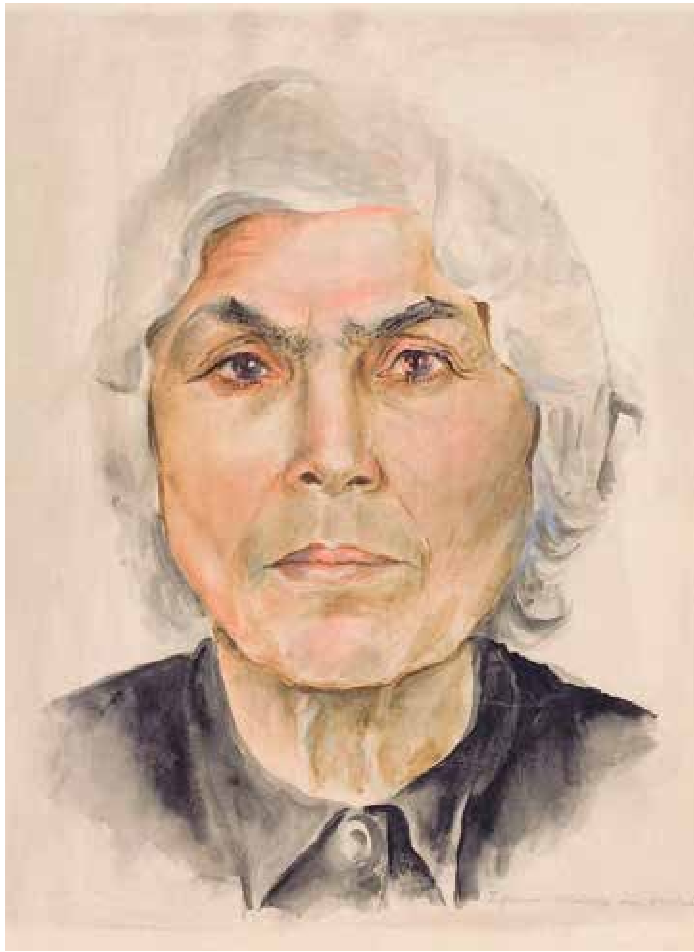
WEEKEND



Some of Babbitt's Romani portraits (Celine is in the middle). Thirteen years after her death, her daughters still hope to recover the art from the Auschwitz museum. That struggle may be entering its final phase.
Dina Babbitt

The battle for the watercolors

In 1944, Josef Mengele ordered a Jewish inmate in Auschwitz to paint portraits of Romani people as graphic 'evidence' of the Nazis' racial theory. Years later, the Auschwitz-Birkenau Museum informed the artist that some of the works still existed – but balked at her request to receive them. Their initial reason: The portraits belong to the person who 'commissioned' them: Mengele

Ofer Aderet

Visitors to Block 13 at the Auschwitz-Birkenau State Museum, on the site of the former death camp, are prohibited from photographing the exhibits. In addition to photographs and documents, the materials on display include four singular works of art that the museum safeguards like a precious treasure. They are among the remnants of a series of watercolor portraits of Romani people (Gypsies) who were incarcerated in the Nazi death camp in occupied Poland.

The identity of the artist is not in dispute. She was Dina Babbitt (née Gottliebová), a Czech Jew who survived the Holocaust and immigrated to the United States after the war. She made the paintings in 1944, when she was an inmate in Auschwitz, at the behest of Josef Mengele, the SS officer and physician who is infamous for the medical experiments he carried out on inmates at the camp. Mengele wanted her to document the lines of the Roma faces as evidence of the Nazis' racial theories. Where there was a dispute was over who the paintings belonged to, leading to a protracted row between Babbitt and the museum that had not been resolved at the time of her death in 2009, at age 86.

In the decades that followed Babbitt's discovery, in 1973, that the paintings had survived the war, she made efforts to have them returned to her. The paintings belonged to her, she asserted, and were hers to do with as she pleased. She wanted to reunite with and touch them again, to redo some of them, and to decide where they would be exhibited and under what conditions. The museum, for its part, stated that the works constituted authentic and unique testimony of the Holocaust of the Roma, and that turning them over to Babbitt could set a dangerous precedent, allowing survivors of the camp to demand the receipt of items that, in their opinion, belonged to them.

It's now 13 years since Dina Babbitt's death. For her daughters, Michele Kane and Karin Babbitt, the family's long struggle – well publicized but so far futile – to recover the paintings has been a source of immense frustration. Still, they haven't given up. There have been some partial successes along the way, such as a resolution by the U.S. Congress, and a petition signed by 450 comics artists and cartoonists calling on Poland to return the portraits to Babbitt. However, the works remained in the museum and when Dina Babbitt died, it was with a sense of deep grievance. The museum staff doesn't understand what the paintings mean to her and are as bad in her eyes as the SS, she said on the eve of her death.

The active struggle resumed four years ago. Presently, following delays caused in part by the coronavirus pandemic, it is entering its final stage. It will conclude, depending on what the family decides, with either a settlement or a lawsuit. The family has retained three attorneys who specialize in fields of law relevant to the case: Steven Tepp, an American expert in intellectual property law; Michel Kains, a specialist in copyright law, and himself the son of a Holocaust survivor; and Tomasz Wardynski, a Polish lawyer whose expertise lies in arbitration and international disputes. Kains, who divides his time between Tel Aviv, Washington and Brussels, was surprised to discover that over the years the family had made do with letters, petitions and an attempt to wield media, public and political pressure on the Auschwitz museum, but that the case had not been heard in court.

He is determined to obtain what he terms belated justice and to launch the last chapter in the battle for the watercolors – a chapter that will take place, if necessary, in court – first in Poland, and then in a European Union tribunal. On the face of it, he says, it is a "classic case" of copyright law. The museum has already acknowledged that Babbitt was the sole creator of the paintings, and thus, he asserts, for 70 years after

Dina Babbitt in 1949. The man she married had been one of the animators who worked on Disney's "Snow White."
Courtesy of the Babbitt Family

> In September 1943, Dina's mother was assigned to a transport to Auschwitz. Her daughter's efforts to get her released were unavailing, and so – for the second time – Dina joined her voluntarily.

her death, her heirs have the "exclusive right" to authorize or prohibit any use of her works. That right, he notes, has been recognized worldwide since 1886, since the adoption of the Berne Convention for the Protection of Literary and Artistic Works. Considering the exceptional circumstances of the Holocaust, and in the face of the facts of the case, he adds, the museum will find it difficult to claim that it received the works "in good faith" or that their creator gave them to it of her own free will or permitted the museum to exhibit them publicly.

At the same time, Kains acknowledges that there are "serious obstacles" that will have to be surmounted. To understand the complexity, one must take into account the fact that the case involves laws relating not only to copyright, property and abandoned property, but also to those concerning war and nationalization, as well as Polish regulations regarding national heritage sites. Additional factors are that the paintings were done by a Czech citizen during World War II, when Poland was occupied by Nazi Germany, and they were transferred to the museum by circuitous means when Poland was a communist country. Nevertheless, Kains believes, in the end, the matter will depend on the main thing: copyright law.

What he finds "most shocking" in the story, he notes, was the initial argument put forward 50 years ago by the Auschwitz museum in rejecting Dina's claims. A perusal of the correspondence shows that for years the museum believed that the legal owner of the artworks was Mengele. He drowned in Brazil in 1979 but left a son, Rolf, as a potential heir.

In 2009, a few months before Babbitt's death, the museum's director, Dr. Piotr Cywinski, wrote: "The portraits of the Gypsies made in the camp by Mrs. Dina Gottliebova-Babbitt have never been her property. They were made on the order and for the use of ... Joseph Mengele as materials for his pseudo-scientific work on [the] physical resemblance of Gypsies from various countries." He added, "As a matter of fact, Mrs. Dina Gottliebova-Babbitt has never owned these watercolors and thus there is no possibility to return them."

The Polish journalist Lidia Ostalowska also quoted Cywinski on this subject: "But to give them, not return them. They weren't hers, they were Mengele's," she wrote, quoting Cywinski, in her 2011 book, "Watercolours: A Story from Auschwitz" (English translation 2016).

In 2006, when she was 83, Babbitt related that she had heard similar comments: "A museum official wrote me saying that legally, the only one who might have a claim on the paintings was Dr. Mengele, and he wasn't likely to exercise it," she told The Washington Post. She did not name the official.

That argument was heard time and again. Tadeusz Szymanski, a former curator of the museum and himself an Auschwitz survivor, maintained that "only Mengele had a right" to the paintings, and that Babbitt's very desire to take possession of them was "shameful."

Attorney Kains explains that from a legal point of view, the museum sought to treat Babbitt as a "worker" of Mengele's and thus to assert, in accordance with standard copyright law, that she did not own the rights to the paintings, because they were done within the framework of her work. It's hard to imagine that they made such "cynical and cruel" use of the law, Kains adds. The legal team "will leave no stone unturned" to prevail in this case, he asserts.

The team of attorneys is currently preparing the lawsuit. In the meantime, they are looking for help in covering the many attendant costs, hoping that a philanthropist will open both his or her heart and wallet to help them proceed.

In 1998, Dina Babbitt provided long and detailed testimony of some six hours to Steven Spielberg's Shoah Foundation project to document Holocaust survivors on video. In addition, an oral history interview from 2009, conducted with Babbitt at Palo Alto High School a few months before her death, is available on the United States Holocaust Memorial Museum website.

Daughter and mother

Dina Babbitt was born in 1923 in Brno, Czechoslovakia (today the Czech Republic) as Annemarie Gottliebova. Her father, Richard, a native of the Sudetenland, was an artist who made puppets, among other things. He left the house when she was just a few months old after it was discovered that he had been cheating on her mother, Johanna, she related. The latter, Vienna-born, was an accountant. She raised her daughter along with her own mother and sister.

At the age of 10, Annemarie joined the Blau Weiss (Blue White) Zionist youth movement and, at her grandmother's suggestion, adopted the Hebrew name Dina. When she was 16, she was on track to go to Palestine, but at the last minute decided against it, so as not to leave her mother alone, she related.

In March 1939, when the Germans invaded her homeland, half a year before the outbreak of World War II, she was a student at the School of Applied Arts in Brno, studying sculpture and graphic design. However, she was forced to abort her schooling because of antisemitic persecution. In January 1942, her mother was due to be deported to the Theresienstadt concentration camp-ghetto, north of Prague; refusing to part from her, Dina joined her mother. The two said an anguished farewell to their dog and boarded a regular passenger train to the camp. Upon her arrival, she celebrated her 19th birthday.

Terezin – its Czech name – was different from other ghettos and camps in many ways. For one, it was situated in a small fortress city in the center of Europe, but also, and especially, because the Germans attempted to turn it into a "showcase ghetto" in the service of their propaganda. The idea was to show the world, via visits by the International Red Cross and a propaganda film shot there, a false representation of the supposedly good life the Jews were enjoying under Nazi rule.

Although the inmates suffered from hunger, overcrowding, disease and mortality, and most of them were eventually transported to their death, during the camp's 42 months of existence, Jewish social and cultural life, which included educational programming and sports, was able to flourish. According to the Jerusalem-based Yad Vashem Holocaust Memorial, of the 140,000 Jews who were incarcerated

Continued on page 12

Living in Israel but not yet a citizen?
Make it official!
#OfficiallyIsra
Nefesh B'Nefesh streamlines the Aliyah process **from within Israel** for individuals and families from North America.
Guidance & Community Resources
Employment Services
Pre & Post Aliyah
Government Advocacy
Events & Programming
Financial Assistance available. Contact us for more information
נפש בנפש Nefesh B'Nefesh
אופישלי ישראלי
GUIDED ALIYAH
WWW.NBN.ORG.IL/GUIDED | GUIDEDALIYAH@NBN.ORG.IL
WORKING IN PARTNERSHIP TO BUILD A STRONGER ISRAEL THROUGH ALIYAH
נפש בנפש Nefesh B'Nefesh
THE JEWISH AGENCY FOR ISRAEL הסוכנות היהודית לארץ ישראל
Ministry of Aliyah and Integration
KKL-JNF
JEWISH NATIONAL FUND USA

BATTLE

Continued from page 7

in Theresienstadt, about 35,000 perished in the ghetto itself and 88,000 were deported to the death camps.

In her testimony, Babbitt talked about plays, performances, live music, singing and games that helped the inmates repress thoughts about their fate. To help pass the time, she did body painting on her fellow inmates. On one occasion she painted a human bottom on someone's face. Her grandmother had always told her that a fart was "the cheapest entertainment," she noted. "That was how we entertained ourselves."

Sex was also part of life in the ghetto, she related. It was there she met Karel Klinger, whom she called "the love of my life." Thanks to him, she was able, years later, to utter the hard-to-fathom statement that her life in Terezin was happy. She recalled that prior to Karel, she had had platonic friends, but never someone about whom she could say that she cared about him more than she did about herself. "We were one person," she declared. They planned to marry and raise a family, although when Babbitt became pregnant, she underwent an abortion because of the conditions in the camp. Karel did not survive the Holocaust.

Her days were spent working as a nurse, in agriculture (she told about smuggling tomatoes and cucumbers into the camp in her bra) and as a painter. In the latter capacity, she was given pictures of classic paintings and was required to paint oil reproductions of them. It was one of the revenue-producing industries of Terezin, she noted – the paintings were sent to Germany to be sold. She added that she enjoyed that particular occupation.

Karel, her boyfriend, worked in the stables. She recalled that he arrived in the ghetto riding a horse, accompanied by chickens and sheep, and was immediately sent to the stables. He managed to have contact with people in the outside world, Babbitt said. He and his friends traded wedding rings they took from corpses for cigarettes, clothes and other items. On one occasion, her birthday, he bought her a sweater via barter. For some of the time they lived together in an attic, in which Karel had installed a window that offered a view to the moon and the stars. "We were called 'the couple of Theresienstadt' – I think that Karel and I were the only two who stuck together the whole time," she said in the interview with the Shoah Foundation.

In September 1943, her mother was assigned to a transport to Auschwitz. Her daughter's efforts to get her released were unavailing, and – for the second time – Dina joined her voluntarily. She was unable to imagine "life without Karel," and cried all the time, she later recalled, but she didn't want him to join her, because he had a family to look after. She was 20, one of about 5,000 Jews in the transport.

Exceptionally, on their arrival at the camp, they did not undergo a "selection" process to separate those who were fit to work from the unfit – who were sent to their death. Instead, her transport was routed to a separate camp, not far from the main entrance. Unlike the standard Auschwitz inmates, they were given regular clothes to wear, instead of being compelled to walk about in a blue-striped uniform. Nor was their hair shaved.

Babbitt received a dark-brown dress that was too baggy, which had probably belonged to a fat woman, she said. It hung on her almost like a robe, and she tied a rope around a waist, leading her mother to tell her she looked like a Franciscan monk. They both laughed. Her "message," she said in connection with her mother in the Palo Alto oral history interview, is that if "there are two people who really need each other and love each other, they have a much better chance of surviving and succeeding."

Everyone from the transport – women, men and children alike – was placed in one camp. Subsequently they realized that they had been chosen for what was the "family camp." Initially Babbitt didn't believe the rumors that circulated there to the effect that their fate would be death in gas chambers. She smelled the smoke of the bodies being burned, she said, but still, "I didn't believe it." However, the hope of her and her friends in the family camp that their fate would be different from that of the other inmates, was quickly shattered. It was not for nothing that the Germans marked their prisoners cards "SB6," short for "Sondernehandlung" ("special treatment," meaning, death), which they were to be subjected to at the end of six months. Similar transports arrived afterward. In any case, the family camp in Birkenau lasted only 10 months; ultimately, the residents were gassed.

German documents show that the family camp's purpose was to try to refute the reports about the murder of the Jews and to present to the International Red Cross, should they visit, a false picture of the inmates' treatment. For the Nazis it was "proof of normality," Babbitt noted, hence their special conditions.

However, a different fate awaited Dina and Johanna. Thanks to the daughter's artistic ability, she was granted the right to live, and was able to save her mother as well. One of those who played a part in their survival was Alfred "Fredy" Hirsch, who was an extraordinary figure himself.

Three of the seven surviving watercolor portraits of Romani inmates painted by Babbitt on Mengele's orders. The Auschwitz doctor wanted to use the artworks to help prove the Nazis' theory about the racial inferiority of the Romani.

Dina Babbitt

Snow White in Auschwitz

Fredy Hirsch was born in 1916 in Aachen, Germany, and was an athlete, an educator and a leader of Zionist youth. Following the Nazis' rise to power, he fled from his native land, not least because he was a declared homosexual. In 1941, he was one of the first to be deported to Theresienstadt, where he stood out thanks to his charisma, leadership skills and impressive exterior appearance. He was deported to Auschwitz in September 1943 in the same transport as Babbitt and her mother, along with hundreds of children. "He looked like a toothpaste advertisement. He had this shiny, slicked-back hair, very handsome face and an incredible grin, white-white teeth," Babbitt recalled.

In Auschwitz, Hirsch was placed in charge of the "children's block," a singular site in the family camp whose existence is described largely in oral testimonies. Although children were generally murdered on arrival in Auschwitz, that wasn't the case in the family camp. At its peak there were 500 children and youths there. Hirsch saw to their education, organized activities for them and tried to keep them occupied so they would not think about the bitter situation they had been subjected to. Babbitt noted that it was he who persuaded the SS to set aside a barracks for children, so he could "keep them under control."

> Sex was also part of life in the Terezin ghetto, she relates. It was there she met Karel Klinger, whom she called 'the love of my life.' They had planned to marry and start a family if they survived.

One day, Hirsch asked Babbitt to "paint something" on the walls of the children's block, because, as she recalled, "everything was so drab and gray. There wasn't a tree or a blade of grass, no birds, no flowers. Nothing." Somehow Hirsch got her paints and a brush. She was very worried; she asked if he had a permit and he said there was no problem. "We weren't allowed to sneeze, but he wanted me to paint something on the wall," Babbitt recalled. She decided to paint "something cheerful for the children to look at."

Her idea, she said, was "to make it look like we are in a Swiss chalet," and she began painting just such a scene. "Then I noticed that all the kids were standing behind me. I asked them if they had any special wish for me to put in the meadow. They said, 'Snow White and the Seven Dwarfs.'"

Babbitt was thrilled. She had seen the 1937 Walt Disney film based on the fairy tale many times; it was the last movie she had seen before Jews were barred from movie theaters, and subsequently deported. It was also probably the last movie the children ever saw. The painting was an immense success, and in its wake the children put on a play of the Snow White story. Babbitt's mother advised her to "keep a low profile," for fear she would be punished.

A few days later, she was summoned to the children's barracks again. She had a "bad feeling," she recalled – an SS man was there and asked whether she was the one who had done the wall painting, so "I expected the worst." Instead, the German official escorted her to a jeep that was waiting outside and directed her into it. Babbitt had no idea what was happening, but thought she was going to be shot. But their destination was another family camp in Auschwitz, this one of the Romani and Sinti.

The Nazis had concentrated thousands of them at the site – 23,000 according to the Auschwitz museum. The noted Holocaust scholar Prof. Yehuda Bauer wrote that "although the Jews as a group were at the bottom of the ladder in Auschwitz, the Gypsies weren't far from them." He terms their murder "genocide." Most of them suffered from hunger and disease, some were subjected to medical experiments by Mengele, thousands were gassed.

Babbitt was taken to Mengele, who was engaged at the time in photographing Romani inmates. He asked her whether she could paint their portraits, so that their skin color would come through more distinctly than it did in the photographs. Mengele said he wanted a copy in natural colors of all the possible skin colors and tones. "I said I could try," was her reply.

Some time passed and she was summoned to Mengele again. This time she was told that she would not be sent to a "work camp" – a euphemism for the gas chamber – as was the fate of everyone from Terezin who had arrived at the family camp. Babbitt asked about her mother. Mengele, she recalled, asked her for the number tattooed on her mother's arm, so that he could add her to the list of those exempt from being gassed. Babbitt didn't know the number, so Mengele sent someone to bring her mother in and she showed him the number.

Subsequently, for the next several weeks, she painted portraits of Romani prisoners. Mengele wanted to use the paintings to help prove the Nazis' theory about the racial inferiority of the Romani. He asked for two chairs to be brought, one for her and the other to serve as an easel. She was required to do the portraits in watercolor, a technique with which she had no experience. Mengele let her choose her subjects by herself. "Go out and get yourself somebody to paint," he told her.

She was surprised, but entered the camp and saw a large group of inmates. "I picked a pretty girl with a red scarf and painted her… It was not a very good painting," she recalled, but Mengele seemed satisfied. Two days later, he asked her to choose another subject. She picked "an incredibly beautiful young woman," this one with a blue scarf, named Celine.

Celine had just lost her 2-month-old baby, because she had no milk to feed it with, and the infant starved to death. Babbitt, not knowing this, asked Celine to smile. The two women did not communicate verbally: Celine, who was from France, didn't know German or Czech. They spoke "with the head and the hands," and after a time "a language came to us and we managed to become friends," the artist recalled. Mengele intervened in the painting, pulling the scarf back to expose the girl's ear. It was important for him to show the ear, Babbitt notes, in order to prove that she was "less than Aryan, because there was a difference between Aryan ears and Gypsy ears." Mengele brought books to show her the difference between Aryans' eyes and others' eyes. She had the feeling "he was trying to adjust the fact[s] to his own view," she said.

Babbitt painted 11 such portraits, seven of which survived and are now in the Auschwitz museum. Four of them are on view at any one time, on a rotating basis. Celine's portrait is one of those that survived. At one point, Mengele began to suspect that Babbitt was deliberately choosing attractive people to paint, so he himself chose others, men and elderly people, for the portraits.

Babbitt viewed her work as a mission. She hoped that if she succeeded in rendering her subjects' expressions with precision – to show the despair whose grip they were in – she would be able to help preserve the Romani legacy, and convey the scale of the crime that was being perpetrated against them. For the most part, Mengele was pleased with the paintings, though occasionally he told her to make certain corrections. When they were finished, he placed the paintings in a safe.

In addition, Babbitt was forced to depict medical experiments that Mengele conducted on inmates. These included prisoners who were placed in water to freeze to death; on one occasion she painted a human heart that had been removed from an inmate in her presence.

During the period when she was painting for Mengele, Babbitt lived in relatively comfortable conditions. Mengele brought her food when he came back from lunch, and on one occasion, when he returned from the Christmas holiday, he brought her cigarettes and cookies from home.

Babbitt also painted signs for placement throughout the camp. In addition to signs showing the numbers of the barracks, she painted "No entry" signs and others urging people to keep the grounds clean, as well as one declaring that "Lice are deadly." At the same time, SS personnel came to her surreptitiously to have her do portraits of their partners or landscape paintings. In return they gave her food and cigarettes.

One officer, Fritz Buntrock, known as "Bulldog" because of his vicious nature, ordered Babbitt to do a painting based on a photograph of a naked woman standing in front of a waterfall. He demanded that she complete the painting "by morning," so she worked all night. Mengele, too, had her do a portrait of him. He was pleased with the result, although he complained that his uniform had come out too dark. He asked Babbitt whether she had noticed a certain detail in his face, which only his wife knew about. She hesitated, before replying – correctly – that he had a birthmark next to his left ear.

"If there had to be an Auschwitz," she said in the interview at Palo Alto High, "I'm glad I was there, because I met people that I would have never met otherwise, just going to art school like a good little girl." Her father, who did not raise her, was murdered in the camp. Her partner, Karel, died of illness in the Dachau concentration camp, where he was sent after Auschwitz. Fredy Hirsch committed suicide in Auschwitz, though a different account has it that he died unintentionally from an overdose of tranquilizers, after he learned that the children he had tutored were going to be murdered.

Babbitt and her mother both survived and became part of the "death march" of inmates that left Auschwitz in January 1945 ahead of the camp's liquidation. They reached Ravensbrück, a women's camp in Germany, and from there were moved to another camp in Germany, Neustadt-Glewe, where they painted numbers on planes. The camp was liberated by Russian troops on May 5, 1945. A month later, in Prague, Babbitt returned to the house where she had lived prior to deportation and discovered that its caretaker had burned all the pictures she had left behind. Everyone was amazed that she and her mother had returned – they hadn't expected them to come back, she related.

> Auschwitz museum spokesman Bartesz Bartyzel: 'While fully respecting the rights of people who created… the documents here, we [believe] that any loss in the collections … will constitute irreparable harm.'

One day, a stranger stopped her in the street and handed her a piece of paper containing a message from Karel Klinger. "My 'old lady,'" he wrote her. "I am stretching my paws [meaning: I am dying]. I love you." He went on to declare her his lawfully wedded wife and widow. The rest of the message was lost, because the paper had been torn. Babbitt went to Karel's home in Prague and persuaded the caretaker to let her take three photographs of Karel from his apartment as keepsakes.

Joseph Mengele, in a 1956 photo. The legitimate heir of Babbitt's Romani portraits?

From "The Last Nazi: The Life and Times of Dr. Joseph Mengele," by Gerald Astor

All or nothing

From Prague, Babbitt moved to Paris, where she worked as an animator for Warner Brothers. The man who interviewed her for the position was Art Babbitt, a 38-year-old American who had previously worked for Walt Disney: He was one of the animators for Disney's "Snow White and the Seven Dwarfs." It was the closing of a circle for her. They fell in love and were married. Art (born Arthur Babitsky) was an award-winning animator and animation director whose other Disney credits include "Pinocchio" (he was responsible for depicting Geppetto), "Dumbo" (the stork) and "Fantasia." He is best known for inventing the character of Goofy, Mickey Mouse's canine buddy. When he met Dina, Babbitt was no longer working for Disney, in the wake of a protracted labor dispute between the cartoonists' guild and Walt Disney.

Art and Dina Babbitt subsequently settled in the United States. Their marriage, however, ended in divorce, in 1962. She worked as an animator in Hollywood at MGM and Warner Bros., and also did animation for commercials. She took part in animating Tweety Bird and Wile E. Coyote for Warner's "Loony Tunes," and also ads for Cap'n Crunch breakfast cereal.

Babbitt's Auschwitz tattoo was removed during surgery in 1953. She related that she had an operation for something else, and the surgeon said that for another $50 he could remove the number as well.

In 1973, a letter arrived at her home in Hollywood. Seeing that the sender was the Auschwitz museum, "I almost tumbled down the steps to the house," she recalled. The museum invited her to visit, having identified her as the artist who signed the Roma portraits "Dina 1944." "That was another thing that surprised me about Mengele," she noted in the Palo Alto interview, "that when I finished a painting he wanted me to sign it." (Elsewhere she said that she had signed her name at her initiative and that Mengele had okayed it.) The letter from the museum stated that they had been looking for her for some 20 years, but had only recently noticed that the signature on the portraits was identical to the signature in a book she had illustrated after the war, in 1945.

Babbitt was certain she would get the artworks back, and thus be able to show her family "what saved our lives," as she told her mother. The meeting in the museum lasted about two-and-a-half hours, but it ended in bitter disappointment. "Thank you for keeping the paintings so well," she told the museum staff when they showed her the portraits. "I tried to put them in the briefcase I had brought with me," she recalled, "but they took them away from me." Babbitt was stunned, she felt cheated. The museum asked her to authenticate the watercolors, and having got what they wanted sent her on her way empty-handed.

The Auschwitz-Birkenau State Museum was established in 1947. According to its account, it acquired six of the Romani portraits in 1963 from a private individual, while the seventh was acquired in 1977 from a different source. The museum's archive contains information documenting the circumstances of the arrival of some of the portraits. Immediately after the war, a non-Jewish Polish family by the name of Krcz adopted an orphan, Ewa, who had survived Auschwitz. One of the members of the family, Stanislaw, stated that he had found her in the camp three days after its liberation. A person who observed the events gave him the paintings as a gift. They were said to have come from the lodgings of SS officers in Auschwitz. The family gave the paintings to Ewa when she grew up, and she sold them to the museum. The identity of the person who provided another painting, in 1977, has not been made public.

In her book "Watercolours: A Story from Auschwitz," Lidia Ostalowska recounts that in December 1963, the museum's collections committee met for a special discussion at the National Museum in Krakow. On the agenda were the portraits. A series of experts, including both scholars and artists, examined Babbitt's watercolors. They praised the quality of the works and suggested that the museum pay what was a very high price for them: 40,000 zlotys. (For comparison's sake, an av-

erage salary in Poland at the time was about 1,700 zlotys.)

Babbitt said that in 1973, upon returning home from a visit to Auschwitz, she consulted with a lawyer about the possibility of filing a suit against the museum. In the end, she dropped the idea. "I was a working single mother at that time, with two kids to support," and she didn't have the money for the fees the suit would entail. "A lot of people tried to help me, but strangely enough, they all died before they could," she added in the Palo Alto interview.

She visited the Auschwitz museum again in the 1990s. This time, she says, she was shown only copies of her paintings. Among the many who tried to help was Rabbi Andrew Baker, from the American Jewish Committee, but his attempt to work out a compromise failed. Babbitt rejected an offer from the museum to lend her the paintings for the rest of her life; she said she wanted full ownership of them so that she could exhibit them in an American museum.

"She wanted all or nothing," said attorney Stuart Eizenstat, a former U.S. deputy secretary of the treasury and an expert on the recovery of Jewish property, told The New York Times in 2006. Eizenstat, who had advised U.S. presidents on Holocaust-related matters, conducted the contacts with the museum. "In these kinds of claims," he said afterward, "where you don't have clarity in terms of legal doctrine, you have to work out these kinds of compromises." In a Senate hearing in 2000, he related that the U.S. administration had broached the matter with the relevant authorities in Poland.

"This is a very difficult and sensitive issue," he told The Times. "This is her art without question. In addition to being works of art, the portraits are also an important piece of the historical record of the Holocaust, which is why the Auschwitz museum wishes to hold onto them. I have, frankly, proposed a number of options to her attorney. And I hope that we can find a way to satisfy both of these conflicting interests."

Then-U.S. Sen. Barbara Boxer, a Democrat from California, pointed out in the 2000 hearing that the issue had turned into the subject of a political and diplomatic dispute. "Every time we say we are going to do a bill [calling on the Poles to return the art to Babbitt], then the government of Poland starts to lobby against [that] bill," she said. The Auschwitz museum also rejected compromise proposals. For example, the museum refused to give Babbitt some of the paintings in return for leaving the others in its possession.

In 2002, the U.S. Congress passed a resolution calling on the president and the State Department to work for the return of the paintings, and issued a similar call to the government of Poland and to the Auschwitz museum. The struggle was also joined by Democratic Rep. Shelley Berkly of Nevada, who sponsored another Congressional resolution in 2006. That same year, a group of artists and curators also wrote to the museum suggesting that, "reuniting Mrs. Babbitt with her paintings would be a sign of the museum's dedication not only to history but also to humanity." The Polish ambassador to the United States in 2001 wrote to Rep. Berkly, "Nearly every item left or contributed to the museum in Auschwitz-Birkenau could be claimed by a rightful owner as personal property. Should they be returned?"

"They are definitely my own paintings; they belong to me, my soul is in them, and without these paintings, I wouldn't be alive, my children and grandchildren wouldn't be alive," Babbitt told The Times emotionally in 2006. She added, "Every single thing, including our underwear, was taken away from us. Everything we owned, ever. My dog, our furniture, our clothes. And now, finally, something is found that I created, that belongs to me. And they refuse to give it to me. This is why I feel the same helplessness as I did then."

"The [Auschwitz] Memorial does not intend to conduct any negotiations," the museum's spokesman, Bartosz Bartyzel, tells Haaretz. "The drawings of Roma victims made in the camp must remain in the Memorial as part of the documentation of the crimes of Mengele." He adds that the museum's decision to retain the paintings was made according to the law and based on the recommendation of the International Auschwitz Council from 2009. In this connection he also cites international principles relating to looted property and the restoration of property and artworks from the Holocaust period. In addition, the decision also has the support of Roma representatives and their organizations in Europe.

In his remarks, Bartyzel goes on to say that the museum "fully understand[s] the emotional approach of Dina Gottliebova's family to the works she made on the order of Josef Mengele in the circumstances that certainly affected her life." However, "in carrying out [our] statutory responsibility, we express the deep conviction that the watercolors should remain at the Memorial. The portraits of Roma victims are the few remaining fragments of the documentation made by Mengele as part of his criminal experiments. Therefore, they should be treated as unique documents related to the history of Auschwitz."

> 'If there had to be an Auschwitz,' said Babbitt, 'I'm glad I was there, because I met people that I would have never met otherwise, just by going to art school like a good girl.'

Bartyzel adds that since the museum's inception, it has made an effort to collect and protect vestiges from the camp and has fought for their preservation as testimony to the crimes that were committed by Nazi Germany in the physical location to which they are directly related. On the issue of the ownership and copyright of the works, he says, "While fully respecting the rights of people who created some of the documents here, we are of the opinion that any loss in the collections of the Memorial will constitute irreparable harm."

To bolster the museum's argument, he puts forward a theoretical question: "What would happen if [other] survivors or their heirs were to demand the return of items they or their relatives created: works of art, paintings, photographs and plans outlined in the camp, or other items made at the request of the SS?" As an example, he cites the "Arbeit Macht Frei" gate, which was made by a Polish inmate, Jan Liwacz, in the camp's metal workshop.

"A prisoner, by creating something on the order of the SS authorities, did not become the legal owner of the work created," he maintains.

Bartyzel also quotes from the 2009 Terezin Declaration, an international convention regarding the return of property from the Holocaust period, whose signatories include Poland, Israel and the United States. "Since we are approaching a period when the direct witnesses to the Holocaust (Shoah) will no longer be among us, and when the sites of the former Nazi concentration and extermination camps will be ... significant, unassailable evidence of the Holocaust (Shoah) tragedy, the significance and integrity of these sites along with their movable and immovable elements will constitute a fundamental value in regard to all activities related to these sites and will assume a special importance for our civilization, in particular for the education of future generations."

The museum's spokesman adds, "The fact that [the] Museum along with all the post-camp documentation, archives and all authentic items, is inscribed in the UNESCO World Heritage List confirms the belief that objects and documents found in the liberated camp should remain in the Museum forever and ought to be protected. The loss of even the smallest part of the documentation is an irreparable loss and a blemish on the memory of the victims of Auschwitz."

Left: Dina Babbitt. Following the war, and her move to the U.S., she worked in Hollywood as an animator. For Warner's "Loony Tunes," she took part in animating Tweety Bird and Wile E. Coyote. Right, a post-war recreation by Babbitt's of the "Snow White" mural she painted in the Auschwitz children's block.

Courtesy of the Babbitt family; Michele Babbitt Kane

The story of a suitcase

The children's barracks in Auschwitz where Babbitt did the "Snow White" wall painting was demolished after the war, and no trace of it remains. The 1996 exhibition "No Child's Play," at Yad Vashem, curated by Yehudit Inbar, contained a reconstruction of the painting, done not by Babbitt but by a different survivor. At her daughters' request, Babbitt reconstructed the original "Snow White" painting, which is now in the possession of one of them.

The renowned Jewish-Polish writer and artist Bruno Schulz also painted Snow White during the Holocaust. The work was done as forced labor in the home of an SS officer in the city of Drohobych (today in Ukraine) in 1941, who ordered Schulz to depict figures from a number of fairy tales in his children's playroom. Schulz was shot and killed the following year by a Gestapo sergeant.

In 2001, emissaries of Yad Vashem peeled off a layer of plaster from the wall of the former playroom in the Drohobych house where Schulz had created the artworks, and brought it to the museum in Jerusalem. The controversial method by which the work was obtained sparked a dispute with the Ukrainian government, but in the end Kyiv agreed that the work could remain in Israel as a loan.

Babbitt's case is different – it's impossible to "peel" her paintings from the wall of the Polish museum. However, her family and her attorneys can draw encouragement from the case of Michel Lévi-Leleu, who in 2005 visited an exhibition at the Foundation for the Remembrance of the Shoah in Paris. There, completely by chance, he came across the suitcase of his father, Pierre Lévi, who had been deported from France to Auschwitz.

The story became news when it turned out that the suitcase was on temporary loan from the Auschwitz-Birkenau State Museum. Lévi-Leleu demanded that it remain in Paris permanently. He gained the support of such well-known figures as the Nazi hunter Serge Klarsfeld and the Holocaust survivor and former president of the European Parliament Simone Veil. The Polish museum balked at the request, stating initially that the suitcase was part of the proof of the existence of the Holocaust and that its presence in the museum's permanent exhibition is of far-reaching importance.

Babbitt referred to that episode in an interview with the German newspaper Süddeutsche Zeitung. "There are thousands of suitcases in the museum. They should have been happy that one of the owners was found. Imagine how meaningful that object is to the family," she said.

The museum finally gave in and in 2009 agreed to a compromise with Lévi-Leleu, who had taken the museum to court. The suitcase will remain in the Paris museum "on a long-term basis."David Rapaport, the teacher at Palo Alto High School who conducted the interview with Dina Babbitt in March 2009, was deeply moved when he heard her story, just four months before her death. The interview was conducted in the presence of students as part of an educational project titled "Justice for Dina." The students were encouraged to write letters of protest to the Auschwitz museum.

The museum has stated in the past that it receives about 1,500 letters a year on the subject, most of them from the United States and some of them replete with vilifications and threats. Rapaport, who today lives in Amsterdam and works as a musician, doesn't understand why the original paintings have to remain in the Auschwitz museum and why they can't make do with reproductions. Most people haven't touched Anne Frank's original diary, either, but we still know her story, he said recently in a webinar held by the Walt Disney Family Museum.