Among missing art treasures which still are the object of continuing search more than six years after the end of World War II are these paintings depicting scenes from the life of St. John the Baptist. Painted by Hans Süss von Kulmbach (1480-1522), St. John’s Altarpiece was removed from the Church of St. Florian in Cracow, Poland.
The dispersal of works of art and cultural treasures is one of the chief hazards of war, second only to the irreparable loss through damage and destruction, to which such property is exposed. All valuable collections in every country in time of war are, of necessity, transferred from cities to isolated places of greater safety. Works of art in the most vulnerable of buildings, the modern glass-roofed museum, obviously must be removed from danger. It is, in fact, due to the precautionary measures that were taken and the storage in safe shelters that the large proportion of movable objects in Europe survived World War II unharmed.

It was the fixed monuments of architecture and art that suffered the greatest loss and damage. The need for the evacuation of museums, libraries and archives was anticipated by most institutions and by the International Museums Office of the League of Nations. During the 1930’s this office had prepared and sponsored conservation measures that would be required in such an emergency.

The wholesale confiscations of all types of cultural materials by official Nazi organizations in the countries which they occupied in Europe brought about the transfer of an immense amount of valuable properties to Germany. The scope of their plunder of cultural property in western and eastern Europe is given in the Nazi decrees and orders published in the volumes on Nazi conspiracy and aggression.*

Many public collections of Austria and Germany and the greater proportion of Nazi loot were sent for numerous reasons to the areas which came under United States Government control. Now, after six years, it is probable that all important war repositories have been found. The tragic losses of a few storage places through bombardment or fire, as in Berlin, have been ascertained. It would appear that only deliberately well-hidden caches may still remain to be uncovered.

In the American Zone of Germany more than 1,800 repositories in mines, castles, churches, monasteries and remote villages were discovered. The objects were taken under United States Government control and transferred from the emergency shelters to central collecting points established by the Office of Military Government for Germany (OMGUS). Under United States Government policies, they have been held in safe custody until they could be restored to their rightful owners in all the war areas of Europe. These policies have become, as the late Chief Justice Harlan F. Stone predicted, “The proclamation to the world, friends and enemies, of our practical concern in protecting these symbols of civilization from injury and spoliation.”

The cultural restitution program in the American zone of Germany has been carried forward by American officers who are art experts in the Monuments, Fine Arts and Archives Section of OMGUS and under the Office of the US High Commissioner for Germany (HICOG), The

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first restitution took place when the Altarpiece of the Mystic Lamb by the Van Eyck brothers was returned to Belgium in August 1945; since then, there has been a constant flow of works of art and other objects of cultural importance back to the countries from which they had been removed.

More than 1,000,000 art objects and 4,000,000 books have been recovered, identified and restored from the American zone. Some of the priceless treasures returned under the American program included the Vienna collections, the crown jewels of the Holy Roman emperors, and Charlemagne’s Book of the Gospel — to Austria; the Veit Stoss Altarpiece of Cracow — to Poland; Michelangelo’s Madonna and Child of Bruges — to Belgium; the stained glass of Strasbourg Cathedral and the Rothschild collections — to France; the treasures of the Budapest National Museum — to Hungary; and a collection of antique gold objects from the Naples Museum — to Italy.

The ownership of the hundreds of thousands of objects was identified through official records, inventories and documents relating to the Nazi seizures and varied art transactions, which had been assembled by the Office of the United States Chief of Counsel for the Prosecution of Axis Criminality of the International Military Tribunal, Nuremberg, by the Art Looting Investigation Unit of the Office of Strategic Services, and by OMGUS.

Many works of art, however, have not been recovered. Some are known to have been scattered and lost through the innumerable perils of war, others have disappeared without a trace. Among the thousands of objects and books still missing are many famous masterpieces.

Four paintings from the Uffizi Gallery in Florence have never been found since they were evacuated during the war. They are a Lorenzo di Credi Self-Portrait, the Bronzino Deposition and the small pictures by Antonio del Pollaiulo of Hercules and the Hydra, and Hercules and Antaeus.

The Raphael Portrait of a Young Man belonging to the Museum of Princess Czartorski in Cracow and four panels of the St. John’s Altarpiece from the Church of St. Florian, Cracow, disappeared following their removal to Germany in 1944 by the notorious Nazi governor general of Poland.

Twenty-eight paintings which were stolen from the villa in Italy of H.R.H. Prince Felix of Luxembourg have never been traced. They include a Madonna and Child by Cima da Conegliano and a Portrait of Victoire Louise, daughter of Louis XV, by an unknown artist.

Among the paintings still missing from private collections in France are the Rembrandt Head of an Old Man and the Van Dyck Portrait of Paul Pontius from the Schloss collection, a Fragonard Shepherdess from the collection of Georges Wildenstein, and a Monet painting of the Seine from the collection of M. Saloman Flavian.

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Madonna and Child.

By Cima da Conegliano (1459-1517).

Collection of Prince Felix of Luxembourg.
THE NEED FOR INTERNATIONAL cooperation to prevent the transfer of looted objects from one country to another was recognized in the inter-Allied agreements and by the international conferences during the war. Practical measures for a continuing recovery program were set forth in the Statement of Policy for the Control of Looting of Art Articles of July 8, 1946. (See Appendix 1 at the end of this article.) All European countries have been invited to participate in the program. It is, of course, an undeniable fact that works of art lost through the Nazi depredations of European countries, which shocked the civilized world, will never be saleable.

This recovery program, which has been developed in conformity with international agreements and carried forward by governmental agencies with the cooperation of learned institutions and responsible citizens, makes possible the eventual recovery of irreplaceable cultural objects. It honors the rightful ownership, which has been the basis of Allied policies. It provides for an appropriate continuation of the cultural restitution programs. For the first time in history, restitution may be expected to continue for as long as works of art known to have been plundered during a war continue to be rediscovered.

The introduction of looted objects into the United States is, furthermore, contrary to the general policy of the US Government. The State-War Coordinating Committee approved on Jan. 28, 1947, a policy for the "Return of Looted Objects of Art to Countries of Origin," in which it was stated that it is "the responsibility and desire of this government to return to their countries of origin those cultural objects which have been wrongfully taken and brought to the United States during and after the war."

The United States Government as early as 1945 undertook to return to the rightful owners any looted objects should they appear in this country. A circular letter was issued by the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas. The Department of State in 1950 circulated a second letter to American universities, museums, libraries, art dealers and booksellers, asking for their continued cooperation in the recovery of dispersed cultural property. This letter was reprinted by the American Federation of Arts in the Magazine of Art, Vol. XLIV, No. 2 (February 1951), and by the College Art Association of America in the College Art Journal, Vol. X, No. 2 (Winter 1950). (See Appendix 2.) In this endeavor the Department of State has received the generous support of American institutions and American citizens.

ON THE RECEIPT OF information concerning an object in the United States suspected of having been looted, the Department ascertains all available facts as to its former ownership and the circumstances of its loss during the war. In certain cases the ownership is readily determined. With important works of art, for example, the identity of the objects and the ownership are often recognized by the authorities who bring them to the attention of the Department.
saw, where they have been placed on exhibition; several early manuscripts from England, and a Monet painting, La Peniches sur la Seine, which had been confiscated by the Nazis from a member of the Rothschild family in Paris.

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US Seeks to Replace Cultural Property Displaced during World War II

A NUMBER OF PROBLEMS involving important collections dispersed during World War II have been the subject of a series of inquiries to the Department of State from the former American Monuments, Fine Arts and Archives officers who recovered the collections and took the initial steps to safeguard them. Most of the problems which are still outstanding await final determination because inter-Allied agreement is required for their settlement.

The collection of the Kassel Museum in Germany remains under quadripartite control in Austria and is stored in the Kunsthistorisches Museum in Vienna. The United States Government will continue to press for the return of this important state collection to its original ownership in Kassel, Germany.

The German-owned art libraries in Italy, which were recovered in war repositories by American authorities and returned in 1946 to Italy from Austria and Germany by General E. E. Hume and General Lucius D. Clay, under Monuments, Fine Arts and Archives procedures, have been held under tripartite control. The libraries were placed in the temporary custody of the International Union of Institutes of Archeology, History, and History of Art.

A protocol, which alleged that the libraries were economic assets and should be transferred to the Italian Government, on the condition that the Italian Government grant the International Union a perpetual or 99-year lease to the libraries, was published in the College Art Journal, Vol. VIII, No. 3 (1949). This arrangement was not approved by the Department of State and does not represent the policies of the United States Government.

The libraries are regarded by the US Government as cultural property to be excluded from German external assets and to be returned to their rightful owners. Until

Hercules and the Hydra.
By Antonio del Pollaiulo (1429-1498).
Uffizi Gallery, Florence, Italy.

Hercules and Antaeus.
their final disposition is determined under tripartite agree-
ment, the United States Government is making every
effort to keep the libraries open for use.

The Crown of St. Stephen of Hungary, which was sur-
surrendered to the US authorities for safekeeping, is being
held in trust by the US Government. It continues to be
treated as property of a special status. The Government
does not regard the present juncture as opportune or
appropriate for taking action regarding its disposition.

RESTITUTION IN KIND or the replacement of cultural
property of unique character was given considera-
tion by the Allied Control Council in Berlin in 1946 and
early in 1947. A tripartite agreement for the imple-
mementation of such a policy, however, was never con-
cluded. American policy in the 1947 directive to the
Commander-in-Chief of the United States Forces of Oc-
cupation (JCS 1779, July 11, 1947) prohibited replacement
of cultural property from Germany's cultural heritage.

Article 17 of this directive reads: ... You will not con-
sent to any extensive program for replacement of looted
or displaced property which has been destroyed or cannot
be located whenever such replacement can be accom-
plished only at the expense of... the cultural heritage of
the German people.

A special resolution opposing the use of works of art
as replacement or reparations material was unanimously
approved by the American Commission for the Protection
and Salvage of Artistic and Historic Monuments in War
Areas at its final meeting on June 20, 1946. It was rec-
ommended that "cultural objects belonging to any country
or individual should not be considered or involved in
reparations settlements growing out of War II."

With regard to the general obligations under inter-
national law, a recognition of the inviolability of cultural
property as contained in Article 56 of the annex of the
Hague Convention (IV) of 1907 is regarded as obligatory
upon this and other signatory governments. The United
Kingdom and France have ratified the Hague Convention
(IV) of 1907 and the USSR recognized the Czarist signature
to this convention on Nov. 25, 1941.

The US Government has an additional international
commitment under the treaty between the United States
of America and other American republics, entitled "Pro-
tection of Artistic and Scientific Institutions and Historic
Monuments," signed at Washington on April 15, 1935, and
ratified on the advice of the US Senate by the President
on July 10, 1935. This treaty was concluded to the end
that "the treasures of culture be respected and protected
in time of war and in peace."

Article II reads: "The neutrality of, and protection and
respect due to, the monuments and institutions, mentioned
in the preceding article, shall be recognized in the entire
expanse of territories subject to the sovereignty of each
of the signatory and acceding states, without discrimina-
tion as to the state allegiance of said monuments and
institutions. The respective governments agree to adopt
the measures of internal legislation necessary to insure
said protection and respect."

Portrait of a Young Man.
By Raphael.
(Wood panel, 75 by 59 centimeters.)
Czartoryski Museum, Cracow, Poland.

The policy of the US Government is one of respect for
artistic and historic property of all nations. It has been
consistently upheld in all US Government directives, mil-
itary government laws and regulations of World War II
and fully demonstrated in the magnitude of the accom-
plishments in the US Zone of Germany, where more than
700,000 works of art and over 4,000,000 books have already
been recovered and returned to despoiled nations. It is
the desire and intent of the US Government that, when
the final settlement is reached, all cultural property dis-
located by the war will be restored to the rightful owners.

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Appendix 1

Statement of Policy with Respect to the Control
Of Looted Articles, Paris, July 8, 1946

FOLLOWING IS THE TEXT of an agreement concluded
July 8, 1946, among the United States, the United King-
dom and France with respect to the control of looted
articles:

The governments of the United States, the United King-
dom and France have agreed to recognize the usefulness
of a common demarche to be made to the neutrals recom-
mending that certain measures be taken by them with a
view to discovering in their territory cultural property
looted by the enemy in countries formerly occupied by
it and to control such property and prohibit its exportation abroad (this relates to articles including books, manuscripts, and documents of an artistic, historical, archaeological, scientific, pedagogic or religious character).

With this in view they agree to request the governments of the liberated countries to furnish the governments of neutral countries, as soon as possible, lists of spoliated articles which have not as yet been restituted through the recuperation operations now being made in Germany and Austria (it being understood that, if necessary, these lists might be completed by means of additions thereto and that as recuperated objects are received, notification will be given of their deletion).

The three governments will recommend to the governments of the liberated countries that they exchange their respective lists and send copies to the governments of the United States and the United Kingdom and all other governments which the countries interested in this procedure may consider useful.

The three governments will invite the neutral governments to seek out immediately looted articles in their territory and instruct the national customs authorities to prohibit the export of any article which may be presumed to have been looted. The governments of the liberated countries will submit as soon as possible to the neutral countries lists of art objects looted within their territory for the purpose of assisting the investigations undertaken by the neutral countries.

The customs authorities of the neutral countries should refer doubtful cases to their governments, which will make every effort to identify the articles and to verify the good faith of proposed transactions making use of local art experts, police and information services. If any doubts still remain, the neutral governments will submit such cases with details and photographs of the articles in question for the examination of the three governments.

Furthermore, the lists should be circulated to art dealers, museum authorities and specialized people who will be under the same obligation of vigilance as the customs authorities and compelled to refer suspicious cases to the central administrations. The governments of the neutral countries shall furthermore alert their public opinion with regard to their interest in looted articles by means of the press and all other kinds of publicity, requesting that all suspicious cases be notified to the police and other governmental services.

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

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Appendix 2

To Universities, Museums, Libraries, Art Dealers and Booksellers

It is the responsibility and desire of the Government of the United States to recover, and return to owner nations those cultural objects, including works of art, archival material and books, looted, stolen or improperly dispersed from public and private collections in war areas and brought to the United States during and following World War II.

This responsibility has been shared by American institutions and American citizens. The response of museums, libraries and dealers to a circular letter from the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas requesting information about objects without a clear title has led to the recovery by this government of a number of items of artistic and historic importance. The continued vigilance of American institutions and individuals in identifying cultural objects improperly dispersed during World War II is needed.

Your cooperation in notifying the Secretary of State, Washington 25, D. C., concerning such objects which may come to your attention will be appreciated.

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Bibliography of Art Restitution

Articles published in the Information Bulletin dealing with the restitution of German-looted art treasures include:

- Germany Makes Restitution, article prepared by Property Division, Office of Economic Affairs, HICOG, on returning German-looted property to rightful owners, June 1950.
- Mainz Psalter Returned, account of finding and returning treasure, June 1950, with subsequent Mainz Exhibiting Treasured Psalter, August 1950.
- Operation "Lost and Found," review by Thomas A. Falco of restitution operations, July 1, 1946.
- Restitution Program Reviewed, review of return of cultural objects, Oct. 28, 1946.
- Silver Train to Hungary, description of restitution of discovered looted treasures, May 26, 1947.