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## Case Quedlinburg Treasures – Quedlinburg Church and Meador Heirs

*Quedlinburg Church – Joe T. Meador – Germany/Allemagne – United States/États-Unis – Artwork/œuvre d'art – Spoils of war/butins de guerre – Judicial claim/action en justice – Judicial decision/décision judiciaire – Negotiation/négociation – Settlement agreement/accord transactionnel – Criminal offence/infraction pénale – Ownership/propriété – Statute of limitation/prescription – Conditional restitution/restitution sous condition*

*Almost 70 years ago, in the medieval town of Quedlinburg in Nazi Germany, Allied forces were protecting Nazi looted art. After the withdrawal of US troops, the “Quedlinburg Treasures” were found to be missing. This theft was perpetrated by US soldier Joe T. Meador. After his death, the manuscripts passed on to his brother and sister who attempted to sell them. Some manuscripts were purchased by West German entities, whereas the Church of Quedlinburg purchased the rest of the treasures pursuant to a settlement agreement with the Meador Heirs.*

*I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources.*

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## I. Chronology

### Spoils of war

- **April 1945:** A treasure trove of medieval art and artefacts is found by the Allied Forces in a mine, south west of the town of Quedlinburg in Germany, and placed under the guard of the US 87<sup>th</sup> Armored Field Artillery Battalion. It disappears a few days later.<sup>1</sup>
- **June 1945:** Church authorities complain of certain missing artefacts (the “Quedlinburg Treasures”), including a ninth-century illuminated Latin manuscript with a jewel-encrusted cover (the *Samuhel Gospel*), a printed manuscript with jeweled cover dating to 1513 (the *Evangeliar*), and other rare and precious items. The loss of the artworks is investigated by the US Army, but the effort is dropped in 1949, when Quedlinburg becomes part of East Germany.
- **1980:** Joe T. Meador, a former US Army officer who was part of the above-mentioned Battalion, dies. According to his will, which makes no mention of the Quedlinburg treasures, his property is distributed between his sister, Jane Meador Cook, and his brother, Jack Meador.
- **1983-1988:** The Meador Heirs and their lawyer, John S. Torigian, ask various appraisers to evaluate ancient jewelled manuscripts and attempt to sell them, raising doubts and rumours in the world of bibliophiles about the identity of the manuscripts, their provenance and the fact that they might have been stolen at the end of the Second World War. During that period, it notably becomes known that the *Evangeliar* was sold to a West German consortium for \$11.7 million at Sotheby’s in London in 1983.<sup>2</sup>
- **April 1990:** The *Samuhel Gospel* is sold by Torigian (on behalf of an anonymous US seller) to a private German cultural foundation for a so-called finder’s fee of \$3 million.<sup>3</sup>
- **June 1990:** Evidence from interviews with art experts, lawyers and rural neighbours points to Joe T. Meador as the 1945 thief of the Quedlinburg treasure and his identity is disclosed by The New York Times as the “Quedlinburg thief”.<sup>4</sup> The Quedlinburg Church files a civil lawsuit against the Meador Heirs in Whitewright, Texas, seeking return of the rest of the treasures.
- **January 1991:** The parties settle the civil lawsuit.
- **January 1996:** US Government presses criminal charges against the Meador Heirs and their lawyer.<sup>5</sup>
- **22 October 1996:** The criminal suit is dismissed as it is barred by the statute of limitations.
- **13 April 1998:** An appeal from the US Government is dismissed.<sup>6</sup>

<sup>1</sup> William H. Honan, “A Trove of Medieval Art Turns Up in Texas,” The New York Times, June 14, 1990, accessed on October 17, 2015, <http://www.nytimes.com/1990/06/14/arts/a-trove-of-medieval-art-turns-up-in-texas.html>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> William H. Honan, “Letters Show Thief Knew Value of the Quedlinburg Treasures”, The New York Times, September 3, 1994, accessed on February 10, 2016, <http://www.nytimes.com/1994/09/03/arts/letters-show-thief-knew-value-of-the-qedlinburg-treasures.html>.

<sup>5</sup> *United States v. Meador*, 138 F.3d 386 (5th Cir 1998).

<sup>6</sup> Ibid.

- **20 April 2000:** The Meador Heirs settle a tax claim from the US Internal Revenue Service<sup>7</sup>.

## II. Dispute Resolution Process

### Judicial claim – Judicial decision – Negotiation – Settlement agreement

- The Church filed a civil lawsuit against the Meador Heirs in Whitewright, Texas, seeking return of the Quedlinburg treasures not already back in Germany.
- On 7 January 1991, the parties announced in London that they had reached an agreement for the return of the treasures to Quedlinburg. Subsequently, the US Government began investigating the transactions concerning the *Samuhel Gospel* and *Evangeliar* manuscripts. This led to criminal accusations against the Meador Heirs and their lawyer, which were dismissed by the District Court for the Eastern District of Texas.
- “After the dismissal of the criminal case, the Internal Revenue Service announced it was seeking \$8.6 million in federal taxes, \$2.1 million in penalties, and more than \$40 million in interest from the estate. The Meadors eventually settled the case on 20 April 2000 by agreeing to pay only \$135,000”.<sup>8</sup>

## III. Legal Issues

### Criminal offence – Ownership – Statute of limitation

- It appears that the ownership of the Quedlinburg treasures was disputed in the case between the Church and the Meador Heirs. However, it seems clear that the artefacts were stolen in 1945 by Joe T. Meador while on duty in Quedlinburg.<sup>9</sup> Since under US law, no one can gain title to property that is not his own, the issue of ownership should not have posed too much difficulty had the litigation between the Church and the Meador Heirs gone to trial. However, “since the statute of limitations in Texas [for civil claims] is only two years, state law clearly favored the Meadors’ claim. For that reason, both sides pursued a negotiated settlement”.<sup>10</sup>
- After this settlement, the US Government began investigating the transactions concerning the *Samuhel Gospel* and *Evangeliar* manuscripts and, on 4 January 1996, the grand jury indicted the Meador Heirs and their lawyer John S. Torigian for conspiring to receive, possess, conceal, store, barter, sell and dispose of stolen goods and for receiving, possessing, concealing, storing, bartering, selling and disposition of stolen goods.<sup>11</sup>

<sup>7</sup> Emily J. Sano. “Quedlinburg Art Affair,” in *Handbook of Texas Online*, Texas State Historical Association, accessed on October 17, 2015, <https://tshaonline.org/handbook/online/articles/kjqem>.

<sup>8</sup> Ibid.

<sup>9</sup> *United States v. Meador*.

<sup>10</sup> Sano, “Quedlinburg Art Affair”.

<sup>11</sup> *United States v. Meador*.

- The defendants also moved to dismiss the indictment alleging it was barred by the statute of limitations. Indeed, the question in this case was whether the Meador Heirs' and their lawyer's indictment was saved by the exception to the statute of limitations granted by Congress to pursue evidence in foreign nations.<sup>12</sup>
- According to the *United States Code* (18 U.S.C. § 3292(b)), the statute of limitations can be suspended to allow the US to request and obtain evidence from abroad. Since the United States had requested evidence from Germany, they pleaded that such a suspension applied. The suspension period ends "on the date on which the foreign court or authority takes final action on the request". The term "final action" was defined in the case of *United States v. Bischel*,<sup>13</sup> where it was held that it means not only that a dispositive response has been given but the foreign government must also believe that it has taken a "final action" on the engagement and conveyed it to the United States.<sup>14</sup>
- The District Court for the Eastern District of Texas held that when a foreign government regards its efforts to satisfy an "official request" by the United States government as complete and communicates that fact to the United States government, it takes "final action" for the purposes of 18 U.S.C. § 3292(b), regardless of whether the foreign government's closing of the matter proves in time to have been incorrect.
- In this case, the District Court concluded that an 27 October 1995 letter by the German government stating that it had "completely satisfied" the government's official request and considered its "function to be concluded" was a dispositive response that constituted a "final action" for the purposes of 18 U.S.C. § 3292(b).<sup>15</sup> Therefore, the statute of limitation had continued to run from that date. Taking the suspension into account, the District Court held that United States filed its action too late and granted the dismissal on 22 October 1996. The decision of the District Court was appealed by the United States in the Court of Appeals, 5<sup>th</sup> Circuit. On 13 April 1998, the Court of Appeals affirmed the dismissal of the felony indictments and held that the lower court has properly calculated the time period under the statute of limitations.<sup>16</sup>

#### IV. Adopted Solution

##### Conditional restitution

- In 1991, an out-of-court settlement between the Church and the Meador Heirs led to the restitution of the treasures to Quedlinburg in exchange for a \$2.75 million payment from Germany to the Meador Heirs. Since the Quedlinburg treasures were clearly stolen by Joe Meador in 1945, the Meador Heirs never acquired ownership; as such, the adopted solution should be seen as a conditional restitution rather than a sale or repurchase.

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<sup>12</sup> *United States v. Meador*.

<sup>13</sup> *United States v. Bischel*, 95 Cal. Daily Op. Serv. 6172.

<sup>14</sup> *United States v. Meador*.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

- The settlement also led to the exhibition of the treasures at the Dallas Museum of Art before they were returned to Germany. The next year they were exhibited at the State Museum for Decorative Arts in Berlin, and in September 1993 they were finally returned to Quedlinburg.<sup>17</sup>

## V. Comment

- The theft of medieval art from the town of Quedlinburg and particularly from the Quedlinburg Church, shows that the displacement and illegal movement of art, artefacts and other valuable pieces was not just one way traffic. Of course, the Nazis were responsible for most of the illegal movement, but this case goes to show that the Allied forces moved valuable artwork from their countries of origin surreptitiously.
- For instance, it is estimated that Soviets took more than 2.5 million cultural objects from Germany to the USSR<sup>18</sup> during the Second World War. These objects were held in secret until the collapse of the Soviet Union in 1991, when it became known that secret depositories for “trophy art” (as known in Russia) existed. European countries started to claim the restitution of their cultural property. However, Russia enacted in 1998 the *Federal Law on Cultural Valuables Displaced to the USSR as a Result of the Second World War and Located on the Territory of the Russian Federation* “justifying and virtually nationalizing the Russian spoils of war”<sup>19</sup> and rendering very difficult the restitution of said “trophy art”. This law has been vehemently criticized at the international level for conflicting with multiple international conventions, United Nations and UNESCO resolutions and bilateral agreements calling for the restitution of plundered cultural treasures to their countries of origin.
- Still today, Germany and Russia remain in dispute over whether works of art taken by Soviet forces in the war should be returned to Germany. Notably, in June 2013, during a visit to St-Petersburg, Angela Merkel criticized an exhibition at the Hermitage Museum that featuring art looted from Germany by the USSR. President Putin said that the issue is very sensitive. Both sides expressed that they will continue to talk to resolve the issue.<sup>20</sup>

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<sup>17</sup> Honan, “Letters Show Thief Knew Value of the Quedlinburg Treasures”.

<sup>18</sup> Pierre d’Argent, “La loi russe sur les biens culturels transférés (*Beutekunst*, agression, réparations et contre-mesures),” *Annuaire français de droit international*, vol. 44, 1998, p. 117.

<sup>19</sup> Patricia Kennedy Grimsted, “Legalizing ‘Compensation’ and the Spoils of War: The Russian Law on Displaced Cultural Valuables and the Manipulation of Historical Memory,” *International Journal of Cultural Property*, 2010, vol. 17, p. 218.

<sup>20</sup> “Merkel and Putin View Exhibition of Disputed Art.” *BBC News*, June 21, 2013, accessed on April 11, 2016.

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