Resolution

ENROLLED HOUSE
RESOLUTION NO. 1026

By: Wesselhoft, Bennett, Brumbaugh, Calvey, Coody (Jeff), Cooksey, Cox, Faught, Fisher, Jordan, Kern, Kirby, Moore, Mulready, Murdock, Murphey, Newell, Osborn, Park, Peterson, Ritze, Roberts (Sean), Scott, Vaughan, Walker, Wood, Lepak, Johnson and Derby

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

WHEREAS, during the Nazi era, 1933 through 1945, as a result of 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 Oklahoma, demanding the return of a painting stolen during the Nazi occupation of France; and

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

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

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

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

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

WHEREAS, where the Nazi-era provenance is incomplete or uncertain for an object, museums have a duty to conduct additional research to resolve the Nazi-era provenance status of the object before acquiring it; and

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

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

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

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

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

WHEREAS, identifying objects in their collection with incomplete or uncertain Nazi-era provenance and making current object and provenance information available to the public should be a function of all museums; and

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

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

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

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

WHEREAS, in the event that conclusive evidence of unlawful appropriation without subsequent restitution is found, but no valid claim of ownership is made, and the museum continues to retain the object in its collection after taking all prudent and necessary steps to address the situation, the museum shall make an effort to acknowledge the history of the object on labels and in publications; and

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

WHEREAS, codes of behavior require museums to address claims of ownership asserted in connection with objects in their custody in an

open, serious and responsive manner and with respect for the dignity of all parties involved and to promptly and thoroughly review a claim that an object was unlawfully appropriated during the Nazi era without subsequent restitution; and

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

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

WHEREAS, in order to achieve an equitable and appropriate resolution of claims, museums should waive technical defenses, including, but not limited to, laches, statute of limitations, equitable estoppel, sovereign immunity, res judicata, recognition of a foreign judgment, waiver, prior possession, preemption, contrary to public policy, failure to state a claim, improper or failure to service, improper venue and lack of personal jurisdiction.

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

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

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

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

Adopted by the House of Representatives the 22nd day of May, 2015.

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Presiding Officer of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____ day of _____, 20 _____, at _____ o'clock _____ M.

By: _____