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GENERAL C
NOV. 1944 - 1

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GENERAL ORDER NO. —, EXPORT OF WORKS OF ART
NOV. 1944 - MAR. 1945

1922

Declassified E.O. 12356 Section 3.3/NND No. 785016

FILE CLOSED 3 March 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4074/21/L.

ELP/pa.
3 Mar 45.

SUBJECT : Exportation and transfer of Works of Art.
TO : Monuments and Fine Arts Sub-Commission.

1. In my letter to you AG/4074/L of 17 February 1945 reference was made to an order applicable to German occupied territory.

2. I am attaching a copy of this order. It does not appear to be any value in solving the problem with which you are concerned.

E. L. PALMIERI,
Major,
Acting Chief Counsel,
for Chief Legal Advisor.

Incl.

1924

Declassified E.O. 12356 Section 3.3/NND No.

785016

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FROM : Colonel W. E. BEHRENS.

LEGAL SUB-COMMISSION

HEADQUARTERS

ALLIED COMMISSION

A.P.O. 394

File → AC/4074/24/L

17 FEBRUARY 1945.

Dear

I have been informed that the plans for the occupation of Germany include a proposal to print a proclamation forbidding the transfer or export of works of art and that a Proclamation has been prepared for that purpose.

I do not know whether the same is true in relation to Austria but if it is and if you have a proclamation prepared I should be grateful if you could send me a copy as it has been suggested we might print a similar order in Northern Italy.

Yours

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Major G. A. BANLET
c/o G.C. 22 CIVIL AFFAIRS UNIT,
C. M. F.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

4074/21/L
AG/4074/L./rip.
17 February 1945.

SUBJECT : Exportation and Transfer of Works of Art.
TO : Monuments and Fine Arts S/C.

1. There is attached hereto a draft of a proposed General Order and on a separate sheet, an additional clause dealing with the prohibition against sale, hypothecations, etc.

2. The draft is intended as a basis for discussion and it is hoped that we can explore the matter fully on Col. De Wald's return.

3. I feel that the additional clause forbidding sales, etc. presents almost insurmountable problems of enforcement. The wisdom of inserting it is, therefore, highly doubtful.

4. In point of fact, I understand that many Italian families are forced by present economic conditions, to sell possessions coming within the intendment of this order. Would it not be more appropriate to try to prevent the inter-provincial movement and exportation of works of art rather than to try to forbid all dealings therein?

5. If a copy of the Allied Military Government order issued for occupied German territory is obtainable, I shall refer it to you for consideration.

E.L.
E. L. PALMERI,
Major,
Acting Chief Counsel,
for Chief Legal Advisor.

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2 Incls.
Incl 1 - Draft of proposed GO.
Incl 2 - Additional clause.

(2B)

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

GENERAL ORDER No. _____

Whereas it is contrary to the welfare of the community that works of art and cultural material be exported from Italy or transferred from place to place.

I, ELLERY W. STONE, REAR ADMIRAL, USNR, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ART. I

No work of art or cultural material more than one hundred years old may be exported from Italy, or moved from one province to another. Works of art and cultural material shall include ~~such objects as~~ antiques of all sorts, paintings, engravings, sculptures, vases, metal works, textiles, jewelry, coins, furnishings, written or printed books, documents and letters.

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ART. I

No work of art or cultural material more than one hundred years old may be exported from Italy, or moved from one province to another. Works of art and cultural material shall include ~~such objects~~ antiques of all sorts, paintings, engravings, sculptures, vases, metal works, textiles, jewelry, coins, furnishings, written or printed books, documents and letters.

ART. II

In such cases in which the safety or protection of the work of art or cultural material may require it, the Monuments and Fine Arts Officer attached to Regional Headquarters is empowered to issue written authorization permitting its transfer from one province to another.

ART. III

Any person who violates the provisions of this order shall upon conviction by an Allied Military Court be liable

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to imprisonment or fine, or both, as the Court may determine, and any property in respect of which such an offence has been committed may be ordered to be forfeited.

ART. IV

This order shall become operative in each Province or part thereof within Military Government Territory on the date of its first publication therein.

For the Supreme Allied Commander
and Military Governor

ELLERY W. STONE
Rear Admiral, USNR.
Chief Civil Affairs Officer.

ADDITIONAL ARTICLE

can be included as follows :

No work of Art or cultural material over 100 years old and valued in 1939 at more than five thousand lire can be purchased, sold, loaned, mortgaged or transferred by way of gift or otherwise, unless a written authorization is issued by the Government.

1 9 2 9
ELLERY W. STONE
Rear Admiral, USNR
Chief Civil Affairs Officer.

ADDITIONAL ARTICLE

can be included as follows :

No work of Art or cultural material over 100 years old and valued in 1939 at more than five thousand lire can be purchased, sold, loaned, mortgaged or transferred by way of gift or otherwise, unless a written authorization is issued by the Monuments and Fine Arts Officer attached to Regional Headquarters .

RESTRICTED

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SUPREME HEADQUARTERS
ALLIED EXPEDITIONARY FORCE

AG 014.1-1 (Germany) CAP-AGM

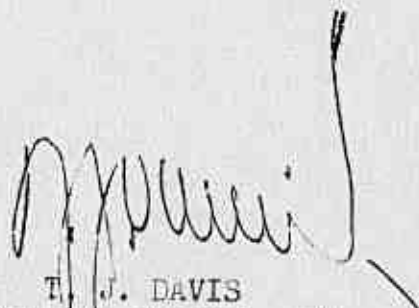
AFD 757 (Main)
21 November 1944

SUBJECT: Prohibition of Sale and Export of Works of Art in Germany

TO : All Concerned

Law 52, Article II, paragraph 3 (d) of Proclamations, Laws and Ordinances, published in connection with the Military Government of Germany, forbids the sale, transfer and export of works of art and other cultural material. Its purpose is to make possible the restoration to their rightful owners of loot taken from other countries. In furtherance of this purpose, personnel of the Allied Expeditionary Forces in occupied German territory will not purchase or otherwise traffic in such objects.

By command of General EISENHOWER:



T. J. DAVIS
Brigadier General, USA
Adjutant General

DISTRIBUTION:

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RESTRICTED

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