Expanding the Definition of Provenance: Adapting to Changes Since the Publication of the first AAM Guide to Provenance Research

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Expanding the Definition of Provenance: Adapting to Changes Since the Publication of the first *AAM Guide to Provenance Research*

**Keywords:** museum studies, provenance research, found in collections, technology, law, cultural biography

by
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Capstone project submitted in partial fulfillment of the requirements for the Degree of Master of Arts in Museum Studies

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# Table of Contents

**Acknowledgements** ........................................................................................................... 2  
**Abstract** ................................................................................................................................. 4  
**Chapter 1: Introduction** ......................................................................................................... 5  
**Chapter 2: Literature Review** ............................................................................................... 6  
**Chapter 3: Project Proposal** .................................................................................................. 20  
**Chapter 4: Summary** ............................................................................................................ 33  
**Appendix A: Annotated Bibliography** .................................................................................. 34  
**Appendix B: The Washington Principles** ............................................................................. 40  
**Appendix C: International Countries** .................................................................................. 41  
**Appendix D: Law Cases** ........................................................................................................ 42  
**Appendix E: Museums with Provenance Project** ................................................................. 45  
**Appendix F: Timeline** ........................................................................................................... 46  
**Appendix G: Stakeholders** ..................................................................................................... 48  
**Appendix H: Decision Map** .................................................................................................. 49  
**Appendix I: Images** .............................................................................................................. 50  
**Endnotes** ............................................................................................................................... 54  
**Bibliography** ......................................................................................................................... 58
Abstract

In 2001 the American Alliance of Museums (AAM) published The AAM Guide to Provenance Research. However, in the past seventeen years there have been several new developments in the provenance research field, and an updated guide has yet to be released. I propose that several changes be made to create an updated version. For this project, I tested this guide in two ways: first, to see how our understanding of provenance has changed since 2001 and second, whether the recommended basic research guide and principles still apply to today.

In the first section of this capstone, I review several of the significant changes that have influenced provenance research. I begin by examining the standards and ethics related to provenance, as determined by the museum field. I then observed how provenance has changed as it relates to legal changes, both foreign and domestic; and developments of technology and databases and their influence on provenance.

The focus of the next section is on basic provenance research guidelines and principles as outlined in the AAM Guide to Provenance Research. I tested how these practices withstand the changes in provenance several years after the guide’s publication, asking if the practices can be applied to works found in collections and if they can work within the shifting definition of provenance, which embraces the concept of a cultural biography of an object. My case study was part of a costume from the ballet Coppélia performed by the San Francisco Ballet found in the collection of the Museum of Performance + Design.
Chapter 1: Introduction

Every year new cases addressing provenance arise concerning the Nazi-era, antiquities, and more commonly repatriation of objects in museums. It seems as though issues regarding provenance are not being as thoroughly addressed and discussed. This leads me to wonder why provenance is not examined continuously and strived to be improved upon.

I have been interested in provenance research for some time and was thrilled to begin this capstone addressing some of the issues. Within the next chapter, I discuss my findings in a literature review. I focus on the second section of *The AAM Guide to Provenance Research* as it examines resources and research when conducting Nazi-era provenance. I inspect some changes that have occurred since the publication of the guide, mainly on legal, technological, and political developments. The third chapter is where I conduct my provenance research on a costume which was found in collections of the Museum of Performance + Design. I will also try to test whether the research methods outlined in the guide can be applied to a new and shifting definition of provenance. The methods outlined focuses on paintings yet states that these methods can be applied to other media, I test this as well. This shift focuses not just on the lineage and history of ownership of an object, but on examining the object as having a cultural biography.

As museum professionals and emerging professionals, we must move forward into a new era where issues of provenance become increasingly important. If museums want to maintain the public trust, the institutions need to address questions such as the following questions: Who owned these objects? Where did they come from? Are there issues of ethics surrounding these objects? These are significant and challenging issues that I address in this paper. Provenance is not just a registrars problem or a curators problem, it is a problem that effects everyone in the museum field. My hope is that this capstone will be a step in continuing the dialog of provenance research within a museum.
Chapter 2: Literature Review

Who controls the past controls the future. Who controls the present controls the past. -- George Orwell

In this literature review, I define provenance research and explain how it has evolved. I then discuss standards, codes, and ethics as delineated in several key sources used by professionals. I conclude with various changes since 2001 (the publication year for The AAM Guide to Provenance Research), that focus on on legal and technological changes. This includes a discussion of the legal case U.S. v Portrait of Wally, legislation, and international declarations. Within technological changes I look at the new and developing software that has been created by museums and address issues of access which continues to be a problem for researchers.

What is provenance research and how has it evolved?

Every object in a museum’s collection has provenance, a record of its lineage from creation to its present location. Provenance research is part of the process a museum uses when it is accessioning, deaccessioning, or loaning objects. Traditionally, provenance is used to prove the history of ownership, which is vital to both demonstrate the pedigree of the work and in providing legal title. Provenance regarding potentially stolen, looted or misattributed work in a museum’s collection is essential to help museums maintain the trust of the public and demonstrate due diligence; especially in light not only of legal cases that make headlines, but depictions of museums that harbor stolen goods in fictional films, most prominently this year in the blockbuster movie Black Panther. The more conventional uses for provenance are determining authenticity and ownership and furthering academic scholarship. However, these processes have evolved, especially with the development of new forms of research databases and software. As in the case of European art, that may have been looted during the Nazi-era; increased access to records of looted objects following the collapse of the Soviet Union in 1989.
Victoria Reed, a leader in the field of provenance research, says that as researchers, we should question the objects in collections further, “not just what we know but how do we know it.” Thinking like this pushes the idea of provenance forward by combining both the Nazi-era research, existing collections, and creating provenance to have a more diverse history of the object. Provenance research is how we learn about objects and their individual histories; however, the traditional processes of research have evolved.

The use of provenance to prove authenticity is challenging with fakes and forgeries. However, when provenance research is successful, it makes a strong argument, proving the ancestry of work, and thus and influencing the art market and value of the work. Using provenance to establish a history of ownership is essential in both the pedigree of the work and in proving legal title. The worth of work, both monetary and academic, can be influenced by who owns the object. Provenance can also advance academic scholarship. Provenance and its research crosses many fields of academia and is used to study the evolutions in social tastes, values, and accumulations of public and private institutions.

Within the last three decades, provenance has taken two separate paths within the museum field. The first path encompasses issues regarding ownership of looted artworks during the Nazi-era. Museums take the many international and domestic laws that revolve around the issue of ownership and restitution seriously. The ethical standards have been set forth by the American Alliance of Museums (AAM) and the Association of Art Museum Directors (AAMD). In conducting provenance research, the museum is fulfilling its obligation of due diligence. The second path of provenance research is not only focusing on just objects with questionable provenance such as those that may have been looted during the Nazi-era, but an institution’s entire existing collection. This newest philosophy of provenance research moves away from the lineage of the ownership of a work and focuses on the whole “cultural biography of the object.” As the introduction to the Getty publication, *Provenance: An Alternate History of Art:* states “We have become convinced that scholars who embrace a broader view
of provenance stand to enrich and change their understanding of the works of art that drive their larger research project.”

**Standards, Codes, and Ethics**

Laws and ethics, although linked, are different when they are set as standards. Legal standards are the minimum and ethics are the highest standard to strive for. Museums must obey laws but are self-regulated when complying with codes of ethics. *National Standards and Best Practices*, published by AAM, lays out these criteria. Although there are other recognized and well-regarded publications, AAM has more rigorous standards by comparison. These standards can be seen in museum collection policies, as many museums publish their policies on their websites. Provenance and provenance research is mentioned in many museum policies to anticipate and address concerns around acquisitions, loans, deaccessions, and care of existing collections. These standards address challenges commonly found in collection care and collections stewardship. For example, AAM states, “[This] stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility and responsible disposal.”

In 2000 AAM, AAMD, and the Presidential Commission for Holocaust Assets (PCHA) agreed on recommendations to make information of certain objects available and to adhere to standards of doing research. Specifically, museums must identify all objects in their collection that have: (1) created before 1946, (2) acquired by the museum after 1932, (3) changed ownership between 1932-1946. This also includes making the available objects and provenance (history of ownership) information open to the general public through the use of the internet. Therefore, museums are encouraged to use the internet and in some cases databases to expand access to collections to make archives and other resources more accessible.

AAM guidelines advocate for museums to research the entirety of their collections, although all provenance cases must be handled on a case-by-case basis. The reason behind the accepted idea that
claims must be handled individually stems from the fact that no two cases are alike, just as each objects in collections are unique. By having guidelines, and guidance as to where to start researching in a collection, the museum will meet the requirements of care and due diligence. The guidelines state that museums should:

- make serious efforts to allocate time and funding to conduct research on objects in their collections whose provenance is incomplete or uncertain;
- establish priorities taking into consideration available resources and the nature of their collection;
- make public currently available object and provenance information;
- comb their records; contact all those available to provide information in a general or specific context;
- allocate funds for provenance research in grants; and finally
- document their research into the Nazi-era provenance databases and registries.

*Museum Registration Methods 5th Edition* (MRM5) addresses the subject of provenance and its research from a different perspective. A majority of museums do not have a department or staff devoted to the specific issues of provenance. When research is required, it is primarily conducted by curators or registrars, depending on the institution. The section titled “Provenance Research in Museum Collections: A Collections Management Perspective,” by Karen D. Daly in *MRM5* addresses provenance issues from the perspective of a registrar. In the introduction, Daly says that although the focus of this section concerns Nazi-era provenance, it can apply to other issues of provenance and cultural property issues within a museum’s collection.

Daly begins by stating that the standards and ethics set forth by the AAM should be referenced first, as do many other publications addressing the issues of provenance; precisely, concerning how museums can document provenance in their preferred method as long as it is clear and concise in the
lineage of ownership with documentation. Secondly, museums should create a timeline of their objects and then have the objects separated into specific categories. This recommendation may be seen as a suggestion to do more effective research. Thirdly, Daly recommended prioritizing research; although this seems slightly ambiguous, prioritizing allows an institution to address issues that they as an organization believe to be the most prevalent to their mission. Finally, museums need to make the newly acquired knowledge available to the public by means which their collection policy dictates. Some examples of making knowledge available include articles, in newspapers and academic journals, and publishing information on the institution’s website.

The AAM Guide to Provenance Research

Following the Washington Principles (see Appendix B), adopted in 1999, AAM published The AAM Guide to Provenance Research, written by leaders in the field, Nancy H. Yeide, Konstantin Akinsha, and Amy L. Walsh. It was printed in 2001 as a response to many of the issues surrounding provenance research at the time. The guide is divided into three sections: the first is guidance on general provenance research, the second is conducting Nazi-era specific provenance research, and finally, resource aids for provenance research.

Within the introduction the authors discuss why provenance is essential, citing the increasing concerns for museums and individuals alike; as well as the necessity for documenting the transfer of artwork to establish legal title and determining authorship. Later on, the authors mention the importance of provenance, calling it the “building block for constructing the history of taste and collecting.”

The first chapter, “Information Needed,” begins by describing and outlining the major trends in collecting from the middle ages to the Nazi-Era and continuing into why there is a bias towards European paintings. It recommends separating primary and secondary sources when researching the provenance of an object. In the following section titled, “Basic Provenance Research and Principles,” the
authors discuss what information is needed. The first step they describe is to assemble the information that one has. This general statement can apply to a specific object in a collection or an entire collection. The next step is to conduct library research. In regard to fine art, the guide describes this process from three approach’s a researcher can take: first, research the artist’s biography; next research the collector; finally look at how the object has been bought or traded through dealers and/or auctions. As well as to look at the various ways in which provenance is recorded and if the provenance has not been documented consistently. The guide cites the most common forms of recorded provenance. Listing provenance chronologically is preferred noting how the work changed ownership. Museums in many cases have their way of signaling the exchange, such as the use of brackets of known information; incorporation of terms such as possibly and probably; and parentheses to note transactions made through the market (agents, auctions, etc.) There is also an emphasis on the use of footnotes to record and explain necessary information.

The second half of the guide, “Holocaust-Era Provenance Research,” is broken into separate categories. The first gives a historical overview of the Nazi-era including critical dates and the collecting priorities of the Nazi-era. The second is about prioritizing research and being on the lookout for provenance gaps and red-flag names. The third and fourth sections focus on resources, the first on U.S. and the second on European. The guide promotes the use of the National Archives and Records Administration (NARA), actively and then gives a brief list of other U.S. resources. The section addressing European resources lists assets including archives, restitution agencies, and published losses.

Arguably, most important of the sections are the appendices which are split up into two sections. Section one is split into useful locations in which one can begin to do provenance research in a general museum collection. This appendix is divided into six different parts: a selected bibliography on the history of collecting; collectors, collections, grand tours; selected biographical research resources;
selected bibliography of dealers and dealers' memoirs; dealer archives and locations; and selected resources for auction sales and exhibitions.

Part two of the appendices relate to researching Nazi-era provenance. It is separated into five different sections: the selected bibliography on looting and restitution; the Art Looting Investigation Unit (ALIU) List; selected "red-flag" names from the ALIU List; a list of consolidated and detailed interrogation reports; and a list of Einsatzstab Reichsleiter Rosenberg (EER) codes. Some of these listed resources are no longer active; other sites have become outdated or certain other resources that many individuals cannot access for various reasons.

There have been many changes since the publication of *The AAM Guide to Provenance Research*. Three are in the legal, political, and technological sphere. Within the guide technology was addressed as a tool for research; however, there was no mention of laws or politics. Nonetheless, all of these changes have impacted how many scholars, individuals, and museum staff can conduct provenance research and document the findings. A newer edition with updated databases and resources. However, when looking at provenance from a global perspective, there are many obstacles that researchers face that are currently not discussed. Much of that comes with lack of access to information; these include researchers who need to travel to gain access to material that is not yet digitized; art loss registers that charge fees for access, and some museums not making provenance available online -- both national and international effect provenance research. Although the Washington Principles have done much to boost museums' law and political need for transparency and restitution, there is room for improvement. Since this international agreement was reached, there are still barriers and accusations that museums within particular countries are not doing enough; including preventing access to works with questionable provenance and not doing enough to aid the victims trying to retrieve their property.
Legal Changes since 2001

Since 2001 there have been several legal changes that relate to Nazi-era provenance research and restitution. These build off of the international agreement of the Washington Principles in 1999. Laws that are enacted do not impact how provenance research is conducted, but why it is done? With many of these new laws, there is more pressure to conduct research as a requirement of due diligence and as a defense when claims are brought forth.

The first to be added is the Terezin Declaration (see Appendix C), an international declaration which was issued following the Prague Holocaust Era Assets Conference on June 30, 2009. The same 46 nations who agreed on the Washington Principles reaffirmed their promises regarding Nazi-looted works. However, there have been accusations that many of the countries that have signed both the Washington Principles and the Terezin Declaration have not held up their end of the agreement. It is important to note that the Terezin Declaration is not legally binding, but the nature and moral of the declaration still stands. This declaration includes the need for freer efforts to identify and catalog Judaica and Jewish cultural property and to return these items to their rightful owners or other appropriate individuals and institutions. As far as research has allowed, there has been no indication that there has been any new international declarations or legislation other than the Terezin Declaration.

One prominent legal case that illustrates issues with the foreign and domestic law and its effects on provenance research is the case of the *U.S. v Portrait of Wally*. Portrait of Wally was painted by the Austrian artist, Egon Schiele in 1912. Lea Bondi (1880-1969) owned a collection of artworks both in her collection and in her gallery, which was seized during WWII. Bondi escaped to London, and the painting was sold under forced sale. After the painting was seized following the end of the war, it was mistakenly thought to be part of a collection owned by Heinrich Rieger, whose heirs then came into possession of the painting (not knowing it was not theirs) and sold to the Belvedere Museum, Austria in 1950. Bondi came into contact with Dr. Leopold and agreed that if he were able to get the painting back...
to Bondi from the museum, she would sell it to him. Dr. Leopold contacted the museum and was able to purchase the painting and did not inform Bondi about the transaction. Leopold also published a catalog raisonné saying that the work had been sold to Rieger.22 When discovering this transaction, Bondi wrote a letter before her death detailing her version of the history of the work. The painting then traveled to the Museum of Modern Art in New York as a loan for an exhibit. The general counsel for the museum secured state immunity from seizure, which was not enough protection as it was then federally seized for being a stolen work. The painting was returned to Austria, in 2010 a settlement was made of $19 million to the Bondi heirs; the museum now has good title of the work, and the provenance hangs next to the painting.

There are three critical points relating to provenance that we can learn from this legal case. The first is that the painting was sold under forced sale. Issues of forced sale are one of the top reasons as to why cases are brought before the courts. (see Appendix D) Second is the deliberate falsification of the catalog raisonné; this is a troubling fact as raisonnés are cited as being a leading primary source according to the AAM Guide to Provenance Research. Finally, today the provenance, both its biography and lineage of ownership, is displayed next to the painting. This is one of the few cases where both the provenance of ownership and the cultural biography of the object is presented. From this case, several other lawsuits were then filed. Marisa Carrol in an article for Hyperallergic called this case, “The Painting That Launched a Thousand Lawsuits.”23

One case that soon followed was that of the Ullin heirs. Dismissed in 2006, it brought forth two cases to court, against the Toledo Museum and the Detroit Museum of Art. Although the case has merit, it was dismissed. The reason was that of the statutes of limitations which was set by the Ohio and Michigan states. Many cases were dismissed in court for this same reason, leading the way to the newest U.S. legislation, the HEAR act.
The Holocaust Expropriated Art Recovery Act, also known as the HEAR Act, was signed into law on December 16, 2016. This bill extends the statutes of limitations (SOL) to six years on a federal level, bypassing state law on civil restitution claims made by the victims of the Nazi-era and policies of the Third Reich. This act allows courts to judge cases by their merits and not on technicalities. The authors of the act state:

“Even when survivors or descendants locate artwork and file claims, museums and other art institutions are sometimes unwilling to return them and use legal technicalities such as the statute of limitations to hold on to the art. Those practices go against guidelines that national governments and museum associations have established in recent years for dealing with such claims.”

However, there are some ambiguities when defining what constitutes to be a victim of the Nazi-era. Individuals need to prove that they were victims of policies of the Third Reich; their stolen works directly benefitted the Nazis; and that sales, even between private individuals, were made under duress or forced. If not, cases can be dismissed on this form of technicality.

All of these legal developments have affected how provenance is researched and discussed leading to a greater emphasis on museums to conduct more provenance research. There is also a shift in how provenance is displayed, and how it has become more prominent in access to the cultural biography of the object. As laws effect provenance so do politics both international and domestic. This is important as its effects access to information about Nazi-looted art. Concerning the Washington Principles, there are accusation that some of the 46 countries have not held up the agreed upon principles (see Appendix C). Researchers have noted that due to slow implementation of digitization of records and documents, international access to this information has been a problem.

**Technology and Database Changes since 2001**

*The AAM Guide to Provenance Research* addresses the uses of the internet and databases by researchers. Since 2001 some of the suggested resources, websites, and portals within the guide have become outdated or discontinued. The reasons for this may be due to how much technology has
changed; Victoria Reed has stated that in the last ten years of her career at the Museum of Fine Arts, Boston the internet changed vastly.²⁶

One example is the Nazi-Era Provenance Internet Portal, a database that became available to the public in September 2003.²⁷ The portal relies on the participation of 179 museums for the majority of their data. As of this writing, almost 30,000 objects are listed. There is also a list of museums that hold no relevant objects related to the Nazi-era in their permanent collections. The website was produced and managed by the AAM with the goal of providing a searchable registry of objects in the United States of museum’s collections that changed hands during the Nazi-era. The AAM has accepted the responsibility of creating a portal that was both accessible and searchable. The website states that due to the vast range of objects the initial focus of the portal focuses primarily on European paintings, followed by sculpture, drawings, and other identifiable objects.

The AAM has supported several other sites that relate to the issue of provenance, provenance research, and restitution. One of the newer initiatives is Art Tracks, as part of the Carnegie Museum of Art (CMOA). The goal of this project is to provide software that inputs written provenance records and makes that data searchable.²⁸ The National Endowment for the Humanities partly funded this project and, with their support, CMOA hosted the 2016 Digital Provenance Symposium. Speakers representing the Smithsonian Provenance Research Initiative (SPRI), the Getty Research Institute and the Yale Center for British Art. All speakers and participating institutions have a connection with investigating provenance research. A common thread amongst the presenters was that they are "committed to working with the others on a shared, community-wide model for representing the history of ownership and custody of art as Linked Open Data."²⁹ ³⁰

Museums who participated in this symposium have also been in strong favor of “museum transparency.” Such as museums doing proactive research within their collections and studying both issues of provenance gaps as well as the cultural biography of the objects. Several museums in the U.S.
have adopted department and available resources relating their specific collections provenance and provenance research. (see Appendix E)

One of the most well-regarded organizations is the Getty Research Institute (GRI), which is part of the Getty Museum in Los Angeles, California. The GRI, founded in 1985, primarily focuses on furthering of knowledge and advancing the understanding of the visual arts. One of the many databases used and created by the institute is the Getty Provenance Index. The database houses digital primary material, like archival inventories, sales and auction catalogs, and records of public collections. This is one of the most extensive resources for researchers in the world. The use of this index is free, and it has a vast amount of records from 1550-1990. The index does however have the bias toward gathering information on Western European art.

The GRI has continued to be transparent about how they are operating and conducting the site. On the website's blog, they have addressed issues of recording monetary values of works in a standardized format. The problem is based on how different dealers (art dealers, auction houses, galleries), record information such as opening bids, shifting currency, and other types of negotiation. The GRI continually publishes new material on provenance research as well as discoveries of primary sources. This information can be found on their blogs, research journals and other publications.

Throughout my research for this capstone, there have been several notes made by researchers in the field about how frustrating it is to get information from other institutions including those in other countries. The German Art Loss Foundation (GALF) has recently come up in the news and has raised several different questions surrounding provenance databases. The GALF was created as a civil-law foundation in January of 2015. The next year the GALF began to oversee the Gurlitt Trove issue and started the Gurlitt Provenance Research project. The database is a free and searchable site which averages about 14,000 visits per month. It is important to note that the foundation does not do its provenance research, stating, “the reporting party must plausibly demonstrate that an individual object
or a collection was confiscated as a result of Nazi persecution or was removed or lost during the Second World War, or that such a suspicion cannon be ruled out.”

In August 2018, the GALF took down 63 works by Egon Schiele. This case came about when a the Grünbaum family said that their ancestors Schiele's were stolen under forced sale and they went to court to sue the German government. However, the American court’s decision was not upheld in the German court, a decision which is the first of its kind. This ruling resulted in the 63 Schiele's being taken off the Nazi-era art registrar because the foundation said that the transaction was between two private individuals and did not benefit the Nazis.

The removal of the paintings from the GALF raises issues of who controls these databases, how this control effects provenance research. Will the suspicion of a given painting's history be shown in their provenance? Topics such as this come back to the issue of access to databases. These questions include not just the physical access to sites but also financial capability; there are selected sites, not related to museums that require the payment of one-time fees and yearly subscriptions.

As technology progresses, there are new programs and software which are continually being added. The differing practices used for the Getty Provenance Index and the Carnegie Museum of Art’s Art Track may differ, but both should be included in a newer version of the AAM Guide to Provenance Research.

Conclusion

Are museums doing enough regarding provenance research? Art law expert Patty Gerstenblith would say no. Like-minded commentators suggested that courts have become less sympathetic to the claims of heirs of Holocaust victims, and that the use of statute of limitations should be disbanded. Other groups say that museums hid behind the burden of cost and time, and that is why more research has not been done. As a result, many museums will conduct provenance research when a claim is brought before them, and during the process of loans and acquisitions. The for-profit sector of
galleries and collectors, does not have a stringent requirement for having provenance or conducting research.

The late Marie Malaro, on the other hand, claimed that museums are doing enough. In her opinion, museums have acted promptly by creating and enforcing professional guidelines: “many commentators would agree that the museum community responded promptly and efficiently to the challenges that the Nazi-era provenance controversy presented by taking positive steps that sought to retain public support and confidence.”

Since the publication of the AAM Guide to Provenance Research, new developments must be considered as the need to conduct research becomes more prevalent. As society changes so do the questions that provenance raises. Such questions in regard to access, for example why are some websites free, and others are for profit; who controls and regulates databases and registries, the public or the private sector; and why are more funds not allocated for doing research? Another question that has arisen asks if focusing on non-Nazi-era provenance shifted our focus away from the problems that still surround us from that time period. Provenance research should be more than doing the minimum, and it should be prioritized with our ethics being the highest possible standard. As Abigail Addams said, “Learning is not attained by chance, it must be sought for with ardor and diligence.”
Chapter 3: Project Proposal

I am proposing that the 2001 *AAM Guide to Provenance Research* be updated. As shown in the literature review there have been several new developments when conducting provenance research. As the guide was divided up in two sections, so is this proposal. The literature review focused on changes concerning the guide on Nazi-era research, and my project relates to the first section of general provenance research.

I want to expand and apply methods from *AAM Guide to Provenance Research* for objects that are not Nazi-era paintings. I have chosen a costume from the Museum of Performance + Design. The costume from the French ballet *Coppélia*, is a skirt created in the 20th century America. I tested the methods to see if the techniques outlined in the guide work on non-Nazi-era works and other media.

The reason for testing the basic provenance research method is vital for several reasons. The first is to gauge if these recommended practices hold up and can be applied to works of other media from other eras. Second, as issues of provenance become more prevalent within the museum field research methods should be updated. Finally, there is now a shift in what provenance entails from a specific lineage of ownership to a cultural biography of an object. Also, can we as researchers apply the *Guide to Provenance Research* to this new view of provenance?

The AAM guide focuses on gathering information on the object, the artist, and the collector. When focusing on the collector, a researcher must center on who is the collector in a biographical sense. Then asking more detailed questions about the collector concentrating on what their collecting habits were/are, what objects were/are and what did/do they value in these objects. The recommended resources include but are not limited to public and private records and sale catalogs. Then, when looking at an artist, the guide suggests creating a basic biography and doing not much else. The recommended sources include exhibition catalogs, catalogues raisonnés, and journal articles. Finally, the guide states that the objects are the primary document. The *Guide to Provenance Research* focuses on conducting
provenance for paintings and lists painting related resources, and no other forms of media. However, the guide says that these processes of conducting provenance research on paintings also works when researching any object within a collection. Within my case study, I focused on the three areas that the guide recommends for conducting a provenance.

**What does provenance research look like?**

I began by researching a costume from the ballet *Coppélia* in the collection of the Museum of Performance + Design (MP+D). The costume is located in collections with the related objects associated with Russell Hartley. Hartley was the founder of the MP+D, an artist, and a collector. The costume was brought to my attention by the museum’s interim director and archivist Kirsten Tanaka when I worked there as an intern during the summer of 2018. On the box, designated for the costume, was a typed label stated that Hartley designed the costume. Kirsten said that there were so few people who have worked and managed the collection, that if the label were handwritten, she would know who wrote this information. The reason this costume was brought to my attention is that there are some discrepancies as to whether Hartley designed the costume since he was never given credit by the San Francisco Ballet (SFB).

The *AAM Provenance Research Guide* recommends starting with researching institutional files. Since MP+D is a smaller institution, they do not have the excessive amounts of documentation the guide recommends checking first. MP+D has some information on this work, focusing on preliminary details of the object. The costume is a multicolored mid-length full cotton skirt with an attached apron, block printed cotton and print cotton worn by a female village character (see Appendix I, figure 1). The villagers are minor roles in the ballet appearing in Act One and some other productions, Act Three as well. According to the conservator’s report on November 24, 2015, the skirt is made of cotton, machine sewed with a few hand-sewed alterations. The pattern and design of the costume appear to be Scandinavian with some patterned material, and others are hand painted. Some of the hand-painted
decals. Without testing I believe the paint to be synthetic paint with properties of both oil and watercolor. The costume has some preservation issues as noted in the conservation report with rips, discoloration, and loose seams. The report then lists the name of Angeue Feves under the provenance field.

The conservation report leads to interesting information regarding the history of the object. Attached to the condition report, there was a slip of paper that said "Original costume designed and painted by Russell Hartley worn the original production of Coppélia (?) or Nutcracker(?) from Angeue Feves, 70 Karol Lane Pleasant Hill, CA." (Appendix I figure 5) In pencil, the word Coppélia was circled, a note added, "Coppélia corps de ballet," and an R was written over the F, in Feves. According to Kirsten, the handwriting looks similar to that of Margret Norton who was a former director of MP+D.

I took a closer look at Feves, who was a historical dance reconstructionist associated with SFB and the Oakland Ballet, as well as her connection to MP+D. When checking the donor files, Feves donated several different programs to the museum in 1978; she was not given donor credit for the Coppélia costume. I also wanted to check other files under the names of Reves and Peves, since there was some confusion about the last name. There was some misfiling of information, like a copy of the document attached with the conservation report. This information led to attempting to narrow a date of when the costume came into the collection. The accession number tells us that, the first three letters, 988, represent that it was found in collections 1988 when a registrar began to work on these objects. Therefore, I am assuming that the donation date was between 1978 (when Feves donated the programs) and 1988 when this item was found in collections.

The second step was researching Russell Hartley (1924-1983), (to see full timeline refer to Appendix F). Hartley was born January 20, 1925, in San Jose, California. At a young age, he started creating window displays before taking dance classes with the San Francisco Ballet School. He was a part of the company between 1942-1949 performing small comic pantomime roles. Hartley's design credits
with the ballet date from 1944-1957, this includes both costumes and sets. In 1946, he began a costume studio called Hartley's Studio, in which he gives credit to many costume designs for the San Francisco Ballet Co. and other performance companies worldwide and exhibiting his artworks. In 1950, Hartley began the San Francisco Dance Archives. The collection moved several times and had changed names as well due to the growth of the collection. Along with set and costume designs, Hartley had also operated an antique business and ran Hartley Gallery in San Francisco for several years. Hartley passed away in his California home on October 4, 1983. In the same year Hartley's research on the San Francisco Ballet’s history, originally titled *The San Francisco Ballet A History 1922-1977*, (the original manuscript can be found in the MP+D collection) was used in the *San Francisco Ballet: The First Fifty Years*. The book was dedicated to Hartley noting his research and his love for the ballet company.

The third step is researching the collector. In this case, it was convenient that the collector and the artist are the same. However, I am looking at Hartley from a different perspective, predominantly what were his collecting practices. The main focus of his original archive was to document dance history in San Francisco. The bulk of this archive was made up from the city's ballet company. I cannot say that there was a collecting bias towards the ballet, but due to Hartley's connection with them, it is probable. Due to donations of objects from the opera and symphony in 1975 the collection was renamed the Archives for the Performing Arts. Later, the collection would be renamed again as the Museum of Performance + Design.

**What would a basic provenance look like?**

988.0.1129; Hartley, Russell; *Coppélia* female Villager skirt; 1939-1948

What does research of a cultural biography of provenance look like?

With a basic style of provenance, much of the information that has been discovered during research is lost. Some examples are: conflicting information, the various connections the objects have with others within the collection, and other information around the object. Therefore, I began looking into what would go into a cultural biography such as information about the ballet, conflicting information, and trying to narrow a date of creation.

The Ballet Coppélia

I began by gathering information about the romantic ballet *Coppélia*. The ballet premiered on May 25, 1870 in France; The music is by Leo Delibis and the story is inspired by ETA Hoffmann’s “The Sandman.” Act 1: The ballet is about a man named Dr. Coppélias who creates a life-sized doll named Coppélia that is placed by a window to look like she is reading. Both the main characters, Franz and Swanilda, mistake the doll for a real person during a celebration in their village. When Franz blows Coppélia a kiss, Swanilda breaks off the engagement to Franz. After a fight in the village, Dr. Coppélias drops his keys. Swanilda and her friends take the keys and then break into Dr. Coppélias workshop as Franz tries to free Coppélia. In act 2, Swanilda and her friends discover the Coppélia is a doll. Dr. Coppélias then enters and kicks the girls out except for Swanilda who hides. At that moment Franz enters through a window. Dr. Coppélias then tries to take Franz’s life-force to animate Coppélia. To save Franz, Swanilda pretends to be the doll come to life. Dr. Coppélias only becomes suspicious when the "doll" starts to be disobedient. When Franz wakes the couple escapes the workshop. Act 3: The town celebrates the arrival of a new bell and Swanilda and Franz are given dowries to be married. Swanilda gives hers to Dr. Coppélias to compensate for the damage to his workshop.41

The third act of *Coppélia* is not always performed. One of the primary reasons is because much of this act doesn’t relate to the storyline. The main characters do not perform the dances, but a group of
dancers who are not soloists. The dances are called Dawn, Prayer, Work, and so on. The San Francisco Ballet did produce one of the first American full-length productions of *Coppélia*.

The San Francisco Ballet began as the San Francisco Opera Ballet founded by Adolph Bolm in 1933. In 1937 William Christensen was appointed the ballet's director beginning the Christensen brother legacy with SFB. The premiere performance of *Coppélia* was at the War Memorial Opera House on October 31, 1939. *Coppélia* became a part of the ballet's repertoire from 1939-1948, including touring performances.

**Conflicting Information**

One of the primary reasons this costume was brought to my attention were inconsistencies as to who its designer was. I began this process by looking at the programs that the museum houses. I discovered that along with Russell Hartley, two others were given costume credit between 1939-1948. They were designers with the ballet, Charlotte Rider and Helen Green. When looking at printed programs within the MP+D collection, there were discrepancies as to who designed and executed what. Such as costume credit was given to Charlotte Rider four times, Helen Green four times, and Russell Hartley twice. For set design credit, Charlotte Rider four times. Helen Green and Russell Hartley were not given any credit. There was also a difference as to who designed and who executed those designs. As I was unable to find information about the two San Francisco Ballet designers, I am inclined to believe *The San Francisco Ballet: The First Fifty Years*. It states that Rider was the costume designer and Green the set designer for the original productions.

I also found some differences when comparing programs and two of Hartley's CVs. I found the CVs with no dates listed with the list of performances he designed. One CV was listed chronologically with each sentence starting with ‘then.’ The second was grouped by who was the choreographer of the performance and in no further order. He stated that he created designs for San Francisco Ballet’s *Coppélia*. I do not know why he said this since he was only given program credit for re-imagining
costume designs. This situation makes me think about the *Portrait of Wally* case and how some primary sources are questionable.

**Trying to narrow a date**

Being able to narrow a date down within a ten-year period I was assured was a significant find. Though to me it did not seem like a victory since all I did was look when *Coppélia* was in the SFB repertoire. I wanted to narrow the date as close as possible. I started by looking at Hartley’s CV that was listed in chronological order. The first five productions listed on his CV are: *Now the Brides* (1940); *Nutcracker* (1944); *Pyramus and Thisbe* (1945); *Coppélia* (1939-48); *Henry VII and His Wives* (1947). Based on this we can assume that the dates for this costume are between 1945-1948.

After looking at Hartley’s CV, I went back to the *San Francisco Ballet: The First Fifty Years*, and the programs to see when Hartley was first given credit for costumes. The programs that MP+D have in their collection are varied in terms of dates and are not consecutive because, the ballet would go on tour for many of these years including international tours.

When looking at the ballet’s book, I focused on the ballet’s productions of *Coppélia*. Between 1939-43 the ballet produced the full-length ballet including the third act. In 1945, there was a new production of the ballet, though there was no indication as to what made this a new production. From what I could see this was the point when William Christensen (director and choreographer for SFB) played Dr. Coppélia instead of Franz, whom he played in earlier productions. The ballet was in the repertoire for another three years at this point.

The earliest program that I found giving Hartley credit was from 1946. In this program, costume credit was given to both Helen Green and Russell Hartley equally. Then discovery the 1948 Stern Grove production of the ballet, Hartley was given sole credit for the costumes. From this point, the costume date can be narrowed further as to be between 1946-48. This is with the assumption there was not error in giving Hartley credit.
Comparing the Costume to MP+D’s Photographs and Videos

When looking at the photographs, I realized that this was a more significant challenge than looking at the programs. I assumed because they were photographs, the differences between costumes would be easy to point out. The challenges were in the quality of the photographs, the poses of the dancers, and the lack of dates on the photographs. The museum filed these photographs as being from Coppélia circa the 1940s. Therefore, it is up to researchers to do the rest. Within this file, I found seven pictures that show the villagers costumes.

When looking at these pictures, I could not find much difference between the costume in the collection and the images. Each dress has three different strips of fabric at the bottom leading up to a larger floral print, then a repeat of the same pattern as it was below. Finally, there is an apron on top that mimics the patterns in the skirt.

From 1948 production at Stern Grove, an amateur video exists. It was posted on the MP+D’s digital database. This video is also in color, so I was hoping that this would illuminate the situation better. As I was taking a closer look at the video, I was able to see that there are different block colored parts of the skirts. Such as green which is in the MP+D collection and, red, yellow and blue. I was also able to see the green costume appear but capturing an image seemed to be problematic. It looks like there is no difference between the designs of the village costumes within the SFB repertoire (see Appendix I, figures 2-3). This led me to the question of why Hartley had costume credit if the costumes appeared to be the same between 1939-48.

Two possible conclusions

The first conclusion came after I looked at other costumes within the various performance of the ballet by SFB. There have been significant changes to the main characters costumes and the secondary roles of Swanilda’s friends. I did not find images of earlier productions to compare other
costumes of other characters. This leads me to one conclusion that Hartley did not create new costumes for smaller character roles. Though he did seem to redesign costumes for more significant characters.

The second conclusion is that Hartley painted the village costumes. During WWII there was a shortage of fabric, and ten yards were allotted per person.⁴⁵ Hartley described that during the design of *Nutcracker* he would send dancers out to purchase their ten yards for the costumes. Also, since the ballet was going through some financial hardship during these years’ assumptions could be made that it would be more economical to use costumes from previous years. Furthermore, many parts of the costumes were hand painted; it could be that Hartley painted some parts of the costume. This reason could be why there are design credits given to Hartley. It is important to stress that these are both assumptions and are not conclusive. When conducting provenance research, it is essential to know that in many cases a full detailed provenance may not be applicable.

**What would a cultural biography provenance look like?**

Russel Hartley (American, 1926-1983)

*Coppélia*, village costume, circa 1945-1948

Museum of Performance and Design

Created between 1945-1948 for a villager character in the first, and possibly the third act of San Francisco Ballet’s *Coppélia*. The villager characters are smaller roles performed by the Corps de Ballet. This ballet was one of the first productions of the ballet danced and choreographed by William Christensen and the first full length production of *Coppélia*.

There are discrepancies as to who designed and/or created this particular garment. Within the nine years of the ballet being in San Francisco Ballet’s repertoire, the villager costume had not changed. The original designs were most likely by Helen Green in 1939. This piece was painted by Russel Hartley, possibly due to circumstances surrounding WWII.

Russel Hartley [1926-1983], America, commissioned for the San Francisco Opera Ballet; acquired by Angeue Fenes, date unknown; Hartley owned a private collection which then became the San Francisco Dance Archives (1950), then was renamed the Archives of Performing Arts (1975), Library of Performing Arts (?) and then became the then of what is now as of 2018 the Museum of Performance + Design.
The need for an AAM Provenance Research Guidelines Update

As described in the literature review there have been several developments in technology, laws, and politics since 2001. There are also research methods that need to be updated for both works focused on Nazi-era provenance questions and works that are found in collections. One of the main critiques is that this guide seems to favor larger institutions that have a wealth of documentation and equal access to outside information. However, updating this guide will benefit many of the stakeholders in the museum community (see Appendix G). As the methods of research change and the information that we are searching for changes so must this guide change.

Update Part 2: Nazi-era Provenance Research

Technology and databases: A significant number of online sources and software have changed since the publication of the guide, and many of the listed and recommended sources are now obsolete or deactivated. Another change is that the AAM is now supporting ART TRACK as a primary database for provenance documentation with Carnegie Mellon. Not only is this a new development of technology that came after the publication of the AAM Guide to Provenance Research, but it encourages shared data. Along with museums making provenance information known to the public, a new guide should also promote the museums to share provenance with other institutions.

Within the AAM guidelines, museums are encouraged but not required to share the provenance of objects within their collection. Some museums do not make provenance accessible under the notions that this creates an undue burden on the museum, or the institution does not want to publish possibly incorrect information. However, by sharing what information they do have with this type of linked data systems, it could be argued that the museum is fulfilling their due diligence.
Changes in laws and politics: Law and politics are not mentioned in the AAM Guide to Provenance Research. However, they are beginning to play an increasingly significant role in provenance and its research. Significantly, in the realm of why some objects are research, where provenance is displayed and allowing access to information.

Within the guide, restitution is mentioned but not discussed as to how it relates to provenance research. One of the clear uses of provenance is to establish legal title to works and to have the benefits that come with it. However, in the last fifteen years issues of the legal title have been one of the leading disputes in court. The guide promotes mediation and then obtaining legal counsel. Many museums cannot afford to hire a lawyer; therefore, by including a section dealing with the legal aspects surrounding provenance museums may be better prepared if a claim is brought forth.

There is also no mention of international politics. This concern is relatively new in the art and museum field where individuals are suing governments over restitution claims. This form of politics does not just apply to Nazi-era works but the increasing amount of issues surrounding objects of cultural heritage and antiquates. Although all restitution cases are unique unto themselves having case studies, as they do with research in the guide may prove useful. International politics also play a role in accessing information. Without making information available online or on databases, researchers would have to go to the institution to look at information. Researchers have found this problematic as many museums do not have the funds to send researchers to other institutions, or that they cannot access information when they are there.

Update part 1: Basic research

The foundations laid by the AAM Guide to Provenance Research are extremely useful as a starting point. However, by conducting my own provenance research, I conclude that aspects can be
expanded and further improved. At this point in my research, I found that there is a strong bias to larger institutions with greater documentation and access to outside information.

**The object:** The chapter is discussing assembling information that focuses on paintings. The authors state that many of the concepts apply to all uniquely identifiable art objects. I found this not always to be the case. In most media, there is little evidence or indication if any changes or alteration of have been made. These changes include a reduction in sizes, relining’s, and cradlings. Also, many forms of media that do not have designated fronts or backs to put documentation such as dealer stickers, stamps, or transport labels.

**Institutional files:** For smaller institutions, there are minimal files or documents. For example, smaller museums do not have in-depth documentation regarding the donor files, conservation files, or registrar/curatorial files. Telling museums to check these institutional records could almost be called a bias to larger institutions who can store a wealth of this kind of information. I would like to see an updated version of the guide to suggest further ideas of where to gather information.

**Prioritizing research:** When conducting provenance research, the guide states that when the problematic objects in a collection should be researched first. The guide gives higher emphasis on Nazi-era works and works with gaps during the Nazi-era. This focus is understandable due to the many issues that Nazi-era works still play in museums today. Museums will still be dealing with the aftermath of the Nazi-era looted works for many more years to come.

However, as the definition of provenance expands so must what is researched in a museum’s collection. As discussed in the literature review provenance is traditionally searched for reasons such as loss, accessions, and deaccessions. However, museums can actively start research provenance within their existing collection. When prioritizing in collection research museums can reference Melinda Simms’s “Found in Collections: Reconciling Undocumented Objects in Historical Museums.” She creates
a ‘Decision Map’ (see Appendix H) that is relevant to museums wanting to start researching within their collection. She begins by asking questions of how closely the object is related to the museum's mission; is there enough documentation regarding the object; and how does the object relate to other objects in the museum regarding similarity, history, and does it expand [the] ability to tell a story. Such ideas should be considered when prioritizing research.

Conclusion

Within the last seventeen years, new developments regarding provenance indicate a need for an updated guide on the issues of, and how to conduct provenance research. This includes technology, laws, accessibility and the evolving definition of provenance. In my attempts to apply basic provenance research principles, I found that creating a provenance-based solely on ownership to be not enough. There is a wealth of information to be discovered when conducting research that should not be lost. A solution to this would be to incorporate a cultural biography of an object as well as the lineage of ownership.
Chapter 4: Summary

In my capstone, I have examined the 2001 *AAM Guide to Provenance Research* and have found that this publication needs to be updated. There are legal, technological, and ethical standards that have changed since the publication and needed to incorporate into a newer version of this guide. This includes an expansion of the definition of provenance to incorporate the idea of a cultural biography of an object. Secondly, when employing the recommendations of the guide for conducting provenance research, there are biases. The biases predominantly are in favor of larger institutions with more significant resources and access; bias towards researching European paintings.

Updating this guide is essential for several reasons, the most important being that significant changes have been made since its publication. Secondly, I believe that provenance research is going to be one of the hot topic issues in the future, especially as issues of cultural heritage, ownership, and repatriation become greater concerns. By continuing to update the changes affecting these issues, museums can do their best to share information, hold the respect and trust of their public, and meet the highest ethical standards.

Many questions remain. I would like to expand provenance to include a broad definition of cultural heritage and objects of antiquity. I would also like to research if individual guides separated by culture, location or media would be useful in researching provenance. Alternatively, would outsourcing to other companies to do research be the most convenient answer for museums who do not have time or resources to conduct research? Finally, how would link-share data work if museums are reluctant to share information on objects in their collection? My hope is that this capstone will be a step in continuing the dialog of provenance research within a museum.
Appendix A: Annotated Bibliography


Zoë Anderson’s book focuses on the history of ballet and describes over 100 hundred ballets (facts, synopsis, and notable restaging’s.) Anderson also includes how several of these ballets have influenced performances to come after. This book serves to give background information on the ballet Coppélia.


At the 2004 International Provenance Research Colloquium, several specialists came together to discuss provenance research, emphasizing Nazi-Era provenance issues. Each essay comes from one of the presentations at the colloquium. These essays are separated into several different categories based on themes such as national perspectives, current research, and archives and resources. Although my research focuses on U.S. efforts in provenance, there are some helpful statements within the book. Especially the struggles of museums to afford to provenance research and essays of leaders in the field like Victoria Reed and Karen Daily.


This publication is the most recent update to the Museum Registration Methods. This book gives guidance about accessioning, caring for objects, and other information on collection management. The section “Provenance Research in Museum Collections: A Collection Management Perspective,” by Karen D. Daly is most prevalent to my research. Although she talks about the need for researching provenance concerning accessions and for museums to research within their collections as well, lining up with my research.

Published by the Getty Research Institute, this book is a collection of essays by several different authors who write about provenance research they have conducted. The essays categorized into four different themes relating to the current provenance research. The first in relating an object to a story and why that is important; second, issues of cultural patrimony; third how provenance realities to the art market and value; finally, what can and has been discovered through such research. There is some bias favor not only the Getty Research Center but also the Getty Provenance Index. I will be using this book as a reference to how museum professionals are using and viewing provenance. This text has been most illuminating in that provenance research is moving away from just being the history of ownership but also focusing on the “biography of an object.”


The International Foundation of Art Research continues to be one of the most cited resource in much of my research. The focus of this guide does heavily emphasize provenance research of WWII era provenance. The guide reflects an older idea of provenance research to validate: importance, authenticity, valuation, and ownership. Much of the newer discussions move away from this type of thinking and wanting to expand a definition provenance. This guide serves as to demonstrate the older way of thinking and how to conduct provenance research.


This article discusses the Zeppelin Museum’s exhibition addresses issues of objects with questionable provenance within their collection. The title of the exhibition was called, “The Obligation of Ownership: An Art Collection Under Scrutiny.” The exhibition addresses the slow movement of
museums to conduct provenance research and to repatriate until the Washington principles in 1998. This article raises issues of neglect on the part of museums doing their due diligence when it comes to provenance.

Gerstenblith, Patty. *Art, cultural heritage, and the law*. Durham: Carolina Academic Press. 2012. Dr. Patty Gerstenblith is arguably one of the leaders regarding the ethical and legal issues concerning art law. In the third edition of her law book, she goes over a various range of topics including artists, copyrights, intellectual property as well as cultural heritage. I will use this book to provide evidence of the changes in laws regarding provenance research; the HEAR Act; stolen property in the U.S.; and The Washington Principles.


Elizabeth Marlow is an associate professor at Colgate University, teaching museum studies and Ancient & Medieval art, has written several scholarly articles. In this article she discusses a work in the Cleveland Museum of art detailing how the museum purchased one of the busts in 2012 with a falsified provenance. Marlow goes on to discuss the “decolonizing the museum” and how these objects come into collecting institutions. This article will be used in my paper questioning the due diligence of museums and the current perception of the Cleveland Museum for acquiring looted artifacts.


Muriel Maffre has an extensive background from performing with the San Francisco Ballet, holding an M.A. in museum studies, and at the time of writing blogs for the ballet was the executive director of the Museum of Performance and Design. Maffre posted several blogs for the ballet
discussing the history of the ballet and the museum. In this particular blog post, she discusses Russell Hartley, founder of the museum, and his role with the ballet in the 1940’s. The articles by Maffre serve as a base for the continuing connection between MP+D and the SF Ballet long after Hartley’s death and how the stories he told continue to come up.


This publication is the newest edition of the American Association of Museum's servers as a guideline for all types of museums. The guide is broken down into seven separate categories: public trust and accountability; mission and planning; leadership and organizational structure; collections stewardship; education and interpretation; financial stability; facilities and risk management. I will be using this book as it relates to the responsibility’s museums hold concerning ethics, unlawful appropriation, and other such standards. Several of my other references use this as a primary resource that should be consulted.


Sullivan & Worcester is a law firm that has handled several different legal cases regarding art & museum law, they also comment on currents of cases in their Art Law Report. Although, there is some bias on the part of the law firm heavily favoring museum transparency and restitution for victims of art crimes. This particular article deals with the German Lost Art Foundation has removed works from the German Lost Art Database. The Foundation was created in 2015 as a response to the Gurlitt Collection and is accused by this post to be almost equivalent to a PR stunt and has yet to accomplish anything. Concluding that by removing artworks from the database, works that have yet to be restituted damages the importance and the purpose of the database.

Victoria Reed is one of the prominent figures in the field of provenance research. She currently works at the Museum of Fine Arts, Boston who has been a leading figure in provenance research, repatriation, and issues of cultural heritage. Although there is some clear bias in favor of the MFA, Reed addresses issues where the museum was given the good title, objects were repatriated, or the museum was able to purchase the good title. As well as the standards upheld by the museum regarding their existing collections and their new accessions. Reed touches on Nazi-era, antiquities, and NAGPRA after 2001. With the examples Reed offers after 2001 have informed some of my purposed updates to the AAM provenance guides.


This paper outlines steps as to how to address what to do when objects are found in collections which have little to no documentation. First what to consider when finding this object, places to locate information about the objects, and what to do next depending on the decision to number or deaccessioning. There are also guidelines to prevent these problems in the future and other resources. Concerning my project on the costume, I found the section on collecting information on the found object to be the most applicable. However, some of the suggestions do not apply as to the size of the Museum of Performance and Design, and the lack of continuity in the documentation.


This is the first book publication from San Francisco Ballet. The book serves as a guide as a timeline of the first fifty years of the ballet’s formation. Beginning from its creation as the San Francisco Opera Ballet and to the current year, it was published in 1983. Much of the original research was done
by the Museum of Performance and Design’s founder Russell Hartley, for which the book was dedicated and published the same year as his death. This book serves as a timeline and as a reference as to who received credit for productions, when and where productions were performed, and other additional information.


This guide is broken up into two different parts. First is the focus on the basic provenance research, such as how to assemble the information that is already at hand, what type of information is needed, and two case studies. Second focusing specifically on provenance research during the Holocaust-Era including several different types of resources (in the U.S. and internationally), prioritizing research, and case studies of provenance research in that era. As far as my research has allowed this is the only guideline and publication from AAM. This book is at the heart of my research, as it has informed me as to how to research provenance, I have used these methods as the starting point of my project. Many aspects of this book, though useful there is a need for an update.
Appendix B: The Washington Principles

The Washington Principles, or the Washington Principles on Nazi-confiscated Art is a declaration signed in 1999 by 44 governments regarding Nazi-looted art. This document includes eleven principles. Here are the four that have become the most prevalent in AAM and AAMD guidelines as well as influencing American Judicial legislation.

- #2 Make relevant records and archives accessible to researchers (researchers say that this is difficult);
- #3 Make resources and personnel available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted;
- #4 In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era;
- #5 Make every effort to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
Appendix C: International Countries

Since the Washington Principles and Terezin Declaration there has been an increase in nationalism. In particular cases, such as Turkey, many countries want to keep objects of their cultural heritage within their borders. Such countries include Hungary, Poland, Switzerland, and Italy.

Russia has been identified as an example of a country lacking in restitution since the Washington Principles. One of the chief accusers has been German Chancellor Merkel who has called out Russia for still having many works looted from the Nazi-era and had made no efforts of restitution. There has only been one case brought against Russia, which is still pending.

The most current general ranking of provenance research and restitution was in 2013. The top five countries are as follows: Germany, Austria (these countries have restitution laws for national museums), Holland, Britain, and finally France (who have researched the provenance of 2,000 artworks.) Other notable countries include Sweden, Italy (has published a catalog of works they wish to have returned to the country, and there has been no claims of restitution against an Italian Museum.)
## Appendix D: Law Cases

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<td>Dogas painting</td>
<td>Title</td>
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<tr>
<td>Frenk v. Solomon</td>
<td>2018</td>
<td>State</td>
<td>Four expressionist paintings</td>
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<tr>
<td>Gowen v. Nahmad Gallery</td>
<td>2018</td>
<td>State</td>
<td>Modigliani painting</td>
<td>Title</td>
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<td>Koehns Heirs &amp; The Netherlands' Claims Against Museum of Fine Arts, Boston</td>
<td>2018</td>
<td>International</td>
<td>Mel de Blas painting; Landscape with Burning City</td>
<td>Title</td>
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<tr>
<td>Philipp v. Germany (Guelph Treasury)</td>
<td>2018</td>
<td>Federal</td>
<td>Objects from the &quot;Guelph Treasure&quot;</td>
<td>Forced Sale</td>
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<td>Poland and Ukraine Claims Against Twelve Museums for Lubomirski Durers</td>
<td>2018</td>
<td>Federal</td>
<td>Two drawings by Düer and one drawing by Baldung Grien</td>
<td>Title</td>
<td>Pending</td>
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<tr>
<td><strong>2018</strong></td>
<td></td>
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<tr>
<td>In re: Deux Femmes Dans Un Jardin</td>
<td>2018</td>
<td>Federal</td>
<td>Renoir painting</td>
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<td>Neff v. Nagy</td>
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<td>State</td>
<td>Egon Schiele Watercolors</td>
<td>Laches</td>
<td>Judgment for Plaintiff(s)</td>
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<td><strong>2015</strong></td>
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<td>Meyer v. University of Oklahoma</td>
<td>2015</td>
<td>Federal</td>
<td>Camille Pissarro painting</td>
<td>Title</td>
<td>Settled</td>
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<td><strong>2013</strong></td>
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<td>Scheps v. Bavaria (Bayern)</td>
<td>2013</td>
<td>Federal</td>
<td>Picasso painting</td>
<td>Government Immunity</td>
<td>Affirmed</td>
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<td>Bakalar v. Vavra</td>
<td>2012</td>
<td>Federal</td>
<td>Schiele drawing of Seated Woman</td>
<td>Theft</td>
<td>Judgment for Plaintiff(s)</td>
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<td>United States v. Painting Known as Cristo Portocarrero</td>
<td>2012</td>
<td>Federal</td>
<td>&quot;Cristo Portocarrero&quot;</td>
<td>Title</td>
<td>Judgment for Plaintiff(s)</td>
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<td><strong>2011</strong></td>
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<td>Dunbar v. Segler-Thomschitz</td>
<td>2011</td>
<td>Federal</td>
<td>1910 Oskar Kokoschka painting</td>
<td>Title</td>
<td>Judgment for Plaintiff(s)</td>
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<td>Okti v. Swiss Confederation</td>
<td>2011</td>
<td>Federal</td>
<td>Les Saints-Maries de la Mer</td>
<td>Reprieve</td>
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<td>Westfield v. Federal Republic of Germany</td>
<td>2011</td>
<td>Federal</td>
<td>Westfield art collection</td>
<td>Subject Matter Jurisdiction</td>
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<td>Jurisdiction</td>
<td>Nature of Damage</td>
<td>Claim Type</td>
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<td>2010</td>
<td>Museum of Fine Arts, Boston v. Seger-Thomschitz</td>
<td>Federal</td>
<td>Two Nudes (Lovers) by Oskar Kokoschka</td>
<td>Statute of Limitations</td>
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<td>United States v. Portrait of Wally</td>
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<td>Schiele painting: Portrait of Wally</td>
<td>Theft</td>
<td>Litigated, subsequently settled</td>
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<td>Sotheby's v. Shene</td>
<td>Federal</td>
<td>16th-century German book of drawings, prints, and engravings</td>
<td>Replevin</td>
<td>Work Recovered/Restitution</td>
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<td>2008</td>
<td>United States v. Six Paintings Seized from Paul Gorczoski III d/b/a Northfield Auctions</td>
<td>Federal</td>
<td>6 Italian and German landscape paintings</td>
<td>Forfeiture</td>
<td>Settled</td>
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<td>Vineberg v. Bissonnette (Max Stern Estate)</td>
<td>Federal</td>
<td>Winterhalter painting: Girl from the Sabiner Mountains</td>
<td>Forced Sale</td>
<td>Judgment for Plaintiff(s)</td>
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<td>Detroit Institute of Arts v. Ullin</td>
<td>Federal</td>
<td>van Gogh painting: The Diggers</td>
<td>Title</td>
<td>Dismissed</td>
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<td></td>
<td>Jorisch v. Lauder</td>
<td>Federal</td>
<td>Blooming Meadow by Gustav Klimt</td>
<td>Title</td>
<td>Withdrawn</td>
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<td>Warin v. Wildenstein</td>
<td>State</td>
<td>15th-17th century illuminated manuscripts</td>
<td>Replevin</td>
<td>Dismissed</td>
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<td>2006</td>
<td>Altmann v. Austria</td>
<td>Federal</td>
<td>Five Gustav Klimt paintings</td>
<td>Replevin</td>
<td>Arbitration Decision</td>
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<td>Feldmann Heirs Recover Looted Old Master Drawing</td>
<td>2006</td>
<td>Flinck Drawing: The Liberation of Saint Peter From Prison (formerly attributed to Rembrandt)</td>
<td>Title</td>
<td>Non-litigated Settlement</td>
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<td>Feldmann Heirs’ Claim Against the Courtauld Institute of Art</td>
<td>International</td>
<td>Architectural Capriccio</td>
<td>Title</td>
<td>Settled</td>
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<td>Goudstikker Heirs’ Claim Against The Netherlands</td>
<td>International</td>
<td>Steen painting: The Sacrifice of Iphigenia and van Ruysdael painting: River Landscape with Ferry</td>
<td>Forced Sale</td>
<td>Litigated, subsequently settled</td>
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<td>Hess Heir’s Claim Against Germany for Kirchner Painting</td>
<td>International</td>
<td>Kirchner painting: Berlin Street Scene</td>
<td>Forced Sale</td>
<td>Settled</td>
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<td></td>
<td>In re Peters</td>
<td>2006</td>
<td>Edvard Munch’s &quot;Strasse in Kragerø&quot;</td>
<td>Conversion</td>
<td>Judgment for Defendant(s)</td>
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<td>Jaffé Heirs’ Claim Against Kimbell Art Museum</td>
<td>2006</td>
<td>Turner painting: Glaucus and Scylla</td>
<td>Title</td>
<td>Non-litigated Settlement</td>
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<td></td>
<td>Toledo Museum of Art v. Ullin</td>
<td>Federal</td>
<td>Gauguin painting: Street Scene in Tahiti</td>
<td>Title</td>
<td>Dismissed</td>
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<td>2005</td>
<td>Attorney General v. Trustees of the British Museum (Feldmann Heirs)</td>
<td>International</td>
<td>4 Old Master drawings</td>
<td>Replevin</td>
<td>Settled</td>
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<td>Bennigson v. Alsdorf; United States v. One Oil Painting Entitled “Femme En Blanc” By Pablo Picasso; Alsdorf v. Bennigson</td>
<td>State</td>
<td>Picasso painting: Femme en Blanc</td>
<td>Conversion</td>
<td>Settled</td>
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<tr>
<td></td>
<td>Cassirer and Bennigson v. Hahn</td>
<td>State</td>
<td>Pissarro Painting: Rue de Saint Honoré après-midi, effet de pluie and Picasso painting: Femme en Blanc</td>
<td>Constructive Trust</td>
<td>Settled</td>
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<tr>
<td>2004</td>
<td>Joram Deutsch v. Metropolitan Museum of Art</td>
<td>State</td>
<td>El Greco painting: Mount Sinai</td>
<td>Conversion</td>
<td>Dismissed</td>
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<td></td>
<td>Springfield Library v. Knoedler Archivum</td>
<td>Federal</td>
<td>da Ponte painting: Spring Sowing</td>
<td>Breach of Warranty</td>
<td>Litigated, subsequently settled</td>
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</tbody>
</table>
The information up above has been found on the website for the International Foundation for Art Research. Above it has been organized by the year that the case had been resolved since 2001. Since 2001 there have been 9 cases over the issue of legal title, 3 case over issues of SOL, and 5 cases of forced sale.
Appendix E: Museums with Provenance Project

- Art Institute of Chicago
- Boston Museum of Fine Arts
- Cleveland Museum of Art
- Detroit Institute of Art
- J. Paul Getty Museum
- Harvard Art Museums
- University of Indianapolis Bloomington Eskenazi Museum of Art
- The Metropolitan Museum of Art
- Research Resource Hub
- Minneapolis Institute of Art
- Museum of Modern Art
- National Gallery of Art:
  - Philadelphia Museum of Art
- Princeton University Art Museum
- Saint Louis Art Museum
- Seattle Art Museum
- Smithsonian Provenance Research Initiative
- Wadsworth Atheneum
- Worcester Art Museum
- Yale Art Gallery

Above are American museums that are active in their research of provenance. Several of these museums have independent departments of provenance and in many cases leaders within their field.
### Appendix F: Timeline

<table>
<thead>
<tr>
<th>Month/Date</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>1924</td>
<td>20-Jan Russell Hartley Born</td>
</tr>
<tr>
<td>1933</td>
<td>San Francisco Opera Ballet founded by Adolph Bolm</td>
</tr>
<tr>
<td>1937</td>
<td>William Christensen is appointed director of SFO Ballet</td>
</tr>
</tbody>
</table>
| 1939       | 31-Oct SFO Ballet’s premiere performance of Coppélia  
Costume credit is given to Charlotte Rider |
| 1939-1948  | Coppélia is in SF Ballet’s repertoire |
| 1942-1949  | Hartley’s dancer credits with SF Ballet |
| 1942       | San Francisco Ballet separates from the Opera |
| 1943       | First performance at Stern Grove Festival |
| 1944-1957  | Hartley’s designer credits (costumes and sets) with SF Ballet |
| 1945       | 23-Dec Hartley is credited for costumes of Coppélia  
30-Dec Hartley is credited with reimagined costume of Coppélia |
| 1946       | Beginnings of Hartley’s Studio |
| 1949-1950’s| Hartley began exhibiting his works in US and Europe |
| 1948       | 15-Aug Stern Grove Performance of Coppélia with costume credit going to Hartley  
*company is not called San Francisco Ballet but the William Christensen Ballet Company |
<p>| 1950       | The beginning of San Francisco Dance Archives |</p>
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
</table>
| 1960’s | Began writing for dance magazines  
Began showing exhibitions in War Memorial Opera House and SF Public Library |
| 1975 | Collection house at the Presidio Branch Public Library  
Collection Renamed Archives for the Performing Arts due to several donations |
| 1978 | Angnes Feve donates Programs to MP+D  
Nutcracker costumes from SFB were donated to MP+D |
| 1981 | 1981: Due to budget cuts collection relocated to Hartley’s home in Milly Valley |
| 1983 | SF Ballet donated archive space in the War Memorial Opera House  
4-Oct  Russel Hartley dies at the age of 59  
SFB publishes "The First 50 years" |
| 2015 | 24-Nov  Conservation report conducted on costume |
Appendix G: Stakeholders

Stakeholders are those who are invested in an organization. The investment can be cultural, educational, as well as financial.

1. Scholars: Scholars are a major stakeholder in using a new form of provenance research, predominantly because scholars who are doing most a vast majority of the research. Scholars include but are not limited to: curators, registrars, and historians.

2. Future generations: Future generations, especially future generations of scholars have a large stake in updating the 2001 AAM Guide to Provenance Research. It will be these future generations who will apply these guidelines as issues of provenance continue to surface regarding Nazi-era art and cultural heritage.

3. Collectors/ galleries: Collectors and galleries will be affected by provenance research; predominantly there is a growing adoption of polices where museums will not accept objects that do not have a clean provenance record. This may result in collectors and galleries conducting their own research before donating or selling an item.

4. Donors: Many objects within a museum’s collection are donated; therefore, with museums enforcing stricter provenance records, if donors can give an object and may require them to conduct provenance research themselves.

5. Politicians/ Government: With the increasing domestic laws, international declarations and legal battles the need for provenance research is pushed forward. The frequency and the due diligence of museums will affect legal legislation.
FOUND IN COLLECTIONS
A Decision Map on How to Handle Objects Found in Museums

The following chart, or “decision map,” illustrates the path an FIC object could travel to reconciliation.

1. Is the Object Related to Mission?
   - YES
   - NO

2. Is there documentation?
   - YES
   - NO

3. What is the condition?
   - GOOD
   - FAIR
   - POOR

4. Can you retain for final evaluation on: number of similar items and condition, value for research, exhibits, or teaching?
   - YES
   - NO

5. Is it able to relate to other items in collection through proximity with other objects, similarity in use/history, or does it expand ability to tell a story?
   - YES
   - NO

6. Deaccession* for parts, repair, education, teaching or dispose of based on Deaccession Policy
   - YES
   - NO

7. Set aside until total inventory is complete
   - Re-evaluate

---

*Assume the found object has an accession number. If it does not, deaccessioning is not relevant. Keep a permanent record of all objects removed from the collections with a record of all pertinent data such as object, size, color, name, uses, how disposed of (including all transfer or donation paperwork) and photo.

AAM Annual Meeting, St. Louis, MO; May 6-10, 2001 “Found in Collections: Recurring Nightmare or Golden Opportunity?” Tuesday, May 8, 2001, 1:45-3:00pm.

* Decision Map developed by Mary Ellen Conaway with a lot of collegial help, 2/2001.
Appendix I: Images

Figure 1 Coppélia costume, Accession # 988.0.1129 Coll. Box 129, Museum of Performance + Design.
Figure 2 Villager in Coppélia Costume, Accession # SFB180912-004, Box 98 File 14, Museum of Performance + Design
Figure 3 Villager in Coppélia Costume, Accession # SFB180912-003 Box 98 File 14, Museum of Performance + Design
Figure 5 Image of note attached to the conservation report for the Coppélia costume.
Endnotes

2 Legal title involves the right, interest, and ownership of property. This issue becomes complicated that is some cases legal title may overlap with physical possession. However, when there is a theft involved legal titles become more complicated, especially when there were innocent purchasers down the line purchasing the work.
3 Due diligence is the museum requirement undertake to establishing facts before deciding a course of action, including identifying the source and history of an item for acquisition, loaning, or obtaining good/legal title. The second definition of due diligence is the reasonable steps to be taken to satisfy legal requirements.
4 Victoria Reed is currently the Sadler Curator for Provenance at Museum of Fine Arts, Boston. Beginning as a researcher in 1997 she has since been described as the ‘art detective’ becoming a leader in the field of provenance research. Prominently focusing in Nazi-era looted artworks she is known to work both with the museum’s existing collection as well as the pending accessions.
8 Ibid. 7-8.
9 As far as research has allowed the terms 'Nazi-Era' and 'Holocaust-Era' are terms used interchangeably. The dates for both of these time periods are between 1933 to 1945.
14 http://provenance.si.edu/jsp/ww2_cultural_property.aspx
16 Karen Daly is a registrar for exhibitions & coordinator of provenance research at the Virginia Museum of Fine Arts. She has written several essays on the perspective of provenance research from the perspective of a registrar.
18 Ibid
20 Red flag names are key names in provenance research of individuals who have had dealings with looted art. These people range from the military, art dealers, and private collectors. By keeping a watch
for red flag names researchers are able to grasp a broader understanding of a piece or a collections provenance.

21 Forcéd sale has several definitions such as a sale made with the consent of the owner, forced sale by the government or a government official, or as a hurried sale by the owner because of hardship.

22 A catalogue raisonné is an annotated listing of works of an artist as well as other scholarly information. This academic source is listed as being a primary source when doing provenance research. However, as researchers we now have to ask how much do we take for fact if influencers can alter the provenance within the raisonné?


24 Statute of Limitations are laws prescribing a period of time when a plaintiff can bring certain kinds of legal action.


30 Linked Open Data or also known as Linked data is a method of published information that can be interlinked between users.


33 The Gurlitt trove is also known as the 2012 Munich artworks discovery. 1,400 works were discovered in the apartment of Cornelius Gurlitt, whose grandfather Hildebrand Gurlitt was and art dealer and war profiteer during WWII. There are issues with this case because in 2014 an agreement was made that Gurlitt could keep his collection if he assisted with GALF with restitution. However, when he died he left the work to the Museum of Fine Arts Bern, in Switzerland. The museum did not want to accept Nazi looted art and did not take some 500 works. However, they did display 160 works from his collection between 2017-2018.


Ibid:127.
40 Abigail Adams, March 20,1780, Letter to her son President John Quincy Adams.
42 Charlotte Rider was active with SFB between 1938-42. She is prominently associated with set designs and a few costume credits. For the 1939 production, she was given credit as a set designer for Coppélia in 1939. Helen Green worked with SFB between 1938-1940 as scenery designer.
44 This video is in the collection of the Museum of Performance + Design. The video is comprised of several different clips put together; Costume credit was given to Hartley.
47 Ibid 49.
Bibliography


“German Lost Art Foundation.” Kulturgutverluste.de https://www.kulturgutverluste.de/Webs/EN/Foundation/Index.html.


