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Mount Pleasant man's lawsuit to recover Dutch paintings hits snag

BY ADAM PARKER APARKER@POSTANDCOURIER.COM

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Nathan and Benjamin Katz at the Firma D. Katz Art Gallery, 1936. They sold paintings to the Nazis to help relatives flee the Holocaust. Provided

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In 2018, Mount Pleasant resident Bruce Berg sued the government of the Netherlands in [an effort to recover 144 paintings](#) that once were part of the inventory of an important art gallery, Firma D. Katz, located in the Dutch city of Dieren and operated by his grandfather and great-uncle.

Benjamin and Nathan Katz were important German art dealers in the 1930s and '40s who focused on the Dutch masters and who sold most of their paintings to the Nazis in an effort to save the lives of 25 relatives.

The Dutch government argued that the art was sold fairly and that it now is part of the country's national treasure trove and of terrific value to the Dutch people. Berg, in his suit, argued that fairness did not exist in Nazi Germany, that any transaction with Nazis, no matter its appearance on paper, must have been made under duress, and that the art rightfully belongs to his family.



FEATURES

Mount Pleasant man sues Dutch government for 144 paintings purchased by Nazis during WWII

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Last week, it was announced that the lawsuit, filed in U.S. District Court, District of South Carolina Charleston Division, was dismissed on legal technicalities, granting a victory to the Dutch. U.S. District Judge Bruce Howe Hendricks agreed in March to dismiss the case, *Berg v. The Kingdom of the Netherlands*, because the federal court in South Carolina lacked subject matter and personal jurisdiction, meaning it could not rightly rule on an international matter involving a sovereign foreign state and disputed artwork that did not reside in South Carolina. The court determined the Netherlands and its state-run institutions are “entitled to sovereign immunity.”

On March 30, Berg and his Texas-based attorneys, Rebecca Gibson and Joel Androphy, asked the court to alter or amend its judgment issued earlier that month, but the motion was denied in mid-June.

“This is one of the most interesting cases I’ve worked on, and I’m glad we were able to get a good result for our client,” said Jim Myrick, an attorney with the Womble Bond Dickinson firm, one of three representing the Netherlands and its institutions. “We were pleased with the thoroughness of the court’s analysis.”

Berg said he planned to pursue his claim.

Gibson and Androphy said they will appeal the case to the 4th Circuit in Richmond, Va., in September. They expect a response from the appellate court during the winter.

“We’re all passionate, and that’s why we’re still pursuing it,” Androphy said. “And that’s why we’ll pursue it to the Supreme Court if we have to. ... You wouldn’t think that a family whose art was stolen during World War II would have this much of a battle.”



FEATURES

Trading art for lives: Author Janet Lee Berg delves into human dimension of Nazi obsession with masterworks

BY ADAM PARKER APARKER@POSTANDCOURIER.COM

He said that in similar cases involving Nazi loot, the courts have tended to side with autonomous countries with a claim to the art in their possession.

“You get a sense that what should be propriety personal issues are political issues,” he said.

In this case, defendants include the Netherlands government, state institutions and private museums. Jury trials involving the Netherlands are not allowed, the attorneys said. But they are not ruling out a bifurcated case, in which a jury could hear arguments involving private institutions, leaving state-related issues to a judge.

LOCAL AND STATE NEWS

The extraordinary achievement of South Carolina’s Holocaust survivors

BY ADAM PARKER APARKER@POSTANDCOURIER.COM

Berg has said his great-uncle and grandfather were able to strike a deal with the Nazis in 1942. In exchange for Rembrandt's "Portrait of a Man" the Germans would permit 25 members of the Katz family to leave the country (65 others were left behind to perish in the concentration camps).

Another work of art was traded for the life of the Katz brother's mother, who had been confined in a deportation camp.

None of this bargaining would have occurred absent a Nazi threat, Berg and his lawyers said.

"Portrait of a Man" eventually was returned to the family after a legal battle and donated to the Los Angeles County Museum.

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Adam Parker has covered many beats and topics for The Post and Courier, including race in America, religion, and the arts. He is the author of "Outside Agitator: The Civil Rights Struggle of Cleveland Sellers Jr.," published by Hub City Press.