

SAFE PANEL APRIL 6, 2008

HOMeward BOUND: Returning Displaced Books and Manuscripts

In the National Archives at College Park, Maryland, there is an album – a large album filled with photographs of silver Judaica and pages and pages of lists of bookplate names. Unfortunately, I don't have images of this album because it is being microfilmed at the National Archives. But this album appears to be a golden source – but there is a major problem. NOTHING is labeled. The silver Judaica has no identifying information and the bookplates are a handwritten list notating the title of the book and the name on the bookplate. With all due respect, and admiration, for the MFA&A team that put this together, ANY information about the objects and the books would have been desirable. Did they come from Berlin? From Munich? From Frankfurt?

But first, let me give you a short history of the looting of books. Immediately following the passage of the Nuremberg law in 1933, but even more vigorously after Kristallnacht in 1938, Jewish books of any kind were confiscated from synagogues, libraries, book stores, editors' stocks and even private collections. For Jews who had emigrated and were forced to leave their property behind, the furniture dealers and moving companies immediately emptied their homes. BUT – they were under orders to deliver the books to the Gestapo. And from there, at least in the early years, the books were repulped or, as is so well known, burned in great public conflagrations. Of course, some – maybe many – were sold on the black market.

However, under Alfred Rosenberg, the head of the Einsatzstab Reichsleiter Rosenberg, under Hitler's authorization on January 29, 1940, the Nazis endeavored to collect and store Jewish materials for further anthropological study. As my colleague on the research team of the

Presidential Advisory Commission on Holocaust Assets in the U.S. has so eloquently written, “while synagogues were burning in flames, books were being removed by the arsonists for safekeeping.” Some of the Hebrew and Yiddish books published after 1800 continued to be burned, and Torah scrolls were often used in leather products. The books were brought to the Nazi Institute for the Exploration of the Jewish Question, housed in the former Rothschild Library. The ERR had books, manuscripts and documents from every occupied country either through outright confiscation, the preferred method in Eastern Europe, or in Western Europe, by forced sale at very low prices – often never paid.

Among the public gems confiscated were: the library of the Jewish Community of Berlin, the library of the Rabbi Frankel library of Breslau, the library of the College for the Science of Judaism of Berlin, the congregational libraries of Breslau, Hamburg, Munich, Warsaw, Vienna. The remarkable private libraries of well known Jews were also looted; these include the library of renowned Jewish art collector Sigmund Seligmann of Amsterdam, the French author Andre Maurois, the pianist Rubenstein and the historian Arnold Berney. These collection alone account for some 300,000 volumes. Unfortunately, many of the books were burned in a fire in Berlin in 1943.

What happened to the books that survived the war? This question is best answered in conjunction with the more publicized issue of what happened to the art that was looted during the war because they shared the same fate. The Allies had done a superb job of collecting the art and other cultural property seized and hidden by the Nazis. Allied law was imposed on Germany under the occupation and under MGL 59, the Jewish Restitution Successor Organization was authorized to deal with “ownerless property.” The Offenbach Archival Depot – ironically the former I.G. Farben complex --was opened on March 2, 1946 to be the central depository of

Jewish cultural property in the U.S. zone to sort and eventually distribute books, manuscripts and other publications to as many rightful owners as possible. Some 2.3 MILLION volumes were brought there. But the statute of limitations for claiming property was set at January 1948. Think about this – where were so many of the survivors who might be claimants? They were in Displaced Persons Camps – and had more to worry about than where their property had ended up.

So where did these books wind up? The Jewish Cultural Reconstruction Corporation was established in 1947 to trace, restitute and allocate Jewish books and ceremonial objects that the Nazis had plundered. It was ASSUMED that there would never be a thriving Jewish community in Germany again. So --- over 10,000 ceremonial objects of Judaica were distributed to synagogues and museums in Israel, the remaining Jewish communities in western Europe, South Africa and the U.S. Over 250,000 books and other writings were also distributed. Entire libraries were transferred to Hebrew University in Jerusalem. Over 2,500 other volumes, many rare and centuries old were distributed to the Jewish Theological Seminary and YIVO. The records state that in cases where Jewish owners could be traced, recovered objects were returned to them. But over 29,000 identifiable books from the Balkans were shipped to the new state of Israel, rather than restituting them to any Jewish communities in the Soviet occupied Balkan states. And the 1972 report of the JRSO states that “Scarcely a major Jewish community in the world failed to benefit from the redistribution of these treasures.”

Among the most unusual destinations at which that these looted Jewish books wound up is the Library of Congress. The whole story is almost Byzantine in its complexity, so I can give you only a few details. The Library of Congress had set up a task force by 1945 and by February 14, 1946 – before the opening of the Offenbach depot – some 12 shipments of books were sent to

the Library of Congress. Even AFTER the opening of the Offenbach Depot 4,712 books were shipped to the Library of Congress. To whom might they have belonged? Even though the shipment contained books looted from all across Europe, those who approved the shipment stated that they were only from Germany and “hence not subject to restitution.” The Library of Congress continued to receive books from the “legitimately acquired” nucleus library of the Nazi Institute for the Study of the Jewish Question – but where did these books come from. How do you define “legitimately acquired?” These collections came from the Einsatzstab Reichsleiter Rosenberg – and they did not legitimately acquire anything! Eventually the Library of Congress received almost 20,000 books from the Offenbach Archival Depot.

SEE GREG’S PAPER AS HIGHLIGHTED!!

Where are these books and Hebrew manuscripts? As far as I know many are still in the Library of Congress. The Library of Congress needs to open their “vault” in the Hebraic section and disclose their holdings. Any and all books and manuscripts that are identifiable should be restituted to the original owners or communities. Any unidentifiable objects should be the subject of an agreement between the Library of Congress and the Israel National Library. The unidentifiable materials of lesser value or scholarly interest should be formed into a special collection as a memorial to victims of the Holocaust.

There have been a few law suits in New York concerning books and manuscripts looted during the Holocaust. Currently there is a suit by the Agudas Chasidei Chabad of the U.S. against the Russian Federation for its extensive library of books, manuscripts and archives. The suit is complicated by the fact that some of the materials were confiscated by the Soviets and is more than likely subject to the Act of States Doctrine. However, many of the books, etc. were

taken by the Soviet army from Poland during WWII and are now in the possession of the Russian Federation, and depending on the New York Federal Court's interpretation of the expropriation exception to the Foreign Sovereign Immunity Act, may well be restitutable.

Another recent and commendable precedent for such an action. The Nuremberg Municipal Library has about 10,000 confiscated books catalogued under the heading "Collection Jewish Community Nuremberg," that were looted from Jews and other victims of the Nazis. The Library has conducted provenance research and has identified about one third of these books as identifiable to specific owners from over 400 locations throughout Europe. Nearly 2,000 of the books are now searchable online through the electronic library catalogue and through the lostart.de web site. Over 115 former owners from Nuremberg and Franconia have been verified and are listed by name and address on the lostart.de website.

Where do we go from here? I think we can anticipate more claims, more research and, hopefully, more restitutions. (Mention Rimmon?)