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O C en W

Ministry of Education Culture and Science
State Secretary Mr. R van der Ploeg
P.O. Box 25000
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The Netherlands

Your ref: DCE-00/32441

Amsterdam September 8, 2000

Cc. Prime minister Wim Kok
Cc. World Jewish Congress
Cc. Commission for Looted Art in Europe
Cc. Ekkart Committee

Dear Mr. van der Ploeg,

Thank you for your letter on behalf of the Prime Minister of the Netherlands, Mr. Wim Kok dated August 22, 2000 which was received on August 23, 2000.

We understood from your letter and the information given by you that you are still waiting for one commission to come in, the Ekkart Commission on cultural valuables.

However we feel you missed the point of our letter.
Opposed to the Governments approach in legalistic and serious moral claims which are recognizable in any of the other European countries, like France, Germany and Austria, the Dutch are far behind displaying a careless attitude. The rest of the world is coming to realize this in a way that is more and more embarrassing.

Let us go over some key points with you:

1. The museum research in Europe and America according to the AAMD and NMDC guidelines requires research on all items acquired since 1933 with the particular focus emphasizing on provenance between 1933-1945. The reason for this, is quite obvious the Nazis came to power in 1933 and confiscation started immediately. Many works of art returned after they were taken from the previous owners or claimants in the middle or late 30's, so the period the Dutch are applying 1940-48 is different as to what other countries generally seem to have accepted as an appropriate time period.

Secondly the issue relating to the three individuals who wrote you this letter are as much an ethical and a moral issue as they are a legal claim. That is the way the rest of the world is approaching this matter with only Holland continuing to rely on red tape and legalisms, none of the commissions which you cited have appropriately dealt with these matters and indeed they appeared to have avoided the moral and ethical issues involved here.

In the Gutmann case, when Nazi Germany invaded the Netherlands, the Proehl & Gutmann Bank next door to Jacques Goudstikker was aryanized by the Düsseldorf Branch Max Bardoff and liquidated because of the Jewish connection. The ICN recently spent two years trying to find out why they were still in possession of some 9 paintings that their research showed belonged to the Gutmann family. Last month they were delighted to announce they had found the reason: the Gutmann Family had refused to "buy back" these paintings! Your reasoning behind this "sale offer" was that as the paintings had been part of a "forced sale" to Haberstock & Boehler that as the funds to pay these paintings had probably been stolen from the Dutch Treasury, the Gutmann Family should be obliged to pay the Dutch Government back for them! Inappropriate apply of legalism H 251. The Dutch Government did not take in account the fact that the purchase funds came from a private Nazi dealer; that this money was placed in a trust as Fritz Gutmann, being a Jew was unable to have a bank account. As the war drew to a close, the German overseer took the Gutmann funds looted the accounts and disappeared.

In the Goudstikker Case, you recognize that 200 or more paintings which belonged to the Goudstikker collection are now a major part of the Dutch State Art Collection. These paintings which had been "purchased" by Goering immediately upon his invasion of Amsterdam in May 1940 were returned to the Netherlands by the Allies. The Government recognizes that the "purchase" was a sham transaction. When Goudstikker's widow returned after the war to collect her family's assets, the government negotiated with her for seven years, ultimately entering into a partial "settlement". Which resulted in the Dutch retaining control of the collection. When the case was reopened by the Goudstikker Heirs in 1997, an extended negotiation and lawsuit ensued; the Dutch government's perspective was strikingly similar to that displayed the early-Post War years. The decision of the Court of Appeal related only to its incompetence to rule and turned on the timeliness of our claim and the validity of the prior waiver and the case was dismissed. The Government failed not withstanding your appraised Ekkart commission and relies on red tape and avoidance to deal with this issue appropriate.

In the Koenigs matter, it is quite clear that the Dutch Government has an inferior claim to the drawings and paintings sold to Hitler and Goering, then the Koenigs families claim. The facts are plain and simple. Franz Koenigs art was taken from him, 30 days before the invasion of the Netherlands by the German armies, for a fraction of the arts real value. He lost his art without question because of the economic and military destruction caused by the rise of Hitler and the invading Nazi armies. Ultimately the greatest advantage and benefit was taken the most from the pillage of the Koenigs collection by the van Beuningen family, the foundation of the Boijmans van Beuningen Museum, the Museum Boijmans van Beuningen and the Russians who hold some 500 drawings in Russia. The Dutch Government is queuing since for the advantage and benefit. This is wrong and should be corrected in an appropriate way, without the continuing stone walling and avoidance of these moral and ethical issues.

Your letter therefore was a great disappointment to us in not directly dealing with any of these issues. Moreover the Museum Self Research is not searching the NK collection (where

most of our art is kept) and the Ekkart committee is excluding the Koenigs and Goudstikker collection.

We present equal moral issues which some time the Government of the Netherlands will have to face up to, as other Governments have.

Guttman, Goudstikker, Koenigs