

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE
4 RESOLUTION 1026

5 By: Wesselhoft, Bennett,
6 Brumbaugh, Calvey, Coody
7 (Jeff), Cooksey, Cox,
8 Faught, Fisher, Jordan,
9 Kern, Kirby, Moore,
10 Mulready, Murdock, Murphey,
11 Newell, Osborn, Park,
12 Peterson, Ritze, Roberts
13 (Sean), Scott, Vaughan,
14 Walker and Wood

15 AS INTRODUCED

16 A Resolution directing the University of Oklahoma and
17 the Fred Jones Jr. Museum of Art to conduct
18 provenance research on objects in the collection and
19 prior to acquisition of certain objects; directing
20 certain resolution regarding objects unlawfully
21 appropriated during the Nazi era; and directing
22 distribution.

23 WHEREAS, during the Nazi era, 1933 through 1945, as a result of
24 actions taken by the Nazis and their collaborators in furtherance of
the Holocaust, objects were acquired through theft, confiscation,
coercive transfer and other methods of wrongful expropriation; and

WHEREAS, currently there is a case pending against the
University of Oklahoma and the Fred Jones Jr. Museum of Art, which
is an art museum located on the campus of the University of

1 Oklahoma, demanding the return of a painting stolen during the Nazi
2 occupation of France; and

3 WHEREAS, there are questions regarding whether other paintings
4 located at the University of Oklahoma and the Fred Jones Jr. Museum
5 of Art were acquired through theft, confiscation, coercive transfer
6 and other methods of wrongful expropriation during the Nazi era; and

7 WHEREAS, museums are not only required to act legally but also
8 ethically and morally, as well as take affirmative steps to maintain
9 integrity so as to warrant public confidence; and

10 WHEREAS, provenance research, the chronology or history of the
11 ownership, custody or location of an object, is an important part of
12 museum work; and

13 WHEREAS, it is a fundamental part of the mission of a museum to
14 take all reasonable steps to resolve the Nazi-era provenance status
15 of objects before acquiring them for their collections, whether by
16 purchase, gift, bequest or exchange; and

17 WHEREAS, standard research on objects being considered for
18 acquisition by museums must include a request that the sellers,
19 donors or estate executors offering an object provide as much
20 provenance information as they have available, particularly with
21 regards to ownership during the Nazi era; and

22 WHEREAS, where the Nazi-era provenance is incomplete or
23 uncertain for an object, museums have a duty to conduct additional
24

1 research to resolve the Nazi-era provenance status of the object
2 before acquiring it; and

3 WHEREAS, in the absence of evidence of unlawful appropriation
4 without subsequent restitution, it is acceptable for museums to
5 proceed with the acquisition of an object that underwent a change of
6 ownership between 1932 and 1946 as long as all currently available
7 object and provenance information about the object is made available
8 to the public as soon as practicable after the acquisition; and

9 WHEREAS, if a museum discovers credible evidence of unlawful
10 appropriation without subsequent restitution, the museum has an
11 obligation to notify the donor, seller, or estate executor of the
12 nature of the evidence and to not proceed with the acquisition of
13 the object until taking further action to resolve all issues; and

14 WHEREAS, museums shall take steps to document all research into
15 the Nazi-era provenance of acquisitions made by the museum; and

16 WHEREAS, museums must publish, display or otherwise make
17 accessible recent gifts, bequests and purchases, thereby making all
18 acquisitions available for further research, examination and public
19 review and accountability; and

20 WHEREAS, serious efforts to allocate time and funding to conduct
21 research on objects in collections with incomplete or uncertain
22 Nazi-era provenance should be made by museums; and

23 WHEREAS, identifying objects in their collection with incomplete
24 or uncertain Nazi-era provenance and making current object and

1 provenance information available to the public should be a function
2 of all museums; and

3 WHEREAS, it is necessary that museums adopt procedures to review
4 their collections to identify those objects with characteristics or
5 provenance that suggests that research needs to be conducted to
6 determine whether the object may have been unlawfully appropriated
7 during the Nazi era without subsequent restitution; and

8 WHEREAS, provenance research by museums may include when
9 necessary contacting established archives, databases, art dealers,
10 auction houses, donors, scholars and researchers which can provide
11 Nazi-era provenance information; and

12 WHEREAS, Nazi-era provenance research must be incorporated into
13 the standard research on collection objects by museums, including
14 documentation of that research; and

15 WHEREAS, if credible evidence of unlawful appropriation without
16 subsequent restitution is discovered through research, museums must
17 take prudent and necessary steps to resolve the status of the
18 object, including making such information public and notifying
19 potential claimants; and

20 WHEREAS, in the event that conclusive evidence of unlawful
21 appropriation without subsequent restitution is found, but no valid
22 claim of ownership is made, and the museum continues to retain the
23 object in its collection after taking all prudent and necessary
24 steps to address the situation, the museum shall make an effort to

1 acknowledge the history of the object on labels and in publications;
2 and

3 WHEREAS, museums must take steps to promptly and thoroughly
4 review a claim that an object in its collection was unlawfully
5 appropriated during the Nazi era without subsequent restitution; and

6 WHEREAS, codes of behavior require museums to address claims of
7 ownership asserted in connection with objects in their custody in an
8 open, serious and responsive manner and with respect for the dignity
9 of all parties involved and to promptly and thoroughly review a
10 claim that an object was unlawfully appropriated during the Nazi era
11 without subsequent restitution; and

12 WHEREAS, in order to assist in determining the provenance of the
13 object, museums should request evidence of ownership from a
14 claimant, in addition to conducting their own research; and

15 WHEREAS, if a museum determines that an object in its collection
16 was unlawfully appropriated during the Nazi era without subsequent
17 restitution, the museum must seek to resolve the matter with the
18 claimant in an equitable, appropriate and mutually agreeable manner,
19 including restitution; and

20 WHEREAS, in order to achieve an equitable and appropriate
21 resolution of claims, museums should waive technical defenses,
22 including, but not limited to, laches, statute of limitations,
23 equitable estoppel, sovereign immunity, res judicata, recognition of
24 a foreign judgment, waiver, prior possession, preemption, contrary

1 to public policy, failure to state a claim, improper or failure to
2 service, improper venue and lack of personal jurisdiction.

3 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
4 OF THE 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

5 THAT the House of Representatives hereby directs the University
6 of Oklahoma and the Fred Jones Jr. Museum of Art to conduct
7 provenance research on every object currently in its collection and
8 prior to acquiring an object with an incomplete or uncertain Nazi-
9 era provenance.

10 THAT if it is determined from provenance research that an object
11 in its collection was unlawfully appropriated during the Nazi era
12 without subsequent restitution, the House of Representatives hereby
13 directs the University of Oklahoma and the Fred Jones Jr. Museum of
14 Art to resolve the matter in an equitable, appropriate and mutually
15 agreeable manner, including restitution.

16 THAT a copy of this resolution be distributed to David Boren,
17 the President of the University of Oklahoma, and to each member of
18 the Board of Regents of the University of Oklahoma.

19

20 55-1-7491 KB 05/08/15

21

22

23

24