

IDENTIFYING AND LOCATING LOOTED ARTWORKS FROM CUBA

Tania C. Mastrapa

Cuba's revolutionaries reviled all things associated with the island's bourgeoisie including art. Early in 1959, the revolutionaries swiftly ransacked the homes and offices of all those they accused of the crime of being affiliated with the regime of Fulgencio Batista. Soon thereafter they looted the properties of many who fled into exile. The new Cuban State transferred many artworks to the Museo de Bellas Artes and many of the remaining pieces it sold at auction to foreigners. Some dubious sales continue to be made to individuals today.

TRADE IN LOOTED ARTWORKS

The terminology associated with looting is often used interchangeably: loot, steal, and confiscate. In order to understand precisely what looting entails, particularly in the case of Cuba's artworks, it is necessary to explain the terminology in some detail. According to Random House College Dictionary, loot is [my emphasis added]: spoils or plunder taken by pillaging, as in war [*including revolutionary war*]; anything taken by dishonesty, force, stealth, etc; to despoil, plunder or pillage, as in war [*including revolutionary war*]; and to rob, as by burglary, corrupt practice in public office, etc. Steal is defined as: to take (the property of another or others) without permission or right, especially secretly or by force; to appropriate (ideas, credit, words, etc.) without right or acknowledgment [*as in fakes and forgeries*]; to take, get, or win artfully or surreptitiously; and to move, bring, convey or put secretly or quietly; smug-

gle. Lastly, confiscation is defined by Black's Law Dictionary as the seizure of private property *by the government without* compensation to the owner, often as a consequence of conviction for a crime, or because possession or use of the property was contrary to the law.

The difficulty in identifying and locating looted artworks is due, in part, to the large number of players involved. The initial players are those who physically loot the works or order the looting. Archeologists, within the confines of their digs and research, have been known to pocket artifacts they find. In times of conflict and war soldiers throughout history have taken for their governments and themselves the spoils to which they had access. The Nazi and Communist regimes plundered the homes and offices of Jews and the bourgeoisie, enemies of the State, taking many precious works. The theft was often carried out through a legal framework of their own making. Not to be forgotten in this mix are the professional thieves who plan elaborate and sometimes even quite simple operations to steal artworks.

Members of the art world not only play a role in the trafficking of looted art, but they operate with a "virtually total absence of conscience."¹ Appraisers who recognize artworks as stolen may turn a blind eye to their dubious origins when asked to evaluate the items. Art dealers, art galleries and auction houses may also choose to ignore the questionable provenance of artworks and simply evaluate their authenticity as op-

1. Lynn H. Nicholas, "Spoils of War: How a journalist helped crack the case of the missing medieval loot," review of *Treasure Hunt* by William H. Honan, *New York Times Book Review*, July 20, 1997, 34.

posed to the accuracy of their listed provenance. In theory, those employed by the art world ought to research well-known databases of stolen and missing art² before proceeding with any transaction. However, in “the greatest unregulated industry,”³ this is not always the case and items with unclear titles are routinely sold and purchased.

Art collectors are driven to purchase art for a variety of reasons. Some acquire art because of their true passion and expertise, others because they would like to possess the trappings of what they perceive to be the high-society. If collectors do not purchase art with full knowledge of their dubious origins, it is possible that there has been negligence or no due diligence. If collectors consult with experts before purchasing their art, they place their confidence in the expert’s knowledge. This leads to good faith purchases where it was not the intent of the purchaser to deal with stolen art. Art collectors often keep their works in private residences or offices, neither in public view nor loaned for exhibits, particularly when the collector is aware of the tainted history.

The quest for museums to gain prestige drives the competition among them to increase the value and size of their collections. There are many cases where museums claim they have acquired in good faith artworks that turn out to have been stolen and are either reluctant or outright refuse to return items to rightful owners or their heirs. Museum representatives blame art dealers for selling the stolen artworks to them, thereby delaying restitution through lengthy legal action against dealers and galleries. Legal representation expenses for the original owners and their heirs can be so prohibitive that upon restitution, the art may have to be sold to cover legal costs. Insensitive to the looting victims’ search for justice and healing, the Guggenheim’s European Representative lamented, “I always think it’s a shame when works of art are taken away

from museums and land in auctions, depriving the public of seeing these paintings in the future.”⁴

Journalists looking for the next big story can create awareness about looted artworks and perhaps help to locate their whereabouts. The disciplined investigative research of *New York Times* reporter William H. Honan along with professional art sleuth Willi Korte and others helped to discover missing medieval treasures being stored in Texas. Corruption, deception, and greed all played roles in the case that was turned into a book called *Treasure Hunt*.

When stolen art is not used for viewing pleasure it may be stored in safe deposit boxes and vaults in banks all over the world. Switzerland is reportedly notorious for accepting claims of ownership with little to no evidence. Swiss collectors evidently acquired—and even facilitated—sales of many works stolen by Nazis during World War II.⁵ The unsavory attitude of some members of the United States government towards Nazi theft, such as Treasury Department official James F. Scanlon, is evidenced in one of his reports stating, “The term ‘looting’ is hardly applicable to German practice of acquiring art objects in France. It was quasi-legal acquisition.”⁶

Those persons most adversely affected by the looting of artworks are logically the original owners and their heirs. Homes and offices were ransacked when owners fled—known in Communist parlance as “abandonment”—from the Nazi, Communist, and revolutionary regimes.

RECOVERING LOOTED ARTWORKS

The process to recover stolen artworks is expensive and lengthy. There are generally finders’ fees and other commissions charged for locating and recovering art. In addition to the monetary and emotional burden on the victims, they are faced with public charges of extortion and lying. An attorney in a famous restitution case complained about the claim on his client’s art-

2. The most commonly-used databases are The Art Loss Register and Swiftfind.

3. Ibid.

4. Marc Spiegler, “The devil and the art detective,” *Art + Auction*, July 2003, 105.

5. Walter V. Robinson, “US tracked WWII influx of looted art,” *Boston Globe*, May 9, 1997.

6. Ibid.

work asking, “how many generations will be permitted to reclaim works stolen by the Nazis?”⁷

Locating missing or stolen art is a difficult task and often requires the help of art experts and investigators. Two of the most renowned investigators are Willi Korte and Clemens Toussaint. Dr. Korte is a German attorney and art historian. He specializes in World War II military archives and founded the Holocaust Art Restitution Project (HARP). Two of his nicknames are “No Shit Sherlock” and “Indiana Jones.” Among the many works he has helped to locate is “Olevano” by Alexander Kanoldt. In an ideal resolution to this case, the National Gallery in Berlin accepted that “Olevano” had been sold under duress in 1935. They returned the piece to the original owner’s heirs. Clemens Toussaint is also German and an art historian. His approach to stolen art is similar to that of genealogical research. His obsession is unraveling the lives of the looting victims as well as that of the thieves. Toussaint cuts no deals with families of Nazi background.⁸

Sadly, even art investigators are not immune to corruption. Jonathan Petropoulos, John V. Croul Professor of History at Claremont McKenna College, was disgraced when his shady deals became public knowledge. As an academic and researcher, he maintained an odd long-term relationship with Bruno Lohse, the German art dealer appointed by Nazi Hermann Göring to acquire looted art. Petropoulos and his partner Peter Griebert informed Gisela Fisher that they had located her looted art but would not tell her where it was until she agreed to sign a contract paying them a finder’s fee. Fischer, heiress to looted Camille Pissarro’s “Le Quai Malaquais et L’Institut,” sued Griebert for “demanding with menaces.”⁹ Authorities intercepted communications to Griebert where Petropoulos asserts, “She simply cannot recover the painting without us. ... She needs us ... we hold all the cards right now.”¹⁰ Interestingly, authorities located the painting

during a raid on Bruno Lohse’s bank vault as a consequence of a Liechtenstein trust’s connections to money laundering and tax evasion.¹¹

LOOTED CUBAN ARTWORKS

Art looted in Cuba is as enmeshed in a tangled world of corruption and greed as Europe’s. The increased interest in pre-1959 Cuban artists has created an industry of fakes and forgeries. Some of the most commonly falsified and forged works are by Wilfredo Lam, Tomás Sánchez, Mario Carreño, and Amelia Peláez. The number of pieces involved suggests that “the traffic in forged Cuban works is now the domain of organized networks, operating on an international scale.”¹² Fakes and forgeries decrease the confidence of potential buyers and consequently lower Cuban art values. This affects looting victims who may recover their artworks, but need to sell them to pay their bills. The costs of locating and recovering the art may exceed the monetary value.

One of the best known confiscated art collections in Cuba belongs to the Fanjul family (see Appendix). Like thousands of families, the revolutionaries forced the Fanjuls to flee the island leaving behind all their belongings. The family’s art largely landed in the Museo de Bellas Artes in Havana.

Other pieces have surfaced in auctions and museums, however. The Fanjuls owned several works by Joaquín Sorolla y Bastida one of which, “Castillo de Málaga,” was the target of a United States Department of State Helms-Burton investigation early in 2009. Sotheby’s asked Sorolla’s great-granddaughter to authenticate the painting and she, in turn, alerted the Fanjul family. Although the family registered the piece with The Art Loss Register and wrote letters to Sotheby’s, the auction house continued to hold the painting. The painting’s possessor is reportedly Bruno Scaioli, who is rumored to provide Sotheby’s with works of dubious

7. In the documentary *Making a Killing* by Anne Webber.

8. Alan Riding, “Göring, Rembrandt and the Little Black Book,” *New York Times*, March 26, 2006.

9. Elise Viebeck, “CMC Professor Involved in Art Restitution Controversy,” *Claremont Independent*, March 12, 2008.

10. Ibid.

11. Brigitte Ulmer, “Stolen as metaphor,” *NZZ Online*, June 23, 2009.

12. Mark Hunter, “The Cuban Counterfeits,” *ARTNews* 1998 <http://www.mamfa.com/articles/cubanfakes/index.html>

origins. Sotheby's now issues guidelines on steps to take regarding any work that comes into the auction house's possession that are owned by the Gómez-Mena family, to which the Fanjuls are heirs. Family spokesperson Pepe Fanjul stated, "We hope that this [State Department investigation] will be a lesson for all in the art world that all these paintings in Cuba or with a Cuban source are strictly off limits."¹³ Several months later the family issued another press release announcing that the Museo Nacional del Prado in Madrid exhibited two Sorollas confiscated from the Fanjuls, "Verano" and "Clotilde Paseando en los Jardines de La Granja." The Prado never requested permission from the family to do so.

It is possible that those in possession of looted art from Cuba will either take heed of the Fanjul family's actions or keep the art in hiding so as not to draw attention to their corrupt practices. However, if and when looting victims hire savvy investigators and take necessary steps to protect their property, possessors should beware. It seems likely that lobby groups, public relations campaigns and other organized activities will play a role in bringing attention to this issue. The best part about this being the only type of recoverable property while the Castro regime remains in power is: there is no need to wait.

APPENDIX

Fanjul Confiscated Art Collection

PAINTINGS AND OTHER WORKS BY JOAQUÍN SOROLLA Y BASTIDA

1. Estudio para "Vuelta de la Pesca" (Sketch for "Back from Fishing")
Dated: 1894; Signed: J. Sorolla B.; 67.5 x 47 cm.
2. Gitana (Gypsy Girl)
Dated: 1899; Signed: J. Sorolla y Bastida; 107 x 77 cm.
3. Barcas en un Canal (Boats in a Channel, in the Albufera)
Dated: (probably painted between 1895 and 1900); Signed: J. Sorolla Bastida (lower left angle); on lower right angle: "A mi querido amigo Blasco, recuerdo de mi exposición—J. Sorolla B."
4. Verano (Summer)
(When bought by Mr. Gómez Mena from Lock Galleries, New York, in January 1952, title was "Al Agua" (To the Water)).
Dated: 1904; Signed: J. Sorolla Bastida; 149 x 252 cm.
5. La Niña de las Uvas (Girl with Grapes)
Dated: 1905; Signed: J. Sorolla y Bastida; 111 x 64.5 cm.
6. Clotilde Paseando en los Jardines de La Granja (Clotilde taking a walk in La Granja Gardens; Clotilde was Sorolla's Wife)
Dated: 1907; Signed: J. Sorolla Bastida; 170 x 100 cm.
7. Valenciana Recogiendo Naranjas (Valencia Girl Picking Up Oranges)
Dated: 1908; Signed: J. Sorolla; 106 x 157 cm.
8. Regatas (Regattas; appeared in the Gómez Mena collection as "Regatta Day, San Sebastián")
Dated: 1908; Signed: J. Sorolla Bastida; 121 x 201 cm.
9. Generalife (Granada; appeared in the Gómez Mena collection as "Fuente de Generalife" Generalife Fountain)
Date: 1910; Signed: J. Sorolla; 105 x 81.5 cm.
10. Habitaciones de los Reyes Católicos en la Alhambra, Granada (Room of the Catholic Kings in the Alhambra, Granada; appeared in the Gómez Mena collection as "Generalife Door" (Puerta del Generalife))
Dated: 1910; Signed: J. Sorolla; 109 x 86 cm.

13. "Fanjul Family Statement on U.S. Department of State Investigation Against Bruno Scaioli," *Reuters*, February 24, 2009.

11. Castillo de Málaga (Málaga Castle; formerly titled “Rincón de la Victoria, Málaga” (“Victory Corner, Málaga”); appeared in the Gómez Mena collection as “Málaga Port” (Puerto de Málaga))
Dated: 1910; Signed: Málaga, J. Sorolla; 63 x 95 cm.
12. San Sebastián (Paleta) (San Sebastian — Palette)
Dated: 1911; Signed: A Carmen de Artal, J. Sorolla; 34.5 x 59.5 cm.
13. Isabelita
15 ½ x 12 ½ “
14. En la Playa, Valencia ((At the Beach, Valencia); this painting was bought by Mr. Gómez Mena from Lock Galleries, New York, on November 15, 1950)
Signed and dated: 1898; 22 ½ x 33 ½ “
15. Ceramic round plate, 9 ½” diameter, oil painting of a woman’s face — Rome.
16. Mujeres Pintando y Cosiendo (Women Painting and Sewing)
A sketch
17. Pescador Cosiendo la Vela (Fisherman Sewing a Sail)
A sketch
18. Mujeres Comprando Pescado (Women Buying Fish)
A sketch

PAINTINGS BY PAUL CHABAS

19. Aurora (Dawn)
Large painting, misty subject, with nude figures.
20. Retrato de Niña ((Girl Portrait); portrait of Lillian Gómez Mena, Mr. José Gómez Mena’s daughter, as a child)
30 3/8 x 39 3/8”

PAINTING BY MANUEL BENEDITO Y VIVES

21. Escena Mitológica (Mythological Scene)
Small painting depicting women in a cart with oxen

PAINTING BY GIOVANNI BOLDONI

22. Mujer Andaluza (Andalusian Woman)

PAINTINGS BY ANTONIO CASANOVA Y ESTORACH

23. Figuras — Board (Figures)
Small painting

24. Cabeza de Fraile — Board (Friar’s Head)
Small painting

PAINTING BY RAMÓN CASAS Y CARBÓ

25. Flora con Claveles Rojos (Flora with Red Carnations)
Large painting

PAINTING BY JEAN BARIEL DOMERQUE

26. Desnudo (Nude)

PAINTINGS BY FRANCISCO DOMINGO Y MARQUÉS

27. El Peligro Amarillo (The Yellow Peril)
Medium sized painting
28. Meriendas y Cacerías — Board (Picnic and Hunting)
Small painting
29. Cabeza de Personaje Antiguo (Head of an Old Character)
Small painting

PAINTINGS BY ROBERTO DOMINGO Y FALLOLA

30. Una Capea — Gouache (Waving a Cape)
31. Fortuna en un Molinete — Gouache (Fortuna, a Famous Matador, in a Flourish)

PAINTINGS BY MARIANO FORTUNY Y MARSAL

32. Papagayos — Board (Parrots)
Oil on board
33. Caballero Español, Siglo XVIII (Spanish Cavalier, XVIII Century)
Small watercolor
34. Parque del Buen Retiro ((Buen Retiro Park, Madrid); title in the Gómez Mena collection: Parque del Retiro, Madrid; has name Fortuny in a circle)
30.5 x 46 cm.

PAINTING BY JOSÉ GARCÍA Y RAMOS

35. Peregrinos en Santiago de Compostela — Board (Pilgrims in Santiago de Compostela)
Small painting with figures and the famous cathedral in the background
Painting by Manuel García y Rodríguez
36. Sevilla (Seville)
Small painting depicting a place in Seville
Painting by Antonio Gomar y Gomar

37. Huerta de Valencia (Valencia Vegetable Garden)
 Good sized elongated painting
 Paintings by Daniel Hernández y Morillo
38. Frilleuse — Oil on board (Chilly)
 13 5/8 x 21 5/8”

PAINTING BY HULDAH

39. La Modistilla (The Little Seamstress)
 Painting by Ricardo López Cabrera
40. Muchacha Regando Flores — Board (Girl Watering Flowers)

PAINTING BY JOSÉ LLANECES

41. El Libro Verde (The Green Book)
 Painting by Raimundo de Madrazo y Garreta
42. Aurora (a medium-sized portrait of a blonde woman with tilted head)
 65.4 x 54.8 cm.

PAINTING BY SALVADOR MARTÍNEZ Y CUBELLS

43. Hórreo (Granary or Barn on Pillars)
 A large painting

PAINTING BY JOAQUÍN MIR Y TRINXET

44. Paisaje de Palma de Mallorca (Palma de Mallorca landscape)
 62.5 x 79.5 cm.

PAINTINGS BY JOSÉ MONGRELL Y TORRENT

45. El Requebro (Flirtation)
 A large painting
46. A Vender Pescado (To Sell Fish)
 A large painting

PAINTINGS BY IGNACIO PINAZO Y CAMARLENCH

47. Niños (Children)
 48. Niños (Children)
 49. Cabeza Infantil (A Child’s Head)

PAINTINGS BY FRANCISCO PRADILLA Y ORTIZ

50. Triste Vida — Board (Sad Life)
 A small painting; 24 x 37.3 cm.
51. Antiguas Torres y Murallas Árabes de Granada — Board (Ancient Arab Walls and Towers in Granada)

A small painting

PAINTING BY RAMÓN RIBERA Y CIRERA

52. Escena Parisiense — Board (Parisian Scene)
 20 x 21 5/8”

PAINTINGS BY SANTIAGO RUSIÑOL Y PRATS

53. Jardines de Aranjuez (Aranjuez Gardens)
 A large painting; 108.8 x 134.7 cm
54. Jardines de Aranjuez (Aranjuez Gardens)
 A large painting; 97.7 x 77.3 cm
55. Almendros en Flor en Mallorca (Flowered Almond Trees, Mallorca)
 No date; Signed: S. Rusiñol; 118 x 137.5 cm

PAINTINGS BY SALVADOR SÁNCHEZ BARBUDO

56. Fiesta en Venecia (Feast in Venice)
 Large painting
57. Húsares y Mujeres en un Café de Paris — Board (Hussars and Women in a Paris Café)
 Small painting

PAINTINGS BY SCEVOLA

58. Flores (Flowers)

59. PASTEL PAINTING (NO INFORMATION)

- Painting by Maurice Utrillo
60. Montmartre (urban landscape)

PAINTING BY JOSÉ VILLEGAS Y CORDERO

61. Mimosa (Pampered)

PAINTING BY IGNACIO ZULOAGA Y ZABALETA

62. Retrato de Mlle. Marcelle Souty ((Portrait of Mlle. Marcelle Souty); this painting was bought by Mr. Gómez Mena from Lock Galleries, New York, on November 5, 1957)
 77 x 52”

PALLETES

The Fanjul family collection in Havana included 32 palettes with oil paintings by Spanish artists, among them: Zuloaga, Sorolla, Anglada Camarasa, Domingo Marqués, Pradilla, Casanova, Benedito, Sánchez Barbudo, Sotomayor, Chicharro, Martínez Cubelles, García Ramos, López Mezquita, Rusiñol, Ricardo Madra-

zo, Raimundo Madrazo, José Benlliure, Mariano Benlliure, Vila Prades, Mongrell, etc. In addition to the above collection of palettes with paintings by Spanish artists, there were two palettes, one by Scevola and another by Jacques Marie.

OTHER PAINTINGS

1. One album with watercolors by Roberto Domingo
2. One album with watercolors by Francisco Domingo Marqués
3. A large collection of painted postcards (Oils, gouaches and drawings) by Spanish painters, over 200 postcards, many of them framed as miniature pictures.

DRAWINGS

1. Octavio Amiconi, St. Elizabeth kneeling before virgin and child
 2. Bartolomé Murillo
 3. Giulio Romano, Rape of Proserpine
 4. Americhi Michelangelo
 5. B. Castiglione, Driving home the flock
 6. Raimond de la Page, John the Baptist
 7. B. Castiglione, Landscape
 8. Carlo Marratti, Vision of St. Anthony
 9. F. Solineri
 10. Caravaggio
 11. Guido Reni
 12. Luca Giordano, Ascension of the Blessed Lord
 13. Gioseppe Baldini, A saint distributing alms
 14. Francisco Zurbaran
 15. Bartolomé Murillo, A saint, infant Christ and Cherubs
 16. Raffaele Sanzio d'Urbino
 17. Michelangelo, Frontispiece with pencil sketch
- Also a collection of 13 old prints depicting the capture of Havana by a British fleet in 1762.

Drawings and paintings formerly part of the Countess of Camargo's collection, half of which were left to Lillian Gómez Mena (Mrs. Fanjul), and half to a cousin of Lillian Gómez Mena, Francisco Vivez Gómez

HUBERT ROBERT (1733–1808)

1. El Columpio (The Swing)
2. La Gran Cascada de Tivoli (The Great Waterfall at Tivoli)

LOUIS TOCQUE (1696–1772)

3. Retrato de Dama (Lady's Portrait)

J.M. NATTIER (1685–1766)

4. María Leczinska
5. Retrato de Dama (Lady's Portrait)

J.F. BOUCHER (1704–1770)

6. Alegoría (Allegory)
7. Motivo Galante (Gallant Scene)
8. Motivo Galante (Gallant Scene)

ESCUELA FRANCESA S. XVII

9. El Barón de Rym (Baron Rym)
10. La Baronesa de Rym (Baroness Rym)

CHARLES LEBRUN (1619–1690)

11. Luis XIV (Louis XIV)

NICOLAS DE LARGILLIERE (1656–1746)

12. Retrato de Dama (Lady's Portrait)

VIGEE LEBRUN (1755–1842)

13. Retrato de Jovencita (Young Lady's Portrait)

JOHN HOPPNER (1748–1810)

14. Mrs. Cholmondeley

GIOVANNI B. PIAZZETTA (1582–1754)

15. La Hilandera (The Spinner)

MELCHOR DE HODECOETER (1636–1695)

16. Gallo y Gallinas (Cock and Hens)

ESCUELA HOLANDESA S. XVII

17. Naturaleza Muerta (Still Life)

ESCUELA FLAMENCA . XVII

18. Retrato de Dama (Lady's Portrait)

BARTOLOMÉ E. MURILLO (1618–1683)

19. Virgen con el Niño (Virgin with Child)

JAN VAN HUYFUMS (1737)

20. Primavera de la Vida (Spring of Life)

JEAN PILLEMENT (1728–1808)

- 21–27. Paisajes (Landscapes)
- 28–33. Diseños de Flores para Telas (Flower Designs for Fabrics)

GILES DEMARTAU (1722–1803)

34. Amorcillo (Little Cupid)

GIOVANNI BOLDINI

35. Portrait of María Luisa Gómez Mena de Cagiga,
Countess of Revilla de Camargo
A three quarters portrait

IGNACIO ZULOAGA Y ZABALETA

36. Portrait of Eugenia Vila de Gómez Mena (Mother
of Mr. José Gómez Mena and of Countess Camar-
go)

A full-length portrait

Colección de Grabados Europeos siglos XVIII y XIX
(Collection of European engravings, 18th and 19th
centuries)