

**RONALD S. LAUDER SPEECH
LOOTED ART AND THE HANDLING OF IT IN CONTEMPORARY GERMANY
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BERLIN**

WE ARE HERE TODAY TO TALK ABOUT ART... AND MORE SPECIFICALLY ART TAKEN FROM JEWS... BY THE NAZIS. THEY ARE THE LAST PRISONERS OF WORLD WAR II.

ALMOST 70 YEARS... AFTER THE FALL OF THE THIRD REICH AND THE END OF WORLD WAR II... AFTER THE LOSS OF OVER 60 MILLION LIVES AND UNTOLD SUFFERING...

HERE WE ARE IN BERLIN... 70 YEARS LATER AND STILL DEALING WITH THE RESULTS OF THE STEALING OF ART.

THE GURLITT ART FIND IN MUNICH IS THE MOST RECENT EXAMPLE OF THE ONGOING DRAMA OF NAZI LOOTING THAT BEGAN IN 1933 AND CONTINUES TO HAUNT US TO THIS DAY.

LOOTED ART STILL HANGS IN GOVERNMENT OFFICES... IN MUSEUMS... AND IN PRIVATE COLLECTIONS.

IT SHOULD BE RETURNED TO THE VICTIMS OF THE HOLOCAUST AND THEIR HEIRS.

THERE IS NO DOUBT THAT RESTITUTION HAS BEEN STYMIED... BOTH BY THE COMPLEX LEGAL ISSUES...

RELATING TO THESE WORKS OF ART SINCE 1945... AS WELL AS PEOPLE'S FEAR OF LOSING A WORK OF ART

THAT THEY PURCHASED FOR A LOT OF MONEY... WITHOUT REALIZING IT'S PRIOR JEWISH OWNERSHIP.

BUT... IT WOULD BE DISHONEST IF WE DID NOT ACKNOWLEDGE THE RELUCTANCE OF MANY GOVERNMENT OFFICIALS...

AND MUSEUMS TO GIVE UP WORKS THAT THEY KNOW FULL WELL... OR SHOULD KNOW... WERE LOOTED OR FORCIBLY TAKEN BY THE NAZIS.

ONE OF THE MAIN REASONS THAT THESE PROBLEMS STILL EXIST IS THAT THERE IS NO LAW IN GERMANY

THAT ADDRESSES THE RESTITUTION OF LOOTED ART.

WE DO HAVE... THE WASHINGTON PRINCIPLES SIGNED IN 1998 BY 44 COUNTRIES... INCLUDING GERMANY.

I WAS AT THIS CONFERENCE... AND REMEMBER THE EXCITEMENT AND THE BELIEF THAT THIS WOULD START TO SOLVE A PROBLEM.

THESE PRINCIPLES PROVED THAT THERE WAS AN INTERNATIONAL AGREEMENT THAT NAZI LOOTED ART SHOULD BE LOCATED... ITS EXISTENCE MADE PUBLIC...

AND THE ORIGINAL OWNERS IDENTIFIED... AND THEIR CLAIMS RESOLVED ON A JUST AND FAIR BASIS.

IN GERMANY THERE IS THE LIMBACH COMMISSION... WHICH WAS ESTABLISHED TO HELP RESOLVE DISPUTES OVER THE OWNERSHIP OF ART LOST BETWEEN 1933 AND 1945.

BUT ITS JURISDICTION AND DECISIONS ARE NOT BINDING. IT ONLY OFFERS RECOMMENDATIONS.

ALL TOO OFTEN... THE MUSEUM THAT HAS A WORK OF ART WILL LOOK FOR ANY EXCUSE NOT TO LET IT GO.

SO... THIS PROBLEM PERSISTS. AND UNTIL THIS PROBLEM IS SOLVED IT WILL CONTINUE TO COME UP IN GERMANY AS A MAJOR ISSUE.

I BELIEVE THAT IT IS TIME FOR GERMANY TO SOLVE THE ISSUE OF NAZI LOOTED ART ONCE AND FOR ALL.

I WILL OFFER MY OWN PROPOSAL TO ACCOMPLISH THIS IN A MINUTE.

BUT FIRST... SOME BACKGROUND.

WHEN SOME 1,400 WORKS OF ART WERE DISCOVERED IN THE HOME OF CORNELIUS GURLITT... LEGAL EXPERTS... ART DETECTIVES... THE GERMAN GOVERNMENT... THE LANDER... HISTORIANS... AND THE WORLD MEDIA ...

EVERYONE CAME OUT OF THE WOODWORK.

BUT THIS ISSUE CANNOT BE RESOLVED BECAUSE THERE IS NO DEFINITIVE LAW IN GERMANY. THERE HAVE BEEN GREAT HEROES IN THE STORY OF NAZI LOOTED ART OVER THE YEARS – PEOPLE WHO UNDERSTOOD RIGHT FROM WRONG AND ACTED WITH GREAT DECENCY IN RETURNING STOLEN OBJECTS.

BUT THERE WERE OTHERS WHO WERE NOT RIGHTEOUS AND CHOSE TO LOOK THE OTHER WAY BECAUSE THEY WANTED TO KEEP THE WORKS OF ART IN THEIR POSSESSION.

THERE ARE MUSEUMS IN GERMANY THAT HOLD ART THAT THEY KNOW... OR, AS EXPERTS... SHOULD KNOW...

WAS LOOTED BY THE NAZIS. BUT...BECAUSE NO ONE EVER CLAIMED THIS ART... THESE MUSEUMS TOLD THEMSELVES THAT IF NO ONE KNEW...

THEN IT WAS OK TO KEEP THIS ART. IF THEY HAVE PROPERTY THAT THEY KNOW WAS STOLEN... THEY SHOULD NOT LEGALLY BE ALLOWED TO KEEP IT.

HOW CAN ANYONE POSSIBLY THINK THAT SINCE NO ONE HAS CLAIMED IT... BECAUSE ITS LOCATION IS UNKNOWN... IT REALLY BELONGS TO THE MUSEUM OR GOVERNMENT OFFICE?

THIS SHOULD NOT BE THE POLICY OF GOVERNMENT OFFICIALS... OR WORLD CLASS MUSEUMS...OR OTHER RESPONSIBLE COLLECTORS.

HOLOCAUST VICTIMS AND THEIR HEIRS SHOULD NOT BE REQUIRED TO EXAMINE THOUSANDS OF ART COLLECTIONS IN GERMANY IN ORDER TO LOCATE WHAT WAS TAKEN FROM THEM.

IF YOUR CAR IS STOLEN, IT IS NOT YOUR RESPONSIBILITY TO LOOK IN EVERY GARAGE, EVERY CAR DEALERSHIP AND ON EVERY STREET IN GERMANY IN ORDER TO CLAIM YOUR VEHICLE. AND IF SOMEONE BUYS YOUR CAR FROM THE THIEF AND PAYS LESS THAN IT IS WORTH OR ACCEPTS IT AS A GIFT WITHOUT INQUIRY... HE SHOULD HAVE REASON TO BELIEVE THAT IT WAS STOLEN.

SO WHY SHOULD WE TREAT A PICASSO OR A CHAGALL OR A MATISSE DIFFERENTLY THAN A CAR?

IT IS CLEARLY WRONG THAT MUSEUMS HAVE NOT BEEN FORTHRIGHT IN OPENING UP ALL THEIR COLLECTIONS... RESEARCH... AND FILES TO THE PUBLIC. WE KNOW THAT.

NOT ONLY IS IT WRONG, IT IS IMMORAL AND A STAIN ON THE NATIONAL REPUTATION OF GERMANY.

IT PERPETUATES HITLER'S CRIMES. GERMAN MUSEUMS

DO NOT NEED STOLEN ART TO MAKE THEM GREAT.

MODERN GERMANY IS A GREAT NATION. ITS REPUTATION SHOULD BE PROTECTED. TODAY'S MUSEUM CURATORS ARE NOT RESPONSIBLE FOR WHAT HITLER DID, BUT THEY ARE RESPONSIBLE FOR THE INTEGRITY OF THEIR COLLECTIONS AND WHAT IS DONE FOR VICTIMS OF NAZI LOOTING WHO SEEK JUSTICE.

GERMANY HAS DEALT WITH THE AFTERMATH OF THE HOLOCAUST SINCE 1945 IN A MANNER THAT SET AN EXAMPLE FOR THE REST OF THE WORLD.

GERMANY HAS DEALT WITH THE DIFFICULT ISSUES OF SLAVE LABOR... STOLEN BANK DEPOSITS... AND INSURANCE POLICIES.

GERMANY HAS TAUGHT CHILDREN THE TRUTH ABOUT NAZI BEHAVIOR. MODERN GERMANY HAS BEEN RIGHTEOUS IN ITS POLICY... IN ITS DEALINGS... WITH JEWISH VICTIMS... AND WITH THE CONSEQUENCES OF WORLD WAR II.

GERMANY HAS BEEN AN IMPORTANT FRIEND OF ISRAEL. I ENCOURAGE GERMANY TO DEAL WITH NAZI LOOTED ART IN THE SAME COMPREHENSIVE MANNER... AND NOT MERELY WAIT FOR CLAIMS IN THE HOPE THAT THEY WILL BE FORGOTTEN WITH THE PASSAGE OF TIME.

GERMANY MUST AMEND THE STATUTE OF LIMITATIONS TO TAKE ACCOUNT OF WARTIME LOOTING.

IT MAKES COMPLETE SENSE TO HAVE A STATUTE OF LIMITATIONS BECAUSE SOCIETIES NEED LEGAL CLOSURE. BUT THE EXISTING STATUTE OF LIMITATIONS WAS NEVER DESIGNED FOR PLUNDER CRIMES AGAINST HUMANITY AND WAR CRIMES.

WE ARE JUST A SHORT WALK FROM BERLIN'S HOLOCAUST MEMORIAL. WHEN I VISIT THE MEMORIAL... I AM REMINDED THAT LOST ART REFLECTS LOST LIVES.

WITH ALMOST EVERY LOOTED WORK OF ART..THERE IS AT LEAST ONE HUMAN LIFE THAT WAS TAKEN OR DESTROYED. THE LOOTING OF ART THROUGH GENOCIDE IS A CRIME AGAINST HUMANITY. AND THE STATUTE OF LIMITATIONS SHOULD GIVE NO PROTECTION TO SOMEONE WHO ACQUIRES ART THAT BELONGED TO PERSECUTED VICTIMS AND WHO KNOW... OR SHOULD KNOW... THAT THE ART WAS STOLEN.

BAVARIA RECENTLY PROPOSED A CHANGE IN THE STATUTE OF LIMITATIONS. IF THIS CHANGE IS ENACTED INTO LAW... THE INJUSTICE MAY BE CORRECTED. AND THAT WILL BE EVIDENCE OF GOOD FAITH... WHICH MODERN GERMANY HAS ALREADY DEMONSTRATED IN SO MANY OTHER WAYS.

SO WHERE DO WE GO FROM HERE?...

DECADES PAST THE ORIGINAL CRIME... AND YET THE CRIME CONTINUES... AND RIGHTFUL OWNERS STILL AWAIT JUSTICE...

I PROPOSE THAT A COMMISSION... BASED ON THE WASHINGTON PRINCIPLES BE CREATED... BY AMENDMENT... TO THE EXISTING COMMON DECLARATION BY THE GERMAN GOVERNMENT

AND THE LANDER. THAT DECLARATION CONTEMPLATES A REVIEW OF GOVERNMENT AND MUSEUM COLLECTIONS ... IF CLAIMS ARE MADE.

WHAT IS NEEDED IS A PROACTIVE APPROACH AND GENERAL REVIEW OF THESE COLLECTIONS... AND THEN A SEARCH FOR THE ORIGINAL OWNERS OF LOOTED ART.

AUSTRIA HAS DONE THIS. FRANCE AND HOLLAND HAVE MADE STEPS IN THIS DIRECTION. AND THE UK HAS A COMMISSION THAT IS AVAILABLE TO EXAMINE CLAIMS AND ADVISE THE GOVERNMENT ON RESTITUTION.

BUT THIS IS GERMANY, WHERE THE CRIME BEGAN. MORE IS REQUIRED. THIS COMMISSION AND ITS MEMBERS SHOULD HAVE INTERNATIONAL STATURE AND IT SHOULD EMPLOY LEADING RESEARCHERS AND OTHER EXPERTS. IT SHOULD BE FULLY FUNDED ... AND IT SHOULD EXERCISE REAL POWER SO THAT MUSEUMS THAT HAVE AVOIDED TRANSPARENCY UP UNTIL NOW, WILL BE REQUIRED TO DO THE RESEARCH UNDER ITS AUSPICES IN ACCORDANCE WITH INTERNATIONAL STANDARDS. AND THE RESEARCH AND ACQUISITION FILES SHOULD BE MADE PUBLIC. BUT RESEARCH IS NOT ENOUGH. THIS COMMISSION SHOULD HAVE AN EFFECTIVE AND FAIR CLAIMS PROCEDURE.

AFTER 70 YEARS, IT IS TIME THAT THE LAST PRISONERS OF WORLD WAR II BE IDENTIFIED AND RELEASED. THERE SHOULD BE CLOSURE. THIS COMMISSION SHOULD... ONE... EXAMINE THE HOLDINGS OF AN ART MUSEUM...

TWO... MAKE ITS REPORT AND CONCLUSIONS...

THREE... ATTEMPT TO LOCATE THE VICTIMS AND THEIR HEIRS...

AND FOUR... OFFER FAIR AND JUST COMPENSATION.

AFTER A REASONABLE PERIOD OF TIME THESE CLAIMS CAN BE PRECLUDED. HOLOCAUST VICTIMS AND THEIR HEIRS NEED JUSTICE. IN ORDER TO AVOID HUNDREDS OF SEPARATE LAW SUITS THAT MAY ARISE FROM THE DISCOVERY OF THE GURLITT COLLECTION... THIS COMMISSION WOULD RATIONALIZE THE PROCESS AND HOPEFULLY COULD KEEP THESE CLAIMS OUT OF THE COURTS.

THIS PROCEDURE WOULD PUT AN END TO THE ACCUSATIONS BY WORLD MEDIA OF COVER-UPS IN GERMANY. IT WOULD PROVIDE A STRUCTURE FOR ACHIEVING JUSTICE. GERMANY HAS DEMONSTRATED ITS WILLINGNESS TO PUT THINGS RIGHT TIME AND AGAIN SINCE 1945. IT IS TIME TO TAKE ONE MORE STEP.

THANK YOU.