propose to your colleagues a formulation of the gold-pot policy and of the principle of restitution of securities described above. The Department is considering certain aspects of the gold-pot policy on which agreement would have to be reached: (1) the scope of the treasure to be included in the pot, e.g., whether US accumulations of precious metals from concentration camps, monetary silver, etc. should be lumped with monetary gold; (2) the eligibility of Austria, Italy and the satellites as claimants on the gold pot, and whether their treatment should

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By TJ HAPA Date 9/24/99

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be identical with that of liberated countries; (3) how looted gold which Germany illegally sold during the course of the war should be recovered and whether recoveries of such gold should be added to the pot. If you consider that the Reparations Commission can usefully attempt to deal with this problem, the Department will communicate its views on these points to you.

If, however, you do not believe that the Reparations Commission will be able to dispose of the question of restitution of gold and securities please advise me directly so that the Department can undertake to have these matters settled either in ACG, in other negotiations with the occupying powers, or by unilateral settlement for the US zone of occupation.

Sent to USPOLAD, BERLIN as _____, repeated to London for Clayton as _____, repeated to Paris as _____.

ONE REPLY: Please repeat to London for Clayton and to Paris.

PH:Kinkelberger:ST 8/15/45 RS QFD AG WB
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Cleared with Treasury _____ Cleared with FBI _____

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By D HAPA Date 9/24/99

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File GERMANY
Gold, Property, Loot
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Germany Looting Property

PARAPHRASE OF TELEGRAM SENT

FROM: Secretary of State, Washington
TO: U. S. Political Advisor, Berlin
DATED: August 15, 1945
NUMBER: 294

SECRET

The following message is personal from the Secretary for the information of Pauley.

Regarding the recommendations which are contained in your cable of August 5 (sent from Berlin via War) to the effect that the United States retain a lien on gold looted from occupied countries in Europe by Germany until prospective and past claims of the United States against such nations have been settled, I have consulted with the President, the Secretary of the Treasury and with others. In addition I have noted that your cable dated August 13 (No. 2831 from Moscow) renews in somewhat different form this recommendation on looted gold and includes a recommendation for imposing similar conditions upon the restitution of securities which have been looted.

In the light of the factors stated below we have given much thought and careful study to this problem:

(a) No moral or legal basis is in possession of the United States for laying claim to or attaching this gold or any other gold belonging to foreign nations in settlement of past debts or prospective ones.

(b) By its adherences, given without reservation, to the United Nations' declaration respecting Axis acts of dispossession of January 5, 1943 the United States is bound; also by the gold declaration of February 22, 1944; resolution VI of the Conference on Problems of War and Peace held at Mexico City; and Bretton Woods resolution VI. The United States is solemnly pledged to support the restitution of looted property in these declarations, which were sponsored by the United States and to which the signatures of other nations were invited by the United States.

cc: 8/27/45 Messrs. Glasser, Guter, Mikacell, Brons (3), L. Hubbard

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(c) An effort by the United States to lay claim to gold which belongs to nations with which it maintains friendly relations would prejudice those relations to a serious extent. In view of the fact that the United States now owns the major share of the world stock of monetary gold, this is especially true.

For this reason, the position of the United States which should be expressed by you in your dealings with your associates on the Allied Commission on Reparations is that gold which the United States forces captured as well as gold which other Allied forces captured should in principle be restored to the nations from which it was looted without encumbrance, condition or reservation. However, this Government recognizes that German disposition of some looted gold and the impossibility of identification of the origin of other gold require a modification of the simple principle of restitution of looted objects which can be identified to the jurisdiction from which they were removed by Germany, for the sake of equity. The contents of paragraph 10 of the Reparations section of the Berlin Protocol and the necessity for such modification as that indicated above have resulted in the advocacy by the United States of the policy of pooling into a common pot all gold found by Allied troops (French, Russian, British, American) in Austria and Germany. Then this gold would be divided between nations which can establish the fact that gold was looted by the Germans from their jurisdiction, other than the USSR, in proportion to their losses which have been established.

In a similar manner this Government is committed to a policy of restitution of securities looted from occupied countries of Europe by the Germans without encumbrance, condition or reservation. An equitable principle of distribution must be devised among the United States, France, Russia and the United Kingdom, to the extent that the jurisdiction from which some securities have been removed cannot be established, in order to achieve rough justice in the division, among the countries from which they were looted, of these securities.

The United States Government is anxious that at the earliest possible date steps should be taken for the restoration of securities and gold as well as other types of property to the countries from which Germany removed them. Information from you as to whether you consider it likely that negotiations with your associates on the Allied Commission on Reparations are apt to lead to agreement on procedure and principles at an early date, would be appreciated by us. You are authorized, if so, to propose to your associates a formulation of the gold-pot policy and of the principle of restitution of securities above described. Certain aspects of the gold-pot policy on

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which agreement would have to be reached are being given consideration by the Department, namely: (1) the compass of the treasure to be included in the pot, for example, whether accumulations of precious metals from concentration camps by the SS, monetary silver, etc., should be lumped in with monetary gold; (2) Italy's and Austria's eligibility and the eligibility of satellites as claimants on the gold-pot, and whether their treatment should be the same as the treatment accorded countries liberated; (3) the manner of recovering looted gold which was sold illegally by Germany during the course of the war and whether there should be added to the pot recoveries of such gold. The Department will communicate its opinions on these points to you if you believe that the Reparations Commission can usefully attempt to deal with this question.

However, I am fully aware of the difficulties which confront you and if, in view of the position of Russia reported in your cable No. 2551, you do not feel that the Reparations Commission will be able to dispose of the problem of restitution of securities and gold it is requested that you let me know so that we may examine into the possibility of settling these matters through other channels of negotiation with the occupying powers or by unilateral settlement for the zone of occupation of the United States.

The foregoing message which was sent as No. 294 to USPOLAD in Berlin, has been repeated as No. 6974 to London for Clayton, and as No. 3879 to Paris.

BYRHS

FH:GPKindleberger:SP

Paraphrased:

DC/L:LGW:KRM

8/23/45 (Initialed) LGW

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Authority NND 978025
By KPO NARA Date 9/30/99

RG 56 - TREAS
Entry 69A4707 - LEGAL STAFF - SPECIAL SUBJECTS
File GERMANY: Military Government - Treasury Participation
Box 82

CONFIDENTIAL

Encl. #1

US GROUP CC
FINANCE DIVISION
APO 742

25 December 1944

SUBJECT: Treatment of Property of Displaced Persons.

TO: Colonel B. BEENSTEIN, A/Director, Finance Division, US Group CC.

PRESENT STATUS:

1. Discussions with Displaced Persons Branches, SHAEF and CC, extending over several months, resulted in an understanding whereby all displaced persons would be processed at Assembly Centers and be made to declare their holdings of Reichsmarks, foreign currency, securities, and similar property other than personal effects.
2. Two or three months ago Displaced Persons, SHAEF, promised to prepare instructions to the field accordingly. This has not yet been done.
3. The original idea was that copy of such declaration would be forwarded to Reception Centers in the receiving countries, where displaced persons would be dispossessed, against receipt, of all Reichsmarks, foreign currency, securities, and similar assets by representatives of their own Government who would keep these assets on blocked account pending inter-governmental disposition. It was also contemplated that as far as stragglers were concerned they would be stopped at the German border by Border Control personnel (G-2) and dispossessed, against receipt, of all such assets. All property thus impounded to remain blocked at the Reichsbank, again pending inter-governmental disposition.
4. At a meeting held in Paris some weeks ago, SHAEF Mission, France, discussed this matter with the French authorities who proposed:
 - a. the impounding of certain assets against receipt at the Reception Centers, in the case of organized movements;
 - b. the impounding of assets at the border by Military Government or other personnel, in the case of stragglers;
 - c. the maintenance of a "trust fund" of all assets thus impounded. The French authorities, however, made it quite clear that they expected to retain the ultimate right of disposition over all assets taken from French displaced persons rather than have the Allied Governments make these assets

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Treasury Participation
 Box 82

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part of inter-governmental settlements. In other words, while they formally agreed to the concept of a trust fund they actually expect a procedure which is the very opposite of a trust fund.

5. Representatives of the US Treasury in London have so far taken the position that displaced persons should be allowed to take almost anything out of Germany to compensate for the hard times they have had.

6. The British element of the Control Commission takes a very different position. They feel very strongly, and their views appear to be shared by the British Treasury, that to let displaced persons leave Germany without strict control would open up an avenue of smuggling, concealment, and dissipation important enough to cause a serious breach in the entire foreign exchange control machinery.

7. They furthermore believe that processing at the Assembly Center is practically useless, as enough time will elapse between such processing and the time displaced persons cross the German border to allow for all kinds of smuggling by irresponsible and objectionable persons.

They finally maintain that the only effective method of control is one established right at the border, or in the case of the western front, on the Rhine, both for organized movements and for stragglers, and that no displaced person should be allowed to take more than personal effects out of Germany.

8. Last week I discussed the matter informally with Major SMITH of Displaced Persons Branch, SHAEP. He reiterated the well-known stand of his branch, i.e., that they were primarily interested in expediting the movement of these displaced persons and were therefore opposed to anything that might cause delays; that they were completely disinterested in whether or not displaced persons took property out of Germany; and that an arrangement had been made with G-2 whereby organized movements of displaced persons would be considered as duly processed when they leave the Assembly Center and would therefore require no further control at the border.

POSITION OF FINANCE DIVISION, US GROUP CC:

9. This Section has from the very beginning held a view which is very close to that held by the British. It may be summarized as follows:

a. An incalculable, but by no means negligible, percentage of displaced persons has been thoroughly indoctrinated by Nazi propaganda and can easily be used by Nazi elements as tools for the concealment and export of important assets.

b. While these people have suffered a great deal during the last four years, no one can possibly object to their being subjected to control measures which at worst may delay their return by a day or two.

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Authority NND 978025
By KFO NARA Date 9/30/99

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Entry 69A4707
File GERMANY: Military Government - Treasury Participation
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c. The quickest possible sealing off of the German border is a problem of paramount importance not only from the foreign exchange standpoint, but also for reasons of security and political safety. To control the border during the combat phase is undoubtedly going to be a tough manpower problem, but it is one that requires the most serious consideration and action, and any program worked out in that respect should adequately cover the very serious loophole created by the movement of displaced persons.

d. Assets like currency, gold, jewelry and deeds are very easy to hide and lend themselves to smuggling on a large scale. The offer of high rewards by Nazi elements in Germany to displaced persons who, as previously stated, may be poisoned already but who at any rate will be receptive to bribery so that they have something in their pocket to start a new life with, is a temptation great enough to merit special measures.

e. Most of the foreign workers, particularly those from the western countries, have been well paid in Germany, which is shown by the amount regularly remitted to their dependents. It therefore stands to reason that unless their repatriation is preceded by a long period of unemployment or internal chaos in Germany, each one of these displaced persons ought to be in the possession of some Reichsmark currency which, considering the large total of displaced persons, may add up to a very sizable amount.

10. For all these reasons this Section takes the stand that Military Government has issued Law No. 53; that this law clearly covers all persons inside Germany; and that no attempt should be made to exempt displaced persons from the provisions of this Law.

11. We agree with the British that the only effective way of controlling displaced persons is through adequate border control.

12. Where we are inclined to take a somewhat more elastic view than the British is on the question of what property displaced persons should be allowed to take out of Germany. While the British feel that only personal effects should be permitted to leave the country we don't see why a displaced person could not be permitted to take, for instance, furniture and other household goods with him. In other words, it is our view that only financial assets and assets liable to be converted into foreign exchange should be taken away from the displaced persons at the border -- i.e., gold and silver in unminted form; platinum; any coin (foreign or German); any foreign currency; any German currency; any securities (foreign or German); any other deeds or instruments evidencing property or property rights outside of Germany, etc.

13. It is particularly important to note that rather than have the French or the Belgians or the Poles impound such assets from their nationals once they have reached their countries (which would mean the loss of these assets for the common foreign exchange pool of the United Nations) we would like to see all these assets

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1. Enclosure for the review, and/or acquisition of foreign exchange assets.

2. Review policy on the release of the law outlined for certain required emergency requirements, if any.

3. Exchange rates, foreign assets of individuals, etc. reported to London and other foreign of British assets released.

DECLASSIFIED
Authority NND 978025
By KN NARA Date 9/30/97

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Entry 69A4707
File GERMANY: Military Government - Treasury Participation
Box 82

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Impounded by military personnel on the German side of the border, subject to instructions from Military Government.

ACTION PROPOSED:

14. The views of other US Government Agencies in Washington will be appreciated. Until we have those views, it is difficult for us to explore the matter further with our British colleagues.

15. Once these views have been ascertained and cleared with the British, a tactical procedure will have to be worked out in order to fix responsibilities as between Displaced Persons, G-2, Finance, and the Allied Representatives working on displaced persons problems.

NOBERT A. BOGDAN
1st Lt., A.C.
Chief, Foreign Exchange Control
& Blocking Section

jhm

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INTERNAL RESTITUTION

Internal restitution law, uniformly applied by all Lander Governments is contained in Military Gazette 50; provides for the return of Nazi confiscated property under the Nuremberg Laws.

Under this Law it is necessary to enter a German Court to secure clarification of right to property. The law was first promulgated but courts were not set up until recently. I asked about USA supervision but did not obtain a clear indication of how it will work.

I was informed that ~~was~~ this confiscated property includes works of art. It would appear that the MPAA officers ~~was~~ would be required to render assistance in the identification of claims for works of art. Much of the property is at Bad Nauheim as previously reported.

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Authority MM 968071By WJH 1/1/82

MILITARY GOVERNMENT - GERMANY
UNITED STATES AREA OF CONTROL

Law NO. 19

DISPOSING OF PROPERTIES IN THE UNITED STATES ZONE OF
OCCUPATION AND THE UNITED STATES SECTOR OF BERLIN
HAVING BELONGED TO THE FORMER GERMAN REICH AND TO THE FORMER GERMAN
STATES, LAENDER OR PROVINCES (INCLUDING THE STATE OF PRUSSIA)

Whereas it is desired to clarify title to property located in the United States Zone and the United States Sector of Berlin which, on 8 May 1945, belonged to the German Reich or to any of the German states, Laender or Provinces (including the State of Prussia); and

Whereas it is deemed expedient to provide for the disposition of such property.

IT IS HEREBY ORDERED AS FOLLOWS:

ARTICLE I

1. All property in the United States Zone of Germany and, subject to the provisions contained in Article XIV, paragraph 18 hereof, all property in the United States Sector of Berlin, which on 8 May 1945 was owned directly or indirectly by the German Reich or any of the German states, Laender or Provinces (including the State of Prussia), the disposition of which has not heretofore been authorized, or provided for pursuant to Military Government legislation, is hereby seized. All rights, interest and title in and to such property are vested in the Military Government for Germany (US) and are herewith disposed of as provided by this Law.

ARTICLE II

2. The Minister President (in Bremen the President of the Senate; in Berlin the Oberbuergermeister), or such other official as may be designated by him, is hereby designated and authorized to effect necessary transfers of title pursuant to the provisions of Article IV, paragraphs 4 and 5; Article V, paragraphs 7 and 8; Article VI, paragraph 10; and Article VII, paragraph 11.

ARTICLE VI

10. Title to property located on the effective date of this Law in the United States Zone of Germany and in the United States Sector of Berlin, consisting of works of art, cultural objects, statues, and appurtenances of museums, having belonged on 8 May 1945 to the German Reich or to any of the German states, Laender or Provinces (including the State of Prussia), whose territories lie principally outside the specified area, is hereby vested in the Land where such property is located (or in the City of Berlin, if located in the United States Sector of

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Authority MM 968071
By WSP 11/16/88

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Berlin), as trustee, in trust for the German State, referred to in Article IV, paragraph 4 hereof, and shall, after the formation of such German State, and upon the order of Military Government, be transferred by the agents designated in Article II hereof to such State. Until the time of such transfer, present arrangements will be continued or such other arrangements will be made for the care and custody of such property as may be deemed suitable by the appropriate authorities.

ARTICLE XII

16. The "specified area", as referred to in this Law, shall mean the Laender Bavaria, Bremen, Hesse, Wuerttember/Baden, and the United States Sector of Berlin. Upon the enactment by the respective Military Governments of legislation which is determined by the Military Government for German (US) to be similar to this Law, the specified area shall include Niedersachsen, Nordrhein/Westphalen, Schleswig-Holstein, Hansestadt Hamburg, Baden, Wuerttemberg/Hohenzollern, Rheinland/Pfalz, and the British and French Sectors of Berlin, in all cases as constituted on 1 September 1948.

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Authority MM 968071
By WBI 1/1/85

DECLASSIFIED
Authority <u>MND 775042</u>
By <u>JIS</u> NARA Date <u>8/21/89</u>

RG <u>260</u>
Entry <u>Dec 1st file</u>
Box <u>511</u>

SECRET

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
AG CABLES
INCOMING MESSAGE

TOO: 161352Z

S E C R E TRECD: 161932Z Apr 48
CN-27/16/gdP R I O R I T Y

FROM : DEPT OF THE ARMY FROM CSCAD FROM EBERLE
TO : CINCEUR PERSONAL
REF NO : W-99722

Reurad Oct CC-1838.

1. The fol pos has been adopted by Army and State.
2. It is the policy of the US that the cultural heritage of all nations be protected. Where to do so appears to be equitable. You are auth to return to claimant Govts cultural objects acquired by Natl Socialist Govt of Germany, its officers and Mil and civ pers from claimant countries in violation of law of such countries or by way of extraordinary exception to established laws of the claimant countries for the protection of cultural objects.
3. The term "extraordinary exception to the established laws" may be construed to include the granting of an unusual permit, license or exemption under circumstances which indicate that an exception to the general rule was made because of either close personal relationship between officials of the claimant country and officials of the Nazi Govt, political reasons, or improper pressure or corruption.
4. Outstanding example of cases falling within above policy is Vipiteno Altarpiece. Other objects mentioned in urad also would appear to come within this policy. If you agree, suggest immediate action to return be instituted and announcement made before Italian election 18 Apr. State Dept requests it and Amembassy, Rome, be promptly informed of any action through USPOLAD, Berlin for public info purposes.
5. Because of its unusual political and religious significance, St Stephen's crown is not to be returned under this policy without prior ref to Army and State. If in your opinion other objects have similar special political or religious significance, it is requested that you consult Army and State, with regard to them.

CC-1838, 3 Oct 47, ECON

ACTION : S/G
INFO : C/S
PROP DIV
OFF ECON ADV
POL AFF
OFF FIN ADV
LEGAL
CONT OFF
MR DEVEREUX

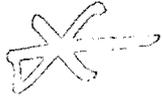
SECRET

AGC IN 1549

17 Apr 48

WLC/gd REF NO: W-99722

108595



DECLASSIFIED
Authority NND 968071
By JG NARA Date 11-5

RG 59
Entry NND 968071
File mainz psalter
Box 1

STANDARD FORM NO. 64

OK - go ahead

Office Memorandum • UNITED STATES GOVERNMENT

TO : ADO - Mr. Leverich, Mr. Schuler, Mr. Bowler, Mr. Kellerman
DATE: September 25, 1946
Mr. Anderson

FROM : ADO - Miss Hall

SUBJECT: Control over Importation of Works of Art

Control over importations of looted works of art, rare books, MSS. and other cultural material, the measures necessary to effect the seizure of such objects illegally brought into the U.S., and the legal grounds for government action have presented a problem of great importance that has been under close consideration by ADO for the past two months. At present there are no instructions for the detaining of such objects.

A licensing system was established in the Bureau of Customs in 1944 which required the importers of art to register the objects valued over \$5,000 or of cultural importance and give proof of bona-fide ownership.

During the time it was in effect the following lots of art were imported:

<u>1945</u> - Jan. - 1	Jul. - 4	<u>1946</u> - Jan. - 2
Feb. - 1	Aug. - 2	Feb. - 5
Mar. - 0	Sep. - 1	Mar. - 14
Apr. - 2	Oct. - 2	Apr. - 32
May - 2	Nov. - 3	May - 30
Jun. - 3	Dec. - 1	Jun. - 19

Mr. Francis Taylor wrote in the New York Times for Sunday, September 19, 1943 as follows: "Private individuals might operate in a "black market" of antiquities in which no questions are asked, but public institutions disposing of trust funds could not very well connive in the liquidation of the artistic patrimony of Europe and act as public receivers of stolen goods . . . "

The T.D. was rescinded on June 13, 1946 under the following circumstances. Mr. Francis Taylor, Director of the Metropolitan Museum of Art and a member of the Roberts Commission, in April, wrote to the Vice-Chairman of the Commission,

" . . . I feel very strongly that the principal effect which we tried to accomplish has been adcomplished and that the continuation of these controls will lead to frustration and enmity on the part of the trade which will result in disadvantage to all the institutions involved. It

seems

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Authority NND 968071
By JW/NARA Date 11-5

RG

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Entry NND968071File mainz psalter

- 2 -

seems to me that when the Commission expires in June, the controls which the Commission established should expire with it. I am sure you will see the wisdom of this."

The reply reads,

" . . . I will take the matter up promptly with the agencies in Washington . . . If there is no objection to an abolishment of the control, a simple recommendation from the Commission to the Treasury would accomplish your objective."

It is indeed a fact that international art dealers are in a position to retaliate upon the few museums represented on the Roberts Commission, which initiated the control. The dealers can go elsewhere to sell their finest objects, to wealthy collectors and to other American museums who have all accumulated large reserves for purchases with the complete drought of the art market during the war.*

Economic Security in the Department has heretofore been the only division closely concerned with this policy, in consideration of the use of valuable art as a safehaven for enemy assets. And after talking with Mr. Baker, Mr. Karasik, and Mr. Rubin, I understand that they are rightly no longer concerned with the possibility that Nazi machine can use art, as other economic assets, to cache in foreign countries, on which they could eventually ride back into power.

However, from the standpoint of cultural relations, the control of the importation and the dispersal of the cultural heritage of the Allied nations is of first importance. No cultural relations program can succeed if at the same time stolen art from public and private collections abroad flows unimpeded into the United States.

I have attempted in approaching this problem to obtain the fullest information, to consider every possible solution for the problem, to move with caution and an understanding of the difficulties with which the institutions of the Roberts Commission were faced. However, I cannot escape the fact that efficient controls must be found, nor the conclusion that it is the work of the Bureau of Customs to implement such control.

A conference

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Authority NND 968071

By JLW/NARA Date 11-5

RG 59

Entry NND 968071

File mainz psalter

Box 1

- 3 -

A conference of the State and Treasury Departments is to be called by Mr. Karasik and I would like to be informed of the position that ADO wishes to take in this matter.

It is my opinion that ADO should take a firm position in not permitting contact with goods to enter the U.S. and to take whatever steps are nec. to effectively control their importation and their reexportation. GFB.

*OK
[Signature]*

I feel that this problem, whatever the final decision, merits immediate attention. GJK

ADO:ARHall:mbv

9/23/46

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Authority <u>NND 968071</u>
By <u>JM</u> NARA Date <u>8/25/77</u>

RG <u>59</u>
Entry <u>Lot 62-D. 4</u>
Box <u>1</u>

D R A F T

DEPARTMENT OF STATE

D R A F T

Memorandum of ConversationDATE: October 15, 1946

SUBJECT: Conference on Customs Control of Importation and Restitution of Cultural Objects in the United States.

PARTICIPANTS: Miss Hall, ADO, State
Mr. Stimson, ES, State

COPIES TO:

GPO 1-1483

I stated that Mr. Karasik desired the conference as soon as possible. I pointed out that in the absence of customs control, looted objects were probably entering the country unchecked and uninvestigated.

Miss Hall stated that she favored holding the conference this week. The sooner the better. On her trip last week to confer with museum ^{officials,} she learned further reasons for reestablishing customs controls as soon as possible.

I reported on the legal basis. Miss Hall agreed that the Trading with the Enemy Act would probably serve as a legal basis until an Act of Congress could be passed. She expressed the opinion that Congress would act favorably on a bill submitted to it by State. She mentioned Senator Thomas of Utah.

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Authority NND 960 071By JM NARA Date 8/25/94RG 59
Entry 62-10-4
Box 1

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Miss Hall agreed with my suggestion that a central agency receive applications and reports, do research, keep permanent files, and pass on applications for release from customs custody. Miss Hall mentioned the desirability of liaison with customs officials. I commented favorably on her suggestion that museums be asked to take actual physical custody and care of cultural objects held in customs custody. She stated that museums are continually performing similar services for private persons.

Miss Hall suggested that the museum officials who served *monuments, fine arts and archives* as ~~MPAA~~ officers and in the OSS Art Looting Investigation Unit during the war be utilized. They have valuable background knowledge and experience, which would be of great assistance to the central agency in its investigations and in accomplishing the surrender and restitution of looted or stolen cultural objects. I suggested that they be invited to membership on an advisory committee. Miss Hall suggested that in addition they be utilized occasionally on a per diem basis in particular investigations.

Miss Hall agreed with me that ADO in OIC is the proper agency to maintain the files, perform the licensing functions, and operate as the central agency for guiding and coordinating the restitution policy and administration of the United States.

Miss Hall stated that she would ask Mr. Bowles to suggest the names of Department of Justice representatives to invite to the conference and to phone me this afternoon.

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Authority: **NND 968071**By: **JM** NARA Date: **8/25/99**

RG	59
Entry	Lot 62-D-4
Box	1

DEPARTMENT OF STATE

Memorandum of Conversation

DATE: October 10, 1946

SUBJECT: Proposed Conference on Customs Control re Looted Cultural Objects, and the Legal Basis for such Control

PARTICIPANTS: Mr. Boskey - ES
Mr. Stimson - ES

COPIES TO:

GPO 1-1493

After discussing the problem in the light of my memoranda of conversations with Russell and Rains of October 7 and 8, Boskey suggested that I consult Monroe Karasik regarding the assembling of the conference. Boskey suggested that I consult by telephone and invite to the conference, Mr. Higman, Assistant Deputy of Customs, in the Bureau of Customs. Mr. Higman is recommended as an authority on customs law by Mr. Tompkins, of CP, who is a customs lawyer. It might be wise to consult Frank Russell on this point. Suggest that Russell attend, or let Customs select their own representatives. I suggested that a higher official in ADO or OIC should be invited since it seems that they will have to administer any licensing system which might be established.

Karasik will not be available for consultation until Monday. The date of the conference should likewise be left up to ADO or OIC. It seems to me desirable that Miss Hall in ADO attend the conference. Phone Anderson in ADO and explain the problem to him and ask whom to invite in ADO and OIC. [Inquire whether he desires to take the initiative in calling the conference. Consult Karasik before proceeding on this.]

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Authority NUD 968071By JM NARA Date 8/25/99RG 59
Entry Lot 62-D-4
Box 1

- 2 -

During the conversation, Mr. Boskey stated that the APC was not now vesting enemy-owned art objects, and has not done so for some time. This procedure could not be used in connection with restitution since it is too difficult to "unvest" the property. Mr. Boskey suggested that the license applications issued under an order based on the Trading with the Enemy Act contain a statement by the applicant that the objects have a clear title and are not unrestituted looted objects confiscated by the enemy governments or nationals during the war with Germany and Japan. If investigation shows the objects to be loot, they could then be seized for violation of licensing and customs regulations, i.e. for making a false statement on the license application.

Legal advice, from Russell and Higman and others, should be obtained as to whether such a form of licensing could be used under the Trading with the Enemy Act.

My opinion is that looted objects obtained from an enemy can be seized and forfeited under the Trading with the Enemy Act. The form of application used under T.D. 51072 was legal under that act. A false statement on such an application would give grounds for seizure as a violation of law and customs regulations. A true statement that a painting had been confiscated by the Einsatzstab Rosenberg, sold to Goering, and purchased by the applicant from Goering would, under TD 51072 and Sections 3a, 5b, and 16 of the Trading with the Enemy Act, ^{would} have been legal grounds for seizure and forfeiture to the United States Government. Section 16 of the Trading with the Enemy Act provides penalties including forfeiture of the property, funds, documents or vessels, as well as fine and imprisonment for violations of the Act.

Section 3a of the Act makes it unlawful to trade or attempt to trade directly or indirectly or for the benefit of an enemy or ally of enemy. This would appear to cover indirect transactions. If the chain of transfer were indirect so that a U. S. citizen or national of an allied or neutral country were importing a looted art object purchased from a neutral or allied national, such importation would appear to be a violation of the Act.

How long could a licensing system be maintained under the Trading with the Enemy Act? Would the Act become inapplicable after the restoration of a legal state of peace between the United States and Germany and Japan, even with regard to looting which occurred during the war? The answer is probably that the licensing system would terminate with the return of a legal status of peace. This may be months

or

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Authority NUD 968071
By JM NARA Date 8/25/79

RG 59
Entry Lot 62-D-4
Box 1

or years in the future, probably time enough to permit the adoption of an act of Congress and an international convention to cover the matter in a thorough and permanent way for peace time as well as war.

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Authority NAV 968071By JM NARA Date 8/25/77RG 59
Entry Lot 62-D-4
Box 1CONFERENCE ON CUSTOMS CONTROL AND RESTITUTION OF LOOTED
CULTURAL OBJECTS SEEKING ENTRY INTO THE UNITED STATESDRAFT AGENDA*Export from, and in transit
shipment there,*

1. The nature and importance of the problem
2. The legal basis for action
 - a. Present situation
 - b. Proposed emergency action:

Issuance of a Treasury Decision or Executive Order under Sections 3a, 5b and 16 of the Trading with the Enemy Act.
 - c. Consideration of desirability of preparatory work for establishing a permanent legal basis for restitution of looted or stolen cultural objects in peace and war. (1) Act of Congress (2) International Convention
3. The type of control to be established by Executive Order or Regulation, and the agencies to administer the same:
 - a. A central federal agency:

Bureau of Customs, Treasury - ~~Foreign Funds~~
Foreign Funds Control, Treasury
Office of Economic Security Policy, State
Office of International Information and Cultural Affairs, State
 - b. All imports, exports, and intransit shipments of cultural objects to be placed in customs custody and, if held more than ten days, transferred to public museums for proper storage pending release or restitution.
 - c. Applications for release from customs custody to be submitted to and acted on promptly by the central agency. This action in most cases could be merely review and necessary correspondence to insure that the form had been properly filled out, and all information called for supplied as far as possible. Customs officials to be notified of consent to release by telephone or telegraph at the request and expense of the applicant. Suspicious cases to be held pending investigation. In the case of imports all objects not suspected of being loot should be released promptly for entry into the country on condition the consignee or importer agree to notify the central agency promptly of any transfer of title, change of location, or intention to re-export. Application forms with full information and photograph to be kept in a permanent central file for continuous study and possible future seizure and restitution by the Government of the United States or by the Government of the country to which the object is exported.

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Authority: NUD 968071By JM NARA Date 8/25/99RG 59
Entry Lot 62-D-4
Box 1

- 2 -

CONFERENCE ON CUSTOMS CONTROL AND RESTITUTION OF LOOTED
CULTURAL OBJECTS SEEKING ENTRY INTO THE UNITED STATES

- d. The central agency to receive and file notices of intent to import from U. S. consuls abroad with full information and photograph.
- e. The central agency to receive and file search requests from Governments of foreign countries, especially the liberated countries, on forms giving full information and photographs.
- f. The central agency to keep the files, do research, pass on applications for release from customs custody, request customs to seize and forfeit to the U. S. Government, cultural objects proven to be loot, with provision for appeal to the courts.
- g. The central agency to receive title to looted objects from the Bureau of Customs under U. S. Code 1618, Treasury Regulations 618 and make restitution of the objects to the Government of the country from which looted. The expense of transportation to be born by government of the country to which restitution is made.
- h. The central agency may establish an expert advisory committee composed of highly qualified art experts and museum officials in all parts of the United States, especially including persons who served as MFADA officers and Looted Art Investigation personnel during the war, to serve without pay. Members of the Advisory Committee may be engaged occasionally for particular investigations on a per diem basis.
- i. The central agency to maintain liaison with the Bureau of Customs, Treasury Department and to collaborate with the Bureau in drafting suitable circular instructions to the collectors of customs for circulation as Treasury instructions or regulations.
- j. The central agency to maintain liaison with intelligence agencies (if necessary, through the Division of Foreign Activity Correlation, Department of State).
- k. The central agency to maintain liaison with the Treasury and Justice Departments in connection with cases arising in administration of the Executive Order and supply information which will assist in prosecutions for violation of the licensing order.

*under Section 3a,
5 b and 16 of the
Trading with the
Enemy Act*

the /

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Authority 100-968071By JM NARA Date 8/25/77RG 59
Entry Lot 62-D. 4
Box 1*found in the United States, or***CONFERENCE ON CUSTOMS CONTROL AND RESTITUTION OF LOOTED CULTURAL OBJECTS SEEKING ENTRY INTO, EXPORTATION FROM, OR INTRANSIT SHIPMENT THROUGH THE UNITED STATES****DRAFT AGENDA**

1. The nature and importance of the problem
2. The legal basis for action
 - a. Present situation
 - b. Proposed emergency actions:

Issuance of a Treasury Decision or Executive Order under Sections 3a, 5b and 16 of the Trading with the Enemy Act.
 - c. Consideration of desirability of preparatory work for establishing a permanent legal basis for restitution of looted or stolen cultural objects in peace and war. (1) Act of Congress (2) International Convention
3. The type of control to be established by Executive Order or Regulation, and the agencies to administer the same:
 - a. A central federal agency:

Bureau of Customs, Treasury
Foreign Funds Control, Treasury
Office of Economic Security Policy, State
Office of International Information and Cultural Affairs, State
 - b. All imports, exports, and intransit shipments of cultural objects to be placed in customs custody and, if held more than ten days, transferred to public museums for proper storage pending release or restitution.
 - c. Applications for release from customs custody to be submitted to and acted on promptly by the central agency. This action in most cases could be merely review and necessary correspondence to insure that the form had been properly filled out, and all information called for supplied as far as possible. Customs officials to be notified of consent to release by telephone or telegraph at the request and expense of the applicant. Suspicious cases to be held pending investigation. In the case of imports all objects not suspected of being loot should be released promptly for entry into the country on condition the consignee or importer agree to notify the central agency promptly of any transfer of title, change of location, or intention to re-export. Application forms with full information and photograph to be kept in a permanent central file for continuous study and possible future seizure and restitution by the Government of the United States or by the Government of the country to which the object is exported.

DECLASSIFIED
 Authority NU0968071
 By JM NARA Date 8/25/99

RG 59
 Entry 60-10-4
 Box 1

-2-

- d. The central agency to receive and file notices of intent to import from U. S. consuls abroad with full information and photograph.
- e. The central agency to receive and file search requests from Governments of foreign countries, especially the liberated countries, on forms giving full information and photographs.
- f. The central agency to keep the files, do research pass on applications for release from customs custody, request customs to seize and forfeit to the U. S. Government under Sections 3A, 5b and 16 of the Trading with the Enemy Act cultural objects proven to be loot or Axis-owned and involving direct or indirect trading with the enemy. Provision should be made for appeal to the courts.
- g. The central agency to receive title to looted objects from the Bureau of Customs under U. S. Code 1618, Treasury Regulations 618 and make restitution of the objects to the Government of the country from which looted. The expense of transportation to be borne by government of the country to which restitution is made.
- h. The central agency may establish an expert advisory committee composed of highly qualified art experts and museum officials in all parts of the United States, especially including persons who served as MFASA officers and Looted Art Investigation personnel during the war, to serve without pay. Members of the Advisory Committee may be engaged occasionally for particular investigations on a per diem basis.
- i. The central agency to maintain liaison with the Bureau of Customs, Treasury Department and to collaborate with the Bureau in drafting suitable circular instructions to the collectors of customs for circulation as Treasury instructions or regulations.
- j. The central agency to maintain liaison with intelligence agencies (if necessary, through the Division of Foreign Activity Correlation, Department of State).
- k. The central agency to maintain liaison with the Treasury and Justice Departments in connection with cases arising in the administration of the Executive Order and supply information which will assist in prosecutions for violation of the licensing order.

108607

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By JM NARA Date 8/25/77

RG 59
Entry 6260-11-11
Box 1

found in the United States, or

**CONFERENCE ON CUSTOMS CONTROL AND RESTITUTION OF LOOTED
CULTURAL OBJECTS SEEKING ENTRY INTO, EXPORTATION FROM,
OR INTRANSIT SHIPMENT THROUGH THE UNITED STATES**

Draft List of Representatives

Office of Economic Security Policy, ESP, Department of State:

Mr. Monroe Karasik
Mr. Bennett Boskey
Mr. George W. Baker
Mr. Ralph H. Stinson

Office of International Information and Cultural Affairs, OIC, Department of State:

Mr. Eugene Anderson
Mr. Henry J. Kellerman, Alternate
Mr. Gordon J. Bowles
Miss Adelia Hall

Foreign Funds Control, Treasury Department:

Mr. Orvis A. Schmidt, Director, FFC
Mr. E. F. Hains

Bureau of Customs, Treasury Department:

Mr. Frank Russell (Designated by
Mr. Johnson, Commissioner of
Customs)

Department of Justice:

Mr. Julian D. Simpson. (Designated
by Mr. James M. McInerney, General
Assistant, Criminal Division, Department of Justice)

DECLASSIFIED
Authority NND 968071
By JW NARA Date 11-5

RG 59
Entry NND 968071
File manz psalter
Box 1

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

DEPARTMENT OF STATE
WASHINGTON

*Make
5 copies*



Jan 6, 1948

To Universities, Museums, Libraries, Art Dealers, and Booksellers.

It is the responsibility and desire of the Government of the United States to recover and return to owner nations those cultural objects, including works of art, archival material, books, and manuscripts, removed and dispersed from public and private collections in war areas, which have been illegally acquired and brought to the United States following World War II.

This responsibility and desire has been shared by American institutions and American citizens. The response of museums, libraries, and dealers to an earlier letter requesting information about such objects which might come to their attention has led to the recovery by this Government of a number of objects of artistic and historic importance. The cooperation of members of the armed forces in surrendering objects found to be from foreign collections and the generous assistance of museums, libraries, and dealers in holding these objects in temporary custody for return has been appreciated.

The continued vigilance of American institutions and the trade in identifying cultural objects looted, stolen, ~~and~~ dispersed during World War II and their cooperation in notifying the Department of State, Washington, D. C. of any obtainable information concerning such objects is requested.

The responsibility of the United States Government in this regard is based upon the principle of respect for the cultural heritage of all nations which has been upheld throughout its history. The pertinent conventional obligations to which this country is signatory may be found in the following documents which can be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C.

Annex
The Hague Convention (IV) of 1907, respecting Laws and Customs of War on Land, Articles 3, 46, 47, and 56 (U. S. Treaty Series, No. 539. Price 10 cents.)

The Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (U. S. Treaty Series, No. 899. Price 10 cents.)

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By JW NARA Date 11-5

RG 59
Entry NND 968071
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Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21 - March 8, 1945, Resolution XIX of the Final Act (Department of State Publication 2497. Price 55 cents.)

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Authority NND 968071
By JW/NARA Date 11-5RG 59
Entry NND 968071
File mainz psalter
Box 1

C O P Y

Department of the Army
Washington, D. C.Honorable Howland H. Sargeant
Deputy Assistant Secretary of Public Affairs
Department of State
Washington 25, D. C.

Oct. 19, 1949

My dear Mr. Sargeant:

I refer to your letter of 30 September 1949, file reference III, to the Secretary of the Army, which has been referred to me for reply.

The Provost Marshal General has informed me that on 6 October 1949 his representatives consulted and effected a liaison with the Arts and Monuments Officer of the Department of State on matters concerning the rendering of investigative assistance in the recovery and return of Looted Objects of Art from European public collections.

On the above date there was a general discussion of the jurisdiction of the Army investigators in cases involving former members of the Department of the Army. It was pointed out that the Army's enforcement powers are limited to the control of only those individuals on active duty and/or those persons coming within the purview of Article of War 2, Manual of Courts-Martial 1949. Despite this lack of jurisdiction in many cases, it was felt that your representative, nevertheless, should consult with the Office of The Provost Marshal General for any possible assistance that that office can render.

Regarding the case reported by Senator Theodore Francis Green of the State of Rhode Island, your representative informed The Provost Marshal General's Office that this case had been referred previously to the United States Customs Bureau and is now under investigation by that agency.

It is suggested, therefore, that your Arts and Monuments Officer be permitted to consult, secure advice, and deal direct with the Office of The Provost Marshal General whenever the need may arise in the recovery and return of looted objects of art.

Sincerely yours,

JOHN W. MARTYN
Administrative Assistant11775
108611

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

RG 59
Entry NND 968071
File mainz psalter
Box 1

Handwritten:
Sept. 30, 1948

Officer of the Department of State, Bureau of Consular Affairs,
Division of the Provost Marshal General's Office.

In reply refer to
ILI

My dear Mr. Secretary:

Under the policy on the "Return of Looted Objects of Art to Countries of Origin," approved by the State-War-Navy Coordinating Committee, January 28, 1947, and published in the attached Department of State Bulletin, page 358 ff., the Department of State, with the cooperation of the Bureau of Customs and American museums, has carried forward the program of the recovery of objects of cultural value dispersed during World War II and introduced into the United States by members of the Armed Forces. It has been the intent of the Department that this program should be administered, if possible, without any punitive measures being taken and without the items apprehended being publicized. The objects thus far recovered and returned were identifiable as coming from European public collections and were voluntarily surrendered.

There have recently come to the attention of the Department reports of other valuable objects appearing in the New York art market suspected of being brought into the country by former members of the Armed Forces. One such case reported to the Department by Senator Theodore Francis Green of Rhode Island involves gold medals and coins from the collection of the Weimar Museum being offered by a former Colonel Smith (?) to the New York art dealer, Berry-Hill. It is believed that such cases might appropriately be handled with the advice and cooperation of the Office of the Provost Marshal General, Major General E. P. Parker, Jr.

It is, therefore, proposed that an opportunity be afforded for consultation between the Arts and Monuments

Officer

The Honorable
Gordon Gray,
Secretary of the Army.

Handwritten: Distribution list
Mr. Gray

Handwritten: 11715

DECLASSIFIED
Authority NND 968071
By JW NARA Date 11-5

RG 59
Entry NND 968071
File mainz psalter
Box 1

- 2 -

Officer of the Department of State and an appropriate
division of the Provost Marshal General's office.

official
Sincerely yours,

For the Secretary of State:

Howland H. Sargeant
Deputy Assistant Secretary
of Public Affairs

Enclosure:

- 1. Department of State
Bulletin, February 23,
1947.

OEX: ILL: ARHall: mms 9/23/49 OEX/D GA EUR
Mr. Conger

11715

DECLASSIFIED
Authority **NND 968071**
By **JM** NARA Date **8/25/77**

RG 59
Entry 62-D-4
Box 1

COPY

Department of the Army
Washington, D. C.

Oct. 19, 1949

Honorable Howland H. Sargeant
Deputy Assistant Secretary of Public Affairs
Department of State
Washington 25, D. C.

My dear Mr. Sargeant:

I refer to your letter of 30 September 1949, file reference III, to the Secretary of the Army, which has been referred to me for reply.

The Provost Marshal General has informed me that on 6 October 1949 his representatives consulted and effected a liaison with the Arts and Monuments Officer of the Department of State on matters concerning the rendering of investigative assistance in the recovery and return of Looted Objects of Art from European public collections.

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Regarding the case reported by Senator Theodore Francis Green of the State of Rhode Island, your representative informed The Provost Marshal General's Office that this case had been referred previously to the United States Customs Bureau and is now under investigation by that agency.

It is suggested, therefore, that your Arts and Monuments Officer be permitted to consult, secure advice, and deal direct with the Office of The Provost Marshal General whenever the need may arise in the recovery and return of looted objects of art.

Sincerely yours,

The Honorable

John W. Martyn

Secretary of the Army
Administrative Assistant

DECLASSIFIED
Authority NND 968071
By JM NARA Date 8/25/77

RG 59
Entry 1062-D.4
Box 1

Department of State
Department of the Army
C. O. H. A.

REPT. FOR THE SECRETARY OF THE ARMY
REPT. FOR THE SECRETARY OF THE ARMY
REPT. FOR THE SECRETARY OF THE ARMY

Handwritten:
Sept. 30, 1948

Officer of the Department of State and an appropriate
officer of the Provost Marshal General's Office.

In reply refer to
III Sincerely yours,

For the Secretary of State

My dear Mr. Secretary:

Under the policy on the "Return of Looted Objects of Art to Countries of Origin," approved by the State-War-Navy Coordinating Committee, January 28, 1947, and published in the attached Department of State Bulletin, page 358 ff., the Department of State, with the cooperation of the Bureau of Customs and American museums, has carried forward the program of the recovery of objects of cultural value dispersed during World War II and introduced into the United States by members of the Armed Forces. It has been the intent of the Department that this program should be administered, if possible, without any punitive measures being taken and without the items apprehended being publicized. The objects thus far recovered and returned were identifiable as coming from European public collections and were voluntarily surrendered.

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It is, therefore, proposed that an opportunity be afforded for consultation between the Arts and Monuments

Officer

The Honorable
Gordon Gray,
Secretary of the Army.

9/25/48

RG 59

Entry Lot 62-D-4
Box 1

DECLASSIFIED

Authority NND 968071

By JRM NARA Date 8/25/99

- 2 -

Officer of the Department of State and an appropriate
division of the Provost Marshal General's office.

official

Sincerely yours,

For the Secretary of State:

Howland H. Sargeant
Deputy Assistant Secretary
of Public Affairs

Enclosure:

1. Department of State
Bulletin, February 23,
1947.

OEX: ILI: ARHall: mms

9/23/49

OEX/D

GA

EUR

Mr. Conger

108616

DECLASSIFIED

Authority NUD968071By JM NAPA Date 8/25/77

RG

Entry

Box

59

Lot 62-D. 4

1

Pending

In reply refer to
ILI 862.403/6-1749

My dear Mr. Martyn:

Your reply of October 19, 1949, to my letter of September 30, 1949, has been received. The cooperation of the Department of the Army in arranging for the liaison between the Arts and Monuments Officer of the Department of State and the Office of the Provost Marshal General, as may be required, in the recovery and return of looted works of art introduced into the United States is very much appreciated.

Sincerely yours,

Howland H. Gergoent
Deputy Assistant Secretary
of Public Affairs

Mr. John W. Martyn,
Administrative Assistant,
Department of the Army,
Washington, D. C.

OEX:ILI:AHall:mas

10/26/49 OEX/D

GA - Mr. Conger

EUR

108617

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

RG 59
Entry NND 968071
File mainz psalter
Box 1

Please certify and return to: ADO:ARH

NOV 17 1947

In reply refer to
ADO

My dear General Noce:

In accordance with SWNCC 322 for the "Return of Looted Objects of Art to Countries of Origin", approved by the State-War-Navy Coordinating Committee on 28 January 1947, the Department of State is to assume the responsibility for making arrangements to have the objects in question suitably packed and delivered to the indicated embassy or legation in Washington or to the Department of the Army for return to countries of origin. The directive further indicates that the expenses are to be defrayed by the three agencies.

It is proposed that the Department of State meet these expenditures initially with the understanding that the Departments of the Army and the Navy may be required to reimburse the Department of State for their share of the expenses in accordance with paragraphs 6 a. and 6 b. of SWNCC 322, if the amounts involved are significant.

A confirmation of this procedure is requested.

Sincerely yours,

Frank G. Wisner
Deputy to Assistant Secretary
for Occupied Areas

Major General Daniel C. Noce, U.S.A.,
Chief, Civil Affairs Division,
Department of the Army,
Washington 25, D.C.

A true copy of
the stated origi-
nal

ADO:ARHall:mbv

9/25/47

OIE OBP

3564

840.403/1-2947

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

PLEASE CERTIFY AND RETURN

CU/AM:ARHall

November 3, 1961

Dear Senator Ervin:

I have received your letter of October 27, 1961, enclosing a letter from Mr. Osborne Sanderson Browne of Clerens, Vaud, Switzerland, concerning the war claims of his mother, Mrs. Katherine Osborne Raggio.

With respect to whether the Department can assist Mrs. Raggio to receive complete compensation from the Federal Republic of Germany for her property losses, the Department has consistently followed a policy of not interfering in the administration of the German restitution laws and of not intervening on behalf of individual claimants, except where there is an arbitrary denial of the remedies provided under the laws or discrimination against a claimant in their application.

With regard to the two paintings, mentioned by Mr. Browne in his letter as having been delivered by mistake to a Jewish charity organization, they have been traced to New York. The Department of State, with the cooperation of the appropriate agency of the United States Government, has the case under investigation. Mrs. Raggio will be informed of the outcome.

The Department of State was in no way responsible for the disposition of the two paintings. The Office of Military Government for Bavaria delivered the two paintings in Munich to the Jewish Restitution Successor Organization under a receipt dated 31 May 1949. The third paragraph of the receipt reads, "This receipt is given with the understanding that the property herein described is of Jewish origin but is unidentified as to individual

ownership

The Honorable
 Sam J. Ervin, Jr.,
 United States Senate.

108619

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 24

-2-

ownership. The receiving agency undertakes to restore to the Military Government properties and objects in its possession which have been delivered to it by mistake." Under restitution procedures, the occupying power, i. e. the United States Government, is saved harmless from any claim of loss.

Mr. Browne's letter and the newspaper clipping are returned herewith, a copy of each having been made for the files of the Department.

If we can be of further assistance in connection with Mrs. Raggio's claims, please do not hesitate to let us know.

Sincerely yours,

Brooks Hays
 Assistant Secretary

Enclosures:

1. From Mr. Browne,
 September 30, 1961.
2. Clipping from
Gazette de Lausanne,
 June 30, 1961.

OU/AM:ARHall:mm

11/2/61

L/C:Mr. Spangler
 Cleared in draft

H

108620

DECLASSIFIED
Authority NND 968671
By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

Ardelia R. Hall - CU/AM
(Drafting Office and Officer)

UNCLASSIFIED

DEPARTMENT OF STATE

Memorandum of Conversation

DATE: November 7, 1961

SUBJECT: Mr. Osborne S. Browne

PARTICIPANTS: Norman Cansler, SCS
ARHall

COPIES TO:

Senator Cotton has received a letter from
Mr. Osborne S. Browne.

In previous correspondence, Raggio-Brownes placed
a valuation of \$600,000 on losses and they received
\$80,000 from the Fed. Rep. of Germany.

UNCLASSIFIED

DECLASSIFIED
 Authority NND 968671
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

~~Cable Address: JOIN TDISCO~~

Raggio
~~Exington 2-5200~~

Jewish Restitution Successor Organization
~~270 MADISON AVENUE~~
 New York 16, N. Y.

MOVED TO
 3 EAST 54th ST.
 NEW YORK 22, N. Y.
 ELdorado 5-5600

August 30, 1960

Miss Ardelia R. Hall
 Arts and Monuments Adviser
 Department of State
 Washington, D. C.

Dear Miss Hall:

This will acknowledge your letter of August 24, which came in during Mr. Kagan's absence. Please be assured that your letter will be brought to his attention upon his return.

Sincerely yours,

L. Schinder
 (Mrs.) L. Schinder
 Secretary to Mr. Kagan

RECEIVED
 DEPARTMENT OF STATE
 CU/AM

AUG 31 1960

MEMBER ORGANIZATIONS

- AMERICAN JEWISH COMMITTEE • AGUDAS ISRAEL WORLD ORGANIZATION • WORLD JEWISH CONGRESS • COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY • BOARD OF DEPUTIES OF BRITISH JEWS • CONSEIL REPRESENTATIF DES JUIFS DE FRANCE • CENTRAL BRITISH FUND • JEWISH AGENCY FOR PALESTINE • AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. • JEWISH CULTURAL RECONSTRUCTION, INC. • INTERESSENVERTRETUNG ISRAELITISCHER KULTUSGEMEINDEN IN THE U. S. ZONE OF GERMANY • ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

- JEWISH AGENCY FOR PALESTINE • AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. • JEWISH CULTURAL RECONSTRUCTION, INC.

DECLASSIFIED

Authority NND 968071By: SR NARA Date 12-7-99

RG

59Entry LOT 62D-4File Ardelia Hall Coll.Box 24In reply refer to
CU/AM

August 24, 1960

Dear Mr. Kagan:

The Department of State has for several years been attempting to recover two paintings delivered to the Jewish Restitution Successor Organization (JRSO) by mistake. They are Munich Central Collecting Point (MCCP) 21837/370/3 and 21839/372/3, listed in the first receipt for cultural property transferred to the JRSO, dated 31 May 1949 under running numbers 199 and 211 respectively. Photographs of the paintings and photocasts of the MCCP property cards are enclosed.

A report from the Treasury Department has been received on the importation of paintings by the JRSO aboard the SS AMERICAN INVICTOR under entry No. 709637 dated August 3, 1949. In this shipment, there was one painting MCCP 21839/372/3 of "Sheep and Shepherds," which was subsequently sold by Mrs. Ellie Beckhardt, dealer, 699 Third Avenue, New York. The disposition of a second painting MCCP 21837/370/3 of a man's portrait has not been determined.

You were reported to have been under the impression that the claim was not properly filed and that the JRSO was not bound to restore such paintings. However, the claim for the two paintings looted in France by the Einsatzstab Reichsleiter Rosenberg was filed on February 6, 1948. It could hardly be said that the legal rights of the claimant are forfeited because of failure to file a timely claim. The ownership of these two paintings by the claimant is fully proven. The JRSO, as the receiving agency, under the restitution receipt for cultural objects, signed the following agreement. "This receipt is given with the understanding that the property herein described is of Jewish origin but is unidentifiable as to individual ownership. The receiving agency undertakes to restore to Military Government properties and objects in its possession which have been delivered to it by mistake."

It

Mr. Saul Kagan, Secretary,
Jewish Restitution Successor Organization,
3 East 54th Street,
New York City, New York.

108623

DECLASSIFIED
 Authority NND 968671
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 620-4
 File Ardelia Hall Coll.
 Box 24

- 2 -

It should be possible to trace these two restituted items, particularly, as they are large framed paintings for which excellent photographs are available for identification.

Your cooperation in the location and recovery of both paintings will be appreciated. It is also requested that the JNSO should provide the Department of State with copies of all papers in Germany and in New York relating to the JNSO disposition of these two paintings.

Sincerely yours,

Ardelia H. Hall
 Arts and Monuments Advisor

Enclosures:

1. Photograph and Property Card:
 HCCP 21637/370/3, German or Dutch, attributed to Hieronim, "Portrait of a Man."
2. Photograph and Property Card:
 HCCP 21639/372/3, German or Dutch, attributed to Pottor, "Sheep and Shepherd."

IE

CU/AM:ARHall:lqf 8/23/60
 L/P: Mr. Teal
 cleared in substance

108624

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box # 11

PLEASE CERTIFY AND RETURN.

CU/AM:ARHall

November 1, 1961

Dear Senator Cotton:

I have received your letter of October 17, 1961, enclosing a photostat copy of a letter from Mr. Osborne Sanderson Browne of Clarens, Switzerland, regarding the claims of his mother, Mrs. Katherine Osborne Raggio.

With respect to whether the Department can assist Mrs. Raggio to receive complete compensation from the Federal Republic of Germany for her property losses, the Department has consistently followed a policy of not interfering in the administration of the German restitution laws and of not intervening on behalf of individual claimants, except where there is an arbitrary denial of the remedies provided under the laws or discrimination against a claimant in their application.

With regard to the possibility of receiving compensation under legislation in the United States, several bills pertaining to the settlement of claims of American nationals against Germany resulting from the war were introduced in the 87th Congress and are still pending action. However, none of the bills thus far introduced provides for claims arising for war losses sustained by American citizens resident in France because French legislation on the same matter permitted American citizens to file claims on the same basis as French nationals.

In this connection the Department is not in a position to state whether compensation for Mrs. Raggio will be provided in the presently pending or any future proposals pertaining to the losses she sustained in France.

With

The Honorable
 Morris Cotton,
 United States Senate.

108625

DECLASSIFIED
 Authority NND 968071
 By: SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 24

- 2 -

With regard to the two paintings, mentioned by Mr. Browne in his letter as having been delivered by mistake to a Jewish charity organization, they have been traced to New York. The Department of State, with the cooperation of the appropriate agency of the United States Government, has the case under active investigation.

The Department of State was in no way responsible for the disposition of the two paintings and learned of the transfer only after Mr. Browne had been advised by the German authorities that the two paintings had been restituted in error.

The Office of Military Government for Bavaria (OMGB) delivered the two paintings in Munich to the Jewish Restitution Successor Organization (JRSO) under a receipt, dated 31 May 1949. The third paragraph of the receipt reads, "This receipt is given with the understanding that the property herein described is of Jewish origin but is unidentified as to individual ownership. The receiving agency undertakes to restore to the Military Government properties and objects in its possession which have been delivered to it by mistake." Under restitution procedures, the occupying power, i.e. the United States Government, is saved harmless from any claim of loss.

There is a photograph and a description of each painting in the OMGB files. Tentatively attributed to Dutch painters of the 17th century, the paintings are of limited artistic importance. The United States Government program for the recovery and restitution of looted works of art has always been, quite properly, limited to objects of museum quality. The Department, however, has been endeavoring to recover these two minor paintings for Mrs. Raggio as a matter of courtesy.

The photostat copies of Mr. Browne's letter, the newspaper clipping and translation are herewith returned.

If

108626

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 24

- 3 -

If we can be of any further assistance in connection with Mrs. Raggio's claims, please do not hesitate to let us know.

Sincerely yours,

Brooks Hays
Assistant Secretary

Enclosures:

1. From Mr. Browne,
October 6, 1961.
2. Clipping from
Gazette de Lausanne,
June 30, 1961.
3. Translation
of clipping.

CU/AM:ARHall:lcf
SCS: Mr. Consier

10/27/61

L/C: Mr. Spangler

108627

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

NOTE FOR FILE

October 27, 1961

RAGGIO BROWNE PAINTINGS

ARHall went to shop on 3rd. Ave. and found a poor, small place, which was Beckhardt Gallery - 899 Third Ave., New York.

Attr. Mierevelt - "Portrait of a Man"
 to

Attr. Potter - "Sheep and Shepherds"
 to

Entered USA, August 3, 1949. Paintings were sold on March 8, 1951 to Mrs. Beckhardt, 899 Third Ave.

Prices in recent sales:

Potter - Landscape, Christie 1957, £ 283.10 = \$792.68

Mierevelt "Portrait of a Man", Dorotheum 1958, S 10,000

" " " " half length Sotherby, £ 85
 (probably a copy of portrait
 in Rijksmuseum).

Signed Potter)
 and dated 1650) Landscape with cattle,
 Parke Bernet \$1,500.

DECLASSIFIED

Authority NND 968071
By SR NARA Date 12-7-99RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11*Raggio - Browne*

THE COMMISSION OF FINE ARTS

INTERIOR DEPARTMENT BUILDING

WASHINGTON 25, D. C.

8 December 1960

Dear Mr. Browne:

I have your letter of December 4 and am sorry you have had such a difficult time locating the present whereabouts of the paintings belonging to your mother which you say were taken by the German authorities during the occupation of France. I have talked with Miss Hall at the Department of State who is in charge of this matter. She tells me it is under active investigation and that she is doing all that she possibly can to expedite the matter.

I wish that I might be able to help you but it is not a matter that comes within the jurisdiction of the Commission of Fine Arts.

Sincerely yours,

David E. Finley
ChairmanMr. Osborne Sanderson Browne
Chalet Fardal - Villars
sur Ollon
Vaud
Switzerland

def/b

108629

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Authority NND 968071By SR NARA Date 12-7-99

RG

59Entry LOT 62D-4File Ardelia Hall Coll.Box 24

OSBORNE SANDERSON BROWNE

Chalet Pardal
 V I L L A R S
 sur O l l o n
 Vaud
 Switzerland

Dec 4 1960

David E Finley Esq
 Chairman
 National Commission of Fine Arts
 Interior Department Building
 W A S H I N G T O N
 D C
 U S A

Dear Sir,

I hope you will forgive me for taking the liberty of troubling you, but I do not know what I should do next concerning the following matter and perhaps you will be so kind as to give me some advice and suggestions.

My mother Mrs. Katharine Osborne Raggio is an American Citizen by birth, born at Salem, Mass. in 1883. I gather the Osbornes arrived in New England about 1631.

Before the last war she had a villa on the South of France and in 1944 the German authorities officially stole everything which was in it because she was an American Citizen and because the American Consular seal was on the front door for protection!

Three and a half years ago we were advised by the German authorities that two of her paintings had been traced by them. One is by Mierevelt and the other by Potter, or school of Potter.

They had been found in Germany at the end of the war by the American authorities and in 1949 handed over in error to someone else. I have in hand letters dated in 1957 from the Department of State declaring that a grave error was made.

For the past 3 and a half years I have been trying but without success to get the Department of State at Washington to have them returned. The American Embassy at Bern

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Entry LOT 62D-4
File Ardelia Hall Coll.
Box 24

OSBORNE SANDERSON BROWNE

Dec 4 1960

has also been trying for over a year and so have the French authorities, owing to the fact that they were stolen in France.

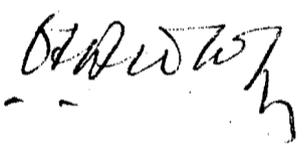
It seems to us that something is very wrong somewhere because it certainly does not take three and a half years to had back property to its rightful owner.

I have given you all the facts but if you should need any other information please do not hesitate to ask me and I will send it to you at once.

I sincerely hope that you will be able to help my mother in this very upsetting matter and that you will forgive me for taking the liberty of writing to you.

With kindest regards,

Yours sincerely,



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 By: SR NARA Date 12-7-99

RG 59
 Entry LOT 620-4
 File Ardelia Hall Coll.
 Box 27-11

AIR POUCH
 PRIORITY

UNCLASSIFIED
 (Security Classification)

DO NOT TYPE IN THIS SPACE

251-1141 Raggio
Katherine Osborne
(m...)/8-1960

FOREIGN SERVICE DESPATCH

FROM : AmEmbassy BERN 88
DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON. August 19, 1960
DATE

REF : CA-8422, April 12, 1960.

For Dept. Use Only	ACTION	DEPT.
	REC'D	OTHER
	<u>CU-5</u> <u>8-26</u>	<u>Rm/R-2 INR-7 EUR-5 L-2</u>

SUBJECT: Claim of Mrs. Katherine Osborne (Browne) Raggio for two paintings restituted in error to the JRSO.

The Embassy has received another query from Mr. Osborne Sanderson BROWNE regarding the paintings belonging to his mother, Mrs. Katherine Osborne RAGGIO. The Embassy would appreciate learning whether there have been any additional developments in this matter.

In its CM of March 10, 1960, the Embassy mentioned that Mr. Browne was interested in learning whether Miss Adelia Hall visited Germany this past fall. The Department replied (CA-8422, April 12, 1960) that Miss Hall took no leave in 1959; however, in a letter to Mr. Browne dated December 3, 1959, Miss Hall stated that some earlier letters he had written had arrived while she was away on leave. The Embassy has therefore made no further mention of this point to Mr. Browne.

For the Ambassador:

Benjamin Weiner
 Benjamin Weiner
 Third Secretary of Embassy

Benjamin Weiner/em

REPORTER

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INFORMATION COPY

Retain in divisional files or destroy in accordance with security regulations.

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Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

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OPERATIONS MEMORANDUM

TO: DEPARTMENT OF STATE Date: February 1, 1960

FROM: Amconggen Frankfurt, Germany

SUBJECT: AMERICAN PROPERTY: Claim of Mrs. Katherine Osborne (Browne)
Raggio for two paintings restituted in error to JRSO

REF: Dept's CA-5907 of January 25, 1960, to Bern, rptd info Bonn and Frankfurt, and previous

An officer of the Consulate General visited Dr. Katzenstein today to discuss with him the whereabouts of the two Raggio paintings. During the conversation, Dr. Katzenstein frequently consulted his file on the case and permitted the consular officer to examine it also.

According to Dr. Katzenstein, the two paintings which he identified as No. 1 (landscape with sheep and shepherd) and No. 2 (portrait of a man) were listed by the Treuhandverwaltung von Kulturgut, Arcisstrasse 10, Munich 10, Germany, as having been delivered to the Jewish Restitution Successor Organization (JRSO) in Nuernberg on May 31, 1949. This information was contained in a letter to the JRSO dated September 9, 1957. According to Dr. Katzenstein, painting No. 1 was sent to the United States on July 1, 1949, on the SS AMERICAN INVENTOR in one of a shipment of 11 boxes forwarded to the American Joint Distribution Committee (AJDC) in New York. The painting was described as "painting, 18th century German school" and was valued at \$20.00. The painting was listed as 59 cm x 77 cm. This painting, he said, was sold by a Mr. Otell in New York on March 8, 1951, to a Mrs. Ellie Beckhardt, dealer, 899 Third Avenue, New York, New York, for the sum of \$10.00. Dr. Katzenstein said efforts made to recover the painting had been unsuccessful.

Dr. Katzenstein said that although he had been unable to find any record of painting No. 2, he was perfectly willing to accept the Treuhandverwaltung's statement that this painting had been delivered to JRSO in Nuernberg on May 31, 1949. He noted that the Munich Collecting Point had informed him that this painting should possibly be attributed to the German school rather than to Mierevelt as stated by Mr. Browne.

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 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

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Dr. Katzenstein showed the consular officer a photostatic copy of the letter he said was sent to JRSC by the appraiser in Paris, one Maurice Rheims, 7 rue Drouot. This letter, dated September 30, 1959, said that on the basis of the photos submitted, neither painting No.1 nor painting No.2 appeared to be of great intrinsic value and estimated their worth to be 20,000 - 50,000 French francs each, adding that possibly a gallery might ask 100,000 - 200,000 French francs each without much chance of a sale. The appraisal fee charged by M. Rheims was 10,000 French francs.

Dr. Katzenstein said he discussed this appraisal with Mr. and Mrs. Browne in Switzerland and told them he would discuss settlement of Mr. Browne's claim with his board of directors on the basis of the appraisal. As Mr. Browne was not satisfied with the appraisal, Dr. Katzenstein suggested that Mr. Browne submit a counter appraisal which Dr. Katzenstein would submit to his board of directors for approval.

When Dr. Katzenstein returned to Frankfurt, he found a letter from Mr. Browne accusing him of trying to make a settlement which was not fair and implying that Dr. Katzenstein's handling of the matter had not been just. This prompted Dr. Katzenstein's letter to Mr. Browne of September 15, 1959, a copy of which was forwarded to this office by the Department.

Dr. Katzenstein suggested that the Department contact Mr. Saul Kagan, secretary of the Jewish Restitution Successor Organization, 3 East 54th Street, New York 22, New York. This office, according to Dr. Katzenstein, was the parent organization and would have the complete records and details on the question, whereas he had only a portion of the case himself.

It is respectfully suggested that the Department contact the customs authorities in New York or the JRSC New York office regarding the consular invoice and export licence covering the shipment of painting No. 1 on the "American Inventor" on July 1, 1949, as copies of these documents are not readily available here.

cc: Amembassy Bern
 Amembassy Bonn

File 236 - Raggio, Catherine
 RForschner:ib

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Run.No.	Munich Arr.No.	Author	Subject	Presumed owner	History
197.	21036/Kogl	369/49 Itg.Russia	Icons: St.Mary presented to the priest	unknown owner	Confisc. from Jews at the Dutch border, evacuated by German custom-authorities to repository Neuwied/Rhein, later to repository Kogl/Aust
198.	21037/ "	370/2 Itg.17/18th.c.	Abraham and Isaac	"	"
199.	21037/ "	370/3 Itg.German ? 17th.c.	Portrait of a man	"	"
200.	21037/ "	370/4 Itg.Rösner	View of castle Nikolsburg	"	"
201.	21037/ "	370/6 Itg.17/18th.c.	Lady with flower	"	"
202.	21037/ "	370/7 Print, J.v.Ostade	2 peasants	"	"
203.	21030/ "	371/5 Itg. Jankowski ?	View of Venice	"	"
206.	21030/ "	371/8 Itg. German 19th.c.	Mountain-landscape with figures	"	"
207.	21030/ "	371/9 Itg.Italian 18th.c.	Landscape with river and boat	"	"
208.	21030/ "	371/11 Itg.Jan van Lachen	Writing girl or Saint	"	"
209.	21039/ "	372/2 Itg. H.Francke	Portrait of a gentleman	"	"
210.	21039/ "	372/4 Itg.Hans Kohlschein	Brick-layers	"	"
211.	21039/ "	372/5 Itg. German 18th.c.	Sheep and shepherd	"	"
212.	21051/ "	304/1 Drw... Filletto	Fairy-tale	"	"

RG 59
 Entry Lot 62D-4
 File Ardella Hall Coll.
 Box 11

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 By SP NARA Date 12-7-99

REPRODUCED AT THE NATIONAL ARCHIVES

PERSONNAGES ET GROUPES — ОТДЕЛЬНЫЕ ЛИЦА И ГРУППЫ — PERSONS AND GROUPS — PERSONEN UND GRUPPEN

1146	31.331	Van der Meulen (attribué à)	Portrait d'homme en buste		M. Raymond Kraemer	<i>Oct. 47</i>
1147-48	36.349	Meyer	Têtes de jeune femmes. Deux pastels		M. François Asch	
1149	31.783	B. Mhan	Portrait d'enfant. Dessin au crayon.	20×20	M. David-Henri Wolkowitsch	
1150	40.386	Midy	Une Bretonne. Aquarelle. Cadre bois doré	30×50	M. Gérard Bloch	
1151	32.402	Mierevelt	Portrait d'homme. Sur bois. Cadre doré ancien. (Photo)		Mme Katherine Osbonne-Raggio	
1152	30.680	Mieris	Un petit portrait		Baron Charles Neuman	
1153	32.045	Pierre Mignard	Portrait de jeune femme vue à mi-corps en robe bleue. Cadre d'époque Louis XIII	126×96	M. Jean Louis-Dreyfus	
1154	37.507	Pierre Mignard (attribué à)	Portrait de femme à mi-corps robe bleue. Cadre d'époque Louis XIV		Mme Marthe Lévy	
1155	11.911		Portrait d'homme		M. Eugène Reisz	<i>Juli 48</i>
1156	52.738		Portrait de femme. Cadre doré		M. Robin de la Cotardière	
1157	50.600	Charles Milcendeau	Tête de vieillard à grande barbe. Dessin sous verre, avec passe-partout gris		M. Jacques Martignan	
1158	36.083	Jean Baptiste Millet	Tête de femme	20×20	Dr Odette Codet	
1159	33.121	Mauricy Minkowski	Portrait d'homme	81×65	M. Alfred Kempner	
1160		Modigliani	Portrait de femme. corsage foncé, jupe rayée		Dr Jacquemin	
1161			Portrait de femme		M. Chaleyssin	
1162	32.121		Portrait de femme	env. 40×30	Mme Eugène Zack	<i>Juli 48</i>
1163	32.091		Portrait de femme (stylisé)		M. R. Reichenbach	<i>"</i>
1164	51.843		Tête de jeune fille	65×50	M. Serge Stoliar	
1165	32.510	Mokadi	Portrait d'enfant		M. Eliakin	
1166	40.386	Monanteuil	Portrait de femme, époque Louis-Philippe. Cadre bois. Dessin au crayon	env. 60×50	M. Gérard Bloch	
1167	37.954	Claude Monet	Enfant dormant	50×43	M. Paul Rosenberg	
1168-72	32.046	Henri Monnier	Personnages. Cinq dessins rehaussés de couleurs		Mme Louis Godefroy	
1173	32.592		Tête. Dessin		M. Philippe Arron	
	32.592		Vivent les blondes. Lavis		Idem	

Control Commission for Germany (French Element),
Répertoire des biens spoliés en France durant la
guerre 1939-1945, pages 72, 98b.

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Entry LOT 62D-4
File Ardena Hall Coll.

BOX

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Authority NND 968671

By SZ NARA Date 12-7-99

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By SP NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11



1182 — MORIZOT



1151 — MIERVELT



1177 — DE MOOR



1183 — MORIZOT



1179 — MOREISE

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By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

Jewish unidentified Receipt No. including 310 items

7

ALLIED CONTROL AUTHORITY
REPARATIONS, DELIVERIES AND RESTITUTION DIRECTORATE

7-91

RECEIPT FOR CULTURAL OBJECTS

Under the provisions of the memorandum of agreement dated 15 February 1949, subject: "Jewish Cultural Property" executed by a representative of the U.S. Government and the Jewish Cultural Reconstruction, Incorporation, this receipt for cultural objects is executed.

The undersigned, Mr. Benjamin B. FRENCZ, Director General of the Jewish Restitution Successor Organization (JRSO), hereby acknowledges the receipt on behalf of said authority and its agent, the Jewish Cultural Reconstruction Incorporation (JCR Inc.), from the United States of America, Commander in Chief in Germany, of the items described in Schedule "A" attached hereto.

This receipt is given with the understanding that the property herein described is of Jewish origin but is unidentifiable as to individual ownership. The receiving agency undertakes to restore to military Government properties and objects in its possession which have been delivered to it by mistake.

The receiving authorities agree that the occupying power and all its agents and representatives shall be saved harmless from any claim for loss, damage, or deterioration, suffered by any item prior to the time of its return to the receiving authority.

Witness:

Stefan P. Munsing
(Signature)

Benjamin B. Frencz
(Signature)

STEFAN P. MUNSLING
(Signature typed)

BENJAMIN B. FRENCZ
(Signature typed)

Chief, Monuments, Fine Arts and Archives Section, Restitution Branch, HQ 401st B.

Director General, Jewish Restitution Successor Organization

(Title or Capacity of Witness)

(Title or Capacity of Signer)

21 May 1949
(Date)

Munich, Germany
Central Collecting Point
(Place)

DISTRIBUTION:

- 1 - Original and one copy - Office of Military Government (U.S. Zone)
- 2 - Office of Military Government for Germany (U.S.)
- 5 - Representative of receiving authority
- 2 - Offices of Military Government for Bavaria

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DECLASSIFIED
Authority NND 968071
By: SR NARA Date 12-7-98

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

1960 JUL 11 AM 9 46

RECEIVED BUREAU OF CUSTOMS
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Authority NND 968071By SR NARA Date 12-7-99

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Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

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P
Y

OSBORNE SANDERSON BROWNE
Representant
40 Boulevard D'Italie
Monte Carlo
Principaute De Monaco
Tel. 026 71

January 6, 1960

Chalet Chanterelle
LES FAGOTS
Canton de Fribourg

Tel. (021) 5 92 84

The Manager
United Press International
Mr. Robert J. Korngold
Rue St. Leger, 24
GENEVE

Dear Sir,

I am taking the liberty of enclosing herewith a story as well as a photograph concerning a racket which has been going on between a Jewish charity organization in Germany and the United States in which it is probable that members of the Department of State have helped and involving perhaps hundreds of thousands of dollars.

My name and address are above. I am a British Subject registered at the British Consulate at Geneva. My father was an Irishman from Northern Ireland and my mother is an American Citizen born at Salem, Mass. U.S.A. Her family, the Osbornes, went to America in 1629 from England.

My wife is a French Citizen. Her father coming from Lorraine where his family had everything looted by the Germans in 1870 and again in 1914. In 1939-45 he was Councillor for the Interior of the Principality of Monaco and later up to his death 6 years ago was a Councillor of State. He was therefore lucky not to lose everything again.

Up to December 1958 when we moved to Switzerland I was the agent for a number of well known firms in Monaco where we lived and also for the Alpes Maritimes Department of France. During 1958 I was also a Church Warden and a member of the Church Council of St. Paul's Anglican Church, Monte Carlo.

We have three daughters who are British Subjects, the two go to school at Chatal St. Denis. They are all 3 down for going to St. Georges School, Clarens, when they become of age. It is a British girl's school.

I am 45 and was educated at LE Rosey, Rolle and Gstaad, and at Chillon College, Villeneuve, Vaud, which was a British Public School. The Browne family

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 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
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 Box 11

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place Ballyarnett, Co. Kerry, Northern Ireland, now belongs to my cousin Senator Sir Dudley McCorkell. An other of my cousins is A.D.C. to the Governor of Northern Ireland.

My mother who is an American Citizen is staying at an hotel at lausanne but owing to her age, 76, and her health does not wish to be disturbed concerning this matter.

The villa at Cap Martin, which is very lovely was completely looted by the German Rosenberg Organization (SRR) in 1944 after having been occupied since 1943 and up to the time of looting by the German army. It was badly damaged by bombing and fighting at the liberation of Monaco and Menton. I got rid of it for next to nothing as we did not have 12,000 pounds to spend in having it fixed and of course could not afford to furnish it again.

I sincerely hope that you will be able to write up a story which will help us to get justice done and also help to uncover the racket which has been going on between JISSO and members of the Department of State and other.

If you should need any more information regarding the subject or if you would like to see any letters or documents please do not hesitate to let me know before hand so that I will be at home to receive you.

If you should hear that the story has been published I would be glad if you would let me know and in which newspapers.

With kindest regards,

Yours sincerely,

s/- Osborne Sanderson Browne

P. S. I am a member of the British Legion (Nice-Monaco Branche), an Honourary Member of the American Legion (Paris Post No. 1) and was a member of the Sons of the American Revolution (Boston Chapter).

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Authority NWD 968871By SP NARA Date 12-2-99RG 59Entry LOT 62D-4File Arabella Hall G-11Box 11

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Herewith I give you the main facts of the matter:-

1923 My Mother, an American Citizen by birth, born at Salem, Mass. U.S.A., daughter of Mr. and Mrs. Richard Abbott Osborne, bought a villa at Cap Martin, A.M., France. This villa was furnished with many family items as well as with many items which my father Commander Willis Vincent Brown, R.D., an Irishman from County Kerry, had collected. Also with items bought by my mother. My father having died in 1921.

1944 The villa, belonging to an American therefore an enemy of Germany, was looted by the well known German Rosenberg Organisation known as ERR.

The Department of State, Washington has given proof to our lawyer in Germany, Dr. H. Capelle, of Dusseldorf, that at least 80% of the items looted went to Germany.

1945 The American Army in Germany found quite a number of our paintings which were taken over by the Central Collecting Point at Munich.

That same year I went, through our legal adviser at Nice, photographs of a number of our stolen paintings as well as other items of furniture to the American Central Collecting Point at Munich, as well as to a number of American, French and British government offices, consulates, embassies etc. as well as to Interpol at Paris.

1947 Three of our paintings (1 by Struzzi, 1 by Plois, 1 by unknown) were sent to Paris by the Collecting Point at Munich.

1948 Next I went to collect from the Service de Recuperation Artistique (now known as the Service de Protection des Oeuvres d'Art, 11 rue Berryer, Paris 8^e). This is a section of the Ministere d'Etat, Affaires Culturelles Arts et Lettres.

1954 I returned to Paris and 3 more paintings were returned to me by the same Service (1 by Veronese, 1 by Lantini and 1 of the school of Potter). These had been handed over in error by the Central Collecting Point at Munich to the Austrian Consulate at Munich in 1949 and sent to Austria. The Americans had photos of the Veronese and the Lantini therefore should never have made this mistake. Shortly after my visit to Paris I went to Munich to do some investigating on my own. At the Kulturgut at Munich I was able to trace a painting of ours by K. D' Hondcoeter (which is signed and of which the Americans also had a photo, it is very large and there should never have been a mistake made). This painting was also handed over to the Austrian Consulate at Munich in 1949 by the Americans.

1954 Even though I went to Salzburg (I found out that it was in a depot in & that town) and got all sorts of important people to interfere with the Austrians (such as Baron Leihar Wisner, an old friend of mine and at the time Austrian Ambassador at London, Monsieur Paul Reynaud,

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Authority NWD 968071By: SR NARA Date 12-7-99

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Ardelia Hall Coll.

Box

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- 4 -

Mr. Robin Chichester-Clark, M.P. for Derry at Westminster, Mr. Chester Marrow, United States Representative for New Hampshire at Washington, etc.) nothing happened till The Figure of Paris, Commaissance des Arts of Paris, and the Londonderry Journal published articles and photos and then a year later it was returned to us through the Service at Paris.

1956

I went on an other hunting expedition, this time to Vienna, Munich and Bad Homburg (near Frankfurt). At the Bundesdenkmalamt at the Hofburg at Vienna I was shown "ALL" photos of "ALL" the items which had been handed over by the Americans to the Austrians. I did think I recognized two paintings of ours by Zuccarelli but within the next few months the Austrians and the Department of State got me so mixed up concerning the matter that I let the matter drop.

1957

I was informed by the Bundesamt fur aussere Restititionen at Bad Homburg, Germany, that a painting which had belonged to my grandfather Richard Abbott Osborne, of Salem, Mass. U.S.A. by the American 19th century painter William Marrott Post (signed) had been traced by them. It was also handed over to the Austrians by the Americans in 1949 even though the Americans had a photograph of it. The Austrians kindly omitted to show me the photo of it the year before when I went to Vienna.

This painting was after a great deal of trouble and work returned to the Service de Protection des Oeuvres d'Art, Paris about two months ago. Two and a half years after its traces were found. Not bad!

During the same year (1957) the Bundesamt at Bad Homburg informed me that a painting of ours by Mierovelt and another one by Potter, or school of Potter, (a mate to the one handed over to the Austrians at the same time) had been handed over in 1949 by the Americans to a Jewish charity organization known as JRSO (Jewish Restitution Successora Organization), Grunneburgweg 119, Frankfurt/Main, Germany, with a great many other art treasures on the SIGNED understanding that these were for safe keeping, not to be sold etc. and if the owners were ever found they should be returned by JRSO at once.

On the 14th. April 1957 I wrote to Miss Ardelia R. Hall, Arts and Monuments Adviser, Department of State, Washington, informing her that I had just received word from the Bundesamt at Bad Homburg, that the Mierovelt painting had been traced by them, as mentioned above, etc. and that it might be in the National Museum at Jerusalem.

I received an answer from Miss Hall dated May 3rd. 1957 as follows:

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Authority MND 968871By SR WRA Date 12-2-98

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File

Adelia Hall G. 11.

BOX

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- 5 -

1957

"The complete file of photographs and photostated documents are being forwarded to the American Embassy in Bonn with a request that under the terms of the restitution receipt, the painting should be turned over by JHSO to an accredited representative of the French Government for restitution to your mother. The Department has also notified Miss Rose Vallard of the Service de Protection des Oeuvres d'Art of this request."

"There should be no difficulty in recovering a work of art which may have been restituted in error, as all United States restitution receipts carry the clause that any object delivered by mistake will be returned."

"I would like to assure you and your Mother that if any of your property, which may have been under United States Government control, is located and identified, you may expect that it will be restored to you under United States Government policies."

In a letter from Miss Hall dated June 18, 1957 she said: "As I have written you, the return of these paintings by JHSO has been requested."

1957

&

1958

&

1959

During these years I have written innumerable letters to Miss Hall always requesting the return of the two paintings and The Hon. Chester E. Morrow, the United States Representative from New Hampshire, has also sent inquiries to the Department of State, but all these without any result.

Miss Vallard of the Service de Protection des Oeuvres d'Art also made requests for their return but also no result.

I also asked Miss Hall to send me photos of all items that had been handed over to JHSO, Austria, etc. but these requests were always refused. The French authorities have also informed me that they were also refused photographs etc. They also protested to the Department of State concerning the handing over of Art Treasures by the Americans to the Jews as they presumed and rightly too, that a number of items had been stolen in France by the Germans. They tell me about this protest in a letter dated 1959.

Aug. 29, 1959

On the morning of this date I had the visit of a Jew by the name of Dr. Ernst Katzenstein, Director of JHSO, Frankfurt. He seemed rather upset to meet me and not my Mother. I suppose he thought he could slip an old lady!

He informed me that the painting by Mierovelt had been LOST.

108644

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 Authority NND 968071
 By: SR NARA Date 12-7-99

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 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

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August 29, 1959

He also informed me that the painting by Potter had been sent by JRSO to America in 1951 and sold at New York for the sum of TEN DOLLARS.

When I suggested that the frame was worth more than TEN dollars and that anyhow it would not be worth while sending a painting from Germany to America to be sold for TEN DOLLARS he answered that of course it was sent over with many other items.

It is therefore quite clear that a racket has been going on in ART TREASURES. JRSO have been stealing other peoples property which was once before stolen by the Germans and selling this property. Therefore the JRSO charity organization was and is no better, in fact even worse, than Hitler's Rosenberg Organization.

Katzenstein insisted many times to try to make me accept a small financial agreement. Probably on the basis of 30,000 French Fra. for each. (OLD FRG) as he mentioned that a friend of his at Paris to whom he had shown the photos said that they were not worth more! I refused to make any agreement and informed him that I would at once advise the Department of State concerning the DISHONESTY of JRSO and I would do everything I possibly could to show up this scandal. I insisted on the return of the paintings.

That same afternoon I wrote by Express Air Mail to Miss Hall, Arts and Monuments Adviser, Department of State, Washington.

September 19, 1959

Not receiving an answer to the above I wrote again to Miss Hall by Air Mail.

I must not forget to mention that on August 29, 1959 my Mother wrote to her childhood friend Mrs. James Warren Adams about the matter. In turn Mrs. Adams wrote to Mr. Chester Harrow. Mr. Harrow wrote to the Department of State in September but so far has not received an answer to his letter.

October 8, 1959

NOT having received any answer to BOTH my letters to Miss Hall I went to Bern with my wife (she was present during my conversation with Katzenstein) and we called at the American Embassy, the Ambassador being ill he asked us to see Mr. Wainer, the Consul. Mr. Wainer made out a report for the Ambassador and also wrote to the Department of State on October 10th. Not receiving an answer he cabled to the Department on October 25th. 1959.

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DECLASSIFIED
 Authority NND 968671
 By SR NARA Date 12-7-99

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 File Ardelia Hall Coll.
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November 20th. about

I gather that about that date someone called on JRSO regarding the matter and that Katzenstein got cold feet and contacted Hall who in turn got frightened and decided that she had better answer my letters as well as the letter and cable from the Embassy at Bern.

DECEMBER 10th.

I received what I consider a very unsatisfactory answer from HALL dated December 3, 1959 and acknowledging receipt of my letters dated August 29th. and September 19th. 1959 and also mentioning that she had received a cable from the Embassy at Bern.

December 15th. 1959

I went to Bern to discuss the letter with Mr. Weiner at the Embassy and as he also did not consider Hall's answer satisfactory he said that he was going to write to the Department of State for more information etc.

On the same date she had also answered Mr. Weiner's letter of October 10th. and cable of October 25th.

December 5th. 1959

On that date I sent a report as requested to The Hon. Walter C. Dowling, American Ambassador to Germany at Bad Godesberg.

December 11th/

Mr. Dowling wrote to me personally to tell me that he had written to the Department of State concerning the matter.

December 5th.

On this Mrs. Adams (her husband who died 4 or 5 years ago was head of American Telephone and Telegraph for the District of Columbia (Washington) wrote personally to Hall not wishing to disturb Mr. Harrow again and also received what we consider a most unsatisfactory and very disagreeable answer.

December 19th.

On this date I sent a report to Mr. John Walker, Director of the Washington National Gallery (Mollen Collection etc.) asking him if he could suggest what I should do in the future to get the paintings returned and also to get light of this racket which has been going on between JRSO and members of

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the Department of State. Mr. Walker's wife is the daughter of the late Eric Drummond later the Earl of Perth and British Ambassador to Rome 1937. His wife's first cousin Mrs. Monica Drummond Grimston who stayed with us at the villa before the war and therefore knew the paintings and is a Godmother to our eldest daughter wrote to Mr. Walker on December 16th. to introduce us and say that I was writing to him in her name. Her father was Col. the Hon. Sir Maurice Drummond, second in charge of Scotland Yard during the war.

This is how the matter stands today January 4, 1960.

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 Box 11



CUSTOMS AGENCY SERVICE
 SUPERVISING CUSTOMS AGENT
 ROOM 405
 201 VARICK STREET

TREASURY DEPARTMENT
 BUREAU OF CUSTOMS
 NEW YORK 14, N. Y.

June 29, 1960

IN REPLY REFER TO:

22-1196

The Commissioner of Customs,
 (Division of Investigations and Enforcement)
 Bureau of Customs,
 Washington 25, D. C.

Dear Sir:

Reference is made to your letter dated February 29, 1960, file PEN 741.04, transmitting to this office a copy of a letter dated February 19, 1960, with inclosures, from Miss Ardelia R. Hall, Arts and Monuments Advisor, Department of State, requesting the assistance of the Bureau of Customs in locating two paintings which may have been imported into the United States.

Examination of the records revealed that two shipments of paintings, drawings, antiques, etc., were imported into the United States by Penson & Co., 11 Broadway, New York, New York, customhouse brokers, for the account of the American Joint Distribution Committee, 270 Madison Avenue, New York, New York.

The first shipment of such articles was imported aboard the SS AMERICAN MILLER and entered free under entry no. 369495 dated June 29, 1949. There were no documents for entry no. 369495 available for examination, having been disposed of by destruction in accordance with existing regulations.

The second shipment of such articles was imported aboard the SS AMERICAN INVENTOR and entered under duty paid entry no. 709637 dated August 3, 1949. Examination of the documents revealed that painting no. 21839/5 "Sheep and Shepherds" was included in a shipment of eleven cases of paintings, engravings, etc., exported from Germany on July 1, 1949, bill of lading no. 4, by the Jewish Restitution Successor Organization, and imported under the instant entry.

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 Authority NND 968071
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FACILITY DEPARTMENT

22-1196

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PHOTOCOPIED
 BELOW YEAR

There are attached, in duplicate, for your information, photostats of entry no. 709637, dated August 3, 1949; shipper's explanation for the articles shipped; shipper's declaration covering the articles shipped; copy of page 11 of the itemized invoice showing the declared value of painting no. 21839/5 to be \$20.00, and copy of the consular invoice for the shipment.

Mr. Benjamin B. Ferencz, 21 East 40th Street, New York, New York, formerly director general of the Jewish Restitution Successor Organization, is currently in Europe and was not available for interview during the course of this investigation.

Mr. Saul Kagan, secretary, Jewish Restitution Successor Organization, currently located at 3 East 54th Street, New York, New York, advised, when interviewed in this regard, that the records show that painting no. 21839/5 was sold to Mrs. Elly Beckhardt, 899 Third Avenue, New York, New York, for the sum of \$10.00, but he had no record of the receipt or disposition of painting no. 21837/3. Mr. Kagan further stated that he is of the opinion that according to the U. S. Government Restitution Law, all individuals whose property was confiscated could enter a claim for such property by December 31, 1948; that the Jewish Restitution Successor Organization (J.R.S.O.) was formed for the purpose of asserting claims on heirless and unclaimed property, and, wherever a timely claim was filed, J.R.S.O. withdrew its claim. Further, it was his belief that in view of an advisory opinion issued by the Restitution Court, it was established that wherever an individual did not file a timely claim, their legal rights were forfeited. Based on this ruling, Mr. Kagan added, he believed their organization was not bound to restore such paintings nor was it liable in any way for its inability to restore such articles.

Mrs. Elly Beckhardt, proprietor of Beckhardt Galleries, 899 Third Avenue, New York, New York, stated, when interviewed, that she purchased a number of paintings from Mr. O'Dell at the Jewish Museum approximately ten years ago, which she knew to be from the aforementioned organization. She stated they were cheap items and she maintained no records as to the disposition of these paintings. She had no recollection of any individual items, and could not identify the subject paintings as being among those she purchased.

*Revised to include
 Salem files
 Feb, 6, 1948
 (MCCOP #170)
 A.R.K.*

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By: SR NARA Date 12-7-99

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22-1196

Mrs. Louise Kayser of the Jewish Museum, Fifth Avenue and 92nd Street, New York, New York, advised that the rooms of that museum were used for the exhibition and display of paintings at that time by J.R.S.O., but they had no records whatever of any of the items; that the exhibition and sale of the paintings was handled by Mr. O'Dell, who represented J.R.S.O. and was not connected with the museum in any way.

When interviewed, Mr. H. F. O'Dell, 40 East 9th Street, New York, New York, advised he was employed for the exhibition and sale of the paintings by J.R.S.O., but that he had no records whatever of the paintings and believed all such records were held by J.R.S.O.

While available records show painting no. 21839/5 was, in fact, imported into the United States, no evidence of the present location of such painting was established. No evidence of the importation of painting no. 21837/3, or the present location of this painting, was established.

The inclosures transmitted with your letter of February 29, 1960, are returned herewith.

Very truly yours,

Customs Agent

APPROVED:

~~Robert A. Rossman, McLaughlin~~
~~John A. ...~~
Supervising Customs Agent

Inclosure:
Photostats (in dup.);
Encl. 16574.

Rpt. in dup.

JRossman:DTZ

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-99

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Box 11

PENNY COMPANY 11 BROADWAY, NEW YORK 4, N. Y.

Custom Form 501
TREASURY DEPARTMENT
8-27-8-51-10-31-10-91-C.R. 1949
Aug. 1947

BOX 134 31464

CONSUMPTION ENTRY

UNITED STATES CUSTOMS SERVICE

Collector's Copy
Comptroller's Copy
Statistical Copy

In-Bond Entry No. _____
From Port of _____
Via _____
(Bonded carrier)

District No. 10-01

Entry No. 709637
Term Bond No. 3057

Port of loading Bremen B/L No. 4 Date of sailing 7-1-49 Port of unloading Bremen
(Above information to be furnished only when merchandise is imported by vessel)

Importer of record Penny Co. (Name) (Street number, city, and State)

For account of American Foreign Distribution Committee (Name) (Street number, city, and State)

Imported on the American Overseas Line (Name of vessel or carrier and motive power) On 7-31-49 (Date imported) Via Bremen (Last foreign port)

Exported from Germany (Country) on 7-1-49 (Date) Consular invoice W. Hamburg - 623-49 (Place, number, and date certified)

MARKS AND NUMBERS OF PACKAGES AND ORIGIN OF MERCHANDISE (1)	DESCRIPTION OF MERCHANDISE, NUMBER AND KIND OF PACKAGES (2) <i>Describe in tariff terms enough detail to permit classification according to Schedule A</i>			ENTERED VALUE IN U. S. DOLLARS (see Note 2) (3)	TARIFF (4)		DUTY (6)	
	GROSS WEIGHT IN POUNDS (see Note 1) (2a)	SCHEDULE A COM-MODITY NUMBER (2b)	NET QUANTITY IN SCHEDULE A UNITS (state units) (2c)		PARAGRAPH (4)	RATE (5)	DOLLARS	CENTS
<u>DRSO</u>	<u>9140.500</u>			<u>330</u>	<u>1811</u>	<u>free</u>		
<u>1830 for sale</u>	<u>9501.000</u>			<u>338</u>	<u>1629</u>	<u>free</u>		
<u>1/11</u>	<u>9620.100</u>			<u>4052</u>	<u>1807</u>	<u>free</u>		
	<u>9640.700</u>			<u>1910</u>	<u>1807</u>	<u>free</u>		
	<u>9020.100</u>			<u>1511</u>		<u>free</u>		
<u>1830 for sale</u>	<u>9540.250</u>		<u>1</u>	<u>15</u>	<u>368</u>	<u>4.50</u>	<u>4</u>	<u>50</u>
<u>one piece</u>	<u>9250.410</u>		<u>1</u>	<u>10</u>	<u>412</u>	<u>16 1/3</u>	<u>9</u>	<u>75</u>
<u>wood</u>				<u>10</u>	<u>412</u>	<u>16 1/3</u>	<u>1</u>	<u>67</u>
<u>Germany</u>				<u>6695</u>		<u>86695.00</u>		

Number of invoices _____ W. H. Entry No. _____ G. O. No. _____

Note 1. In column number (2a), insert "Gross Weight in Pounds" immediately below the description of merchandise. If gross weight is not available for each Schedule A item included in one or more packages, insert approximate shipping weight for each Schedule A item. The total of these estimated weights should equal the actual weight of the entire package or packages.

Note 2. The entered value shown for free or specific-rate merchandise must include non-deductible charges.

Signature Penny Co.
Per Martin H. Rubin
Address _____

MARTIN H. RUBIN

DECLASSIFIED
 Authority NND 968071
 By: SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

EXPLANATION FOR SHIPMENT OF RESTITUTED
 CULTURAL OBJECTS

21 June 1949

709637

The Jewish Restitution Successor Organization, a charitable corporation established under the Laws of the State of New York has been designated by the Office of Military Government (US) as the Successor Organization authorized to receive heirless or unclaimed Jewish property (see attached Regulation in incl. 1). The Monuments, Fine Arts and Archives Section of the Restitution Branch, Headquarters, Office of Military Government for Bavaria, has accordingly delivered to the JRSO a group of cultural objects which are of Jewish origin, but are unidentifiable as to individual ownership (see inclosure 2). Some of these objects as listed on the attached invoice are herewith being consigned to the American Joint Distribution Committee of 270 Madison Avenue, New York, a charitable organization, to be used by them for charitable purposes.

I hereby certify that all of the statements made above and in the attached documents are true to the best of my knowledge and belief.

I further certify that Mr. Eugene Klein, AGO number D-047698 is authorized to sign any and all consular declarations, invoices of merchandise, bills of lading and other documents in connection with the shipment of these restituted items to their destination.

Benjamin B. Ference
 BENJAMIN B. FERENCE
 Director General

(2)

108653

DECLASSIFIED
Authority NND 968071
By: SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

REF. # 31464

Customs Form 3309
TREASURY DEPARTMENT
10-23, C. R. 1943
Nov. 1957

AFFIDAVIT FOR FREE ENTRY OF ORIGINAL PAINTINGS, ENGRAVINGS, DRAWINGS, SCULPTURE, ETC.
(Par. 1807, Tariff Act of 1930)

BUREAU OF CUSTOMS

District No. 10-01, Port of NEW YORK

Collector's Office, MARCH 23RD, 1950

I, American Jewish Joint Distribution Comm., declare under oath that I am the ultimate consignee of the following works of art: PAINTINGS, & ENGRAVINGS

Imported at the port of NEW YORK, per S. S. "AMERICAN INVENTOR"
consigned to PENSON & COMPANY, and that the said articles are to the

best of my knowledge and belief ORIGINAL and were produced
by Artist's Dead or Unknown at Various Places

Declared to under oath before me this 23rd
day of MARCH, 1950

Ernst Zweigenthal
(Title or designation) **NOTARY PUBLIC**

AM. JOINT DISTR. B. COMMITTEE
Ernst Zweigenthal Asst Secy
Notary Public, State of New York
Qualified in Bronx County No. 03-4401300
Certs. filed with Secy. N.Y. Co. Register's
Office, 100 Nassau St., New York 1, N.Y.
General Note: This certificate is valid only in the case of statuary, whether originals
or second replicas; and in the case of etchings, engravings, or
wood-cuts, whether printed by hand from hand-etched or hand-engraved
plates or blocks.

This declaration may be made before any person authorized to administer oaths under sec. 486, Tariff Act of 1930, or Notary Public, etc.)

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

DECLARATION IN CONNECTION WITH PAINTINGS, ETC., AND SCULPTURES

To be entered under Paragraph 1807 of the Tariff Act of 1930

Munich, June 23, 1949
(Place and date)

I, Eugene Klein do hereby declare that I
shipper
am the owner or producer of certain works of art, viz:
see attached list

covered by consular invoice No. 897, certified by the American Consul at Munich, Germany
on the 23rd day of June, 1949; that the said paintings, pastels, drawings, and
sketches are originals; that the said sculptures or statuary are originals or the first or second replicas; and
that the said etchings, engravings, or woodcuts were printed by hand from hand-etched or hand-engraved
plates or blocks and are artists' proofs see also attached explanation, dated June 21, 1949
signed by Mr. Benjamin B. Ferencz; artists thought
to be dead or unknown.

Eugene Klein
(Signature of artist or shipper)

GERMANY
CITY OF MUNICH
CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA

SS:

I, Delmar R. Carlson Vice Consul of the United States of America
at Munich, Germany, do hereby certify that the above declaration was
subscribed and sworn to (or affirmed) before me by Eugene Klein on this 23rd day
of June, 1949, and that the statements therein contained are true to the best of
my knowledge and belief.

Service No.:
Tariff Item 38
No fee prescribed
No fee when issued with a consular invoice.

Delmar R. Carlson
DELMAR R. CARLSON Consul of the United States of America.
Vice Consul of the United States
of America

* If declared to by the foreign shipper the form should be changed to conform thereto, and a statement embodied therein
showing why it is impracticable to obtain the declaration of the artist.

Address

MARTIN H. RUBIN

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-99

RG 59
Entry LOT 620-4
File Ardelia Hall Coll.
Box 11

3

Number on the shipping package Description Appraised Value

Crate No. 9 (continued)

36400/13	<u>miniatures</u> <u>250</u> <u>24</u> <u>not 3rd art</u> <u>wood figures as mfg of wood</u> <u>P41/259</u> <u>val 14.00 not ext 6-87</u>	
36395/35	<u>Porc 7 1/2" val 5</u> <u>VITRIFIED WARE, n.p.l., decorated, not containing 25% or more calcined bone, Par. 212, I. D. 51902.</u>	
36394/13	<u>Porc 7 1/2" val 5</u> <u>VITRIFIED WARE, n.p.l., decorated, not containing 25% or more calcined bone, Par. 212, I. D. 51902.</u>	
36388/5	<u>Porc 7 1/2" val 5</u> <u>VITRIFIED WARE, n.p.l., decorated, not containing 25% or more calcined bone, Par. 212, I. D. 51902.</u>	
36393/25	<u>Porc 7 1/2" val 5</u> <u>VITRIFIED WARE, n.p.l., decorated, not containing 25% or more calcined bone, Par. 212, I. D. 51902.</u>	
36389/14	<u>not found</u>	
36357/1	<u>Coll. of Water Colours and drawings</u> <u>Believed to be original from</u> <u>(valuable) Students art</u> <u>10 to 1070</u> <u>val 810.00</u>	

Crate No. 10

21502/1	<u>Painting 10% 1572</u> <u>Not believed to be an original copy</u> <u>Style of Hondacoeter, Pantry, oil 76.85</u>	<u>9/1a</u> <u>\$150.-</u>
21526	<u>Dutch 17th Cent. Shepherd with sheep.</u> <u>ARTISTIC ANTIQUITIES, PRIOR TO 1830 FOR 1811</u>	<u>320.-</u>
21838/5	<u>Bankowski, Venice Vedute, 19th Cent. oil</u>	<u>\$5.-</u>
21839/1	<u>Bankowski, Venice Vedute, 19th Cent. oil</u>	<u>\$5.-</u>
21930/2	<u>Bankowski, Venice Vedute, 19th Cent. oil</u>	<u>\$5.-</u>
21794/1	<u>Ulrich Liebenow, Still life 1917, oil 60.74</u>	<u>\$15.-</u>
21794/5	<u>19th Cent. German, Portrait of an Officer oil, 53.65</u> <u>Believed to be original</u>	<u>\$15.-</u>

Appraiser please return rate + value for items marked x



Address MARTIN H. RUBIN

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-98

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

—Attach Additional Sheets Here—

Form A, 1961
 Budget Bureau No. 47-R003.1
 No expiration date.

INVOICE OF MERCHANDISE

(Before preparing this invoice, read instructions carefully)

(1) PURCHASED (1) NOT PURCHASED
 (Do not include PURCHASED and NOT PURCHASED merchandise in ONE invoice; use SEPARATE invoice for each)

Nurnberg, June 23, 1949
 (Place and date)

Invoice of Original Paintings, engravings etc. (2) purchased from the artist's estate, purchased from
Jewish Restitution Successor Organization of APC 696-A, U.S. Army, Nurnberg, Germany
 (Merchandise) shipped by (Address)

by American Joint Distribution Committee of 270 Madison Avenue, New York 16, N.Y.
 to (Seller or consignee) (Address)
 (Purchaser or consignee) (Address)

(4) as per order accepted None (Date)
 for the account of American Joint Distr. Committee of 270 Madison Ave, New York, N.Y.
 (Name) (Address)

to be shipped per _____ (Carrier)

(5) MARKS AND NUMBERS ON SHIPPING PACKAGES	(6) MANUFACTURER'S OR SELLER'S NUMBERS OR SYMBOLS	(7) IMPORTER'S NUMBERS OR SYMBOLS	(8) QUANTITIES AND FULL DESCRIPTION OF GOODS (N. B.—Always state the cost of packing, and all other costs, charges, and expenses)	(9) INVOICE UNIT (See questions below)	(10) INVOICE TOTAL	(11) UNIT PRICE (Home consumption or export, per unit)
<u>512</u>			<u>See attached explanation and schedule</u>	<u>Paper</u>	<u>70962.41</u> \$6,695.00	
<u>850</u>				<u>max</u>		
<u>11</u>						

(Read carefully instructions 1 and 9 before answering the first three following questions.)
 Is this merchandise shipped in pursuance of a purchase or an agreement to purchase? No
 (Yes or No)
 If answer to preceding question is "Yes," have you entered as item 9 the purchase price of each item in the currency of purchase?
 (Yes or No)
 Is this merchandise shipped otherwise than in pursuance of a purchase or an agreement to purchase? Yes If answer is (Yes or No)
 "Yes," indicate below whether you have entered as item 9 the present value for each item in the currency in which the transactions are usually made: (a) the value for home consumption including all applicable taxes in the country of exportation; or (b) the export value to the United States if higher; or (c) in the absence of the foreign value and the export value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive for such merchandise if sold in the ordinary wholesale quantities in the country of exportation; or (d) in the absence of all of the foregoing, the cost of production. No (See attached explanation)
 (State whether (a), (b), (c), or (d) is applicable)
 Is the currency, entered as item 9, gold, silver, or paper? US Silver Dollars (State which)
 Have you enumerated all charges and stated whether each amount has been included in or excluded from the above invoice amounts? No
 (Yes or No) If the inland freight is included in the invoice price or value, is the price or value of the merchandise the same at the factory as at the point of delivery? NO
 (Yes or No)
 Have you separately itemized all rebates, drawbacks, bounties, or other grants allowed upon the exportation of the merchandise? N/A
 (Yes or No)
 Is such or similar merchandise offered or sold in the home market for home consumption? n/a If so, what taxes are applicable? _____
 (Rate and kind)

(When invoice is signed by an authorized agent the name of his principal must be shown.)

Signature of Seller or Shipper Eugene Klein
 By EUGENE KLEIN
Administrative Officer (Authorized agent)



Address MARTIN H. RUSIN

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-98

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

CONSULAR INVOICE OF MERCHANDISE
INVOICES NO. 897
Dated JUN 23 1949
FOREIGN SERVICE OF THE UNITED STATES
OF AMERICA AT

Date June 23, 1949
Seller } Jewish Restitution Successor
Consignor } Organization APO 696-A, U.S. Army
Purchase } American Joint Distr. Committee
Consignee } 270 Madison Avenue, New York, N.Y.
Carrier _____
(Vessel or railroad)
Port of shipment Bremen
Destination of goods New York
Port of arrival New York
Port of entry New York
Amount of Invoice \$5,695.00
Kind of goods Restituted, original
Belting, suetraines, and the like



DECLARATION OF SELLER OR SHIPPER, OR THE AGENT OF EITHER, WHEN MERCHANDISE IS SHIPPED IN PURSUANCE OF A PURCHASE OR AN AGREEMENT TO PURCHASE
I, We, acting in the capacity described below, truly declare that _____ of _____ is the {seller} or {shipper} of the merchandise described in the within or attached invoice; that the merchandise is sold or agreed to be sold; that there is no other invoice differing from the within or attached invoice, and that all the statements contained herein and in such invoice are true and correct.
I } further declare that
We }

and that it is intended to make entry of said merchandise at the port of _____ in the United States of America.
Dated at _____ day of _____ this _____ (Seller)
_____ (Shipper)
_____ (Agent of seller)
_____ (Agent of shipper)
CONSULAR CERTIFICATE
Form 140
I do hereby certify that this invoice was this day produced to me by the signor of the above declaration. I do further certify that I am satisfied that the person making the declaration above is the person he represents himself to be, and that a fee of \$2.50 United States currency equal to _____ has been paid by affixing stamps to the original copy of this document. Witness my hand and seal of office the day and year aforesaid.
_____ of the United States of America

DECLARATION OF SHIPPER OR HIS AGENT WHEN THE MERCHANDISE IS SHIPPED OTHERWISE THAN IN PURSUANCE OF A PURCHASE OR AN AGREEMENT TO PURCHASE
I, Eugene Klein, acting in the capacity described below, truly declare that the JRSO of Muenberg, Germany is the {shipper} of the merchandise described in the within or attached invoice; that the merchandise is shipped otherwise than in pursuance of a purchase, or an agreement to purchase; that there is no other invoice differing from the within or attached invoice, and that all statements contained herein and in such invoice are true and correct.
I } further declare that the items
We } listed have been restituted
by U.S. Military Government

and that it is intended to make entry of said merchandise at the port of New York in the United States of America.
Dated at Muenberg, Germany this 23 day of June 1949
Eugene Klein (Shipper)
EUGENE KLEIN (Agent of shipper)
Administrative Officer
CONSULAR CERTIFICATE
Form 140
JUN 23 1949
I do hereby certify that this invoice was this day produced to me by the signor of the above declaration. I do further certify that I am satisfied that the person making the declaration above is the person he represents himself to be, and that a fee of \$2.50 United States currency equal to \$ 2.50 has been paid by affixing stamps to the original copy of this document. Witness my hand and seal of office the day and year aforesaid.
Delvaux P. Carlson of the United States of America
Vice Consul of the United States of America

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 17



OFFICE OF THE COMMISSIONER

ADDRESS REPLY TO
 COMMISSIONER OF CUSTOMS

TREASURY DEPARTMENT
 BUREAU OF CUSTOMS
 WASHINGTON 25

JUL 15 1960

IN REPLY REFER TO
 PEN 741.04
 YOUR FILE
 CU/AM

Dear Miss Hall:

There is enclosed for your information a copy of a report dated June 29, 1960, from the supervising customs agent at New York, with enclosures, concerning the claim of Mrs. Katherine Osborne (Browne) Raggio for the return of two paintings which were restituted in error to the Jewish Restitution Successor Organization. This matter was the subject of your letter of February 19, 1960.

Your enclosures submitted with the above-mentioned letter are also being returned.

Very truly yours,

Shirley Stephens
 SHIRLEY STEPHENS
 Head, Penalties

Miss Ardelia R. Hall
 Arts and Monuments Adviser
 Department of State
 Washington 25, D. C.

Enclosure No. 16884

RECEIVED
 DEPARTMENT OF STATE
 CU/AM

JUL 18 1960

DECLASSIFIED
 Authority NND 968671
 By: SP NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

In reply refer to
 CU/AM

February 19, 1960

Dear Mr. Stephens:

The framed paintings, which were looted from the residence of an American claimant, Mrs. Katherine Osborne (Brome) Raggio in Monte Carlo by the German Government agency, the Einsatzstab Reichsleiter Rosenberg (ERR), during World War II, were restituted in error by GICUS to the Jewish Restitution Successor Organization (JRSO) on May 31, 1949. One of these looted paintings is reported to have been sent to the United States on July 1, 1949, in a JRSO shipment of eleven boxes on the SS AMERICAN INVENTOR, addressed to the American Joint Distribution Committee (AJDC) in New York City. The disposition of the second painting is unaccounted for.

Information about the painting is contained in the enclosed Operations Memorandum from the American Consulate General in Frankfurt, dated February 1, 1960. Dr. Katzenstein is the present Director of the JRSO at the Frankfurt Germany office.

Mr. Benjamin B. Ferenco, the former Director General of JRSO in Germany in 1949 when the restitution to JRSO and shipment to New York took place, is an Attorney and Counselor at Law, 21 East 40th Street, New York 16, New York.

Enclosed are (1) photographs of the two paintings in their frames made at the Munich Central Collecting Point (MCCP) when in the custody of the U. S. Government; (2) MCCP Property Cards for the two paintings with attribution, size, and material; (3) a photostat copy of the Receipt for Cultural Property signed in Munich on May 31, 1949 by Benjamin B. Ferenco, with the provision that "The receiving agency undertakes to restore to Military Government properties and objects in its possession which have been delivered to it by mistake;" (4) a page from the List of missing paintings published by the French Government, attributing the Portrait of a Man to Mierovelt (Dutch, 1567-1541). The second painting of

"Sheep

Mr. Shirley Stephens, Head,
 Penalties, Bureau of Customs,
 Treasury Department,
 Washington 25, D. C.

108660

DECLASSIFIED

Authority NND 968071By: SR NARA Date 12-7-99

RG

59

Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

11

"Sheep and Shepherds" is attributed by the claimant to Pottar (Dutch, 1625-1654).

Dr. Katzenstein has not been cooperative with the Department of State. For three years he maintained that the two paintings were sent to a museum in Jerusalem. Only when the Israeli Government last July denied that the paintings had ever been received in that country, did Dr. Katzenstein produce photographs and information about the shipment to New York.

The American claimant had filed her claim, with photographs, for the property with the Munich Central Collecting Point in 1946. There is, therefore, no excuse for the mistaken restitution to JASSO to have been made by the (German) staff of the Munich Central Collecting Point. The claimant is justifiably indignant and has appealed to members of Congress for the return of her property by JASSO.

The assistance of the Bureau of Customs in locating the looted paintings, which may have been imported in the United States, will be greatly appreciated.

Sincerely yours,

Ardelia R. Hall
Arts and Monuments Adviser

Enclosures:

1. From American Consulate General, Frankfurt, February 1, 1960.
2. Photograph and MSCP Property Card for Num. 21837/Schl. Kogl 370/3; German (?) or Dutch, 17th c. Portrait of a Man.
3. Photograph and MSCP Property Card for Num. 21839/Kogl 372/5; German (?), 18th c. or Dutch 17th c. Sheep and Shepherds.
4. Receipt for Cultural Objects (Jewish unidentified Receipt No. 1 including 310 items), May 31, 1949 (2 pages).
5. CCG (Fr), Répertoire des biens spoliés ... pp. 72.986.

- CU/AM:ARHall:lqf 2/18/60

108661

DECLASSIFIED

Authority NND 968071By SR NARA Date 12-7-99

RG

59Entry LOT 62D-4File Ardelia Hall Coll.Box 11

DEPARTMENT OF STATE INSTRUCTION

1456

UNCLASSIFIED



83

ORIGIN

NO. CA-10719 June 18, 1957

AM

INFO

SUBJECT: Request to JRSO for return of another painting to identified owner.

EUR

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L

TO: The American Embassy, BONN

CIA

USIA

RPT INFO: PARIS

Reference is made to the Department instruction CA-9166, May 2, 1957 and the Embassy despatch No. 2073, May 20, 1957.

The Jewish Restitution Successor Organization (JRSO) should be informed that a second painting Munich No. 21839 Kogl 372/5, attributed to Zuccarelli, "Landscape with Flock of Sheep," and described on the Munich Central Collecting Point (MCCP) property card as German 18th century, "Sheep and Shepherds," has been identified as the property of Mrs. Katherine Osborne Raggio. The JRSO should be requested to arrange for the delivery of the painting to the French Government for restoration to Mrs. Raggio, as in the case of the Mierevelt portrait Munich No. 21837/3, also identified as the property of Mrs. Raggio, in the referenced instruction, CA-9166.

A photograph of the painting: Munich 21839 Kogl 372/5, photo-stats of the property card, for its identification, and the MCCP Receipt No. 1 (791) signed by the Director General JRSO, for the transfer of this painting to JRSO and its listing on page 14, Running No. 211, are enclosed.

The second painting attributed to Zuccarelli mentioned in your despatch No. 2073, Munich 21839/7 of "Landscape with Cattle" and described on the enclosed MCCP property card as German 18th century, "Cattle and Horses in front of Ruins" was among the 967 paintings transferred to Salzburg, Austria, for continued research and restitution. The painting was identified and restituted to France by USCOA on November 12, 1953.

The similar subject and same size, 59 x 77 cm, of Munich 21839/5 and 21839/7 shows that they are pendant pictures as claimed.

DULLES

For enclosures, see following page.

UNCLASSIFIED

DRAFTED BY:

AM:ARHall:lqf

6/17/57

APPROVED BY:

AM:ARHall

CLEARANCES:

GEA: Mr. Harlan

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Authority NND 968071
By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

No.

CA-10719

PAGE 2

UNCLASSIFIED
(Security Classification)

Enclosures:

1. Photograph of
MCCP 21839 Kogl 372/5
2. MCCP Property Card
No. 21839 Kogl 372/5.
3. MCCP Receipt from JRSO, No. 1
31 May 1949, pp 1, 2, 14
for MCCP 21839 Kogl 372/5.
4. MCCP Property Card
No. 21839 Kogl 372/7.

UNCLASSIFIED
(Security Classification)

108663

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

Jewish unidentified Receipt No including **310** items 7

ALLIED CONTROL AUTHORITY
 REPARATIONS, DELIVERIES AND RESTITUTION DIRECTORATE
 RECEIPT FOR CULTURAL OBJECTS 791

Under the provisions of the memorandum of agreement dated 15 February 1949, subject: "Jewish Cultural Property" executed by a representative of the U.S. Government and the Jewish Cultural Reconstruction, Incorporation, this receipt for cultural objects is executed.

The undersigned, Mr. Benjamin B. FERENCZ, Director General of the Jewish Restitution Successor Organization (JRSO), hereby acknowledges the receipt on behalf of said authority and its agent, the Jewish Cultural Reconstruction Incorporation (JCR, Inc.), from the United States of America, Commander in Chief in Germany, of the items described in Schedule "A" attached hereto.

This receipt is given with the understanding that the property herein described is of Jewish origin but is unidentifiable as to individual ownership. The receiving agency undertakes to restore to military Government properties and objects in its possession which have been delivered to it by mistake.

The receiving authorities agree that the occupying power and all its agents and representatives shall be saved harmless from any claim for loss, damage, or deterioration, suffered by any item prior to the time of its return to the receiving authority.

Witness:

Stefan P. Munsing
 (Signature)

Benjamin B. Ferencz
 (Signature)

STEFAN P MUNSING
 (Signature typed)

BENJAMIN B. FERENCZ
 (Signature typed)

Chief, Monuments, Fine Arts and Archives Section
 Restitution Branch
 Hq. GFMG.
 (Title or Capacity of Witness)

Director General,
 Jewish Restitution Successor Organization
 (Title or Capacity of Signer)

31 May 1949
 (Date)

Munich, Germany
 Central Collecting Point
 (Place)

DISTRIBUTION:
 Original and one copy - Office of Military Government (U.S. zone)
 2 - Office of Military Government for Germany (U.S.)
 5 - Representative of receiving authority
 2 - Office of Military Government for Bavaria

108664

DECLASSIFIED
 Authority NND 968071
 By: SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

Classification PAININGS		Property Card Art		Mun. <u>21839</u> <u>Roel</u> <u>372/5</u>	
Author: German, 18.cent.		Subject: Sheep and shepherds		Presumed Owner: Jewish	
Measurements: L <u>59</u> W <u>77</u> H		Material: oil - canvas		Inv. No. <u>NND</u> Cat. No. <u>Statement Sheet</u>	
Depot possessor: ERR		Arrival Condition:		PHOTO	
Identifying Marks:		Description: In Raggio claim attributed to Potter or his School (Dutch 1625-1654).			
Bibliography:				FOR OFFICE USE: Claim No. Other Photos: Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Neg. No. <u>21839/5</u> File No. Movements:	

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

Content of cards

Arrival Date

From

JCR Nuernberg 28 Mai 1949

History and Ownership:

Confiscated from Jews at the Dutch border
Evacuated by German customs authorities
to repository Neuwed/Rhein. Later to repository
Kogl/Austria. From there to CC: Munich

Packed

Condition and Repair Record:

Location:
House:
Floor: 10/16
Room:

800

DECLASSIFIED
Authority NND 968071
By SP NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11



2183915

DECLASSIFIED
Authority NND 968671
By 52 NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

Copies of card: 94
Arrival Date: 19.3.1946.

Exit: JGR Nuernberg 29. Mai 1949

History and Ownership:

for help mail
Confiscated from Jews at the Dutch border.
Evacuated by German custom authorities
to repository Neuwerk/Rhein, later to repository
No. 1/Austria from there to CC-warehouse

Condition and Repair Record:

Location:
House:
Floor:
Room:

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-98

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11



DECLASSIFIED
Authority NND 968071
By: SR NARA Date 12-7-98

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 24

*Posie
Hall*

Berlin, June 3, 1948

CONFIDENTIAL

No. 885

SUBJECT: Paintings by TINTORETTO Subject to Restitution.

The United States Political Adviser for Germany has the honor to refer to the Department's instruction no. 60, April 30, 1948 to Caracas, and instruction no. 233, April 30, 1948 to this Mission, concerning an original TINTORETTO painting entitled "Magistro Veneto".

Copies of these instructions with enclosures were referred to the Restitutions Branch of OMCUS which has furnished the following list of paintings by TINTORETTO still subject to restitution:

Handwritten notes:
C-19
C-2
M-11
C-5
C-10
C-11

- a. "Portrait of a Venetian" (photograph enclosed)
Size: 60 x 58 inches.
Owner: Mr. Hugo Perls, 128 Central Park South, New York 19, N.Y.
Document attached herewith: a photostat.
NB. This painting was allegedly destroyed by bombing in the auction house of Lange, Berlin. (Doubtful statement)
- b. "Portrait of Innocent XI"
Size: unknown
Owner: Geisler collection, Vienna.
History: This picture, among eleven (11) others, was taken by the Reichsconservator from the Karl Hesse Bank to the Berlin-Rathaus. From there, it was taken by SS-Sturm-bannfuhrer Rast to the Villa Rast, Scharnikan, Wartheland, Poland.
- c. "Portrait of a Gentleman"
and
"Portrait of a Warrior with Page"
Sizes: unknown
Owner: Italian Government (?)
History: An undated document in the Fascist files states that these two paintings although covered by a certificate of Temporary Import, were

exported to

DECLASSIFIED

Authority NND 968071By SR NARA Date 12-7-99

RG

59Entry LOT 62D-4File Ardelia Hall Coll.Box 24

- 2 -

exported to Germany without presentation at any Export Office.

d. "Tintoretto in Italy"

Size: unknown

Owner: Mr. Birchansky, Paris, France

History: Removed from France by the Germans during the occupation.

The Restitutions Branch states further that the TINTORETTO painting "Doge", 123 x 93.5 cm belonging to the van Gelder collection of Brussels has not as yet been located. The Restitutions Branch requests that if possible a photograph of the painting "Magistro Veneto" be obtained as an aid in the identification of the painting. It would appreciate being informed of any further developments in this case.

Enclosure:

Photograph of a
"Portrait of a Venetian"

Original and ezalid to the Department

Copy to CE - Mr. Beam
CA - Mr. Martin
American Embassy - Caracas

JTRogers/mlo

108672

DECLASSIFIED

Authority NND 968071By: SR NARA Date 12-7-99

RG

59Entry LOT 62D-4File Ardelia Hall Coll.Box 24

831.403/6-548

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

American Embassy,
Caracas, Venezuela, June 5, 1948.

REC'D
JUNE 14

ACTION
OIE

RESTRICTED

INFO
DCR
ARA
EUR

No. 434

Subject: Original Tintoretto Painting Allegedly Located
in La Guaira.

The Embassy has the honor to refer to the Department's instruction No. 60 of April 30, 1948, concerning a report stating that there is located in La Guaira an original TINTORETTO painting entitled Magistro Veneto. Since this information came through a Controlled American Source it is believed that it will not be possible for the Embassy further to investigate this matter. The source is unable to obtain any further information.

The Embassy is of the opinion that for it to approach the Belgian Legation here might in some way prejudice the source of this information. On the other hand, the Department might wish to consider the possibility of telling the Belgian Embassy in Washington, on an informal basis and without reference to this Embassy, of the existence of this report.

JWCarrigan:fp

840.3

RESTRICTED

108673

INFORMATION COPY

Do not return to DC. This copy is for divisional files or other
deposition in accordance with security requirements.

DECLASSIFIED

Authority NND 968071By: SR NARA Date 12-7-98

RG

59

Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

24

831.403/6-548

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

REC'D
JUNE 14

American Embassy,
Caracas, Venezuela, June 5, 1948.

ACTION
OIE

RESTRICTED

INFO
DCR
ARA
EUR

No. 434

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JWCarrigan:fp

840.3

RESTRICTED

108674

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 24

APR 30 1948

RESTRICTEDNo. 60

To the

Officer in Charge of the American Mission,
 Caracas.

The Acting Secretary of State acknowledges the receipt of the Embassy's despatch No. 259 dated March 29, 1948, with a memorandum concerning a painting attributed to Tintoretto of Magistro Veneto in the possession of an individual in La Guaira, Venezuela.

The Department appreciates receiving the memorandum on a suspected looted art object and has forwarded it to the United States Political Adviser in Germany for the information of the Monuments, Fine Arts and Archives Section of the Office of Military Government for Germany (U.S.) who are concerned with the recovery and restitution of allied claims for looted art.

The Department has very limited information on missing objects of art. Only preliminary and incomplete lists have thus far been received from the allied governments.

A painting by Tintoretto of a Dege (123 x 98 $\frac{1}{2}$ cm.), looted from a collection in Brussels, is listed by the Belgian Government among the paintings of Belgian ownership still missing. This painting is a large one. If it were possible to check the dimensions of the painting in La Guaira with the size of the Belgian picture given above, it could be readily determined whether or not it might be suspected of being the same one. In such a case it would be most advantageous for purposes of identification to have a photograph of the painting.

If it is apparent that there may be some grounds for believing this painting in Venezuela is the missing Belgian picture, the Department will forward the information to the Belgian Government.

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Authority NND 968071
By SR NARA Date 12-7-99

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Entry LOT 62D-4
File Ardelia Hall Coll.
Box 24



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Authority NND 968671By: SR NARA Date 12-7-99

RG

59

Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

24

Jacopo Tintoretto: Portrait of a Venetian
size 60/58 inches

Bought in 1930 for 50000 Mark

This painting was from 1931 to April 22, 1942 in the Storage of de Gruijter in Amsterdam, 90 Frans van Mierisstraat. There the Nazis have stolen it through the organization "Heim in Holland", headed by Mr. MUMM.

Box No. Tinto.

This painting was sold in a public auction sale through Herr Lange Berlin, Bellevuestrasse, in 1943. The buyer was Leo von Koenig. The painting today is at Mrs Anna v. Koenig, 108 Hauptstrasse in Tutzing, Starnberger See, Oberbayern 13B.

/s/

Hugo Perls

128 Central Park South

New York 19, N.Y.

*According to statement by Anna Freifrau v. Koenig
the painting was returned to the auction house of Lange
by Leo Freiherr von Koenig in summer of 1943 for the
purpose of reselling it. The painting was destroyed by
bombing fire before an auction took place.*

(This last statement is doubtful)

H. Perls.

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Office of the Military Governor
APO 742

AG 007 (ED)

6 December 1946

SUBJECT: Transfer of Works of Art or Cultural Materials of Value or Importance

TO : Directors,
Office of Military Government for Bavaria
Office of Military Government for Greater Hesse
Office of Military Government for Wuerttemberg-Baden
Office of Military Government for Bremen Enclave *
Office of Military Government for Berlin Sector *

* Subject to existing agreements with other occupying powers.

1. You are hereby instructed to authorize, under the provisions of paragraph 3 (d) of Article II, Military Government Law No. 52, the Minister President of the Land, or appropriate German authority in Berlin Sector and the Bremen Enclave to license Art Dealers under the conditions and with the restrictions given below.

2. Definitions for the purpose of these instructions.

- a. Art Dealer. Any person engaged in the business of buying, selling, or exchanging any works of art or cultural material, regardless of value, directly or indirectly, as agent, broker, or principal, whether by public auction or private contract, and shall include any dealer in antiquities or old and rare books.
- b. Work of art or cultural material of value or importance (3(d) II, Law 52). Any work of art or cultural material the value or sales price of which exceeds ten thousand (10,000) Reichsmarks, and all incunabulae and manuscripts, excluding books printed after the year 1700 A.D. unless their value exceeds that set above.
- c. Transaction. All acts specified in paragraph 3, Article VII, Military Government Law No. 52.
- d. The definitions contained in paragraph 9 of Article VII, Military Government Law No. 52 shall apply also to these instructions.

3. Export. The licensing authority must be informed, and must inform the Art Dealers, that the provisions of Military Government Law 53 (Foreign Exchange Control) apply equally to works of art or cultural material of value or importance, and that any transaction which involves removal of such objects from Germany is prohibited except as duly licensed by or on instructions of Military Government. All exports must be conducted in conformity with the provisions of Part 3, Title 13, Military Government Regulations.

4. Licensing.

- a. No one may conduct business as an Art Dealer unless properly licensed.
- b. Provision may be made for continuance of business of any Art Dealer conducting business on the effective date of these instructions who makes application for license within 30 days of publication of regulations unless and until notified that the application has been denied.
- c. Application for license as an Art Dealer should be made in writing immediately upon promulgation of regulations, and should include,

RG 260
Entry Archie Hall (W)
Box 250

By AT NARA Date 7-22-77
Authority NNN 775057
DECLASSIFIED

108678

- (1) Name and address of applicant
- (2) Date of application
- (3) (a) Statement to the effect that to the best of his knowledge and belief the applicant has not been the possessor or custodian of any object of art or cultural material which has been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise (paragraph 2, Article I, Military Government Law No. 52); or
 - (b) A complete inventory of all such items with a history of ownership since 1933 upon Military Government Field Report Form MG/MFAA/7/F NOVEMBER 46 "Inventory and Sale Card for Art Dealers".
- (4) An inventory of all works of art or cultural material of value or importance (para 2 b above) which are in his possession or custody at the time of application, and which he offers for sale. This inventory, with adequate proofs of ownership, should be submitted within thirty (30) days of the application, upon Military Government Field Report Form MG/MFAA/7/F NOVEMBER 46 "Inventory and Sale Card for Art Dealers".
- d. The license issued should specify the period of its validity and the conditions under which the business of an Art Dealer may be carried on.
- e. Art Dealers should be required:
 - (1) To display his license prominently in his establishment;
 - (2) To display in a prominent position the restrictions upon export (para 3 above); and
 - (3) To include the same restrictions upon each bill of sale.

5. Reports.

- a. Military Government Field Report Form MG/MFAA/7/F NOVEMBER 46 "Inventory and Sale Card for Art Dealers" should be required for all inventories and monthly reports. (Included as Annex "A" to these instructions. To be reproduced locally.)
- b. Every person conducting business as an Art Dealer should submit to the proper authority designated by the Minister Praesident of the Land or proper German authority in the Bremen Enclave and Berlin Sector in duplicate, prior to the 10th day of each month, all changes that have occurred during the preceding month in the inventory of works of art or cultural objects of value or importance (para 2 b and 4 c (4) above).
- c. All inventories and reports will be transmitted in one copy to the Military Government of the Land, attention MFAA Officer.

6. Private Sales. The sale or transfer of any work of art or cultural material of value or importance may be permitted between individuals or institutions not engaged in business as Art Dealers provided such sale is approved, recorded and reported by the appropriate German authority.

RG 260
Entry Ardella Hall (W)
Box 250

BY AT NARA DATE 7-22-99
Authority AND 77507
DECLASSIFIED

108679

7. Nothing in these instructions or in any Art Dealer's license to be issued may be deemed to authorize any transaction prohibited by Military Government Law No. 53 or any transaction involving property subject to any of the provisions of Military Government Law No. 52 other than paragraph 3 (d), Article II.

8. The applications for licenses may be approved by whatever agency the Minister Praesident may designate, but the right of review and revocation will be reserved to the Office of Military Government for the Land whose action normally would be taken on the advice of the Land MFA&A Officer.

9. The Minister Praesident of each Land and the appropriate German authorities in Bremen Enclave and Berlin Sector shall be required to furnish the Office of Military Government (attention, MFA&A Officer) for each Land information copies of all laws or regulations promulgated in pursuance of these instructions.

10. This request for information has been assigned Control Symbol MG/MFAA/7/F NOVEMBER 46.

BY DIRECTION OF THE MILITARY GOVERNOR,



G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

Telephone BERLIN 42009

2 Incls.

- Incl. 1 - Annex "A", MG/MFAA/7/F NOVEMBER 46
"Inventory and Sale Card for Art Dealers"
- Incl. 2 - Annex "B", MGR Title 18-401.1

DISTRIBUTION "L"

RG 260
Entry Adelia Hall (M)
Box 250

BY AT NARA Date 7-22-92
Authority NND 77507
DECLASSIFIED

108680

MG/LFAA/7/F

NOVEMBER 46

(Front)

INVENTORY AND SALE CARD FOR ART DEALERS

Classification: (check)	: Artist;	: Dealer
Painting <input type="checkbox"/> Prints <input type="checkbox"/>	:	: Name;
Sculpture <input type="checkbox"/> Dec. Arts <input type="checkbox"/>	:	: Address;
Drawing <input type="checkbox"/> Misc. <input type="checkbox"/>	:	:
Measurements;	: Material;	: Photo
:	:	: (if available)
Identifying Marks;	: Description;	:
:	:	:
Bibliography;	: For MG use;	:
:	:	:

Each licensed art dealer is required to complete this card for each work of art or cultural material in his possession that has a sales price or value of 10,000 RM or more within 30 days of application for license. In addition he is required to submit this card on accession or sale of any such object by the 10th of the month following such transaction. For further instructions see Law No. 52, 3 and 3(d) and AG Letter, "Transfer of Works of Art or Cultural Materials of Value or Importance".

(Back)

History and Ownership:

Condition and Repair (if restored by you, describe work done):

If sold, to whom:

Address:

Date:

For MG use:

This card will be reproduced locally in the German language. (Size: 21 x 13 cm.)

Inclosure 1

RG 260
Entry Ardella Hall Coll.
Box 250

DECLASSIFIED
Authority NND 77507
By AT HARA Date 7-22-99

1089801

(Vordere Seite)

MG/MFAA/7/F
NOVEMBER 46

INVENTAR, AN- UND VERKAUFS KARTe FÜR KUNSTHÄNDLER

Art des Gegenstandes:	Künstler:	Händler
Gemälde <input type="checkbox"/> Graphik <input type="checkbox"/>	:	Name:
	:	Adresse:
Skulptur <input type="checkbox"/> Kunstgewerb. <input type="checkbox"/>	:	:
	Gegenst	:
Zeichnung <input type="checkbox"/> Sonst. Gegenst <input type="checkbox"/>	:	:
Masse:	Material:	Fotographie
	:	(falls vorhanden)
Besondere Kennzeichen zur	Beschreibung	:
Identifizierung des Stückes:	:	:
	:	:
Bibliographie:	Freizulassen für Anmerkungen der Militärregierung:	:
	:	:

Jeder lizenzierte Kunsthandler wird gebeten diese Karte innerhalb von 30 Tagen für jeden in seinem Besitz befindlichen Kunstgegenstand oder Gegenstand von kultureller Bedeutung, der einen Verkaufspreis oder Wert von RM 10.000 oder höher hat, auszufüllen, um die Verkaufslizenz dafür zu erhalten. Ausserdem ist diese Karte nach jeder Abwicklung eines An- oder Verkaufs diesbezüglicher Gegenstände bis zum 10 des folg. Monats auszufüllen. Weitere Informationen sind dem Gesetz Nr. 52, 3 und 3b oder dem A Bericht bezüglich "Transfer von Kunstgegenständen oder Gegenständen von kulturellem Wert oder Bedeutung" zu entnehmen.

(Rückseite)

Geschichte und Eigentümer:

Zustand und Restaurierung: (Falls von Ihnen Restaurierarbeiten ausgeführt sind Beschreibung derselben)

Falls verkauft an wen?

Adresse:

Name:

Freizulassen für Anmerkungen der Militärregierung:

Diese Karte soll an dem betreffenden Ort reproduziert werden. (Grösse: 21 x 13 cm.)

RG 260
 Entry Ardella Hall Co.
 Box 250

By AT HARA Date 7-22-99
 Authority NND 77507
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108682

Revision of MGR 18-401.1

401.1 MILITARY GOVERNMENT LAW NO. 52 (see MGR 23-332).

The Office of Military Government for each Land will ensure enforcement of the provisions of Paragraph II 3 (d) of Military Government Law No. 52, which provides in general that "no person shall import, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property which is a work of art or cultural object or material of value or importance, regardless of the ownership or control therefore" as the law may from time to time be amended and in accordance with such implementing instructions relating thereto as may from time to time be issued.

Inclosure 2

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108683

R E S T R I C T E D

(Translation by Liaison & Protocol Section, OMCUS, G-1372, page 1)

B E R I C H T I G T E A B S C H R I F T

AMERIKANISCHE MILITÄRREGIERUNG FÜR DEUTSCHLAND
Der Militärgouverneur
APO 742

AG 007 (D)

6 December 1946

Betr.: Übertragung von Kunstwerken oder Kulturgütern
von Wert oder Bedeutung

An die Leiter der
Militärregierung für Bayern
Militärregierung für Grosshessen
Militärregierung für Württemberg-Baden
Militärregierung der Enklave Bremen +)
Militärregierung des Sektors Berlin +)

+) vorbehaltlich bestehender Abmachungen mit
anderen Besatzungsmächten.

1. Sie werden hierdurch angewiesen, gemäss den Bestimmungen des
Artikels II, Absatz 3 (d) des Gesetzes Nr. 52 der Militärregierung
den Ministerpräsidenten des Landes oder die zuständigen deutschen
Behörden im amerikanischen Sektor Berlins und in der Enklave Bremen
zu ermächtigen, Zulassungen an Kunsthandler, unter den nachstehenden
Bedingungen und Beschränkungen zu erteilen.

2. Begriffsbestimmungen zu diesen Ermächtigungen.

- a. Kunsthandler. Wer sich mittel- oder unmittelbar als
Vertreter, Händler oder Auftraggeber mit dem Kauf,
Verkauf oder Tausch von Kunstwerken oder Kulturgütern
ohne Rücksicht auf ihren Wert gewerblich befasst, wobei
es in öffentlicher Veranstaltung oder durch Privat-
abmachungen, sowie sämtliche Antiquitätenhändler und
Antiquare, die mit alten und seltenen Büchern handeln.
- b. Kunstwerke oder Kulturgüter von Wert oder Bedeutung
(II 3 (d) des Gesetzes Nr. 52). Sämtliche Kunstwerke
oder Kulturgüter, deren Wert oder Verkaufspris
zehntausend (10,000) Reichsmark übersteigt, sowie
sämtliche Inkunabeln und Manuskripte, ausgenommen
Bücher, die nach dem Jahre 1700 gedruckt worden sind,
es sei denn, dass ihr Wert den oben angegebenen über-
steigt.
- c. Transaktion. Alle Handlungen, die in Artikel II,
Absatz 3 des Gesetzes Nr. 52 der Militärregierung
namentlich aufgeführt sind.
- d. Die in Artikel VII, Absatz 9 des Gesetzes Nr. 52 der
Militärregierung enthaltenen Begriffsbestimmungen
gelten auch für die vorliegenden Ermächtigungen.

R E S T R I C T E D

RG 260
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BY AT HARA Date 7-22-94
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R E S T R I C T E D

(Translation by Liaison & Protocol Section, OIGUS, G-1972, page 2)

3. Ausfuhr. Die Behörde, welche die Zulassung erteilt, ist davon in Kenntnis zu setzen und hat ihrerseits den Kunsthandlern bekanntzugeben, dass die Bestimmungen des Gesetzes Nr. 53 der Militärregierung (Devisenbeschränkung) gleichermassen für Kunstwerke oder wertvolle oder bedeutende Kulturgüter Geltung haben, und dass jede Transaktion, die die Entfuhrung von derartigen Gegenständen aus Deutschland nach sich zieht, verboten ist, es sei denn, dass sie mit ordnungsgemässer Genehmigung oder auf Anweisung der Militärregierung erfolgt. Sämtliche Exporte müssen im Einklang mit den Bestimmungen des Teils 3, Titel 13 der Vorschriften der Militärregierung durchgeführt werden.

4. Zulassungserteilung.

- a. Das Geschäft eines Kunsthandlers darf nur betrieben werden, wenn es ordnungsgemäss zugelassen ist.
- b. Einem Kunsthandler, der am Tage des Inkrafttretens dieser Anweisung ein Geschäft betreibt und innerhalb von 30 Tagen nach der Veröffentlichung der Ausführungsverordnungen einen Zulassungsantrag einreicht, kann gestattet werden, sein Geschäft weiterzuführen, falls und solange er nicht Bescheid erhält, dass sein Antrag abgelehnt worden ist.
- c. Anträge auf Zulassung als Kunsthandler sind sofort nach Erlass der Ausführungsverordnungen schriftlich einzureichen und müssen folgendes enthalten:
 - (1) Name und Anschrift des Antragstellers
 - (2) Datum des Antrages
 - (3) (a) eine Erklärung, dass der Antragsteller nach bestem Wissen und Gewissen nicht Eigentümer oder Sachwalter irgendwelcher Kunst- und Kulturgüter ist, die unter Zwang oder Drohung übertragen oder rechtswidrig dem Eigentümer oder Besitzer entzogen oder erbeutet worden sind, ohne Rücksicht darauf, ob diese Handlungen in Anwendung von Rechtsmitteln oder in Wege von Verfahren, die den Schein des Rechts zu wahren vorgaben oder in sonstiger Weise vorgenommen wurden (Artikel I, Absatz 2 des Gesetzes Nr. 52 der Militärregierung) oder
 - (b) eine vollständige Bestandsaufnahme sämtlicher derartiger Gegenstände mit einer Darlegung der Besitzverhältnisse seit 1933, einzureichen auf Vordruckformblatt MG/IFA/7/F NOVEMBER 46 der Militärregierung ("Inventar- und Verkaufserkte für Kunsthandler");
 - (4) ein Verzeichnis aller am Tage der Antragstellung in seinem Besitz oder seiner Verfügung befindlichen und von ihm zum Verkauf angebotenen Kunstwerke oder wertvollen oder bedeutenden Kulturgüter. Dieses Verzeichnis ist mit entsprechenden Beweisen seines Besitzrechtes innerhalb von 30 Tagen nach Antragstellung auf Vordruckformblatt MG/IFA/7/F NOVEMBER 46 der Militärregierung ("Inventar- und Verkaufserkte für Kunsthandler") einzureichen.

R E S T R I C T E D

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BY AT HARA Date 7-22-99

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(Translation by Liaison & Protocol Section, OIGUS, G-1372, page 3)

d. In der Zulassungsurkunde sind die Gültigkeitsdauer der Zulassung und die Bedingungen, unter denen das Geschäft des Kunsthandlers zu führen ist, genau anzugeben.

e. Kunsthandler sind anzuhalten:

- (1) ihre Zulassung an deutlich sichtbarer Stelle in ihrem Geschäftslokal auszuhängen;
- (2) die Ausführungsbeschränkungen (s. oben Absatz 3) an deutlich sichtbarer Stelle auszuhängen;
- (3) diese Beschränkungen auf allen Verkaufsbillets zu vermerken.

5. Meldungen.

- a. Sämtliche Verzeichnisse und Monatsmeldungen sind unter Benützung von Meldeformblatt "G/FIA/7/F NOVEMBER 46" ("Inventar- und Verkaufskarte für Kunsthandler") einzureichen. (Als Anlage "1" diesen Anordnungen beigelegt. Formblätter sind jeweils an Ort und Stelle anzufertigen.)
- b. Jeder, der das Geschäft eines Kunsthandlers betreibt, hat bis zum 10. eines jeden Monats der vom Ministerpräsidenten des Landes oder von den zuständigen deutschen Behörden in der Enklave Bremen und dem amerikanischen Sektor Berlins bezeichneten Stelle von allen Veränderungen, die sich im vorhergehenden Monat im Verzeichnis der Kunstwerke oder wertvollen oder bedeutenden Kulturgüter (s. oben Absatz 2. b und 4. c (4)) vorzulegen haben, in doppelter Ausfertigung Meldung zu erstatten.
- c. Eine Ausfertigung sämtlicher Verzeichnisse und Meldungen sind der Militärregierung des Landes zu Händen des M.F.A. Offiziers (Abteilung Brandenburg, Kunst und Archive) zu übermitteln.

6. Privatverkäufe. Der Verkauf oder die Übertragung von Kunstwerken oder wertvollen oder bedeutenden Kulturgütern zwischen Einzelpersonen oder Anstalten, die sich nicht gewerblich mit Kunsthandel befassen, kann unter der Voraussetzung zugelassen werden, dass ein derartiger Verkauf von der zuständigen deutschen Behörde genehmigt und von ihr registriert und angemeldet worden ist.

7. Kein Teil der vorliegenden Anordnungen oder einer einem Kunsthandler erteilten Zulassung darf als Ermächtigung zu einer durch Gesetz Nr. 53 der Militärregierung verbotenen Transaktion angesehen werden oder als Ermächtigung zu einer Transaktion mit Eigentümern, die den Vorschriften des Gesetzes Nr. 52 der Militärregierung, ausgenommen Artikel II, Absatz 3 (d), unterliegt.

8. Zulassungsanträge können von jeder vom Ministerpräsidenten bezeichneten Stelle genehmigt werden, das Überprüfungs- und Widerrufsrecht bleibt jedoch der Militärregierung des Landes vorbehalten, die normalerweise zur Veranlassung des M.F.A. Offiziers des betreffenden Landes eingreift.

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Entry *Ardelia Hall Co.*
Box 250

By *AT HARA Date 7-22-77*
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(Translation by Liaison & Protocol Section, OIGUS, G-1372, page 4)

9. Die Ministerpräsidenten der Länder und die entsprechenden deutschen Behörden der Städte Bremen und des amerikanischen Sektors von Berlin sind verpflichtet, den Militärregierungen der Länder (zu Händen des Militär-Offiziers) Abschriften sämtlicher Gesetze und Verordnungen, die in Folge dieser Anweisungen erlassen werden, zur Kenntnisnahme zuzustellen.

10. Alle einzureichenden Meldungen sind unter Kontrollzeichen
IG/EMA/77/F NOVEMBER 46.

AUF ANWEISUNG DER MILITÄRREGIERUNG:

Sprechsprecher BERLIN 42009

(gez.) G. H. Garde
Oberstleutnant, AGD
Generaladjutant

2 Anlagen

- 1) Anlage "A" Formblatt IG/EMA/77/F NOVEMBER 46
"Inventar- und Verkaufsliste für
Kunsthandlör"
- 2) Anlage "B" Vorschriften der Militärregierung,
Titel 18-401.1

Verteiler "L"

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Entry Ardella Hall (cl)
Box 250

Authority AND 77507
By AT HARA Date 7-27-99
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(Translation by Liaison & Protocol Section, OIGUS, C-1372, page 5)

(Vorderseite)

MG/FAA/7/E
NOVEMBER 46

INVENTAR UND VEREINBARUNG FÜR KUNSTHÄNDLER

Art. des Gegenstandes:	:Künstler	:Händler
Gemälde: <input type="checkbox"/> Grafik: <input type="checkbox"/>	:	:Name:
Skulptur: <input type="checkbox"/> Kunstgewerb. <input type="checkbox"/>	:	:Adresse:
Zeichnung: <input type="checkbox"/> Sonst. Gegenst. <input type="checkbox"/>	:	:

Abmessungen:	:Material:	:Lichtbild
:	:	: (falls vorhanden)
:	:	:

Besondere Kennzeichen zur Identifizierung des Stückes	:Beschreibung	:
:	:	:
:	:	:

Bibliographie:	:Freizulassen für Anmerkungen der Militärregierung:
:	:
:	:

Jeder zugelassene Kunsthändler ist verpflichtet, diese Karte für alle in seinem Besitz befindlichen Kunstwerke oder Kulturgegenstände, die einen Verkaufspreis oder Wert von RM 10,000.- oder höher haben, innerhalb von 30 Tagen nach Stellung des Zulassungsantrages auszufüllen. Ausserdem hat er diese Karte beim Erwerb oder Verkauf derartiger Gegenstände bis zum 10. des darauf folgenden Monats vorzulegen. Weitere Anweisungen sind Absatz 3 und 3.(3) des Gesetzes Nr. 52 und dem MG Brief betr. "Übertragung von Kunstwerken oder Kulturgütern von Wert oder Bedeutung" zu entnehmen.

(Rückseite)

Geschichte und Eigentümer:

Zustand und Restaurierung:	(Falls von Ihnen Restaurierarbeiten ausgeführt sind Beschreibung derselben)
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Falls verkauft an wen?

Adresse:

Name:

Freizulassen für Anmerkungen der Militärregierung:

Diese Karte ist an Ort und Stelle anzufertigen. (Format: 21 x 13 cm)

RG 260
Entry Ardella Hall (W)
Box 250

BY *AT* HARA Date 7-22-99
Authority NND 775057
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(Reproduction by Liaison & Protocol Section, O'HWS, G-1372, page 6)

Anlage "B"

Abänderung der Vorschriften 18-401.1 der Militärregierung

401.1 Gesetz Nr. 52 der Militärregierung (s. Vorschriften 23-332 der Militärregierung).

Die Militärregierungen der Länder haben für die Durchführung der Bestimmungen des Artikel II, Absatz 3 (1) des Gesetzes Nr. 52 der Militärregierung Sorge zu tragen, die allgemein festsetzen, dass "niemand Vermögen einführen, besitzen oder sonstwie darüber verfügen, es zerstören oder den Besitz, die Verwahrung oder die Kontrolle darüber aufgeben darf, die Kunstbesitz oder wertvolle oder bedeutende Kulturgüter ohne Rücksicht auf Eigentum oder Kontrolle darstellen", wobei sind alle künftigen Gesetzesänderungen und alle dazugehörigen Ausführungsbestimmungen zu berichten.

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Entry Ardella Hall Coll.
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Authority NND 77507
By AT HARA Date 7/2/99

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 Authority NND775057
 By SR NARA Date 8-23-99

RG 260
 Entry Ardelia Hall
 File Collection
 Box 267

Copy Res. Br. Files
 Copy Dist. Sect.

COPY

MFA+A

M. Leonard 205
M. Breunlich 65

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
 Office of the Military Governor
 Berlin, Germany
 APO 742

AG 524 (PD)

26 May 1948

SUBJECT: Export of Household and Personal Effects.

TO : Directors, Office of Military Government for Bavaria
 Office of Military Government for Hesse
 Office of Military Government for Württemberg-Baden
 Office of Military Government for Bremen
 Office of Military Government for Berlin Sector +)

+) Information only.

1. The export of certain household and personal effects from the American Zone of Germany to certain residents of countries outside Germany is now permitted subject to conditions outlined in the following paragraphs. These conditions limit the removal to household and personal effects located in the American Zone of Occupation which are owned by non-residents of Germany, provided that satisfactory proof of such ownership before 8 May 1945 can be established, that the property is not subject to external or internal restitution and that no person in Germany has any ownership interest in the property or claims in the nature of liens against it.

2. Applications for export licenses should be prepared by the owner in quintuplicate in the form attached, and forwarded by him directly or through a forwarding agent in the foreign country to the designated agent or representative in Germany. Upon receipt of such an application, the German agent or representative will be responsible for ascertaining the details outlined in paragraphs a thru d below and annexing them to the application. The completed application will then be submitted to the Land Property Control Chief in the Land where the property is located.

a. Assemble for submission to the Land Property Control Chief all available evidence of ownership, including a written statement from the person having custody of the property that no liens or claims in the nature of liens such as taxes, mortgages, or storage charges are outstanding against the property. This would, of course, not include charges incident to the removal of the property, enumerated in the following sub-paragraphs.

b. Prepare for submission to the Land Property Control Chief a detailed statement of charges in connection with the export of the property, approved by the German price control authorities, which would include charges for packing, crating, shipping, agent's fees, storage, etc.

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 By SR NARA Date 8-23-90

RG 260
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 File Collection
 Box 267

c. If the property to be exported includes jewelry, works of art or cultural objects of value and importance, or other valuable property which might be subject to restitution, the approval of the nearest Restitution Branch of Military Government is necessary. Such approval shall be indicated on the application in the space provided.

d. After issuance of export license by the Land Property Control Chief, the agent shall arrange for payment on behalf of the owner of all charges within Germany incident to export of the property, as itemized in the statement referred to in par b, above. These charges may be paid by either of the following methods:

- (1) Charges may be paid from blocked Reichsmark accounts in financial institutions in Germany, owned by and standing in the name of the owner of property to be exported, provided that the necessary license for such payment from blocked funds is issued by the appropriate licensing authority. In the American Zone, the Land Central Banks will receive special authorization from the Office of Finance Adviser to license the debit of such funds for this purpose. The bank will be enabled to debit the account upon receipt of
 - (a) the license to debit the account in payment of costs,
 - (b) the owner's request for such release of blocked funds, and
 - (c) a copy of the export license.

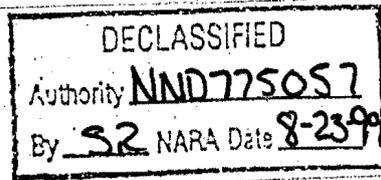
Charges shall be paid in accordance with this subsection prior to obtaining Joint Export-Import Agency approval of the export license.

- (2) Of no such blocked Reichsmark accounts are available, payment in advance in acceptable foreign exchange will be required through the nearest branch office of Joint Export-Import Agency.

e. Upon obtaining the property and the approval for export, the agent shall forward the shipment through ordinary border and customs clearance to the consignee.

3. The agent shall, upon submitting to the Land Property Control Chief the application and information called for in par 2a above, execute the following certificate: "I certify that to the best of my knowledge and belief the facts hereby submitted in connection with this export application are true and correct."

4. Land Property Control Chiefs are authorized to issue a license, as per sample attached, upon being satisfied through evidence submitted by owner's representative or agent, that the applicant is the undisputed owner of the property and has the right to remove it pursuant to the terms of this directive. The export license issued by the Land Property Control Chief will not be considered valid, however, until



RG	<u>260</u>
Entry	<u>Ardelia Hall</u>
File	<u>Collection</u>
Box	<u>267</u>

Export of Household and Personal Effects,
AG 524 (PD), OMGUS, 26 May 1948

the license is countersigned by the branch office of the Joint Export-Import Agency in the appropriate space provided on the export license. Such approval will indicate that payment of all the charges against the property has been made in accordance with either of the methods described in par 2d above.

5. Export licenses will not be granted:

a. When the title is in dispute, including questions arising from possible claims under Military Government Law No. 59 (Restitution of Identifiable Property,) or claims for restitution to countries outside Germany.

b. When it appears that the property was acquired subsequent to 8 May 1945.

6. Export licenses will be issued by the Land Property Control Chief in sextuplicate, five (5) copies to be delivered to the owner's representative or agent and one (1) copy to be retained in the Land Property Control Chief's file. The Land Property Control Chief will number licenses consecutively, using the letter assigned to their respective Länder for general property control accounting. For example:

Licenses from Bavaria	will begin Y-101
Bremen	K-101
Hesse	V-101
Württemberg-Baden	X-101

7. Any transaction which requires a license under MG Ordinance No. 17 must be specifically licensed thereunder, except insofar as it is a transaction within the prohibitions of MG Laws 52 or 53 and already licensed under MG Laws 52 or 53.

8. When conditions render it feasible, instructions will be issued to the Director of the Office of Military Government for Berlin Sector concerning procedures for the export of household and personal effects from the United States Sector of Berlin.

BY DIRECTION OF THE MILITARY GOVERNOR:

2 Incls:	s/ G.H. Garde
Incl 1 - Application Form	t/ G.H. GARDE
Incl 2 - License Form	Lieutenant Colonel, AGD
Telephone BERLIN 43684	Adjutant General

DISTRIBUTION "L"

DECLASSIFIED
 Authority NN3-13194-00
 By WVJ ASARA Date 12/8/79

RG 131
 Entry FORLEIGN FUNDS
CONTROL - SUBJ.
 File VATICAN CITY FILES 1942
 Box (COINTELPRO FILE)
487

Vatican

August 4, 1948

Memorandum for Mr. Henry J. Glavin

From Mr. Henry J. Glavin

With reference to Treasury's telegram No. 1187, June 15th, 1 p.m., regarding illegal remittances through Postal money order channels, the Treasury Representative is currently making an investigation on the subject. It has been determined that a new directive issued by AFSA, effective July 1st, sets a ceiling of \$25.00 on any new postal money orders transmitted thru Army Postal channels. All cases in excess must bear approval of the Unit Commanding Officer.

In my discussions with CID of the Army, it has become apparent that the Army has consistently taken a rather lax view of violations of the Army Postal remittance system. The penalties have been surprisingly low, even in those cases in which there have been convictions.

A number of soldiers had been apprehended who were found to have been operating with refugees. The source of the refugee funds is not clear although CID has stated that it would appear some large Italian bank may be involved. They do not know at present the name of the bank. The Postal Inspector, S. J. Keating, examined a batch of money orders and forwarded the list to New York for investigation. It was found that some of such money orders bore the Vatican stamp of identification.

Upon my return from London, the investigation will be continued and the result forwarded to the Department.

Henry J. Glavin

cc Glavin, Schmidt (4), Evans (2), Gantner, Follack, Willis, Pittman

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

AIRGRAM

2792

From : U.S. Political Adviser
for Germany, Berlin

No. : A-86

Date : February 3, 1949

Called : 2/7/49

Rec'd : Feb 14, 1949, 10:37 AM

Z
P
ACTION: POS
INFO
DC/R
L
O
EUR
DC/L
OPD
OLI
CIA
AAN
P

SECRET

The Secretary of State,
Washington, D.C.

Department's A-736, December 24.

Following informal comment received from Director of Property Division, OGNUL, who is also Deputy Economics Adviser, OGNUS:

"1. It is not at all clear from the text of the attached airgram as to what is being suggested. At one point it is indicated that art objects belonging to top Nazis should not be sold because they might be given in reparations. Yet, the rest of the cable seems to argue we should not permit the German Laender Governments to sell these objects because of our commitment to preserve the cultural heritage of Germany.

"2. We cannot believe that it is intended to seriously suggest that these objects should be used for reparations. For four years now we have held firmly to a policy of limiting reparations to external assets and capital equipment. In the U.S. zone, the reparations program is practically completed. To suddenly announce that we will make other items available for reparations would open up a flood of requests from receiving nations and would greatly embarrass us vis-a-vis the Germans in view of our announcements to them that there would be no further items taken in reparations. Obviously, it would also be extremely difficult to reconcile the reparations of cultural objects with our commitment to preserve the German cultural heritage.

"3. The suggestion

108694

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Authority MM 968071

By WSH [signature]

SECRETA-86, February 3, 1949,
USFOLAD, Berlin.

"3. The suggestion that we prohibit any sale of these objects by the German Lender Governments is equally hard to understand. Control Council Directive No. 57, which was issued more than a year ago, indicates the disposal to be made of such objects, viz., they are to be turned over to the Lender Governments for use or sale. Our commitment to preserve the cultural heritage of Germany in no way imposes an obligation upon us to see that the art objects in question are kept together as a group. While Military Government continues to be responsible for control of exports, it will take such measures as are necessary to see that German art objects are not exported. In the future, when the new German Government takes over the responsibility for the control of exports, it would appear that Military Government would no longer have responsibility for seeing that cultural objects are not exported from Germany. The Germans have recognized this fact, as they have provided in article 36 of the current draft of the Bonn constitution that federal legislation will be passed to protect the German State against removal of cultural property."

Regarding last sentence Department's airgram, I see no objection to requesting ONIUS to issue a new statement regarding prohibition of export of cultural property but Director of Property Division states such public statements have already been made at different times and therefore a further statement would probably be given but very limited publicity in the United States.

MURPHY

236.2
J. Gantenbein/tc

108695

 DECLASSIFIED
 Authority MM 968071
 By MM 7/1/66

MFARA

Control and Export of Works of Art.

1 LD Reat ED 4
Mar 46

1. Reference attached correspondence. Law 52, article II, par. 3d prohibits transactions "except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in, sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property:

(d) Which is a work of art or cultural material of value or importance, regardless of the ownership or control thereof."

2. Further information has been received from OMG, Greater Hesse, as follows:

a. All subject paintings were painted by Kleinschmidt and are therefore contemporary works of art.

b. Erich Cohn is described as an American officer who commissioned the 15 paintings said to have been bought and paid for by him. These were therefore presumably purchased after military occupation.

3. Though a satisfactory definition of "work of art or cultural material of value or importance", it is believed that contemporary German art (and contemporary European art of proven ownership) should be excluded. This Headquarters has approved sales of contemporary works at exhibitions which it sponsored.

4. Your views in this matter particularly in regard to Law 52 are requested before Imports and Exports Section is consulted regarding the question of exporting contemporary works of art.

FOR THE CHIEF RESTITUTION BRANCH:

Telephone: 43255
Room 1057 Econ Bldg

H. D. M. GRIER
Capt., Inf
A/Chief, MFARA

- 2 Incls:
- Incl. 1 - Basic ltr. OMG Landkreis Bergstrasse dtd. 6 Dec 45 subj: Paul Kleinschmidt.
- Incl. 2 - Ltr. transmittal OMG Hessen, dtd. 5 Dec 45, subj: Paul Kleinschmidt w/ 2 Incls.



105
116

108696

RG 260
Entry ECONOMIC
File
Box 46

DECLASSIFIED
Authority NND 765 036
By 7J ANAPA Date 8/31/99

DMC files - Capt. GRIER MFARA Sect Res

DECLASSIFIED
Authority NND775057
By S2 NARA Date 8-23-99

RG 260
Entry Ardelia Hall
File Collection
Box 267

R + D
V
Sale of Art
H.C.
HJC/mw

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
Economics Division
APO 170

AG-007-MGBER/B

21 August 1946

SUBJECT: Sale of Art in Bavaria

TO : Office of Military Government for Germany (US),
APO 742, U.S. Army (ATTN: Monuments, Fine Arts and
Archives Section, Restitution Branch, Economics
Division)

The attached correspondence is forwarded for your
information and any action deemed appropriate.

For the Chief, Economics Division:

EDWIN C RAE
Capt AC
Chief, Monuments, Fine Arts
and Archives Section
Restitution Branch

2 Incls:

Incl 1 - Ltr. Verein d. Bayer.
Kunst-u. Antiquitäten-
händler, dated 5 August 46

Incl 2 - Ltr. Association of Bav. Dealers
in works of Art and Antiquities,
dated 31 May 46

Telephone: Munich Military 3430

M.F.A. + A.-Files

DECLASSIFIED
 Authority NND 968071
 By JGA/NAPA Date 11-5

RG 59
 Entry NND 968071
 File mainz psalter
 Box 1

Memorandum of telephone conversation with Lamont Moore on July, 19, 1946.

importations

Custom Regulation: T.D. 51072 for the licensing of ~~works~~ of art.

~~XXXX~~ Mr. Moore said, "The Commission had initiated the TD with Economic Security and Customs Bureau. Now since the bulk of looted art has been discovered in Germany, the Commissioners decided that the TD should be rescinded. They had called Mr. Rubin ESP about it and he had asked that it remain on for another month. List of looted property are to be obtained from foreign governments.

The Commission was insistent that it should be revoked in order to prevent the falsification of papers, on the theory that it was an artificial control and the dealers would try to get around any customs control.

I asked if the Roberts Commission had a copy of the UK customs regulation with which this TD was supposed to mesh. Mr. Moore said No, he had never seen the British regulations.

Mr. Moore continued: He had written to Mr. Laughlin in the Treasury Department and to Mr. Rubin in the State Department asking them to get in touch with him regarding the rescinding of the regulation. Mr. Rubin did not get in touch with the Treasury, nor did he answer Mr. Moore's letter.

~~The importations of~~ Hundreds of works of art are coming in at present and they are increasing all the time. And is it proper to exert government control over a private industry? Is it right to put that much control over private business?

DECLASSIFIED

Authority NND 968071
By JW HARA Date 11-5RG 59
Entry NND 968071
File mainz psalter
Box 1

Since out of a thousand objects entering the country only one object is picked up, to maintain such controls is bad business; especially as there is no Government board to review all the cases. It was only a wartime regulation. The Germans have not transferred any hoards of art to foreign countries; the situation has been met; and the TD is no longer necessary and therefore was rescinded.

It took a large part of his time and one quarter of the time of one secretary to handle the cases sent in to the Roberts Commission by the Customs. They had to be copied off on a blank form.

Under Special Files, he said, the conferences with customs would be found, also to look under Rubin, Laughlin, and Gilmore.

(I found the papers under "Foreign Funds Control").

DECLASSIFIED

Authority **ANN 968 071**By **JM** NARA Date **8/25/77**RG **59**
Entry **Lot 62-D. 4**
Box **1***Mr. Stinson
For your files**[Original of this letter lost.
Second (exact duplicate)
re-written July 18, 1946]***In reply refer to
ES****My dear Mr. Moore:**

Reference is made to your letter of May 25, addressed to Mr. Rubin, enclosing a copy of a letter addressed to Mr. Schmidt recommending that TD 51078 be rescinded.

Relevant facts are: that the Roberts Commission will terminate on June 30, that the Department of State lacks appropriations or personnel for clearing a mass of applications for release from customs custody, that no Axis-owned or looted art objects have been discovered from the operation of the controls, and that the volume of legitimate imports of art objects is increasing.

The Department believes that some less burdensome but workable system of surveillance to prevent or discover any possible instances of Axis-owned or looted art objects being brought into the country or passing through the country during a period of years in the future should be set up. The Department is instituting visa controls to prevent the entry into the country of collaborationist art personnel regarding whom there is definite evidence of dealing in looted art. These visa controls should serve to supplement the customs controls proposed herein.

The Department welcomes the offer of Mr. Hains of the Treasury Department to circulate to all customs officials copies of the lists of missing art objects which the Department proposes to request of the governments of the liberated countries. The governments of Great Britain

and France

Mr. Lamont Moore,**Assistant Secretary,****The American Commission for the Protection
and Salvage of Artistic and Historic
Monuments in War Areas,
National Gallery of Art,
Washington, D. C.**

DECLASSIFIED

Authority NU0968071By JM NARA Date 8/25/77

RG

Entry Lot 60-22-4Box 1

- 2 -

and France have agreed to join the United States in making the requests for such lists. However, it will be a month or so before the first provisional lists begin to arrive, and revised lists would probably continue to arrive for several years thereafter.

It might be suggested that a modification of the TD 51072 system of customs control and clearance be instituted by a Treasury or Customs Bureau instruction to all collectors of customs to place in customs custody any art object presented for entrance into or exit from the United States or for intransit shipment through the United States regarding which reports or evidence of claims or allegations that the objects are Axis-owned or looted have been made available to the collectors, or which are included in currently active lists of missing art objects supplied to the Department of State by foreign governments and circulated to the collectors. As lists of missing art objects are received, they will be circulated to all customs officials. Notification of each instance of the placing of art objects in customs custody will be made to the Department of State which would start procedures for the restitution of the objects. Objects found to be Axis-owned would be reported to the Alien Property Custodian for possible vesting action. Applications for release from customs custody should be routed to the Division of Economic Security Controls, Department of State, for investigation and clearance.

It is believed that the two measures described above will be of great assistance in preventing the importation of Axis-owned or looted art objects into the United States, and in the restitution of the latter to their rightful owners. Achievement of both these objectives would aid the Safehaven program by preventing, or assisting in tracing, transfers of Axis funds.

Sincerely yours,

For the Acting Secretary of State:

George W. Baker,
Assistant Chief,
Division of Economic Security Controls.

ES:RHS:timson:ar
6-28-46

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Authority	NND 968071
By	JM NARA Date 8/25/99

RG	59
Entry	1062-D-4
Box	1

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ES

Stinson

In reply refer to
ES

My dear Mr. Moore:

Reference is made to your letter of May 23, enclosing a copy of a letter addressed to Mr. Schmidt recommending that TD 51072 be rescinded.

The Department believes that, in addition to enlisting the voluntary cooperation of museums and art dealers, there should be established controls designed to discover or prevent the disposal of looted art objects in this country. To that end, the Department has thus far taken two steps: (1) Instructions have been issued for the denial of visas to persons regarding whom there is definite evidence of dealings in looted art; (2) As the result of an agreement reached at Paris among the British, French and American Governments, the liberated countries of Europe have been requested to furnish lists of missing art objects. This agreement provides for circulation of the lists in all countries where looted art conceivably could be disposed and also for institution of Customs controls based on the lists. The neutral European countries are being requested to participate in this program.

Mr. E. F. Hains of the Legal Division of Foreign Funds Control has offered to circulate the aforementioned lists to all Customs officials in this country, with instructions that imports of art objects in the United States shall be checked against the lists. If this check should reveal that the art import is looted, the Department of State will be notified and will take the necessary measures for restitution. Objects found to be Axis-owned will be reported to the Alien Property Custodian for possible vesting action.

Mr. Lamont Moore, Assistant Secretary,
The American Commission for the Protection
and Salvage of Artistic and Historic Monuments
in War Areas,
National Gallery of Art,
Washington, D. C.

AUG 6 1945

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Authority ANN 968 071
By JM NARA Date 8/25/77

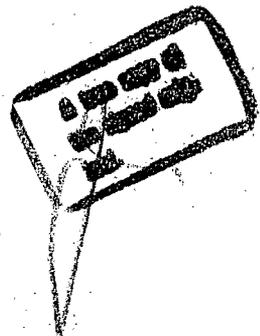
RG 59
Entry Lot 62-D. 4
Box 1

- 2 -

It is believed that the measures described above will be of assistance in preventing the importation of Axis-owned or looted art objects into the United States, and in their restitution to the rightful owners. Achievement of both these objectives would aid the Safe-haven program by preventing, or assisting in tracing, transfers of Axis funds.

Sincerely yours, *of the latter*

Monroe Karasik
Acting Deputy Director
Office of Economic Security Policy



ES:GWBaker:bfo 8-1-46

DECLASSIFIED

Authority NND 968071By SR NARA Date 12-7-99

RG

59

Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

17

File

THE METROPOLITAN MUSEUM OF ART
NEW YORK

Taylor

CABLE ADDRESS
METMUSART

OFFICE OF THE DIRECTOR

28 March 1946

Hon. Owen J. Roberts, Chairman,
American Commission for the Protection and
Salvage of Artistic and Historical
Monuments in War Areas,
% National Gallery of Art,
Washington, D. C.

Dear Mr. Justice Roberts:

Prior to the winding-up of the Commission's work I would like to suggest for consideration the desirability of requesting the Secretary of the Treasury to revoke T.D.51072 of 8 June 1944, governing the release of certain imported art objects from customs custody.

You will recall that this Decision was promulgated at the instance of the Commission, and that this was done some time prior to the recovery or knowledge of the whereabouts of the vast deposits of "looted art" found in the salt mines and elsewhere in Germany. With these discoveries much of the reason for the prohibition vanished, and with the dissolution of the Commission, I submit, no substantial reason for continuing the prohibition will exist. The information which Form FFC 168 was designed to elicit was information which the Commission needed in its work of tracing ownership. Once the commission expires there will be no organization with a legitimate interest in such information.

On the other hand, to continue the prohibition will not only serve no useful purpose but may very well tend to drive foreign art imports out of normal market channels. The obvious result of that will be bootleg art sales or inflated prices or both.

I believe the normal customs procedures will now provide adequate safe-guards. Moreover, any American importer will have to continue to satisfy himself as to clear title and be subject to claims of possible foreign claimants.

If you care to, I will be pleased to discuss the matter further with you as it is one in which I feel strongly that prompt action is desirable.

Very sincerely yours,

Francis Henry Taylor
Francis Henry Taylor

DECLASSIFIED
Authority NND 968071
By SR NARA Date 12-7-99

RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

April 1, 1946

Dear Francis:

Many thanks for your letter of March 28th enclosing a letter to Justice Roberts. I will take the matter up promptly with the agencies in Washington which have an interest in the matter and let you know what they think. If they have no objection to an abolishment of the control, a simple recommendation from the Commission to the Treasury would accomplish your objective.

Sincerely yours,

Mr. Francis Henry Taylor
Director
The Metropolitan Museum of Art
New York, New York

HC:AR

DECLASSIFIED

Authority NND 968671By SR NARA Date 12-7-99

RG

59Entry LOT 620-4File Ardelia Hall Coll.Box 11

April 23, 1946

Dear Mr. Taylor:

It may be assumed that on or about June 1st the Treasury will rescind its decision numbered 51073 as suggested in your letter of 28 March. This will give the Financial Control Division of the State Department sufficient time to receive lists of looted works of art from its Embassies. Some of these lists have already been received. The Department does not wish to have the Treasury controls rescinded until the lists are received. We shall keep you informed on the matter and make recommendation that the controls be abolished as of June 1st. It has been made clear to the State Department that as a matter of expediency the earliest possible rescinding of these regulations would be advisable.

Sincerely yours,

Lamont Moore
Assistant Secretary-TreasurerMr. Francis H. Taylor
Director
Metropolitan Museum of Art
82nd Street and Fifth Avenue
New York, New York

108706

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-98

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

April 15, 1946

My dear Mr. Taylor:

This is merely a note to acknowledge your letter of March 18th recommending that T.D. 51072 be discontinued in the light of our experience to date relative to the importation of works of art during recent months. I have informally discussed the matter with officials concerned here in Washington, and have drafted a letter making the Commission's recommendation that this particular control be discontinued.

You will be interested to know that the final details of editing the Commission's Final Report are almost completed and we have incorporated the suggestions of the members of the Commission.

Sincere thanks for your advice on this matter and my personal thanks for your hospitality last Monday evening.

Sincerely yours,

Lamont Moore

Mr. Francis Henry Taylor
 Director
 Metropolitan Museum of Art
 Fifth Avenue and 82nd Street
 New York, New York

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Authority NND 968071
By SR NARA Date 12-7-99RG 59
Entry LOT 620-4
File Ardelia Hall Coll.
Box 11OFFICIAL USE ONLY

CU: Mr. Max Isenbergh

January 5, 1961

CU/AM: Ardelia R. Hall

Report on the Department of State Cultural Restitution Program

A report with summaries on the Cultural Restitution Program in the United States from 1944 to 1961 is attached. In all 26,342 objects have been recovered and returned under the program administered by the Department of State. The total includes 3,678 objects plus one collection of 22,664 items. The file of the cases and letters of thanks and appreciation are in RM/R.

Copies of the report are being forwarded to the United States Government agencies, which have cooperated in the program, and to the Bureaus in the Department, which benefit from this observance of United States obligations under international law and United States respect for the rightful ownership of cultural property.

All the objects have been returned to the claimant governments, as indicated in the List of Cases, except for two paintings in the vault of Room 3659, New State. These two paintings from Bad Wildungen, the war repository for twelve German museums, are those which Mr. Barnett in L/GRP objected to being returned to the German Government.

Attachments:

1. Cultural Restitution Program in the US, 1944-1961.
2. Summary of Recovery Program in the US administered by the Arts and Monuments Adviser, 1946-1961.
3. Works of Art recovered in the United States 1944-1961, List of Cases. (Official Use Only).

cc: Bureau of Customs. *Sent 1/5/62*
Department of Justice. *Sent 1/4/62 A.T.H.*
Department of the Army. *" 1/5/62*
EUR
FE

CU/AM:ARHall:lqf

1/5/62

OFFICIAL USE ONLY

DECLASSIFIED

Authority NND 968071By SR NARA Date 12-7-99RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 1OFFICIAL USE ONLY January 5, 1962

Dear Colonel King:

I thought you in CA might like to see the final report on Cultural Restitution in the US. Would you then forward it to the Office of the Provost Marshal General?

I also enclose for your retention a copy of a report on the transfer of the AM file to National Archives at the Alexandria Record Center World War II Records.

Sincerely yours,

Ardelia R. Hall
Arts and Monuments Adviser

Enclosures:

1. Cultural Restitution Program in the US, 1944-1961.
2. Total Restitution by country.
3. Summary of Recovery Program in the U.S.
4. Works of Art recovered in the US, 1944-1961.
5. Transfer of AM file to National Archives.

Colonel Norman D. King,
Department of the Army,
Pentagon.OFFICIAL USE ONLY

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Authority NND 968071By: SR NARA Date 12-7-99

RG

59

Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

11

November 2 1955

In reply refer to

AM

Dear Mr. Korf:

Reference is made to Claim No. 57661, Estate of Ferdinand Moeller.

In our telephone conversation, you informed us that the widow of Ferdinand Moeller had written that "All Italian, Austrian, and German paintings were released in the year 1949 where application had been made. We would today also be in possession of our long lost paintings if only we had been advised of the confiscation early enough. The Carnegie Institute restored the paintings of German artists to their owners. The museum in Detroit could have done this also and just as well."

It is presumed that this alleged release of Italian, Austrian, and German paintings refers to the cultural restitution program administered by the United States Government in the American zones of Germany and Austria from the end of the war until the termination of the United States occupation. At that time (in 1955) the residual holdings of art were transferred to the custody and trusteeship of the country where they were located and restitution of cultural property by the Governments of Austria and Germany continues (for Germany, see 82d Congress, 2d Session, Senate, Executive Order and H. Resolution on Relations with the Federal Republic of Germany, Chapter 5 "Cultural Restitution").

The Allied and United States cultural restitution program involved only cultural objects that had been looted, seized, or acquired under duress in European countries during the period of German occupation in World War II. The looted objects have been claimed by the claimant governments on behalf of the individual owners. The claims have been examined and checked against the voluminous Nazi records, inventories, and photographs in order to determine their validity. Works of art, fully identified as to their former ownership, were restituted to the claimant governments, item by item. Looted works of art of Italian and Austrian ownership have been restituted, in this manner,

sincerely

Mr. E. Frank Korf,
Office of Alien Property,
U. S. Department of Justice,
Claims Section,
Room 309, WMS Building,
101 Indiana Avenue,
Washington, D. C.

DECLASSIFIED
 Authority NND 968071
 By SR NARA Date 12-7-99

RG 59
 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 11

since 1945. Restitution to private owners in Germany has also gone on under internal restitution laws in Western Germany.

It is presumed that the paintings returned to German artists by the Carnegie Institute may have been those loaned to the Institute for a special exhibition. The Carnegie Institute in Pittsburgh, Pennsylvania, has been famous for its biennial international exhibitions of contemporary painting. The 37th exhibition was held in 1959. The 38th exhibition did not take place until 1953, when the "Pittsburgh International Exhibition of Paintings" was resumed under a grant from the A. W. Mellon Education and Charitable Trust.

The Department of State, with the cooperation of the Department of Justice and other Government agencies, has administered a program for the recovery of dispersed works of art that have been brought into the United States since World War II. The procedures were approved in a policy statement in 1947. A review of the program was given on pages 495-497 of the article, "US Program for Return of Historic Objects to Countries of Origin, 1944-1954." Copies of the policy and Bulletin are enclosed.

The painters whose nineteen works are held on loan by the Detroit Institute of Arts have been identified as follows:

- | | |
|-------------------------|-----------------------|
| Ernst Schmidt-Rottshoff | German, 1884 - |
| Christian Schiffo | German, 1849 - (?) |
| Mikhail Kandinsky | Russian, 1856 - 1944. |
| Otto Hiller | German, 1874 - 1938. |
| Max Pechstein | German, 1881 - |
| Lyonel Feininger | American, 1871 - |
| Otto Dix | German, 1891 - |

Sincerely yours,

Ardelia H. Hall
 Arts and Monuments Advisor

Enclosures:

1. "Return of looted objects of art..."
2. Department of State Bulletin Vol. XLII, No. 797, October 4, 1954.

AM:ARHall:lqf 10/31/56 Clearance L/E: Mr. Maurer

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Authority NND 968671By: SR NARA Date 12-7-99

RG

59

Entry

LOT 62D-4

File

Ardelia Hall Coll.

Box

17

DEPARTMENT OF STATE

Telephone

Memorandum of Conversation

DATE: May 24, 1956

SUBJECT: Moeller claims for painting in Detroit Institute

PARTICIPANTS: Frank Korf - Justice - Alien Prop. Custodian - 197/360-
ARHall

COPIES TO:

*Re 7-8200
X3593*Claim from Ferdinand Moeller - call at 2 p. m.

Ortwin Corv: "Standardization of art in the 3rd Reich."

May 1938 - Commission to utilize decadent art.

Buchholz Haberstock Ferdinand Moeller

Boehmer Gurlitt - Hamburg

Permitted to sell works of art in Germany.

DECLASSIFIED

Authority NND 968071By SR NARA Date 12-7-99

RG

59Entry LOT 620-4File Ardelia Hall Coll.

Box

DEPARTMENT OF STATE

Memorandum of Conversation

May 24, 1956

DATE:

Moeller claims for painting in Detroit Institute

SUBJECT:

**Frank Korf - Justice - Alien Prop. Custodian - 197/360
ARHall**

PARTICIPANTS:

COPIES TO:

Claim from Ferdinand Moeller - call at 2 p. m.**Ortwin Corv: "Standardization of art in the 3rd Reich."****May 1938 - Commission to utilize decadent art.****Buchholz Haberstack Ferdinand Moeller****Boehmer Gyralt - Hamburg****Permitted to sell works of art in Germany.**

DECLASSIFIED

Authority NND 968671By SR NARA Date 12-7-99

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59Entry LOT 620-4File Ardelia Hall Coll.Box 11ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

Department of Justice

Washington

BUREAU OF EDUCATIONAL
AND CULTURAL RELATIONS

NOV 14 1961

NOV 16 1961 PM 4 35

Mr. Saxton Bradford
Director
Bureau of Educational and
Cultural Affairs
Department of State
Washington 25, D. C.

A. R. Hall

Dear Mr. Bradford:

Reference is made to your letter dated October 5, 1961 regarding three paintings by Rembrandt, Terborch and Tischbein vested by this Office under Vesting Order No. 8107 which was executed by the Attorney General on January 28, 1947 in accordance with the provisions of the Trading with the Enemy Act, 50 U.S.C. App. 1 et seq. Your letter indicates that the Department of State recommends that these paintings should be transferred under established restitution procedures to the trusteeship of the Federal Republic of Germany for eventual return to the State Art Collection in Weimar.

Property vested by this Office becomes property of the United States and may be released only in accordance with the return provisions of the Trading with the Enemy Act. Section 39 of the Act prohibits the return of vested property to the German Government or to any German national subject to the provisions of Section 32 of the Act. Section 32 authorizes the return of property to prevesting owners or their successors in interest who timely filed claims in accordance with the requirements of Section 33 of the Act and who satisfy certain requirements of eligibility. However, Section 32 expressly prohibits the return of vested property to the German Government, to an individual who was a citizen of and present in Germany on and after December 7, 1941 and to a legal entity organized under the laws of Germany.

Our records indicate that the Terborch and Tischbein were owned by the State of Thuringia and its instrumentality, the Weimar Museum, prior to vesting and that the Grand Duchess Feodora was the prevesting owner of the Rembrandt, subject to the perpetual custodial right of the State of Thuringia established under the terms of a decree issued by the highest court of the State of Thuringia during 1918. No claim was timely filed with this Office for the return of any interest in these paintings. However, had

DEPARTMENT OF STATE
CU/AM

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Authority NND 968071
By SR NARA Date 12-7-99

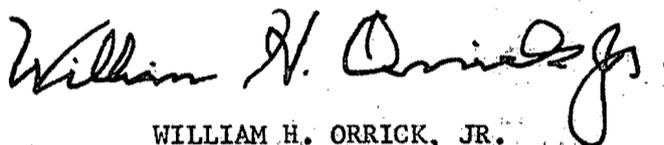
RG 59
Entry LOT 62D-4
File Ardelia Hall Coll.
Box 11

Department of Justice
- 2 -
Washington

claims been timely filed, it is probable that they would have been dismissed because of the apparent ineligibility of the prevesting owners.

In view of the foregoing, it is clear that these paintings may not be released by this Office under existing legislation.

Sincerely yours,



WILLIAM H. ORRICK, JR.
Assistant Attorney General
Civil Division

Director of Educational and Cultural Affairs
Department of State
Washington 25, D.C.

Reference is made to your letter of October 1, 1941, regarding the above paintings. In your letter you stated that you were unable to locate the original owners of the paintings. The provisions of the existing law, 16 U.S.C. 469, require that the prevesting owners of the paintings be identified. The fact that you are unable to identify the prevesting owners of the paintings is not sufficient to prevent the release of the paintings under the existing law.

It is noted that the paintings were acquired by the United States and are now in the possession of the Department of State. The Department of State is not permitted to release the paintings to the Government of the United States unless the provisions of Section 469 of the Act are satisfied. The provisions of Section 469 require that the prevesting owners of the paintings be identified. The fact that you are unable to identify the prevesting owners of the paintings is not sufficient to prevent the release of the paintings under the existing law.

On the other hand, it is noted that the Department of Justice is not permitted to release the paintings to the Government of the United States unless the provisions of Section 469 of the Act are satisfied. The provisions of Section 469 require that the prevesting owners of the paintings be identified. The fact that you are unable to identify the prevesting owners of the paintings is not sufficient to prevent the release of the paintings under the existing law.

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Authority NND 968071By: SR NARA Date 12-7-99

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59Entry Lot 620-4File Ardelia Hall Coll.Box 24COPY

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. Galvin interviewed Walter Rechsteiner at 724 24th Street, Union City, New Jersey, and was referred to attorney Nathan J. Littauer, who advised Customs Agent Galvin that

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 Authority NND 968071
 By: SR NARA Date 12-7-99

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 Entry LOT 62D-4
 File Ardelia Hall Coll.
 Box 24

-2-

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."

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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, 1945 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 15, 1946."

In reply thereto, the Bureau, by letter dated June 8, 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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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. Rochsteiner 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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DEPARTMENT OF THE ARMY
OFFICE OF THE PROVOST MARSHAL GENERAL
WASHINGTON 25, D. C.

10 August 1954

Miss Ardelia R. Hall
Arts and Monuments Adviser
Department of State
Washington 25, D.C.

Dear Miss Hall:

The attached copies of correspondence concerning Private First Class Walter Rechsteiner, are forwarded in accordance with telephonic request, 9 August 1954.

Sincerely yours,

ROBERT E. SULLIVAN
Lt. Colonel, MPC
Chief, Operations Division

2 Incls

1. Cy of Ltr
dtd 16 Oct 47
2. Cy of Ltr
dtd 19 Nov 47

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24C O P YTREASURY DEPARTMENT
BUREAU OF CUSTOMS
Washington 25Lieutenant Colonel R. W. Pierce
Chief, Provost Division
Office of the Provost Marshal General
War Department
Washington 25, D.C.

OCT 16 1947

Sir:

There is enclosed for an expression of your views in the matter a communication from the collector of customs at New York dated October 10, 1947, transmitting the petition of Walter Rechsteiner for remission of the forfeiture of one 14th century Petrarchian manuscript entitled "Africa" seized from him for violation of section 593(b) of the Tariff Act of 1930 and the provisions of Treasury Decision No. 51072, for importing the article in question into the country without a license.

The Bureau desires an expression of your views as to whether or not the petitioner, who was a member of the armed forces at the time the article was brought into the United States, had legal title, and permission to bring this manuscript out of the theater of occupation.

Please return with your reply the Bureau's entire file, which is being transmitted to your office.

I might state that the Department of State is preparing to file a petition with the Secretary of the Treasury for a remission of the forfeiture of this item, in order that it may be restored to the museum from which it was taken originally. The petition of the Department of State will not be considered until your report is received.

Very truly yours,

/s/ Shirley Stephens
SHIRLEY STEPHENS
Chief, Enforcement

Enclosure No. 47836

Incl 1

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C O P Y

PMGPR 333.5 (55-RECHSTEINER)

19 November 1947

Bureau of Customs
 United States Treasury
 Washington 25, D. C.

Attention: Chief, Enforcement

Dear Sir:

Reference is made to your letter of 16 October 1947, file No. 741.04, subject: Mr. Walter Rechsteiner.

The following opinion was secured from the Office of The Judge Advocate General, Department of the Army, concerning legal title to Petrarchian manuscript entitled "Africa":

"Determination whether Walter Rechsteiner had legal title to the manuscript in question cannot be made by this office on the basis of the facts disclosed in the file. Manifestly, he acquired no better title than that of his vendor, and the latter's title would appear to be questionable in view of the fact that the manuscript is stated to have been stolen from the Trieste Library during the year in which Rechsteiner acquired it.

Section III, Circular 353, WD, 1944, the War Department directive in effect at the time of the purchase and importation of the mentioned manuscript, authorized the retention of certain war trophies by military personnel, merchant seamen and civilians serving with the United States Army overseas, and provided that when military personnel returning to the United States bring in trophies not prohibited by the directive, each must have a certificate signed by his superior officer stating that the bearer is authorized by the theater commander under the provisions of the circular, to retain as his personal property the articles listed in the certificate. Although Rechsteiner's petition for remission of forfeiture states that his personal effects, including the manuscript, were contained in his "B" bag, which was thoroughly inspected before embarkation, during the trip from Europe, and after debarkation, and that during these inspections he declared each item including the manuscript, "all of which were cleared

See 2

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by the officers with permission to take same back to the States," the file does not show that Rechsteiner ever obtained the certificate required by Circular 353, supra; and even though the manuscript was "declared" by Rechsteiner for customs inspection by the military authorities and inspected by them, there is nothing to indicate that its true character was disclosed by the declaration or known to the inspecting officers. Consequently, it does not appear from the file that the military authorities even ruled on his title to the manuscript or authorized him to bring it out of the theater."

Inclosed is your office's entire file on subject matter.

Sincerely yours,

1 Incl
a/s

/s/ F. A. Kreidel
F. A. KREIDEL
Colonel, CMP
Chief, Provost Division

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OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

Public Relations Office

APO 742

(OMGUS - 12 - 27)

Berlin, Germany
 10 December 1946

FOR IMMEDIATE RELEASE:

BERLIN, 10 December 1946 -- The revision of U.S. Military Government Law No. 52 with respect to transfer of works of art or cultural material, which was promulgated in September, 1944, shortly after U.S. Troops moved across the German border toward Aachen, was announced today by Brigadier General William H. Draper, Jr., Director of the Economics Division.

The effect of the revised statute is to ease the prohibition against transactions in all cultural materials and "objects of art of value or importance, regardless of ownership". It vests authority in the Minister Presidents to license art dealers in the U.S. Zone, with a proviso report and inventory of works of art or cultural material of value or importance.

The newly framed law permits transactions in art objects and requires objects over 10,000 Reichsmarks to be reported, thus legitimizing one of Germany's important peacetime industries. It will facilitate the export of low-priced paintings and other cultural objects against dollar returns, helping in this way to defray the cost of importing food. In addition, the law is expected to give encouragement to indigenous art which has been largely dormant in Germany since the incursion of National Socialism.

Colonel John H. Allen, chief of the Restitution Branch of the Economics Division, and Mr. R.F. Howard, chief of the Monuments, Fine Arts and Archives Section, who were charged with responsibility of revision of Law No. 52, pointed out that U.S. personnel who purchase works of art which are not for purely personal use, will be violating the Trading with the Enemy Act and Theater Regulations. USPET Circular 140, dated 26 September 1946, applies in those dealings as in others.

The revised statute defines a "work of art or cultural object of value or importance" as "exceeding ten thousand, 10,000 Reichsmarks, and all incunabulae and manuscripts, excluding books printed after the year 1700 A.D."

On 5 January 1943, 18 of the Allied nations, including representatives of governments in exile, met in London and announced an "Inter-Allied Declaration against Acts of Dispossession Committed

in Territories

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in Territories under Enemy Occupation or Control". In substance, these nations went on record to the effect that they reserved the right to declare invalid transfers of property in countries occupied or controlled - directly or indirectly - by Germany. The London Declaration was, in the first instance, a formal reiteration of the historical moral and legal principle that neither the person who steals property nor the one who may later come into possession honestly receives title. It also put the Axis powers on notice that, when the time for reckoning came, even apparently legal transactions - such as Goering's purchases of French art with stolen francs - would be declared null and void.

In September, 1944, Supreme Headquarters Allied Expeditionary Forces promulgated Law 52. It was then that the policy implicit in the London Declaration began to be translated into action.

Law 52 made certain property in Germany subject to seizure and management by the military government. Scope of the law was broad. Not only did it cover property owned or controlled - directly or indirectly - by the German government, its political subdivisions, and agencies, but it also extended to the property of organizations and clubs dissolved by the military government, to the property of governments and citizens of any nation at war with the Allied, and to property of absentee owners, including United Nations governments and their citizens.

Law 52 banned transactions in all cultural materials and objects of value or importance, regardless of ownership. The ban also covered property owned or controlled by religious, charitable, educational, cultural, and scientific institutions. Everyone having custody of property covered by the SHAEF law was custody carried specific responsibilities such as preservation, keeping of records, and safekeeping.

DISTRIBUTION "A"

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C O P Y

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 B. 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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24ANNEX E**CONFIDENTIAL**TEL : KEN 4511 .
Ext : 79.Control Commission for Germany,
(British Element.),
Monuments, Fine Arts and Archives
Branch,
Room No. 439.,
27 Princes Gardens, S.W.3.Ref : INTR/62979/MFA.

30 October 1944.

To: Mr. Sumner Crosby, Roberts Commission, C/o U.S. Embassy.

Subject : German Disposal of Works of Art.

1. Following our recent conversation I would draw your attention to a number of facts.
2. Two of the most important German art dealers who have been actively selling for some years to Nazi big-wigs are:-

(a) Karl HABERSTOCK,
Kurfürstenstrasse,
BERLIN.and (b) Julius BÖHLER,
Briennerstrasse,
MUNICH.

3. Both of these firms have a loose but real association, not amounting to active partnership, with the Swiss firm of dealers:-

Theodor FISCHER,
Haldenstrasse 17,
LUZERN.

4. I am acquainted with all three men and it is my belief that they are all quite unscrupulous. FISCHER has been for a long time reputedly Nazi and was in close connection with Germany during the last war. In August 1939 it was FISCHER who organised the auction of "degenerate" pictures seized from German museums and sold for the profit of the German Government. The arrangements for this were made with the German Government by HABERSTOCK. In June 1939 HABERSTOCK and FISCHER visited London together and bought quite a few pictures. As HABERSTOCK suffered from the German Currency restrictions, the cash was provided by FISCHER. Since the defeat of France and the German occupation of ITALY there is every reason to believe that these two firms have been trading freely in pictures illicitly acquired if not actually looted from Jewish collections etc..

5. The case of BÖHLER is rather different, for one of the partners of that firm, Dr. SAUERMANN, is an anti-Nazi and has refused to act as purchasing agent for the party bosses. But there is a connection between BÖHLER himself and FISCHER, and BÖHLER's brother (who left Germany about 1936 because he had a Jewish wife) was given money to open a new gallery in LUZERN by FISCHER.

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6. Two Germans working with and for FISCHER are :-

(a) Dr. Hans WENDLAND

and (b) Carl W. BÜMMING.

} carded

7. The net is cast wide and there is every indication that the amount of trade has been great. It is therefore possible that, in many cases, missing works of art will turn up in Switzerland or, if found in Germany, will be claimed as Swiss property or as legally acquired from Swiss ownership. Against this one must remember that in many cases sales have been forced while in others the works of art have been illegally removed from the country of origin, that is to say in contravention of the export laws.

8. Information is at present lacking on the amount of Nazi or illicitly acquired art collections which have been exported for safety to neutral countries. In this matter it must be remembered that time is on the side of the criminal.

9. I would, however, like to draw your attention to two reports which have come in recently:-

(a) The Soviet radio broadcasting in German to Austria on October 24th stated that the Vienna Reichsstatthalter von SCHRACH has bought himself a villa in SWITZERLAND and has already begun to transfer his property (antique furniture, paintings, etc.) mainly removed from Viennese galleries, to his new home.

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(b) Gauleiter BÜRKEL is reported to have smuggled his collection of art objects out of Germany to BRAZIL.

carded

10. Other reports have also been received indicating SPAIN as the destination of looted art objects. Nor must one forget the report published in The Times of September 9th last, that the picture "The Parable of the Blind Men" by BREUGHEL, a picture looted by the Germans from the NAPLES Museum, had been offered for sale in STOCKHOLM. In the case of this last item it is worth noting that the Germans themselves broadcast the report on September 13th accusing "the U.S. air gangsters" of attempting to realise their loot. It would seem therefore as though there may be some truth in the story.

11. I have only been able to indicate in general terms some of the problems which will confront those working in the Fine Arts field at the end of hostilities. As yet nothing that I know of has been done to check up on the various activities of the art world of neutral countries, but I am sure that enquiries in that direction would produce most profitable results.

(Signed) Douglas Cooper, F/Lt.,
for Director, M.F.A. & A. Branch

DC/JP

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*For our file
From Robt's Com. (Burke)
Cen/p 10/8/45*

J.H.S.

A D D E N D U M

Please substitute the following heading and title in place of the previous title -- SPECIAL BACKGROUND GUIDANCE FOR HANDLING ALL INFORMATION CONCERNING THE AMERICAN COMMISSION FOR THE PROTECTION AND SALVAGE OF ARTISTICAL AND HISTORIC MONUMENTS IN WAR AREAS:

OFFICE OF WAR INFORMATION
Office of Policy Coordination
March 28, 1945

BACKGROUND INFORMATION CONCERNING
THE
AMERICAN COMMISSION FOR THE PROTECTION AND SALVAGE
OF ARTISTICAL AND HISTORIC MONUMENTS IN WAR AREAS

by May Arken

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SPECIAL BACKGROUND GUIDANCE
 FOR HANDLING ALL INFORMATION CONCERNING
 THE
AMERICAN COMMISSION FOR THE PROTECTION AND SALVAGE
 OF ARTISTIC AND HISTORIC MONUMENTS IN WAR AREAS

I. Origins of Commission:

Plans for the protection and salvage of artistic and historic monuments in war areas were first evolved as a result of civilian initiative, during the autumn of 1942, when the President of the Archaeological Institute in America, the President of the College Art Association, the Director of the Metropolitan Museum of Art in New York, and the Director of the National Gallery in Washington, called upon Chief Justice Harlan F. Stone of the United States Supreme Court. Subsequently, the Chief of the Civil Affairs Division, War Department, was approached; while two of these four men, at the same time, established contact with the Army Air Force Intelligence Service. Meanwhile the Chief Justice had written a letter to President Roosevelt on December 7, 1942, recommending that an American Commission be established to coordinate the efforts of civilian and military personnel who might be concerned in attempts to protect artistic and historic monuments in war areas. The interest of the Army by this time had been sufficiently aroused to insure close cooperation between civilian and military groups. The next step was taken then. President Roosevelt requested through the Secretary of State in August 1943 that a Commission be appointed under the chairmanship of Mr. Justice Owen J. Roberts. At first, this Commission was known as THE AMERICAN COMMISSION FOR THE PROTECTION AND SALVAGE OF ARTISTIC AND HISTORIC MONUMENTS IN EUROPE, more familiarly referred to as the Roberts Commission. At this time it was concerned exclusively with the European and North African theaters. When its work was finally expanded to include the Far East the phrase "...IN WAR AREAS" was substituted for the phrase "...IN EUROPE" and plans for operations in the Asiatic theaters were laid in close cooperation with the United States Navy.

The Commission was set up to perform two clearly defined functions:

A. In the War Phase:-

To advise and prepare material relating to the protection and salvage of artistic and historic monuments, such as lists of these monuments, maps for the use of Civil Affairs officers and the USAAF, recommendations in regard to qualified military and naval personnel in war theaters; and

B. In the Post-Hostilities Phase:-

To advise military, naval, and civilian authorities on policies concerned with the restitution of looted collections of art and archives, both public and private.

It should be observed that this whole activity excludes any consideration of the ultimate rebuilding of damaged monuments in liberated or enemy territories. This task will have to be performed by the liberated and enemy countries themselves. On the other hand, the Commission is concerned with the restitution of works of art and archives in both public and private collections, especially insofar as these are related to reparations. In other words, the Commission is not empowered to take any positive action; it is only empowered to advise the War, Navy, and State Departments, and other governmental agencies in respect to:

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- A. Damage done to monuments or collections owing to enemy or Allied military action; and
- B. Enemy looting of public and private collections.

In order to serve in this capacity, the Commission must have all available information; hence, it acts as the one central government agency for information on this subject.

Prior to the establishment of the Commission, two independent civilian organizations have been concerned with the problem of protecting and salvaging artistic and historic monuments:

- A. The American Defense - Harvard Group, operating under the direction of Mr. Paul Sachs of the Fogg Museum, which drew up mimeographed lists of monuments and great European collections of fine arts and archives; and
- B. A special Committee for the Protection of Cultural Materials in War Areas, appointed by the American Council of Learned Societies, under the leadership of Mr. William B. Dinsmore as Chairman and Mr. Sumner Crosby, as Executive Secretary. The main task of this Committee was to take the Harvard lists, expand them in conjunction with additional data provided by experts in the National Archives, Library of Congress, and Smithsonian Institute, and to prepare maps of various towns and cities throughout Europe containing historic and artistic monuments for the use of Civil Affairs officers in the field and the USAAF, in accordance with a policy of pin-point, precision bombing of strategic centers.

All work subsequently done by the Harvard Group and the ACLS Committee was canalized through the Commission, so that these organizations became in effect two research groups operating under the Commission. The Harvard Group is at present inactive. The ACLS Committee, which subsequently expanded its operations to embrace the Asiatic, as well as the European, theater will virtually cease to function upon the completion of its Chinese maps within the next four to eight weeks.

II. Other Allied Commissions:

Meanwhile, other Allied groups concerned with the same problem, did not remain idle. During a conference of Allied Ministers of Education sitting in London, the Governments-in-Exile established their own organization in April 1944 -- THE COMMISSION FOR THE PROTECTION AND RESTITUTION OF CULTURAL MATERIAL, more popularly known as the Vaucher Commission, in honor of its chairman. The Governments involved in the establishment of this Commission included those of France, Belgium, Czechoslovakia, Luxembourg, The Netherlands, Norway, Poland, Yugoslavia, and Greece. England also sat as a member of the Conference and consequently was partially responsible for instituting the Commission. The USA, the USSR, and China sent observers only. The Chairman of the Commission is a Frenchman. Its Secretary is Cyril Harvey, an Englishman. The Commission functions primarily as a research organization and has already drawn up a lengthy scheme for the restitution of looted works of art. Its principal office is in London. It is the only Inter-Allied group at present functioning in this capacity.

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III. The British Committee:

In the meantime, the British had themselves, also been actively concerned with the problems of protection, salvage, and restitution of art and archives collections on the European Continent. Under the leadership of the Trustees of the British Museum, English action coincided with similar action taken by civilian groups in America. It was not, however, until May 1944 that the BRITISH COMMITTEE ON THE PRESERVATION AND RESTITUTION OF WORKS OF ART, ARCHIVES AND OTHER MATERIAL IN ENEMY HANDS was formally founded. This Committee is generally known as the MacMillan Committee and corresponds in its responsibility and functions to the work being done in America by the Roberts Commission.

IV. Allied Military Cooperation with Allied Civilian Groups:

Prior to the establishment of the Roberts and Vaucher Commissions and the MacMillan Committee, the Allied Armies had found themselves obliged to take independent action along lines originally advocated by various interested civilian groups in both England and America. Circumstance forced the British to take the lead in the inauguration of such action, when Italian propaganda began to stress tales of British vandalism and damage done to monuments in Tripolitania. Brigadier Mortimer Wheeler, Director of the London Museum, and his Assistant Director, Major Ward Perkins, both of whom were attached to the British Middle East Forces in North Africa, happened to be on the spot when Italian propaganda first made these charges without official authorization from London, but at the instigation of Brigadier Wheeler, Major Perkins proceeded to take action to prevent British troops from using the columns of ruined Greek, Hellenistic and Roman monuments for roadbeds, etc. His functions in so doing were not formalized until November 1943, when Lt. Col. Sir Leonard Woolley was placed in a position in the War Office to advise on the protection and preservation of monuments, fine arts, and archives in the field, with the official title of Archaeological Advisor.

Similar action was shortly thereafter forced upon the American Armies in North Africa and a similar type of officer was eventually and at a later date assigned to each army unit in the field.

V. MFA and A Officers:

From this time on events moved rapidly. Major Mason Hammond, Professor of Classics at Harvard University, moved into Sicily as the first American MFA & A officer. It is very important for propaganda purposes to understand fully the functions of these monuments, fine arts and archives officers:

- A. The chief reason for their appointment is found in the fact that the United States is responsible for the conduct of its own armies in the field, and hence is responsible for preventing these armies from damaging national monuments and from damaging or looting public or private collections within the theater. This is a serious responsibility in view of the possibility of attempts to recover claims for damages which may be committed by American troops. Hence, MFA & A Officers have a primary responsibility for the good conduct of American troops to which they are attached, insofar as such conduct affects public monuments or public and private collections of fine arts and archives. Thus, one of the first duties of the MFA & A Officer is to post all such monuments and collections as "off limits;" and to prevent troops from being billeted within such monuments or within buildings which house great national or private collections.

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- B. It should, therefore, be obvious that the mere existence of MFA & A officers is, in itself, a form of counter-propaganda to the charges leveled against American Armies by Germans and Italians alike.
- C. The most useful aspect of this counter-propaganda will be the first-aid rendered on the spot to damaged monuments, fine art and archives collections. The distinction between first-aid and restoration should be clearly recognized. MFA & A Officers attached to Allied Armies in all theaters of war are not responsible for restoration of damaged monuments and collections. This will be the task of the people and governments themselves within liberated and occupied territories. MFA & A Officers are only concerned with measures taken for the immediate protection from further damage of monuments and collections. First-aid is achieved in two ways:-
 - 1. If a collection of paintings or archives is exposed to further enemy or Allied action, or to the inroads of inclement weather, these collections must be moved to a proper place of safekeeping and guards must be posted over them;
 - 2. The next step will involve the requisitioning of material to effect temporary repairs.
- D. In ETO and AFHQ there are two echlons of MFA & A Officers:-
 - 1. The first group are attached directly to our armies as they advance. Their responsibilities include:
 - a. The assessment of damage;
 - b. The inspection of repositories; and
 - c. An obligation to be on hand at all times for consultation with other Army Officers concerning billeting and the establishment of posted areas.
 - 2. A second group remain attached to zones of Allied communications. Their responsibilities include:
 - a. Continued inspection of monuments and repositories; and
 - b. Drafting of recommendations for immediate attention and first-aid.
- E. Reports from both British and American MFA & A Officers are sent directly to the Civil Affairs Division, War Department, Washington, from the MFA & A Branch, G-5, SHAER, and from AFHQ. These same reports also are sent directly to the War Office.

VI. Organization in Allied Military Headquarters:

- A. In Italy; there is an MFA & A Subcommission of the Allied Commission, headed by Lt. Col. Ernest de Wald of Princeton University, with Major Ward Perkins as Deputy. This is a combined Anglo-American Subcommission with headquarters at Rome.

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B. In ETO, there is:

1. An MFA & A Branch, G-5, SHAEF, headed by Lt. Col. Geoffrey Webb (British); whose Deputy is Lt. Charles Kuhn, USNR (American). This combined Anglo-American Branch is directly responsible to Brigadier General Frank J. McSherry, Deputy-Assistant Chief of Staff, G-5, SHAEF. This group supervises Anglo-American responsibility, for monuments, fine arts and archives collections during the period of actual hostilities.
2. A second group, which will be responsible for the second, or post-hostilities, phase, during the German occupation, when SHAEF has been dissolved. The organization and functions of this group are defined as follows:

Under Brigadier General Cornelius Wickersham, Acting Deputy, U. S. Group Control Council/Germany, are 12 Branches. One of these is the Reparations, Delivery and Restitution Branch. In this Branch is the MFA & A Section, whose recently appointed chief is Mr. John Nicholas Brown, with Major Mason Hammond as his Deputy. The principal function of this Section will be to enforce the freezing orders which exist in regard to all archives and objects of art. It is expected that it will also conduct a census of whatever collections of archives and works of art are to be found in the American zone of occupation. Finally, this Section also will have to evolve a system for noting all new additions to public and private collections of fine arts and archives in Germany, with the ultimate aim of returning such additions to the appropriate government.

VII. Summary:

The analysis of the operations of both American, British and Allied Commissions and also of the MFA & A Officers operating under the direction of Civil Affairs and Military Government headquarters in all Allied theaters of war, is herewith submitted as essential background for a proper use of material made available to OWI for propaganda purposes by the Roberts Commission, and the Civil Affairs Division of the War Department.

March 24, 1945

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