

I have said, searching archive sources is immensely complicated. It is often very hard to find a number of archive sources in the given archives. Because a lot of the information is missing, however, we have to consider the possibility that it will not be possible to find it at all, because this data has not been preserved.

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**FRENCH ARCHIVAL SOURCES AND RESEARCH
ABOUT JEWISH CULTURAL PROPERTY SPOILED
BY THE NAZIS BEFORE 1945**

**French Archival Sources and Research
About Jewish Cultural Property
Spoliated by the Nazis Before 1945**

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 spoliated musical instruments, who has shared with me her extensive experience on the subject.

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

July 16, 1995, the French President Jacques Chirac admitted for the first time the responsibility of the French State for the persecution of the Jews and its indefeasible debt towards the Jewish community. Follow-up at the national level consisted of 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 of the families who had been victims of spoliation.

Research in the French archives thus enabled us to establish, within 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 properties, their destinies 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.

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

Archive-Based Research

The most important set of archives is the collection improperly called the “Rose Valland Archives;” more precisely, the “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 looted cultural property, by various public administration bodies active at the same time or in succession, by the Commission for the Recovery of Works of Art established by the Decree of November 24, 1944, the Office of Private Goods and Interests, the Central Recovery Office, the Berlin Art Recovery Service, and the Works of Art Recovery Service.

All of these archives were conveyed to Rose Valland in the mid-1950s so that she could continue the research that she had started 10 years before. 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 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 individual 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 of tracking, in several stages, each cultural asset that has been claimed by family members and has not yet been returned. The research focuses 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 eight original volumes of the *Répertoire des biens spoliés* and their supplements.

In 1998, the French Ministry of Foreign and European Affairs published an online catalogue¹ 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 was 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.

Moreover, documents relating to spoliation 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 WW II) published in 1994 and, more specifically, 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).

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 of these documents to ensure their conservation in partnership with the Foundation for the Memory of the

¹ See: http://www.diplomatie.gouv.fr/fr/ministere_817/archives-patrimoine_3512/dossiers-cours_11553/spoliations-1940-45_11554/index.html.

Shoah. In fact, the period documents – which are often on onion-skin 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 digitization.

The operation was entrusted to a team of seven 20th Century Department members (three heritage curators, one person responsible for the study of documents, one documentation secretary, and three 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 took six years. The microfilming operations included 6,500,000 views and 42,315 working hours. In total, 1,589 microfilms were made. The relevant cost was 6.5 million 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 March 26th, 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 Museum and to Yad Vashem.

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

In 2004, the Office for Administrative Research was established upon the initiative of Ms. C. Piketty. Its purpose was to create a friendlier environment in which 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 on cultural assets looted outside of Paris. The work of the researchers is also facilitated by a joint digitization project of the French Archives and the Holocaust Memorial Museum in Washington that is currently in progress. Let me quote C. Piketty on the case of the Paris Archives which contain the records of the auctioneers, of the persons deprived of French nationality, and of illegal profits:

“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 organized. The CDJC resources are remarkable as a source of general information, information on historical processes and also information on individual destinies.”

The foregoing source inventories have facilitated the research of the Mattéoli Mission, which was established in 1997, its

Chair, 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 public,¹ 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 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 that a comprehensive study was prepared on the postwar issues. The report of the Mission is available on the French Documentation website.²

The report estimates the value of the assets confiscated from the Jews, besides the Germans’ looting of their apartments and works of art, to be EUR 1.35 billion (more than FRF 5.2 billion during the relevant period). One of the outcomes of the work

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 requested, in a circular dated October 2, 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 general 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 July 15, 2008 on the Archives should result in the public availability of all of the WW II documents.

² See: <http://www.ladocumentationfrancaise.fr/rapports-publics/984000110/index.shtml>.

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 (in September 1999).

Research Based on the National Museums Recovery Program (MNR)

The decree of September 30, 1949, which ended the existence of the CRA, also provided that assets with an “MNR” status that had not been returned should be labelled “provisional inventories,” separate 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, including 1,000 paintings as well as sculptures, drawings, and other objects of art.

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

In 2008, an exhibition entitled “*A qui appartenait ces tableaux*” (“To Whom Did These Paintings Belong?”) was organized in the Israel Museum in Jerusalem and then in the Museum of Art and History of Judaism in Paris, as proof of the French policy of searching for the origins of the looted works of art and trying to return them. Fifty-three paintings were exhibited; one of them, the *Pink Wall* by Matisse, was returned by the Minister of Culture and Communication.

French Policy of Return of the Looted Cultural Property

On the basis of all of 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.

At the bilateral level, a French-German working group was established in 1992 with the 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 arranging for their return to France. This group has organized many reciprocal refunds. The French Ministry of Foreign Affairs leads 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 of the restitution transactions thus far unresolved by the Commission for the Recovery of Works of Art, as well as with any new cases which might 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:

- ▷ The assets can be *returned voluntarily* by individuals, as has been done in the case of a flag, the Rethondes wagon handles, the Aubusson tapestry, the Nobel prize medal awarded to a writer, etc.

- ▷ Works of art (paintings, sculptures, etc.) can be returned following the negotiations of the Ministry with various countries:
 - with the Federal Republic of Germany: In 1994, 28 paintings were returned to France from Berlin, of which eight were returned to their owners. The rest were delivered 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 work.
- ▷ The activities of the Ministry can also involve decisions to return an asset to a family in coordination with the Directorate of Museums of France, if new documents enable the identification of a work and its owner with more certainty. Such returns have been facilitated for works of 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.
 - For example: In 2003, *Portrait of the Artist* by Vigée Lebrun and *Mountain Gorge* by an artist of the Swiss school were returned to the heirs of C.; the heirs, who had emigrated to the United States, were sought through the US and Belgian embassies and consulates (one 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 postwar period as they had been assigned to other artists and known under

other titles than those under which they were claimed by Baron Cassel.

- ▷ The Ministry of Foreign Affairs can also, on its own initiative, demand the return of paintings after having prepared the claim file for the beneficiaries of the spoliated works' families. This was done for the paintings by Snyders that were requested from the Washington National Gallery and for the Vuillard painting returned in August 2006 by the National Gallery of Canada.
- ▷ The Ministry's activities can consist also of providing documentary evidence in a legal action undertaken by individuals in France or abroad.
- ▷ This final example relates to the donation 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 looted. The Museum and the Ministry of Foreign Affairs will return this work of art if there is sufficient evidence from which to identify its owners.

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 number, 1,868 cases were applications for claimed cultural assets. However, of these, only 141 files relating to one or more works of art claimed, and three in the MNR category, could have been returned by the CIVS.

Compensation was provided to those whose claims were not rejected. The CIVS consults French archival sources (private archives, French museums, the National Archives, the archives of Paris, departmental archives and the archives of the Ministry of 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 practices in four European countries.

Returns of Archives. Example of Archives Kept in Russia Since 1945

Starting in 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 1943.¹ 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. 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”².

¹ According to a report from 1947, it included 20 million manuscripts, archives and books (S. Coeuré, p. 59).

² (S. Coeuré, *La Mémoire spoliée*, p. 13).

On November 12, 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.¹

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. These collections 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 (i.e., the Jewish Colonization Association).

Outlook

- ▷ The DMF shall improve the existing online database of the MNRs: i.e., shall update the references and bibliography and improve the indexing.
- ▷ Digitization Plan: the Archives of the Ministry of Foreign and European Affairs 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, and the ERR lists.
- ▷ This plan is related to the NARA project (Michael Kurtz).

¹ 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 November 12, 1992. See: <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MAEJ9330027D>.

The application of the Act of July 15, 2008 on Archives should ensure the public availability of all of the WW II documents.

Conclusion

“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 postwar 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.” C. Piketty

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

Recent studies include: *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.