



Art Museum Image Consortium

Enabling educational use of museum multimedia

www.amico.org

Public Access to Information about Art of Problematic Provenance: A Proposal to the AAMD

AAMD urges the prompt creation of mechanisms to coordinate full access to all documentation concerning this spoliation of art, especially newly available information. To this end, the AAMD encourages the creation of databases by third parties, essential to research in this area, which will aid in the identification of any works of art which were unlawfully confiscated and which of these were restituted. Such an effort will complement long-standing American museum policy of exhibiting, publishing and researching works of art in museum collections in order to make them widely available to scholars and to the general public. ... *Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)*, June 4, 1998 Text appended and also available at <http://www.aamd.org/guideln.shtml>

Summary

The Art Museum Image Consortium (AMICO) proposes to work with the Association of Art Museum Directors (AAMD) to distribute information regarding problematic early twentieth century provenance through mechanisms such as the AMICO Library and the AMICO Public Thumbnail Catalog. In order to satisfy concerns about the public disclosure of works of art with problematic provenance in the collections of many museums AMICO offers to include documentation about such works in the AMICO Library and extend the public catalog to include such information as would enable members of the general public to identify works that might be considered "Nazi Loot". We see the inclusion of such information as a natural part of our mission to enable educational access to museum multimedia information.

AMICO has put in place the systems and specifications that enable the compilation of a multimedia Library documenting works of art from the diverse collections AMICO member Museums. In the first 10 months that subscriptions were available, the AMICO Library is accessible to more than 700,000 undergraduates on over 110 campuses. We have implemented a searchable web-based catalog of over 50,000 works of art, online, on our public web at <http://search.amico.org>. We propose to make these available to members of AAMD as vehicles for the broad public dissemination of information about their collections.

Proposal

We propose that AMICO provide a service to the members of the Association of Art Museum Directors (AAMD), through a collaborative agreement between AMICO and AAMD, and between AMICO and participating AAMD members.

AMICO would provide two services for AAMD members:

- AMICO will receive information about works of art in the collections of AAMD members that those members determine should be identified as being of "dubious provenance". AMICO will provide a web-form and a web-based image uploading facility which AAMD museums could use for this purpose. Should contributors prefer, multi-record files could be submitted, to be loaded into the database as a group. The information provided by the AAMD member will conform to the AMICO Data Specification (available online at <http://www.amico.org/docs.html>). Specific guidelines will be developed regarding the use of the Provenance Field to record details of early 20th century provenance.
- AMICO will report all documented works to the public by identifying those works in the AMICO Thumbnail Catalog online at <http://search.amico.org> in a mutually agreed manner and by including them in the AMICO Library distributed under educational license to universities, colleges, schools and public libraries. AMICO will also provide a separate searchable database (or pre-sorted lists of works) in a separate section on the AMICO site www.amico.org (available by linking from the AAMD web site), ArtMuseum.net and contributing museums' web sites.

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The search functionality for this set of works will be the same as that is offered for the AMICO Public Catalog (Simple Keyword or Advanced, Creator Name, Creator Nationality, Object Type, Creation Date, AMICO Contributor and Keyword. (See the Screen Displays. Section 1.) A keyword search of Provenance could also be added.

Search Results will be displayed as they are now in the Thumbnail Catalog, in either a "Light Table" or "List" view. For the collection that includes only works of problematic provenance, a higher quality image will be linked to the "Thumbnail" in these displays, to enable further study by the user. This will show the work at an agreed upon level of detail, not to exceed 1024x768 pixels in resolution. (See Screen Displays, Section 2).

- AMICO will work with a group identified by the AAMD to ensure that the information recorded and displayed is formatted in such a way as to meet the needs of AAMD members and those conducting research on provenance during this period.
- AMICO will facilitate electronic communication between researchers of provenance and contributing museums. An adapted version of the AMICO Comment Facility will be used to enable members of the public will be offered the opportunity to email any comments they want to make regarding works. AMICO will direct these mail-back messages directly to the person designated by each museum to receive them. (See Screen Displays, Section 3).

Prototypes of these facilities can be demonstrated now since they are modeled on functions implemented for AMICO members. Screen mock ups, based on existing functionality, are appended.

Terms of Collaboration

AMICO is a not-for-profit organization that must recover costs on all activities. AMICO proposes that AAMD pay AMICO a nominal fee to cover the development and implementation costs of such a service. AMICO will cover hosting and maintenance of the service. AAMD members will pay a nominal fee for including their works.

- A lump sum payment of \$45,000 (c. \$250 per AAMD museum) as a start-up fee for this service.
- An annual payment, due when the service goes live and on the anniversary of that date each year, of \$25,000 for administration of this service for up to 25GB of data storage.

Each Participating AAMD Museum will provide AMICO with:

- The name and e-mail address of the individual designated as the contact for this service and who will be given the password controlled access to the data upload and editing facilities.
- A signed Collaborative Agreement for this service which will make an explicit grant of intellectual property rights to the data and images for educational use within the AMICO Library and for online publication in conjunction with this service
- Contributing institutions will indemnify AMIC; the consortium will in no way be responsible for the accuracy of the data, any damages resulting from its publication, or the source and provenance of the works of art themselves.

A formal agreement between AMICO and AAMD, and between AMICO and the participating museums will be developed by AMICO staff, and approved by the AMICO Board. An advisory committee for the project will be named by the AAMD.

Appendix: Screen Layouts based on existing capabilities

1. Searching the Catalog

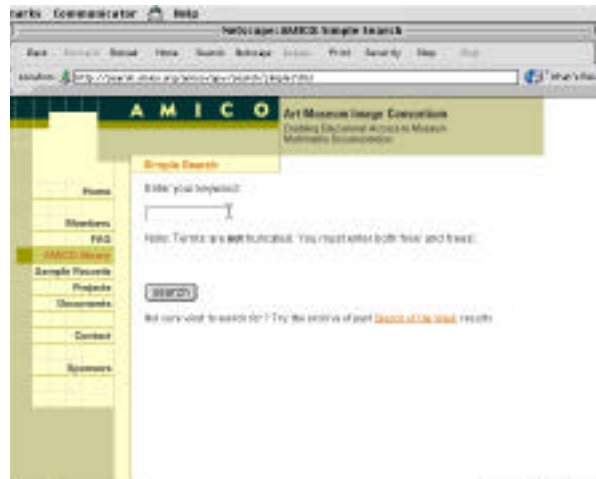


Figure 1a: Simple Search

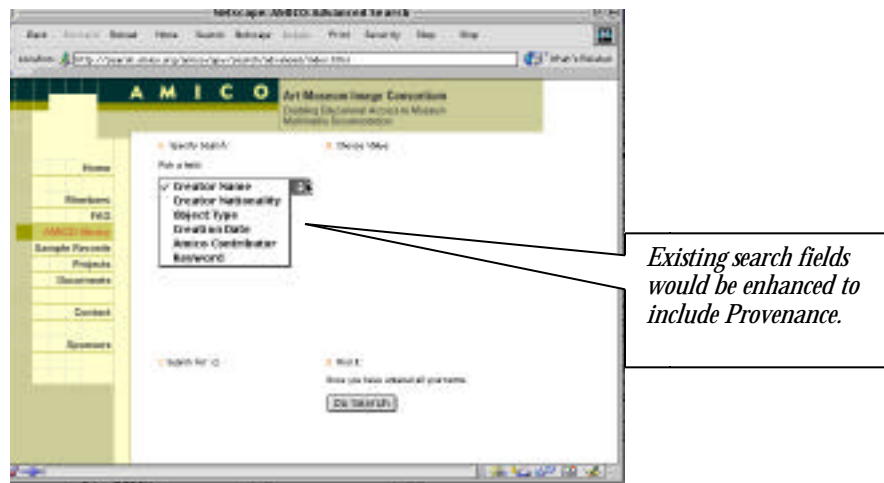
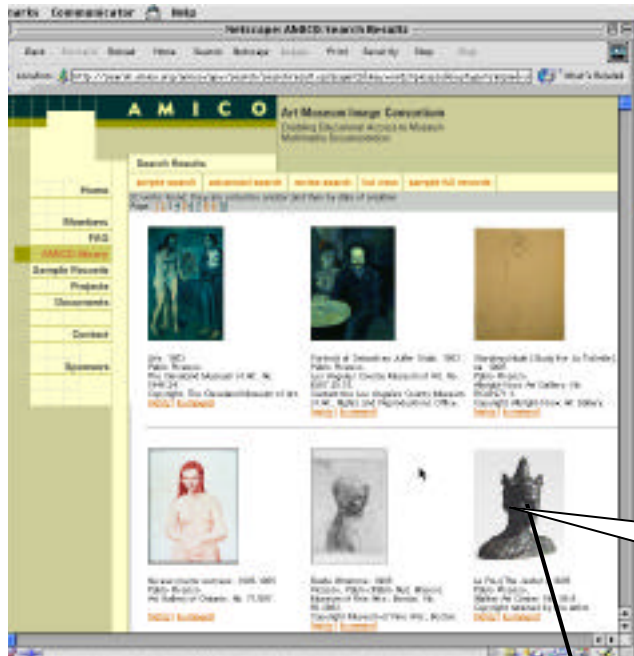


Figure 1b: Advanced Search

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Sample Screens, Section 2. Search Results



Note: These works from the AMICO Library are used for illustration only. No assumptions should be made about their provenance.

Clicking on a particular thumbnail, moves user to a full screen view of that work with detailed provenance information

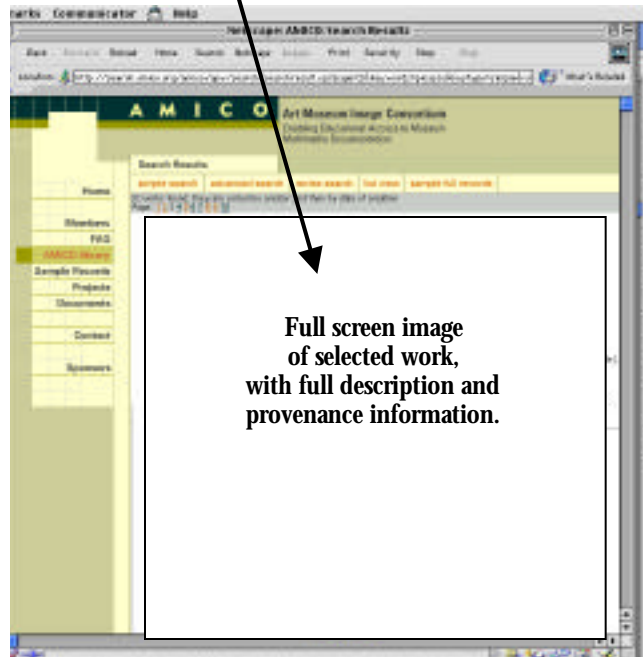


Figure 2: Search Results

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Sample Screens, Section 53. Comment Function

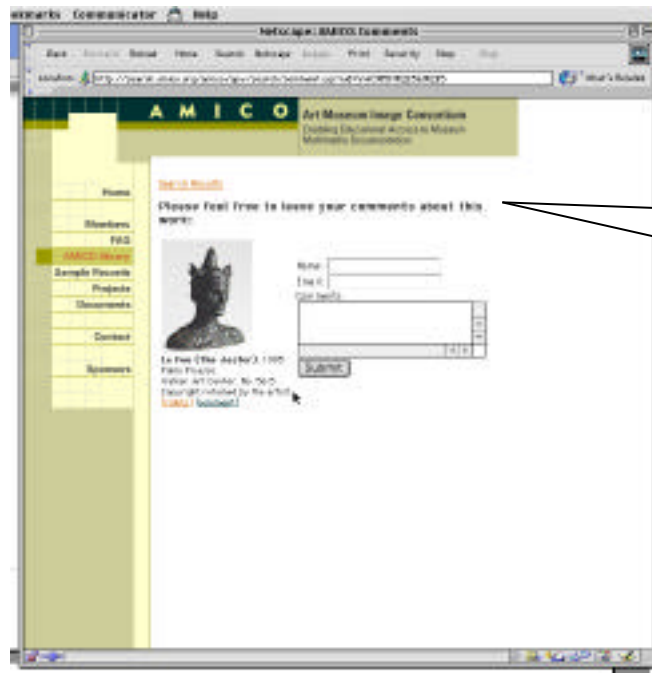


Figure 3a: Comment Function

Subject: Comment on AID: FASF.61808
To: AMICO Public Website Comment <info@ami.co.org>
From: AMICO Public Website Comment <info@ami.co.org>
Date: Sat, 15 Apr 2000 19:44 -0400



Héléne Formann.. (Rubens second wife). eleventh plate in the book.. [Titles in Russian and French]... Imperatorskaya Ermitazhnaya Galereya Galérie Impériale de l'Ermitage (Saint Petersburg: Gohier Desfontaines, 1847). 16th - 17th century Peter Paul Rubens.

Fine Arts Museums of San Francisco. No. A100685.
Personal and educational non-commercial uses are permitted and encouraged..

Name of Commenter: AMLogan
Email of Commenter: annemlogan@email.msn.com
Comment: the painting is in the Gulbenkian Foundation in Lisbon and was recently on view at the Met. It was sold by Russia in the 1930s to earn cash.

This is an actual comment from the AMICO Public Website. Comments will be routed to named contacts at each contributing museum

Figure 3.: Comment Email Received by Member

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Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945), June 4, 1998

AAMD Statement of Purpose: "The purpose of the AAMD is to aid its members in establishing and maintaining the highest professional standards for themselves and the museums they represent, thereby exerting leadership in increasing the contribution of art museums to society."

I. Statement of Principles

2. AAMD recognizes and deplores the unlawful confiscation of art that constituted one of the many horrors of the Holocaust and World War II.
3. American museums are proud of the role they, and members of their staffs, played during and after World War II, assisting with the preservation and restitution of hundreds of thousands of works of art through the U.S. Military's Monuments, Fine Arts and Archives section.
4. AAMD reaffirms the commitment of its members to weigh, promptly and thoroughly, claims of title to specific works in their collections.
5. AAMD urges the prompt creation of mechanisms to coordinate full access to all documentation concerning this spoliation of art, especially newly available information. To this end, the AAMD encourages the creation of databases by third parties, essential to research in this area, which will aid in the identification of any works of art which were unlawfully confiscated and which of these were restituted. Such an effort will complement long-standing American museum policy of exhibiting, publishing and researching works of art in museum collections in order to make them widely available to scholars and to the general public. (See III. below.)
6. AAMD endorses a process of reviewing, reporting, and researching the issue of unlawfully confiscated art which respects the dignity of all parties and the complexity of the issue. Each claim presents a unique situation which must be thoroughly reviewed on a case-by-case basis.

II. Guidelines

AAMD has developed the following guidelines to assist museums in resolving claims, reconciling the interests of individuals who were dispossessed of works of art or their heirs together with the fiduciary and legal obligations and responsibilities of art museums and their trustees to the public for whom they hold works of art in trust.

A. Research Regarding Existing Collections

1. As part of the standard research on each work of art in their collections, members of the AAMD, if they have not already done so, should begin immediately to review the provenance of works in their collections to attempt to ascertain whether any were unlawfully confiscated during the Nazi/World War II era and never restituted.
2. Member museums should search their own records thoroughly and, in addition, should take all reasonable steps to contact established archives, databases, art dealers, auction houses, donors, art historians and other scholars and researchers who may be able to provide Nazi/World-War-II-era provenance information.
3. AAMD recognizes that research regarding Nazi/World-War-II-era provenance may take years to complete, may be inconclusive and may require additional funding. The AAMD Art Issues Committee will address the matter of such research and how to facilitate it.

B. Future Gifts, Bequests, and Purchases

1. As part of the standard research on each work of art:
 - (a) member museums should ask donors of works of art (or executors in the case of bequests) to provide as much provenance information as possible with regard to the Nazi/World War II era and
 - (b) member museums should ask sellers of works of art to provide as much provenance information as possible with regard to the Nazi/World War II era.
2. Where the Nazi/World-War-II-era provenance is incomplete for a gift, bequest, or purchase, the museum should search available records and consult appropriate databases of unlawfully confiscated art (see III below).
 - (a) In the absence of evidence of unlawful confiscation, the work is presumed not to have been confiscated and the acquisition may proceed.
 - (b) If there is evidence of unlawful confiscation, and there is no evidence of restitution, the museum should not proceed to acquire the object and should take appropriate further action.

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3. Consistent with current museum practice, member museums should publish, display or otherwise make accessible all recent gifts, bequests, and purchases thereby making them available for further research, examination and study.
 4. When purchasing works of art, museums should seek representations and warranties from the seller that the seller has valid title and that the work of art is free from any claims.
- C. Access to Museum Records
1. Member museums should facilitate access to the Nazi/World-War-II-era provenance information of all works of art in their collections.
 2. Although a linked database of all museum holdings throughout the United States does not exist at this time, individual museums are establishing web sites with collections information and others are making their holdings accessible through printed publications or archives. AAMD is exploring the linkage of existing sites which contain collection information so as to assist research.
- D. Discovery of Unlawfully Confiscated Works of Art
1. If a member museum should determine that a work of art in its collection was illegally confiscated during the Nazi/World War II era and not restituted, the museum should make such information public.
 2. In the event that a legitimate claimant comes forward, the museum should offer to resolve the matter in an equitable, appropriate, and mutually agreeable manner.
 3. In the event that no legitimate claimant comes forward, the museum should acknowledge the history of the work of art on labels and publications referring to such a work.
- E. Response to Claims Against the Museum
1. If a member museum receives a claim against a work of art in its collection related to an illegal confiscation during the Nazi/World War II era, it should seek to review such a claim promptly and thoroughly. The museum should request evidence of ownership from the claimant in order to assist in determining the provenance of the work of art.
 2. If after working with the claimant to determine the provenance, a member museum should determine that a work of art in its collection was illegally confiscated during the Nazi/World War II era and not restituted, the museum should offer to resolve the matter in an equitable, appropriate, and mutually agreeable manner.
 3. AAMD recommends that member museums consider using mediation wherever reasonably practical to help resolve claims regarding art illegally confiscated during the Nazi/World War II era and not restituted.
- F. Incoming Loans
1. In preparing for exhibitions, member museums should endeavor to review provenance information regarding incoming loans.
 2. Member museums should not borrow works of art known to have been illegally confiscated during the Nazi/World War II era and not restituted unless the matter has been otherwise resolved (e.g., II.D.3 above).
- III. Database Recommendations
- A. As stated in I.D. (above), AAMD encourages the creation of databases by third parties, essential to research in this area. AAMD recommends that the databases being formed include the following information (not necessarily all in a single database):
1. claims and claimants
 2. works of art illegally confiscated during the Nazi/World War II era
 3. works of art later restituted
- B. AAMD suggests that the entity or entities creating databases establish professional advisory boards that could provide insight on the needs of various users of the database. AAMD encourages member museums to participate in the work of such boards.