

HISTORY

Absorbing the Holocaust, With Help From Survivors

By DULCIE LEIMBACH

FOR 50 years she didn't utter a word about the Holocaust to her family. She had a number, 52643, branded on her forearm, but Bronia Brandman's family never discussed it. Then, 10 years ago, when she began volunteering as a gallery educator at New York's Museum of Jewish Heritage, another volunteer insisted she tell her story.

"So one day, I took a tranquilizer, and that was my start," Ms. Brandman said after she spoke in February to 10th graders visiting from the Herbert H. Lehman High School in the Bronx.

Ms. Brandman is one of 85 members of the museum's speakers bureau on the Holocaust, which also includes war veterans and witnesses. They recount their stories not only to adults but also to students as young as 10, broadening their knowledge about the Jewish experience in the 20th century.

"I tell my story as it is," said Ms. Brandman, who is 75 and a former public school teacher in New York City. She said it pained her to tell children in elementary school about the camps, so she avoided too much detail about Auschwitz, where she spent two years, from ages 12 to 14.

On this afternoon, the 10th graders were visiting the museum for their global studies class. The teacher, Nicole Cassata, had taught them about the Holocaust through a textbook and a video on Auschwitz. A tour of the museum's galleries was one stop before they assembled to hear Ms. Brandman.

"How can you comprehend six million murdered?" Ms. Brandman began, her voice matter of fact. The students, who a minute before had been restless and talkative, turned suddenly still as she projected photos of her hometown, Jaworzno, Poland, on a screen. There was her family's house, and there were her five siblings and parents, each photo bringing her childhood closer to the students in the room.

"What happened to my family when the war started?" she continued. The Germans arrived, and most of her family was sent to the camps, but Ms. Brandman and her three sisters escaped. They never saw their parents or one of their two brothers again.

Ms. Brandman and her sisters survived a year in hiding before they were discovered and sent on the train.

"Do you know about Auschwitz?" Ms. Brandman asked the students.

"Yes," the students replied in unison, alert to her next question.

"Do you know about Dr. Mengele?" she said, referring to the man who performed experiments on inmates.

"Yes," they chorused again.

"He wore white gloves and pointed almost all of us in one direction — the gas chamber." Including her two little sisters.

The silence in the room deepened, as if the students sensed they were descending to the layer below hell, where the details of Auschwitz would be spelled out.

"They sent Mila," her older sister, "in the other direction," away from the gas chamber.

"I ran from my line to Mila's," she said, realizing she had abandoned her little sisters to the gas chamber. "But it was too late."

Mila eventually contracted typhus at Auschwitz, and Ms. Brandman went with her to the sick bay to stay by her side, "the blanket full of pus, blood, feces."

Dr. Mengele ordered the sick killed, but a woman in charge rescued Ms. Brandman, a trade-off that meant leaving Mila behind.

"How do you say goodbye to your sister?" she asked the children. "I have not forgiven myself since."



Photographs by Librado Romero/The New York Times

IN HER SHOES At the Museum of Jewish Heritage in February, Sally Engelberg Frishberg, right, told students from St. Athanasius School in the Bronx about her experiences during World War II.

After the camps were liberated, a cousin in Brooklyn found Ms. Brandman and her surviving brother and brought them to New York.

"It took me 25 years to laugh," she said.

Everyone clapped when she was done, but no one spoke for a few minutes, until one student ventured to ask how old Ms. Brandman was. ("I won't tell.") Then a student wondered what had happened to her hometown. ("It's fine and thriving.")

With the students warming up, one asked whether she had nightmares. ("All the time.")

Out of earshot of Ms. Brandman, one boy said to another, obviously confused, "Did she marry her cousin?"

Later, Ms. Brandman said that the students' shocked reaction was typical. But once they digest her story, she said, she hopes that they make a connection as survivors, too, of "hardships," and that they find hopefulness in their own situations, particularly if they suffer, say, from prejudice.

Ms. Cassata, their teacher, said the students had continued to ask questions on the bus back to the Bronx and in class. "I think some of them were depressed," she said. "For two days in class, I answered questions, they answered each other's questions and talked about how they felt." They also wrote letters to Ms. Brandman.

Writing to her helped Matthew Torres, 15, cope with the information she had poured out. "I could say things in a letter that I didn't have a chance to say at the museum," he said in a phone interview. "Like, how was she the next couple of years after the Holocaust?"

Matthew said that he found Ms. Brandman's story



hard to take, and that no amount of preparation could have helped. "It's quite something to handle. I'm like, 'Wow.'"

"How can one person live through something like that and still be O.K.?" he asked. "If it were me, I'd have mind issues."

That night at home after the speech, he said, he didn't watch TV as usual, but instead lay on his bed "thinking, about an hour so." He did his homework, then lay down

to think some more.

Pedro Concepcion, who is 16, also said he "meditated" that night, thinking how the Holocaust happened only about 60 years ago, how events had changed so quickly, and how they could change in that direction again.

"Twenty years from now, she's not going to be alive, and all the Holocaust survivors, too," he said. "It's good for youths to learn about the Holocaust. Today the theorists and other people say the Holocaust never existed. We have living proof that it did."

Ms. Brandman's speech gave him "a new perspective on things," Pedro added. "When I watch the news, I see what's happening, the crises in the world," like Darfur, and "people dying in Africa every day."

Getting the students to integrate the first-person experiences into their own lives, and drawing lessons they can use — like dealing with bullies — are some of the

'Do you know about Auschwitz?' she asked the students. 'Do you know about Dr. Mengele?'

museum's goals for the speakers bureau. "We believe this history has a meaning," said David G. Marwell, the museum's director. "We don't simply present and teach it for its own sake."

About 9,000 students hear the Holocaust speakers each year, and most often, the teachers say that their classes can handle the sad tales, said Caroline Earp, who coordinates the bureau for the museum.

Last month, another school group, seventh graders from St. Athanasius School in the Bronx, heard Sally Engelberg Frishberg, a "hidden child" during the war who is now a retired schoolteacher from Brooklyn.

She was 5 when the Germans marched into her Polish village. Three soldiers actually moved into her home, forcing her family to accommodate them. One soldier, a Mr. Arnold from Munich, befriended Ms. Frishberg's father, a Polish Jew. "An unlikely combination," Ms. Frishberg said.

The relationship enabled her family to glean information about what was to come. That meant refusing to report to the railroad station and instead escaping to the countryside. For a while the family and relatives lived under grain heaps, burrowing during the day and foraging at night. Winter forced them to beg a farmer for help, and the man hid them in his attic, 15 people squeezed into a space furnished with buckets as toilets.

The farmer locked them up, took the ladder and returned nightly to clean the buckets and give them boiled beans and potatoes.

During their concealment for two years, three of the family members died, including Ms. Frishberg's baby sister. The family had left her at a church while they were in hiding, hoping she would be rescued. She was, but soon died. And when Poland was finally liberated, Ms. Frishberg's family was so debilitated from living in the small space that no one could walk. "We shoved around on our rear-ends," she said. "We did not look like human beings."

With decades gone by, Ms. Frishberg is on a mission to convey her story to schoolchildren with messages of the power of love over hate. "I'm your Mr. Arnold," she said to the students, "hoping that some of you will hear me and teach others, to build a chain of people who care."

Stolen Artworks and the Lawyers Who Reclaim Them

By CAROL KINO

BARELY a week seems to go by without news of another case involving the restitution of looted antiquities or of art appropriated during the Nazi era. In part this is because of a climate newly sensitive to such claims. But these cases also owe a debt to the lawyers who helped pioneer cultural property law.

Among recent cases, a museum in Vienna agreed to restore five Klimt paintings to the heirs of their owner, who was forced to relinquish them to the Nazis. The Metropolitan Museum of Art and the Museum of Fine Arts in Boston have negotiated settlements with Italy to return dozens of disputed artifacts without litigation.

Just last month, one of the largest Holocaust-era restitution cases on record drew to a close when the Dutch Ministry of Culture sent back 202 artworks, which had been gathered from state museums in the Netherlands, to the heirs of the Amsterdam art dealer Jacques Goudstikker.

The lawyers who helped Goudstikker's heirs recover the works are Lawrence M. Kaye and Howard N. Spiegler, partners in the New York firm Herrick, Feinstein. With the late Harry I. Rand, who started Herrick, Feinstein's art law practice, Mr. Kaye and Mr. Spiegler have worked on some of the most prominent restitution cases.

In 1993, they helped Turkey secure the return of a trove of precious objects, the Lydian Hoard, from the Metropolitan Museum of Art — a resolution that began with what Mr. Kaye believes is the first lawsuit brought by a foreign government against a major American institution.

More recently, they represented Egypt throughout the Justice Department's criminal prosecution of the New York dealer Frederick Schultz, who in 2001 was found guilty of conspiring to steal Egyptian artifacts — a case that sent a chill throughout the antiquities community.

They are also helping the heirs of the Austrian art dealer Lea Bondi Jaray, who are trying to recover Egon Schiele's "Portrait of Wally" from the Leopold Museum in Vienna. The portrait, which her heirs assert was confiscated from Ms. Jaray by the Nazis, is the subject of a suit pending in federal district court in New York.

"Their work has been very significant in having U.S. courts recognize the unique value of cultural objects," said Patty Gerstenblith, a professor at the DePaul University College of Law who specializes in cultural heritage law. In general, she explained, restitution law applies standard laws, like those pertaining to fraud, theft and commerce, to cases involving much less standard property, like antiquities and artwork.

"At this point, there are a few other people who are doing similar work," she said, and



Fred R. Conrad/The New York Times

the work of Mr. Kaye and Mr. Spiegler "goes back longer than pretty much anyone else."

The New York dealer Jane Kallir called them "the gold standard." She is an expert witness for the United States government in the "Portrait of Wally" case. "You want to believe that the law is a tool for justice and not a tool for coercion," she said. "I think that Larry and Howard keep sight of the law to use it for the purpose it's intended."

Neither Mr. Kaye nor Mr. Spiegler envisioned specializing in the field. "In those days, there weren't really art lawyers," Mr. Spiegler said. Mr. Kaye said, "Howard and I learned on the job."

The job that got them started was a case involving two 1499 portraits by Albrecht Dürer. Owned by the Kunstsammlungen zu Weimar in Germany, they had been hidden in a castle during the war and disappeared while American troops were billeted there. More than 20 years later, they turned up in the home of a Brooklyn personal injury lawyer, Edward I. Elicofon, who bought them

from a former soldier in 1946.

Mr. Elicofon was eventually sued by West Germany and the Grand Duchess of Saxe-Weimar-Eisenach, who contended that her husband's family owned the work. At first, East Germany, where the museum was located, could not sue because it was not officially recognized by the United States.

Mr. Rand, then practicing commercial law at Botein, Hayes & Sklar, now defunct, was retained in 1969 to negotiate on the museum's behalf. (It was finally allowed to enter the lawsuit after 1974, when East Germany was officially recognized.)

The case sputtered on for well over a decade. Mr. Kaye, now 61, began working on it as a summer associate in 1969, while studying at St. John's University Law School. Mr. Spiegler, 58, cut his teeth on it, too, after arriving at the firm in 1974 with a newly minted Columbia University law degree. It was still going on in 1981, when he returned to the firm after five years as a Legal Aid lawyer. It was resolved in 1982, with the paintings



Courtesy of Marei von Saher

ART AND THE LAW

Howard Spiegler, standing left, and Lawrence Kaye help clients retrieve art, like Jan Steen's "Sacrifice of Iphigenia," from the Netherlands for a private client.

returned to East Germany.

"It was an interesting case for a young lawyer," Mr. Kaye said, "because it had all of these things you study in law school — the statute of limitations, state succession, who inherited the rights to the Third Reich, sovereign immunity and other things. But it ended up being resolved on the basis of the New York statute of limitations."

While the defendant, Mr. Elicofon, argued that the statute had expired in 1949, three years after the theft, the lawyers argued that it did not start to run until there was a demand for the work to be returned. The point had been discussed in an earlier case, but never tested by litigation so extensively. The decision, in East Germany's favor, confirmed the principle that an owner should have the chance to find lost artwork before the statutory period starts to run.

The suit made many restitution cases, including Holocaust cases, possible — although lately some defendants have tried to limit its effect. "If we're experts in nothing else it would be the statute of limitations," Mr. Spiegler said. "Most of our cases are brought decades after the original theft."

Their next major client was Turkey, which in 1987 hired the firm to help retrieve stolen artifacts, most notably the Lydian Hoard, the largest collection of Anatolian treasures gathered in one place. It includes hundreds of sixth-century B.C. gold and silver objects looted from tombs and smuggled from Turkey in the mid-1960s. The Metropolitan bought it in batches from 1966 to 1970 — the last gasp of an era that the museum's director at the time, Thomas Hoving, later referred to as "the age of piracy."

The case included incriminating evidence in the museum's acquisition committee minutes, thieves who were willing to give evidence against each other and a ringleader

er known as Ali Baha.

Most crucially, in 1906, Turkey passed a patrimony law, which established its ownership of the artifacts. (Early in the 20th century, many such laws were passed by art-rich countries like Italy and Greece; they generally affirm that newly discovered artifacts found within a country's borders belong to the state.)

Though the matter was resolved out of court, the case helped confirm the legal principle underpinning most successful antiquities restitutions today: that another nation's concept of ownership can form the basis for bringing recovery claims and prosecutions in United States courts.

In 1990, Mr. Kaye and Mr. Rand moved the practice to Herrick, Feinstein when Botein closed shop, and Mr. Spiegler left again. He then rejoined them in 1994. Four years later, they took on their first Holocaust-related case, recovering "Portrait of Wally." The suit is still going on.

Nonetheless, Mr. Spiegler said, "The Wally case itself led to a lot of hand-wringing and examination." By then, he added, several important books about Holocaust-era art crimes had been published. Later in 1998, the Association of Art Museum Directors urged its member institutions to review their collections for artworks with tainted provenance, and the United States convened a conference of 44 nations in Washington to lay down principles about how to handle Nazi-related claims. The International Council of Museums later issued guidelines, and a few countries, including the Netherlands, enacted laws consistent with the conference's recommendations. "That's what led to the Dutch examination of the Goudstikker matter," Mr. Spiegler said, "which led to this remarkable return."

As for antiquities restitutions, the Justice Department's criminal prosecution of Mr. Schultz, whose guilty verdict was upheld in a New York federal appeals court in 2003, reconfirmed the conclusions of the Lydian Hoard case — that a foreign country's ownership laws may be used to prosecute stolen property claims in the United States.

Many in the art world view this conviction — together with the current antiquities smuggling trial of the former Getty Museum curator Marion True in Rome — as having helped prompt the Metropolitan and the Museum of Fine Arts in Boston to be so cooperative about returning work to Italy.

To Mr. Spiegler, these agreements represent "a wonderful turning point, where things are resolved without litigation and where the ownership in the source country is recognized by the museums." Or, as Mr. Kaye put it, "I think there has been a new recognition that claims for the return of property stolen at any time have to be dealt with seriously."