LOST TREASURES

Sold illegally to the Nazis and then looted by the Russians, long-lost Old Master drawings from a great Dutch collection are mysteriously turning up on the market. For the first time since World War II, the Soviet Union has promised to cooperate in seeking out and returning stolen works of art

BY M. KIRBY TALLEY, JR.

THE NAZIS WERE HISTORY'S greatest art looters. The convulsions brought on by the Third Reich displaced more than three million works of art from occupied countries. Objects were removed from museums for storage away from battle areas; others were stolen or looted by soldiers or went to Nazi collectors in forced sales. The lootings, thefts, and forced sales that took place primarily between 1939 and 1945 constitute history's most extensive and systematic art plunder. Not even Napoleon, who looted all of Europe, succeeded in despoiling public and private collections to the extent that Hitler's forces did.

Almost 50 years after the end of the Second World War, thousands of those works have not yet been returned to their rightful owners. Among them are 491 Old Master drawings that were once part of a great private collection and are now claimed by the state of the Netherlands. Some of those drawings are known to be in the Soviet

Franz Koenigs. The mysterious fate of his Old Master drawings collection is coming to light.

Union; others have appeared on the market in the West in the last few years. One drawing is now in a major American private collection. The Dutch government recently filed suit in New York for its return.

A dramatic new aspect of the situation is the attitude of the Soviet government, which is cooperating with the Dutch government in the recovery of the collection. Jan Rietzenkamp, Director General for Cultural Affairs in the Netherlands Ministry of Culture, who has been negotiating with the Soviets, believes this is the first time the Russians have cooperated with a Western state to locate and repatriate artworks displaced by the war.

Rietzenkamp told *ARTnews* in a telephone interview from The Hague that the openness and the willingness of Soviet officials to help locate and return the drawings was a result of glasnost and perestroika. The difference between the Soviet attitude right after the war, when the Dutch sought Soviet help in repatriating the drawings, and the atmosphere today, he said, was like "the difference between the heart of winter and a mild spring breeze." Rietzenkamp believes that with Soviet cooperation the repatriation of at least some of the drawings in the USSR will eventually be accomplished.

Hans Baldung Grien's *Virgin and Child*, formerly in the Koenigs Collection, is now in the Ian Woodner Collection in New York. The Dutch government is suing for its return to the Netherlands.

While many highly placed officials of the Third Reich took advantage of their positions and the circumstances of war to expedite their personal collecting interests, the Nazi plunder of art was due mainly to the voracious appetites of two people, Hitler and Reichsmarschall Hermann Goering. In 1938 Hitler conceived the idea of creating a museum, which was to be primarily devoted to the display of German art that met his esthetic and political standards. It would be located in Linz, a grim Austrian town where he had lived as a young man. To accumulate artworks that met his criteria, Hitler appointed Alfred Rosenberg to head an organization called the Einsatzstab-Reichsleiter Rosenberg (ERR). The ERR's mission was to gather material and property that it believed illustrated German superiority in creative expression.

The Linz museum became an obsession with Hitler, who charged his architect, Albert Speer, later to become Minister for Armaments, both to design the building and to transform Linz into a new cultural capital. This grandiose plan was dubbed Sonderauftrag Linz, or Special Mission Linz.

Goering's motives as a collector were more private. Personal aggrandizement and the decoration of Karinhall, his estate outside Berlin, were the only ideals that fired his passion for amassing art. Despite his overwhelming greed, Goering did have fairly good taste, which was far more catholic than Hitler's, and he succeeded in bringing together

a highly representative collection of European art. As early as 1933, after the Nazis took over the government, he even toyed with the idea of bequeathing his collection to the state.

Hitler's own abilities as a connoisseur were limited, but he appointed professional art historians to carry out his policies. The most important of these adviser-collectors was Dr. Hans Posse, director of the Staatliche Gemäldesammlung in Dresden and an expert on Italian and Dutch art of the Renaissance and Baroque periods. Posse was not a Nazi. By the time he was brought to Hitler's attention, he had been dismissed from his post by the Nazi party chief of Dresden, in March 1938, for anti-Nazi sentiments, but this didn't deter Hitler from having him reinstated as director of the museum in July. In June 1939 Hitler further entrusted him with the responsibility for all acquisitions for the Linz museum, a duty he carried out with spectacular fervor and capability, despite political reservations, until his death on December 7, 1942. Wherever German troops went, Posse soon followed.

Overall direction of Special Mission Linz was in the hands of Martin Bormann, Hitler's private secretary and much-feared crony. Since the project enjoyed the highest priority, all works of art that came into the hands of the various Nazi collecting organizations—whether by theft, by confiscation, by forced or voluntary sale—were supposed to be brought to Posse's attention. Goering frequently managed to compete with Hitler, often earmarking works of art intended for Linz for his own collection, but in principle Posse had the right of first refusal. While Hitler gave Posse great leeway in his choices, it was normal practice for decisions to be discussed with Hitler, who occasionally vetoed a work of art.

After the outbreak of World War II, Posse was constantly on the go, visiting Austria, Poland, France, Italy, Belgium, and the Netherlands. The Netherlands fell to Germany on May 15, 1940, and Posse arrived on June 26. He stayed until July 5 and returned twice before the end of the summer. During these three visits he made the obligatory rounds of the dealers, but what really intrigued him were four important private collections: those of Professor Otto Lanz in Amsterdam; the prominent banker Fritz Mannheimer, also in Amsterdam; the wealthy industrialist D. G. van Beuningen in Rotterdam; and the merchant banker Franz Koenigs in Haarlem and Rotterdam.

While Posse was to return many times to the Netherlands before his death in 1942, no trips were quite so successful as those he made in 1940. He spent about 10 million reichsmarks ($4 million), buying pictures by Canaletto, Goya, Tintoretto, Watteau, Brueghel, Hals, Rembrandt, Rubens, and van Ruysdael, usually for far less than their market value and sometimes by coercion. He once told a friend that he was taking the night train from Dresden to The Hague to buy two Frans Hals paintings for Hitler, and "if the owner doesn't want to sell, I'll just get [Arthur] Seyss-Inquart [German high commissioner for occupied Holland] to confiscate them."

Posse acquired the Fritz Mannheimer collection under threat of confiscation. Mannheimer was the head of the Mendelssohn & Co. Bank in Amsterdam. After his death in 1939, the bank and the collection went into receivership. Instructed by Bormann to buy the collection, Posse offered the bank's creditors 5.5 million Dutch guilders (then about $2.92 million), far below market value. The creditors accepted under threat of confiscation by Seyss-Inquart, who could have declared the art enemy property. In the end, Seyss-Inquart paid for the collection out of his own slush fund and presented it to Hitler as a gift.

STAATLICHE GEMÄLDEGALERIE DRESDEN

Hans Posse was in charge of acquiring artworks for one of Hitler's favorite projects, a grandiose museum in Linz. One of the prizes he picked up in the Netherlands was a large part of the Koenigs Collection, then on loan to the Boymans Museum in Rotterdam. In a letter to museum director Dirk Hannema, Posse expressed his regret at being forced to choose from among the collection's treasures—"some plums from your beautiful cake."

Posse was extremely interested in the justifiably world-renowned collection of Old Master drawings put together by Franz Koenigs (1881–1941). Born in Kierberg, Germany, Koenigs had learned the international banking business in various countries and become one of the directors of Delbrück Schickler & Cie, a Berlin bank, in 1913. In 1921, together with a cousin, he founded a banking and business concern in Amsterdam. The following year he moved to the Netherlands, taking up residence in Haarlem. From this time on he was to emerge as one of the most important collectors of Old Master drawings in Europe. Collecting was his passion. His guiding principle was quality, and he relied primarily on his own eye and personal taste. His purchases were made at auctions, either by himself or through dealer-agents, as well as from dealers. Through his far-reaching connections, both business and personal, he was often able to buy directly from private owners. His most spectacular coup was made in 1923, when he succeeded in acquiring two albums of 505 drawings by Fra Bartolommeo, then in the possession of Grand Duke Karl-Alexander von Sachsen-Weimar.

Albert J. Elen, author of the Koenigs Collection catalogue; Robert de Haas, director of the Netherlands Office for Fine Arts; and Koos de Jong, head of the Department of Collections.

According to Koenigs' records, he bought over 2,000 drawings from 1921 to 1929. The stock market crash of October 1929 severely diminished his resources. In 1930 he added another 149 drawings to his collection, but by 1931 the number of acquisitions declined to a meager 19. His great days as a collector were over, although he managed to put together a second, smaller, group of 200 drawings between 1935 and 1941. It was, however, the first collection that caught Posse's attention. Drawings by Italian masters from the 15th through the 18th centuries form the lion's share of the collection, with 21 by Veronese, 40 by Tintoretto, and 50 by Giambattista Tiepolo, not to mention the 505 sheets by Fra Bartolommeo. Among the rare drawings are Giorgione's *Landscape with a Shepherd* and Titian's *Study of a Nude Woman Seated*. Some of the artists represented with 10 or more drawings each are: Rubens, 42; Fragonard, 38; Rembrandt, 35; Cézanne, 24; Claude Lorrain, 22; Degas, 21; Dürer, 17; Anthony Van Dyck, 16; Goya, 15; Wolfgang Huber, 13; Manet, 13; Poussin, 12; Hans Baldung Grien, 10; Correggio, 10; Adam Elsheimer, 10; Guercino, 10; and Luca Signorelli, 10. The Dutch government has officially estimated the value of the missing drawings from the Koenigs Collection at $50 million to $75 million.

By 1933 Koenigs' financial problems were such that he had to borrow a considerable amount of money from Lisser & Rosencranz, a Jewish-owned bank in Amsterdam. His first collection was put up as collateral, but instead of being deposited in the bank's vaults, the drawings were loaned to the Museum Boymans in Rotterdam at Koenigs' request. Over the years he had made his drawings available to scholars and had been extremely generous with loans for exhibitions. Dr. Dirk Hannema, the then director of the Museum Boymans, later recounted in his memoirs that "by the opening of the [new] museum [in 1935] the Koenigs Collection was on loan. . . . Later on, most of this collection was given to the museum."

The collection, however, was not given to the museum by Koenigs. With the ever-increasing threat of a German invasion in 1940, Lisser & Rosencranz was frantically busy concluding business in Amsterdam. The bank approached Hannema and gave him the alternative of either sending the drawings to the United States for safekeeping or purchasing them for the museum. Hannema turned to D. G. van Beuningen (1877–1955), one of the great benefactors of the Museum Boymans, which since 1958 has also borne his name. Van Beuningen responded immediately and bought the entire collection, much to Koenigs' relief and delight, for one million Dutch guilders (about $530,000). As testi-

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Ian Woodner is fighting the Dutch government's attempt to reclaim his Baldung Grien drawing. A court will decide to whom it belongs.

money to his satisfaction, Koenigs gave two extremely rare drawings by Vittore Carpaccio from his second collection to the museum.

Van Beuningen's acquisition of the Koenigs Collection was made just in time. Germany attacked the Netherlands on May 10, 1940. On June 28 an eager Posse visited the Museum Boymans for the first time to look over the Koenigs Collection and to broach the subject of its "purchase" for the Linz museum. He was accompanied by Lucas Hermann Peterich, a German, who was van Beuningen's son-in-law. Posse returned in August and again in September. In order to prevent the sale of the entire collection, Hannema suggested during their meeting of September 23 that he would consider disposing only of the German drawings.

Posse wrote Bormann in October 1940 telling him about the Koenings Collection, which he described as "one of the famous collections of old master drawings in Rotterdam. . . . In principle the Führer agreed to the acquisition. The price of the part of the Koenigs collection now on sale is 1,500,000 Dutch guilders" (about $795,000). When Posse returned to Rotterdam in November, he added 17th- and 18th-century Italian and French drawings to his original selection. Since the collection was at this time the property of van Beuningen, his approval for the sale had to be obtained. According to sources consulted by Albert J. Elen, an art historian who has written an exhaustive report on the Koenigs Collection for the Dutch government, van Beuningen agreed to the sale probably because he needed cash to complete his purchase of paintings from the Cook Collection in Richmond, England. Another reason for van Beuningen's willingness to accommodate the Germans, Elen reported, may have been his fear that if he refused, his extensive business interests in Germany would be jeopardized.

On December 3, 1940, the transaction was completed, and the sum of 1,400,000 Dutch guilders (about $742,000) was later paid to van Beuningen. That the entire collection escaped Posse's net is undoubtedly due to the resistance offered by Hannema, according to people who knew him. As a member of the Dutch Culture Council and Superintendent of Dutch Museums, both positions falling under the authority of Nazi high commissioner Seyss-Inquart, Hannema was in a powerful position to thwart Posse's efforts.

Despite Hannema's opposition and the foot-dragging that took place during the negotiations, 526 drawings were taken to Germany in March 1941. Peterich, Van Beuningen's son-in-law, was present when Posse received them in Dresden in May. After the sale to Posse was completed, the remaining drawings of the Koenigs Collection, some 2,200, were given to the Museum Boymans by van Beuningen. Before the 526 drawings ever reached Posse, their collector, Franz Koenigs, who had become a Dutch citizen in 1939, died on May 6, 1941, in Cologne. There were rumors that his mysterious death in a train accident was the result of foul play. His anti-Nazi sentiments were well known.

Hitler's museum in Linz was never built. Once in Dresden, the Koenigs drawings were put in storage in the Print Room of the Staatliche Gemäldegalerie, where they remained until 1942, when they were removed for safety to Castle Weesenstein outside Dresden. Dr. Hermann Voss, Posse's successor in charge of acquisitions for the Linz museum, was at Weesenstein during the last three months of the war. Soviet forces captured the castle without using force on May 10, 1945. Voss, who remained at Weesenstein for two months to assist the Soviets in sorting through works of art, later stated that the Koenigs drawings were placed under "protective custody" in June 1945 by the Russians.

Thousands of artworks had been hidden underground in over 50 places in the countryside. After the war, the USSR Trophy Commission supervised their assemblage at Pillnitz Castle, outside Dresden. From there they were taken to the Soviet Union, and for the next ten years their whereabouts were a mystery, despite international efforts to persuade the Russians to provide information about them. President Truman was reported to have written to Stalin about them, and Stalin is said to have replied that if they were in Soviet hands they were safe. The Russians seemed determined to keep them: in 1947 a Russian colonel mentioned to an

American officer that there was now a "Dresden wing of the Moscow museum." But in 1955 about 500 of the most famous paintings, including Raphael's *Sistine Madonna*, were returned to East Germany, and in subsequent years the Russians finally returned many other art treasures from Dresden, officially as a gift of the Russian people. None of the artworks belonging to the Allied countries that had been stored at Weesenstein in 1945 were among them.

The Koenigs drawings disappeared after 1945, along with the other artworks taken from Germany by the Russians. It was even rumored that they had been burned shortly after the war. German museum officials who entered Pillnitz Castle after the Russians withdrew believed that several drawings had been stolen; their carelessly removed mounts had been left behind. But then scholars began noting the whereabouts of the drawings in postwar publications. In 1966 H. Möhle, in his Adam Elsheimer catalogue, noted that two drawings by this artist were in the collection of a Professor A. A. Sidorow in Moscow. They are now in the Pushkin Museum. Several drawings from the Koenigs Collection were seen in the Dresden Print Room by Professor Franz Winzinger, who passed on this information to the Museum Boymans-van Beuningen. One of the greatest masterpieces among the German drawings, Dürer's *Holy Family*, was given in 1946 to the Museum für Bildenden Kunst in Leipzig. The donors were soldiers from the Soviet Military Administration.

ARTnews has learned that a Lieutenant Colonel Sideroff was the director of the Red Army's Trophy Commission, the unit in charge of stripping German museums. He was a terrifying man to German museum officials, his chest covered with medals, a pistol at his belt, and with a sullen, deadpan expression on his face. The most spectacular job he supervised was the dismantling of the huge Pergamon Altar in the Berlin Museum, which was shipped to the USSR. In December 1945 Sideroff and one of his advisers, Professor Blavatsky, a Polish art historian who had studied in Berlin, reappeared at the museum with a force of workmen and soldiers, and for the next five months they packed up everything of value and took it away for shipment to the Soviet Union. They told museum officials that the removal was at the special command of Moscow and that neither the local Berlin command nor the Soviet Military Administration had any say in the matter. They called the move "a kind of reparation" for what the Germans had done in Russia.

No one has suggested that Lieutenant Colonel Sideroff and the Professor A. A. Sidorow (or Sideroff) of Moscow who later owned two Elsheimer drawings from the Koenigs Collection that disappeared from Dresden are the same person. Dutch officials do not know of any connection between the two. Neither's whereabouts, if they are still alive, could be established.

Dürer's *Holy Family* was given to a Leipzig museum in 1946 by the Russians. The East Germans returned it to the Dutch in 1987.

The Dürer given to Leipzig and 32 other drawings that were subsequently found sequestered in the Dresden Print Room were returned to the Netherlands in 1987 by the German Democratic Republic, probably, Dutch officials believe, because the Dresden museum was about to publish a catalogue of its own missing drawings that have yet to be repatriated. As the property of the Dutch state, the Koenigs drawings entered the collections of the Netherlands Office for Fine Arts, in The Hague, an agency that administers artworks owned by the state which are not the property of state museums. Taking into account the history behind these drawings, the Netherlands Office for Fine Arts placed them on long-term loan with the Museum Boymans-van Beuningen, where they joined the greater part of the collection from which they had been separated 46 years earlier. The East German government has assured Dutch authorities that no other drawings from the Koenigs Collection are in the German Democratic Republic. Considering that Castle Weesenstein was occupied by Soviet troops and that the art treasures there were taken into "protective custody" by the Soviets in 1945, it has always been assumed that the remaining 491 Koenigs drawings are somewhere in the Soviet Union.

Ambrosius Holbein's *Portrait of a Boy* was brought to the British Museum by a Russian suspected of KGB connections. The Dutch successfully claimed it.

The government of the Netherlands has been concerned with the repatriation of art objects since the end of the war. In 1945 the Foundation for Dutch Artistic Property was created to deal with the recovery of all illegally removed works of art. This organization was responsible for the successful location and return of thousands of artworks to their rightful owners or their heirs. Artworks that had been stolen or sold under duress or freely, and for which no living owners or heirs existed, eventually came under the province of the foundation.

Some 3,500 "homeless" artworks eventually became state property. In 1949 a new government agency, the Office for State-Owned Objects of Art, was established to manage and care for them. This agency slowly expanded its activities, accepting donations and collecting works by contemporary artists. In 1975 the name of the agency was changed to the Office for State-Owned Art. In 1984 it was merged with two other institutions, the Ministry of Culture's International Visual Arts Agency and the Netherlands Art Foundation in Amsterdam. This conglomerate became the Netherlands Office for Fine Arts. Its collection today totals more than 350,000 works of art, most of them by Dutch artists from the postwar period. The office not only manages this immense collection, it also organizes exhibitions for countries all over the world.

In April 1988 a royal decree was signed in which authority for the recuperation of artworks was transferred from the Ministry of Finance, which had been formally responsible for all recuperation matters since the end of the war, to the Ministry of Culture.

In September 1987 the Netherlands Office for Fine Arts employed art historian Albert Elen to act as an external consultant with regard to the repatriation of the 491 missing Koenigs drawings. Elen was subsequently appointed to coordinate the project. In his report on the Koenigs Collection, Elen strongly recommended that the office undertake a renewed campaign to locate and claim title to the missing drawings.

As Elen's report pointed out, although Posse and his successor, Voss, "purchased" works of art, they often did so under varying forms of coercion. More important, according to the Dutch government's recent lawsuit, payment was arranged through the Dutch Central Bank, "which was compelled by the Nazis to accept worthless Reichsmarks in exchange for a payment of valuable Dutch guilders to van Beuningen." On this basis the Dutch state laid claim in the postwar Statute 10251 of July 18, 1947, to any property acquired by the Germans, freely or otherwise, which had not been returned to the Netherlands by January 1, 1947.

Moreover, according to the lawsuit, the Dutch government-in-exile, "almost immediately upon its establishment in London, enacted several edicts voiding all transactions occurring in the Netherlands involving the Nazis." Decree A1, the first royal decree of the exiled government, issued in London on May 24, 1940, granted the Dutch state

Dutch Minister of Culture Hedy d'Ancona looks through the Koenigs catalogue with (from left) Ambassadors Bernard (France), Wilkins (USA), Tchikvaidze (USSR), Jenkins (Great Britain), and Paul Brouwer, Netherlands Ambassador for International Cultural Cooperation.

fiduciary ownership of all property belonging "to natural or juridical persons established in the Kingdom of The Netherlands . . . only in order to safeguard the rights of the previous owners." Royal Decree A6, issued on June 7, 1940, expressly forbade Dutch citizens from entering "into an agreement with the enemy, with any enemy subject or with a person resident in enemy territory" without the permission of a committee set up to implement the decree. On the basis of Decrees A1 and A6, according to the suit, the sale of the Koenigs Collection to Posse was "absolutely void as a matter of Dutch law, being the legal equivalent of a theft, and no title to any of the drawings from the Koenigs collection passed to Posse or to his principal, Adolf Hitler."

Before Elen finished his report, two missing drawings from the Koenigs Collection came to the attention of the Netherlands Office for Fine Arts. The first, a portrait of a boy, turned up at the British Museum. It was brought there in October 1987 by a Russian with Western connections named Victor Louis. He left the drawing at the museum for expertise, and John Rowlands, keeper of the Department of Prints and Drawings, recognized the sheet as being by Ambrosius Holbein. "He came to me for expertise," said Rowlands. "And I told him immediately that it was from a collection which had been missing since the war. He left the drawing for further study, even though I also told him I would have to inform the Dutch authorities about it."

According to Koos de Jong, head of the Department of Collections of the Netherlands Office for Fine Arts, "This was undoubtedly a test case to see if the other drawings were salable. While the drawing is certainly valuable, it is not in the category of the Dürer which was returned by the East Germans. They could afford to leave it. Obviously, someone wanted to see how the lay of the land was."

Victor Louis is a well-known figure in the USSR who is usually identified as a journalist and travel writer. He frequently entertains members of the foreign colony at his luxurious dacha outside Moscow, where his extensive art collection is displayed. Observers of the Soviet scene say that he is widely believed to have strong ties to the KGB.

As soon as Rowlands telephoned the Netherlands, Elen went to London and discussed the matter there with embassy officials and an attorney before taking action. It was decided to apply for a court order which would ensure that the drawing remained in the British Museum until legal proceedings could be initiated. In April 1988 the High Court of Justice in London ruled in favor of the Dutch claim, and in June Elen brought the drawing home. Louis never appeared before the court.

The second drawing, *Virgin and Child* by Hans Baldung Grien, was brought to Elen's attention in October 1987 by Brass Meij, curator of drawings at the Museum Boymans-van Beuningen, who had been offered the work for sale. This wasn't the first time Meij had been approached about the drawing. In 1981 a Cologne art dealer had telephoned him and told him that she wanted to sell the Baldung Grien for a client who was a Russian emigrant. "She didn't offer to spell her name," Meij recalls, "but I understood something like 'Krausch.' She knew about the drawing's provenance. Of course, I told her the Netherlands still had a valid claim against it and that we were not in the habit of buying our own property. She only rang once."

In August 1983 Meij received a letter from a Berlin lawyer who not only offered the same Baldung drawing for sale but hinted strongly that more drawings could be had from the same source, which was in the Soviet Union. An answer to the lawyer's letter was sent by the Dutch ambassador to Bonn in which the Dutch claim to the drawing was clearly expressed. Furthermore, the ambassador strongly emphasized his government's intention to pursue claim to all of the missing drawings. "For obvious reasons," says Meij, "the Berlin lawyer was not about to allow the drawing to come to the Netherlands on view, as it were."

When Meij contacted Elen in 1987, he was able to tell him of the whereabouts of the Baldung *Virgin and Child*. It was now in the renowned Ian Woodner Collection in New York. Woodner, who made his fortune in real estate, began to collect in earnest around 1970, and today his collection of Old Master drawings is one of the finest in private hands. His most publicized coup was the purchase in 1984, for $4.3 million, of a rare Renaissance masterpiece from the Chatsworth Collection, a page from Vasari's *Libro de' Disegni*, with drawings by Filippino Lippi and a watercolor by Botticelli. According to legal papers, Woodner purchased the Baldung "in good faith in or about 1984." In February 1985 it was included in an exhibition of his drawings at the Fogg Art Museum of Harvard University.

When asked for comment by *ARTnews*, Woodner, reached by telephone in New York, declined. Dr. Konrad Oberhuber, formerly Ian Woodner Curator of Drawings at the Fogg Art Museum of Harvard University and now director of the Albertina in Vienna, has been an adviser to Woodner, along with the late Walter Strauss, an art historian and a publisher of art books. In a telephone interview, Oberhuber said that "the main adviser on acquisitions was Walter Strauss. In this case, I certainly did not advise on the purchase."

Oberhuber says that he knew the drawing came from the Koenigs Collection but was unaware that the Dutch state had a long-standing claim against it and other Koenigs drawings. He says he learned about the Dutch claim only in 1988, when he attended a meeting of print curators in Paris at which a general statement was issued to all participants clearly explaining the Dutch claim to the missing Koenigs drawings and reiterating the Dutch state's firm intention to pursue title to them. "I learned about the Dutch claim for the first time in Paris in 1988. At the time, we knew it was a Koenigs drawing but not that it belonged to Holland. The Dutch claim came later to my ears. I don't think Strauss would have advised Woodner if he had known."

Oberhuber adds that "after the Paris meeting I never saw Woodner so I had no chance to discuss it with him. . . . If Woodner had known about the Dutch claim, would he have shown the drawing publicly and immediately at Harvard? . . . There was a great symposium with an international gathering of curators, dealers, and connoisseurs of drawings. There were 500 drawings people there. No one said anything at the time."

By chance, Elen was in London in October 1987, in connection with the Ambrosius Holbein drawing that had turned up at the British Museum, when Woodner's collection, including the Baldung Grien *Virgin and Child*, was on exhibition at the Royal Academy. Although it was seriously contemplated, no action was taken by the Dutch authorities to impound the drawing by court order while it was in London since they first wanted to approach Woodner informally out of respect for his position as a prominent collector.

After the successful recovery of the Holbein drawing, various steps, including the distribution of the Paris statement, were undertaken by the Dutch authorities between December 1988 and August 1989 to convince Woodner of the legality of the Dutch government's claim against the missing Koenigs drawings in general and the Baldung Grien in particular. Woodner, according to the suit, "when contacted by The Netherlands' Ambassador personally with respect to its recovery . . . refused to divulge any of the circumstances concerning his acquisition of the Baldung Drawing." Despite a demand made by the Dutch government last January and in two letters of April and August, Woodner has "refused to relinquish possession" of the drawing. In November the Dutch government filed suit against him in United States District Court, Southern District of New York, asking for the return of the drawing, which was valued at $125,000.

In his response Woodner contended that the Dutch government's complaint was barred by the applicable statutes of limitations and by its "failure to exercise due diligence in pursuit of its purported claims." If the court ruled that the drawing had to be returned to the Netherlands, Woodner asked to be compensated for its present value.

Woodner's attorney, Les Fagen, of Paul, Weiss, Rifkind, Wharton & Garrison, told *ARTnews* that Woodner "does not believe that the Dutch government can prove any claim that it has asserted. Even if it does, it's going to have to explain why it took almost half a century for it to make demand and try to recover something that it believes was stolen or taken unlawfully from the Netherlands. If the Dutch government truly believed that the Baldung drawing was taken unlawfully from the Netherlands, it had the obligation to act with reasonable diligence, and I don't see how the Dutch government can establish that it did so in this case."

Fagen continues that "somebody who claims to be a victim of an unlawful taking of property has to act within the statute of limitations, and under the law, a person has to make demand for the return of property with reasonable diligence. Reasonable diligence is determined by reference to all the circumstances, including the identity of the victim. Here you have not an individual but a government which claims to be a victim of an unlawful taking of property, and it's going to have to show why, with all of its resources, the government of the Netherlands was unable to locate or attempt to retrieve what it claims was unlawfully taken from it." The statute of limitations is three years from the date of demand for return of the property.

Jacopo Tintoretto's *Study After a Bronze Statuette of Atlas*, present location unknown, is still claimed by the state of the Netherlands.

Last December 6, 1989, at a formal ceremony held at the Netherlands Office for Fine Arts in The Hague, Hedy d'Ancona, Minister of Culture of the Netherlands, officially presented the first copies of Albert Elen's illustrated catalogue, *Missing Old Master Drawings from the Franz Koenigs Collection Claimed by the State of the Netherlands*, to the ambassadors of the former Allied powers: Jean-René Bernard of France, Michael Jenkins of Great Britain, Howard Wilkins, Jr., of the United States, and Dr. Alexandre Tchikvaidze of the Soviet Union. P. Brouwer, Ambassador for In-

Antoine Watteau's *Half-length Figure of a Child . . . Blowing Bubbles* is another Koenigs Collection drawing that disappeared after the Second World War.

ternational Cultural Cooperation of the Dutch Foreign Ministry, was also present. The ambassadors were invited to attend the ceremony to emphasize the still-relevant importance of the Interallied Declaration against Acts of Dispossession Committed in Territories under Enemy Occupation or Control, signed in London on January 5, 1943, by the Allied powers. In this declaration the Allied governments stated that they intended "to reserve all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the Governments with which they are at war, or which belong, or have belonged, to persons (including juridical persons) resident in such territories."

D'Ancona remarked that "I should also like to stress the great importance attached by the government of the Netherlands to the recovery of works of art which disappeared during the war and which have not yet returned. We regard it as a matter of national importance that even now, over 44 years after the war, every effort should be made to trace works of art which are still missing and establish legal claims to them." When asked why the government had waited so long before publishing such a document, Robert de Haas, director of the office, told *ARTnews*: "Because we were always of the opinion that the Koenigs Collection, which was taken to Germany during the war, was and is so well known. The Koenigs collector's mark is also known by everyone working with Old Master drawings. It's a world famous collection after all. This catalogue will make it clear once and forever that the missing drawings belong to the Netherlands."

Albert Elen added, "The alleged presence of the drawings in the USSR and the GDR has been known since 1945. Since official steps taken through the Dutch embassies in those countries have been repeatedly denied by the respective governments, there was no reason to drag on until either new indications emerged or the political situation changed. Moreover, there was never a reason to worry about the sale of the drawings as long as they were all hidden behind the Iron Curtain. When single drawings started appearing in Western countries we considered it time to take renewed action in order to prevent the sale of drawings and acquisitions in good faith. . . . The catalogue will furnish a practical tool for identification since 60 percent of the missing drawings are illustrated in it. Earlier this year, in anticipation of the publication of the illustrated catalogue, we published a provisional handlist of the collection and distributed 8,000 free copies worldwide among art historians, institutes of art history, documentation centers, dealers, museum print rooms, auction houses, and private collectors."

Jan Riezenkamp was also present. Riezenkamp told *ARTnews* that he met in Moscow last October with Vice-Minister V. I. Kozenin and other officials of the Soviet Ministry of Culture to discuss a number of matters. Riezenkamp had sent the Russians information about the Koenigs drawings and asked for their help in locating them. "We had an open discussion on the subject of the Koenigs Collection," he said. "We expressed our gratitude for the trouble they had taken in looking for the collection and we urged them to look in more detail for the missing drawings. They told us they would do so. I got the impression that they understood how urgent this was; they had done a lot of homework; they had studied the documents we had sent them.

"I got the impression that they would take a lot of trouble to look into the matter, but with all the changes taking place in the Soviet Union, it will not be easy for them to make an accurate audit of their possessions. They need the cooperation of museum people, and I'm not sure it's easy for them to get that right away. The ministry officials will have to meet with museum officials and collectors. We gave them indications of our suspicions as to the whereabouts of the drawings, maybe not the exact location but a direction. . . . It is known that one of the Koenigs drawings was in the hands of a Professor Sidorow; that collection is known to be in the Pushkin Museum. People from the Pushkin might know or might be able to help the government to find the drawings."

Riezenkamp believes that the helpfulness and the willingness of the Soviet officials to discuss the repatriation of the Koenigs drawings are reflections of glasnost and perestroika. "In 1945, '46, and '47," he says, "the Netherlands ambassador to the USSR tried to get back the Koenigs drawings, but in that period of the cold war it was impossible to get any cooperation."

Riezenkamp says he is extremely hopeful that the drawings will eventually be located and repatriated. "I think it will take some time for the Russians to find a way that is acceptable to hand them back. I'm not going to ask them where they found the drawings. I'm not interested in prosecuting anybody."

Bram Meij summed up everyone's sentiments when he said, "I can only hope that they will all come back as soon as possible." ■