

Nazi-Looted Posters Should Stay in Berlin, Court Says (Update1)

By Catherine Hickley - Jan 28, 2010

Jan. 28 (Bloomberg) -- A poster collection looted by the Gestapo should stay in the [Deutsches Historisches Museum](#), even though the legal owner is the son of a dentist forced to flee Germany before World War II, a Berlin court ruled today.

A panel of three judges led by Rainer Bulling at Berlin's court of appeals upheld an earlier ruling that Peter Sachs, the son and heir of Hans Sachs, is the rightful owner of the collection, which is valued at 4.5 million euros (\$6.3 million). Yet the appeals court overturned a decision that Sachs is entitled to demand the return of the posters from the German government, which owns the museum together with Berlin state.

"The German government now has to ask whether it wants to hold property that legally belongs to the heirs of Holocaust victims," said [Matthias Druba](#) of FPS Rechtsanwaelte & Notare, Sachs's Berlin lawyer. "I can't imagine them saying: It doesn't belong to me but I can keep it. This decision is no excuse not to do the right thing."

Germany was among 44 countries that agreed to the non-binding [Washington Principles](#) in 1998, pledging to restitute art looted by the Nazis or seek "a fair and just solution" with the heirs. The Nazis stole about 650,000 works of art, the New York-based Jewish Claims Conference estimates.

Sachs, a retired airline pilot from Sarasota, Florida, filed a lawsuit for the posters in 2008 after a German government panel rebuffed his claim.

Government Appeal

A Berlin regional court last year ruled that the Deutsches Historisches Museum should return one poster to Sachs, a decision that paved the way for him to claim 4,250 more from his father's collection. The German government in May announced it would appeal that decision.

Druba said that if the government doesn't "do the moral thing," then he will fight the case in the Constitutional Court if necessary. A spokesman for Culture Minister Bernd Neumann declined to comment immediately on the ruling.

Georg Heuberger, a representative of the Jewish Claims Conference in Germany, said the case should never have gone to court and the government should have reached a settlement with Peter Sachs earlier.

“We should return to the spirit of the Washington principles, which call for a fair and just solution,” Heuberger said by telephone. “There are mechanisms in place for achieving that. Peter Sachs above all wanted his collection to be exhibited and kept together. I find it sad that this has to be dragged through the courts.”

Poster Mania

Hans Sachs, Peter Sachs’s father, began collecting posters in his school days. He published a poster magazine called “Das Plakat,” founded a society, held exhibitions and gave lectures.

His collection, which included works by [Henri de Toulouse-Lautrec](#), Ludwig Hohlwein, Lucian Bernhard and Jules Cheret, contained 12,500 posters and was at the time the biggest in the world.

The collection was seized in 1938, and when Gestapo officers carted it off, they told Sachs that [Joseph Goebbels](#) wanted his posters for a new museum wing dedicated to “business” art.

Sachs was arrested on Nov. 9, 1938, the night of the pogrom against Jews known as Kristallnacht, and sent to Sachsenhausen concentration camp. His wife’s efforts got him freed after three weeks and they fled to the U.S. with Peter, who was then 14 months old.

East Berlin Contacts

The father had smuggled out some Toulouse-Lautrec posters, which he sold to feed his family as they began a new life. He never saw his collection again. Presuming it hadn’t survived the war, he accepted compensation of 225,000 deutsche marks (about \$50,000 at the time) from the West German government in 1961.

After discovering in 1966 that part of his collection was still intact in East Berlin, Hans Sachs made contact with the communist regime’s authorities to try to get the posters loaned abroad for exhibitions.

In a letter to the museum, Hans Sachs said he felt compensated by the West German authorities and was happy to learn that the surviving posters were housed together in the museum. He added, though, that nothing could take away the sense of emotional loss which “won’t heal for the rest of my life.” Peter Sachs said he didn’t find out that the posters had survived and were in Berlin until 2005.

The judges have yet to publish the reasoning for their decision. In today’s hearing, Bulling said that

the heirs could have made their claim for the collection 16 years earlier, after German reunification.

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