

Press release

GOUDSTIKKER: 'AT LONG LAST, JUSTICE'

The Dutch Government decides to restitute hundreds of looted paintings to the heir of Jacques Goudstikker

The Hague, 06 02 2006 – The Dutch government will finally provide a measure of justice to the family of the Jewish art dealer Jacques Goudstikker, who died in May 1940 while fleeing the Nazi invasion. The Under Minister for Education, Culture and Science, Medy van der Laan, has embraced much of the recommendation of the Advisory Committee for Restitution Applications for Items of Cultural Value and the Second World War (or Restitutions Committee), and resolved the largest outstanding claim to Nazi-looted art in the Netherlands by restituting 202 works held by the Dutch government to the heir of Jacques Goudstikker.

The ruling concerns artworks from the historic Goudstikker collection currently in the possession of the Dutch state. The art was looted in 1940 from Goudstikker's gallery by Reichsmarschall Hermann Goering and his cohorts shortly after the invasion of the Netherlands. Following the Nazis' surrender, Allied forces recovered the art treasures in Germany and transferred them to the Dutch government with the intention that they be returned to their rightful owners. But, instead of returning the artworks from the Goudstikker Collection to Goudstikker's wife who sought their recovery in 1946, the works were retained by the Dutch state as part of the National Collection.

A dream come true

'At long last, justice. A dream has come true for me and my daughters, Charlene and Chantal', said Marei von Saher, the widow of Desi and Jacques Goudstikker's only child Edo and sole heir to the Goudstikker legacy. 'Since the government rejected our initial application in 1998, we have waged our battle for justice, and we have finally achieved what sadly eluded my mother-in-law Desi directly after the War. Her mission to restore the legacy of Jacques Goudstikker and recover the property that had been taken from him became mine when she died in 1996. I wish my husband Edo could have been a part of this, but he passed away just five months after his mother. Still, I'm thrilled that Jacques Goudstikker's importance in the pre-War art world is again being acknowledged all over the world. Without the help of committed lawyers, art historians, government officials and friends, we could never have come this far. By uncovering the true Goudstikker story, they have restored to my family a pivotal part of its history.'

'It is a shame that so much time had to pass and so much cost and effort was required before a decision was made to return the paintings', said the Goudstikker lawyers, Prof. mr. Dick Schonis of Baker & McKenzie and Jhr. mr. Roelof van Holthe tot Echten of Oostwaard Lawyers, who have spent eight years fighting for restitution. 'But we're glad an historic error has been corrected and we hope that this important decision will be another step towards the restitution of other paintings belonging to the Goudstikker collection.'

Far-reaching consequences

The van der Laan decision will have far-reaching consequences. It is acknowledged that the Dutch state is obliged to return the Goudstikker artworks. It paves the way for the return of some of the greatest Dutch, Flemish and Italian

paintings from the collections of at least 17 national museums. The Restitutions Committee, which advised Van der Laan, is presided over by former president of the Amsterdam Court of Justice, mr. B.J. Asscher. Professor Schonis and Van Holthe tot Echten stated: 'While we are pleased with the return of the 202 art works, we are disappointed that some of the works claimed by Mrs. Von Saher are not being restituted. We have only in the last hour received the full advice of the Restitution Committee and the decision of the Under Minister of Culture and so we will withhold further comment until we have had an opportunity for thorough review.'

Major international attention

The wrongs underlying the Goudstikker case were exposed between 1996 and 1998 by Dutch investigative journalist Pieter den Hollander, whose research brought to light how the interests of individual victims were often neglected in the post-war restitution of stolen art. The issue attracted major international attention. The Goudstikker story is told in Den Hollander's book 'De zaak Goudstikker' ('The Goudstikker Case'), which was published by Meulenhoff in the Netherlands in 1998.

Numerous investigations launched by the Dutch government since then have confirmed that the Dutch state's handling of post-War restitutions was cold and bureaucratic. As a result, the government created the Restitutions Committee to review claims to art treasures in the government's possession.

International repercussion

The decision in the Goudstikker case will have international repercussions, as extensive efforts are underway to reclaim other looted Goudstikker artworks that have been located throughout Europe, in the United States, and in other countries. Lawrence M. Kaye and Howard N. Spiegler, international art lawyers at Herrick, Feinstein, LLP, based in New York, are spearheading these efforts. A number of Goudstikker artworks have already been restituted by governments, museums, private collections, dealers and auction houses in Austria, England, Germany, Israel and the United States. Some notable examples are a drawing by Edgar Degas, restituted by the Israel Museum in Jerusalem and a still life by the Dutch female 17-th century master painter Rachel Ruysch, which was returned to the family last weekend by the Gemälde Galerie Dresden.

There are more than 1,000 stolen artworks spread all over the globe, and an ongoing international research project to locate the hundreds of artworks still missing was initiated in 2002 and has been led by art recovery specialist Clemens Toussaint. In addition to the artworks already restituted, our research team has located dozens of artworks in museums throughout the world that the family is seeking to recover. The artworks located include two of the most important works from the Goudstikker collection, 'Adam and Eve' by Lucas Cranach the Elder at the Norton Simon Museum in Pasadena, California, as well as a major landscape painting by David Teniers the Younger in the Wallraf – Richartz Museum in Cologne, Germany.

Art Gallery Looted

Jacques Goudstikker died in May 1940, while escaping the Netherlands by ship, leaving almost all his possessions behind. He fell in the hold of ss Bodegraven and broke his neck. His proxy dr. A. Sternheim had died just a few days before and Goudstikker had not yet taken measures to secure the management of his possessions.

Days after Goudstikker fled, Reichsmarschall Goering appeared at the company's doorstep. Under threat of confiscation and over the objections of Goudstikker's widow, he ultimately obtained the entire collection for two million guilders, a fraction of its value, in a sham transaction typical of the 'forced sales' engineered by the Nazis.

In the months following Goudstikker's escape, employees Jan Dik and Arie ten Broek handed the art gallery over to Goering's henchman, the German banker Alois Miedl, receiving a handsome 180,000 guilder reward each. Through a series of shareholder meetings and sham transactions that later proved to have been illegal, Miedl then gained ownership of Goudstikker's remaining assets: the Goudstikker trade name, the art that remained in the collection after Goering's pillaging and the real estate (Nijenrode castle in Breukelen, the Herengracht 458 building in Amsterdam and the country estate Oostermeer in Oudekerk aan de Amstel). Under Goudstikker's internationally renowned name, Miedl established a new art trade, making a fortune during the war by selling paintings to Nazis in Germany, among others. He also sold many works abroad.

A bitter struggle

In a bitter seven-year legal struggle, between 1946 and 1952, Goudstikker's widow Desi tried to regain as much as she could of the family's looted property. A large number of the looted paintings were found in Germany after the war and returned to the Dutch government by the Allies to be handed over to their rightful owners. Because of the wrongful resistance of the Dutch government, Desi was never able to resolve her claim to these artworks.

New facts, new claim

When confronted with newly discovered facts relating to her claim, Goudstikker's daughter-in-law was invited by the Dutch government to file a claim to the artworks looted by Goering. Nevertheless, the government rejected this initial claim. Several years later, the Dutch cabinet commissioned the 'Herkomst Gezocht' ('Origins Unknown') Committee, chaired by Prof. dr. R.E.O. Ekkart, to investigate the case once again. On the basis of policies outlined by this committee, the Restitutions Committee advised in December 2005 that the Goudstikker case had been unjustly handled by the post-War government and that the artworks claimed by Goudstikker's heir should be returned. State Secretary Medy van der Laan has now chosen to heed much of that advice. Thus, sixty years after the War's end, justice is finally done. With this decision behind her, Ms. von Saher has indicated her intention to redouble her efforts to recover stolen Goudstikker artworks wherever they are found. Ms. von Saher adds: 'We hope that the restitution of this wonderful collection will lead governments, museums and other institutions throughout the world to act just as responsibly and promptly and return all Nazi-looted art in their possession.'

Note to the editor:

Prof. mr. H.M.N. Schonis and Jhr. mr. Roelof van Holthe tot Echten will hold a press conference on February 6 at 18:15 hours in Studio Pulchri, Lange Voorhout 15, The Hague. For further information, please contact Roeland van der Heijden, spokesman of Baker McKenzie and Oostwaard lawyers at 020-5517588 or 06-46607031 (mobile) and roeland.vanderheijden@bakernet.com

For further information regarding Ms. von Saher's international claims, contact Herrick, Feinstein LLP, New York: Lawrence M. Kaye at (212) 592-1410 and lkaye@herrick.com
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Visual material:

- Graphic illustration in high resolution are available at an FTP-server:
- <ftp://ftp.have.nl>
- Double click, a box opens, asking name (transfer) and password (hans).

- A window opens with one file, containing 27 images for in total 200 mb.
- Drag it onto your browser window and it will start downloading.
- Estimately 20 minutes for 27 highres images plus a description of the included 4 painting.
- Close the FTP-site.