

Summary of the work by the Study Mission on the spoliation of Jews in France

Reports by the Study Mission on the spoliation
of Jews in France are available:

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ERRATUM

At page 37, 4th paragraph, 1st line, read : « In 1941, under the impulse of the General Commission for Jewish Affairs, the members fill out a certificate of aryanness. »

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Foreword by the chairman, Mr Jean Mattéoli

The Mission studying the spoliation of Jews in France has existed for over three years. The Mission is now presenting a new summary report, seven sector reports, the guide to archive research and the collection of official texts on the spoliation and restitution, which bear evidence to the Commission's determination to continue to expose little-known facts in the History of France.

I should like to mention the names in the agenda of all its members without exception although I keep the warmest regard for the ladies and gentlemen among them who accepted the heaviest workload. On behalf of the nine members of the Commission and on behalf of those who have provided assistance in this endeavour, I should like to make a particular mention of Professor Ady Steg, without whom the Commission and the results of its activities would not be what they are. Custom decrees that the Commission should take the name of its chairman, although it could also have been named after Professor Steg.

This is also the opportunity for me to include in the history of the Commission the vast number of instances of voluntary contributions it received, the memory of extensive and in part thankless work which determined foot soldiers undertook for a cause that is quite simply a just one, along with the contribution from public institutions whose daily workload was increased by unusual research. The commitment of these parties was particularly remarkable given that the Commission also encountered – needless to say – faux amis, adversaries and obstacles to its activities. Reticence and resistance were overcome in most cases. The founding statute of the Commission did not endow it with this aim, but the results of its actions have contributed to greater awareness and queries with the greatest possible respect of the individuals and professional groups concerned. We never resorted to threats in our method. We were not going to restore a constrictive system in our study of one and then note its damaging repercussions. When our effort was in vain, we circumvented the difficulty thanks to abundant public archives. Let us hope that these reports convince the last few remaining undecided.

What have we learnt in the last three years? The extent of the despoilment and the ramifications without number were the first factors to surprise us. By accumulating the status of persons and that of property, by combining professional prohibitions and the confiscation of all types of movable and immovable property, the Nazi authorities and the Vichy government bound Jews in an inextricable lattice of crimes against human rights. As the population which was considered Jewish could be found in every profession, these professions were willingly or unwillingly entangled indirectly in the despoilment process. In the General Commission for Jewish Affairs, the various sections in charge of 'economic aryansisation' covered the entire range of economic activities. Only the primary sector, agriculture, fishing and mining industries did not 'participate' (so to speak). Forestry should also be excluded, as it was subject to a specific professional prohibition. These rare absences are not the reflection of a policy inclined to exemption; they were rather the consequence of the modest number of Jews working in sectors which were excluded. Every section of administration, industry, trade and services, in both public and private sectors, experienced despoilment. 'Aryan' companies participated in the despoilment or profited from it (and particularly the professions, as competition was eliminated) either because the 'temporary administrators' who were appointed to 'Jewish' companies themselves stemmed from 'aryansised activities' or because of the expulsion of Jewish executives and shareholders.

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It should be pointed out at this juncture that the study conducted by the Commission was not comprehensive. Not only were the economic consequences of professional prohibitions not examined, but also not all sectors of economic activity were involved in the research work. Although industry and trade in merchandise and services, such as transportation, were not included in the endeavour to bring facts to light, this does not mean that their involvement in the despoilment network has not been recognised. The Commission hopes that the interest it has created, albeit partially, still acts as a signal for national awareness which by close contact will affect all professions in both public and private sectors.

The second surprise, a fortunate one, was to note the extent and diversity of restitution measures. Announced in the summer of 1940 by the leader of Free France, the cancellation of despoilment acts was undertaken with the Liberation of France. The executive orders of the provisional government of the French Republic, followed by laws adopted by the French people, implemented the principles in question and restored the rights to the victims of persecution. In its study of escheat, the Commission did not work from scratch. Its work consisted of using the analysis of restitutions as left by restoration organisations in the 1950's in France and in the 1970's in Germany. Despite the extent of judicial work accomplished by both Republics which had formed close reciprocal bonds, victims did not always receive all their property nor enjoy all the compensation to which they were entitled. Others who succeeded in having the statutes concerning their case applied, suffered from the length and complexity of the formalities in question. It was the Commission's responsibility to reveal the discrepancies in the restoration policy and to ensure compensation for such with concrete measures.

A preliminary step was taken in September 1999. At the Commission's proposal, the government instituted the Commission in charge of compensation for victims of anti-Semitic laws whose task consists of remedying any discrepancies in compensation after the Second World War. The second stage is to create a National Memory Foundation to circulate knowledge concerning anti-Semitic persecution and human rights crimes committed during Second World War. Allocations to the Public Interest Foundation will come from an allocation corresponding to the despoilments which are considered as unreturned. The State and some private and public institutions have already undertaken to participate in this endeavour which is of public interest. Other donators, convinced by the quality of our studies, will surely express their support.

To conclude, if a former deportee Resistance member may be allowed, it should be remembered that that sombre chapter in the History of France did not involve all of France. The some 10,000 volunteers of the Free French Forces who died in combat and the 70,000 men and women who worked in the Resistance and experienced internment and deportation, also have their place in the History of France. Our Commission spent three years searching in the dark shadows, although the light, which illuminates the Just, those who hid and protected victims of persecution, also has a part in the country's past. I should therefore like to dedicate our work to the memory of the victims of persecution and of those who helped them. ■

Jean Mattéoli

Summary of the general report

For Emile Terroine, who was devoted to the cause, restitution should be *"a labour of both justice and humanity, whose moral and political meaning far transcends the material values in question"*(1) The Commission to study the despoilment of Jews in France could have adopted the expression used by Emile Terroine verbatim. For it instantly adopted its final purpose – justice and humanity – without being fully aware of it at the time and merely added history. It raised the vital question of whether the objectives set by Mr Terroine had been met by examining the work of restitution and compensation in the years after the war. The Commission is now submitting its final report. This includes nine reports for each sector of investigation which illustrates the work achieved since its establishment on 5th February 1997 by the then Prime Minister, Mr Alain Juppé².

In his letter to the Commission, the Prime Minister entrusted to Mr Jean Mattéoli, then president of the Economic and Social Council and former resistance deportee and chairman of the Resistance Foundation, created to perpetuate the memory of the Resistance, with the task assigned to the working group he had convened. The aim was to *"study the conditions under which movable and immovable property belonging to French Jews were confiscated or in general confiscated by fraudulent means, violence or theft, both by the occupying forces and by the Vichy authorities between 1940 and 1944"*. Mr Alain Juppé continued: *"As part of your brief, I would like you to attempt to assess the extent of the spoliation and that you indicate to which persons, physical and legal, this profited. You should also indicate the fate of this property since the end of the war until the present. You will also search for the location of the said property as well as its legal position. Wherever possible, you will draw up an inventory of goods plundered on French soil which may still be in the hands of public French and non-French institutions and official bodies. You may, where required, submit proposals regarding the future of property which may currently be held by public persons subject to French law"*.

On assuming power, Mr Lionel JOSPIN, who was appointed head of the government following the parliamentary elections on 2nd June 1997 which led to a change in parliamentary majority, made it known that the work which had begun should continue, an intention he confirmed in a letter dated 6th October 1997. The Commission clearly transcends any political division.

The Commission is therefore a study commission with the aim firstly of shedding light on the historical process, that of the spoliation and pillage of property belonging to Jews in France during the Occupation; that of the restoration and compensation for said property which may or may not have occurred. Recommendations were submitted to the government on the basis of this research upon submission of the second stage report and to which this latest report adds new items.

The task was a considerable one, in that the spoliation of Jews in France affects a population estimated at between 300,000 to 330,000 people; it involves several interested parties and concerns property of an infinite range of type and value. Whereas partial historical work has already been done on the issue, which formed the basis for the Commission's work, however, the issue of restoration and compensation remains unknown territory.

(1) Report dated 29th December 1944, AJ 38/3623

(2) Alain Juppé, letter to the Commission dated 5th February 1997 (Appendix 2). By virtue of the decree dated 27th April 1997 published in the Official Gazette on 28th April, 1997, the group consisted of Mr Adolphe Steg, deputy chairman, Messrs Jean Favier, Jean Kahn, Serge Klarsfeld, Alain Pierret and Mrs Annette Wiewiorka. François Furet, who was also a member, died on 12th July 1997. By virtue of the decree dated 23rd March 1998, Mrs Claire Andrieu and Mr Antoine Prost were appointed members of the Commission.

By virtue of the decree dated 16th September 1998, Mr André Larqué was appointed Chairman of the Commission

This Commission, the first of its kind in the history of the French Republic (albeit not without similarities with the Restoration Service established after the War), is original compared to the way other countries with reasonably similar problems reacted. Its nature has directed its entire organisation and its working methods.

The aim was not merely to produce an historical account, which is what historians achieve in writing theses or publishing works. The work of the Commission had to meet various requests expressed by society, the media and organisations, and these requests also changed in the course of the Commission's work. Firstly, there were the individual and collective requests expressed by the victims. There were collective requests in that it had to be established whether property or the income from the sale of property resulting from the spoliation could still be located in various institutions and whether this property could be related to a specific owner or had been anonymously paid. The Commission's work therefore had to result in global estimations of stolen amounts which had not been returned. However, every party concerned in his or her family history by the issue of spoliation had to be able to access the appropriate documentary archives to make a claim where appropriate or to find out about the history of each party's relations during the Occupation.

Working groups were organised to facilitate research, each under the authority of a member of the Commission, to consider a specific aspect of the spoliation. There were nine groups, each established at different dates, occasionally to address matters that arose during the work. Although questions were raised from the outset concerning the money taken from internees at Drancy, the (non) restitution of 'aryanised' companies along with the piercing issue of works of art conserved in museums under the MNR banner (Musées nationaux récupération – National Recuperation Museums), there were other questions which arose at various times in different ways. These included property deposited in banks, insurance policies with no immediate heirs, plundered goods and copyright fees which may not have been paid.

The research work conducted by professional historians and archivists was not conventional work. The historians themselves did not construct questions that they wished to answer, as they were used to doing in the freedom of their offices. These questions were directed by various national and international requests.

Each question had to be the subject of a specific measure to be addressed which linked the institutions concerned in one way or another. The reports for each sector account for the methods used and the co-operation provided, as do the many and substantial reports submitted by those who worked in partnership with the Commission.

It became transparent at the end of the work that the whole issue of spoliation could not be pigeonholed into distinct categories although it did feature some consistency irrespective of its various aspects. This is what prompted us to produce a summary report in addition to the sector reports which will all be or have been published. The greater part of the summary report stems from the various sector reports.

The government did not stint on means provided to the Commission. The Commission received the support of the Prime Minister's administrative services which provided premises and a secretariat. A secretary general and a director were appointed and an extensive budget was allocated. All personnel requests were met, which enabled the Commission to recruit a large number of young, high level historians and archivists. The Commission members and researchers received a general exemption which enabled them to access freely all the archives required for their work. A large part of the documents the Commission consulted were subject to the exemption at the beginning of its work. This is no longer the case since the decree dated 13th May 1998 regarding the opening of the fund of public archives for the 1940-1944 period.

What view can we formulate with regard to the results of our Commission? On the one hand, we are aware that we have completed extensive work which, in some fields, notably that of restitution and compensation, was pioneering. Can the work, however, be considered comprehensive or 'definitive'?

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We wished to conduct our research in a limited amount of time out of respect for the victims who expected proposals to be made on the basis of our study. Our work does not, however, fully go into every aspect of the history of spoliation, pillage, restitution and compensation. Others will continue our work. The National Foundation, whose creation was announced by the Prime Minister at the CRIF dinner on 28th November 1998, may assist them. Other issues will probably remain obscure forever.

Everything regarding the Jewish Holocaust is, as the German historian Nolte has said, "*a past which does not wish to die out*". Its presence is more pressing today than in the decades that followed the war, which occasionally gives the strange feeling that no time has gone by since the German capitulation in May 1945. Each victim on behalf of all parties would have had to return to the time of the procedures, procedures we would have reconstituted in detail, in order to conduct comprehensive work and locate the details of all the instances of spoliation and the means of restitution. This was predictably impossible.

Whether the past wishes to die or refuses to do so, it still remains the past, which can be understood only by its vestiges, primarily archives. Archives are usually sufficient to write History, if by this term we mean a construct developed on the basis of remains bequeathed by the past. The guide to research conducted in public archives published thanks to the Commission's work indicates the abundance and diversity of archive resources. Deficiencies in vestiges do not prevent an historian from writing history. However, deficiencies are obstacles to restoring the reality of almost sixty years ago. Two, sometimes even three, generations have been born since the events for which our Commission must account. Nothing that separates us from these events can be placed in parenthesis.

Some procedures did not leave enough written records. This is the case, for example, of the savage and radical pillaging of furniture by the Nazis and, in a completely different field, of the recovery during the Liberation, of accounts frozen by banking institutions. It is also the case of the restitution without procedures of specific companies just after the war. There are absolutely no procedures available from the aftermath of the war.

Other archives were destroyed at various dates for good or bad reasons. To give only one example, this was the case of the German archives from the Drancy camp, most of which were burnt by the SS before they suddenly fled in August 1944. Archives were shredded during the Liberation because they bore 'racial' observations that are incompatible with the Republican culture which has prohibited any religious or ethnic remark in official documents since 1872. Some archives simply disappeared – this was the case of very many internment camps. The guide to archive research reviews available and no longer available archives, as does each of the sector reports. Other archives were not generally preserved. This was the case particularly of accounting documents which would have been very useful in the type of research we conducted and which may be legally destroyed after ten years.

Finally, other archives could not be found. This applies to the majority of Domain archives, one of the essential links in the process of spoliation, restitution and sales of objects whose former owners could not be identified and which therefore became property of the State. We have no absolute proof that these archives no longer exist. Perhaps they may re-emerge in a near or distant future, as it does happen that archives considered lost do re-emerge. Such was the case of public and private archives pillaged by the Germans during the Occupation and rediscovered at the end of the 1980's in the 'Special Archives' in Moscow. There is a random factor to all historical research.

Our report considers the fate of persons designated as Jewish by the French State and the German Occupying Forces. Spoliation and pillaging are closely connected with the attempt to destroy Jews in France. Spoliation was one step in the process, whereas the Nazis' pillaging of apartments was the signature. Our brief was to consider money, companies, movable property, bank accounts, insurance policies, etc., which are 'merely materialistic and can be compensated, but which form part of the "irreparable"', as stated by the President of the French Republic Mr Jacques Chirac, at his Vel d'Hiv speech on 16th July 1995. As we had to assess the extent of spoliation which had been neither restored nor compensated, we had to assess and occasionally apply a coldly arithmetical approach used to draw up accounts, and yet the irreparable aspect of the Holocaust

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is the murder of men, women and children, the agony of a proportion of Judaism. Our work is intended to be a contribution to a still poorly understood, and yet fundamental, aspect of the history of the Jewish genocide. Consideration of property does not mean that Jews were exterminated merely out of greed, nor that the memory of Auschwitz should be expressed in monetary terms.

Four main observations may be made after our investigation.

Extent of spoliation

Spoliation was an endeavour whose extent has been under-estimated to date.

Firstly, this applies to the extent of the objectives. The spoliation process was initially launched by the Germans in the Northern Zone at the beginning of the Occupation and then carried on by the Vichy authorities and extended throughout France from July 1941 onwards. It applied to all property.

A distinction should be made between spoliation *per se*, i.e., organised under the aegis of statutes and regulations for which Vichy assumed responsibility, and German pillaging, as the responsibility for the restitution and compensation of the former is the French State's, whereas Germany is responsible for the latter.

The sale or liquidation of industries, companies and workshops, along with that of immovable property, the sale of French securities deposited in financial institutions and banks fall within the enacting terms of the word spoliation. Similarly, deductions from bank accounts to pay the *milliard* fine (billion franc fine) or finance the UGIF (Union générale des Israélites de France – General Union of Hebrews in France), or the theft of money and property from internees upon their arrival in camps, which is identical to deposits in the prisons' legal offices, became *de facto* acts of spoliation when internees were deported. In contrast, pillaging applies to the theft by Germans of works of art which they had long before identified, along with the theft of gold, currency and foreign negotiables taken from strong boxes, and to the shipment to Germany in whole trainloads of furniture and various objects taken from apartments which they had systematically emptied. However, when taken together, acts of spoliation, pillaging and exclusion from specific professions were intended to strip Jews systematically of their belongings and deprive them of their means of working. The only possessions to have escaped this process were French bonds (which, however, were frozen) and the buildings used by Jews as their main residence.

Secondly, this applies to the extent of their achievement. Assessing spoliation is a delicate, complex and therefore difficult endeavour, as our work often led to approximate estimates which in turn were based on eminently debatable hypotheses. We were often compelled to use simple projections to assess a scale of magnitude for all despoiled goods on the basis of data of varying reliability which we applied to a proportion of property. However reasoned the process may be, it did have a degree of uncertainty, because it could not be established that identified goods truly represented all despoiled property. We were therefore not in the position of an accountant who has all the figures at his or her fingertips. Nevertheless, it may be considered that our estimate provides an acceptable scale.

In total, 80,000 bank accounts and some 6,000 strong boxes had been frozen; 50,000 'aryanisation' proceedings had been instigated; over 100,000 objets d'art and works along with several million books were pillaged and 38,000 apartments were emptied. Most economic sectors were affected in almost all of France. Any exceptions may be attributed to the small number of Jews present who in 1940, only 0.7% of the French population, almost half of whom lived in and around Paris. The amounts in question were considerable. Frozen share accounts amounted to FFR 6,043 million at the time, whereas current accounts totalled FFR 1,207 million. The sale and liquidation of companies and buildings generated some FFR 3 billion, whereas the value of pillaged goods is difficult to assess. Deposits made by Jews when interned in camps totalled FFR 15 million for Drancy, Pithiviers and Beaune-la-Rolande and, for the 8,141 known internees in provincial

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camps, to FFR 24.8 million, not including seized values and objects. Even though projection in this field is a rudimentary calculation, it does attribute a sum in excess of FFR 200 million to all internees. Restitutions and repayments will clearly not cover all of this property.

And finally, there is the political and social extent of the spoliation. The extent of the figures, to be fully appreciated, must be put in the context of other economic scales of the time. The indemnity of the occupation attributed to the Vichy government by the armistice amounted to FFR 200 million and then FFR 400 million per day. The *milliard* fine, despite its enormity as attested by the difficulties in finding the sum in question, amounted to two and half days of occupation by the Germans, merely a drop in the ocean. This would indicate that its true extent transcends economics and has a social and political effect. The aim was to group Jews together better to exclude and asphyxiate them at the same as the creation of the UGIF and the decision of the 'final solution'.

Extent of restitutions

Restitutions are not the symmetrical counterpart of spoliation, primarily for political and ideological reasons. The restored French Republic did not wish to resort to exceptional measures as a backlash, as the Vichy authorities had done. It used judicial and legislative measures, which resulted in two consequences. The first was less visible restitution, because restitution fell within the enacting terms of common law. The compensation of pillaging is exemplary in this matter, as no difference was established between property stolen from the Jews by the Nazis and militiamen and those stolen by French and German troops during the debacle or destroyed by bombings. They were equated with war pillaging and compensated for as such by the order dated 8th September 1945 and the law dated 28th October 1946 for the pillaging of apartments, with, however, a vital provision for all victims: the possibility of establishing their prejudice with a sworn statement serving as proof. The second was the slow rate of progress stemming from the democratic process of legislative statutes (orders dated 14th November 1944 and 21st April 1945, the law dated 16th June 1948), and from the judicial procedures, despite the option of a fast-track procedure by presiding magistrates' executive orders.

The slow rate of progress was aggravated by a major omission in the return to civil society at a time when the housing crisis had been worsened by its victims' problems, i.e., the restoration of apartments from which Jews had been expelled was not given priority status and frequently had to wait for the new occupant's relocation if s/he was a war victim for one reason or another. The above may explain why spoliation victims had the impression that they were not given the attention they expected, especially in Paris where the restitution of ownership was longer and more difficult than in the provinces, particularly in the Southern zone. This led to heavy and lengthy discontent.

Political volition was, however, unambiguous although slow to be asserted. All the measures taken by Vichy resulting from any form of discrimination whatsoever were rendered null and void from the outset. After some hesitation by banks regarding their temporary administration of companies, this enabled account holders to resume ownership after proving their identity. The recipients of despoiled property were deemed to be in bad faith and the fact that they acted within the framework of statutes applied by Vichy did not endow them with any ownership rights. The courts ordered thousands of summary restitutions and cancellations of commercial leaseholds. From November 1944 onwards, the Artistic Recovery Commission strove to find, identify and return objets d'art and works of art. The Restitution Service was established in January-February 1945, taking the example of improvised (although efficient) authorities which Liberation Commissioners for the Republic set up in the Southern zone. It questioned victims to find out whether they had recovered their property; it demanded accounts from temporary administrators and instigated proceedings against all those who avoided the issue. At the Justice Ministry, the temporary administrators-supervisory service pursued claims submitted by victims against temporary administrators who refused to restore their property or used by the restitution service. The restitution service was set up to return private property found in France to its legitimate owners, whereas the Office des biens et intérêts privés (OBIP – Private Property and Interests Board) undertook the same for property recovered in Germany. The law dated 16 June 1948 made the State responsible for

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repaying the amounts deducted from victims to pay the *milliard* fine or paid to temporary administrators. Restitution measures were not implemented as quickly as they should have been, but did cover most prejudices. On the whole, the restored French Republic did its duty.

The Republic, however, is a human construction. History has preserved the memory of spoliation activists, the Vallats, Darquiers and others of their type. It has somewhat overlooked, in preserving the memory of restitution, the memory of those militants who took up the cause. Committed people are required to operate the complex machinery of government. Some of the Republic's intentions would have remained pipe dreams without the intervention of people such as Cassin, chairman of the judiciary committee, in drafting restitution orders, and Terroine, whose very name has been forgotten and yet who played a decisive role at the head of the restitution services. The material consequences of spoliation have in large part been removed, but only due to their determined action.

Limits of restitution: an assessment

Restitution has, however, been incomplete, for two main reasons. The first is anti-Semitic persecution which led to genocide; the property of deportees who were exterminated along with their entire families was not claimed by any one. The issue of property in default of heirs is particularly important for deposits and bank accounts which lay dormant until the statute of limitations had expired, only to gradually die out without anyone taking care of them. The Restitutions Service referred to the courts the requisite lists to instigate seizures of buildings and businesses. However, cases where no beneficiary turned up after the war to claim stolen property were less frequent in total than could be imagined. The report on economic 'aryanisation' highlights the fact that some property was not claimed after the war although its owner or beneficiary did emerge and sometimes came to consult the file at the Restitution Service. It is clear that not all victims exercised their rights. The fact is obvious with regard to the 1948 law: somewhat less than 5,000 victims filed cases.

Four main types of spoliation and pillaging may be distinguished.

Firstly, property subject to the law dated 22nd July 1941, i.e., 'aryanised' companies and buildings and French securities. The Commission's research resulted in an estimate of non-restored property totalling between FFR 243 million and FFR 477 million in French francs of the time. This estimate takes account of the FFR 150 million as a preliminary spoliation which were deducted from currency accounts to pay the *milliard* fine, along with stock sold by the *Domaines*, amounts consigned at the *Caisse des dépôts et consignations* (CDC) following the sale and liquidation of companies and buildings and those held by notaries. Various expenses should be added to this amount, such as fees and deductions by temporary administrators, operating fees levied by the *Domaines* and payments to the *Treuhand*. With regard to restitution, the estimate includes amounts paid back by notaries and temporary administrators, withdrawals from the CDC and repayments by the State under the terms of the law dated 16th June 1948. Property was considered returned if it went back to the legitimate owner following a court order or out-of-court settlement or when the sale of property was the subject of an agreement between the victim and purchaser frequently after renegotiating the price. In sum, residual spoliation in this field amounted to between 5% and 10% of the total value of despoiled property, but to only one-quarter of the total number. The value of non-recovered property was significantly lower than the value of restored property.

Secondly, the approach to despoiled funds, which in part was included in the previous category: cash and stock frozen in financial institutions as per the German order dated 28th May 1941 and the law dated 22nd July 1941. Frozen assets amounted to FFR 1,207 million in cash and FFR 6,043 million in stocks. By extrapolating the conclusions of a partial survey of prescribed accounts between 1970 and 1998, i.e., accounts closed because they had lain dormant for thirty years, prescribed funds may be estimated at FFR 12 million in currency accounts and at FFR 133 million in stock accounts, which represents 1% and 2.2% respectively of initially frozen amounts. However, between the prescribed accounts and those which gave

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some sign of life after the war, there are all those of which we know nothing and those which naturally and gradually fell into disuse before the thirty-year statute of limitations and which amount to a far from insignificant total of FFR 1,957 million. In order to offer an assessment, with, however, measurement of the approximation and fragility of the calculation, it would be reasonable to accept that accounts fallen into disuse belonged to deportees. As this category accounted for between 3% and 11% of account holders, we considered that the 11% of these amounts (FFR 215 million) was in testate. Accounts in the Southern zone, which had not been frozen, were not included in these estimates, although it is likely that some became in escheat. Research by insurance companies could add the sum of FFR 2 million which was certainly outstanding, although the lack of information is such that no evaluation whatsoever would have any probity.

The third main category consists of money and objects taken from internees. Jews who had been arrested and interned were deprived of any cash they had about them upon their arrival in the camps along with any objects of value such as jewellery and watches, etc. With regard to Drancy, rediscovered accounts established that FFR 12 million in ready cash were taken from internees and consigned at the CDC which disbursed FFR 3 million after the war. There is therefore a remaining amount of FFR 9 million from the spoliation, to which should be added the value of objects sold at an early stage by the *Domaines* after the war. However, the internees who arrived at Drancy often came from camps in the provinces where they had already had their possessions taken away from them. It is therefore not surprising that the amounts taken at Drancy were much lower than those which had been confiscated in provincial camps. Research by the working group led to the proposal of an estimate of this type of spoliation of some FFR 200 million, to which should be added the value of objects taken from internees. These deductions may have been repaid under the terms of the law dated 9th September 1948, although we do not know what proportion was actually repaid.

The last main category to be taken into account consists of objects of all types which were pillaged by the Germans and left behind in France or shipped to Germany. Works of art have a special status in this category; they have focussed the attention of public opinion today as they attracted the greed of the Germans during the war and mobilised resistance by museum staff and curators, of whom an outstanding example was Rose Valland. Four main sub-groups may be distinguished: works of art, archives and libraries which were the target of the *Einsatzstab Reichsleiter Rosenberg*; furniture moved by *Möbel Aktion*; miscellaneous objects which were requisitioned or pillaged in various locations such as 8,000 pianos of which only 2,000 were found after the war; and gold and values plundered from some 400 strong boxes by the *Devisenschutzkommando*. In these four cases, the initiative was from Germany and the responsibility of the Vichy government has not been directly incurred.

French responsibility has, however, been brought up with regard to the fate of this property after the war. It is not a matter of dispute that the *Domaines* proceeded with early sales of miscellaneous objects totalling FFR 96.12 million by 15th June 1953, an amount assessed at some FFR 100 million in September 1954. In addition, French museums did not continue with the same determination as evidenced in 1945-1950 to restore the 45,000 objects in their possession or to continue researching the ownership of 2,000 works of art and objets d'art.

If, however, we wish to assess remaining spoliation fairly, we must begin by excluding the case of gold stolen from strong boxes. Fifty-nine kilograms of gold were taken by the Germans; 62% (36 kg) were returned under the terms of international agreements. For other cases, one cannot overlook the fact that the owners of these objects could have been compensated. Victims of spoliation did not recover their belongings although they may have been compensated at two levels: firstly in France (although this would not apply to all foreigners), thanks to the procedure used for war damages under the same process as those whose apartments had been obliterated during the bombings. The process was managed by the Ministry for Reconstruction and Urban Planning. It had a fixed rate system although it was relatively easy to access, as a sworn statement alone was required to establish the prejudice. Secondly, in Germany as per the BRüG law (1957), which was significantly managed in France by the United Social Jewish Fund (*Fonds social juif unifié*). The procedure lasted some fifteen years; archives conserved in the financial department of the Berlin *Land* show that it was implemented

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very seriously. The Monet which the national museums recently returned to its legitimate owners was part of a stolen collection which was compensated by the payment of DM 2.3 million by the German government. It would be difficult to support the idea that the owners should retain the proportion of compensation which corresponds to the canvas that has been returned to them.

The extent of German compensation is undoubted. Over 40,000 cases (not including those from Drancy) have been kept in the archives; the expenditure in compensation by the West German government exceeded DM 450 million. Outstanding spoliation is the difference between initial spoliation and the amount of compensation from the *BrüG* law, increased by the proportion of French war reparations which were not included in the *BRÜG* law. It is, however, totally impossible to assess, as all estimates of the value of stolen assets would be arbitrary. It should be said in passing that this exceeds our brief which was limited to French responsibility: pillage is German, and the Vichy regime was not associated with this. With the sale of specific objects by the *Domaines* after the war, the French benefited in part from German pillaging, although these are two distinct financial circuits. The German government was responsible for compensating the victims of pillaging, which it has done.

Final remarks

We would like to conclude with two observations.

The first applies to the work we have done. We enjoyed particularly favourable conditions. After a difficult start, the government made available to us the human and financial resources we requested directly from it. A general derogation opened up all the archives we had to consult. We also enjoyed many instances of co-operation which we are happy to mention here from varied organisations, archives, museums and the Ministries of Culture and Communication, Finance, Foreign Affairs and War Veterans, the CDC, notaries, banks and the Contemporary Jewish Documentation Centre. Thanks to these resources and assistance, we arrived at conclusions within a reasonable time frame which shed light on a part of our history that urgently had to be revealed.

We do not, however, claim to have analysed the subject exhaustively. As has been seen, there are many uncertain aspects that require more analysis. This applies equally to insurance companies and to the administration of the *Domaines* in which research should be continued. Similarly, compensation for war damages should be investigated in detail. We should not labour under any illusions however. Even if all the archives were available, if no file had been lost, it would be a vain attempt to trace, almost two-thirds of a century after the events, what actually happened down to the finest detail. We must resign ourselves to the fact that many points will remain imperfectly explained.

The second observation is probably more important and is therefore a fitting conclusion. The material aspects of the spoliation of Jews in France and restitution are admittedly vital; but they do not represent the totality. Before being a monetary issue, spoliation means persecution which culminated in extermination. No story will ever translate what those men and women experienced every day with all the anxiety, humiliation and misery they endured. Admittedly, this is the fate of every war, and others also suffered, but not by applying discriminatory laws and regulations which set them aside from their national community merely because of their origins. This is an unprecedented exception for which we are responsible for ensuring that it never occurs again.

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The Recommendations of the third report hereafter are part of the continued work of the Commission. The recommendations emphasised three important issues which have already been highlighted in the second stage report:

The Commission had recommended the creation of a **commission to compensate victims of spoliation** resulting from anti-Semitic legislation applied during the Occupation. The commission was established by a prime ministerial decree dated 10th September 1999 (appendix 9). As a reconciliation body, it strives to reach an agreement between the interested parties. In the event of failure, it issues any recommendations it considers necessary. The procedure before the Commission is not subject to specific rules once victims or beneficiaries have proven their right to instigate proceedings. It consists of nine members (magistrates, academics and one qualified person) and is chaired by Pierre Drai, the first honorary president of the Court of Cassation. It has begun to consider its first cases.

The Commission proposed taking account of the **situation of the children of Jewish deportees** from France who had been killed, irrespective of their nationality and current place of residence and that this issue should be covered by appropriate measures, for example, in the form of a life annuity for those who had not yet received appropriate compensation. This proposal was favourably received by the government. The Secretary of State for Defence, which is responsible for war veterans, in light of a study by the general inspectorate and of studies by the Ministry of Foreign Affairs and the Home Secretary, is drafting an enabling statute.

The creation of a national **memory foundation**, intended to house public and private funds which had not been claimed, has also been confirmed by the Prime Minister. Its task will be to analyse history in greater detail and disseminate the history and memory of anti-Semitic persecution in France under Nazi occupation. It may also research other genocides and crimes against humanity. It will contribute to financing and implementing solidarity measures and teaching. Its establishment will depend on co-operation between the State and representative associations of the Jewish community. The foundation will receive endowments from the State and private institutions which correspond to the despoilments that may be considered as unreturned. ■

1 Guide to archive research

The volume of archives relating to the spoliation and restitution of "Jewish property" in France is quite large. Though it is pointless to count the number of boxes containing these archives, the documents which they contain are nevertheless essential.

At a time when archives are often at the centre of debates amongst their users and the media, one must recognise the quality of the work carried out by post-war archivists, who gathered and preserved thousands of dossiers and hundreds of files, without which it would be impossible to look into the matters entrusted to the Study Mission on the Spoliation of Jews in France. At the same time, the skill and availability of actual archivists have contributed significantly to the research which has been undertaken.

The archives relating to the spoliation and restitution of "Jewish property" are nevertheless quite difficult to track down and to exploit. Only on rare occasions has the Mission been able to make use of university studies which have cleared some of the underbrush from the paths blazed by archivists. One of the specifics of its efforts is that it must look into human and economic problems which cover a long period of time, longer than is usually the case for historians, i.e. that of the war and the immediate post-war period, from 1940 through to the sixties.

The guide for searching through the spoliation and restitution archives has **two main objectives**.

The first is to facilitate individual or family searches. The aim is to provide guidelines to anyone who might like to trace the history of any property spoliation from his/her family during the Occupation or as the result of measures carried out by the German authorities and the Vichy government against people deemed to be Jews. These traces can then be followed up in order to obtain an understanding of the restitution or compensation measures implemented by the French government after the Liberation, and then by the Federal German government.

Under the Occupation, there were many exclusion measures. A truly suffocating system was implemented on a daily basis by both the Germans and the French State. Any person deemed to be Jewish would be subject to threats in the workplace, namely in the form of the risk of aryanisation which weighed on the business, the company or the apartment, on a financial level, through the measures which were applied to bank accounts, and in terms of any personal or artistic property, through the deliberate policy of pillaging carried out by the Germans. The money and objects carried by any person interned in the Drancy camp, or in a camp in the Northern or Southern zone, were automatically confiscated.

When the Liberation came, there were many restitution and compensation procedures, involving a great number of administrations.

Due to the volume and scattering of the archives, this guide will start with a description of the archives and will then continue with two distinct yet complementary parts. It will then be up to the reader to decide which part will better serve the interests of any specific search. The first part is institutional. Given the means of archive classification, this part presents the main institutions involved in the spoliation, restitution or compensation mechanisms, or those whose role or documentation are such as to cast a light on these mechanisms in order to allow for searches to be undertaken. The second part is thematic: it deals with each form of spoliation, and gives instructions for the search. Inevitably, these two parts overlap somewhat, and the reader will sometimes feel that he/she is reading information which is already known. Finally, appendices will provide practical information.

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The second objective is more general. The guide presents the status of the archives upon which the Study Mission on the Spoliation of Jews in France based its work. Readers will thus be able to verify the Mission's results, and follow - or even criticise - its conclusions. The archival sources presented in this guide will also be useful for historical searches which have little to do with the Mission's field of study. Examples of possible research which could be conducted using these available sources could include sociological or economic studies on the Jewish population on the eve of the Second World War, research on the reactions of the Jewish community and its members relative to the fate of plundered goods after the Liberation, a monograph on the Drancy camp, or even genealogical studies.

Though the volume of these archives is considerable, the archival sources presented in the guide do not include all of the documents produced during the Occupation or the post-war period. Some documents have been lost, others were never found, and it is even possible that more documents might be found in the coming years. It would be pointless to search for certain documents, as evidence would lead one to believe that they were never produced. The guide lists the available sources, while also pointing out any identified deficiencies.

In order to give an idea of the vast wealth of preserved documentation, but only for purposes of information, a few figures can be provided:

- 6,422 boxes of archives, produced by the General Commission for Jewish Affairs and then by the Restitution Service, are preserved in sub-series AJ 38 of the National Archives. This volume of archives, containing the various files of the GCJA, is an information source of primary importance. These boxes also include 60,000 individual case records of aryansisation, as well as 75,000 records of frozen bank accounts;
- 28,000 individual consignment records were kept in the Archives of the Caisse des dépôts et consignations, relative to the Seine department;
- 7,050 deposit records were kept in the Archives and Museum Service of the Prefecture of Police, relating to people interned at the Drancy camp during the "French period"; a further 5,000 people are mentioned in the "roundup summaries";
- 173 counterfoil books were preserved at the Contemporary Jewish Documentation Centre; these relate to some 12,000 people interned at the Drancy camp during the "German period";
- 900 boxes are kept in the Archives department of the Ministry of Foreign Affairs, as produced by the Art Recovery Commission and its main partners;
- more than 60,00 individual dossiers are kept at the Nantes Diplomatic Archives Centre, and are produced by the Private Property and Interests Board.
- 30,000 individual dossiers are kept in Jerusalem at the Central Archives for the History of the Jewish People and are produced for the United Social Jewish Fund as part of the German law known as the BRüG;
- almost one million dossiers are kept in Berlin at the *Oberfinanzdirektion* and are produced within the framework of the German law known as the BRüG. Only one part, involving some 30,000 dossiers, pertains to France.

Over and above these numbers, it is clear that any research into the spoliation and restitution bears some resemblance to an outright battle, or even to the victim of the battle, or perhaps to a puzzle where only some of the pieces fit together, but not all of them. The children and grandchildren of those whose property was prior to their extermination are invariably frustrated by the existing documentation, since, of course, nothing can make up for the loss and memory of a family member. Though this frustration cannot be totally removed, the act of searching through the archives is nevertheless an experience which cannot fail to mark the researcher. The aim of this work is to help in that research. And yet, we cannot say everything, we cannot understand everything... *particularly* the emotional impact of reading through these documents. ■

2 Collection of official documents (1940 - 1999)

The texts published in the official French and German gazettes from 1940 to the present – both those which attacked the rights of people deemed Jewish and the status of their property during the Occupation, and those which repealed and then repaired the situations arising out of said legislation – have been gathered together into a single collection by the *Documentation Française: La persécution des Juifs de France (1940-1944) et le rétablissement de la légalité républicaine*⁽¹⁾. In all, some 3,056 legislative and regulatory texts and international agreements have been gathered.

This collection grew out of several sources: the *Journal officiel de l'Etat français*⁽²⁾, various German journals from the occupied zone, for the departments in the North and in the Pas-de-Calais, for the Alsace and Moselle regions, the *Journal officiel de la République française*⁽³⁾ which was published in Algiers as of 1943, as well as international treaties and agreements. Also included are the texts published in the local official gazettes of the overseas territories: Algeria, Tunisia, Morocco, Syria-Lebanon, Martinique, Indochina.

On top of being a methodological and critical device, this volume contains facsimiles of a selection of the main French and German texts on spoliation and restitutions.

Intended for libraries and researchers, this book comes with a CD-ROM containing copies of all of these texts. In order to make the data easier to access, it also contains all of the usual thematic and chronological search tools. ■

(1) The persecution of Jews in France (1940-1944) and the re-establishment of Republican law

(2) Official Gazette of the French State

(3) Official Gazette of the French Republic

Report on the aryanisation of the economy and the restitutions

"Definitively remove any Jewish influence from the French economy", was the instruction given by the German military commander in 1940, orders which were largely passed on by the different prefectures, to all administrating agents of "Jewish companies" who were appointed within a few weeks of the French defeat.

The aryanisation of the French economy was initiated by the Germans in the occupied zone. The Vichy government, however, displayed its reluctance. It was not so much bothered by the idea of excluding Jews from economic life as it was by the manner in which the Germans carried this out. The French state wanted this aryanisation policy to be conducted in accordance with rules which it might itself have imposed. It was worried that whole sectors of the French economy might fall into German hands and also that quick procedures carried out without a legal basis would foster a belief amongst the population that the national Revolution was starting with large-scale pillaging. However, the vice quickly tightened.

In May 1941, the German authorities outlawed all retailing of merchandise to Jewish companies which did not have provisional administrators and froze their accounts. It was an operation designed to suffocate. Nevertheless, the Germans did not want to be seen as taking the fore in these aryanisation procedures. They felt that the measures would be tolerated better if they were to appear as French measures. They insisted that the aryanisation policy be carried out in the free zone as well. So that the Vichy government took charge of aryanisation throughout the country.

Upon his appointment, the first Commissioner for Jewish Affairs, Xavier Vallat, undertook to have this spoliation policy passed into law; there was, however, some reticence from the Minister of Justice (*Garde des Sceaux*), Joseph Barthélémy, who felt that this measure attacked the very principle of private property. The text (law of 22nd July 1941) was nevertheless adopted and codified while even furthering it, such that it was intended to cover the entire territory and all property, in effect bringing about the spoliation of all property belonging to Jews. The law stipulated that the money arising from the sales was to be deposited into an account opened in the name of the person in question at the *Caisse des dépôts et consignations* and that an amount equal to 10% would be retained, after liabilities were paid off, by the General Commission for Jewish Affairs.

The increase in power of the GCJA is but an illusion: it masks rather than decreases the German control. The occupation authorities intervened at all key moments in the procedure. That fact notwithstanding, things did not progress as quickly as they might have wished. The GCJA strove to establish an image of honourable conduct by behaving in strict adherence to the legal forms; also, it did not want to undermine market prices to the detriment of the "Aryans". In the end, its concern was more to restructure the French economy to the benefit of certain interest groups rather than to eliminate any Jewish influence. It therefore preferred sales, rather than liquidations. In addition to this, there was the inherent slowness "*à la française*" of the administration, which was extremely bureaucratic. The greatest paradox is evident in the blatant clash between its legal formalism and the aim which it was pursuing, i.e. spoliation, and even outright theft.

The victims, however, did not let themselves be taken in so easily. Some property owners sold as early as the autumn of 1940 and then left for the unoccupied zone without paying their rent or their taxes, and with all accounting documentation, in order to make the job more difficult for the administrator. For their part, notaries were not pleased with these forced sales, as they feared that they might eventually be disputed and

they therefore tended to act with particular pickiness. Alongside this formal procedure, however, also existed much more expedited procedures, where neither proper liquidation nor sales took place. This involved primarily small craftsmen and retailers.

It is therefore easy to understand why, by the time of the Liberation, the aryanisation had sometimes not been completed. There were approximately 50,000 assets, companies and property holdings for which a dossier was opened and an administrator named. Out of a population of 300,000 to 330,000 Jews in France in 1940, this is quite a high percentage. In 53% of the cases, the aryanisation policy was not carried through to its conclusion in the Seine region. In the entire Northern zone, this percentage increases to 58%. For the ex-free zone, incomplete – and thus fairly unreliable – statistics suggest a percentage of some 60.5% of dossiers left unfinished.

In principle, the proceeds from the sales and liquidations were deposited with the *Caisse des dépôts et consignations*, which has quoted a figure of FFR 3,252,580,291 (January 2000 data) including figures from the sales of shares of securities and the amounts withdrawn from the accounts in order to pay the *milliard* fine. Given the discrepancies in the currently available documentation, notably with regard to the amounts retained by notaries and provisional administrators, one can estimate that the total amount involved in the aryanisation policy is somewhat over 5 billion francs.

Throughout the liberated territory, restitutions began as of the end of the summer of 1944, either on an amicable basis or through the courts in application of the 9th August 1944 order which re-established Republican law. These restitutions, however, were much more frequent in the Southern zone, where improvised official services began agitating for them to be carried out, all the more so since within a few months of the Liberation, the acquirers of aryanised properties were organising themselves in order to defend their interests.

Two orders, in October and November 1944, set the legal framework for these restitutions, but did so only partially, as they remained silent with regard to the return of sold properties to their legitimate owners. In fact, it would have been better to have immediately created a special body, i.e. a counterpart of the Vichy GCJA. The choice made to create new French authorities, free of any discrimination, was firmly criticised by Professor Terroine, the “official receiver” for the Rhône-Alpes region.

His criticism carried weight. At the beginning of 1945, two authorities were established, the first having the task of checking up on the provisional administrators and the second carrying out the restitutions. At the same time, a simplified legal procedure was implemented to allow the courts to issue summary rulings not only on the form of the case, but also on the content. The judges displayed great determination to restore the rights of the victims of spoliation and by the end of 1950, more than 10,000 rulings had been made.

Only a quarter of the plundered property has not been claimed and one can deduce that they have been definitively lost. They account for 5 to 10% of the total value of the plundered assets. It is difficult to pinpoint the exact causes of this residual spoliation, though one's thoughts naturally turn to the deported who were never seen again and whose families were exterminated. It is also possible that some owners of plundered property preferred to turn the page on those dark times rather than go through the necessary administrative procedures, especially when the assets involved – as was the case for craftsmen in the clothing trade – were limited to a sewing machine or two, and an iron... ■

Report on the financial spoliation

The individual assets deposited with credit and savings institutions, investment companies and notary firms

The sources

For most of the archives, the sources primarily consisted of the General Commission for Jewish Affairs, with regard to spoliation, and the Private Property and Interests Board, with regard to restitution. These archives have been inventoried and are open to the public. The archives of the *Caisse des dépôts et consignations* are also quite significant.

The method: the scientific management of a multi-partner enquiry

The Mission created a working group which updated the spoliation and restitution procedures. This group notably consisted of historians and archivists, some of whom worked for the establishments in question. The public and private sectors were also represented. 91% of the frozen currency accounts and 84% of the share accounts were thus subject to direct examination by the Mission.

The Mission produced four research guides intended for the professions in question, a spoliation and restitution manual intended for the depository institutions, another one for notaries, a guide for researching the prescribed assets and a document containing a model chart for listing frozen assets and a 28 column model balance sheet. The Mission has received 76 reports from establishments and companies, representing some 266 depository institutions of the time.

Qualitative appreciation of the spoliation phase

A review of the spoliation procedures and an examination of how they were carried out casts an unfavourable light on a society which boasts centuries of civilisation. The rapidity with which the spoliation measures were applied, both by the Ministry of Finance and by the organisations representing the banking profession and by the banks themselves, leave little room for questions. The hypothesis of particularly widespread anti-Semitism in France can certainly not be overlooked, though it is insufficient to explain the overall phenomenon of obedience of the corresponding policy.

Indeed, if one limits oneself to claiming a presumably French political culture as an explanation, one then runs the risk of not being able to understand why all banks – even those which should have been able to demonstrate their reservations when faced with this discrimination – behaved similarly. The general execution of this policy is demonstrated by the example of American subsidiaries operating in Paris, which participated in the beginnings of the plunder with all of the other banks. This is despite the fact that they had the advantage of originating in a democratic State, i.e. the United States, which, in addition, was openly supporting England, the only State which was at war against the Axis powers. The universal manner in which the measures were carried out needs to be understood. Is the fact of an occupation regime with a totalitarian background,

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coupled with the presence of an authoritarian government, sufficient to account for such behaviour? The question of a society's ability to carry out orders which violate the law or, conversely, its aptitude for civil disobedience, would be worthy of a study in and of itself.

This situation, however, must be put into perspective from two points of view. First of all, there is a question of chronology: the united front in the spoliation efforts began to fray in 1942. That year, in the Southern zone, banks displayed little zeal when it came to meeting the demands of provisional company administrators. The following year, the 5% levy, particularly in the Southern zone, did not elicit a great deal of enthusiasm from the banking establishments. At the end of 1943, the Treasury department encouraged the General Commission for Jewish Affairs to somewhat relax its strictness on one point. An interpretation of this slight inflection, attributing it to a degree of opportunism - the balance of strength in the war having begun to shift in favour of the Allies in the summer of 1942 - would lead to a lesser attribution of the anti-Semitic prejudice.

The second nuance relates to the status of the written word under the Occupation. Texts written during an authoritarian, even totalitarian, system cannot be compared with the texts from free countries. Any resistance is, by its nature, invisible, or at least encoded in the distributed circulars. Nevertheless, during the first half of 1944, resistance of a procedural type clearly began to manifest itself against the German order to seize "enemy" assets. This expression did not specifically target people deemed Jewish, though it did include some of them, particularly those who had sought refuge abroad. In this case and at that time, the Ministry of Finance and the professional Banking Association used delaying tactics requiring the most meticulous formalism. Could they not have carried out these same administrative guerrilla tactics relative to the assets of people deemed Jewish throughout the Occupation?

A qualitative appreciation of the restitution phase

As General de Gaulle had stated back in August of 1940, the government of the Republic carried out the principles of which resisting France had been the herald. 92% or more of the two billion withdrawn from the accounts, primarily in the occupied zone, was reimbursed. Though only 62.5% of the gold seized from safe deposit boxes by the Germans was returned, this was due to the insufficient quantities of gold found in Germany after the war.

For the blocked but not yet seized assets, the value of which accounted for approximately 70% of the total, the provisional government of the French Republic decreed, as of the liberation of Paris, that the assets be released. After that, however, it did not continue with a systematic policy to verify that assets had been returned into the hands of their owners, even though this action had been carried out on the behalf of the legitimate owners of "aryanised" companies and buildings. Perhaps the government was aware of the fact that the share of deportees, amongst the depositors and holders of savings accounts, was relatively low due to their attachment to French nationality and because the fact of having an account implied a relatively well-off life style.

Several other reasons can be combined to explain the Restitution service's passivity relative to frozen assets. Quite naturally, the priority was the restitution of assets which had indeed been seized, which meant that the frozen but not seized accounts were relegated to a secondary status. Also, the lapsing laws also took into account the legal fate of property forfeited by escheat, whether in banks or in the *caisses d'épargne* (savings banks). Finally, it seems that depositors benefited from a certain degree of consideration. In a context of shortages and rapid inflation and at a time when the State was trying to make up for a gaping budgetary deficit through the use of loans and Treasury Bonds sold by the establishments, it might have come across as inopportune to launch in-depth investigations of these same institutions.

More general considerations, quite legitimate at the time, also played a role in shunting certain aspects of spoliation onto the sidelines. These are the same concepts which can be used to explain the relative slowness of the restitutions. Though it only took four years to plunder a population, fourteen years were needed to

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return the levies, or even forty-six years, if one takes into account the last gold reimbursements made as part of the *BRUG* law.

There is an explanation for the lack of symmetry in the spoliation and restitution policies. Discrimination, spoliation and extermination were at the heart of the Nazi system and the first two were also central to the actions of the Vichy state. Just as the combination of these policies provided a powerful force, so then did the Republican policy of non-discrimination make it impossible to undertake an action – even if this involved restoring legitimate rights – on a discriminatory basis. Certain "Israelite groups" themselves asked for the destruction of any traces of censuses carried out in application of the racial laws. The restitution policies had to apply to all victims of spoliation of all kinds and these victims had multiplied during the war and the Occupation. In the universalist and assimilationist conceptual framework of the French Republic of the time, it would have been difficult to conceive of a "pro-Semitic" policy coming on the heels of anti-Semitic persecution.

It is therefore understandable if analysis of the restitution from the victim's point of view of spoliation does not correspond with analysis from the point of view of the laws, decrees and budgetary lines. Where it would appear that the Republican state carried out a thoroughly rational and almost complete policy, the restitution may leave painful traces in the memories of spoliation victims, who perceived it as chaotic and interminable.

A quantitative summary of the assets deposited in the occupied zone

Frozen:	around 80,000 accounts, corresponding with some 56,400 depositors aged 15 years or over Value of the freezing: FFR 7,250 M Of which in cash: FFR 1,207 M And securities: FFR 6,043 M
Levies:	In value: 29% levied In cash: 12% levied In securities: 32% levied
Restitutions of levies of any kind:	Rate in excess of 92%
Prescribed assets:	FFR 145 M
Assets probably reactivated:	71% in value
Grey unknown area:	27% unknown: FFR 1,957.5 M Of which 3 to 11% involve deported depositors.

Property collected or acquired by insurance companies and services

The sources

The sources consulted by the Mission are contained in public archives: those of the Ministry of Finance, of the General Commission for Jewish Affairs and, for the restitution of buildings and the return of tenants, the archives of the Civil Court of the Seine department. Insurance companies and services have consulted the policies in escheat and which they have retained and which correspond to 40% of the market of the time. The Mission has not verified their efforts, neither on site nor on the basis of documents.

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The method

Insurance companies focused their attention on the escheated policies of deportees. The Mission prepared a research guide for this area, and it was accompanied by a report model for the use of companies. The 18 public and private groups or companies involved in the enquiry submitted their reports.

For information on the procedures and how they were applied by the companies and services, the Mission relied on public archives on the one hand and on private archives transmitted to it on the other hand.

Qualitative assessment of the discriminatory management of policies

A review of the procedures used to restrict the rights of insurance holders deemed Jewish gives an idea of the multiplicity of inspections to which they were subjected by the companies, the *Caisses nationales* savings banks and the State. The care with which these inspections were carried out resulted in an increase in the number of requests for "racial certificates", the result of which was to slow down the course of trade. For transfers of registered securities, for example, the ministry had to remind the companies that only the establishment which was "in direct contact" with the holder of the securities («issuing company, bank, securities broker, etc.») was authorised to "demand a racial certificate". Divided as they were amongst the various bodies of civil society and of the State and applying both to persons and to property, these inspections represented a labyrinth which one could only get through by luck.

A reservation must be made relative to this analysis. The absence of visible signs of resistance to the established order can result from the suppression of freedom. There may have been some reticence relative to spoliation and acts of solidarity may have been carried out without leaving any traces of any kind. From amongst the many archives consulted, the world of insurance has yielded only one document which displays a critical view of the spoliation measures. An insurance firm in the Southern zone complained to the Ministry of Finance about the behaviour of an insurance company which, having its head office in the occupied zone, was obeying the German orders to freeze policies:

It would seem to us, Minister, that whatever the measures taken relative to Jews may be, the policies must, first and foremost, be properly respected. Indeed, either Jewish policyholders are entitled to have insurance companies respect their commitments, or our common duty is to inform these insured parties that they should discontinue paying premiums as the compensation is not going to be provided to them.

At the time of this letter, i.e. March 1942, expressing written surprise – and to a Minister – that common law was not being applied to Jews can indicate a form of resistance or, at least, a degree of naïveté which can give rise to a spirit of resistance.

Though an isolated case, this voice would seem to indicate that the willingness to forego respect for the terms of insurance policies was not unanimous, and that in a profession where the contract is both the purpose and the final word, certain elements wanted to continue to follow the rules.

A qualitative assessment of the restitution of losses suffered by insured parties

The few public sources available in this domain show that for insurance companies, restitution of the assets which they had kept or the re-application of the rights of policyholders did not take past circumstances into account. Persecution was not considered to be a case of *force majeure* which would justify special procedures.

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A quantitative summary of the losses suffered by insured parties with regard to their policies

It is currently impossible to calculate the losses which insured parties, victims of spoliation, suffered within the framework of their insurance policies.

One must first of all take note that, unlike the procedures imposed by the occupier in Holland and Luxembourg, life insurance policies were not confiscated in France. Little is known about the degree to which Jewish policy holders were forced to buy back their policies, nor do we know anything about the degree to which policies were reduced when policy holders, who had either fled or were interned, ceased paying their policy premiums. Also unknown is the total of the amounts which were due but not paid during the Occupation either due to regulations, or after the Liberation because beneficiaries could not be reached. Even in the post-war period the number of policies settled after the Liberation and the methods of these settlements are unknown, as are the conditions under which reduced policies were restored. As to the number of life insurance policies which were not settled and which defaulted by escheat, this has been assessed for the deportees and the companies whose archives have been preserved, which represents 40% of the market of the time.

Some 700 policies of the *Caisse nationale pour les retraites vieillesse*⁽⁶⁾ are currently being valued. For the private sector, the number of deportee life insurance policies defaulted by escheat is probably between 160 and 400, representing between 5 and 11 million francs of which 86% were taken out before 1939. The figures cover 100% of the market.

Acquisitions and re-renting of real estate assets by the companies

Buildings are included in the regulated assets of insurance companies. Under the Occupation, some companies acquired buildings belonging to people deemed Jewish, and re-rented the apartments and commercial premises which these people had been forced to abandon. An examination of this participation in the plunder has not been carried out by the companies. Based on a sampling of the summary decisions which, after the war, restored assets to their owners or nullified the cancellation of leases, the Mission has prepared an overview of the implemented procedures. ■

(6) National Old Age Pension Fund

Report on the looting of apartments and its compensation

The radical execution and savagery of the systematic pillaging of the apartments of Jews who had been deported or who had fled the German occupation is truly striking. Premises were entirely emptied. Looted furnishings, which were to have been used for the German colonisation of the East, were soon rerouted to the victims of Allied bombings, which were often presented as "Jewish bombings". Hence, it was up to the Jews to compensate for them. Unlike the aryanisation policy, which was based on a vast legal arsenal, the looting of furnishings flew in the face of any legality, including that arising from the armistice and the collaboration. Its sheer savagery is sufficient to explain the lack of archival records.

When the *Dienststelle Westen* was officially created in March 1942, the looting of apartments had already begun. After that date, it became systematic. As was noted by the GCJA, this was "a procedure carried out by the Occupation authorities" in which neither it nor the German aryanisation department was involved. In some manner, the GCJA wanted to give a proper framework to this pillaging, as did the Vichy government. The Germans couldn't have cared less.

Approximately 80% of all of the looted property was sent off to Germany. Currencies and securities found in the apartments, for their part, were handed over to the *Devisenschutzkommando* (DSK), while works of art went to the ERR (cf. report on the looting of cultural assets). For musical instruments, a *Sonderstab Musik* specialising in the looting of musical libraries and instruments was created in the summer of 1940. A veritable ocean of pianos made their way into the hands of the Nazis. An intermediate inventory carried out in April 1943 mentions that some 1,006 pianos were being stored in Paris and were awaiting transfer to Germany.

In 1943, Free France clearly declared that all despoiled or pillaged property was to be returned. From the principle to its implementation under the Liberation, however, there is quite a gap. In most cases, the objects were no longer there: many of the owners were absent, deported or had gone to the free zone, and were late in returning to Paris.

Also, some of the assets were simply abandoned by the Germans. They were sold by the *Domaines*. They were either auctioned off or sold "amicably", but a pre-emptive right was granted to victims bidding in some of the sales. With the order of 11th April 1945, the restitution of the very small amount of personal property remaining within the country was organised. Non-identified property items were distributed to needy families by a welfare organisation, the *entraide française*. Only 30% of this property was redistributed to Jews. For identifiable assets, the restitution candidate had to provide written proof (invoices, tax declarations, etc.) of his/her good faith. Each French territorial department established a "furnishings classification commission". In Paris, for example, identifiable objects were exhibited on stand 60 at the Paris Fair at the Porte de Versailles, and their owners were invited to identify and claim them. It is difficult, if not impossible, to present a summary of these restitution efforts.

There remains, however, the special case of the pianos stored in the basement of the Palais de Tokyo. They came from everywhere. In March 1946, there were 2,073 of them. Any which could be identified were returned to their owners, but a certain number of professionals were unable to find their work instruments. These people were loaned one of the non-returned instruments. In the end, unclaimed instruments were sold by the *Domaines*.

With the law on war damages (1946), French citizens were compensated for their furnishings. In 1957, the

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parliament of the Federal Republic passed a large-scale restitution law, i.e. the 1957 *BRüG* law, which was modified several times and which represented important compensation for property pillaged by Germans.

In the context of this law, and thanks to the negotiations carried out by the UJSF (United Jewish Social Fund), the Federal German Republic provided compensation for up to 80% of the value of the contents of pillaged apartments and of objects confiscated in internment camps or when crossing the demarcation line. A Paris-based commission of independent experts, approved by the French and German authorities, was given the task of examining each dossier and establishing the bases for the compensation, prior to submitting the request to Germany. On the French side, the United Jewish Social Fund (UJSF), which acted in the name of individual citizens, was the main player. Compensation agreements were also signed directly with the great collectors of plundered art. ■

The archives of the financial department of the Berlin *Land*, carried out the compensation, show that there are 40,000 compensation applications for France, with a total value of 450 to 500 million marks. Easily accessible in Berlin, these records make it possible to trace the compensation (or non-compensation) of each spoliation victim. ■

Report on the property of internees of the Drancy, Pithiviers and Beaune-la-Rolande camps

Between 20th and 25th August 1941, and on the orders of the German authorities, the forces of the Prefecture of Police in Paris rounded up 4,232 Jews aged 18 to 50 of all nationalities - Poles, Romanians, Italians... as well as many French people - and herded them into an as-yet non-completed worker's compound: the Drancy camp, in the Seine territorial department.

Until June 1943, the camp was directed and administered by the Prefecture of Police, while the outside and inside surveillance were carried out by the Gendarmerie.

Originally an internment camp, Drancy became, as of March 1942, a transit camp on the road to the Auschwitz death camp for those whom the German occupier and the French State had defined as Jews.

After the 16th and 17th July 1942 "Vélodrome d'Hiver" roundup, women were interned there as well. In August 1942, 4,000 children - separated from their parents in the Pithiviers and Beaune-la-Rolande camps under the most distressing conditions - were sent to Drancy before being sent off to their deaths.

On 18th June 1943, the SS, with Alois Brunner as commanding officer - one of Eichmann's adjutants, who had just carried out the extermination of the Jews of Salonika - take over the direct administration of the Drancy camp, which is henceforth referred to as a "concentration camp". French police and gendarmes are withdrawn from the camp.

Up to 17th August 1944, 80,000 people passed through Drancy. For 67,000 of them, it was the departure point on the road to the death camps.

For the entire period when the camp was under the responsibility of French civil servants, Maurice Kiffer, a clerk-cashier, scrupulously kept the camp's books up-to-date. He recorded the money taken from internees upon their arrival at Drancy and a receipt was provided from a counterfoil book. A deposit slip was then prepared and a file created. In the archives of the Prefecture of Police, the Mission discovered all of the Drancy accounting documents from the period when the Prefecture handled the camp administration.

Until the "Vel d'Hiv" roundup, internees depositing money were provided with an individual deposit account. The money thus gathered was initially deposited in the City of Paris Municipal Savings Bank and then, as of February 1942, deposited with the *Caisse des dépôts et consignations* (CDC). These were individually registered accounts, from which 10% was levied by the General Commission for Jewish Affairs. After July 1942, the flood of internees was such that Maurice Kiffer no longer had time to open accounts at the CDC. Deposit slips were hastily drawn up and it was only once the camp was put under the direct control of the SS that the clerk-cashier, now liquidator, managed to put some order into the deposits.

Under the heading of "revenues" in the camp's accounts, there are - in addition to amounts actually deposited by the internees - the results of searches of the internees carried out by the Gendarmerie agents or by the inspectors of the *Renseignements généraux* (Information Services), any amounts hidden by unknown internees and then found on the camp grounds. In all, this amounts to more than twelve million unadjusted francs, 10% of which was levied by the GCJA and corresponds with the 7,410 accounts opened at the *Caisse*

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des dépôts. The amount returned at the end of the war amounts to 1,081,158.75 unadjusted francs. 9,733,308 unadjusted francs remain in the books of the *Caisse des dépôts*, which should have reverted to the State Treasury according to the normal 30-year forfeiture rules that had not been followed.

This amount is far from taking into account the actual plundering of the Drancy internees and deportees who, at various stages, were subjected to significant and savage plundering. This began, of course, with the searches carried out by the Gendarmes upon the arrival of detainees at the camp. Theft and the black market dealings were rampant, despite the sanctions of the hierarchy. For its part, the Jewish Affairs Police, whose inspectors were recruited from pimps operating in the Pigalle quarter and other districts, searched the detainees before their departure for Auschwitz and in so doing helped themselves to everything, i.e. stole everything, obtained during these searches, as was the case after the Vel d'Hiv roundup.

After the SS took over the camp, searches were only carried out by the Germans. They kept "search records" which are now preserved at the GCJA, containing all of the information on the seized goods. In all likelihood, any seized moneys or objects were sent to Germany or carried off by the SS when they fled. After the war, up to 80% was compensated by the German authorities on the basis of the 1966 BRüG law.

As to the property seized by personnel of the Prefecture of Police before June 1943 (very little) and catalogued by Maurice Kiffer, these items were placed in a vault at the Banque de France. A few restitutions were carried out after the war. In June and October 1947, the Prefecture decided to inform deportees and their heirs of the existence of these items and also of any amounts deposited with the CDC. This information had little impact. The CDC only made 25 reimbursements after October 1947, as the majority of these reimbursements had taken place in 1945 (65) and 1946 (73) and only involved 43 actual owners; the others went to heirs.

The restitution of objects, however, involved very few items. Non-claimed property was turned over to the *Domaines* and then auctioned off in 1951, 1952 and 1954, with the revenues from these sales deposited at the CDC. These sums, plus the amount in the deposit accounts, were subject to the 30-year forfeiture rule and so the CDC was thus obliged to hand over these values to the Treasury. These transfers took place between 1978 and 1986 and amounted to FFR 28,570.55 from the sale of unclaimed property and FFR 95,482.09 from the deposit accounts. Finally, the consignment of securities resulted in a 1975 transfer to the Treasury of FFR 10,840. At the time of this study, more than FFR 175,000 in securities are still on deposit at the CDC.

Internees of the Pithiviers and Beaune-la-Rolande camps were also stripped of their property and subject to the same abuse as the detainees at Drancy. On 18^e February 1985, 12,019.62 new francs from the Pithiviers internees and 10,228.07 new francs from the Beaune-la-Rolande detainees were transferred to the Treasury by the receiver general of the *Domaines* in Orléans. Some one hundred items were probably sold by the *Domaines*. ■

7 Report on the spoliation in provincial camps

Even before the beginning of any deportations, some forty thousand Jews were interned in the free zone by the end of 1940, in application of the 4th October 1940 law which authorised Prefects to intern Jews of foreign origins. These people included many Jews from Belgium and Holland, who were fleeing the German advance in 1940. They were interned in truly appalling conditions in camps in Milles (Bouches-du-Rhône), Gurs (Pyrénées-Atlantiques) and Le Vernet (Ariège). The inhuman living standards resulted, as early as in the first year, in the deaths of more than 2,500 internees. In the occupied zone and under pressure from the Germans, the Prefecture of Police carried out roundups, and in 1941 interned some 3,500 Jews in camps in Beaune-la-Rolande and Pithiviers (Loiret), another 4,200 in Drancy and 750 people of note in the Compiègne (Oise) camp.

At the same time, 1940 also saw the creation of the Groupements de travailleurs étrangers (GTE - Foreign Labourer Groups); these were genuine labour camps, where the incredible harshness of the regime is reminiscent of slavery.

When deportations started in 1942, Jews interned in provincial camps were sent to Drancy. In addition to these were the 10,000 stateless Jews which the Vichy government agreed to collect from the free zone. After the Germans occupied the free zone, the roundups continued and were often carried out by the French police. Out of a total of 76,000 French or foreign Jews deported from France, 36,000 came from the provinces.

Upon arriving at the camp, internees had to deposit their money, jewellery and valuables. All of these assets were noted in a register, in a process which can be compared with the registering of a prisoner's property upon entering prison. Out of a total of 8,141 interned Jews in 11 camps, deposits of 24,828,907.00 francs and 11,248,567.77 francs in other currency (dollars) have been uncovered, which means an average deposit of 3,237.32 francs.

Bearing in mind that 60,000 Jews were interned in provincial camps, if we multiply this number by the average amount per detainee, i.e. $60,000 \times 3,237$ francs, we arrive at a total estimated deposit by the internees of around 200,000,000 francs.

And yet, this amount does not take into account the money or jewellery which many internees kept hidden in order to be able to use them with them when the right moment came (black market, escape, etc.).

Theoretically, the money should have followed the internees during their transfers from their original camps to Drancy, but this was rarely the case. The same applied to jewellery (gold rings and chains, watches, etc.). These valuables were frequently stolen by the police forces who had been in charge of organising the transfers.

In general terms, it would seem that the camp directors kept the money deposited by internees and used it as the working capital needed to run the camp.

There were few restitutions after the war. Among the reasons for this, let us cite the fact that very few detainees ever returned after passing through Drancy; also, there were few large deposits and upon their return to France from the death camps, the few survivors had little strength to head off in search of the property. ■

Report on art theft in France during the Occupation and the situation of 2,000 works of art entrusted to the French national museums: the MNRs

Unlike in other sectors studied by the Mission, an analysis of the events involving works of art clearly points out the major role played by German departments who were mobilised throughout this sector, which held such a special place in the ideology and undertakings of the National-Socialist State. The purging of the collections in German museums, the resulting auctions of works of art, the putting together of the "Entartete Kunst" exhibition in parallel with the glorification of the imagery of truly Germanic art provide the context for the regime's artistic policies. This climate was the reason behind events such as Hitler's museum plans for Linz, and the preparation of lists of works of art which were "justifiably" to be returned to Germany, and which could only have been prepared on the basis of discrete efforts to locate them beforehand. Thus, the artistic pillaging did not arise out of the conditions brought about by the Reich's victory, but was rather based on a well-planned and nurtured intention, one which was contingent on Nazi expansionism.

Pillaging - Spoilation

The pillaging was initiated, in the days which followed the occupation of the capital, by the Reich embassy in Paris. But, as of the autumn of 1940, the main instrument in carrying out this policy and the one which provided its centralisation, was the ERR (*Einsatzstab Reichsleiter Rosenberg für die besetzten Gebiete*). The ERR spared no efforts to seize a great number of works of art from major collectors and Jewish merchants; these works were funnelled into the rooms of the Jeu de Paume museum in Paris, which served as a sorting centre for the shipments to Germany. Amongst the works found there were ones collected thanks to the pillaging efforts of the *Möbel Aktion*, which emptied apartments left vacant by Jews.

Faced with the artistic haemorrhaging towards Germany, both as a result of the pillaging and of the major purchases made on the art market – which experienced significant development and where honest amateurs rubbed elbows with speculators of all kinds – by German individuals and museums, the French authorities attempted to implement measures designed to protect the national heritage. The scope of these measures was quite limited and the results were almost nil.

By means of the order of the 9th August 1944 of the provisional French government, Republican law was re-established, and asset transfers and transactions carried out under enemy influence were struck down. Back in 1943, the Allies had upheld this principle. In November 1944, the Art Recovery Commission (CRA) was created whose efforts complemented those of the Private Property and Interests Board (OBIP). The task of the CRA was to hunt down works of art both in Germany and in neutral countries and return them to France. It worked in direct contact with the *collecting points* in Germany, where the Allied forces were gathering recovered cultural assets.

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Restitutions

In the end, out of the 100,000 objects claimed as having been seized, 61,233 were returned to France, 45,441 of which were returned to their owners. This identification work was facilitated by the efforts of Rose Valland, from the National Museums department, who was on hand at the Jeu de Paume museum throughout the Occupation. The widespread loss and destruction brought about by the war, transfers of fraudulently acquired works of art to neutral countries and the refusal of the Soviets to participate in the Allies' restitution policy and the difficulties concerning identification explain why almost 40,000 works of art have not been located. In 1954, the Paris Agreements made Germany responsible for carrying on the research intended to bring about further restitutions and in 1957, a compensation policy was put into place with the *BRÜG* law.

With regard to the 15,500 odd works of art and objects which were returned to France but were not claimed after the war, a Selection Commission chose around 2,000 of them in 1949, based primarily on their value as national cultural assets. The fakes and imitations were also kept in order to keep them out of the marketplace. The 2,000 selected works of art were then entrusted to the French national museums, who entered them into special inventories known as the Recovery collections, which then brought about the designation MNR (National recovery museum) for paintings, and OAR for objets d'art, etc. The remaining 13,500 works were sold with surprising haste by the *Domaines*, for an amount estimated in 1954 at FFR 100 M⁽¹⁾.

Non-claimed works of art were periodically publicised, notably during an exhibition at the Compiègne museum from 1950 to 1954. However, it is also worth noting that between that date and up to 1996, no active research was carried out. Since 1996, the National Museums have undertaken an in-depth study on the historical background of the Recovery works and have carried out public presentations, including on the Internet. Starting in 1998, the Mission made it possible for the relevant departments of the Ministries of Culture and of Foreign Affairs to devote significant research means to piecing together the history of unclaimed works, with a view to their eventual restitution. Based on a direct re-examination of the works (inscriptions, labels, etc.), these research efforts have been carried out in French, German and American archives. Since 1994, thirty works of art have been returned to the heirs of merchants or collectors, twenty of which just in 1999.

Current situation

At the time of the writing of the present report, 2,143 works of art, including 980 MNR paintings, are in the care of French national museums. With reference to the spoliation problem, an analysis grid has been prepared. The current research has brought the following elements to light:

- 163 works were certainly plundered, with owners either identified or not;
- 1,817 are lacking a complete history throughout the period in question. We know that 1,263 of them were purchased by Reich museums or dignitaries, either through the art market or from individuals; were these sales under duress, the marketing of plundered works, or even "normal" purchases according to market conditions? For each of these works, this question cannot be answered with any certainty. At present, the history is still incomplete or non-existent for the remaining 554 works;
- 163 works were free of any hint of spoliation; of these, 10 were purchased by the Germans before the war, and 44 were commissioned during the Occupation.

In the coming months, research will continue in an effort to provide more details and to complete the distributions described above. ■

(1) An estimate prepared at the request of the Ministry of the Economy and Finance by a panel of experts, at the end of 1999, estimated the value of these works at between 35 and 198.3 million adjusted francs.

Report on the SACEM and the royalties of Jewish authors and composers during the Occupation

The example of the SACEM (Société des auteurs, compositeurs et éditeurs de musique⁽¹⁾) illustrates the lengths to which, during the occupation, the five French authors' companies went in an effort to accommodate the German authorities and the French State during the Occupation.

To begin with, musical publishing houses belonging to Jews were placed under provisional administration as part of economic aryannisation. Jewish editors were no longer entitled to receive their publishing royalties. Jewish music was forbidden, though the problem remained in identifying it. A document entitled *Musikjuden* listed Jewish musicians, but contained the names of only two Frenchmen: Paul Dukas (deceased in 1935) and Darius Milhaud (in exile in the USA).

In June 1940, the SACEM was faced with imminent collapse due to the poor economic situation, German demands and the fact of having to adapt the company's regulations to the anti-Semitic legislation which it was trying to implement. The measures applied specifically to Jewish society members makes it possible to measure the scope of the spoliations.

In 1941, the Germans required that all members fill out a certificate of aryanness. Only a minority agreed to respond and the threat to suspend the payment of royalties to members who refused was not followed through. Given the small sums involved, its application would have required a disproportionate amount of administrative effort. Nevertheless, sums due to Jewish authors were to be paid into a frozen account.

Were these sums paid to members or their heirs after the war?

Upon completion of this study, the Mission is able to cast some light on the fate of the royalties due to authors deemed Jewish. The shortcomings in the SACEM archives (particularly in terms of accounting), which had been remarked upon on several occasions, hindered the research, though it did not prove to be an absolute obstacle to the preparation of an assessment. Though the standard precautions apply, it is nevertheless possible to describe the SACEM's attitude vis-à-vis its Jewish members both during and after the Occupation.

For the ten years preceding the arrival of the Germans in Paris, the SACEM had been directed by members who had decided to target the far too numerous foreigners in the society. Their xenophobia led them to carry out measures which can best be described as discriminatory.

At the same time, they were particularly attracted to the German organisational model for authors' societies, as implemented since 1933. The relations between the directors of the SACEM and those of the STAGMA⁽²⁾ were not merely courteous, they were even friendly.

⁽¹⁾ Society of authors, composers and editors of music

⁽²⁾ Staatlich genehmigte Gesellschaft zur Verwertung musikalischer Urheberrechte

After June 1940, establishing good relations with the German authorities and the French State became a priority. Reform was in the wind and the chairman of the board of directors, Stéphane Chapelier, was ambitious. Inspired by the German and Italian models, he wanted to promote reform of the legislation applying to royalties and to create a sole society... the presidency of which he would not be averse to accepting.

In this environment, the "Jewish question" became secondary. Only the policy defined by Stéphane Chapelier predominated. One board member and six commissioners were forced to give up their positions based on the October 1940 Jewish statute, which did not make reference to authors' and composers' societies. More dramatic was the fate of the employees who were deprived of their jobs with scant ceremony. They were the main victims of the adaptations of anti-Semitic laws.

Invited by the General Commission for Jewish Affairs to bring the payment of royalties into line with the regulations, the society did not perceive any complications.

The efforts of the SACEM to elucidate the scope of the measures initially defined by the GCJA at the beginning of November 1941 were finally rendered moot by the new directives which this body issued on 19th December 1941 to the *Société des gens de lettres*⁽¹⁾ and then to all of the authors' societies: royalties could be paid freely.

There is no doubt that the SACEM carried out this directive. Royalties were freely paid to any members entitled to receive them.

Nevertheless, a restriction applied, relative to inherited royalties and pensions, which had to be paid into a frozen account. Nevertheless, the study shows that these payments were not carried out, and that the SACEM acted as depository.

When the Liberation came, several problems arose out of the Occupation and relative to the fate reserved for Jews during this period. It is in this part of the study where the telling deficiencies of the archives, notably with regard to accounting information, hindered the most. Still, the overall picture is coming together. They lead one to believe that the SACEM was trying to deal with the problems faced by all of its members. There was nothing to prevent hidden members, who had either fled abroad or who were deported and managed to escape death, from recovering their royalties upon their return. Sequestered amounts resulting from the inherited rights and the pensions were returned. The rights of so-called «enemy» members, which had been sequestered by the Germans, were returned by the *Domaines* or paid back into the accounts. Successions were regularised using the normal procedure. A mere four or five successions – none exceeding a thousand francs – of Jewish members killed after deportation still remain in escheat.

So, royalties of authors deemed Jewish were not systematically plundered.

Nevertheless, and given the currently available archives, it is impossible to provide absolute proof that the royalties of authors who once again became members upon the Liberation were paid over in their entirety.

It will be up to people who would like their particular situation to be subjected to an in-depth study to submit a request to the Commission for the Compensation of Victims of Plunder resulting from the application of anti-Semitic legislation during the Occupation. The SACEM will have to make all necessary documents available to this commission. ■

(1) Society of men of letters

Recommendations concerning archives and files

Our truth and justice mission lead us to conduct investigations, the results of which have been presented in the summary report and examined in greater depth in the sector reports. Based on a better understanding of the spoliation, and as requested by the Prime Minister, we present the following recommendations. The essential thing for us having been the actual commemorative work, our primary recommendations pertain, quite specifically, to promoting a better understanding of the spoliation of the Jews of France and of the restitutions.

Recommendation no. 1: Access to the archival sources

Access to the archival sources must be greatly facilitated. The Mission recommends that new extensions be granted for the accessing of still unopened public archives (Prefecture of Police, CDC, Art Recovery Commission, OBIP, auctioneers, Gendarmerie and military justice, etc.) and that an inventory of all of these sources be prepared and published. It also feels that all private archives (Banks, Insurance companies, SACEM, art galleries and merchants, etc.) should be systematically preserved, inventoried and opened under as yet undetermined conditions. Private archives relating to the spoliation of the Jews of France and to the restitutions should be accessible under the same conditions as public archives.

Recommendation no. 2: Archive preservation

Once opened, archives are examined by many people. However, for purely physical reasons (nature of the papers), the most often consulted documents in public archives are deteriorating in a disquieting manner. The Mission therefore recommends that these documents be recorded in a computerised format (digitised), which would also make them easier to consult. It also strenuously recommends that the private institutions in question, particularly banks and insurance companies, set up actual archive departments to ensure the preservation and consultation of the documents relating to this period in our history.

Recommendation no. 3: Preservation of the Mission's archives and files

As the Mission's archives are to be passed on to the National Archives in compliance with general law, the Mission feels that all of the computerised lists of names which it has compiled in accordance with the explicit and restrictive authorisation of the CNIL be included in this transfer and that their continued existence must, in any case, be ensured in the state in which they found themselves at the end of the Mission's work.

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Recommendation no. 4: Computerised files prepared by the Mission

On the one hand, providing the committee responsible for the examination of individual applications with a copy of the computerised lists of names prepared by the Mission would make it easier to compensate victims. On the other hand, access to the files should be available to properly declared associations, such as those indicated in article 2-4 of the code of penal procedure, the aim of which is to "fight crimes against humanity and war crimes and to defend the moral interests and honour of the Resistance and of the deportees". They would only be allowed access when carrying out their "memorial" duties and any copying would be disallowed. In compliance with the law, failure to respect this rule would subject the offenders to penal sanctions. ■

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Recommendations on research

Recommendation No. 5: Research to identify works of art in museums

The necessarily long efforts undertaken by the National Museums of France, at the Mission's request and with its support, in order to precisely identify works of art and objects for which it cannot be stated with certainty that they did not result from spoliation, has already produced important results. This effort must be continued.

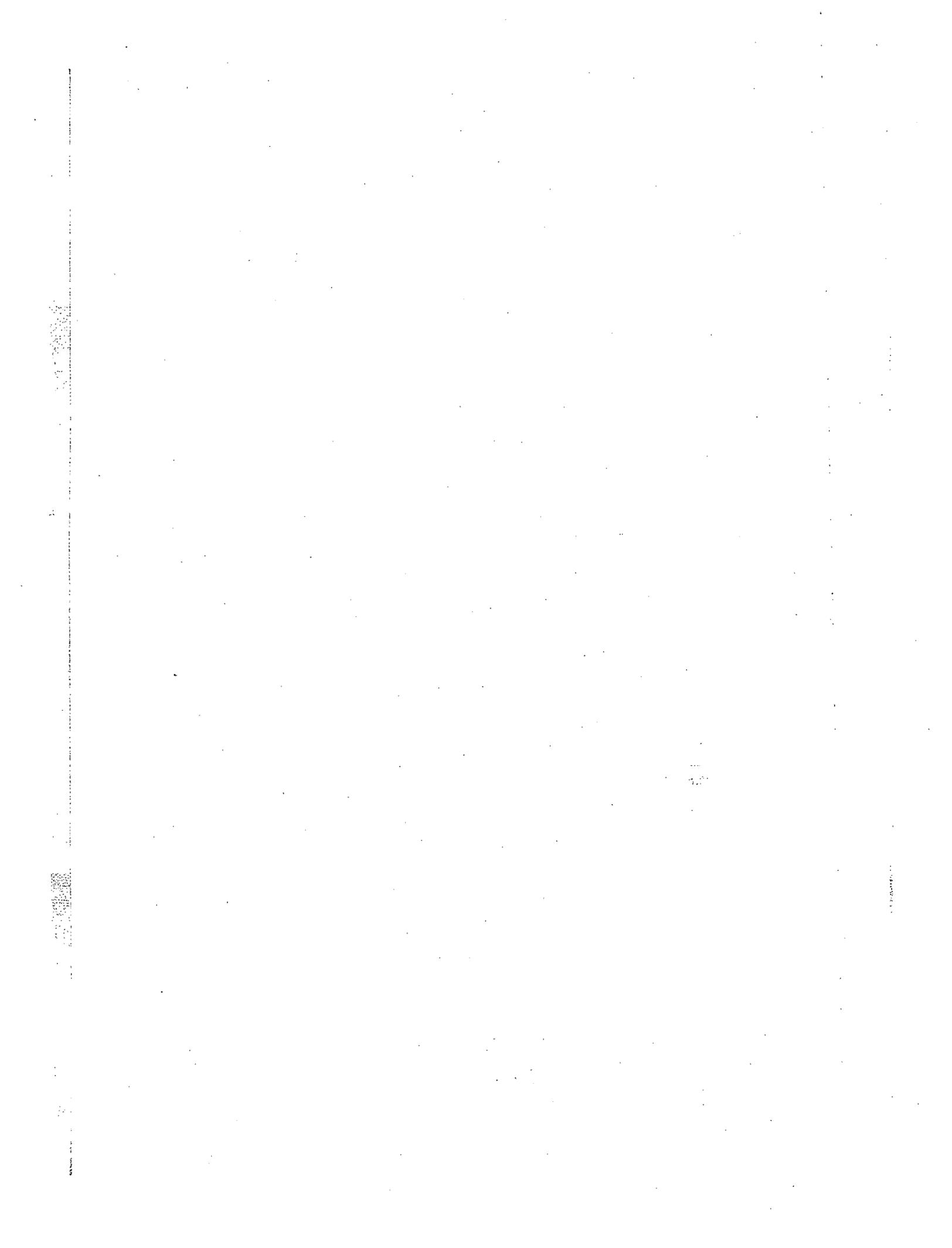
Recommendation no. 6: Institutions where research must be continued

The Mission has worked with several ministries and a great number of public or private institutions; in its report, it clearly indicated the great benefits derived from such efforts. Most of them will be quite keen to continue their investigations and further research will, in many cases, provide nuances or corrections to details contained in the results of the efforts carried out in collaboration with the Mission. In two cases, i.e. the Insurance companies and the *Domaines*, it is particularly desirable that the research be continued.

Recommendation no. 7: Subjects requiring further research

Except with regard to the publication of all of the official texts, our Mission limited itself to mainland France. We did not study the Alsace or Moselle regions, as they were annexed to the Reich at the time; though there was considerable spoliation, this resulted from the direct application of German laws which had nothing to do with the Vichy government. Nor did we look into the plundering of Jews in Algeria, in the Overseas departments, protectorates or colonies. Within the geographical and administrative framework which we examined, we were only able to look briefly into certain subjects which merit interest, such as the Groupements de travailleurs étrangers (GTE - Foreign Labourer Groups), or the provisional administrators. Finally, the monographs are still lacking with regard to certain internment camps, such as Rivesaltes or Le Vernet. It would be worthwhile to encourage public or private research institutions to continue the investigations in these regards.

The implementation of this recommendation should be included amongst the missions entrusted to the National Memory Foundation. ■



C Recommendations concerning individual restitutions

Recommendation no. 8: General principle

In cases where property, the existence of which in 1940 is established, has been the subject of spoliation but has not yet been returned or compensated, compensation is a right irrespective of any statutes of limitations which may be in effect.

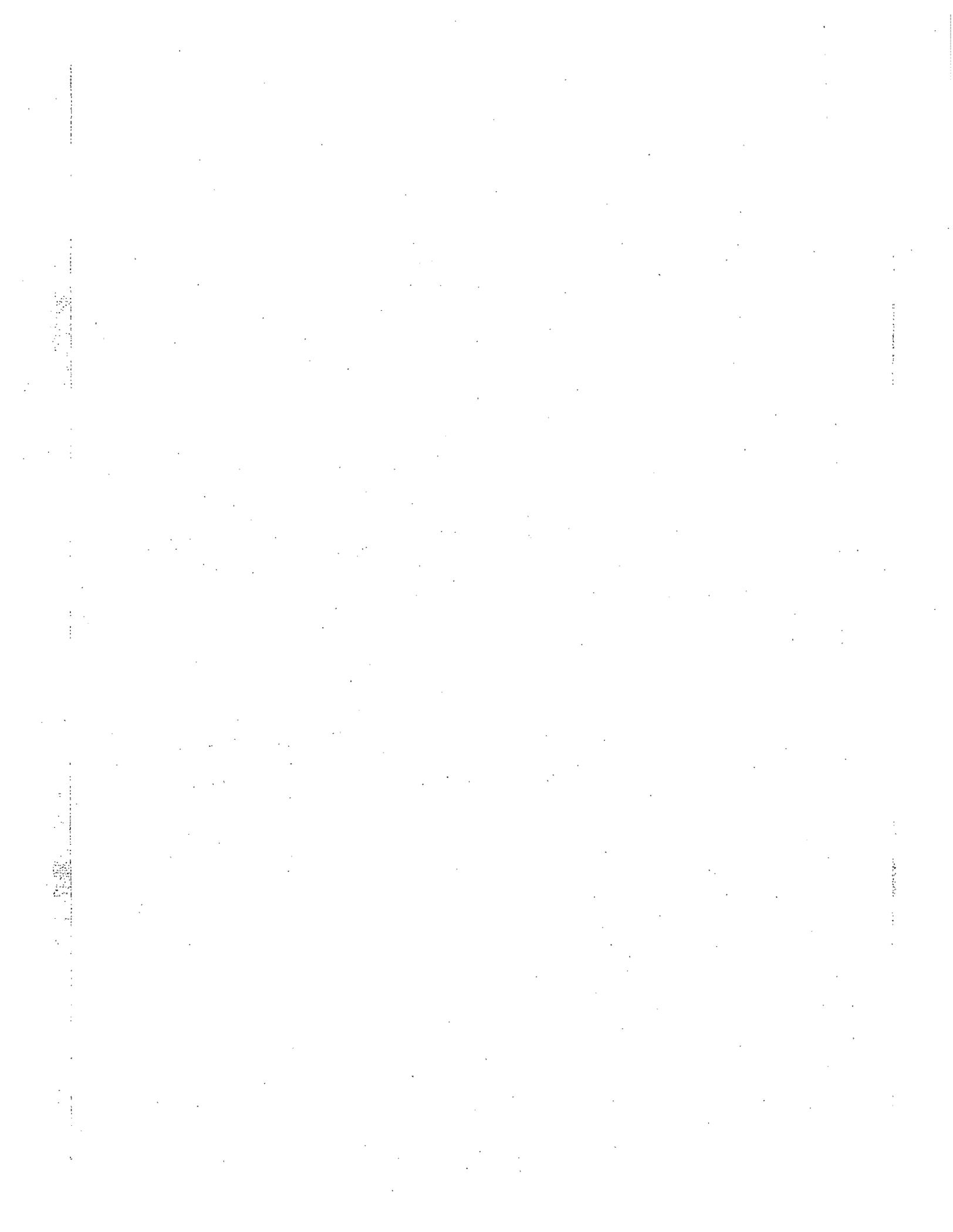
Recommendation no. 9: Prior restitutions and compensations

The Mission's enquiries have shown that, on the one hand, many plundered assets were returned pursuant to measures taken after the reestablishment of Republican legality, and on the other hand, that many pillaged assets were compensated as part of the war reparations or by the Federal German government. When plundered or pillaged property has been returned or compensated according to principles enshrined in the law (French or German) or through international agreements, and subject to verification in the various archival sources, no new compensation should be envisioned.

For the deposits made by Drancy internees during the German period (July 1943 to August 1944), the Mission recommends that restitution be carried out as has been done for the French period, subject to any compensation already having been carried out.

Recommendation no. 10: New compensation

In order to prevent identical prejudices giving rise to disparate compensation, an asset which was plundered or pillaged and which has not been returned or compensated under the conditions indicated above should be subject to compensation based on the same principles as the earlier compensations. ■



D

Recommendations concerning the national memory foundation

Recommendation no. 11: Endowment

Any funds of any kind which were forfeited by escheat, if resulting from spoliation, must be handed over by public and private institutions to the National Memory Foundation, the creation of which was decided upon by the Prime Minister.

Recommendation no. 12: Mission

The National Memory Foundation must have a mission which encompasses history, education and solidarity.

Its objectives must include the development of research about anti-Semitic persecution and the violation of human rights occurring during the Second World War as well as information about the victims of these persecutions and the conditions in France which allowed a significant majority of Jews to escape deportation; it must contribute to the preservation and dissemination of testimonials concerning these events and help the organisations who are working towards this, in particular the Contemporary Jewish Documentation Centre and the "Memorial to the Unknown Jewish Martyr". It may also study and research other genocides and crimes against humanity. It must also support, in particular, the initiatives of moral persons who, for no personal gain, supported through moral, technical or financial means those who suffered said persecutions, their families, those who helped and the Resistance. To this effect, the Foundation will contribute financially and in the implementation of missions of solidarity that said moral persons present to it, which will have been approved by its board of directors as in keeping with its statutory objective, including missions pertaining to preserve and maintain the languages and cultures of the victims. ■

Recommendations concerning works of art and objets d'art

Recommendation no. 13: Works and objets d'art not despoiled

The Mission recommends that works of art and objets d'art for which it has been conclusively proven that they were not despoiled be definitively integrated into the national collections.

Recommendation no. 14: Despoiled works and objets d'art, or those of uncertain origin

The Mission feels that leaving these works in the museums where they are located at the present time can usefully contribute to the two-fold objective of restitution and pedagogy, provided that the three following actions are systematically put into place:

- widest possible dissemination, in the museums hosting works acquired through spoliation, of the catalogue of despoiled works;
- in the immediate vicinity of each work obtained through spoliation or of uncertain origin, installation of a regularly updated panel indicating the available information as to the origin of the work in question;
- setting up, in each of these museums, of an Internet site open to the public and presenting the works obtained through spoliation or of uncertain origins, and constant loop projection of these works.

Recommendation no. 15: Works exhibited at the Jerusalem Museum of Israel

The Mission recommends that, as a visible testimony of the spoliation, a few significant works, chosen by joint agreement from amongst the Art Recovery Commission works, be exhibited in the Jerusalem Museum of Israel, with information as to their origins and reasons why they are being exhibited.

Recommendation no. 16: Annual report

The Mission recommends that National Museums of France provide the government with an annual report describing the progress made in the research into the origins of works, with regard to restitutions, actions carried out in order to inform the public, and the conditions for the exhibition and preservation of the various works and objets d'art in question. This report would be transmitted to the National Memory Foundation, and then made public subsequent to the opinion of this body's board of directors.

...

Recommendation no. 17: International co-operation

The locations of some 40,000 plundered works and objects remain unknown to this day; some are in foreign collections, either public or private, some may yet resurface one day. Ensuring their restitution will be a long and arduous process and will encounter considerable resistance. For that reason, it would appear that a permanent structure should be set up to co-ordinate between the archival departments of the Ministry of Foreign Affairs and of the Museums of France, in an effort to co-ordinate this undertaking in the long-term. This structure should pursue:

- the updating of the complete lists of reclaimed and unrecovered works;
- research on these works and their publicity; this will require means, and skilled personnel;
- international co-operation to promote the return of works having been sent abroad subsequent to pillaging during the Second World War. Such actions notably concern Russia, with which a permanent working group on cultural property is to be created; Austria, which still has a number of works, and Germany, with which the Mission recommends the implementation of an intergovernmental co-operation body entrusted with recovering the archived documents in both countries and to clarify the compensation actions carried out within the framework of the BRÜG law. ■

F Recommendations concerning banks and insurance companies

Recommendation no. 18: Mergers and acquisitions

The fact that mergers, acquisitions and changes in status have occurred since the war does not authorise financial establishments or insurance companies and services to consider themselves as absolved of the responsibilities undertaken by the companies which they absorbed or grew out of. Consequently, the Mission recommends that in the event of any merger, acquisition or transmission of portfolio, there be an individualised accounting of the deposits and safety deposit boxes which have remained inactive, and of any unpaid policies. Similarly, liquidators, defeasance structures or firms carrying out the assignment of receivables be held responsible for the identification and management of inactive or unpaid assets.

Recommendation no. 19: Prescription and escheat

The efforts of the Mission have shown that, like the laws of 1895 and of 1935 for the CDC, the 1920 law on the prescription of deposited property was applied unevenly for various reasons. On the one hand, the non-application of this law is not verified by the Ministry of Finances. On the other hand, the law contains ambiguities, notably with regard to the status of foreign securities. Finally, the legal status of safety deposit boxes is ambiguous, and results in various practices. The prescription rules and their application must therefore be re-examined.

Similarly, the archives relating to insurance policies in escheat must be better preserved in order to protect the rights of the insured parties.

...

In summary, in many countries, various bodies have undertaken clarification efforts similar to that carried out in France by the Mission. It would thus be desirable, upon the conclusion of this work, that there be a comparison of the various research methods in order to bring to light possible particularities, either in the spoliation and pillaging themselves, or in the restitution and compensation procedures, or in the actual searches, i.e. the manner in which they are organised and financed, the difficulties which they encounter, and the results derived from them.

To this end, the Mission recommends that, in 2002, a conference be organised for the representatives of the national commissions and similar bodies on the research carried out on the spoliation of the Jews and restitutions. ■

1 Decree establishing the Mission and its composition

Arrêté du 25 mars 1997 relatif à la mission d'étude sur la spoliation durant l'Occupation des biens appartenant aux Juifs résidant en France

NOR: PRMX9701876A

Le Premier ministre

Arrête :

Art. 1^{er}. - M. Matéoli (Jean) est chargé d'une mission d'étude sur les conditions dans lesquelles des biens, immobiliers et mobiliers, appartenant aux Juifs résidant en France ont été confisqués ou,

d'une manière générale, acquis par fraude, violence ou dol, tant par l'occupant que par les autorités de Vichy entre 1940 et 1944. Dans le cadre de cette mission, il recherchera la destination que ces biens ont reçue depuis la fin de la guerre et déterminera, dans la mesure du possible, leur localisation et leur situation juridique actuelles. Il établira en outre un inventaire des biens accaparés sur le territoire français qui sont encore détenus par des autorités publiques.

Art. 2. - M. Matéoli (Jean) préside un groupe de travail composé comme suit :

M. le professeur Steg (Adolphe), vice-président ;

M. Favre (Jean) ;

M. Furet (François) ;

M. Kahn (Jean) ;

M^r Klarsfeld (Serge) ;

M. Pierret (Alain) ;

Mme Wieviórka (Annette).

Art. 3. - Mme Chemla (Eliane), maître des requêtes au Conseil d'Etat, et M. de Canongettes de Cancaude (Patrick), magistrat à l'administration centrale de la justice, sont nommés respectivement rapporteur général et rapporteur général adjoint auprès du groupe de travail présidé par M. Matéoli (Jean).

Art. 4. - Le secrétaire général du Gouvernement est chargé de l'exécution du présent arrêté, qui sera publié au *Journal officiel* de la République française.

Fait à Paris, le 25 mars 1997.

ALAIN JUPPÉ

Arrêté du 23 mars 1998 portant nomination à la mission d'étude sur la spoliation durant l'Occupation des biens appartenant aux personnes considérées comme juives

NOR: PRMX9802744A

Par arrêté du Premier ministre en date du 23 mars 1998 :

Sont nommés membres du groupe de travail présidé par M. Matéoli (Jean) :

Mme Andrieu (Claire) ;

M. Prost (Antoine).

Est nommé rapporteur général de ce même groupe de travail, en remplacement de Mme Chemla (Eliane) :

M. L'Hermitte (Jean de), auditeur de 1^{re} classe au Conseil d'Etat.

Est nommé secrétaire général de la mission d'étude sur la spoliation durant l'Occupation des biens appartenant aux personnes considérées comme juives :

M. Delahaye (André), administrateur civil hors classe.

Arrêté du 16 septembre 1998 portant nomination à la mission d'étude sur la spoliation durant l'Occupation des biens appartenant aux personnes considérées comme juives

NOR: PRMX9802758A

Par arrêté du Premier ministre en date du 16 septembre 1998, M. Larqué (André), administrateur civil hors classe, est nommé directeur de la mission d'étude sur la spoliation durant l'Occupation des biens appartenant aux personnes considérées comme juives.

2 Mission letters

Le Premier Ministre

Paris, le 5/2/1997

06 Fev. 1997
216

Monsieur le Président,

Divers faits, auxquels les médias ont donné un certain écho, ont fait naître dans l'opinion des interrogations sur la situation actuelle de biens dont des juifs ont été spoliés durant l'Occupation.

Afin d'éclairer pleinement les pouvoirs publics et nos concitoyens sur cet aspect douloureux de notre histoire, je souhaite vous confier la mission d'étudier les conditions dans lesquelles des biens, immobiliers et mobiliers, appartenant aux juifs de France ont été confisqués ou, d'une manière générale, acquis par fraude, violence ou dol, tant par l'occupant que par les autorités de Vichy, entre 1940 et 1944.

Je souhaite notamment que vous tentiez d'évaluer l'ampleur des spoliations qui ont pu ainsi être opérées et que vous indiquiez à quelles catégories de personnes, physiques ou morales, celles-ci ont profité. Vous préciserez également le sort qui a été réservé à ces biens depuis la fin de la guerre jusqu'à nos jours. Vous chercherez, en particulier, à identifier la localisation actuelle desdits biens ainsi que leur situation juridique. Dans la mesure du possible, vous établirez un inventaire des biens accaparés sur le sol français qui seraient encore entre les mains d'institutions ou d'autorités publiques, françaises ou étrangères. Vous pourrez, le cas échéant, formuler des propositions en ce qui concerne le devenir des biens qui seraient actuellement détenus par des personnes publiques de droit français.

Pour mener à bien votre mission, vous bénéficierez de l'entier concours des administrations concernées et notamment du ministère de la justice, du ministère des affaires étrangères, du ministère de l'intérieur, du ministère de l'économie et des finances, du ministère de la culture et du ministère de l'éducation nationale, de l'enseignement supérieur et de la recherche. Des instructions seront données à l'ensemble des départements ministériels afin que vous puissiez accéder librement à leurs archives. Vous pourrez également faire appel, en tant que de besoin, aux agents qui seront désignés par chaque ministre pour vous servir de correspondant privilégié.

Il est difficile d'évaluer dès maintenant l'ampleur de la mission qui vous est confiée. Aussi ne me semble-t-il pas possible de fixer tout de suite un terme à celle-ci. Je souhaiterais néanmoins que vous me transmettiez vos premières observations avant la fin de l'année 1997. Vous me ferez part des premiers résultats obtenus, m'indiquerez les pistes qui vous semblent devoir être explorées de façon approfondie et me communiquerez un calendrier prévisionnel de vos travaux.

Le rapport final que vous me remettrez sera publié par les soins de la Documentation française.

En vous remerciant de bien vouloir accepter cette mission, je vous prie d'agréer, Monsieur le Président, l'expression de ma haute considération et de mes sentiments
dévotés

Monsieur Jean MATTEOLI
Président du Conseil Economique
et Social

Alain Juppé

Alain JUPPÉ

Le Premier Ministre

Paris, le 6 octobre 1997

1359/97/SG

08 OCT. 1997
2542

Monsieur le Président,

Par arrêté du 25 mars 1997, mon prédécesseur vous a chargé d'une mission d'étude sur les spoliations dont les juifs ont été victimes durant l'Occupation.

J'attache la plus grande importance à la mission qui vous a été confiée. Vous pouvez compter sur l'entière collaboration des différentes administrations de l'Etat pour l'accomplissement de votre tâche. Comme je vous l'ai déjà indiqué par ailleurs, les moyens humains nécessaires à l'exécution des recherches documentaires que vous avez entreprises vous seront fournis.

Madame Chemla, rapporteur général du groupe de travail que vous présidez, a récemment présenté à mes collaborateurs l'état d'avancement de vos réflexions.

J'ai pris note du souhait que vous avez émis de voir réaliser, sous l'égide d'une institution publique qui pourrait être le Conseil national du crédit, un inventaire des avoirs appartenant à des juifs disparus pendant la seconde guerre mondiale que des établissements bancaires français auraient pu conserver par devers eux après la libération. J'ai demandé au ministre de l'économie, des finances et de l'industrie d'étudier votre suggestion et de m'indiquer selon quelles modalités le Conseil national du crédit pourrait être chargé de superviser les recherches effectuées dans les établissements bancaires.

En ce qui concerne la composition du groupe de travail que vous présidez, j'ai déploré que la disparition de M. François Furet vous prive d'une collaboration précieuse. Il serait sans doute souhaitable que M. Furet soit remplacé. Je serais heureux que vous puissiez me faire des propositions en ce sens.

Mon prédécesseur vous avait demandé de lui transmettre un rapport d'étape pour la fin de l'année 1997. Je crois, en effet, qu'il serait nécessaire de dresser un bilan annuel de l'état d'avancement de vos recherches.

Sans remettre en cause cette demande, il me semblerait cependant utile, compte tenu des nombreux événements qui sont survenus depuis que votre groupe de travail a été constitué et de l'intérêt manifesté pour l'objet de votre mission, qu'un aperçu des premières orientations de vos travaux et des échéances que vous vous êtes fixées soit rendu public dès maintenant. Je souhaiterais également que vous me transmettiez, avant la fin du mois de novembre, une note technique sur l'avancement de vos réflexions.

Enfin, compte tenu de la résonance internationale de votre activité, il serait utile que vous-même ou un membre de votre mission, en accord avec mon cabinet, puissiez participer à un certain nombre de manifestations, en particulier la conférence qui se tiendra à Londres le 4 décembre prochain. Cette participation permettrait de mettre en avant la logique et la spécificité de la réponse de notre pays dans ce domaine.

Je vous prie de croire, Monsieur le Président, à l'expression de ma haute considération.

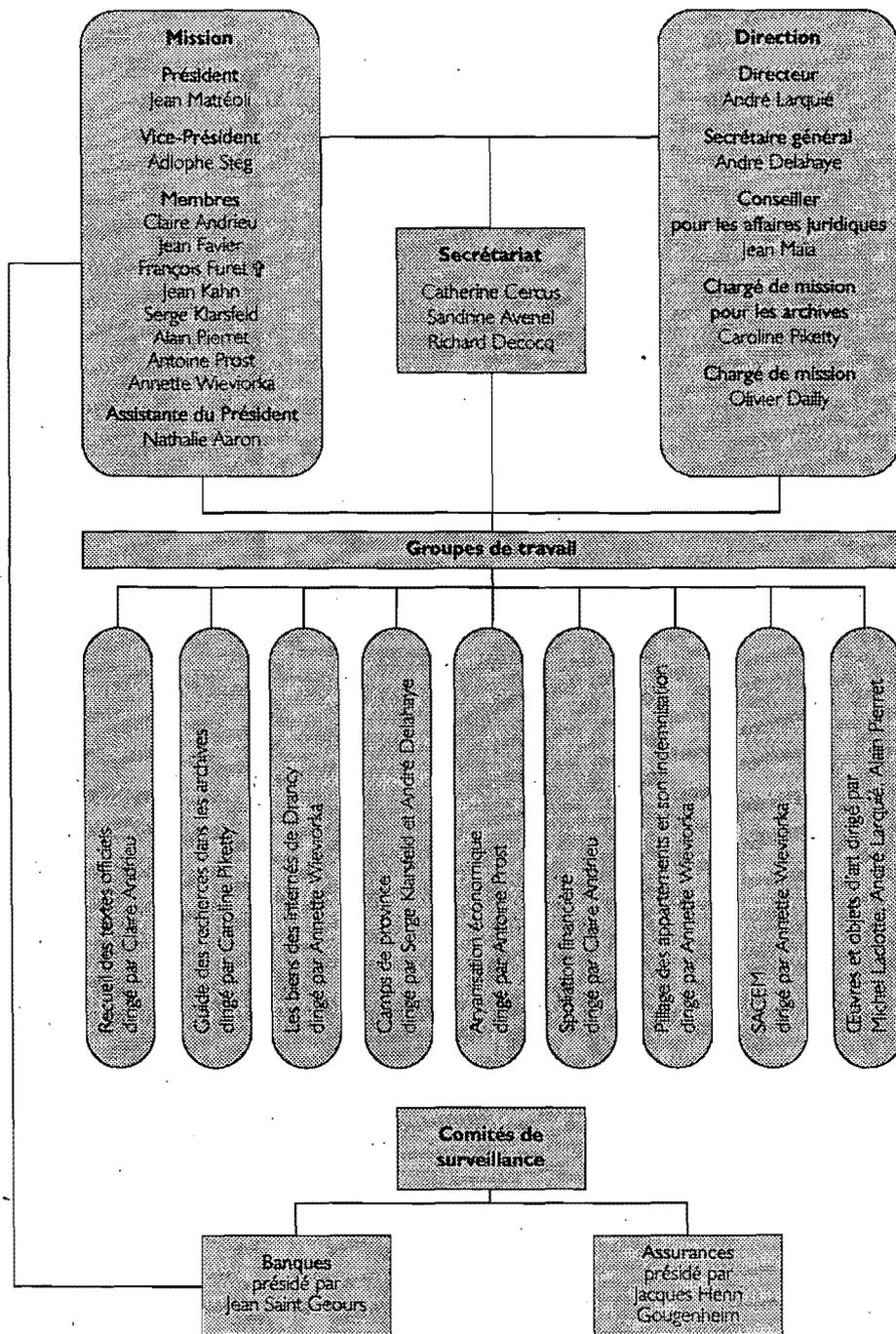
Bien à vous,

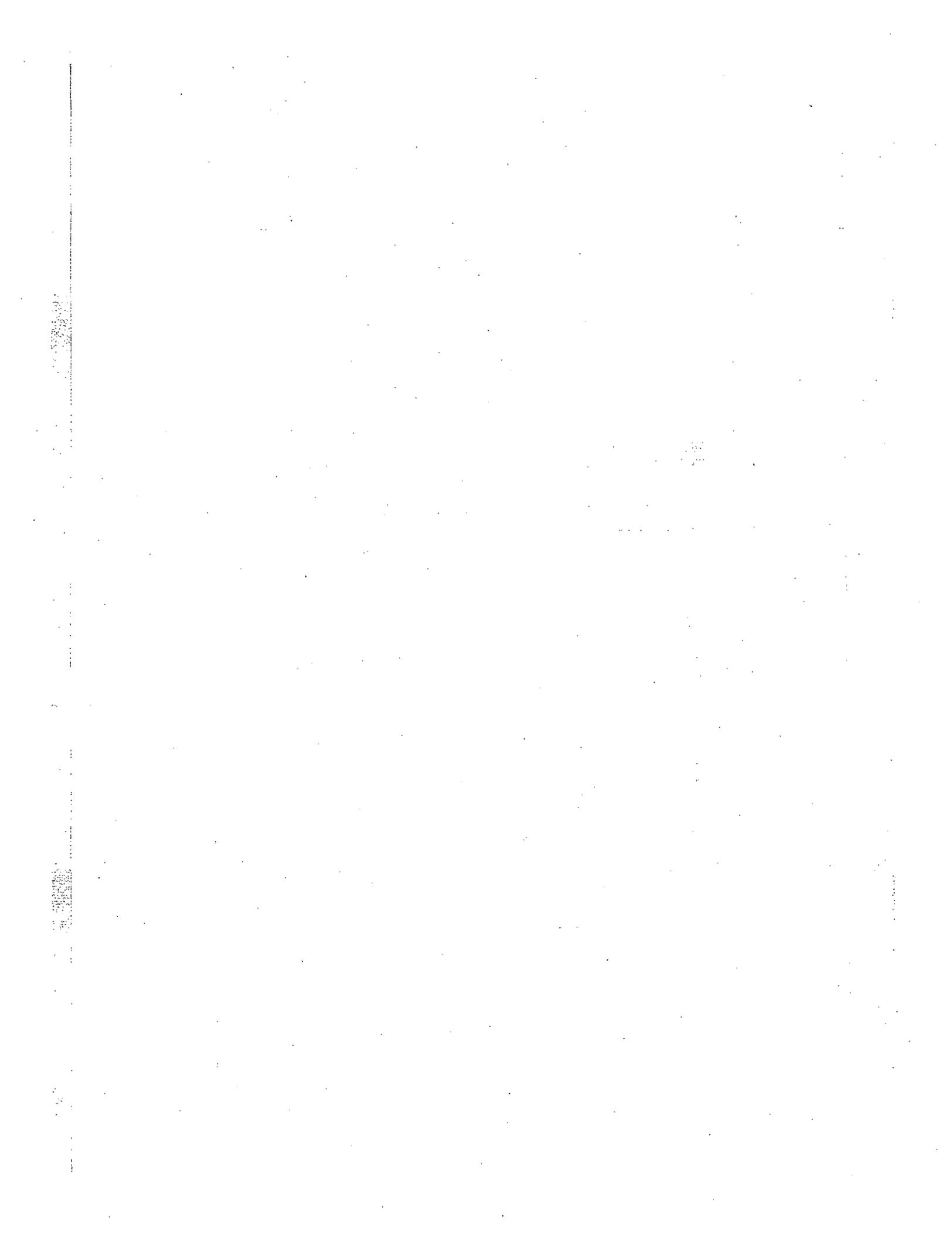
Monsieur Jean MATTEOLI
Président de la mission d'étude
sur la spoliation des Juifs de France
13, rue de Bourgogne
75007 PARIS

L. Jospin

Lionel JOSPIN

3 Organizational chart of the Mission





Recommendations of the second progress report concerning to works of art

Works entrusted to the care of the *Mobilier national*⁽¹⁾

The depositing of paintings, works of art and sculptures with various State administrations should be discontinued. These assets must be accessible to the public. They should thus be returned to the care of the *Mobilier national*, and perhaps presented in a public exhibition.

Claimed but as yet unfound works

International co-operation involving the States and people involved in the art market is clearly necessary, and on a very broad geographical level. It is important to continue the efforts of the Ministry of Foreign Affairs, which, for example, have resulted in the return to France of 28 paintings from the National Gallery in Berlin, 8 of which were returned to their owners, and in the publication of a catalogue of the 171 non-recovered works from the Schloss collection.

Research in the private archives of actors in the art market.

A significant number of works in the Art Recovery Commission were included in transactions on the French art market during the Occupation. It would seem imperative for all possible initiatives be taken in order to further, in private archives, the research which has already been carried out in public archives.

To this end, the federations and associations of art dealers and gallery operators, in addition to the *Chambre nationale des commissaires-priseurs*⁽²⁾ and the *Compagnie des commissaires-priseurs de Paris*⁽³⁾, must be contacted by the Mission in order to obtain access to the private archives of their members.

For the purposes of identifying original owners, such a procedure is indispensable in order to determine the conditions - forced sale, theft, voluntary sales, etc. - through which certain paintings came into the possession of their members before these people then sold them.

Informing the public about Art Recovery Commission works.

The Mission would like to see improvements in the information provided to the public relative to the works collected by the Art Recovery Commission, i.e. through the publication of an information brochure provided to visitors of each museum housing these items, and through standardisation in the marking of these works in the museums.

(1) National Furnishings Agency

(2) National Chamber of Official Valuers and Auctioneers

(3) Association of Official Valuers and Auctioneers of Paris

Determining the revenue from assets sold by the *Administration des Domaines* (State Property Management Agency)

It is necessary to determine how much the *Administration des Domaines* earned through the sales of property. The research carried out at the Ministry of the Economy, Finance and Industry must be diligently pursued in an effort to trace the appropriate accounting data. At the same time, the Mission recommends that a panel of experts be put together in order to value the approximately 13,000 items sold by the *Administration des Domaines*, based on the list prepared by the Ministry of Foreign Affairs.

Valuation of the works entrusted to the National Museums of France

Though the current status of the research does not yet allow the Mission to make proposals relative to their future, it is nevertheless necessary to determine the value of the works given over to the care of the National Museums of France. This action will in no way prejudice the decisions which will be taken when the time comes, but it is nevertheless necessary that this be done now, given the brief period of time allotted to the Mission to complete its work. ■

Analysis grid of works from the Art Recovery Commission

Group A:

Works despoiled or obtained through spoliation

- Works which were **definitely** despoiled, since:
 - contained in an *ERR* list (registered or *UNB*),
 - contained in a *MAB* list,
 - having a documentary or archival reference relating them to operations carried out by the Germany embassy, the *ERR*, the *DSK* or the *DW (M-A)*: photograph, label, stamp, authentic inventory,
 - included in a lot put together as part of aryanisation (currently, no *MNR* in this case).
- **Presumably** despoiled works: works found in Germany, for which the last trace in France is certified as having been with a Jewish collector,
- **Supposedly** despoiled works: works for which the situation in immediately pre-war France is unknown, but which were found in Germany in a stock or cache containing despoiled works; or listed in an authentic questionnaire, an Allied list or *property card* indicating that it is a result of spoliation.

Group B:

Works having incomplete histories for the period under examination

- works lacking any pre-war history, of where the history stops in the pre-war period, and which were found in Germany with no purchase record,
- works where the history stops in the pre-war period and resumes with a purchase on the market,
- works where the history starts with a German purchase on the French market during the Occupation,
- works where the history starts with their return to France,
- works where the history starts with a theft during the period in question (but we don't know from whom, and about which we have no prior information),
- works not yet identified in the current documentation,
- works where the history has omissions or is non-existent before the war, and found in the stocks of Gustav Rochlitz.

Group C:

Works free of spoliation

- German orders,
- works where the history includes (or starts with) a German purchase prior to June 1940,
- works having a complete and continuous history, leaving no possibility of spoliation. ■

Summary with figures (in unadjusted francs)

General data

- The Jewish population in France was around 330,000 people in 1940, including 160,000 in the occupied zone.
- 75,721 French Jews were deported.
- 2,500 deported Jews returned from the death camps.

Spoliations

Spoliation occurred in various ways.

Sales or liquidation of companies or immovable property

- 50,000 procedures were begun.
- Less than half had been completed by the end of the war.
- After the war, around 70% of the property having been targeted by a procedure had certainly been returned. 7% was claimed but we know nothing of its fate. A quarter of the property, or a bit less, has never been claimed or returned.

The average value of the non-claimed property is lower than that of the returned property.

Sale of securities

- Assets were only frozen in the occupied zone. Around 17,000 security accounts were frozen. Their value amounts to 6.04 billion francs.
- 3 billion French shares were placed under the provisional administration of the *Domaines*.
- 1.9 billion were sold, of which 856 were used to pay the *milliard* fine.
- The current verified restitution rate is 92%.

Levies on currency accounts

- Assets were only frozen in the occupied zone.
- Approximately 64,000 currency accounts and passbooks were frozen. The value of these accounts amounts to 1.2 billion francs.
- 150 MF were levied; they were mainly used to pay the *milliard* fine. More than 75% of this levy has been reimbursed.

Summary of the currency and security accounts

- 36% of the accounts were most probably reactivated, which represents 71% of the deposited assets.
- The remaining 29% consist of 2% prescribed accounts, and 27% for which information is lacking.
- Deportees account for between 3 and 11% of the holders of the accounts and passbooks.

...

Summary of total spoliation

Global balance sheet

In all, the amount of the spoliation which can be accounted for is just over 5 billion unadjusted francs. Restitution or reimbursement of the levies can be assessed at between 90 and 95% of this amount.

Also, deposited assets in escheat represent less than 2% of the frozen assets (lapsed assets), to which must be added the accounts closed before prescription which are included in the unknown zone (27%).

In insurance, the unpaid capital policies, all types included, are unknown to this date. An estimation of only unpaid deportee life insurance policies amounts to a total of between 160 and 400 policies and a sum of between 5 and 11 million francs.

Pillaging

The looting of apartments

- Some forty thousand apartments were looted by the Germans, and their contents were distributed to bombing victims.
- With the Federal German law of 1957, known as the *BRÜG* law, such acts of plundering, and including the plundering of works of art and assorted property, was compensated by an amount in excess of 450 million Marks. More than 40,000 compensation dossiers can be consulted at the financial department of the Berlin Land.

The plundering of art and the situation of works entrusted to National Museums

- 96,812 works and objects were retrieved after the war;
- 61,233 were brought back to France, 45,441 were returned to their owners and 15,792 have not been claimed.
- 13,626 works and objects were turned over to the administration, and, for the most part, sold by the *Domaines* for an amount estimated at 100 million francs in 1954.

Some 2,150 works were entrusted to the National Museums, including 980 paintings. At present:

- 163 works, including 48 classical painting (MNR), have been identified as unquestionably resulting from the plundering of Jewish owners;
- for 1,263 works, questions remain as to the conditions of their acquisition by German museums or dignitaries, whereas for another 554, the history is incomplete, or even non-existent;
- 163 works are free of spoliation.

Spoliation-pillaging

Drancy, Pithiviers and Beaune-la-Rolande

- From August 1941 to July 1943, money belonging to Drancy internees was recorded by an employee of the Prefecture of Police. 7,441 consignment accounts were opened at the CDC, for an amount of around 12 million francs. After restitutions, some 10 million francs remained with the CDC.
- Money from internees at Pithiviers and Beaune-la-Rolande was also deposited at the CDC. Of this money, more than 2 million francs remains.
- As of July 1943, property taken from Drancy internees went directly into the hands of the Germans, and no longer passed through French channels.
- The *BRÜG* law provided for compensation for objects taken from internees.

Property taken from internees in provincial camps

- More than 36,500 Jews were deported from the provinces.
- At one point or another, 60,000 Jews were interned in the provincial camps. There were 39,000 victims from amongst Jews from the provinces: 36,500 deportees and 2,500 who died in the provincial internment camps.
- Out of a sample of 8,141 people, the average deposit per internee in the camps was 3,237.32 francs, which, for all of the internees in provincial camps, represents a sum in the are of 200 million francs. ■

Text creating the DRAI Commission - composition - role

PREMIER MINISTRE

Rapport au Premier ministre relatif au décret n° 99-778 du 10 septembre 1999 instituant une commission pour l'indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l'Occupation

NOR : PRMX9903680D

Rapport au Premier ministre

En rétablissant la légalité républicaine en 1944, le Gouvernement provisoire de la République française a effacé toutes les traces de la législation antisémite, annulé les actes de spoliation commis sur le fondement de celle-ci et cherché à procéder aux réparations et restitutions nécessaires.

Toutefois, à cette volonté d'anéantir une législation indigne, compréhensible à l'époque de la Libération, succède aujourd'hui le besoin de faire toute la lumière sur cette tragique période de notre histoire. Les victimes et leurs descendants souhaitent que soit perpétué le souvenir des persécutions subies, afin d'éclairer les générations futures.

Les plus hautes autorités de l'Etat ont conscience de cette exigence de vérité et de justice. Elles ont pris des initiatives pour y répondre.

C'est ainsi que, par décret du Président de la République en date du 3 février 1993, la journée du 16 juillet est devenue journée nationale commémorative des persécutions racistes et antisémites commises sous l'autorité de fait dite « Gouvernement de l'Etat français ».

Lors de la journée du 16 juillet 1995, le chef de l'Etat a solennellement reconnu la dette imprescriptible de la France envers les soixante-seize mille juifs de France déportés.

Dans le même esprit, un arrêté du Premier ministre en date du 25 mars 1997 a chargé M. Jean Matteoli, assisté par un groupe de personnalités qualifiées, d'étudier les conditions dans lesquelles les biens, immobiliers et mobiliers, appartenant aux juifs de France ont été spoliés durant l'Occupation, et d'émettre, le cas échéant, des recommandations.

Le 6 octobre 1997, le Premier ministre, soulignant qu'il s'agissait pour la France « de tirer les leçons de sa propre histoire et de réparer ce qui doit l'être », a confirmé le soutien apporté par les pouvoirs publics aux travaux accomplis sous l'égide de M. Matteoli et a indiqué qu'il serait tenu le plus grand compte des recommandations formulées.

Saisie d'un nombre important de demandes individuelles, suscitées par la publicité donnée à ses travaux, la mission d'étude sur les spoliations a suggéré, dans son deuxième rapport d'étape, la création d'une instance chargée de leur examen.

Le présent projet de décret, qui institue une commission pour l'indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l'Occupation, fait suite à cette suggestion.

Prenant appui sur les travaux de la mission d'étude de M. Matteoli, l'instance dont la création est proposée pourra

éclairer les familles des victimes sur le sort des biens dont elles ont été dépossédées et tentera d'apporter une réponse adaptée à leurs demandes.

La commission devra adopter une approche pragmatique des dossiers qui lui seront soumis.

En effet, l'application pure et simple des règles du droit des biens et de la responsabilité civile ne permettrait pas, dans bien des cas, de satisfaire les demandes d'indemnisation dans la mesure où, sauf exception, les actions judiciaires sont aujourd'hui prescrites.

Aussi n'est-il pas envisagé de créer un organe de nature juridictionnelle qui serait souvent contraint d'opposer une fin de non-recevoir aux requêtes.

Au contraire, la commission placée auprès du Premier ministre procédera à l'examen des dossiers en prenant en compte tous leurs aspects. Elle s'efforcera de rapprocher les points de vue en présence et d'aboutir à un accord entre le demandeur et les institutions concernées. Lorsqu'elle n'y sera pas parvenue, elle pourra formuler des recommandations. Nul ne sera tenu, en droit, de se conformer à ces recommandations, mais celles-ci auront évidemment une portée non négligeable.

Bien entendu, dans les hypothèses où une action judiciaire est possible, rien n'interdira au demandeur d'y recourir.

La commission sera composée de six membres issus des principales juridictions de notre pays, auxquels seront adjoints deux universitaires et une personnalité qualifiée. Elle sera présidée par un magistrat du siège de la Cour de cassation. Une telle composition conférera à cette instance une incontestable autorité morale.

La procédure devant la commission ne sera soumise à aucun formalisme particulier. Les victimes ou leurs ayants droit pourront envoyer leur demande par simple lettre. Les ayants droit devront néanmoins justifier de leur qualité à agir, conformément au droit commun.

Pour faciliter le traitement des dossiers, l'examen de ceux-ci sera assuré par des rapporteurs issus des juridictions administratives ou judiciaires, sous l'autorité d'un rapporteur général. Ces rapporteurs pourront faire appel à des services spécialisés et procéder à toutes auditions ou consultations utiles.

L'instruction des demandes se fera de manière contradictoire. Les personnes concernées pourront formuler des observations et demander à être entendues par la commission. Elles pourront être assistées par la personne de leur choix. Elles pourront aussi être représentées par une personne ayant reçu mandat pour le faire.

Les crédits nécessaires au fonctionnement de la commission seront inscrits au budget des services généraux du Premier ministre.

Tel est l'objet du présent projet de décret que nous avons l'honneur de soumettre à votre approbation.

Décret n° 99-778 du 10 septembre 1999 instituant une commission pour l'indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l'Occupation

NOR PAMX9903660D

Le Premier ministre,
Vu l'ordonnance du 9 août 1944 relative au rétablissement de la légalité républicaine sur le territoire continental,

Décète

Art. 1^{er}. - Il est institué auprès du Premier ministre une commission chargée d'examiner les demandes individuelles présentées par les victimes ou par leurs ayants droit pour la réparation des préjudices consécutifs aux spoliations de biens intervenues du fait des législations antisémites prises pendant l'Occupation, tant par l'occupant que par les autorités de Vichy.

La commission est chargée de rechercher et de proposer les mesures de réparation, de restitution ou d'indemnisation appropriées.

Art. 2. - La commission s'efforce de parvenir à une conciliation entre les personnes intéressées.

En cas d'échec de la conciliation, elle peut émettre toutes recommandations qui lui paraîtraient utiles.

Art. 3. - La commission est composée de

1° Deux magistrats du siège hors hiérarchie de la Cour de cassation, en activité ou honoraires,

2° Deux conseillers d'Etat, en activité ou honoraires,

3° Deux conseillers maîtres à la Cour des comptes, en activité ou honoraires,

4° Deux professeurs d'université,

5° Une personnalité qualifiée.

Le président de la commission est choisi parmi les membres mentionnés au 1°.

Le président et les membres de la commission sont désignés par décret du Premier ministre pour une durée de trois ans.

En outre, un rapporteur général et des rapporteurs sont nommés auprès de la commission par arrêté du ministre de la justice parmi les magistrats de l'ordre judiciaire et les membres des juridictions administratives.

Art. 4. - Les victimes ou leurs ayants droit saisissent la commission par une demande écrite accompagnée de tous les documents utiles.

Chaque demande est instruite par un rapporteur, qui peut convoquer toute personne dont l'audition lui paraît utile et solliciter de tout tiers qualifié un avis ou une consultation. Le rapporteur peut notamment faire appel aux services de l'établissement public régi par le décret n° 70-982 du 27 octobre 1970.

Art. 5. - A l'issue de l'instruction, le rapporteur désigné transmet son rapport à la commission, après avoir sollicité les observations des personnes dont la conciliation est recherchée.

Ces personnes sont avisées de la date d'examen de l'affaire par la commission. Elles peuvent demander à être entendues par la commission.

Art. 6. - La commission peut demander au rapporteur de procéder à toutes mesures d'instruction complémentaires qui lui paraissent utiles.

Elle peut entendre toute personne dont l'audition paraît utile et solliciter de tout tiers qualifié un avis ou une consultation.

Art. 7. - Pour les besoins de la procédure, le demandeur et les personnes impliquées peuvent se faire assister par la personne de leur choix.

Ils peuvent également se faire représenter par toute personne pourvue d'un mandat régulier.

Art. 8. - La commission ne peut valablement se réunir que si au moins cinq de ses membres sont présents.

Les recommandations sont adoptées à la majorité des membres présents. En cas de partage, la voix du président est prépondérante.

Les séances de la commission ne sont pas publiques.

Art. 9. - Les crédits nécessaires au fonctionnement de la commission sont inscrits au budget des services généraux du Premier ministre.

Art. 10. - Le garde des sceaux, ministre de la justice, le ministre de l'éducation nationale, de la recherche et de la technologie, le ministre des affaires étrangères, le ministre de l'économie, des finances et de l'industrie, le ministre de la défense, le ministre de la culture et de la communication, le secrétaire d'Etat au budget et le secrétaire d'Etat à la défense chargé des anciens combattants sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au *Journal officiel* de la République française.

Fait à Paris, le 10 septembre 1999

LIONEL JOSPIN

Par le Premier ministre

Le garde des sceaux, ministre de la justice,

ÉLISABETH GURGOU

Le ministre de l'éducation nationale,
de la recherche et de la technologie,

CLAUDE ALLÈGRE

Le ministre des affaires étrangères,

HUBERT VÉDRINE

Le ministre de l'économie,
des finances et de l'industrie,
DOMINIQUE STRAUSS-KAHN

Le ministre de la défense,

ALAIN RICHARD

Le ministre de la culture et de la communication,

CATHERINE TRAUTMANN

Le secrétaire d'Etat au budget,

CHRISTIAN SAUTTER

Le secrétaire d'Etat à la défense
chargé des anciens combattants,
JEAN-PIERRE MASSERET

The Commission for the compensation of victims of spoliation resulting from anti-Semitic legislation in force during the Occupation, was created by means of decree no. 99-778 of 10th September 1999, on the initiative of Mr. Lionel Jospin, Prime Minister. It was invested with its competences and responsibilities by the Minister of Justice (*Garde des Sceaux*) during an official ceremony on 15th November 1999.

With the support of the efforts carried out by the Study Mission on the Spoliation of Jews in France, the Commission must provide information to the families of victims relative to the fate of the assets which had been taken from them, as well as research and propose measures for the appropriate reparation, restitution or compensation.

The Commission chairman, Mr. Pierre Drai, Honorary first president of the Court of Cassation is assisted by a director, Prefect Lucien Kalfon, and eminent persons from the Court of Cassation, the State Council, the Tribunal of Accounts and the Universities. Also, Mr. Adam Loss, former director of the United Jewish Social Fund, has been designated as a qualified person within the Commission to assist in this difficult task, based on his experience and knowledge of the compensation policies carried out both in France and in Germany at the end of the Second World War.

The Compensation Commission members are assisted by rapporteurs chosen from amongst the magistrates of the judicial system, the administrative system and the Tribunal of Accounts. The rapporteurs named by the Minister of Justice are under the authority of a general rapporteur, Mr. Jean-Pierre Monestié, the former advocate general of the Court of Cassation.

In addition to the search for proof, presumptions or clues, three principles guide the work and efforts of the Commission members, the rapporteurs and the team entrusted with assisting them in the examination of individual compensation requests: **equity, pragmatism and diligence.**

Out of a desire for **equity**, the rapporteurs must gather all information which will outline the circumstances of the spoliation and the means of any possible compensation. The need for **diligence** is justified by the fact that these proceedings are late in coming, by the advanced age of many of the victims of spoliation, and the social and financial fragility of many of these people. Finally, the Commission's **pragmatism** is motivated by the very nature of the generous reconciliation of plundered assets with a procedure wherein it is often impossible to provide or to establish intangible proof as to the circumstances and nature of the pillaged, plundered or stolen property.

This procedure is based on an on-going and benevolent dialogue with the applicants and a close relationship with the public and private bodies likely to have serious information relative to the spoliation. Verifications of any compensation which may have taken place are conducted through the intermediary of an inspection network consisting of correspondents in France and in Germany. In France, this involves primarily the National Archives, the Paris Archives, and the Archives of the Secretary of State for Veterans Affairs, the Contemporary Jewish Documentation Centre, the Paris Prefecture of Police, the *Caisse des Dépôts et Consignations*, the Ministry of Foreign Affairs, the Ministry of Culture and Communications, and the databases established by the Mattéoli Mission. In Germany, the Commission has recruited a representative in Berlin, and this person carries out the investigations within German institutions, and particularly with the services of the Higher Financial Department of Berlin.

To date, the Commission has already received 4,500 individual requests. ■

Contribution from *Caisse des Dépôts et Consignations* and the associated committees

Contribution of the *Caisse des Dépôts et Consignations*

Since 1996, the *Caisse des dépôts* has been investigating its role in the mechanism for the looting of Jewish assets set up by the Vichy government, and in the restitution procedures decided upon when the Liberation came.

It has created a working group, with an equivalent of eighteen full-time people. The results of the work of this team are reported directly to the Managing Director, Daniel Lebègue, who places great importance in its efforts. He has repeatedly stated the need for the *Caisse des dépôts* to be determined and irrefragable in the conduct of these investigations.

These works are supervised by an historical committee, chaired by René Rémond, the chairman of the *Fondation nationale des sciences politiques*⁽¹⁾, comprised of well-known people from outside the Establishment: Jean-Pierre Azema, historian, Pierre Cortesse, Master at the Tribunal of Accounts, and Roger Errera, member of the State Council.

In agreement with the Steering Committee, these works are carried out with full transparency, all of the results are published, and the Managing Director has undertaken that the consequences of the works will be followed up thoroughly.

The *Caisse des dépôts* research group works in close collaboration with the Study Mission on the Spoliation of Jews in France and, since its creation, with the Commission for the compensation of victims of spoliation arising from anti-Semitic legislation enacted during the Occupation.

The work of the Establishment's research group has brought to light the fact that, between 1941 and 1944, the *Caisse des dépôts* was one of the central cogs in the procedure to plunder Jewish assets. During that time, many laws and orders were adopted in order to exclude Jews from economic life, both by the German authorities and by the Vichy government. These texts, which implicate the State in various ways, as well as the main actors in the economic and financial life of the country, expressly stipulated that the *Caisse des dépôts* should be the depository for the major part of the revenues of this spoliation. The *Caisse des dépôts* was involved in several ways: it received the consignments of funds collected at the internment camps, notably the Drancy camp, of the accounts frozen in financial establishments, with brokers and with notaries,...; during the first quarter of 1942, it centralised the funds needed to pay the *milliard* fine which the German authorities imposed on the Jews in the northern zone in December 1941; finally, it purchased the securities belonging to Jews and which were sold by the *Domaines*.

When the Liberation came, the *Caisse des dépôts* participated in the restitutions. Starting in November 1944, in application of the texts on un-freezing accounts, it began returning the consigned amounts which were still available to people who presented themselves and established their rights to these monies. Between February and April 1945, the laws were defined for the process to return plundered property. From that moment, the

(1) National Political Science Foundation

Caisse des dépôts carried out these restitutions in a legal framework. Furthermore, in application of the 16th June 1948 finance law, the *Caisse des dépôts* handed over to the Treasury all amounts remaining in the account of the former General Commission for Jewish Affairs; on the behalf of the State, it investigated the dossiers relating to the levies made by the General Commission for Jewish Affairs, and on the payment of the *milliard* fine. As of 1971, the thirty-year forfeiture rule required the *Caisse des dépôts* to hand over to the Treasury any consignments which were still in its possession, which it did, in part.

Note on the investigations carried out in 1999

The members of its investigating group have been called upon to participate in the works carried out on a national level under the responsibility of the Study Mission on the Spoliation of Jews in France. They have also contributed to the efforts of special committees, notably those established by the city of Paris or the city of Bordeaux, the *Conseil national du crédit et du titre*⁽¹⁾, the *Conseil supérieur du notariat*⁽²⁾, ...

On several occasions, the Working Group has had to modify its investigation schedule: at the request of the Managing Director, it has nevertheless always given priority to the requests made of it by the Study Mission on the Spoliation of Jews in France.

The consequences of these constraints have been uneven progress in the works, whether they were begun in 1997 and 1998 (financial "aryanisation", *milliard* fine, securities, Drancy, the 30-year forfeiture) or actually launched in 1999 (the Jewish consignments made by notaries during and after the war, the economic "aryanisation", insurance policies in escheat, deposits coming from provincial camps, etc.).

In 1998, the most successful investigations have brought to light the role of the *Caisse des dépôts* in the payment of the *milliard* fine imposed on Jews in the Occupied zone, and on the consignments of moneys and securities coming from the Drancy internment camp; in 1999, these efforts provided a better understanding of the financial flows involved in the spoliation and restitutions.

Indeed, the *Caisse des dépôts* now has a better idea of the overall amount of the "Jewish consignments" and that of the releases. Thanks to the analyses of the financial flows and the continuation of the works on the financial "aryanisation", it has a better grasp of the nature (releases, payments to the Treasury, forfeiture) and of their beneficiaries (victims, heirs, subrogated people or institutions, etc.). Nevertheless, considerable work involving systematic study of the individual consignment dossiers from the Seine region and of the consignments made in the provinces still remains to be done in order to obtain final results.

This progress also includes research conducted into the spoliation of Jews interned in provincial camps and research involving life insurance policies of bodies which were managed by the *Caisse des dépôts et consignations* at the time: the *Caisse nationale pour la retraite et la vieillesse*⁽³⁾ (CNRV), the *Caisse nationale d'assurance-décès*⁽⁴⁾ (CNAD), and the *Caisse nationale d'assurance contre l'accident*⁽⁵⁾ (CNAA).

In 1999, the inventory of the archives, computerisation and securisation of the data were carried out. The *Caisse des dépôts* has prepared and set up computer tools which make it possible to refine the analysis of individual dossiers, and which should help it to respond to the investigations carried out by the Commission headed by Mr. Pierre Drai.

Eventually, the Establishment would like to be able to answer the legitimate questions of each person. It is for this reason that the chosen approach remains to carry out an exhaustive analysis of the different outside sources, of the 18,800 dossiers and of the 873 consignment registers preserved in the archives of the *Caisse des dépôts*.

(1) The National Credit and Securities Council

(2) The Higher Notarial Council

(3) National retirement and old-age fund

(4) National death insurance fund

(5) National accident insurance fund

...

In 2000, the group put together by the *Caisse des dépôts* will continue its efforts with the same attention to rigour and thoroughness. It will report to the Steering Committee and to the Historical Committee on its efforts and on any results obtained.

At the same time, and under the management of historians, an analysis will continue into the "political" role of the *Caisse des dépôts et consignations* as part of the spoliation and restitution process, and in general terms, on its activities during the period of 1939-1950 in order to be able to provide additional answers to the questions asked during the various progress reports. In February 1999, the Establishment published its initial report on the work which it carried out in 1997 and 1998, and it will be publishing a second progress report in April 2000. At the end of 2001, the results of these investigative efforts will be published and made public during a conference.

Drawing conclusions from the works undertaken thus far, notably with regard to the problems brought to light concerning the implementation of the overall forfeiture carried out in 1976, the General Management has decided to modify the procedures for the thirty-year forfeiture of consignments. Henceforth, more publicity will be devoted to informing the owners of the consignments; they will be monitored on a regular and dynamic basis. For the consignment of property, operations involving securities but without a clear expression of the will of the owners will no longer be used as a reason to interrupt the forfeiture period.

In compliance with the commitments taken, the Establishment will return the amounts improperly kept on its books to the heirs of the owners, through the intermediary of the Compensation and Reparation Commission headed by Mr. Pierre Drai, and will make its contribution to the National Memory Foundation as soon as the public authorities have decided on how this should be carried out.

Contribution of the bank supervision committee

Created at the request of Mr. Jean Mattéoli within the framework of the Study Mission ON the Spoliation of Jews in France and under the aegis of the *Conseil national du crédit et du titre*, the Committee for the Supervision of the banking and financial sector – providing a venue for mobilisation and co-ordination, and headed by Mr. Jean Saint-Geours – has been ENTRUSTED to carry out investigations within credit establishments and investment companies. On 6th March 1998, the establishment of this Committee, by the Minister for the Economy, Finance and Industry, in the presence of Mr. Jean Mattéoli and of the Governor of the *Banque de France*, was a clear manifestation of the desire of public authorities to confirm the authority of the Committee in the eyes of the financial community. This formal investiture was a determining factor in increasing the awareness of establishments, particularly those which were not included in the legal proceedings underway in New York.

The January 2000 report by the Supervision Committee contains a positive assessment of the work carried out by establishments for almost two years now. At the same time, the results of their investigations were submitted directly to the Mission.

The Committee's mandate referred specifically to assets having belonged to people deemed Jewish, and which the credit establishments and investment firms might still hold or have already transferred to the State at the end of the legal prescription period. It gradually became necessary for an inventory to be drawn up of the freezing and spoliation measures which affected each account, on the one hand, and of the unfreezing, restitution and compensation measures carried out after the Liberation, on the other hand. This would then allow for the preparation of an individual balance sheet of the financial and material losses which affected the assets which people deemed Jewish deposited with the financial system during the war.

A desire for thoroughness reigned over the efforts of the Committee, which drew no distinctions according to the size of the establishments, nor of the amounts in question. Similarly, its field of investigation included the *Banque de France*, the *Caisse des dépôts et consignations* and the financial services of the Post Office.

...

Its efforts proceeded along three major lines: co-ordination, supervision and preparation of a consolidated balance sheet of the investigations of the different establishments.

The Committee's co-ordination assignment was implemented through 21 plenary meetings and through workshops, and was accompanied by information meetings for the banking and financial community. The main steps in its investigations were followed up carefully: its role included the organisation of information exchanges, unravelling the procedures which applied at the time in order to thoroughly compare the sources and data which had been gathered, the identification of questions of an historical, legal or economic nature and which are to be answered in the general interests of the investigations being carried out on this sector, and finally, providing encouragement for certain investigation efforts to be shared.

The investigative method was prepared by the Committee, in collaboration with the Mission, and then offered to the establishments in the form of a "research guide" which the *Association française des établissements de crédit et des entreprises d'investissement*, the *Association française des banques*⁽¹⁾ and the *Association française des entreprises d'investissement*⁽²⁾ distributed to their members in December 1998. This provided a considerable research boost for many of the establishments, which had been having trouble implementing the investigations.

The Supervisory Committee monitored the quality of the investigations (respect for the iterative approach recommended by the guide, degree to which the results met the assigned objectives, verification of the internal and external coherence of the reports, etc.) and the schedule (collective reminders, through the professional associations and then individually). During the 13 sessions which it held in 1999, it strove to express, in a solemn manner, the high level importance of the contribution requested from the establishments as they carried out their memorial duty and fulfilled their financial responsibilities.

At the request of the Committee, the *Banque de France* drew up the "genealogy" of the establishments, and this helped the establishments themselves to verify that their own investigations had indeed taken in all of the entities which had been taken over by them. In addition, the Committee carried out an exhaustive inquiry into the existence and contents of safety deposit boxes having had no movement or having forfeited by escheat. It prepared a model report plan, which it then obliged the establishments to use.

On the basis of these reports, the Committee was able to establish, after minute consistency verifications, an approve summary of the fates of assets which people deemed Jewish deposited with the establishments during the period in question. This was prepared at the end of 1999, using the 79 reports from credit establishments, including the Post Office and the *Banque de France*, which referred to 209 establishments existing at the time, and the 15 reports from investment companies, which took in the activities of 42 brokers.

Certain data can be extracted: the freezing actions involved some 62,000 deposit accounts or passbooks, representing slightly less than one billion francs, and 13,000 security accounts worth 3.5 billion francs. The listed levies affected approximately 8 to 9% of the deposit accounts, passbooks and security accounts, which corresponds with 900 million francs; nine-tenths of which came from the security accounts. The investigations provided the most information on the restitution of these sums. The known restitutions applied to one third of the deposit accounts and passbooks from which levies had been drawn, and almost three quarters of the security accounts. In terms of value, the restitution has been verified for around 89% of the levies and sales identified by the establishments. By deduction, the levies which have not been returned to the account owners, in the absence of the procedure carried out by the account holders or their heirs, represent – excluding the Post Office, for which the Committee did not have the final results in January 2000 – around 3,000 accounts, including 91% deposit accounts or passbooks and 9% security accounts, representing a value of around 100 million francs, of which 18% in cash and 82% in securities.

(1) French Banking Association

(2) French Association of Investment Firms

With regard to the reactivation of non-levied accounts, proof could only be provided for 15 to 20% of these accounts, given the informal and immediate recovery of these accounts at the Liberation. With regard to the lapsed accounts, and given the legal time requirements for retaining such documents, it was generally impossible to find slips in the archives of the banks (except for two of them), nor in those of the *Domaines*. With regard to the contents of safety deposit boxes having registered no movements, no consolidation has taken place; however, inventories have been prepared, and these can be used to provide information for individual requests.

Overall, the Committee's report is indicative of the commitment of most of the banks, of the scope and seriousness of the investigations undertaken, and the overall good quality of the results obtained, despite the difficulties encountered. It also takes note of the willingness of the banks to undertake the necessary measures to be able to respond to the individual requests submitted to the Commission for the Compensation of Victims of Plunder, created in September 1999 and headed by Mr. Pierre Drai, Honorary First President of the Court of Cassation.

Contribution of the insurance supervisory committee

On 22nd November 1999, the Insurance supervisory committee created by Chairman Mattéoli on 23rd April 1998 and invested on 24th June 1998, presented its report, which will be made public in the form of a "contribution to the works of the Study Mission on the Spoliation of Jews in France".

Its mission was to "update the discriminatory practices which the laws" of the Vichy government and the German orders with regard to insured parties deemed Jewish, to trace, for the period after the Liberation, the restitution mechanisms for the sums as carried out by the companies, and to co-ordinate the efforts of the companies attempting to trace policies in escheat, to analyse their treatment, and, if need be, to propose concrete measures.

Striving initially to trace out the social, legal and economic setting in which the French insurance industry was operating at the time, the committee found that:

- its development was modest (eight life insurance policies per hundred inhabitants at the end of 1938)
- the rampant inflation which prevailed during the period had catastrophic effects on the holders of financial assets, especially holders of life insurance policies, whose policies lost 90% of their value
- the 1930 insurance law (completed in certain regards at the start of the war) had transferred the risk of coverage in the event of war to the State, which receives "war damages" claims until 1959
- fewer than one hundred of the five hundred insurance companies currently operating in France are the successors of those existing at the time.

On the basis of the research carried out, both in the archives of the central administrations and in those of the insurance companies, the committee's investigations regarding the discriminatory practices towards insured parties deemed Jewish brought to light that:

- the implementation of the economic isolation policy directed at them resulted in their access to insurance being considerably reduced, and to the freezing of their bank accounts into which the insurance companies were to deposit any sums which they might own to these clients,
- the authorities did not confiscate the life insurance policies, unlike what happened in other countries, and the companies were not obliged to attempt to identify these policies from amongst all those in force at the time,

...

- the insurance profession, the activities of which were regulated to a great degree at the time, carried out the instructions received from the supervisory authorities, and did so with little consideration, though also without excessive zeal.

In terms of damage insurance, the archives of the period, whether containing insurance policies or compensation dossiers, were destroyed long ago; it seems, in hindsight, that the main guarantee relative to which it might have been possible to file claims was that pertaining to pillage, which resulted from the risk of war, and was thus not the responsibility of the companies.

In terms of life insurance, the situation is quite different, since many policies taken out before 31st December 1945, and which have had no movement since then, have fallen into escheat, primarily due to their loss of value. The committee asked the companies to collate the list of people who disappeared during the deportation with that of the policies in escheat; this operation, carried out by companies which accounted for less than one half of the market of that time, brought to light approximately one hundred names which were on both lists.

In the end, the committee determined that, in the immediate post-war period, the insurance companies took no significant measures to limit the consequences of the spoliation measures; the committee did not feel that this attitude was very different from that of the public authorities or from other actors in the economic milieu, whose main preoccupation at the time was to rebuild the country while fostering a climate of national reconciliation.

In conclusion, and bearing in mind the objective elements brought to light by the investigations, the committee could not determine that the material prejudice attributable to the implementation, by the insurance companies, of the discriminatory practices decreed by the occupation authorities and the Vichy government was limited, both in terms of the number of people involved and of the amounts of the sums in question. It is obviously not the same thing for the undeniable moral prejudice suffered by the victims, which in itself entails a duty to provide reparations, the amount and means of which should be appreciated by the Mission within the overall perspective of the spoliation. ■