

Testimony of Simon Goodman  
Before the Subcommittee on the Constitution  
&  
Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts  
Committee on the Judiciary  
United States Senate  
June 7, 2016

Chairman Cornyn, Senator Durbin, Chairman Cruz, Senator Schumer, Senator Blumenthal, Members of the Committee. Thank you for this opportunity to testify in support of S.2763, "The Holocaust Expropriated Art Recovery Act of 2016."

My name is Simon Goodman and for the last twenty years I have dedicated my life to recovering my grandfather Fritz Gutmann's art collection, lost between 1940-1945. Fritz Gutmann was murdered in Theresienstadt in April, 1944. But it was not until 1994 when my father died, and I inherited his correspondence, that I became aware of my father's solitary, and largely unsuccessful, quest to regain his own father's dispersed collection.

My father survived the war in Britain. As soon as victory was declared he returned to the Netherlands only to find his parents gone and the family home stripped bare. In addition, almost all my grandfather's letters, documents and photos, concerning the Gutmann art collection, had been destroyed by the Nazis. His library was also shipped to Germany. My father's only recourse was to try to sketch an inventory from memory.

Meanwhile, the governments effecting my family the most: i.e. those of the Netherlands, France and West Germany erected bureaucratic barriers making restitution next to impossible. The Dutch usually insisted on being paid before returning anything, but more often they simply absorbed artworks into their own National collection. The West Germans denied knowledge of any pieces from my family's collection, and suggested my father look behind the "Iron Curtain".

Today we know that many works were, in fact, smuggled through Switzerland at the end of the war, and gradually filtered into the world art market, including the United States.

My quest began, in earnest, in 1995, when, fifty years after the war, the Allies began to declassify WWII documents, including thousands relating to art looting. Gradually

the U.S. archives, and those of Britain, France, Holland and Germany, began to make available transcripts of the depositions major Nazi looters gave to the Allies at the end of the war. Only in 2002 was I able to uncover the room-by-room inventories Hitler's art agents made of my grandparent's home.

To this day these archives are still being up-dated and digitized. Just two months ago, the Dutch archives finally made available an actual image of a painting that has eluded my family for over 75 years, since being removed from our home in 1940 during the Nazi occupation. After twenty years of research I have by no means finished tabulating the (well over) thousand artworks and antiques lost by my family during the Holocaust.

All of which brings me to the concept of "statute of limitations" and any potential delay implied by the legal precept of "laches". After my father died, the first painting I found was in Chicago, at the end of 1995. In the case that followed (*Goodman v. Searle*) the defendant claimed the statute of limitation had expired, even though the painting had been hidden from view for thirty years - then exhibited briefly twice - and hidden again from view for another twenty years. They also claimed we should have acted sooner after the painting was first exhibited, despite the fact that they had also changed the painting's title. Another defense was that my family had not been "duly diligent", my father's five decade search notwithstanding.

In contrast, no particular diligence is required from the purchaser of an artwork. The mere assumption of good faith is often sufficient for declaring a buyer to be in "good faith". Furthermore, under Swiss law (for instance), a "good faith" purchaser of stolen property automatically acquires good title. In addition, it was not until the 1990s that the art trade began to track seriously the provenance of artworks.

I would like to think that I represent all claimant families in saying that the removal of any unfair restrictions, which hinder the claims of Holocaust victims and their heirs, would be long overdue but most welcome. I am truly grateful to the Senate Judiciary Subcommittee for enabling me to voice the difficulties a claimant family, such as mine, has endured ever since the end of WWII.

*For further information, please see "The Orpheus Clock: The Search for My Family's Art Treasures Stolen by the Nazis" by Simon Goodman - published by Simon & Schuster.*