

31	Calcalist Sunday, 12 Heshvan 5773 / October 28, 2012
The Picture on the Wall	
 A portrait of Lawrence Kaye, a man with a beard and glasses, wearing a dark suit and a patterned tie, standing in front of a window with blinds.	
Lawrence Kaye: “We had much greater success in Europe – especially in Germany. They are more sensitive to what happened. American museums say: too much time has passed.”	
Search the fading family albums for a photo of the living room of the house in Europe before the Second World War. Is there a work of art in the background? Lawrence Kaye, a New York lawyer who specializes in recovering stolen art works, tells Calcalist about the long road to proving ownership, but also about successes worth tens of millions of dollars.	
Tali Shamir, New York	
<p>Marei von Saher, a former figure skater, had no idea that she was heir to one of the largest art collections in the world, until she heard about it from a Dutch journalist in 1997. The conversation led her to an exhausting legal campaign, which reached its peak after ten years and is known as one of the largest law suits in history to recover art stolen by the Nazis.</p> <p>“Von Saher is the heir of Jacques Goudstikker, who was the leading Jewish art dealer in the Netherlands,” Lawrence (Larry) Kaye says in an interview to <i>Calcalist</i>. Kaye, who represents von Saher, is one of the world’s top lawyers in the field of recovering artworks.</p>	
 A painting by Jan van der Heyden, depicting a landscape with a large building, possibly a church or a palace, and a body of water in the foreground.	
Painting by Jan van der Heyden from the Goudstikker collection	
“Goudstikker fled from the Nazis at the last minute, in May 1940, with his wife and two year old son. He died on the boat in a	

terrible accident,” Kaye continues. “He went out to smoke, fell down a shaft and broke his neck.” His widow and son reached Canada, and then the United States, while the art collection they left behind was confiscated by Hermann Göring. They both died shortly before von Saher, the son’s wife, a native of Germany who is not Jewish, traveled to the Netherlands to return the family art works – many of which were in Dutch museums.

“At the end of the war, the Allies saved many artworks, but because it was complicated to return them directly to the individuals who had lost them, they were returned to their countries,” Kaye explains. This evening he will participate in a panel on recovering artworks stolen by the Nazis, sponsored by Christie’s auction house at the Tel Aviv Museum. “That is how the Netherlands found itself with such a large collection. Only in 2002 did they say, ‘Okay, you are invited to ask us for works stolen by the Nazis.’”

In 2006, after a difficult legal battle, 202 old master artworks were returned to von Saher, including prime paintings by artists such as Anthony van Dyck, Giovanni Bellini, Filippino Lippi, and Claude Lorrain. She sold some of the works for tens of millions of dollars. But in an interview with *The New York Times*, von Saher explained that she did not do it for the money, but for the memory of her father in law. Kaye and his associates continue to assist her to complete the collection, with works that occasionally surface at art dealers, in museums, and in private collections.

“Some call it ‘Holocaust industry,’ and argue that people do it only for the money,” says Kaye during our conversation, held at the leading law office Herrick, Feinstein LLP in New York. Kaye is a partner in the firm and joint chairman of its art department. “It’s true that there’s a lot of money involved here, because this is art that was stolen seventy years ago, and its value has increased greatly. But the only reason it hasn’t been with the families for all these years is the fact that it was stolen by the greatest criminals ever in human history.”

How many stolen artworks are there?

“It’s difficult to say. We don’t know what was destroyed and what was hidden, but they say that hundreds of thousands of artworks disappeared during the Holocaust and were never found.”

Drugs, Weapons, and Art

Stolen art, says Kaye, “is the third largest form of illegal commerce, after drugs and weapons,” and he defines the Holocaust as “the largest property displacement event in history.”

The incident that brought Kaye into the field of stolen artwork is actually a famous one, of two portraits painted by Albrecht Dürer that were stolen by an American soldier from the Germans – from the collection of the Weimar museum. “This was in 1969, when I was a law student,” he recalls. “I was working as a clerk in a different law firm. The case was debated for some fifteen years, and in the meantime, I was made a partner. When we finally won, in 1983, the story made the first page of *The New York Times*.”

In his next big case, he represented Turkey, assisting it to recover ancient artifacts that had been stolen and sold to the Metropolitan Museum of New York. Only after this did he come to deals for recovering artworks stolen during the Holocaust. “Very little was done in this field after the war. The people who suffered in the Holocaust did not want to talk about it. They were too busy rehabilitating their lives,” he says. “But in the mid-nineties, the Holocaust was ‘rediscovered’ in a certain sense. During that period, several books on lost property were published – one of them was *The Rape of Europa* by Lynn Nicholas. This book, which

documented art in Europe and indicated where it was discovered, made people think.”

Struggle and Obsolescence

Recovering artworks stolen by the Nazis is a long and complex process, paved with failures and various bizarre bureaucratic ruses. “It’s very difficult to prove ownership of an artwork,” Kaye explains. “We’ve had cases in which we succeeded in proving ownership only because the heirs had a photograph of their ancestors’ living room, with the famous painting hanging above the sofa.” In addition, he explains, because although many countries agreed in 1998 not to invoke the laws of obsolescence in the case of property stolen by the Nazis – many of them do not implement this in reality.

“A claim submitted by the heirs of a Jew named Fritz Greenbaum, who died in the Holocaust and whose art was stolen, was recently thrown out of court in New York, because they decided that the heirs did not search for the art quickly enough,” Kaye relates.

The case he began to work on in the mid-nineties, to recover “Portrait of Wally” by Egon Schiele, was resolved only in 2010. After several failed attempts to recover it, the case ended with a settlement of nineteen million dollars, paid to the heirs of Austrian art dealer Lea Bondi. Another case of Kaye’s has been debated in the California court for eight years. “The American museums fight very hard,” he says with a note of frustration. “We’ve had much greater success in Europe – especially in Germany. They are more sensitive to what happened. American museums view it more from a distance, and say, too much time has passed. It’s a struggle, but as long as there are heroic and persistent heirs of individuals who lost their lives and their artworks in the Holocaust, this struggle will continue.”