

The Return of Art from War

This case untangling the ownership of two stolen Dürer paintings is an excellent example of the complexity of art looted during conflict.

BY THOMAS J. SHAW



Portraits of Hans and Felicitas Tucher by Albrecht Dürer. Image from Wikimedia Commons. Image source: Sotheby's.

The U.S. Army recently designated a new unit tasked with protecting cultural property endangered by war. This is a descendant of a similar unit created during World War II, when civilian cultural organizations pushed the Roosevelt administration to set up a government-led commission to protect art and other cultural assets in Europe and Asia.

The commission helped establish the Monument, Fine Arts, and Archives program, as part of the War Department, whose officers followed combat troops into liberated conflict zones to locate, preserve, and return cultural assets and to steer bombing runs around such targets. The 2014 movie "Monuments Men" illustrated the activities of this group.

During WWII, artistic treasures were taken by both governments and individuals. Government seizures ranged from items stolen by Nazi Germany and Imperial Japan as conquerors to confiscations by the Soviet Union as compensation

for damage caused by the invasion and destruction in its territories. Illegal seizures by individuals, from bureaucrats to soldiers, often led to trials after the war seeking return to their prewar owners.

THE PAINTINGS

One fascinating case involved two 1499 paintings by German artist Albrecht Dürer. These paintings, portraits of Hans and Felicitas Tucher (bit.ly/35KJ0dH), were allegedly stolen from secure storage inside a German castle in Thuringia by an American soldier, described as a Princeton graduate with a strong interest in art. The paintings went missing in mid-1945, just as the U.S. military occupation of that area was ending and being turned over to the Soviet Union.

The unsigned paintings were purchased in 1946 in New York for \$450 by a lawyer who owned a significant art collection. He claimed to not know of their provenance, displaying these paintings in his home for 20 years. In

1966, he finally became aware of their significance and the art world became aware of their location. The West and East German governments both claimed ownership and sued for the return of the paintings.

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The German governments asserted that, under New York law, even a bona fide purchaser of stolen property can't acquire good title. In addition to these governments, the prior private owner, the hereditary grand duchess of