

**French archival sources and researches about Jewish cultural property,
spoliated by the Nazis before 1945.**

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I would like to thank the conference organizers and the leaders of the "Looted Art" working group, especially on behalf of the French group, i.e. Ms Isabelle Lemasne de Chermont, the Chief Curator of the Libraries and the author of numerous studies on the issue, and Mr Guy Broc, Special Advisor to the Ambassador in Charge of the International Dimension of the Holocaust. I would also like to thank Ms. Caroline Piketty, curator at the National Archives, member of the Mattéoli Mission and private researcher on the spoliated musical instruments, who has shared with me her extensive experience on the subject.

The issue of the spoliation of works of art in France by the Germans has been the subject of numerous studies and reports for almost 20 years. In his speech at the 53rd anniversary of the Vélodrome d'Hiver roundup on 16 July 1995, the French President Jacques Chirac admitted for the first time the responsibility of the French state for the persecution of Jews and its imprescriptible debt towards the Jewish community. There was a follow-up at the national level consisting in the establishment of a mission doing research in the archives of the spoliations. In 1998, the Washington conference was held. The reunification of Germany finally provided powerful tools to search the archives with the goal of providing refunds and compensation to the beneficiaries from the families who had been victims of spoliation.

The research in the French archives thus enabled to establish, in several years, the extent of the spoliation, to identify the entities responsible for the spoliation and for the restitutions, the looting process, the list of the relevant owners, their addresses, their property, their destiny and, in the best case scenario, their location; these investigations involved demanding memory work but resulted in hundreds of assets being returned to the beneficiaries.

In the first part of my speech, I will mention the key axes of scientific research in France in the last 20 years or so; in its second part, I will describe the restitution process re-launched in our country in the late 1990s and, in its third part, I am going to talk about the outlook of the research for the years to come. There are many institutions in France which deal with these issues; if the department I represent is more specifically involved in them it is due to the fact we keep the archives and due to the contribution of the Ministry of Foreign and European Affairs (MFA) to the negotiations on the return of the works of art.

I- Archive-based research

A- The first most important set is the collection of archives improperly called "the Rose Valland Archives"; their more exact title should be "Archives for Recovery of Works of Art" **of the French Ministry of Foreign and European Affairs**. These archives were created by various French institutions successively involved in the recovery of the looted cultural property, by **various public administration bodies active at the same time or successively, by the Commission for the Recovery of Works of Art established by the Decree of 24 November 1944, the Office of Private Goods and Interests, The Central Recovery Office, the Berlin Art Recovery Service, and the Works of Art Recovery Service**.

They were all conveyed to Rose Valland in the mid 1950s so that she could continue her research started 10 years ago. In the 1960s, the archives were stored in the Louvre by the Directorate of Museums of France before being transferred to the castle of Bois-Préau. They were returned to the Ministry of Foreign Affairs as late as in February 1991 (archives) and in March 1992 (files).

The Art Recovery collection (about one thousand boxes) covers the period 1944-1974 (some files contain older documents as well). An inventory of this collection was carried out at the level of folders, or even pieces, to allow searches in the ACCESS database without previous classification since 1991; at present, this database includes about 96,000 files, and, since 1998, it has been used to update the *Répertoire des biens spoliés* (*Directory of Spoliated Assets*) published in 1947-1948. This work consists in the tracking, in several stages, of each cultural asset which had been claimed by the family members and was not yet returned. The research focused primarily on paintings and graphic arts, i.e. approximately 13,600 files. The work has not yet been completed due to the complexity of the verification. The reorganization and classification of the fund will enable researchers and families to conduct their own research. The DMF plans to digitize and publish on its website all 8 original volumes of the *Répertoire des biens spoliés* including their supplements.

In 1998, the French Ministry of Foreign and European Affairs published an online catalogue of spoliated works not returned to the heirs of Adolphe and Lucie Schloss. The catalogue includes 166 of the 333 works of art stolen in April 1943 with the complicity of French authorities. The inventory has been prepared according to the various lists found in the Art Recovery archives kept by the Ministry of Foreign Affairs. The letters of discharge signed by the Schloss heirs served as the basis for establishing which works had been actually returned.

http://www.diplomatie.gouv.fr/fr/ministere_817/archives-patrimoine_3512/dossiers-cours_11553/spoliations-1940-45_11554/index.html

Moreover, documents relating to the spoliations are kept in many archives. They have been identified in two guides to sources, the *Guide des sources de la Seconde GM* (Guide to Sources of the WWII) published in 1994 and, more specifically, in the Study Mission on the Spoliation of Jews in France, led by C. Piketty (*Guide des recherches dans les archives des spoliations et des restitutions*) published in 2000. They refer mainly to the National Archives, to the departmental archives and to the Centre of Contemporary Jewish Documentation (CDJC).

B- National Archives

The AJ38 sub-series of the fund of the General Commissariat for Jewish Questions (CGQJ) and of the Restitution Department. Its inventory was prepared by John Pouëssel and Marie-Thérèse Chabard and published in 1998. The National Archives completed the microfilming of all these documents to ensure their conservation in partnership with the Foundation for the Memory of the Shoah. In fact, the period documents - which are often on onionskin papers, photostats, or are written with delicate ink - are particularly vulnerable when viewed. On a case-by-case basis, their microfilming could even be supplemented by their digitisation.

The operation was entrusted to a team of seven 20th Century Department members (3 heritage curators, 1 person responsible for the study of documents, 1 documentation secretary, 3 Category C agents). This team also coordinated the work of numerous temporary employees seconded by the Foundation for the Memory of the Shoah on the basis of an agreement. The complete microfilming of the documents lasted 6 years. The microfilming operations included 6,500,000 views and 42,315 working hours. A total of 1,589 microfilms were made. The relevant cost amounted to 6.5 million of francs, which represents the largest commitment ever made by the Foundation for the Memory of the Shoah. The microfilms were submitted on a continuous basis to the Reception and Research Centre of the National Archives. On 26 March, their copies were delivered to the Foundation for the Memory of the Shoah. Additional copies are going to be submitted to the United States Holocaust Memorial and to Yad Vashem.

- The National Archives also store the German archives from the Occupation period and the records of the Ministry of Fine Arts or the Ministry of Trade, as well as all the files relating to arrests and deportations of the French Jews. They provide information on the destinies of these people, help establish the limits of their existence, and also the destiny of their property.

- In 2004, the Office for Administrative Research was established upon the initiative of Ms C. Piketty; its purpose was to create a friendlier environment to receive the relatives of the deportation or spoliation victims; previously, they were received in the inventory room, and thus suffered a stressful confrontation with their family history.

- We must not forget the departmental archives which provide clues for research of cultural assets looted outside Paris. The work of the researchers is also facilitated by the digitization currently in progress which is a joint project of the French Archives and the *Holocaust Memorial Museum* in Washington. Let us quote namely the case of the Paris Archives which contain the records of the auctioneers, the persons deprived of French nationality and those of illegal profits.

C- C. Piketty: "At the Shoah Memorial, the **Center for Contemporary Jewish Documentation** (CDJC) has been collecting primary source material since the last years of the Occupation. From the very beginning, the CDJC archivists have performed - and are still performing - an indexing work which is unparalleled in France. Each document is subject to specific investigation and analysis. The massive digitization project which is under way - despite the fact it has not yet been completed - allows direct access to the documentation on the Shoah Memorial portal. The basic documents contain information on the looting of art, on the seizure of certain collections of works of art and the documents of the Nuremberg Tribunal. The files relating to Alfred Rosenberg are very numerous and they help understand how the looting process was organised. The CDJC resources are remarkable as a source of general information, information on historical processes and also information on individual destinies. "

D - The above source inventories have facilitated the research of the **Mattéoli mission** established in 1997 and chaired by the President of ECOSOC, Jean Mattéoli and its Vice-President Professor Steg, the President of the AIU. The objective of the mission was to "examine the conditions under which both movable and immovable assets [i.e. not only works of art] belonging to the French Jews were confiscated or, in general, acquired as a result of fraud, violence or theft between 1940 and 1944 either by the occupier or by the Vichy authorities. All state administration agencies were instructed to provide their assistance to the Mission. Even before the full opening of the war and occupation archives to the public¹, all members of the Mission had access to the period documents, to private files which can be made publicly available only after 60 years as provided by the 1979 Act, irrespective of

¹ Following the report by Guy Braibant on the French Archives, published in 1996 in *La Documentation française*, and in the context of Maurice Papon's trial, the Prime Minister has requested in a circular dated 2 October 1997 that the archives from the occupation period should be made more accessible to the public. Several Ministerial decrees were issued in 1998 and 1999 to open the WW II archives to the wide public. The files of the Commission for the Recovery of Works of Art and the court records are still subject to derogation. The implementation of the Act of 15 July 2008 on the Archives should result in the public availability of all the WW II documents.

whether they are kept by the National Archives, the Archives of the Police Headquarters, the Archives of the Deposit and Consignment Office, the Archives of the Ministry of Foreign Affairs, or by any departmental archive. This was the first time when a comprehensive study was prepared on the post-war issues. The report of the Mission is available on the French Documentation website:

(<http://www.ladocumentationfrancaise.fr/rapports-publics/984000110/index.shtml>).

The report estimates the value of the assets confiscated to the Jews, besides the looting of their apartments and the works of art by the Germans, to be 1.35 billion of euros (more than 5.2 billion of francs during the relevant period).

One of the outcomes of the work completed by the Mission was the establishment of a database of works of art deposited in museums due to the fact that their owners have not been located; another result was the creation of the Commission for the Compensation of Victims of Spoliation (September 1999).

- Research based on the National Museums Recovery Programme (MNR)

The decree of 30 September 1949, which put an end to the existence of the CRA, also provided that assets with a "MNR" status which had not been returned should be labelled "provisional inventories" different from the inventories of the national collections; this was done by the relevant departments, and these inventories were made available to the public. These works, most of which had been spoliated, were exhibited at the Compiègne Castle, located to the north of Paris, from 1950 to 1954. There were about 2,000 works, i.e. 1,000 paintings plus sculptures, drawings and other objects of art.

In Spring 1997, 5 major national museums (Louvre, Orsay, Pompidou, Sèvres and Versailles) exhibited around 1,000 works of art whose owners or the relevant beneficiaries had not yet been identified.

In 2008, the exhibition denominated "A qui appartenaient ces tableaux" ("To Whom Did These Paintings Belong?") was organised in the Israel Museum in Jerusalem and then in the Museum of Art and History of Judaism in Paris, as a proof of the French policy of searching for the origins of the looted works of art and trying to return them. 53 paintings were exhibited; one of them, the *Pink Wall* by Matisse, was returned by the Minister of Culture and Communication.

II- French policy of return of the looted cultural property

On the basis of all these years of work, an efficient return policy could be set up in 1993; its general principle is strongly supported by France, which participated in the international conferences in Stockholm, Moscow, Magdeburg and Vilnius from 2000 to 2002.

A-At the **bilateral level**, a French-German working group was established in 1992 with a goal of finding the assets looted in France which were still located in Germany, mainly on the territory of the former German Democratic Republic, and arrange for their return to France. This group organized many reciprocal refunds. The French Ministry of Foreign Affairs is leading negotiations on the transfer of the responsibilities of the OBIP (the Office for Private Assets and Interests). After the termination of the activities of the Commission for the Recovery of Works of Art in December 1949, the Office for Private Assets and Interests, which reported to the Ministry of Foreign Affairs, was appointed to deal with all the restitution transactions so far unresolved by the Commission for the Recovery of Works of Art, as well as with any new cases which may have fallen under its jurisdiction. Its responsibilities were later transferred to the Economic Department of the Ministry of Foreign Affairs until 1991, when they were given back to the Archives.

In order to illustrate the different restitution processes, it is necessary to give some examples:

1. The assets can be **returned voluntarily** by individuals: a flag, the Rethondes wagon handles, the Aubusson tapestry, the Nobel prize medal awarded to a writer etc. ..
2. Works of art (paintings, sculptures, etc.) which could be returned following the **negotiations of the Ministry with various countries**:
 - with the Federal Republic of Germany: in 1994, 28 paintings from Berlin, of which 8 have been returned to their owners. The rest was given into the custody of French museums until new documents emerge allowing the identification of the owners.
 - Negotiations with the Netherlands and with the Czech Republic have enabled also the return of a van Delen and a REMBRANDT (workshop)
3. The activities of the Ministry can involve also decisions to **return an asset to a family in coordination with the Directorate of Museums of France**, if new documents enable to identify a work and its owner with more certainty. To quote just a few examples: GLEIZES, PICASSO, GRANET, MONET, LEGER, etc., i.e. 47 paintings, sculptures, stained glass, objects of art kept in French Museums under the **MNR** (Musées Nationaux Récupération), REC or OAR categories.

/ Example: 2003, Portrait of the Artist by Vigée Lebrun, and Mountain Gorge, Swiss school, C. heirs; the heirs who emigrated to the United States were sought through the U.S. and Belgian embassies and consulates (1 year of research). Due to the history of the works after they were located in the CRA and Koblenz archives, they could not have been returned immediately in the post-war period as they had been assigned to other artists and known under other titles than those under which they were claimed by Baron Cassel.

4. The **Ministry of Foreign Affairs can also require, on its own initiative**, the return of paintings such as those by SNYDERS requested from the Washington National Gallery after having prepared the claim file for the beneficiaries of the spoliated family. It was also the case of the VUILLARD painting returned in August 2006 by the National Gallery of Canada.
5. The Ministry's activities can consist also of providing **documentary evidence** in a legal action undertaken by individuals in France or abroad.
6. This case related to a handing over of a work rather than its return in the proper sense of the word, but it is worth mentioning as an exemplary case dealt with under the auspices of the Ministry; a painting denominated **Jewish Engagement** was donated to the Museum of Art and History of Judaism. The donor, Ms X, found the painting in her parents' house, formerly occupied by the Germans, and decided to donate it because she suspected that it had been spoliated. The Museum and the Ministry of Foreign Affairs will return this work of art if there is sufficient evidence to identify its owners.

B- Since its creation in September 1999, the Commission for the Compensation of Victims of Confiscation (CIVS) has dealt with almost 26,000 claims. Out of this large amount, 1,868 cases were applications for cultural assets claimed. However, out of this group, only 141 files relating to one or more works of art claimed, and 3 belonging to the MNR category could have been returned by the CIVS. Compensation was provided in case of the claims which were not rejected. The CIVS consults French archival sources (private archives, French museums, National Archives, the archives of Paris, departmental archives and the archives of the Foreign Affairs). One of its active members, Mr. Jean-Pierre Bady, will participate in this working group this afternoon, and he will compare the return and compensation practice in 4 European countries.

C- Returns of archives. Example of archives kept in Russia since 1945:

Starting from June and July 1940, the German occupying forces seized many French archives, ministerial archives, archives belonging to politicians, to Jewish individuals, to socialists or Freemasons considered "enemies of the Nazis," and the archives of trade union federations. The looting lasted until 1943². The archives were transferred to Berlin where they were studied by the German secret services.

After the capitulation of the Third Reich, these records were seized by the Red Army and most of them were transferred to the Special Central State Archives, a secret facility opened in 1946 to the north of Moscow.

In 1966, the Soviet government surrendered to General de Gaulle documents on the French Resistance and the archives of four French personalities: André Maurois, Julien Cain, Bernard Lavemue and Professor Edmond Vermey.

² According to a report from 1947, it included 20 million of manuscripts, archives and books (S. Coeuré, p. 59)

It was not until the end of the Cold War that the presence of French archives in the special archives of Moscow was reported by Patricia Kennedy Grimsted, "the true discoverer of the lost treasure" (S. Coeuré, *La Mémoire spoliée*, p. 13).

On 12 November 1992, France and the Russian Federation signed an Agreement on cooperation relating to public archives, on the research and mutual return of archives, copying of documents, joint publications and organization of exhibitions.

[Decree No. 93-901 of July 12, 1993 promulgating the Agreement between the Government of the French Republic and the Government of the Russian Federation on cooperation relating to public archives, entered into in Paris on 12 November 1992: <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MAEJ9330027D>].

Many archival collections held in Russia which had been spoliated in France by the Germans were returned to France through the Ministry of Foreign and European Affairs. They belonged mainly to Jewish personalities such as Marc Bloch, Léon Blum or Paul Rosenberg, or to institutions such as the *Central Committee of the World Jewish Union* and French Jewish and Zionist organizations (*Jewish Colonization Association*).

III- Outlook

- The DMF shall improve the existing online database of the MNRs: i.e. update the references and bibliography and improve the indexing.
- Digitization Plan: the Archives of the Ministry of Foreign and European Affairs had ordered the restoration of the glass plates representing the works looted mainly by Göring, and plans to digitize these plates along with the copies of the photographs in order to put the relevant works online. The Department management also plans to digitize about 4,500 files of the CRA and OBIP, as well as the ERR lists.
- This plan is related to the NARA project (Michael Kurtz)
- The application of the Act of 15 July 2008 on Archives should ensure public availability of all the WWII documents.

Conclusion

C. Piketty: "The issue of works of art is an extremely difficult one as their traces cannot always just be found in the public archives [which are often very incomplete]. The Mattéoli Mission members had to deal with the problems related to private archives, which were particularly important in case of archives belonging to galleries or to art dealers. To trace the trafficking and sales of works of art during the Occupation, in the post-war period and even up to date, it is vital to find the archives of the galleries and of the dealers who have created them: there is still a lot of work to be done before we know what documentation is a reliable source for the researchers.

Sixty years after the war events, the work is still in its early stages although great efforts have been made, especially since the 1990s, by archivists and historians.

Recent studies: "Livres pillés, lectures surveillées" ("Looted books, reading under surveillance") by Martine Poulain, who studies the archives of the Commission for the selection of books stored in the National Archives; the archives of the recovery of the works of art; Hanns Christian Löhr, *Der Eiserne Sammler*, published in 2009 mainly on the basis of digitized photographs from the Göring collection kept by the Ministry of Foreign and European Affairs.

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