

Gillian R. Sciacca. Restitution of Holocaust-Era Assets: A Bibliography of Government Documents. A Master's Paper for the M.S. in L.S. degree. April, 2007. 55 pages.
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This bibliography addresses the issue of assets stolen from or subsequently denied to victims of the Holocaust and their heirs, as represented by the documentation provided by government resources. As such, it accrues the disparate media documenting the issue of Holocaust-era restitution: the details of original looting and restitution actions, as well as actions taken in the last sixty years that have caused it to become a controversial topic in our contemporary society. Forty government documents were located, evaluated for content, and annotated. Formats include Congressional Hearings, Public Law, Military Histories, and records from the Presidential Advisory Committee on Holocaust Assets. An introduction provides context for the documents, which represent how and why assets were stolen, what happened to them following in the aftermath of World War II, and the subsequent barriers to appropriate restitution that led to current lawmaking on Holocaust victims' behalf. This bibliography is meant to be used by researchers with an interest in the looting and restitution of fine art, financial assets, or gold by the Nazi Party, originally taking place between 1933 and 1945.

Headings:

Holocaust, Jewish (1939-1945) – Reparations -- Bibliography

Reparations for historical injustices -- Bibliography

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RESTITUTION OF HOLOCAUST-ERA ASSETS: A BIBLIOGRAPHY OF
GOVERNMENT DOCUMENTS

by
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Introduction

The restitution of Holocaust-era assets is an issue that began with the seizure of the assets and is one that has continued to impact our contemporary society with the moral quandaries that surround it. Many hands were involved in the looting or “confiscation” of the assets and just as many, if not more, have been involved with the difficult situation of restituting these assets. In the more than sixty years since the reign of the Third Reich descended upon Germany there have been a tumult of events leading to the current state of Holocaust-era asset restitution. The Germans, notorious for their conflagratory language, have created a word to describe the failure to come to terms with the events of the Holocaust: *Vergangenheitsbewältigung*. It is a single word that speaks as much about the repression of memory as it does concerning the complications inherent in our collective memory.¹ While the issue of Holocaust-era assets, including works of art, cultural objects, insurance policies, and monetary assets, including gold bullion, has been affected through time by the Cold War, the classified status of documents, and the lack of support for Holocaust victim restitution organizations, it also a result of our communal unwillingness to confront a difficult and dangerous period of time in our collective past. Libraries, museums, archives and information centers must be willing to provide information about difficult periods of time, contentious issues, and our shared

¹ Susan A. Crane, “Memory, Distortion, and History in the Museum,” *History and Theory* 36, no. 4 (December 1997), 54.

history in order to present an accurate, if flawed representation of the past to the future generations.²

The reasons for stealing the art objects, gold, and financial assets are numerous and complex: outright avarice may be blamed, but there was also the desire by Hitler and the Nazi Party to create the epitome of Aryan cultural heritage, incorporating the numerous works of art, furniture, and cultural goods that they obtained. The methodology for acquiring the assets was more complex: like the spoliation committed by Napoleon, the Third Reich was deeply interested in maintaining a “legal” front for their immoral activities. The rationalization for the theft of the objects is that the Nazi Party was either “confiscating” them from internal enemies, “safeguarding” them from external enemies, or acquiring them as “reparations.” In some cases, there was an exchange of money for the assets, but only as a legal front; typically, owners were compensated at a ridiculously low percentage of the assets’ worth.³ Regardless, the end product is that valuable assets were taken from their rightful owners through Nazi justification. The quantity stolen from Jewish populations was greater in Austria where, as part of the Third Reich, it was more difficult to obtain assets from civilians in this manner, except for the “enemy populations” of Jewish citizens.⁴

The main destination for the assets was a massive museum designed by Adolph Hitler at what was planned to become the capital of the Third Reich in Linz, Austria. Hitler’s childhood, up until the age of eighteen, had been spent in Linz and he considered it the physical location for some of the bucolic and content periods of his life. While many officers stole art for their own enrichment, Hitler “collected” with the singular

² Crane, 44.

³ Russell Chamberlin, *Loot! The Heritage of Plunder* (New York: Facts on File, 1983), 154.

⁴ Chamberlin, 155.

thought of enriching his future empire. Physically located in Munich, the name of this operation was “Sonderauftrag Linz,” or “Special Operation Linz,” directed by Hans Posse, succeeded by Martin Bormann, and complimented by a similar operation in Paris by the name of Einsatzstab-Reichsleiter Rosenberg (ERR), named by and for its director, Alfred Rosenberg.⁵ The ERR was a complex organization, staffed by art historians and other professionals in the field, and is infamous for looting and using the Jeu de Paume Museum in Paris as a warehouse for their massive operation.⁶ The entire purpose of these operations was to amalgamate the fine art and cultural objects of Europe through looting, according to Hitler’s rigorous and ethnocentric collecting guidelines.

Hitler had fairly well-defined concepts in his mind of what constituted “art.” Mainly, he preferred provincial Western European paintings and heroic sculpture, but his predilections expanded due in part to consultations with Heinrich Hoffman, his court photographer. In general, the collection policy was that the further east the art originated, the worse it was; Russian art was categorically rejected as inferior, for example, but Polish and Czech art was admitted only because it was rationalized that the art works could have been created by true Germans or under the influence of German style.⁷ Modern art was also categorically refused, even denigrated: one of the most absurd Nazi propagandistic activities, the exhibition of “Degenerate Art,” or “Entartete Kunst,” took place under Hitler. In the exhibition modern art masterpieces of the time, hung in unflattering positions and lighting, were exhibited in order to explicitly state the

⁵ Chamberlin, 156.

⁶ Hector Feliciano, *The Lost Museum: The Nazi Conspiracy to Steal the World’s Greatest Works of Art* (New York: Basic Books, 1997), 15.

⁷ Michael J. Kurtz, *America and the Return of Nazi Contraband: The Recovery of Europe’s Cultural Treasures* (Cambridge: Cambridge University Press, 2006), 25.

unacceptable nature of modern art. Ironically, this collection included the most prolific works of modern and avant-garde art of the time.

The profound extent of the looting was unknown by Allied forces until after the defeat of the Third Reich when troops began to assess Nazi stockpiles and to address restitution claims. Indeed, the true numbers were not released until the trials began at Nuremberg: Martin Bormann, one-time director of Sonderauftrag Linz, had carefully photographed most major works of art and bound them in volumes to be sent to Hitler, who was unable to physically visit his stockpiles of looted assets as often as he wished. Ironically, these photographs were used at Nuremberg as evidence by the prosecution.⁸ However, Nazi looting activities were, and remain, difficult to track because it was not a homogenous directive: while Hitler had in mind specific collection policies and guidelines, many officers and troops in the Nazi hierarchy of power looted simply for their own enrichment, despite being expressly forbade to do so by the Hague Convention. These stockpiles and activities were rarely recorded as well as Hitler's Sonderauftrag Linz or Einsatzstab-Reichsleiter Rosenberg and therefore more difficult to trace. Taking into account the remaining records it is estimated that between autumn of 1940 and July 1944, 21,000 works of art were recorded as confiscated assets of the Third Reich.

One of the most sensational aspects of these events is the locations where assets were hidden and ultimately recovered once the Allied forces moved into Germany and Austria: abandoned farm buildings were often utilized, as was the Mountain Castle of the Mad King Ludwig of Bavaria in Neuschwanstein, where six thousand objects were discovered. The most infamous is the massive trove of art works, silver, and gold that was discovered in the Alt Ausee salt mine in Austria. Ten thousand paintings, sixty-eight

⁸ Chamberlin, 157.

pieces of sculpture, and thousands of prints, drawings, coins, books, etc., were found in the mine, along with eight bombs that were supposed to destroy the entire collection before it fell into the hands of the Allied forces.⁹ In total there were an estimated two hundred official Nazi caches where valuables were hidden, but the extent of unofficial looting is unknown.

The abandoned caches, official and unofficial, were investigated immediately after the sites were clear by the fighting troops by the American Art Looting Investigation Unit (ALIU) of the Office of Strategic Services (OSS) and the British Monuments, Fine Arts and Archives Section of the Restitution Control Branch. It has been wondered why the ALIU assumed so much control in these matters, but it is often explained by the fact that following the end of fighting in World War II Bavaria and Austria, where the bulk of the art work was hidden, came under the control of American forces. However, this division of control and varied methods for restitution is one of the reasons the issue became complicated to address in the sixty years since.

Complications also arose in the time following the end of World War II regarding the involvement of neutral and occupied countries in the storage and confiscation activities of the Nazi forces. Among the Allied forces there was much disagreement as to the distribution system for reparations, restitution, and occupation responsibilities.¹⁰ All ALIU documents were kept secret at this time, partly to avoid unwarranted or fraudulent restitution pleas, but also because it was known that for the Nazi forces to have become so adept and powerful regarding the mass acquisition of art, cultural, and financial assets, as evidenced by the Sonderauftrag Linz, it required the cooperation of a number of

⁹ Chamberlin, 176.

¹⁰ Kurtz, 85.

occupied and neutral countries. During this tumultuous period of time this predicament represented a more complicated situation than the Allied Forces could handle, in addition to their post-war responsibilities of rebuilding infrastructure and refugee problems in Europe. Most restitution, especially of cultural objects and works of art, took place in the American zone during the spring of 1945 through the autumn of 1949, made difficult by the political climate of the time, which was tense and divisive due to Stalin's prohibition against the participation of Eastern European satellites in Truman's Marshall Plan.¹¹

While these are certainly justifications for lackluster restitution during the complex post-war period of time, the fifty years between the end of World War II and the renewal of interest in Restitution was not a time of bucolic ignorance: many museums knew that their works had suspect histories, but were slow to take the initiative to return assets of their own impetus. Museum administrators have justified their apathy by placing the necessity for primary action on the families and victims, as it is an easier process to match a work of art to a description by a victim than it is to search for the possessors, especially after the passage of time.¹²

The issue of insurance claims is also a strongly debated topic: included in the multitude of egregious offenses by the Nazi regime was the policy of absconding with insurance policies of the individuals sent to concentration camps. In addition, the issue was complicated by the tumult of post-war Europe during which many efforts were made to collect on insurance policies without the infrastructure to support the claims, nor was there the appropriate documentation to retrieve such claims. Thus, we find ourselves also addressing the restitution of unpaid insurance claims contemporary with the Holocaust.

¹¹ Kurtz, 125.

¹² Feliciano, 221.

The issue became heated during the end of the twentieth century, resulting in the creation of a foundation to address the claims and claims process, which backed by approximately 600 million DM.¹³ The foundation was named the International Commission on Holocaust-Era Insurance Claims (ICHEIC) and was founded in 1998, yet met early with many problems: claims were difficult to prove, as few victims had documentation to begin with let alone fifty years following the Holocaust, and the financial cooperation and commitment among the German insurance companies, whose involvement was voluntary, began to dissolve. In addition, the ICHEIC was plagued by serious inadequacies in management and interagency communication and documentation.¹⁴ An ICHEIC meeting in 2004 took place in order to address the lack of expediency of fulfilling claims, including the adoption of new claims forms; while the goal of complete claim examination was originally meant to be met in 2002, claims were accepted until December of 2006, and it was not until 2007 that the final project statistics were released. The total number of claims or inquiries received by the ICHEIC that were eligible under their claims process was 91,558.¹⁵

Gold and financial assets were often stolen from their original owners and deposited in Swiss banks, as well as banks in other neutral countries; many of the modern developments regarding Nazi gold and financial assets are due to the creation of an inter-agency working group specifically to investigate the current status of such assets by Under Secretary of Commerce Stuart E. Eizenstat; the report was known as the Eizenstat

¹³ Kai Henning, *The Road to Compensation of Life Insurance Policies: The Foundation Law and ICHEIC*, Chapter 22 in *Holocaust Restitution: Perspectives on the Litigation and its Legacy* eds. Michael J. Bazylar and Roger P. Alford (New York: New York University Press, 2006), 251.

¹⁴ Sidney Zabudoff, *ICHEIC: Excellent Concept but Inept Implementation*, Chapter 23 in *Holocaust Restitution: Perspectives on the Litigation and its Legacy* eds. Michael J. Bazylar and Roger P. Alford (New York: New York University Press, 2006), 261.

¹⁵ ICHEIC Claims Process. 19 March 2007. Last Accessed 26 March 2007. <http://www.icheic.org/pdf/stats-19mar07.pdf>.

Report. The common misconception concerning this money is that the Nazis stole it and put in it the Swiss banks themselves, when in fact it was Jewish citizens that often transferred their money into Swiss banks during the time of increased national instability and danger. Much of this money continues to be held by Swiss banks, despite claims that they rescinded most of the money after World War II. The estimated property of the Jewish citizens of Germany, Poland, and Holland that was transferred, taking into account our current monetary inflation, is \$1.7 billion; the Swiss banks claimed to possess only tens of millions.¹⁶ As with insurance claims following World War II, once claimants returned to withdraw their money they were refused for having inadequate documentation or were denied the account existed. Publicly, the Swiss banks disavowed the possession of Jewish assets, eluding depositors and restitution committees, and appeasing Allied reparations committees with far less in financial assets than they held.¹⁷ However, as time passed, it became clear that there was a great deal of money in Swiss banks as a result of immoral methods: this was revealed through the continued efforts for disclosure on the part of a committee formed by former U.S. Senator Alfonse M. D'Amato, the World Jewish Congress, the Simon Weisenthal Center, Lord Greville Janner of Britain, Alan Hevesi, and several Holocaust survivors with claims against Swiss banks.¹⁸

Though not expressly stated in many of these restitution documents, the compensation for forced labor and slavery by German companies and the German government during the reign of the Third Reich is also a complex and ongoing issue. For

¹⁶ Itamar Levin, *The Last Deposit: Swiss Banks and Holocaust Victims' Accounts*, trans. Natasha Dornberg (Westport, CT: Praeger, 1999), 2.

¹⁷ Gregg J. Rickman, *Swiss Banks and Jewish Souls* (New Brunswick [USA]: Transaction Publishers, 1999), xv.

¹⁸ Rickman, xvii.

many years the German government refused requests for compensation for forced and slave labor. One reason that has been given for this unwillingness to relent is legal: under international law, compensation for the illegal employment of civilians is not a repatriation issue, but a reparation issue, which Germany feels it completed with the reparations given at the end of World War II. In addition, the Cold War acted as a reason to deny payment, as the capital, if it had been paid before the fall of the Soviet Union, would have been paid in part to a great enemy of Germany.¹⁹ Thus, we realize that repatriation is never purely an issue of money. However, since that time Germany has been more willing to take steps to appease the victims of forced and slave labor. Founded in 2000, The German Foundation addresses such claims, amid great moral and ethical arguments, in order to address the responsibility of the perpetrators and to work toward a “legal peace.”²⁰

Due to the increased attention the issue of Holocaust-era asset restitution received at the end of the twentieth century many institutions in the arts community have established publicly-available venues for provenance research and searchable databases. By no means have the needs for these services lessened, but the action taken in the last ten years has resulted in more proactive measures to reach Holocaust victims and heirs, rather than the other way around. In the United States, for example, there is the Nazi-Era Provenance Internet Portal Project provided by the American Association of Museums. Available online at www.nepip.org, the association has provided a database of objects in

¹⁹ Otto Graf Lambsdorff, *The Negotiations on Compensation for Nazi Forced Laborers*, Chapter 14 in “*Holocaust Restitution: Perspectives on the Litigation and its Legacy*” eds. Michael J. Bazyler and Roger P. Alford (New York: New York University Press, 2006), 171.

²⁰ Gideon Taylor, *Where Mortality Meets Money*, Chapter 13 in “*Holocaust Restitution: Perspectives on the Litigation and its Legacy*” eds. Michael J. Bazyler and Roger P. Alford (New York: New York University Press, 2006), 166.

U.S. museums that have been found to have suspect provenance related to the Nazi Regime. As of February 2007, this project amassed 24, 915 items from 154 participating museums. In the United Kingdom a similar searchable database is available through the National Museum Directors' Conference, in addition to provenance reports for member museums; this service is available online at www.nationalmuseums.org.uk/spoliation.html. The German website Lost Art Internet Database also fulfills a similar function, available at www.lostart.de, although this website is in German. In addition, there is the website of the Central Registry, operated by the Oxford Centre for Hebrew and Jewish Studies of the University of Oxford. The Registry is currently chaired by Ambassador Stuart E. Eizenstat, renowned in the field of Holocaust-era assets, and is connected to the Commission for Looted Art in Europe. This website in particular is deeply comprehensive, incorporating two searchable databases, one for object searches and another for international information on restitution-related laws, policies, reports, publications, archival records, current cases, and other relevant websites. It is currently available at <http://www.lootedart.com>

Methodology

The search strategy and methodology for this bibliography was diverse, and varied according to the source utilized. Largely, research began with an ephemeral idea of the terms and strategies that were most likely to yield the best results. From this point of a visceral need for research in a certain field, with a general framework of subject terms in mind, I explored each information tool until an understanding of its infrastructure and search environment became apparent. Most resources were selected through research in subject-specific databases, such as LexisNexis Congressional, while other resources were incorporated as a result of more serendipitous search strategies, such as footnote chasing and shelf browsing.

LexisNexis Congressional, available to me through the University of North Carolina Library, was searched using a combination of database-specific terms, such as “repatriation,” “World War II,” and “Nazism” in addition to my own keywords that I identified from my readings in the subject area: these include “restitution” and “art”. Results were mixed: in some cases, I came across documents related to my subject area that I had not considered before commencing the research. Other search strings, in particular one with “repatriation” and “World War II,” returned completely unrelated documents concerning the repatriation of prisoners of war, Japanese civilians, and the Guala, Aleutian, and Pribilof Islands. While these subject areas are related to my research in a broad sense they are too remote to be included within the scope of a bibliography of this size. The most successful search in LexisNexis Congressional was a combination of database-specific terms and my own: “Nazism” and “restitution” weeded out the documents related to the repatriation of land or people, but included works of art

and assets. Furthermore, “Nazism” incorporated the approximate era of World War II while limiting it to activities involving the German political party and government.

While this database limits my results to congressional documents and fails to incorporate my search into the larger arena of Government documents, it was a profoundly successful tool to utilize in the beginning of my research. Primarily, it allowed me to familiarize myself with the definitions of the keywords I planned on using in searches and their degree of relevancy to my defined area of research. However, by performing a number of searches, both successful and less so, I was able to mine other potentially fruitful keywords to utilize in other government-specific databases and search tools.

I also utilized USA.gov., formerly known as FirstGov, to acclimate myself and my search needs to the language of Government resources. After browsing the home page I completed several simple keywords searches in the main search box, using terms that I utilized in the THOMAS and LexisNexis Congressional searches. The simplicity of the search led to a high rate of return, with approximately ten thousand results in the first searches. However, many searches were valuable as a result of the organizational scheme that they were presented in: the results were grouped into subject categories, such as “Nazi Looted Art” and “Holocaust-Era Assets,” which were more relevant to my research than the subject categories of “Rightful” and “Concerning the Central Collecting Points”. In this way, while many irrelevant documents were retrieved, the categorization capabilities introduced me to subject terms and areas that provided highly relevant information.

The documents received from this set of searches that I found most relevant were secondary sources, such as government agency and institution press releases. Often the sources themselves were not the best material for the study at hand, but they led me to entities that publish, maintain, or interact with appropriate materials, such as the National Archives and Records Administration, the Virginia Museum of Fine Arts, and the Presidential Advisory Commission on Holocaust Assets in the United States.

In searching the Government Printing Office at gpoaccess.gov, it was my intention to gather print resources that may not have been included in my more specialized searches in THOMAS and LexisNexis Congressional, as they deal with specialized forms of government information. The website contains quite a bit of information at the welcome screen, and I was sure to review most of it, especially “beneath the fold,” as this information is typically bypassed. Although I recommend using advanced searches and browsing before utilizing the ubiquitous simple search field, I did employ this utility in order to prepare myself for the format the entries would be returned in. I was unsatisfied with the high rate of return but low specificity of the results and decided to use the more advanced option of searching the Catalog of Government Publications, available through a link toward the bottom of the home page. Here I was able to qualify the simple terms that I have been employing throughout my research by limiting them to subject, rather than keyword, terms. By using the subject option in the search I feel that I was able to increase the rate of relevance. This is particularly important to me as many of the documents returned in my searches were already found in searches through other databases. While I encountered a lot of overlap using the GPO

search, I also discovered many results from agencies that I would not have considered relevant to my research purpose previously.

Searching the UNC catalog became an almost ritualistic activity, in order to ensure the presence or availability of a document, as well as double-checking for items that I may have missed in previous research sessions. This search was often repeated because of the physical proximity to the resources, as well as a result of my familiarity with the library's website and advanced search capabilities. Also, I was able to employ Library of Congress subject headings within our collection as a search tool: the most valuable LC search terms that I have discovered are: Art & State – Germany – History -- 20th century; Germany -- Cultural Policy – History -- 20th Century; Art Treasures in war - - Germany; Nazis – Germany -- Art Collections; and Art – Germany -- Biography.

Regarding the organization of the resources within this bibliography, I have separated them according to their publishing or creating body, such as Congressional Documents, which are then arranged under the headings of House Documents and Senate Documents. Resources that do not easily cleave to such established classification, usually because they are the only one of their kind, are grouped under headings with umbrella extensions, such as “Archival Guides and Holocaust Memorial Museum Documents” or “Department of Justice and Supreme Court Documents”. Within each heading documents are arranged according to date of production, the result of the lack of personal authorship for the majority of documents. The citations are formatted according to the guidelines presented in *A Manual for Writers of Term Papers, Theses, and Dissertations*, sixth edition, by Kate L. Turabian.

Bibliography:**Archival Guides and Holocaust Memorial Museum Documents**

1. United States Holocaust Memorial Museum. "Teaching About the Holocaust: A Resource Book for Educators." 2001. <http://purl.access.gpo.gov/GP/LPS22808> (Accessed 14 February 2007).

In 1980 the United States Holocaust Memorial Museum was created with the intention to preserve and disseminate the memory of the Holocaust, its victims, and survivors, as well as promoting moral and ethical discourse. As a federal institution, part of the Holocaust Memorial Museum's mandate is to educate the public by specifically making resources available to teachers and educational institutions. This resource is one example of the publications aimed at educating current generations about the complex issues involved with the Holocaust, both by inviting educational groups into the museum, and by providing material for use by an educator in a classroom environment.

However, this resource is not only valuable to educators; by posing direct questions regarding the value of history and remembrance, the reader is forced to contemplate their own knowledge, reasons and methodologies for studying the Holocaust, related global and domestic events that impacted the Holocaust, as well as the ways others may approach the subject matter. There is also a section of recommended methods for introducing the Holocaust as it related to a number of other disciplines, including art, art history, world culture, government study and literature; as a researcher in the field, I find that these sections stimulated my mind to explore new search techniques and avenues of study. While not a scholarly resource, it is refreshing to incorporate into scholarly research on the Holocaust as it increases intellectual involvement in the issue and promotes independent thought, rather than presenting the researcher or user with a static corpus of information.

2. Grimsted, Patricia Kennedy. *U.S. Restitution of Nazi-looted Cultural Treasures to the USSR, 1945-1959: facsimile documents from the National Archives of the United States*. Electronic resource. Washington, D.C.: National Archives and Records Administration, 2001.

As an electronic resource, this compendium of digitized National Archives documents pertaining to the topic of the restitution of assets looted under the authority of the Third Reich, with the emphasis on those assets originating in the USSR; intellectual coverage of the events and activities extends from the immediate post-war period (1945) when the documents were created until 1959. It is important to note the range of years, as most American Restitution documents cover the activities of the Art Looting Investigation Unit (ALIU), which was dissolved shortly after World War II. The inclusion of primary documents from a more inclusive period of time affords the user a more thorough understanding of the breadth of activities.

The value of this document as a research tool lies in its expansive amount of information pertaining to a specific context: it addresses restitution to the USSR from the US-occupied countries of Germany and Austria. This complex international arrangement involves many governmental representatives and interests, and takes place during a particularly turbulent period of time, due to the dissolution of the European infrastructure and the developing Cold War. In fact, knowledge about the spoils of war, including the contents and location of secret deposits of “extensive cultural treasures” brought back to the USSR during the reign of the Nazi Regime was kept secret until 1990, the end of *glasnost* (p. 1). This document represents the continuation of restitution activities by the U.S. and the proliferation of Holocaust assets in the USSR; these actions and aspects from World War II and the post-war period of time that have only begun surfacing with

the passage of time and the change it brings regarding regime change, policy adjustments, disarmament, and the release of formerly confidential information.

3. Center for Advanced Holocaust Studies. United States Holocaust Memorial Museum. *Archival Guide to the Collections of the United States Holocaust Memorial Museum*. 2nd. Ed. Prepared by Brewster S. Chamberlin and Carl Modig. Washington, D.C.: GPO, 2003.

As a resource, this archival compilation reflects the contents of the Archives of the United States Holocaust Memorial Museum the goal of which is stated as being able to “enable both the general public and specialized scholars to study the record of the Holocaust” (p. 4). In order to fulfill this mission, the institution gathered archival records of both an official nature, such as the records of the national governments directly involved with the Holocaust, as well as the individualized records kept in the form of personal letters and first-hand accounts. In this way the reader may gain a more thorough understanding of the cause, effect, and global environment surrounding the Holocaust: the official records represent the broad context of the issue, while the personal accounts allow the user to gain an understanding of the Holocaust from inside it, an indirect characterization of past events attainable only by existing within an event or period of time.

The archival guide represents the organization and presence of archival material related to the Holocaust; specifically, it addresses the issue of stolen works of art and assets from many points of view as well as providing first-hand accounts of contemporary activities taking place throughout the world as they relate to preserving the record of the Holocaust.

4. National Archives and Records Administration. *OSS Art Looting Investigation Unit Reports, 1945-46*. Arranged and processed by Michael Hussey, Michael J. Kurtz, and Greg Bradsher. Archival No. M1782. <http://www.archives.gov/research/holocaust/microfilm-publications/m1782.pdf> (accessed 12 February 2007).

As a deeply popular set of archival records, the arrival of these documents on microfilm was cause for celebration; they provide practically unfettered access to the Detailed Interrogation Reports, Consolidated Interrogation Reports, and the Final Report of the Office of Strategic Services' (OSS) Art Looting Investigation Unit (ALIU), a topic made popular in the late 1990's by scandals involving respected art museums and connoisseurs and their ownership of art objects found to be stolen from victims of the Holocaust. In detailing the contents of the microfilm, the archival pamphlet explains how the ALIU was created, who it served, and what actions it was permitted to undertake as part of its directive to "collect and disseminate such information bearing on the looting, confiscation and transfer by the enemy of art properties in Europe, and on individuals or organizations involved in such operations or transactions, as will be of direct aid to the United States agencies empowered to effect restitution of such properties and prosecution of war criminals" (p. 2-3). The contents also allow the user to examine the breadth of actions taken by the ALIU; documents represent specific actions taken throughout Europe, including Spain, Portugal, Italy, France, as well as in Germany.

While the archived documents represent the contemporary actions and events of the OSS and ALIU, this archival information pamphlet is a rich resource for an ingénue to this field, as it explains the historical context and beginning stages of the effort to preserve works of art, prevent their loss, and ultimately return them to their rightful owners.

5. National Archives and Records Administration. *Records of the Reparations and Restitutions Branch of the U.S. Allied Commission for Austria (USACA) Section, 1945-1950*. Prepared and arranged by Matthew Olsen. Archival No. M-1927. <http://www.archives.gov/research/holocaust/microfilm-publications/m1927.pdf> (Accessed 12 February, 2007).

As an archival information record this document provides the researcher with an introduction to the workings of the U.S. Allied Commission for Austria, or USACA; many United States citizens are not aware of the administrative and military roles that America, in cooperation with Britain, France, and the Soviet Union, played throughout Europe after World War II. This resource also provides coverage of issues affecting one such agency, the USACA, contemporary with the period of time when much of the restitution and repatriation activities began. From the overview that this archival document provides, the reader learns that the records on the microfilm are individual claims for items that had been stolen; the user may also have the opportunity to see how the process was managed. In fact, the many changes are signifiers of how turbulent a period of time this was: the Reparations, Deliveries, and Restitutions Division were organized into further departments, their organizational structure and responsibilities constantly shifting. This is also reflected in the types of claims and whom they represent: Pan-European claims were submitted by individuals, prominent families, businesses, and governments submitted the same claim whether they were filing for lost livestock or fine art.

Armed Forces Publications

6. Adams, Major Edwards, Q.M.C. "Looted Art Treasures Go Back to France," *The Quartermaster Review, September-October 1946*. U.S. Army Quartermaster Corps <http://www.qmmuseum.lee.army.mil/looted.htm>. Last viewed: 13 February 2007.

As a first-person, contemporary account of Nazi looting and repatriation activities during World War II, this resource is integral to this bibliography as it is a contemporary

account; it is also notable as being one of the few online documents that related to this topic that comes from a “.mil” website. While this document is an important research tool, it is also intriguing reading, giving researchers insight into the difficulties encountered by Allied troops in finding the massive number of objects that had been looted. Major Adams at one point relates how the “proper accountability required establishment of unquestionable ownership,” conveying how seriously this mission was taken. Regarding the profundity of the looting, Adams says that “all the Nazi bigwigs carried on private looting enterprises” and that “their methods of concealment were as melodramatic as they were cunning.”

While this resource does not contain any current information, it does serve excellently to inform us of the actual activities surrounding the art and cultural objects once the war was won. These actions and organizations are intrinsically tied to the issue of restitution as we know it in the present, as it is a direct result of the actions taken contemporary with this document and the accounts it conveys.

7. Mattingly, Maj. Robert E. United States Marine Corps. History and Museums Division. *Herringbone Cloak—G.I. Dagger: Marines of the OSS*. Occasional Paper. Washington, D.C.: U.S. Marine Corps, 1989, c1979.

One in a series of “Occasional Papers,” meaning that the subject matter is of significant public interest, this document was originally submitted in 1979 as a student research paper at the Marine Corps Command and Staff College Education Center in Quantico.

During the Post-War period of time the Office of Strategic Services, or OSS, served to combine and coordinate tactical intelligence and espionage activities. While this resource is highly detailed, incorporating many names and narratives concerning

important figures within the OSS, there is little information on the less glamorous activities of the department: very little is stated about the repatriation and restitution concerns. Despite this, the document is informative in that it describes the haphazard creation of the OSS, why and how it came to be organized, and the diverse populations it served. Intriguingly, the OSS combined the services of a wide array of individuals, from paratroopers and Special Forces operatives, to highly educated scholars, historians, engineers, and language specialists: the OSS was concerned as much with brains as it was with brawn.

The subjects of the Occasional Papers are indeed ones that the public would likely be interested in, but that is the only cohesion among the parts of the series. The paper, while well researched to the period of time when it was produced, is written in a more secular style than scholarly, and does not have an index. It does, however, have an annotated bibliography that one may use to expand their research in a related area.

8. Ferrier, Sgt. David J. Navy and Marine Corps World War II Commemorative Committee, Navy Office of Information (CHINFO). *ONI and OSS in World War II*. Washington, D.C.: GPO, 1995.

Published as part of the 50th Anniversary of the end of World War II, this simple four-page pamphlet is part of a series of similar items detailing the most glamorous and thrilling aspects of World War II. Within the small amount of space the author manages to convey the organizational scheme and duties distributed throughout the Office of Naval Intelligence (ONI) and Office of Strategic Services (OSS), the latter of which is the parent department to the Art Liberation Investigation Unit (ALIU); though brief, information on why the OSS was created, how it operated, and who it served are described. In this way the document informs the reader of the type of facilities and

services the ALIU had at their disposal, and also how important repatriation activities were to the Allied forces after the conclusion of World War II, to be operating with such a sophisticated agency as the OSS.

Mainly, the OSS served as a clandestine operations branch of the United States Armed forces, gathering data on foreign activities and operations in order to track enemy movements and inform their own clandestine activities. There were also branched within the OSS that created plausible cover stories and fraudulent documents for counter-espionage agents and a covert weapons division.

Congressional Documents: House Documents

9. U.S. Congress. House of Representatives. Committee on Armed Services.

Authorization to Secretary of the Army to Return Certain Works of Art to the Federal Republic of Germany. 97th Cong., 1st sess., 27 October 1981.

This piece of legislation serves to form a more complete historical timeline regarding the issue of the repatriation of art and cultural objects that were seized during the approximate period of time surrounding World War II, though not from victims of the Holocaust. The art in question is German art, both government-sanctioned and private, that was considered militaristic or representative of German nationalism.

Though brief, the legislation is unique in that it is concerned with the United States repatriation of art to Germany that may have been created during the reign of the Third Reich. The works in question had been, up to this point, still under the supervision of the Army, and the objects that were eligible for repatriation to Federal Republic of Germany were taken out of U.S. custody, as long as they did not contain any glorification of Adolph Hitler.

I feel it is important to note that this is the only instance that I have come across this issue in my research; the date of the legislation, 1981, was fifteen years before any

great strides would be made in the restitution of Holocaust works of art, yet America admits to holding, and continuing to hold, German cultural objects. Implicitly, we comprehend the power that such objects still hold as visual representations of a deeply disturbing period of time.

10. U.S. Congress. House of Representatives. Committee on Government Operations. Human Resources and Intergovernmental Relations Subcommittee. *Department of Education's Refusal to Fund Holocaust Curriculum*. 100th Cong., 2nd sess., 19 October 1988.

An oversight hearing, this document addresses a controversial education program, “Facing History and Ourselves,” and the even more controversial refusal invoked by the Department of Education in denying the program. The refusal document, included in the report numerous times, based the refusal of the educational program on the lack of representation of the Nazi and Ku Klux Klan point of view, which incited many educators, students, community members, and policy-makers into action. As the only Holocaust education program then eligible for funding from the National Diffusion Network, one that was received well by its audience, this hearing was convened in order to determine the rationale supporting the somewhat circumspect reasons for its being deprived of funding.

Created in 1986, “Facing History and Ourselves” preceded the creation of the Eizenstat report by eleven years, this document fits in with the larger scheme of Holocaust restitution issues because it represents a turning point in our society when deeply complex and sensitive Holocaust issues were beginning to be revisited, including actions taken by various nations on the part of Holocaust victims. This document serves to connect the Eizenstat report to those actions taken by the ALIU, creating a more

cohesive dialog surrounding the moral, ethical, monetary, and policy-oriented issues surrounding a complex time in many nations' histories.

11. U.S. Congress. House of Representatives. Committee on Banking and Financial Services. *The Eizenstat Report and Related Issues Concerning United States and Allied Efforts to Restore Gold and Other Assets Looted by Nazis during World War II*. 105th Cong., 1st sess., 25 June 1997.

This hearing specifically concerns the activities of Swiss Banks regarding the continued possession of Nazi Gold, destruction of banks records of the gold, and what measures are being taken contemporary with this hearing toward the cessation of such activities. The full disclosure of bank activities since the 1946 Washington Accord, and the appropriate redress of the capital are also concerned. Witnesses at this hearing include representatives from the World Jewish Congress and historical scholars, including Gerhard L. Weinberg, a professor at the University of North Carolina.

The hearing explicitly states that disclosure of bank records and restitution of assets is necessary because “crimes like the Holocaust defy human comprehension and seeing them from a number of geographical and cultural perspectives” is the only means to comprehend such a tragedy (p. 3). This need for global and cultural perspective is the reason for the presence of so many international scholars, including those from Europe, South America, and the Middle East. However, it is noted that no German and French scholars are present: the German representative cited cost and “bureaucratic inflexibility” in excusing himself, and the French government sent a missive with their regrets at being unable to find a suitable scholar, but invited the Commission to conduct research in Paris at its leisure.

12. U.S. Congress. House of Representatives. Committee on Banking and Financial Services. *H.R. 3662-United States Holocaust Assets Commission Act of 1998*. 105th Cong., 2nd sess., 12 February 1998.

As a part of a specific series of hearing began in 1996, one and a half years before this hearing, this document represents the application of United States and International agencies' interest in the location and repatriation of Nazi gold. Witnesses include religious scholars and Under Secretary of Commerce Honorable Stuart E. Eizenstat.

The presence of Eizenstat at this hearing lends it a particularly focused and specific theme: Eizenstat reports some of the findings of an interagency task force that he created with the purpose of investigating the roles of neutral countries, such as Argentina, Portugal, Spain, Sweden, and Turkey, in the trafficking and safe-keeping of Nazi gold and other looted assets. Specifically, the task force investigates which countries took part in the trafficking and support, and why neutral countries would take part in such activities when they maintained a public position of neutrality with moral support of the Allied Forces. In examining this topic one becomes aware of the difficulties involved in acquiring this specific type of information: countries do not want to admit to their moral quandaries of the past. Also, there is a conundrum regarding countries that have shifted borders, governments, and names since their neutral identification in World War II.

13. U.S. Congress. House of Representatives. Committee on Banking and Financial Services. *The Restitution of Art Objects Seized by the Nazis from Holocaust Victims and Insurance Claims of Certain Holocaust Victims and their Heirs*. 105th Cong., 2nd sess., 12 February 1998.

In the manner of H.R. 3662 (entry 12), the government representatives at this hearing note that moral quandaries and historical inquiry are not normally part of legislative concern; identifying the theme of this hearing, it is noted that the specific sin being investigated is "avarice," or greed. Called as witnesses at this hearing are

representatives from the Art Dealers Association of America, the National Gallery of Art, and the World Jewish Congress.

The hearing was divided into two sessions: the morning session addressed issues related to fine art looting, and the afternoon session was devoted to issues of finance, specifically related to insurance. The morning session addressed the current measures in place to track pieces of art, including provenance research. The main problems in this area that are identified are the absence of provenance records for certain works of art and the protocols, yet to be agreed upon, that must be in place should an institution or individual acquire a work of art found to be a piece of Nazi loot. Specifically, Representative Chuck Schumer of New York proposed the creation and funding of a database to help families locate art. He emphasized that participation in the effort from the art and art history communities, as well as Jewish art relocation groups, would be necessary. Specifically, he urges the United States government to search its own collections for such ill-gained art objects. Regarding the solution to the unwitting possession of such an art object, allusions are also made to the United States law concerning the resale of stolen goods: the second sale of an item found to be stolen is invalid.

14. U.S. Congress. House of Representatives. Committee on International Relations.
Heirless Property Issues of the Holocaust. 105th Cong., 2nd sess., 6 August 1998.
Witnesses include Stuart E. Eizenstat and representatives from restitution

organizations and the President of American Gathering of Jewish Holocaust Survivors.

This hearing is distinct because it addresses a facet of the repatriation issue that is commonly not addressed: the methods of redistributing communal property, such as schools, hospitals, orphanages, synagogues, and cemeteries, which was seized unlawfully

from Jewish organizations during the Holocaust. It must be mentioned that in defining communal property, one includes the infrastructure upon that land, including structures build upon land and the valuables held within the walls of a building on communal property.

Typically, communal property is heirless; standard practice in the restitution of communal property seized during the Holocaust has favored the current holder of the property over the claimant. Governments have enacted laws to restrict reclamation, and others provide for restitution only to community groups and organizations that have operated uninterrupted since the end of World War II. Stuart E. Eizenstat speaks at length about the investigation into the proper compensation for Holocaust victims, in particular regarding the problems associated with the three defined types of property claims: Communal, individual, and heirless. Eizenstat spoke also about other categories of valuables and commodities that must be addressed, including Nazi gold, works of art, and insurance.

15. U.S. Congress. House of Representatives. Committee on Banking and Financial Services. *World War II Assets of Holocaust Victims*. 106th Cong., 1st sess., 14 September 1999.

In this Congressional hearing many diverse interests are discussed, which required a number of diverse specialists: called as witnesses were historians, art historians, members of the Department of Treasury, holocaust survivors, and Alan Steinberg, the Executive Director of the World Jewish Congress. Aside from the early date of the meeting, one can discern approximately when this hearing took place due to the nature of the queries into Holocaust looting and restitution. While the issues to be examined are broken into three classes, the stated purpose of the hearing is to “examine

issues related to the Holocaust and the restitution of assets of victims to their rightful owners” (p. 1). As we see from the plethora of information contained in this area of research, especially the numerous controversial aspects, the reader may understand that this is a simply stated, yet difficultly met goal.

The information presented at this hearing is organized into three classes: the behavior and ethics of European banks during World War II, the practice of using slave labor by German companies, businesses, and corporations, and unpaid claims on insurance policies purchased by Holocaust victims. The hearing acknowledges the difficulties inherent in resolving these issues; in fact, this hearing is the fifth meeting in a series with the purpose of determining the logistical and legal problems of the aforementioned dilemmas. The hearing concludes with the acknowledgement that the solution to the problems is made all the more difficult because there were very few records kept concerning these amoral activities, and even fewer escaped being destroyed by the perpetrators of said crimes.

16. U.S. Congress. House of Representatives. Committee on Government Reform. *The Status of Insurance Restitution for Holocaust Victims and their Heirs*. 107th Cong., 1st sess., 8 November 2001.

With a quorum of the House Committee on Government Reform meeting, the representatives gathered to discuss the International Commission on Holocaust-Era Insurance Claims (ICHEIC), specifically if the ICHEIC process is working as intended. Five serious concerns are voiced: first, that the ICHEIC process is slow; only two percent of all claims resulted in offers from insurance companies (p. 3). Second, the problem regarding whether insurance companies should publish lists of their unpaid policies contemporary with Holocaust-Era claims. Third, the concern that many European

insurance companies are not participating at all in the ICHEIC process is voiced; the fourth raises the question of who will cover the expense regarding the funding of the ICHEIC. Finally, the quorum raises the issue of the deadline for submitting a claim to the ICHEIC and whether or not it should be delayed a year; at the time the deadline was supposed to conclude at the end of 2002.

17. U.S. Congress. House of Representatives. Committee on Government Reform.
Holocaust Era Insurance Restitution after AIA v. Garamendi: Where do We Go From Here? 108th Cong., 1st sess., 16 September 2003.

With a quorum of the Committee on Government Reform present, the members convened to discuss the perceived shortcomings of the ICHEIC and steps that the government may take to address the problems inherent in the restitution of Holocaust-era assets. This follows the situation in which insurance claims made by victims of the Holocaust following World War II were denied by insurance companies due to lack of recorded evidence. The problem resurfaced in the 1990's when several insurance companies were threatened with class-action lawsuits, a threat that compelled five insurance conglomerates to create the International Commission on Holocaust-Era Insurance Claims. Officially founded in 1998, the ICHEIC is a voluntary non-profit organization that addresses these current claims on Holocaust-Era claims. However, some states passed laws to compel the insurance companies to supply information on the issue: an example is California's Holocaust Victims Insurance Relief Act, or HVIRA, which was passed in 1999 and was then found unconstitutional by the Supreme Court on June 23rd, 2003. This finding was delivered by the court with the recommendation that the United States legislative body attempt to enact legislation that would properly address

the situation. As a result, House Resolution 1210 and House Resolution 1905 were developed.

Congressional Documents: Miscellaneous

18. U. S. Congress. Committee on Security and Cooperation in Europe. *Property Restitution, Compensation, and Preservation: Competing Claims in Post Communist Europe*. Serial No. 104-2-15. 18 July 1996.<http://purl.access.gpo.gov/GPO/LPS1552> (Accessed 14 February 2007).

This document examines the state of differing methods of restitution, based on changes in regimes in Europe following World War II. The commission recognized that the governmental, social, and cultural schemes of Europe were in a state of vast disrepair: entire cities and infrastructure systems were razed and Europe was teeming with refugees. Under Allied control, these systems were sought to be rebuilt and democratized, and to there were measures in place, namely the Art Looting Investigation Unit (ALIU) of the U.S. Office of Strategic Services (OSS), attempting to restore properties and objects to their rightful owners. However, this is not to say that the Allied way was the only way, or even the best method of repairing war-torn Europe. However, many years later after the end of the Cold war and the fall of the Eastern Bloc, this legislation seeks to reconcile at last the conflicting measures that had been put in place many years before, including those set in the Paris Peace Treaty of 1947, for the restitution of Holocaust-era assets.

The matter that is to be addressed at this hearing is the potential establishment of a set of best-practices that can be applied to the restitution situation; the panelists recognize that the measures in place are fraught with various complications and legal tangents, and seek to distill the process to its most necessary and relevant aspects. The

witnesses include Stuart E. Eizenstat, Under Secretary of Commerce for International Trade, and Delissa Ridgeway, chair of the U.S. Foreign Claims Settlement Commission.

This document, while it does not appear so at first, presents information concerning the different claims processes put in place in post-war Europe that is deeply important to the issue of the repatriation of Holocaust-Era assets: by discussing the faulty systems of the past and the unfair advantages taken at that time, we are more able to approach the issue from a global vantage point. By discussing the political climate of the geographical area and the concerns of the forces occupying it, we are able to comprehend why restitution was not only a complicated physical and intellectual task, but one that was affected by the delicate political climate as well.

Congressional Documents: Senate Documents

19. U.S. Congress. Senate. Committee on the Judiciary. *Administration of the Trading with the Enemy Act*. 83rd Cong., 1st sess., 20, 26, 27 February, 5, 11, 12, 19, 20 March, and 1 April 1953.

At this Senate hearing, judging from the presence of certified public accountants as witnesses, the concern is mainly financial. The purposes of this hearing, as outlined in the preliminary pages of the document, are to determine the efficiency of the processes being taken under the auspices of the Trading with the Enemy Act, which was created within the Office of Alien Property Custodian, in order to ensure prompt claims handling and fulfillment under the act. Originally, when the act was created in 1950, it enumerated the conditions under which an individual, nation, or corporation was classified as an enemy, and therefore to the cessation of trade with the United States, except under a specially granted license. Since that time the act had expanded in content to an almost unmanageable size, hence the hearing to determine its effectiveness.

Like many post-war documents and actions, this hearing is an integral part of Holocaust-era research not because of its proximity to the Holocaust itself, but to the actions that occurred in relation to financial assets and goods following the Post-War occupation of Europe. Restitution of Holocaust-era assets is a complicated field of study precisely because it encompasses diverse actions taking place in many locations and during a span of time from 1933 up to and including the present. This document assists in establishing the context for post-WWII restitution issues taking place in the United States Senate, in particular.

20. U. S. Congress. Senate. Committee on Banking, Housing, and Urban Affairs. *Swiss Banks and Attempts to Recover Assets Belonging to the Victims of the Holocaust*. 105th Cong., 1st sess., 15 May 1997.

As in entry 12, Under Secretary of Commerce Stuart E. Eizenstat is present at this hearing as a witness. In addition, representatives from the World Jewish Conference are present at this hearing, as is Tom Bauer, the author of Nazi Gold.

This hearing follows and specifically addresses the report released by Eizenstat's interagency task force to investigate the role that Swiss banks played during and after World War II in the keeping of trafficking of Nazi capital. Specifically, the point is made that in order to fully understand the activities, Eizenstat requires complete review, release, and disclosure of all documents held during the war and maintained up to the present.

The 1946 Washington Accord between the Allied Forces and Switzerland, in which the Swiss gave \$58 million of Nazi gold to the Allies, despite the fact that the Swiss holdings of Nazi gold at the time approximated 398 million, is examined

thoroughly; the goal of the task force is to determine exactly what has happened to the sum since 1946, made more difficult by the active destruction of records by Swiss banks.

21. U.S. Congress. Senate, Committee on Foreign Relations. *The Legacies of the Holocaust*. 106th Cong., 2nd sess., 5 April 2000.

Incorporating statements from Stuart E. Eizenstat, Elie Weisel, and David A.

Harris, executive director of the American Jewish Committee, as well as a prepared statement from the Association of Insurers of the Netherlands, this document clearly aims to represent the progress taken in matters related to Holocaust-era atrocities, including restitution. The document states that the hearing was called to address the many lingering anti-Semitic and Holocaust-related issues, both domestic and abroad; taking place four years after the beginning of the U.S. re-involvement in the issue of Holocaust-era restitution, it can be seen as a progress report, detailing the efforts that have been taken and their international effects.

In particular, it should be observed that while other representatives and witnesses focus on the financial aspects of the Holocaust and the ramifications for the future, Elie Weisel, a renowned Nobel prize-winning author and Holocaust survivor speaks to the legacy of the Holocaust beyond the remaining financial debts and repatriation issues. He urges his audience to continue addressing the Holocaust's underlying moral enemy, that of hatred, and cites instances in our contemporary society, such as the atrocities committed in Rwanda and Kosovo, where hatred continues to plague humanity.

This document as profoundly affects the reader's sense of morality as it informs the research being undertaken. It differs from many government documents, particularly from similar Congressional Hearings in that it addresses the moral issues inherent in the discussion of the Holocaust and applies it to the present. The presence of Elie Weisel and

his passionate plea for the abolishment of hatred raises the worth, both historically and informatically, from a routine Senate Hearing to a valuable piece of historical and cultural knowledge.

Department of Justice and Supreme Court Documents

22. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. *New Directions from the Field: Victim's Rights and Services for the 21st Century: Restitution*. Washington D.C.: GPO, [1998].

While this twelve page pamphlet concerns criminal restitution on an individual victim basis, rather than the large-scale issues of Holocaust-era restitution, it is informative regarding the basis for restitution law in the United States and how it informs the procedures for compensating Holocaust victims and heirs with their rightful property or assets; information regarding enforcement, restitution collection alternatives, and practical field experiences are included.

Also incorporated in this resource is a general history of restitution guidelines and development: the author attempts to answer why restitution is an integral part of our legal system and the extent to which it can be enforced in our legal system. Regarding this resource's relevance to Holocaust-era restitution, it presents the foundation for the practice of restitution in the United States judicial system, which informs how our government approaches international restitution. While the setting, criminal, victim, and scope of the crimes are different, this resource quickly conveys how restitution is enforced in general way, which will increase the relevancy of the information gained from the core Holocaust-era documents.

23. *American Insurance Association et al v. Garamendi*, Insurance Commissioner, *State of California*. 539 US 396 (2003).

A landmark case within the topic of restitution and repatriation, this ruling conveys why the particular law was overturned, but is also particularly informative to a researcher in this field as it provides a succinct summation of the history of this case and the parties involved, including ICHEIC.

Either as a result of Nazi confiscation, lapsed premiums, or lack of documentation, there are many Holocaust insurance policies that were mishandled during and following World War II, classifying them as reparations due to their owners or owners' survivors. Despite the intervention of the Allied forces and continued work on the issue through the ICHEIC, thousands of claims go unfulfilled. In order to rectify a perceived wrong, a law called the Holocaust Victims Insurance Relief Act, or HVIRA, was passed in California in 1999, despite controversy, conflict with the ICHEIC, and federal intervention. This case is the result of the American Insurance Association, or AIA, challenging the constitutionality of HVIRA; the district court issued a preliminary injunction against enforcing HVIRA and later granted petitioners summary judgment. The Ninth Circuit reversed, holding that HVIRA did not violate the federal foreign affairs power. However, the Supreme Court, in a controversial 5-4 majority, found that HVIRA is not authorized by the Holocaust Commission Act, an act that has not met with any opposition and does not need replacement. Also, it was cited that executive agreements trump state laws and that HVIRA conflicts with Presidential foreign policy.

Department of State

24. United States Department of State and Senate Committee on Foreign Relation. *A Decade of American Foreign Policy: Basic Documents, 1941-1949*. Rev. ed. Washington, D.C.: GPO, 1985.

At the time of this document's original creation in 1950, the compilation of these selected resources was done so in order to present the members of Congress with the

most important resources of the “last decade”. By the creator’s own admission the resource is not meant to be all-inclusive; documents are included based on their informative value to a specific audience: policy makers. However, the document was revised for the 1985 edition; 10% of the original was excluded from the second edition, and the remaining was reorganized according to chronological and cohesiveness concerns. Eighteen additional records were added, as well as a number of photographs and maps.

While the document was originally created for policy-makers, the revised edition has significant value to the current researcher because, for the most part, it lacks the historical bias that is inherent in retrospective documents. Also, the geographic coverage is extensive: documents include information on foreign policy regarding a number of nations and areas, not just European and WWII related countries; examples of included geographic topics are Latin America, the Caribbean, the European Nations, Greece, Turkey, Indonesia, Palestine, and Israel. Increasing this document’s worth is the organization of information according to topic: researchers in the field of Holocaust-era assets would be most likely to find relevant information in the headings of “Displaced Persons and Refugees,” “Human Rights,” “Foreign Aid and Reconstruction,” and “Technical Assistance and Economic Development”.

While the document is not a complete universe of information, it is a strong compilation of the most relevant resources from the time period that allows researchers to track the progression of American Foreign policy. It is important to note that the index is not to be relied upon: “Holocaust” is not an access point, nor is “restitution”. Relevant resources must be located through researcher selection. I was able to locate the

Convention on the Prevention and Punishment of the Crime of Genocide, Resolution 260 A(III) of the General Assembly, December 9, 1948 using the chapter titles at the beginning of the volume.

25. Department of State. Special Envoy of the Department of State on Property Restitution in Central and Eastern Europe. *U.S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany during World War II*. Preliminary Study. Coordinated by Stuart E. Eizenstat, Under Secretary of Commerce for International Trade. Prepared by William Z. Slany, the Historian, Department of State. May 1997. <http://purl.access.gpo.gov/GPO/LPS658> (Accessed 20 February 2007).
Coordinated by Stuart E. Eizenstat, this preliminary report is one of the first major

forays by the U.S. government to investigate the looting of Holocaust victims, the exact nature of the looting and “confiscation” activities, and the individual and national governments that conceded to the Nazi regime, thereby allowing the crimes to continue. The preliminary investigation is also mandated to address why restitution in post-war Europe was not ultimately successful in returning the thousands of items to their rightful owners, which informs restitution activities and organization contemporary with this study. The study is controversial in that it attempts to make a sweeping assessment of all actions of all parties involved in the issue of Nazi- and Holocaust-Era assets, and reveals unflattering information about the economic actions of neutral and Allied countries, countries that may or may not be hurt by the release of the information.

The efforts to produce this study inform the reader as to the importance of the Holocaust-era assets issue to the United States government at this time: eleven U.S. government agencies were involved in its preparation, reviewing 15 million pages of National Archives documentation, of which between 800,000 and one million pages required declassification. This represents the most pages in the history of the National

Archives to be declassified at one time; they have been available to researchers since that time.

The work is valuable to researchers in this field not only because it reports the events of the past and makes recommendations, but also because it refers to contemporary events that led to the creation of this study, including the end of the Cold War and declassification of large quantities of confidential information. Rarely does a researcher find a government study that inclusively addressed the past, present, and future of its argument as this resource.

26. Department of State, Bureau of Public Affairs, Office of the Historian *U.S. and Allied Wartime and Postwar Relations and negotiations with Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and U.S. Concerns about the Fate of the Wartime Ustasha Treasury: Supplement to the Preliminary Study on U.S. and Allied Efforts to Recover and Restore Gold and other Assets Stolen or Hidden by Germany during World War II*. Coordinated by Stuart E. Eizenstat ; with the participation of the Central Intelligence Agency. Prepared by William Z. Slany. Washington, DC: G.P.O., 1998.
<http://purl.access.gpo.gov/GPO/LPS818>.

As a supplementary report to the prominent Eizenstat report there was an initial reservation on the author's part concerning the inclusion of this specific resource due to the concern for information redundancy. However, upon reviewing its content, I find that it is worth inclusion as a temporal extension of the Eizenstat report: after the success of the well-received first report, this was created in order to provide further detail into the economic and trafficking activities of the nations and institutions that received less attention in the primary report. The initial Eizenstat report presented a wealth of information, most of which had been classified until the commission was formed in 1996, but Switzerland, the involvement of Swiss Banks, and the immense volume of capital

moving through Switzerland commandeered the majority of the report, which was corroborated at the London Conference by Switzerland's Bergier Commission.

This extension of the report was created in order to expound upon the involvement of the other neutral countries, perhaps resulting from the overwhelming reception of the first report. Argentina, Portugal, Spain, Sweden, and Turkey, while included and by no means discounted during their first examination, are more fully investigated in order to create a comprehensive understanding of neutral government's financial involvement with German forces. The various international pressures placed on these neutral entities complicates our simplistic and retrospective understanding of what it meant to be a neutral country during World War II. As a pair, these resources provide a complete understanding of how these complicated and clandestine financial systems of operation functioned.

27. Department of State. *Washington Conference on Holocaust-era Assets, November 30th -December 3rd, 1998: Proceedings*. Hosted by the United States Department of State and the United States Holocaust Memorial Museum. Ed. J.D. Bindenagel. Washington, D.C.: The Department of State; for sale by the U.S. G.P.O., 1999. At this meeting forty-four governments and thirteen non-governmental

organizations (NGOs) convened in order to address the issues surrounding assets confiscated by the Nazis during the Holocaust, within the years of 1933-1945. The meeting is significant in that it addresses every major category of assets that may have been confiscated: art, insurance, communal property, archives and books, and gold. However, this resource is also notable in that it addresses not only the ramifications of stolen property and the means to address past property claims, but it also is deeply concerned with Holocaust education, remembrance, and research.

Delegation statements from each representative are incorporated: countries include Austria, Italy, Canada, and Belarus, among many others. NGO representatives include those from the Conference on Jewish Material Claims against Germany and the World Jewish Restitution Organization. Many museum curators and directors are present as representatives, lending credence to the Conference's focus on art object restitution. In general, this resource is expansive in most aspects of the issue of Holocaust-era assets. Elie Weisel is included as a speaker in addition to the plethora of subject specialists and testimonies also available. While it is difficult to gain perspective when retrospectively examining an issue, in this case, the passage of time has been a boon: included are documents from Russia and countries formerly under Soviet control that would have been inaccessible during the Cold War.

28. United States. Department of State, "Holocaust Issues." January 2001. <http://www.state.gov/www/regions/eur/holocausthp.html> (Accessed 13 February 2007).

A permanent electronic archive of information released prior to January 20, 2001 currently maintained by the United States Department of State, this resource contains pertinent information related to Holocaust Assets, their repatriation, and actions taken by various agencies within the United States related to these subjects. Resources are arranged according to their format, then descending by date; information formats are Reports, Remarks, Press Statements, Fact Sheets and Other Materials, Contacts, and Related sites. It is particularly interesting to note how far back the resources extend, with the earliest available having a date of 1996; in this way the resource creates a timeline by which we can judge our government's involvement in the issue of Holocaust-era restitution.

While the resource is thorough, the fact that it no longer represents active investigations and actions causes it to become more of a research tool: a database for U.S. government publications related to Holocaust-Era Assets, the laws governing such works, and the patterns of involvement taken by the U.S. Government. The inclusion of links to the German Foundation, a voluntary humanitarian foundation representing German companies and corporations concerned with issues of slave and forced labor during the Nazi Regime, is interesting only because it is so rarely included on restitution websites, who chiefly address the return of or compensation for physical objects. It presents very little historical information and is therefore better suited to an audience who is familiar with the issues and is looking for further information, than it would be for a user with little to no knowledge of the subject.

Displaced Persons Commission

29. Displaced Persons Commission. *Memo to America: The DP Story: Final Report of the United States Displaced Persons Commission*. Washington, D.C.: GPO, 1952.

Created by a public law in 1948 and disbanded in 1952, the purpose and mission of the Displaced Persons Commission was to resettle in the United States those displaced people of Post-World War II deemed eligible to be relocated to America. Specifically, the populations included people from Western Germany, Austria, Italy, especially refugees from Venezia Giulia, German expellees, political refugees from behind the Iron Curtain, and miscellaneous displaced and war orphans (page v). In total, the number of people immigrating to the U.S. at this time under the purview of the Displaced Persons Committee was approximately 400,000 individuals.

This is an important resource because it reports the functions and structure of a unique agency, as this was the first time in the history of American Foreign Policy that an

agency was established to see to the resettlement of other country's nationals within our own borders. As the report also makes explicit, this is also a gesture on behalf of American Foreign Policy to make more than monetary and material contributions; aid from many divisions and offices within the U.S. government was necessary to complete this undertaking, including assistance from the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation. Researchers will find that the United States was involved with problems and issues pertaining to World War II long after it had been officially concluded. It also represents the tumultuous and difficult times that followed the war in the lives of the individuals affected by the violence of the war. For many years, individuals and families were not at leisure to address the loss of personal items, such as art, gold, or insurance claims only because they were trying primarily to save or reestablish what remained with them: their lives.

International Documents

30. United Kingdom. *Nazi Gold: Transcript of the London Conference., 2-4 December 1997*. London; Her Majesty's Stationary Office, 1997.

Much like Washington Conference on Holocaust-era Assets (entry 27), the London Conference on Nazi Gold gathers delegations from a number of countries and non-governmental organizations (NGOs), including organizations representing the victims, as well as four banks that handled the gold. The Conference was arranged in order to gather the distributed knowledge about this specific Nazi asset in order to determine where it came from, what happened to it under the Third Reich, as well as how it was distributed and secreted during the Allied Invasion and the post-war occupation. Not surprisingly, the event is also used to address Holocaust restitution issues of a more current nature, related to but not necessarily on the topic of Nazi Gold: the state of affairs

regarding other assets, such as plundered insurance claims and reparations for slave labor wages, is commonly reported by various delegations, as are defensive stances on efforts taken by certain governments during the post-War era to ensure repatriation.

As the only non-United States Governmental resource in this bibliography, this vast amalgamation had to be added because of the sheer amount of information it collects, but also to demonstrate how the issue of Holocaust-era assets continues to affect international policy, as well as international diplomacy. Published after the Eizenstat Report, the positions and tones that the various statements convey are as integral to the intellectual worth of this document as the factual information, as they represent the international attitudes toward the issue of the Holocaust and the Nazi regime.

Presidential Advisory Commission Holocaust Assets

31. United States. Presidential Advisory Commission on Holocaust Assets in the United States. *Plunder & Restitution: the U.S. and Holocaust Victim Assets: Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report*. Washington, D.C.; The Commission: GPO, 2000.

In this resource, the Presidential Advisory Commission on Holocaust Assets in the United States identifies policy initiatives and reports their findings and recommendations of their panel in the course of achieving justice for victims of the Holocaust. While the report specifically addresses domestic governmental bodies, it also provides recommendations for non-governmental institutions with control over such assets, such as private museums and galleries.

Primarily, this resource is valuable for the depth of information it provides on the causes for contemporary restitution, as well as for the recommendations for future actions. Four barriers are identified as problematic to adequate and appropriate restitution: the chaos of post-war Europe, the international legal precedent of restoring

assets to governments rather than to individuals, the escalating costs of involvement in post-war Europe when combined with the U.S. commitment to rebuild and democratize Germany and Austria, and the increasing concerns of the Cold War. They also cite the difficulty of claiming assets through bureaucratic channels, as the governments wanted to be positive that they were returning assets to victims and not to perpetrators.

While the report claims to operate under moral aspirations as well as legal, they admit that there is much work to be done to address past actions that should not have been taken regarding financial assets, such as the payment of lump sums to government relief organizations. Regarding works of art, the panel cites instances already taken by the National Gallery of Art and the Library of Congress to return items. In these cases, provenance revealed potentially problematic means of acquisition and further research and corroboration with victims' heirs confirmed the institution's identification procedures and full restitution was made. As for financial assets, the commission recommendations including dormant accounts as unclaimed property.

This document puts forth a number of solutions yet the truly novel aspect of this resource is the collation of integral information regarding U.S. actions in Europe following World War II. Until now, many of these activities had to be researched in a number of different sources.

32. Presidential Advisory Commission on Holocaust Assets in the United States.

“Resources.” March 31, 2001. <http://www.pcha.gov/>. (Accessed 13 February 2007).

Although this website has not been updated since 2001 it is a valuable resource concerning the measures that were taken to rectify past misappropriations of assets during the Holocaust. It also provides new information for individuals interested in locating

actual works of art or financial assets. The purpose of the Presidential Advisory Commission on Holocaust Assets was to research the looting activity during World War II and the subsequent repercussions this activity has had, up to and including recent litigation and repatriation activities.

The goal of the committee was to recommend a course of action to the United States Government for handling present and future occasions of dispute; now that it has run its course, the information remains available. While slightly outdated, this site is especially helpful in that it includes research into the three major types of looted items: art and cultural objects, gold, and other financial assets. The resource page is selected as the most relevant in the present period of time, six years after the conclusion of the Commission, in that it still has active links to current organizations and litigation proceedings for the restitution of Holocaust-era assets, including information on deadlines, key dates, and contact information for relief agencies and museum research projects.

Provenance Research

33. New York State Banking Department. "New York State Holocaust Claims Processing Office." January 2006. <http://www.claims.state.ny.us/link.htm> (Accessed 13 February 2007).

As an example of a state website specifically created with the purpose of assisting the public in claiming looted art, bank assets, and insurance claims, this resource provides a plethora of information to the researcher. Created as a state government website through New York State, the pages maintain active links to a variety of services relating to Holocaust-Era Assets, such as searchable databases of unclaimed art, contact information for claims organizations, and access to the printable forms that one would need in order to justify a claim.

This website, notwithstanding the flaws in the mapping, which can become confusing due to lack of differentiation in color and font, is important to many audiences with the need for functional information on retrieving assets. It is also a valuable educational tool, as it presents information on the process of and proper methods to retrieve a looted or missing art object or financial claims. However, this website maintains a stronger concentration on art and cultural property, and not as much on bank and insurance assets.

34. National Gallery of Art. "World War II Provenance Research." 2007.<http://www.nga.gov/collection/provfeat.htm>. (Accessed 13 February 2007).

This resource is a visual and textual database maintained by the National Gallery of Art in order to inform the public about provenance research undertaken by the museum as a federal institution and subject to federal law. The database also makes explicit mention of the end product of the provenance research: the repatriation of art objects to their rightful owners.

At this point in time, this database contains nineteen images of art objects, their complete provenance, and their subsequent return to their rightful owners, as well as maintaining links to other helpful resources, such as National Archives in College Park, Maryland, and the Munich Central Collecting Point, where art that had been looted by the Nazis was stored in post-war Europe. Viewers are also referred to a number of print resources, none of them government publications, which provide intellectual background on the actions and issues involved with the looting of Holocaust-era art.

While this website does not maintain a strict concentration on the complex historical information surrounding the repatriation of Nazi-era art, it serves as an example of the proactive and preemptive nature of museum research, particularly concerning

objects in their own collections, before they are accused by outside agencies of having ill-acquired objects in their collections.

Public Law

35. *Holocaust Victims Redress Act*. Public Law 105-158. 13 February 1998. 105th Congress. Washington D.C.: GPO, 1998.

This federal law is an example of an effort made by the United States to rectify the inadequate restitution of World War II-era assets that had been held in their control since the end of the war. It is important to note that this law affects only assets belonging to Holocaust victims, and only to items that are currently in the possession of the United States Government.

Also, the range of materials eligible for restitution is not limited to financial assets: bank deposits, accounts, trusts, and securities are primarily addressed, followed by concerns regarding art objects. Financially, this legislation is created to address incomplete restitution actions or misappropriated funds, such as those monies used to fund relief organizations for Holocaust victims following the war. Regarding works of art, the law complies with the principle of the Hague Convention of 1907, in that all governments should make an effort to return stolen works of art and cultural heritage as long as they are accompanied by “reasonable proof that the claimant is the rightful owner” (p. 4).

The text of the law also makes explicit the reasons for its creation and the purposes it will serve: the law is proposed as a means to strengthen domestic efforts to appropriately return the financial assets and to address the appeals from other governments for the assets, following the international precedent of returning assets to a country’s government rather than the individual, as seen in the report of the Presidential

Advisory Commission on Holocaust Assets (entry 31). The purposes are, of course, justice and the facilitation of international agreement.

As an early law in the sphere of modern Holocaust-era restitution, this law is evidence of the recognition of the U.S. lawmakers for their intercession in an increasingly urgent, international controversy; however, the fact that law only provides guidance for domestic restitution and makes no new statements regarding the restitution of works of art is telling of more research and action to be taken regarding the topic of looted World War II-era assets.

36. *U.S. Holocaust Assets Commission Act of 1998*. Public Law 105-186. 105th Congress. 23 June 1998. Washington D.C.: GPO, 1998.

As the title of this law makes explicit, its purpose is to establish the Presidential Advisory Commission of Holocaust Assets in the United States, the final report of which may be found in citation #37. The Commission has been created to “examine issues pertaining to the disposition of Holocaust-Era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action” (p. 1). The Commission is to present the corpus of knowledge surrounding Holocaust-era assets, how they affect present policy, and how to address them in the present. The goal is to take an informed review of the past in order to inform the present, and the Commission is charged with creating novel solutions, operating with original thought, while completing a comprehensive review of all relevant literature and research.

The document details how members are to be selected: the commission is to be composed of 21 members, most of them appointed by the President. Enumeration of criteria for membership, duties, power is discussed, as are budgetary, appropriation, and employment concerns.

Clearly the creation of a Presidential Advisory Commission to investigate this subject reveals its importance on the National radar of topics worthy of monetary and intellectual assets. The law also reveals that previously practiced means of restitution were inadequate, hence the necessity for new approaches and independent thought.

37. *U.S. Holocaust Assets Commission Act of 1998*. Public Law 106-155. 106th Congress. 9 December 1999. Washington D.C.: GPO, 1999.

A succinct document, this law exists in order to increase the appropriations for the Presidential Advisory Commission of Holocaust Assets in the United States; the amount of money granted to the Commission is to increase from \$3.5 million to \$6 million. Also, the deadline for the final publication was extended by one year, from December 31, 1999 to December 31, 2000.

This information is important to note as it signals the large size of the undertaking of the Presidential Advisory Commission of Holocaust Assets in the United States, both in the amount of time and money that it warrants.

38. *Foreign Relations Authorization Act*. Office of the Federal Register. 107th Cong., 30 September 2002. Public Law 107-228.

As the most recent law passed concerning in part the restitution of Holocaust-era art objects, this resource may be used as a predictive measure for the future actions and issues surrounding this controversy. Surprisingly, restitution receives little attention, considering how hotly debated it was at the turn of the most recent century.

In this resource the topic of looted or misappropriated art objects is raised via the discussion of the restitution of paintings to an artist who had created them during her internment at Auschwitz (Title 6, Subtitle G), and is a minor addition to the lengthy and enumerative document. As the Presidential Advisory Commission on Holocaust Assets

in the United States ceased investigations and actions in 2001, this lack of attention in current legislation may be a sign not that the issue has been resolved, but that the litigation is still in process or being handled by private foundations and research centers, such as those accessible through the New York State Holocaust Claims Processing Office (entry 33).

Treasury Department

39. Treasury Department. Foreign Funds Control. *Administration of the Wartime Financial and Property Controls of the United States Government*. Washington, D.C.: GPO, 1942.

Originally prepared in June 1942 for delegates to the Inter-American Conference on Systems of Economic and Financial Control, which was held in Washington, D.C. on the 30th of June, 1942, this document was made available to the public for those interested in Foreign Funds Control (FFC), including a full description of the basic policy of FFC as it was being exercised by United States forces at this time. FFC is the practice of placing economic and financial constraints upon enemy forces so as to limit their functionality. Closely following U.S. involvement in World War II, the utilization of FFC allows us to understand in the present how mechanization and industrialization influenced the way war was waged and combated: as the document states, “Our goal is to destroy the bomber before it is a bomber, to smash the tank before it is a tank, to eradicate the submarine before it can go to sea” (p. 1).

The document includes sections on methods for defining “aggressor” nations that have transgressed international policy to the extent that they warrant implementation of FFC, as well as the practices taken in order to cut off financial and commercial transactions and how to regulate the international movement of securities and currencies. Also included and of note are the limits that may be placed upon businesses and

individuals, such as the forced sale of assets and actions to be taken by the Office of Alien Property.

It seems that throughout history military engagements must address emergent military technology; this document has significant value as a historical record of the methods of responding to the industrialization of war and its attendant production and communication necessities. It is also valuable as a resource representing the concerns and strategy taken by United States military forces as they entered World War II.

40. U. S. Treasury Department. "Census of Foreign-Owned Assets in the United States." 1945. Section 7. "Foreign Investments in the U.S.," *European Business: Four Centuries of Foreign Expansion*. Ed. Mira Wilkins. New York: Arno Press, 1977. On April 10, 1940, Franklin D. Roosevelt, President of the United States, issued an Executive Order freezing the assets of the nationals of Denmark and Norway, countries that had just been invaded by Germany, followed shortly by Germany, Italy, and eventually the entirety of central Europe (page VII). Pursuant to freezing the assets, a census of the total dollar amount of the assets was taken: it was found that the financial stake of foreign assets, including blocked assets, in the United States was beyond what had been expected, totaling just under eight billion dollars. The complete survey of foreign owned assets served two functions in the United States: it enumerated the assets of each foreign national, including significant facts about said individual, and taken as a whole, the census provided the most complete statistical economic information concerning foreign ownership and assets than had been created up to that date. While the census seems fairly straightforward, the purpose and content allowed the United States to more efficiently analyze the economic impact of war and to create better economic stratagems as we entered World War II (p. 1).

While this document is primarily a financial survey, it serves the researcher of Holocaust-era assets and repatriation by providing an access to the economic standards and practices preceding U.S. involvement in World War II. It is also informative regarding understanding how finance affects war: in this case, the clear picture of foreign-owned assets aided not only in the economic decisions made immediately following Pearl Harbor, but also in relief and reconstruction actions in Europe following the war.

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