

The Theft of the Herzog Art Collection: The Holocaust in Hungary and the Road to Restitution

By M. Elisabeth Conroy

"With Hitler's death and the end of the war came the end of the Third Reich. In twelve years—not the thousand that the Führer had predicted—as many works of art were displaced, transported, and stolen as during the entire Thirty Years War or all the Napoleonic Wars."¹

I. Introduction

In a short span of nine months, the nation of Hungary collaborated with the Nazi Regime in the mass murder of half a million of its Jewish citizenry. During the period leading up to World War II, Hungary enacted laws targeting Jews, depriving them of jobs, property, and fundamental rights. In 1944, Hungary sent 437,000 Jewish individuals to Auschwitz-Birkenau with 400,000 dying in the gas chambers upon arrival.² Throughout the course of this genocide, the Hungarian government acted in concert with the Nazis in their efforts to plunder jewelry, money, furniture, and art from its Jewish citizens. Today, years after this blight on the Republic of Hungary, the nation continues to deny Holocaust victims their rightful claims to property.

On September 1, 2011 Judge Ellen Segal Huvelle announced that Hungary's reprehensible behavior would no longer be condoned in a post-World War II era. A long-awaited ruling now allows heirs of Holocaust victims to sue the Republic of Hungary. The ruling further stipulates that Hungary and its state-owned museums are no longer immune from United States jurisdiction under the United States Foreign Sovereign Immunities Act.³ This landmark decision, along with the 2010 *Portrait of Wally* ruling, leads one to speculate whether additional outcomes will prove favorable for Jewish heirs bringing Holocaust-era art restitution claims in the United States.⁴

II. Hungary's Role in the Holocaust

Hungary's 1941 pre-Holocaust census counted 725,007 Jewish people and identified nearly 100,000 Jews who had converted to Christianity living in Hungary.⁵ Hungary's Jewish population is credited as being a major contributor to the country's capital development, modernization, and emergence of civil society.⁶ In business, finance and trade, and among doctors and attorneys, the Jewish population was represented at a rate 10 times higher than other Hungarian citizens.⁷ This level of Jewish concentration in the upper echelons of society was unprecedented in Europe.⁸ Given the amount of wealth and property in the hands of Hungarian Jews, it is not a surprise that Hungary began preparing for the "nationalization" of Jewish wealth prior to the introduction of Jewish laws and German occupation.⁹

Anti-Semitism was prevalent in Hungary even before the advent of World War II. Throughout the 1920s, various chambers of commerce restricted access to Jews; university fraternities prohibited Jewish students; and professional organizations created registers of non-Jewish individuals to "purify" various professions.¹⁰ Between 1938 and 1942, Hungary enacted legislation that significantly reduced the number of Jews in professions and industry.¹¹ These laws stripped Jews of their licenses to practice medicine, law, or engineering, and even confiscated licenses to sell liquor, or goods at the market.¹² By the end of 1942, roughly 220,000 Hungarian Jews had been deprived of their livelihood.¹³ Furthermore, Hungary also conscripted Jewish men to fight on the Eastern Front during this time. Approximately 10,000 Jewish soldiers were captured by the Red Army in 1943, while 15,000 Jews lost their lives during the forced military service.¹⁴

On March 19, 1944, Germany occupied Hungary. Hungary eagerly began to work in concert with Germany to seize the wealth and valuables of the Hungarian Jewish citizens. Several government agencies were created to handle Jewish affairs, the most noteworthy being the Government Commissioner's Office for the Registration and Preservation of the Confiscated Works of Art of the Jews.¹⁵ The agency head was Dénes Csánsky, a painter and director of the Museum of Fine Arts.¹⁶ He assumed responsibility for locating Jewish-owned works of art, coordinating appraisal and storage, and making placement recommendations.¹⁷ In May 1944, the Hungarian government issued Decree 1830/1944, ordering Jews to register all art objects including "paintings, statues, carvings, folk art, and decorative art objects (such as carpets, furniture, glass, ceramic or porcelain objects), archaeological and prehistoric finds, as well as mineral collections, or book and archive valuables."¹⁸ Since the looting process was orchestrated by the state, the Germans did not significantly benefit from Jewish property seizures in Hungary.¹⁹ However, the German forces occupied luxury homes formerly owned by wealthy Hungarian Jews and routinely plundered carpets, paintings, or tapestries for themselves.²⁰

III. De Csepel v. Republic of Hungary

Among the wealthiest of the Hungarian Jews was Baron Mór Lipót Herzog, a Jewish art collector who lived

in Hungary prior to World War II. Baron Herzog's family rented land in Macedonia, where they operated tobacco plantations, which resulted in a near monopoly of the tobacco industry in Hungary.²¹ The ensuing wealth allowed Baron Herzog to purchase any work of art, regardless of price.²² Consequently, throughout his life he amassed an impressive collection of over 2,000 paintings, sculptures, and other works.²³ Upon Baron Herzog's death in 1934, his collection was maintained by his wife and then divided among their three children, Erzsebet, Istvan, and Andras²⁴ following her death.²⁵

The Herzog collection is one of the largest art collections in Hungary and considered one of Europe's greatest private collections, comparable to the Frick Collection in New York and the Wallace Collection in London.²⁶ Boasting a wealth of Old Masters, Renaissance furniture, tapestries, sculptures, and decorative arts, it numbered 2,500 pieces at the pinnacle of its existence.²⁷ Some noteworthy pieces included El Greco's *The Agony in the Garden*, Francisco de Zurbaran's Seventeenth Century portrait of *St. Andrew*, and *The Annunciation to Joachim* by Lucas Cranach the Elder.²⁸ Artists such as van Dyck, Gustave Courbet, Camille Corot, Renoir, Monet, Degas, Velazquez, and Frans Hals were also part of the Herzog Collection.²⁹

When the Germans invaded Hungary, the Herzog children hid their art in the cellar of one of the family factories in Budafok.³⁰ Unfortunately, the Hungarian government and Nazi collaborators discovered the hiding place and inventoried the collection as it was removed from the cellar's chests.³¹ The Herzog collection was then transported to Adolf Eichmann's headquarters at the Majestic Hotel in Budapest.³² At the hotel, Eichmann inspected the artwork and earmarked pieces to send to Germany.³³ The remaining works of art were kept by the Museum of Fine Arts.³⁴ Today it is estimated that over 40 works of art are wrongfully possessed by the Museum of Fine Arts in Budapest, the Hungarian National Gallery, the Museum of Applied Arts in Budapest, and the Budapest University of Technology and Economics.³⁵ The aggregate value of the artwork is estimated to be worth in excess of \$100 million.³⁶

At the end of World War II, in the late 1940s, the Herzog family was unable to find out very much information regarding the state of its collection from the communist regime then ruling Hungary.³⁷ Even if the Herzogs had learned the location of their artwork, it would have been futile; Holocaust survivors making a claim for property stolen during the war would not have been given a fair trial by a dictatorship that did not recognize individual property rights.³⁸

After the fall of communism in 1989, Hungary's government became more transparent to the West. This major political development finally allowed the Herzog family to investigate the whereabouts of the missing pieces of the Herzog Collection.³⁹ They shockingly discovered

that many of the pieces were featured in the collections of the Hungarian National Gallery and the Museum of Fine Arts in Budapest.⁴⁰ The paintings were labeled with tags stating they originated "From the Herzog Collection"; however, when the family demanded their return, the Hungarian government denied the requests despite acknowledging Herzog ownership.⁴¹

After years of failed attempts to recover the stolen works, Martha Nierenberg filed suit against the state of Hungary in the Hungarian courts in October 1999 for 12 paintings that belonged to her mother, Erzsebet.⁴² One of the paintings was returned by Hungary, without explanation, but litigation continued regarding the remaining 11.⁴³ Initially, the lower court ruled that all paintings less one should be returned to Ms. Nierenberg. The court concluded the defendants had not acquired ownership of the paintings through the 1954 Museum Decree.⁴⁴ After the Hungarian government appealed the decision, the Supreme Court remanded the case for the lower court to decide whether the defendants owned the paintings as a result of the 1973 Agreement between the United States of America and the Hungarian People's Republic Regarding the Settlement of Claims Agreement (the 1973 Agreement).⁴⁵

The 1973 Agreement was struck on March 6, 1973. Under the terms of the agreement, Hungary paid the United States a lump sum of \$18,900,000 to discharge all U.S. claims against the government and people of Hungary.⁴⁶

In Hungary's final decision issued in January 2008, the government maintained that the 1973 Agreement barred a return of the work since the United States already awarded Ms. Nierenberg's mother compensation from the Foreign Claims Settlement Commission.⁴⁷ The court further stated that Hungary had achieved ownership status of the paintings through adverse possession.⁴⁸

Despite the fact that the court found the 1973 Agreement to bar Ms. Nierenberg's claim, in actuality it did not. Agnes Peresztegi, lawyer and European Director of the Commission for Art Recovery, a nonprofit organization which helps victims of Nazi art looting, explains that "the Herzog family had received some compensation from the U.S. government, not from Hungary. The 1973 claims agreement did not cover her claim."⁴⁹ In fact, Erzsebet Weiss de Csepel received only \$210,000 for artwork and property taken from her.⁵⁰ Thus, the award from the Foreign Claims Settlement Commission consisted of a small portion of what was owed to her and did not include property restitution.⁵¹

Throughout the litigation, U.S. senators intervened on behalf of the Herzog heirs, sending letters and pleading with the Hungarian government. Senators Hillary Clinton, Christopher Dodd, Frank Lautenberg, and the late Edward Kennedy were among those who assisted Mar-

tha Nierenberg in her fight for a portion of the Herzog Collection.⁵²

Despite the major setbacks, the Herzog family persisted in its efforts to seek justice, and in July 2010 brought suit in the United States against Hungary, the Hungarian National Gallery, the Museum of Fine Arts, the Museum of Applied Arts, and the Budapest University of Technology and Economics.⁵³ The claim demanded the return of more than 40 artworks that remain in Hungarian cultural institutions and asked the Hungarian government for a list of all the Herzog family artwork.⁵⁴

In a monumental decision on September 1, 2011, Judge Ellen Segal Huvelle in the United States District Court for the District of Columbia held that Hungary and its state-owned institutions were not immune from the jurisdiction of United States courts.⁵⁵ Judge Huvelle dismissed the Herzog family's claim related to the 11 paintings which were the subject of litigation in Hungary prior to the case shifting to the U.S. court system.⁵⁶ The claim was dismissed on the basis of the doctrine of international comity, giving the decision of the Hungarian court effect in the U.S., since the foreign judgment was not in contrast to crucial public policy.⁵⁷

IV. Hungary's Restitution Efforts Post-World War II

In December 1998, the U.S. Department of State and the United States Holocaust Memorial Museum co-hosted the 1998 Washington Conference on Holocaust-Era Assets. The conference recognized the theft of cultural objects in the course of "ethnic cleansing" and genocide as crimes against humanity, and produced a set of principles calling for the identification of Nazi loot, the opening of archives, the establishment of a central registry for displaced property, and other measures to encourage claims by original owners and heirs and to provide a just and fair resolution of claims.⁵⁸ Hungary pledged its full commitment to the conference's principles: agreeing to the restoration of art to Holocaust victims and heirs; discussing the creation of a database listing the 60,000 works of art stolen during World War II; and stating that it would appoint a commissioner to oversee the art restitution process.⁵⁹

Furthermore, Hungarian delegates subsequently attended the Vilnius International Forum on Holocaust-Era Looted Assets in October 2000. This conference sought to implement the principles laid forth at the Washington Conference on Nazi-Confiscated Art and to hold periodic international meetings at which experts could exchange views on experiences with the implementation of the Washington Principles.⁶⁰ At the Vilnius International Forum on Holocaust-Era Looted Assets, Hungary was the only country singled out for its non-compliance with international norms.⁶¹

In June 2009, the Czech Republic held the Prague Holocaust Era Assets Conference, which produced the Terezin Declaration.⁶² It was noted at the Prague Conference that Hungary had last been applauded for its restitution efforts 10 years earlier in 1998.⁶³ Since then, Hungary had not taken responsibility for its past, nor had it made a meaningful effort to comply with the Washington Principles.⁶⁴ Hungary was in the lowest of the categories, among the countries that did not "appear to have made significant progress."⁶⁵

Since the fall of communism, the successive Hungarian administration has not negotiated in good faith with Holocaust victims and heirs, has denied ownership to claimants, and has engaged in expensive and lengthy lawsuits.⁶⁶ Hungarian courts have consistently upheld unlawful takings and have essentially "renationalized Holocaust era looted artworks."⁶⁷ Hungary continues to ignore its obligations by not abiding to the principles to which it subscribed with the Washington Principles, the Terezin Declaration, or the resolutions of the European Council.

Despite the promises Hungary has made in the past 15 years at various conferences on Holocaust-era looted art, it still has not set up a historical commission or appointed a commissioner to investigate Hungary's role and participation in the extermination of its own Jewish citizens.⁶⁸ It continues to avoid provenance research in its cultural institutions and most importantly, although a few works of art have been returned, nothing of significance has been restored to the Hungarian Jews who persistently fight to have their property restored.⁶⁹ Today, Hungarian museums still hold several hundred works of art that were acquired under ambiguous circumstances.⁷⁰ This figure includes artwork that was stolen from Jewish victims of the Holocaust. The Hungarian courts have shown outright hostility toward claims for artwork, continue to have no laws or procedures for restitution, and intimidate claimants with litigation costs, delays, technical defenses, and negative publicity.⁷¹

While Hungary has offered compensation for persecution and certain types of property, it still has not enacted any laws regarding art restitution. The property law that Hungary did enact, restoring property to original owners, was not designed to extend to cultural property, as the government contends that the complexities associated with the valuation of artwork would be too great.⁷² However, this is a problem that can be overcome. In light of the Hungarian government's establishment of the Commissioner's Office for the Registration and Preservation of the Confiscated Works of Art of the Jews during World War II, it would be just as simple for the government to create another commission to ensure that the works taken from Jewish owners are rightfully returned.

V. Policy Implications for Future Holocaust-Era Looted Art Restitution Cases in the United States

The ruling of the U.S. District Court in Washington will have a significant effect on future litigants who seek to have looted Holocaust art returned. Since Judge Huvelle rejected Hungary's immunity claim under the United States Foreign Sovereign Immunities Act, the ruling has paved the way for other countries to face similar treatment if presented with a suit in the United States. As the court observed that Hungary had stripped Jews of their citizenship rights during the Holocaust, it found that the state's property theft constituted an international law violation.⁷³

As the case enters the discovery phase, Hungary will be required to open up government and museum records. This will mark the first time Hungary is forced to thoroughly investigate its role in the looting of artwork since the Holocaust. Equally important, the court mandated that the property claim be decided on the merits of the case. The court, therefore, rejected Hungary's argument that the Herzog claims should be dismissed based on grounds of forum non conveniens, statute of limitations, the act of state doctrine, the political question doctrine, or that the complaint failed to state a claim upon which relief could be granted. The groundbreaking ruling represented a stark departure from the past, since many U.S. courts have decided Holocaust property claims cases based on technicalities, rather than the merits.⁷⁴

Although the United States has signed international instruments such as the 1998 Washington Principles and the 2009 Terezin Declaration and is urged to decide Holocaust restitution cases based on the merits, it typically has not done so.⁷⁵ Since 2004, the Supreme Court has refused to hear several Holocaust-era art recovery cases.⁷⁶ U.S. museums have taken preemptive legal actions against Holocaust heirs and survivors, filing suit to "quiet title" and affirm that the statute of limitations bars judicial action.⁷⁷ The U.S. courts handling these cases violate the Washington Principles and Terezin Declaration by finding in favor of technical arguments, ruling that the statute of limitations does apply in many cases.⁷⁸ Charles A. Goldstein, Counsel to the Commission for Art Recovery, asserts that the courts should respect the Washington Principles and Terezin Declaration when hearing Holocaust-era art restitution cases, as "[t]he statute of limitations was never intended to cover something like wartime mass pillaging of property."⁷⁹

Compared to the inconsistent U.S. rulings on prior Holocaust-era looted art claims, Judge Huvelle's ruling based on the merits of the Herzog case, rather than technicalities, represents a major turning point. It is possible that this could be a shift in the treatment of Holocaust-era looted art cases by U.S. courts and will inspire other

district courts to approach cases similarly. The favorable outcome also encourages other litigants to introduce new restitution cases, feeling empowered that states will not automatically be granted immunity from U.S. jurisdiction.

VI. Conclusion

Judge Ellen Segal Huvelle's ruling is a major step forward for Holocaust-era looted art restitution cases. The decision to determine the claim based on the merits of the argument, rather than technicalities, could mean that the world's largest art restitution claim could finally be resolved decades after the collection was plundered. The ruling is particularly significant in light of Hungary's recalcitrant actions over the past 60 years. It is one step toward ensuring that Hungary takes responsibility for its participation in the genocide of its Jewish citizens and the theft of their livelihoods and possessions. David de Csepel explains, "This is about doing justice not only for us but for other families, [n]othing can bring back the lives of those who died in the Holocaust. We will not allow Hungary...to sweep this issue under the rug."⁸⁰

Endnotes

1. Hector Feliciano, *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art* 23 (1995).
2. Rudolph Vrba, *The Preparations for the Holocaust in Hungary: An Eyewitness Account*, in *The Nazis' Last Victims: The Holocaust in Hungary* 55 (Randolph Braham & Scott Miller, eds. 1998).
3. *De Csepel, et al. v. Republic of Hungary, et al.*, 808 F. Supp. 2d 113, 132-33 (D.D.C. 2011).
4. *See United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).
5. Gábor Kádár & Zoltán Vági, *Self-Financing Genocide: The Gold Train, the Becher Case and the Wealth of Hungarian Jews* 9 (Enik Koncz, Jim Tucker and András Kádár trans. 2004).
6. *Id.*
7. *Id.* at 11.
8. *Id.* Total Hungarian Jewish wealth during this time period is estimated at \$14 to \$24 billion U.S., measured in present day dollars. The wealth was equivalent to nearly half of the wealth of the German and Austrian Jews at the time, and rivaled the wealth of the three million Polish Jews. Kádár & Vági, *supra* note 5, at 32.
9. *Id.* at 33.
10. *Id.* at 43. The National Alliance of Hungarian Engineers and Architects and the National Alliance of Hungarian Physicians both compiled registers of Christian people in order to ensure that positions were given as "proportionately" to Christians as they were to Jews. *Id.*
11. MARTIN DEAN, *ROBBING THE JEWS: THE CONFISCATION OF JEWISH PROPERTY IN THE HOLOCAUST, 1933-1945* 343-44 (2008).
12. KÁDÁR & VÁGI, *supra* note 5, at 59.
13. *Id.* at 60.
14. DEAN, *supra* note 11, at 345.
15. KÁDÁR & VÁGI, *supra* note 5, at 79.
16. *Id.* at 83.; *De Csepel*, 808 F. Supp. 2d at 122.
17. KÁDÁR & VÁGI, *supra* note 5, at 83.

18. Complaint at 20, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
19. DEAN, *supra* note 11, at 351.
20. RONALD W. ZWEIG, *THE GOLD TRAIN: THE DESTRUCTION OF THE JEWS AND THE LOOTING OF HUNGARY* 64 (2002). If a German officer desired a valuable object not available in a private residence, he would request the particular item(s) from the Jewish Central Council. Samu Stern, head of the council, recalls the Nazis' insatiable greed, "They demanded everything under the sun, from champagne glasses and typewriters to...Watteau paintings." KÁDÁR & VÁCI, *supra* note 5, at 86.
21. László Mravik, *Hungary's Pillaged Art Heritage Part One: Theft and Destruction 1944-45*, 149 HUNGARIAN Q. BEGINNING PAGE NUMBER, PINCITE PAGE (1998).
22. László Mravik, *Princes, Counts, Idlers and Bourgeois: A Hundred Years of Hungarian Collecting 3rd Part*, KIESELBACH GALLERY & AUCTION HOUSE (Nov. 25, 2003), available at <http://www.kieselbach.hu/cgi-bin/kieselbach.cgi?MENUID=HIREK&HIRID=482&&LANG=EN>.
23. *Family History, Hungary on Trial: Herzog Family Sues for Return of Art Collection, The Last Hostage of the Holocaust* (2010), available at http://www.hungarylootedart.com/?page_id=30.
24. Erzsebet and her children fled Hungary for Portugal in May 1944. De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d 113, 122 (D.D.C. 2011). David De Csepel, the plaintiff in the litigation against Hungary, now lives in Los Angeles, and is the grandson of Erzsebet, who died in the United States in 1992. De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d 113, 121 (D.D.C. 2011). István Herzog was on a train en route to the Auschwitz death camp when he escaped and was placed in a safe house under the Spanish Embassy. Complaint at 17, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261). He survived the war; however, his brother András Herzog, was exiled to a Hungarian forced labor camp for Jews in 1942 and died on the Eastern Front the following year. *Id.* Angela Maria and Julia Alice Herzog, also plaintiffs in the litigation, are the daughters of the late András Herzog. *Family History, supra* note 23. They escaped from Hungary and fled to South America during the war, eventually moving to Italy years later. *Id.*
25. *Id.*
26. *Id.*; Jordana Horn, *Holocaust-era Art Theft Suit Demands Report on Hungary*, THE JERUSALEM POST (July 29, 2010, 12:08 AM), available at <http://www.jpost.com/ArtsAndCulture/Entertainment/Article.aspx?id=182944>.
27. Complaint at 17, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
28. Garreth Harris, *Hungary Sued in \$100m Restitution Claim*, THE ART NEWSPAPER (Jul. 28, 2010), available at <http://www.theartnewspaper.com/articles/Hungary-sued-in-100m-restitution-claim/21284>.
29. *Id.*; Complaint at 17, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
30. Complaint at 21, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
31. *Id.* Dénes Csánsky, director of the Museum of Fine Arts, was present at the opening of the chests and later remarked, "[T]he Mor Herzog collection contains treasures the artistic value of which exceeds that of any similar collection in the country...[i]f the state now takes over these treasures, the Museum of Fine Arts will become a collection ranking just behind Madrid." Complaint at 21-22, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
32. De Csepel v. Republic of Hungary, 808 F. Supp. 2d 113, 122 (D.D.C. 2011).
33. *Id.*
34. *Id.*
35. De Csepel, 808 F. Supp. at 120. For a full list of the Herzog art claimed in the lawsuit, see *List of Herzog Art Claimed in the Lawsuit, HUNGARY ON TRIAL: HERZOG FAMILY SUES FOR RETURN OF ART COLLECTION, THE LAST HOSTAGE OF THE HOLOCAUST* (2010), available at http://www.hungarylootedart.com/?page_id=38.
36. Carol Vogel, *Hungary Sued in Holocaust Art Claim*, THE NEW YORK TIMES (Jun. 27, 2010), available at <http://www.nytimes.com/2010/07/28/arts/design/28lawsuit.html>.
37. Complaint at 25, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
38. *Id.*
39. Press Release, Counsel for Herzog Family, *Lawsuit Over \$100 Million Art Collection Illegally Held by Hungary Will Resolve Largest Unsettled Holocaust Art Claim* (Jul. 28, 2010), available at http://www.hungarylootedart.com/wp-content/uploads/2010/07/Herzog_Press_Release.pdf.
40. *Id.*
41. *Id.* Hungary's denial of the Herzog family's requests violated the 1947 Peace Treaty between Hungary and the Allies, which provided that Hungary was to act as a custodian or trustee of looted art but under no circumstances could Hungary claim title, right, or interest in that property. Complaint at 23, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
42. De Csepel, 808 F. Supp. 2d at 125.
43. *Id.*
44. *Id.* Section 9(1) of the 1954 Museum Decree stated, "At the entering into force of the Legislative Decree hereunder, those museum pieces in the safekeeping of the museum whose owner is unknown, or has left the country without permission, shall be placed into State ownership, pursuant to the Legislative Decree hereunder." *Id.* at 123.
45. De Csepel, 808 F. Supp. 2d at 126.
46. *Id.* at 124.
47. *Id.* at 126.
48. *Id.*
49. Judy Dempsey, *Roadblocks Remain in Case of Paintings Lost to Nazis*, THE NEW YORK TIMES (Oct. 28, 2010), available at <http://www.nytimes.com/2010/10/29/arts/29iht-loot.html?pagewanted=all>.
50. De Csepel, 808 F. Supp. 2d at 124.
51. *Id.*
52. *Lawsuit Over \$100 Million Art Collection, supra* note 39.; Letter from Nita M. Lowey to President Solyom (June 14, 2007), available at <http://hungarylootedart.com/wp-content/uploads/2010/06/CAR-Lowey-Letter.pdf>; Letter from Alcee Hastings, Benjamin Cardin, Christopher Smith, Christopher Dodd, Joseph Pitts, Hillary Clinton, & Saxby Chambliss to Minister Goncz (Sept. 17, 2007), available at <http://hungarylootedart.com/wp-content/uploads/2010/06/CAR-Commission-On-Security-And-Cooperation-In-Europe-Letter.pdf>; Letter from Alcee Hastings, Benjamin Cardin, and Hillary Clinton to Minister Goncz (Jan. 8, 2008), available at <http://hungarylootedart.com/wp-content/uploads/2010/06/CAR-Commission-On-Security-And-Cooperation-In-Europe-Letter2.pdf>.
53. Complaint at 2, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
54. Complaint at 2-3, De Csepel, et al. v. Republic of Hungary, et al., 808 F. Supp. 2d (D.D.C. 2010) (No. 10-1261).
55. De Csepel, 808 F. Supp. 2d at 145.
56. *Id.*

57. *Id.*
58. Appendix A: Summary of the Organizing Seminar for the Washington Conference on Holocaust-Era Assets 911 (June 30, 1998), available at <http://fcit.usf.edu/holocaust/resource/assets/heacappe.pdf>.
59. 1998 Washington Conference on Holocaust-Era Looted Art, Nov. 30-Dec. 3, 1998, Hungary Delegation Statement, 272, available at <http://www.state.gov/www/regions/eur/holocaust/heac3.pdf>; The 60,000 stolen works have been compiled by László Mravik, Lóránd Bereczky & Magyar Nemzeti Galéria, in *Sacco di Budapest, 1938-1949—Depradation of Hungary, 1938-1949* (1998).
60. Vilnius International Forum Declaration on Holocaust Era Looted Cultural Assets, October 5, 2000, available at <http://www.lootedartcommission.com/vilnius-forum>. The Vilnius Forum took place as a follow-up to the Washington Conference. The official Vilnius International Forum website is no longer available.
61. Agnes Peresztegi, *Recovery, Restitution, or Renationalization: The Herzog and Havatny Cases in Hungary*, Prague Holocaust Era Assets Conference, 1, June 26-30, 2009, available at http://www.google.com/url?sa=t&rc=1&q=&esrc=s&frm=1&source=web&cd=3&ct=1330979452443&sqi=2&ved=0CDMQFjAC&url=http%3A%2F%2Fwww.holocausteraassets.eu%2Ffiles%2F200000221-7c159490b0%2FWG_LA_7_Peresztegi.pdf&ei=UyJVT-u6LMjd0QGFm-mVCA&usq=AFQjCNF5qfoiC2LAKMRP695bg-UXpaO_Fw&sig2=fOJbMwoaFEO6ynj1cZCbcA.
62. Prague Holocaust Era Assets Conference: Terezin Declaration, June 30, 2009, available at <http://www.holocausteraassets.eu/en/conference-proceedings/>.
63. Peresztegi, *supra* note 61, at 1.
64. *Id.*
65. *Id.*
66. *Id.* at 2-5.
67. *Id.* at 1.
68. Hungary's actions regarding artwork stolen from its own country differ greatly from its actions regarding artwork stolen from the Hungarian Jews. Hungary asserts that it lost over 40,000 works of art including paintings, decorative arts, and other objects, such as medals during World War II. Prague Holocaust Era Assets Conference, *supra* note 62, at 1227. Between 1945 and 1948, approximately 90 to 92% of those objects were returned, with 20% of them currently remaining at Hungary's cultural institutions. *Id.* Furthermore, Hungary has appointed a Committee for the Restitution of Cultural Property to seek out the artwork that remains missing. *Id.*
69. Prague Holocaust Era Assets Conference, *supra* note 62, at 1227.
70. *Id.*
71. Charles A. Goldstein and Commission for Art Recovery, Restitution of Holocaust-Era Looted Art, The Washington Conference (1998): An Overview, Malaga, Spain, May 8-9, 2009, 7-8, available at http://www.commartrecovery.org/sites/default/files/docs/MALAGA_LECTUREfinalMAY2009.pdf.
72. Konstantin Akinsha, *Convoluting Legal Battles*, ARTNEWS 18 (Jan. 2007).
73. Press Release, Counsel for Herzog Family, Federal Court Rejects Hungary's Motion to Dismiss and Delivers Key Victory to Herzog Heirs in Holocaust Looted Art Cases 1 (Sept. 2, 2011), available at <http://www.hungarylootedart.com/wp-content/uploads/2011/09/HerzogDismissalDecisionRelease.pdf>.
74. Patricia Cohen, *Family's Claim Against MoMA Hinges on Dates*, THE NEW YORK TIMES (Aug. 23, 2011), available at <http://www.nytimes.com/2011/08/24/arts/suit-against-moma-highlights-time-limit-rule-in-nazi-looting-claims.html?pagewanted=all>.
75. *Id.* In another recent Holocaust restitution case, Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 957 (9th Cir. 2010), the 9th Circuit found a California statute unconstitutional which extended the time limit for Holocaust-era looted art claims to be brought until December 31, 2010. The Supreme Court denied the writ of certiorari. *Id.* In *Grosz v. Museum of Modern Art*, Judge Colleen McMahon did not review underlying evidence, but instead decided the claim on the technicality that the three-year statute of limitations had run. 772 F.Supp.2d 473, 476 (S.D.N.Y. 2010), *aff'd* by 403 Fed.Appx. 575 (2d Cir. 2010).
76. Cohen, *supra* note 74.
77. *Museum Ethics: Best Practices and Real Events*, COMMISSION FOR ART RECOVERY (2010), available at <http://www.commartrecovery.org/content/museum-ethics-best-practices-and-real-events>.
78. *Id.* The Toledo Museum of Art, Detroit Institute of Art, Museum of Modern Art, Solomon R. Guggenheim Foundation, and Museum of Fine Arts, Boston have all succeeded in filing suits claiming that they have title to paintings by van Gogh, Gauguin, Picasso and Kokoschka. *Id.*
79. Cohen, *supra* note 74.
80. Dempsey, *supra* note 49.

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