

THE COMMISSION,

Meeting in plenary session on 2 July 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3-1 of said Decree;

I. The facts

Gabrielle PHILIPPSON, divorced from Robert GOLDSCHMIDT, and widow of her second husband Charles BÉNARD LE PONTOIS, died at her home in PARIS (8th arrondissement) 62 Rue Pierre Charon on 23 December 1941. She was in a comfortable financial situation and had a collection of master paintings and antique furniture. Seals were affixed so that the bailiffs could make an inventory of the contents of her apartment. It was drawn up on 25 February 1942 as part of her estate.

A few months later, in August 1942, agents of the Einsatzstab Reichsleiters Rosenberg (E.R.R.) completely looted the apartment, resulting in the spoliation of her heirs.

The children of Gabrielle BÉNARD LE PONTOIS, namely Stéphanie GOTTSCHALK née GOLDSCHMIDT, Benedict GOLDSCHMIDT and Antoinette DERVAUX née GOLDSCHMIDT (divorced from her first husband Mr MAY, and widow of her second husband), through their representatives, took various steps post-war with the French authorities, namely the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.) seeking the restitution of spoliated works.

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 3 June 2020 concerning two works that belonged to Gabrielle PHILIPPSON, widow of BÉNARD LE PONTOIS, listed as MNR (National Museum Recovery) or OAR (objet d'art récupération [art object recovery]), repatriated to France after World War II, then retained by the Commission for the Selection of Works of Artistic Recovery [commission de choix des œuvres de récupération artistique] before being allocated to the Louvre by the O.B.I.P.:

- a painting, MNR 32, Portrait de femme, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait de Madame de Longueville", kept in the Louvre Museum, paintings department,

- a tapestry, OAR 64, from the manufacture des Gobelins, entitled "Tenture des mois de Lucas: le mois d'avril ou le signe du taureau", 18th century, wool and silk, kept in the Louvre Museum, Art Objects Department.

The following beneficiaries have joined together in this restitution application, namely:

- Mr A., born on ... in ..., residing at ... and his sister, Ms B., born on ... in ..., residing at ..., both of them successors to the rights of their father, ..., son of ..., herself the daughter of the aforementioned Gabrielle BÉNARD LE PONTOIS,

- Ms C., born on ..., residing at ..., by virtue of the will, drawn up on ... established for her benefit, as regards movable property, by her spouse ..., who died on ..., son of the aforementioned

Mr A. and Ms B. are acting in the capacity of the beneficiaries of:

- their great-grandmother Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow) mentioned above,
- their great-uncle, Benedict GOLDSCHMIDT mentioned above,
- their aforementioned great-aunt, Antoinette DERVAUX, by virtue of a statutory declaration drawn up by Maître ..., Notary and partner in the Société Civile Professionnelle ..., holder of a Notary Office at

Ms C. is acting as the spouse entitled to succeed.

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 3 June 2020, of the Head of the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Ms DESCOURS-GATIN, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

At the end of the investigation, Mr A. and Ms C. submitted their written observations dated 7 June 2021.

The claimants were informed of the hearing of 2 July 2021.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representative of the Diplomatic Archives of the Ministry for Europe and Foreign Affairs, the representative of the Ministry of Culture, and the Government Commissioner.

The Commission considers the following to be established:

The research conducted and its results on file indicate that most of the property in the home located at 62 Rue Charon, PARIS (8th arrondissement), occupied by Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow), was looted in August 1942 by the Occupation authorities and transferred to Germany.

After the War, the executor of the estate of Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow), sent a declaration to the French authorities, namely the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.) on 13 March 1945, reporting this spoliation in order to protect the interests of the heirs, all of whom were outside Europe in 1942.

He attached to his declaration the list of the various items of furniture and objects looted, resulting from the inventory drawn up in February 1942.

As a result, three paintings were returned by the French authorities to the heirs of Gabrielle BÉNARD LE PONTOIS: a portrait of a man, *la main droite au gilet*, attributed to FRAGONARD, a Portrait of a woman, T. LAWRENCE school, and a portrait of a man, Dutch school, as well as objects of art and furniture.

The two works claimed are not mentioned in the inventory drawn up on 25 February 1942. They were acquired in August and September 1941 by Walter BORNHEIM of the Munich gallery "Für Alte Kunst" on behalf of Hermann GÖRING for his Carinhall residence, a few months before the death of Gabrielle BÉNARD LE PONTOIS and the looting of her collection.

IV. The Commission's opinion

The two works MNR 32 and OAR 64 were not among the works stolen from the Paris apartment by the E.R.R.

No trace of an actual payment by Hermann GOERING's partner was found.

It is certain that the last legitimate owner of these two works was Gabrielle BÉNARD LE PONTOIS.

Although the conditions of their sale are unknown, the Commission considers that, in view of their destination and the status of the buyer, the freedom of disposal of Gabrielle BÉNARD LE PONTOIS' property was hindered by anti-Semitic legislation and that this sale was therefore made under duress. Consequently, in view of the information on file and the opinion expressed by the competent administrative authorities, there is call to return to the heirs of Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow), a painting representing a portrait of a woman, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait de Madame de Longueville", listed in the Louvre's inventory under number MNR 32, as well as a tapestry from the manufacture des Gobelins, entitled "Tecture des mois de Lucas : le mois d'avril ou le signe du taureau", 18th century, wool and silk, listed in the Louvre's inventory under number OAR 64.

THE COMMISSION IS OF THE OPINION,

1° - That Mr A., Ms B. and Ms C. be recognised as heirs of a victim of spoliation arising from anti-Semitic legislation in force during the Occupation;

2° - That a painting representing a portrait of a woman, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait de Madame de Longueville", listed in the Louvre's inventory under number MNR 32, as well as a tapestry from the manufacture des Gobelins, entitled "Tecture des mois de Lucas : le mois d'avril ou le signe du taureau", 18th century, wool and silk, listed in the Louvre's inventory under number OAR 64, should be returned to them;

REMINDS the parties that the claimants will be informed of this recommendation.

REMINDS Mr A., Ms B. and Ms C. to make it their personal business to resolve any disputes arising over the ownership of the artworks that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,

- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex,

- to Ms Connie WALSH, Deputy Director at the Holocaust Claims Processing Office (HCPO), New York State, Department of Financial Services, 1 State Street, NEW YORK (NY – 10004 – 1511 – USA).

-The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,

- The Ministry of Culture was represented by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms ROTERMUND-REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 6 September 2021

*The Chargé de Mission,
Hearing Secretary*

Emmanuel Dumas

The Chairman,

Michel Jeannotot