

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
TESTIMONY BY STUART E. EIZENSTAT

JULY 18, 2019

UNITED STATES CONGRESS

WASHINGTON, D.C.

THANK YOU FOR INVITING ME TO SPEAK AT THIS IMPORTANT HEARING ON WAYS TO RECTIFY PAST INJUSTICES AND LESSONS TO BE LEARNED FOR THE FUTURE. I GREATLY APPRECIATE THE LEADERSHIP OF CONGRESSMAN AND CHAIRMAN ALCEE HASTINGS AND SENATOR AND CO-CHAIRMAN ROGER WICKER. YOU ASKED ME TO FOCUS ON WAYS WE HAVE SOUGHT IMPERFECT JUSTICE FOR HOLOCAUST SURVIVORS AND FAMILIES OF VICTIMS FROM THE HOLOCAUST DURING WORLD WAR II, THAT TOOK THE LIVES OF SIX MILLION JEWS, INCLUDING A MILLION AND A HALF JEWISH CHILDREN, AND MILLIONS OF OTHERS.

I WAS ONLY VAGUELY AWARE OF THE SHOAH GROWING UP IN ATLANTA, AND NEVER MET A HOLOCAUST SURVIVOR. I BECAME DIRECTLY INVOLVED IN WHAT HAS BEEN DECADES OF WORK IN THIS AREA AS A RESULT OF A MEETING IN WASHINGTON IN 1968 WITH ARTHUR MORSE, A CO-WORKER IN THE 1968 PRESIDENTIAL CAMPAIGN OF VICE PRESIDENT HUBERT HUMPHREY AGAINST RICHARD NIXON. HE HAD JUST WRITTEN A BOOK ***WHILE SIX MILLION DIED: A CHRONICLE OF AMERICAN APATHY***, WHICH SHOCKINGLY PORTRAYED HOW MUCH PRESIDENT ROOSEVELT AND HIS ADMINISTRATION KNEW ABOUT THE GENOCIDE OF THE JEWS AND FAILED TO ACT. FDR HAD BEEN AN ICON IN OUR HOME IN ATLANTA. I PERSONALLY VOWED THAT I WOULD TRY TO PLAY SOME ROLE IF I WAS EVER IN THE U.S. GOVERNMENT, IN RECTIFYING THIS CLOUD OVER THE OTHERWISE COURAGEOUS ROLE OF OUR SOLDIERS AND MILITARY AND CIVILIAN LEADERS IN WINNING THE WAR AGAINST NAZI GERMAN AND JAPAN.

THAT TIME CAME FIRST IN **APRIL 1978, WHEN AS PRESIDENT CARTER'S CHIEF WHITE HOUSE DOMESTIC POLICY ADVISER I WROTE THE PRESIDENT A MEMORANDUM AT THE SUGGESTION OF ELLEN GOLDSTEIN OF MY DOMESTIC POLICY STAFF, ALONG WITH WHITE HOUSE COUNSEL ROBERT LIPSHUTZ, RECOMMENDING THE CREATION OF A PRESIDENTIAL COMMISSION ON THE HOLOCAUST, CHAIRED BY ELI WIESEL**, TO DETERMINE AN APPROPRIATE MEMORIAL IN WASHINGTON TO HONOR HOLOCAUST VICTIMS, BUT ALSO TO PROVIDE A HISTORY OF THE HOLOCAUST, AND LESSONS FOR THE FUTURE: HOW ANTI-SEMITISM, HATE AND INTOLERANCE BASED UPON RACE, RELIGION OR ETHNIC ORIGIN, CAN LEAD TO GENOCIDE. THE COMMISSION RECOMMENDED AND PRESIDENT CARTER AGREED TO THE CREATION OF THE **U.S. HOLOCAUST MEMORIAL MUSEUM** AND OBTAINED CONGRESSIONAL FUNDING FOR A SITE. IN 1993, I WAS PRESENT WHEN PRESIDENT CLINTON AND ELI WIESEL OFFICIALLY OPENED THE MUSEUM. NOW OVER 25 YEARS LATER, OVER 50 MILLION VISITORS HAVE VISITED THE MUSEUM, THREE-QUARTERS NON-JEWS, INCLUDING SCHOOL CHILDREN, POLICE, MILITARY FROM THE U.S. AND AROUND THE WORLD.

A MUSEUM LIKE THE HOLOCAUST MUSEUM CAN BE AN IMPORTANT PART OF DEALING WITH PAST INJUSTICES, BY EDUCATING THE PUBLIC ON THE HORRORS OF THE PAST AND THE NEED TO AVOID REPEATING HISTORY. SO TOO THE **NATIONAL MUSEUM ON AFRICAN AMERICAN HISTORY AND CULTURE**, OPENED IN 2016 AS A FEDERAL SMITHSONIAN MUSEUM, IS AN IMPORTANT WAY TO EDUCATE AMERICANS AND PEOPLE AROUND THE WORLD ON THE HISTORY OF SLAVERY AND ITS AFTERMATH IN THE U.S., AS WELL AS THE POSITIVE CONTRIBUTIONS AFRICAN AMERICANS HAVE MADE TO THE UNITED STATES. IT IS ONE OF THE MOST VISITED MUSEUMS IN WASHINGTON FOR PEOPLE OF ALL RACES AND BACKGROUNDS.

THE NEXT OPPORTUNITY TO FULFILL MY PERSONAL PLEDGE OCCURRED **IN THE CLINTON ADMINISTRATION, WHEN ASSISTANT SECRETARY OF STATE RICHARD HOLBROOKE, AT THE REQUEST OF PRESIDENT CLINTON AFTER HIS MEETING WITH EDGAR BRONFMAN, PRESIDENT OF THE WORLD JEWISH CONGRESS, ASKED ME WHEN I WAS U.S. AMBASSADOR TO THE EUROPEAN UNION IN BRUSSELS TO UNDERTAKE A DUAL ROLE: SPECIAL REPRESENTATIVE OF THE PRESIDENT AND SECRETARY OF STATE ON HOLOCAUST-ERA ISSUES**, INITIALLY FOCUSING ON THE RETURN OF JEWISH AND CHRISTIAN SYNAGOGUES, CHURCHES, COMMUNITY CENTERS, SCHOOLS, EVEN CEMETERIES, BY THE NEWLY FREED STATES IN CENTRAL AND EASTERN EUROPE (THE FORMER SOVIET BLOC STATES) SO THE RE-EMERGING RELIGIOUS COMMUNITIES AFTER THE FALL OF COMMUNISM, COULD OPENLY PRACTICE THEIR RELIGION AGAINST AFTER DECADES OF POST-WORLD WAR II COMMUNIST SUPPRESSION. MY ENTIRE STAFF AT THE U.S. MISSION TO THE EUROPEAN UNION URGED ME TO REJECT THE OFFER, SINCE I ALREADY HAD A FULL-TIME JOB AS U.S. AMBASSADOR TO THE EU, BUT AFTER DISCUSSING IT WITH MY WONDERFUL WIFE AND ADVISER FRAN, I FELT I HAD A UNIQUE OPPORTUNITY TO BEGIN THE RECTIFY THE WRONGS OF THE PAST.

IN THIS CAPACITY, REMARKABLE RESEARCH UNCOVERED THE FACT THAT A LITTLE-KNOW **TRIPARTITE GOLD COMMISSION**, CREATED BY THE WESTERN ALLIES, TO COLLECT AND REDISTRIBUTE BACK NAZI-LOOTED GOLD TO THE COUNTRIES FROM WHICH IT WAS STOLEN, STILL HAD SOME SIX TONS OF GOLD IN ITS POSSESSION FORTY YEARS LATER. THE DUSTY OFFICE OF THE COMMISSION WAS ONLY A FEW BLOCKS FROM MY OFFICE AT THE U.S. MISSION TO THE EUROPEAN UNION IN BRUSSELS. I CONVENED A DOZEN COUNTRIES WITH CLAIMS TO THE GOLD, AND WAS ABLE TO GET THEM TO AGREE (WITH THE LEAD OF AUSTRIA'S HANS WINKLER) TO CONVERT THE PROCEEDS AND PROVIDE IT FOR THEIR HOLOCAUST SURVIVORS. WE SIGNED THE AGREEMENT IN PARIS AND HELD THE LONDON GOLD CONFERENCE TO SEAL IT.

AS I WAS GOING FROM COUNTRY TO COUNTRY URGING RESTITUTION OR COMPENSATION FOR COMMUNAL PROPERTY, I READ A FRONT PAGE ARTICLE IN 1994 IN THE WALL STREET JOURNAL EUROPE, AS JOURNALISTS AND HISTORIANS WERE FOCUSING THE 50TH ANNIVERSARY OF KEY EVENTS IN WORLD WAR II. ABOUT DORMANT SWISS BANK ACCOUNTS, CREATED BY JEWS TO KEEP THEIR FUNDS FROM CONFISCATION BY THE NAZIS AS THEY OVERRAN EUROPE, BY DEPOSITING THEM IN THE SAFEST BANKING SYSTEM IN WARTIME EUROPE IN NEUTRAL SWITZERLAND, ONLY TO HAVE HOLOCAUST SURVIVORS OR FAMILIES OF VICTIMS INFORMED THERE WAS NO EVIDENCE OF SUCH ACCOUNTS.

AFTER GETTING THE CONSENT OF RICHARD HOLBROOK TO BROADEN MY MISSION, I WENT TO BASEL, SWITZERLAND (AS DID EDGAR BRONFMAN, SEPARATELY), TO MEET WITH THE SWISS BANK ASSOCIATION. I HANDED THEM A COPY OF THE WALL STREET JOURNAL ARTICLE AND ASKED IF THE STORY WAS TRUE. YES, UP TO A POINT, THEY ADMITTED. THEY HAD APPOINTED THEIR OWN OMBUDSMAN AND HAD REVIEWED EVERY BANK ACCOUNT CREATED BETWEEN 1933 AND 1945, EVEN FOR BANKS NO LONGER IN EXISTENCE, AND THEY FOUND 732 ACCOUNTS WHICH PLUSSED UP FOR INTEREST OVER THE YEARS WAS \$32 MILLION AND THEY WOULD PAY THE LAWFUL OWNERS PROMPTLY. NOT TRUSTING THEM, PAUL VOLCKER WAS APPOINTED AND AFTER SEVERAL YEARS OF INVESTIGATION ALONG WITH FOUR MAJOR U.S. BASED ACCOUNTING FIRMS, WHICH COST THE SWISS BANKS \$200 MILLION IN AUDIT FEES, VOLCKER CONCLUDED THAT THERE WERE 54,000 POSSIBLE AND 21,000 PROBABLE JEWISH ACCOUNTS.

SENATE BANKING COMMITTEE HEARINGS, CHAIRED BY SENATOR AL D'AMATO, AT WHICH I TESTIFIED AS DID GRETA BEER, WHO HAD BEEN HIGHLIGHTED IN THE WALL STREET JOURNAL FOR HER PERSISTENT BUT FRUITLESS EFFORTS TO LOCATE HER FATHER'S SWISS BANK ACCOUNTS, HELPED TO ELEVATE THE INJUSTICE. CONGRESSMAN JIM LEACH, THE CHAIR OF THE HOUSE BANKING COMMITTEE, ALSO HELD A SERIES OF HEARINGS ON A VARIETY OF HOLOCAUST-RELATED ISSUES AT WHICH I TESTIFIED, GAVE CONSIDERABLE IMPETUS TO OUR EFFORTS.

AT THIS POINT, **CLASS ACTION LAWSUITS WERE FILED AGAINST THE SWISS BANKS** AND AS UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND AGRICULTURAL AFFAIRS, I MEDITATED BETWEEN THE CLASS ACTION LAWYERS AND THE SWISS BANK REPRESENTATIVES. VOLCKER FOUND THAT THE SWISS BANKS HAD RUN DOWN THE ACCOUNTS BY CHARGING MONTHLY FEES. WITH THE CRUCIAL HELP OF U.S. DISTRICT COURT JUDGE EDWARD KORMAN, THE CASES WERE SETTLED FOR \$1.25 BILLION, DIVIDED BETWEEN ACCOUNT OWNERS WHO SURVIVED OR THEIR DIRECT HEIRS RECOVERED, THROUGH A COURT-ADMINISTERED CLAIMS PROCESS, AND TO OTHER NEEDY HOLOCAUST SURVIVORS.

I CHAIRED AN INTERAGENCY COMMITTEE WHICH PREPARED A REPORT IN 1997 UNDER THE DIRECTION OF STATE DEPARTMENT HISTORIAN WILLIAM SLANY, ENTITLED **"U.S. AND ALLIED EFFORTS TO RESCUE AND RETURN GOLD AND OTHER ASSETS STOLEN OR HIDDEN BY GERMAN DURING WORLD WAR II" (OFTEN CALLED THE "EIZENSTAT REPORT")** THAT AGAIN SHOWS THE UTILITY OF HISTORICAL REVIEWS IN DEALING WITH PAST INJUSTICES. OUR COMMITTEE AFTER SEVEN MONTHS OF EXHAUSTIVE WORK FOUND AMONG OTHER THINGS THAT THE SWISS NATIONAL BANK KNOWINGLY TOOK NAZI-LOOTED GOLD FROM THE COUNTRIES THEY OCCUPIED AND FROM HOLOCAUST VICTIMS, AND EXCHANGED IT FOR THE HARD CURRENCY, SWISS FRANCS, NAZI-GERMANY DESPERATELY NEEDED TO FINANCE THEIR WAR EFFORT, SINCE THEIR OWN CURRENCY WAS SUBJECT TO ALLIED SANCTIONS.

IN 1998, WE PREPARED A SIMILAR REPORT ON SOME DOZEN OR "NEUTRAL COUNTRIES" DURING WORLD WAR II, TO PROVIDE A VIEW ON HOW THEY DEALT WITH JEWISH AND OTHER REFUGEES AND THEIR PROPERTY, AND WHAT ASSISTANCE THEY PROVIDED TO THE NAZIS AND/OR THE ALLIES DURING THE WAR.

THE SWISS CLASS ACTION SUITS, LED TO OTHERS, LIKE PEELING BACK THE LAYERS OF AN ONIONS. FIRST WERE THOSE AGAINST GERMAN COMPANIES THAT EMPLOYED SLAVE AND FORCED LABOR DURING WORLD WAR II, AS WELL AS GERMAN AND OTHER EUROPEAN INSURANCE COMPANIES, IN WHICH I MEDIATED A SETTLEMENT FOR \$5 BILLION DOLLARS (10 BILLION DEUTCH MARKS). IT IS IMPORTANT TO RECOGNIZE THAT I INSISTED TO THE GERMANS THAT THIS SETTLEMENT HAD TO INCLUDE COMPENSATION NOT ONLY FOR JEWISH (AND SOME NON-JEWISH) SLAVE LABORERS WHO WERE BEING WORKED TO DEATH, BUT ALSO TO NON-JEWISH FORCED LABORERS WHO WERE VIEWED AS AN ASSET OF THE GERMAN REICH, TO PRODUCE PRODUCTS FOR GERMANY WHEN THEIR WORKERS WERE FIGHTING THE WAR. OF THE 10 BILLION DM, 80% WENT FOR SLAVE AND FORCED LABOR, AND OF THAT 20% WENT TO AROUND 200,000 SURVIVING LARGELY JEWISH SLAVE LABORERS AND 80% WENT TO NON-JEWISH FORCED LABORERS, MOSTLY POLES, CZECHOSLOVAKS AND OTHERS FROM CENTRAL AND EASTERN EUROPE. AROUND \$300 MILLION WENT TO ICHEIC FOR UNPAID INSURANCE POLICIES, WHEN EUROPEAN INSURERS DENIED COVERAGE AFTER THE WAR FOR NON-PAYMENT OF PREMIUMS BY THOSE IN CONCENTRATION CAMPS. IN THE END, OVER 7000 GERMAN COMPANIES CONTRIBUTED TO THE OVERALL FUND, MANY OF WHOM HAD NOT BEEN INVOLVED IN SLAVE OR FORCED LABOR, AS DID THE GERMAN GOVERNMENT. AT MY REQUEST, PRESIDENT CLINTON CALLED CHANCELLOR SCHROEDER TO ADD ANOTHER \$ 1 BILLION.

IT IS CRUCIAL TO UNDERSTAND THAT ONLY LIVING SURVIVORS RECOVERED FOR SLAVE AND FORCED LABORERS, NOT THEIR HEIRS. FOR INSURANCE PAYMENTS, THE BENEFICIARIES RECOVERED.

BUT AGAIN, THE REMEDY OF PAST INJUSTICES, THERE WAS A NON-COMPENSATION FEATURE TO THE GERMAN SETTLEMENT. THE GERMAN COMPANIES INSISTED ON SETTING ASIDE SEVERAL HUNDRED MILLION EUROS FOR A **"FOUNDATION FOR REMEMBRANCE, RESPONSIBILITY AND FUTURE"**, THAT WOULD SUPPORT FUTURE PROJECTS DEVOTED TO TOLERANCE AND JUSTICE, AND I WAS ABLE TO GET THE CLASS ACTION LAWYERS AND THE JEWISH GROUPS INVOLVED IN THE GERMAN NEGOTIATIONS. TO AGREE. THE FOUNDATION HAS SUPPORTED NUMEROUS PROJECTS NOT RELATED TO THE HOLOCAUST, SUCH AS LGBT RIGHTS.

AT THE SAME TIME AS THE GERMAN SLAVE LABOR CASES WERE FILED, **CLASS ACTIONS WERE ALSO FILED AGAINST AUSTRIAN SLAVE AND FORCED LABOR COMPANIES.** UNLIKE THE GERMAN CASES, THE SETTLEMENT WITH AUSTRIA OF AROUND \$800 MILLION INVOLVED ONLY PRIVATE COMPANIES, NOT THE GOVERNMENT, AND **ALSO COVERED PERSONAL PROPERTY**, WITH A \$210 MILLION CAP AND A CEILING OF \$2 MILLION FOR ANY ONE CLAIM BY A HOLOCAUST SURVIVOR OR DIRECT HEIR OF A VICTIM. THIS AGREEMENT WAS SIGNED JUST IN JANUARY, 2001, JUST A FEW DAYS BEFORE THE END OF THE CLINTON ADMINISTRATION. THE AUSTRIAN NATIONAL FUND CREATED AN EXCELLENT CLAIMS PROCESS, WHICH CONSIDERED AROUND 19,000 PROPERTY CLAIMS. ALTHOUGH THE AMOUNTS AWARDED IN MANY CASES WERE FAR LESS THAN THE VALUE OF THE PROPERTY CONFISCATED BY THE NAZIS, ALL REPORTS WERE THAT MOST CLAIMANTS WERE SATISFIED THAT AT LAST THERE WAS SOME MEASURE OF JUSTICE FOR WHAT THEY LOST. **THE AUSTRIAN GOVERNMENT ALSO UNIQUELY PROVIDED A MONTHLY PENSION** FOR ALL AUSTRIAN HOLOCAUST SURVIVORS WHEREVER THEY LIVED IN THE WORLD EQUIVALENT TO WHAT THEY PROVIDED TO THEIR OWN PENSIONERS. MORE RECENTLY, **POLAND, TO ITS CREDIT, INSTITUTED A SIMILAR PENSION PROGRAM FOR POLISH HOLOCAUST SURVIVORS, WHICH IS**

FUNCTIONING MORE EFFICIENTLY AFTER INTERVENTION BY THE WORLD JEWISH RESTITUTION ORGANIZATION (WJRO)

I ALSO MEDIATED A SMALLER \$20 MILLION AGREEMENT TO SETTLE A CLASS ACTION SUIT AGAINST **FRENCH BANKS**, WITH SIMILAR CLAIMS TO THOSE MADE AGAINST THE FRENCH BANKS.

ONE UNIQUE FEATURE OF OUR HOLOCAUST JUSTICE WORK INVOLVED THE RECOVERY OF OR COMPENSATION FOR NAZI-LOOTED ART. IT PROVIDES AN INTERESTING EXAMPLE OF HOW EXPERTS CAN ELEVATE A FORGOTTEN ISSUE; HOW THE U.S. GOVERNMENT CAN USE ITS LEADERSHIP TO PROVIDE BELATED JUSTICE; AND HOW AN INTERNATIONAL AGREEMENT BASED UPON MORALITY AND WITHOUT BINDING LEGAL EFFECT CAN MAKE A PROFOUND CONTRIBUTION TO REMEDYING HISTORICAL INJUSTICES.

THE HOLOCAUST WAS NOT ONLY THE MOST GHASTLY GENOCIDE IN HUMAN HISTORY, IT WAS ALSO THE GREATEST THEFT, BOTH TO PROVIDE FUNDS FOR THE THIRD REICH AND TO WIPE OUT ALL VESTIGES OF JEWISH CULTURE, BY STEALING JEWISH-OWNED ARTWORKS, CULTURAL OBJECTS, BOOKS, CHINAWARE, COINS, DECORATIVE ART OBJECTS, PHOTOGRAPHS, AND MUSICAL INSTRUMENTS. EXPERTS ESTIMATE THAT 600,000 PAINTINGS WERE STOLEN, OF WHICH MORE THAN 100,000 ARE STILL UNACCOUNTED FOR. THEY WERE BY NO MEANS ALL MASTERPIECES, BUT HAD INTRINSIC VALUE TO FAMILIES AS SYMBOLS OF LOST RELATIVES AND LOST LIVES. WHEN THE OTHER OBJECTS ARE INCLUDED THE NUMBERS SWELL INTO THE MILLIONS. THE ALLIES WERE NOT OBLIVIOUS TO THE WIDESPREAD THEFT, AND IN THE JANUARY 5, 1943 LONDON DECLARATION CALLED ON NEUTRAL NATIONS NOT TO TRADE IN LOOTED GOODS BY THE NAZIS. U.S. ARMY COMMANDERS FACING THE GERMAN ARMY WILLING AGREED TOWARD THE END OF THE WAR TO INCLUDE ART CURATORS AND EXPERTS IN THEIR FORCES AS “MONUMENTS, FINE ARTS, AND ARCHIVES” OFFICERS, WHO RISKED THEIR LIVES TO PRESERVE EUROPE’S CULTURAL HERITAGE AND THAT OF THE JEWS. THESE “MONUMENTS MEN” FOUND AN ENORMOUS NUMBER OF LOOTED ART AND CULTURAL OBJECTS THAT THEY DISPATCHED TO COLLECTION POINTS IN GERMANY AS THE WAR ENDED, TO BE CATALOGUED AND EVENTUALLY RETURNED TO THEIR OWNERS. PRESIDENT TRUMAN ORDERED THE LOOTED ART OBJECTS TO BE REPATRIATED AS SOON AS POSSIBLE, BUT IDENTIFYING THE INDIVIDUAL OWNERS IN THE CHAOS OF THE WAR’S END WAS IMPOSSIBLE. SO UNDER U.S. MILITARY ORDER 59, FOLLOWING ESTABLISHED INTERNATIONAL LEGAL PRECEDENT, THE U.S. AND BRITISH COMMANDS RETURNED TO ART OBJECTS TO THE COUNTRIES FROM WHICH THEY WERE STOLEN AND RELIED UPON EACH GOVERNMENT TO TRACE THE OWNERS AND RETURN THE OBJECTS. WHILE THERE WAS SOME FLEETING EFFORTS AT RESTITUTION, THIS RELIANCE WAS OFTEN MISPLACED. MANY WERE INCORPORATED INTO THEIR PUBLIC COLLECTIONS.

IN THE 1990S, BASED UPON DECLASSIFIED ALLIED WAR DOCUMENTS AND THE OPENING OF SOME CENTRAL AND EASTERN EUROPEAN ARCHIVES AFTER THE END OF THE COLD WAR, ART HISTORIANS LIKE LYNN NICHOLAS (“THE RAPE OF EUROPE”), JONATHAN PETROPOULOS, KONSTANTIN AKINSHA, AND HECTOR FELICIANO WROTE ABOUT THEIR FINDINGS OF THE DIMENSIONS OF THE THEFT AND THE PAUCITY OF RESTITUTION. IN JANUARY, 1995, PROFESSOR ELIZABETH SIMPSON HELD AN INTERNATIONAL CONFERENCE AT THE BARD COLLEGE GRADUATE CENTER FOR STUDIES IN THE

DECORATIVE ARTS TO FURTHER BRING THE ISSUE OF NAZI-CONFISCATED ART FROM THE SHADOWS INTO THE SUNLIGHT.

PUBLIC ATTENTION WAS FURTHER PIQUED BY A U.S. HOUSE BANKING COMMITTEE HEARING IN FEBRUARY 1998 CHAIRED BY CONGRESSMAN JIM LEACH ON ASSETS STOLEN DURING WORLD WAR II AT WHICH A STAR WITNESS WAS PHILLIPPE de MONTEBELLO, THE LONGTIME DIRECTOR OF THE METROPOLITAN MUSEUM IN NEW YORK. PRESSED BY CHAIRMAN LEACH, HE PROMISED THAT THE ASSOCIATION OF ART MUSEUM DIRECTORS (AAMD), TO WHICH OVER 2000 AMERICAN ART MUSEUMS BELONGED, WOULD PRODUCE GUIDELINES TO ADDRESS LOOTED ART.

IT WAS NOW THAT WITH THE SUPPORT OF PRESIDENT CLINTON AND SECRETARY OF STATE MADELINE ALBRIGHT, I ORGANIZED A CONFERENCE AT THE STATE DEPARTMENT, ABLY ASSISTED BY J.D. BINDENAGEL, WITH 57 DELEGATIONS, 44 COUNTRIES, AND 13 NGOs. IN DECEMBER, 1998, WE AGREED ON THE WHICH J.D. AND I DRAFTED, USING MANY OF THE AAMD PRINCIPLES . IN ORDER TO GET THEM APPROVED, WE HAD TO MAKE THEM NON-LEGALLY BINDING. THE 44 COUNTRIES AGREED IN THESE WASHINGTON PRINCIPLES TO OPEN THEIR ARCHIVES, FUND RESEARCH INTO THE PROVENANCE OF LONG-CLOSED COLLECTIONS, NOTIFY POTENTIAL CLAIMANTS, RESOLVE CLAIMS ON THEIR MERITS; AND PROVIDE PROCESSES FOR A “JUST AND FAIR SOLUTION” FOR THE RECOVERY OR COMPENSATION OF NAZI-CONFISCATED ART.

RELYING UPON THE GOOD WILL AND MORAL FORCE OF THE PRINCIPLES THE WASHINGTON PRINCIPLES HAVE CHANGED THE WAY THE ART WORLD DOES BUSINESS. PROVENANCE RESEARCH HAS PROLIFERATED AND WEBSITES ARE INCREASINGLY ENABLING POTENTIAL HOLOCAUST SURVIVORS OR THEIR HEIRS TO LOCATE ARE LOOTED FROM THEM OR THEIR FAMILIES. PRIVATELY FUNDED GROUPS, LIKE THE COMMISSION FOR ART RECOVERY, HAVE FACILITATED THE PROCESS. FIVE EUROPEAN NATIONS TO HAVE CREATED PANELS TO RESOLVE CLAIMS IN NON-LITIGATION FORUMS. TENS OF THOUSANDS OF ARTWORKS AND CULTURAL OBJECTS HAVE BEEN RESTITUTED OR COMPENSATION HAS BEEN PAID. THE TWO MAJOR ART AUCTION HOUSES, CHRISTIE’S AND SOTHEBY’S HAVE FULL-TIME STAFF WHICH SCREEN ANY ART THAT PASSED THROUGH EUROPEAN HANDS BETWEEN 1933-1945 TO DETERMINE IF ANY HAVE SUSPICIOUS PROVENANCE AND MIGHT HAVE BEEN LOOTED BY THE NAZIS, AND WILL NOT AUCTION OR SELL THEM UNTIL THESE ISSUES ARE RESOLVED. CHRISTIE’S HAS RESOLVED 100 OR MORE CLAIMS TO ART WITH SUSPICIOUS WORLD-WAR II PROVENANCE.

CONGRESS HAS BEEN AN IMPORTANT PARTNER IN PROVIDING HOLOCAUST-RELATED JUSTICE.

AMERICAN MUSEUMS, AFTER A STRONG START, BEGAN TO ASSERT AFFIRMATIVE LEGAL DEFENSES LIKE LACHES AND THE STATUTE OF LIMITATIONS AND EVEN TO PREEMPT CLAIMS BY SEEKING DECLARATORY JUDGMENTS, EVEN BEFORE CLAIMS ARE FILED, VIOLATING THE SPIRIT OF THE WASHINGTON PRINCIPLES AND THE TEREZIN DECLARATION. **IN 2016, SIGNIFICANTLY DUE TO THE LEADERSHIP OF AMBASSADOR RONALD LAUDER CONGRESS PASSED THE HOLOCAUST EXPROPRIATED ART RECOVERY ACT (HEAR ACT)**, WHICH ALLOWS CLAIMANTS TO PRESENT A CLAIM IN COURT FOR 6 YEARS AFTER THE OBJECT HAS BEEN LOCATED AND IDENTIFIED, AND RESETS THE CLOCK FOR CASES WHEN THE OBJECT’S LOCATION WAS KNOWN, BUT THE CLAIMS WAS BARRED BY PREVIOUSLY EXISTING STATUTE OF LIMITATIONS . THE AAMD SUPPORTED ITS PASSAGE. **IN THE 2018 JUSTICE FOR UNCOMPENSATED SURVIVORS TODAY**

ACT(JUST ACT) THE STATE DEPARTMENT IS REQUIRED TO REPORT BY NOVEMBER 2019 ON THE DEGREE TO WHICH ~~THE DEGREE TO WHICH~~ COUNTRIES, INCLUDING THE UNITED STATES, ARE COMPLYING WITH THE TEREZIN DECLARATION. IT WOULD BE **IMPORTANT FOR CONGRESS TO HOLD HEARINGS AFTER RECEIVING THE STATE DEPARTMENT'S JUST REPORT**, TO URGE COUNTRIES WHICH HAVE LAGGED IN IMPLEMENTING THE COMMITMENTS THEY HAVE MADE TO DO MORE.

ONE AREA OF PARTICULAR FRUSTRATION HAS BEEN THE LACK OF PROGRESS ON POLISH PRIVATE PROPERTY, AN AREA OF GREAT POLITICAL SENSITIVITY IN POLAND. ALMOST ALL OF POLAND'S 3.5 MILLION JEWS WERE KILLED BY THE NAZIS IN THE HOLOCAUST, ALONG WITH 3 MILLION NON-JEWISH POLES. ONLY A FEW THOUSAND JEWS LIVE IN POLAND TODAY. JEWS OWNED A SUBSTANTIAL PERCENTAGE OF THE HOMES AND BUSINESSES IN MAJOR CITIES LIKE WARSAW AND KRAKOW, WHICH WERE CONFISCATED BY THE NAZIS AND THEN NATIONALIZED AFTER THE WAR BY THE POLISH COMMUNIST GOVERNMENT. NO EFFORT HAS BEEN MADE BY THE POST-COMMUNIST DEMOCRATIC GOVERNMENTS TO RECTIFY THIS INJUSTICE. IT IS IN POLAND'S INTEREST TO DO SO, SINCE THERE IS A CLOUD OVER MUCH OF THE PROPERTY IN CITIES LIKE WARSAW THAT DEPRESSES ITS VALUE. GOING BACK TO THE CLINTON ADMINISTRATION I HAVE WORKED ON ENCOURAGING POLAND TO DEVELOP A PROCESS FOR DEALING WITH THIS INJUSTICE, AS WELL AS THAT PERPETRATED ON ITS NON-JEWISH CITIZENS. THERE IS GREAT FEAR THAT POLISH HOLOCAUST SURVIVORS OR THE HEIRS OF THE MILLIONS KILLED WILL SEEK TO GET THEIR PHYSICAL PROPERTY BACK. THIS IS NOT THE CASE. THE POLISH REPRESENTATIVE PARTICIPATED WITH ME AND MY STATE DEPARTMENT TEAM IN THE OBAMA ADMINISTRATION ON AN EXECUTIVE COMMITTEE TO PRESENT A DRAFT TO THE FULL 2010 PRAGUE CONFERENCE ON THE RESTITUTION AND/OR COMPENSATION OF REAL (IMMOVABLE) PROPERTY CONFISCATED BY THE NAZIS AND/OR THEIR COLLABORATORS, AND WERE AMONG THE OVER 40 COUNTRIES THAT ENDORSED THE AGREEMENT. BUT SHORTLY THEREAFTER, I RECEIVED A LETTER FROM THE POLISH GOVERNMENT STATING THEY HAD SIGNED IN ERROR AND WITHDRAWING THEIR APPROVAL.

THEN PRESIDENT KWASNIEWSKI PROPOSED AN EXCELLENT BILL TO PROVIDE A SMALL PERCENTAGE OF THE CURRENT FAIR MARKET VALUE OF THE PROPERTY, SIMILAR TO THE AUSTRIAN MODEL, TO JEWS AND NON-JEWS ALIKE WHOSE PROPERTY WAS CONFISCATED AND NEVER RETURNED. BUT THE POLISH PARLIAMENT ADDED A POISON PILL BY LIMITING THE PROGRAM TO CURRENT JEWISH RESIDENTS, AND HE VETOED THE BILL. THE WJRO HAS WORKED WITH THE STATE DEPARTMENT ON THIS ISSUE. TO HIS CREDIT, SECRETARY OF STATE MIKE POMPEO RAISED THE ISSUE DIRECTLY WITH HIS POLISH COUNTERPART, BUT TO NO AVAIL.

IN THE ART AREA THERE REMAIN SHORTCOMINGS AT HOME AND ABROAD. SEVERAL U.S. COURTS DO NOT GIVE SERIOUS ENOUGH ATTENTION TO THE WASHINGTON PRINCIPLES IN DECIDING ON CLAIMS, AND CLAIMANTS ARE OFTEN DISAPPOINTED. THE AAM SHOULD UPDATE ITS SOFTWARE TO FACILITATE CLAIMS ON ITS PORTAL, AND AMERICAN MUSEUMS SHOULD DEVOTE MORE RESOURCES TO PROVENANCE RESEARCH AND STOP EFFORTS TO USE TECHNICAL DEFENSES TO BLOCK CLAIMS.

ABROAD THE PROBLEMS ARE WORSE. SEVERAL KEY COUNTRIES WHICH AGREED TO THE WASHINGTON PRINCIPLES, INCLUDING RUSSIA, HAVE LARGELY IGNORED THEM. INSUFFICIENT PROVENANCE

RESEARCH HAS BEEN DONE AND INADEQUATE RESOURCES ARE DEVOTED TO IT, BUT THIS IS CENTRAL TO ART RECOVERY. SEVERAL OF THE EUROPEAN ART ADVISORY PANELS HAVE SIGNIFICANT FLAWS. EUROPEAN ART HOUSES AND ART DEALERS HAVE IGNORED THE WASHINGTON PRINCIPLES COUNTRIES.

THE EUROPEAN UNION HAS GENERALLY NOT BEEN INVOLVED IN HOLOCAUST JUSTICE ISSUES, WHICH THEY CONSIDER UNDER THE SOVEREIGNTY OF THEIR MEMBER STATES. BUT THEY COULD AND SHOULD DO MORE TO AT LEAST URGE THEM TO BE FORTHCOMING. IN OCTOBER 2018, THE EUROPEAN PARLIAMENT'S LEGAL AFFAIRS COMMITTEE (2017/2023 INI) PREPARED A DRAFT REPORT FOR THE FULL PARLIAMENT WHICH EXPLICITLY ENDORSES THE WASHINGTON PRINCIPLES ON NAZI-CONFISCATED ART AND ASKS THE EXECUTIVE ARM, THE EUROPEAN COMMISSION, TO DEVELOP COMMON PRINCIPLES IN THIS AREA.

AN IMPORTANT CONFERENCE WAS ORGANIZED BY THE GERMAN GOVERNMENT ON NOVEMBER 26, 2018-- **20 YEARS WASHINGTON PRINCIPLES: ROADMAP FOR THE FUTURE**. IT HELPED HIGHLIGHT THE DEFICIENCIES IN COMPLIANCE WITH THE WASHINGTON PRINCIPLES AND TEREZIN DECLARATION AND GAVE A NEW IMPETUS TO THEIR IMPLEMENTATION. FOR EXAMPLE, **A JOINT DECLARATION SIGNED BY GERMAN STATE MINISTER MONIKA GRUTTERS, TOM YAZDGREDI, SPECIAL ENVOY ON HOLOCAUST ISSUES FOR THE STATE DEPARTMENT, AND ME AS EXPERT ADVISER ON HOLOCAUST-ERA ISSUES TO THE STATE DEPARTMENT**, REQUIRED GERMAN PUBLIC MUSEUMS TO PARTICIPATE IN GERMANY'S LIMBACH COMMISSION THAT HEARS HOLOCAUST ART CLAIMS, BUT WAS SEVERELY HAMPERED BY THE REFUSAL OF MUSEUMS TO PARTICIPATE. IN ADDITION, THEIR PUBLIC MUSEUMS WERE URGED TO DO ADDITIONAL PROVENANCE RESEARCH. THIS LED RECENTLY TO ONE MUSEUM ALONE FINDING OVER 40,000 LOOTED ARTWORKS, BOOKS, AND CULTURAL OBJECTS.

THE FRENCH REPRESENTATIVE TO THE BERLIN CONFERENCE ADMITTED FRANCE HAD NOT DONE ENOUGH. NOW THEIR MNR COLLECTION OF ART STOLEN BY THE NAZIS FROM FRANCE AND RETURNED TO FRANCE AFTER THE WAR WILL BE SUBJECT TO A THOROUGH REVIEW, AND THEIR PUBLIC MUSEUMS ARE BEING URGED TO ALSO DO MORE PROVENANCE RESEARCH. A SPECIAL UNIT HAS BEEN CREATED IN THE FRENCH PRIME MINISTER'S OFFICE TO OVERSEE THE PROCESS, AND THE CIVS, THE AGENCY WHICH HAS ADMINISTERED COMPENSATION PAYMENTS TO FRENCH HOLOCAUST VICTIMS HAS BEEN CHARGED WITH DECIDING ART RECOVERY CLAIMS.

I HAVE ATTACHED A COPY OF MY KEYNOTE SPEECH OF NOVEMBER 26, 2018 TO THE BERLIN CONFERENCE, WHICH INCLUDES SPECIFIC RECOMMENDATIONS FOR FUTURE ACTION.

FROM 2009 TO 2017, I SERVED AS SPECIAL ADVISOR TO SECRETARY OF STATE HILLARY CLINTON AND THEN SECRETARY OF STATE JOHN KERRY ON HOLOCAUST-ERA ISSUES. IN THAT CAPACITY, IN 2011, I NEGOTIATED ALONG WITH U.S. AMBASSADOR TO LITHUANIA ANNE DERSE AN \$11 MILLION AGREEMENT WITH LITHUANIA FOR THEIR SURVIVORS (IN LIEU OF PROPERTY RESTITUTION).

I LED AN INTERAGENCY NEGOTIATION WITH THE GOVERNMENT OF FRANCE, WHICH INCLUDED A TEAM FROM THE STATE DEPARTMENT LEGAL ADVISOR'S OFFICE (LISA GROSH WAS THE LEAD ATTORNEY) AND JUSTICE DEPARTMENT, WHICH PRODUCED **A \$60 MILLION AGREEMENT IN DECEMBER, 2014, FOR THOSE SURVIVORS WHO WERE DEPORTED BY THE FRENCH RAILWAY, SNCF,** OUTSIDE OF FRANCE TO CONCENTRATION CAMPS, SPOUSES OF SURVIVORS, AND DIRECT HEIRS OF THOSE SURVIVORS WHO HAD DIED AFTER THE WAR, AND WHO WERE NOT NOW FRENCH CITIZENS AND HAD NEVER BENEFITED FROM THE FRENCH PROGRAM FOR FRENCH DEPORTEES. THAT PROGRAM HAS RECENTLY MADE ITS FINAL PAYMENTS. IN ADDITION, AND OF THEIR OWN VOLITION, SNCF HAS PAID \$4 MILLION FOR HOLOCAUST EDUCATION PROGRAMS AND INSTITUTIONS IN THE UNITED STATES, INCLUDING THE U.S. HOLOCAUST MEMORIAL MUSEUM.

ALSO IN 2009, I LED THE US EFFORT THAT PRODUCED THE **TEREZIN DECLARATION**, WITH 46 COUNTRIES, THAT URGED COUNTRIES TO DO MORE TO ASSIST THEIR AGING HOLOCAUST SURVIVORS, TO RETURN LOOTED ASSETS, AND STRENGTHENED THE WASHINGTON PRINCIPLES, FOR EXAMPLE, BY STRESSING THAT THEY COVER PRIVATE MUSEUMS AS WELL AS PUBLIC MUSEUMS. THE AMERICAN ALLIANCE OF MUSEUMS (AAM) HAS ALMOST 30,000 ARTWORKS LISTED ON A NAZI-ERA PROVENANCE INFORMATION PORTAL (NEPIP), TO EASE THE PROCESS FOR CLAIMANTS TO IDENTIFY LOOTED ART AND FILE CLAIMS (ALTHOUGH BY THEIR OWN ADMISSION THE SOFTWARE IS OLD AND NOT FUNCTIONING WELL.

THE 2010 BEST PRACTICES AND GUIDELINES FOR THE RESTITUTION AND/OR COMPENSATION OF REAL (IMMOVABLE) PROPERTY CONFISCATED BY THE NAZIS AND THEIR COLLABORATORS BETWEEN 1933-1945, WHICH I ALSO NEGOTIATED UNDER THE AUSPICES OF THE CZECH GOVERNMENT WITH OVER 40 COUNTRIES, **PROVIDED THE FIRST ROADMAP FOR THE RECOVERY OF PRIVATE PROPERTY**. BUT WE HAVE HAD MUCH GREATER SUCCESS WITH THE RETURN OF OR COMPENSATION FOR COMMUNAL PROPERTY (SYNAGOGUES, SCHOOLS, COMMUNITY CENTERS, CEMETERIES) THAN WITH PRIVATE PROPERTY RECOVERY. THE GOVERNMENT OF POLAND HAS RETURNED SEVERAL THOUSAND SYNAGOGUES TO THE TINY POLISH JEWISH COMMUNITY, BUT THEY ARE IN SUCH A STATE OF DISREPAIR AS TO BE OF LITTLE USE. BY CONTRAST, THE CZECH GOVERNMENT HAS RESTORED TO THEIR FORMER BEAUTY WHAT THEY CALL THE "TEN STARS", TEN SYNAGOGUES PARTIALLY DESTROYED BY THE NAZIS, AND WHICH ARE USED FOR CULTURAL AND OCCASIONAL RELIGIOUS EVENTS.

HOLOCAUST JUSTICE BEGAN LONG BEFORE I BECAME INVOLVED IN THE PROCESS. IN 1952, THE HISTORIC LUXEMBOURG AGREEMENT WAS REACHED BETWEEN THE PRIME MINISTER OF THE NEW STATE OF ISRAEL, DAVID BEN-GURION, AND WEST GERMAN CHANCELLOR KONRAD ADENAUER IN WHICH THE POST-WAR GERMAN GOVERNMENT RECOGNIZED ITS RESPONSIBILITY FOR THE HORRORS OF THE NAZI-ERA. THE GERMAN GOVERNMENT CREATED THE **BEG** PROGRAM OF DIRECT PAYMENTS TO HOLOCAUST SURVIVORS, WHICH CONTINUES TO THIS DAY. GERMANY HAS PAID OVER \$60 BILLION IN COMPENSATION. THE AGREEMENT ALSO LED TO THE CREATION OF THE JEWISH MATERIAL CLAIMS

COMMISSION AGAINST GERMANY, INC. (THE JEWISH CLAIMS CONFERENCE), A UNIQUE NON-GOVERNMENTAL BODY HEADQUARTERED IN NEW YORK AND ISRAEL TO OFFICIALLY REPRESENT HOLOCAUST SURVIVORS IN OBTAINING COMPENSATION FROM GERMANY. IT NEGOTIATED PROGRAMS LIKE THE HARDSHIP FUND FOR SURVIVORS WHO HAD SPENT A PRESCRIBED TIME IN CONCENTRATION CAMPS, GHETTOS OR IN HIDING; ARTICLE TWO PENSIONS FOR SURVIVORS IN WESTERN EUROPE, THE UNITED STATES, ISRAEL AND AROUND THE WORLD, AND A SIMILAR ONE AFTER THE END OF THE COLD WAR FOR SURVIVORS IN THE FORMER SOVIET UNION AND EAST BLOC, WHO HAD NEVER RECEIVED COMPENSATION, WHICH ARE INCOME BASED. ONLY SURVIVORS (WITH A FEW MINOR EXCEPTIONS FOR WIDOWS AND WIDOWERS) ARE ENTITLED TO PAYMENT, NOT THEIR HEIRS, FOR THEY WERE THE ONES WHO SUFFERED.

SINCE I BECAME THE LEAD NEGOTIATOR IN 2009, WITH MY CO-CHAIR ROMAN KENT AND SEVERAL OF HIS FELLOW HOLOCAUST SURVIVORS FROM THE U.S., ISRAEL, AND EUROPE, WE HAVE NEGOTIATED OVER \$9 BILLION IN ADDITIONAL COMPENSATION, EXPANDING COVERAGE TO FLIGHT VICTIMS WHO FLED TO THE SOVIET UNION TO ESCAPE THE ONRUSHING GERMAN MILITARY; A NEW ONE-TIME PAYMENT FOR CHILD SURVIVORS TO RECOGNIZE THEIR SPECIAL SUFFERING; A PAYMENT TO WIDOWS OF ARTICLE TWO RECIPIENTS AND JUST THIS YEAR IN 2019 A PAYMENT TO WIDOWS OF RIGHTEOUS GENTILES WHO SAVED JEWS DURING THE WAR; LIBERALIZED CONDITIONS FOR ELIGIBILITY OF EARLIER PROGRAMS LIKE THE HARDSHIP FUND; AND SIGNIFICANTLY HIGHER MONTHLY PENSION PAYMENTS. WE HAVE PLACED SPECIAL EMPHASIS ON HOME CARE AND FOOD, MEDICINE AND SOCIAL SERVICES FOR ELDERLY POOR SURVIVORS AROUND THE WORLD AND IN THE UNITED STATES. HOME CARE WORKERS HELP SURVIVORS WITH THE BASIC ELEMENTS OF EVERYDAY LIVING: PREPARATION OF MEALS, PROVISION OF MEDICINE; ACCESS TO DOCTORS; TRANSPORTATION TO ACTIVITIES WITH OTHER SURVIVORS. SERVICES ARE GENERALLY PROVIDED THROUGH JEWISH FEDERATIONS IN THE UNITED STATES; THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE'S CHESED PROGRAM IN THE FORMER SOVIET UNION AND CENTRAL AND EASTERN EUROPE; AND A SPECIAL AGENCY IN ISRAEL.

IN 2009 THE WORLDWIDE HOMECARE BUDGET WAS 34 MILLION EUROS; IN 2019 IT IS OVER 400 MILLION EUROS. COVERAGE HAS GRADUALLY EXPANDED SO THAT NOW THAT SOME 6000 OF THE MOST NEEDY OF THE SURVIVORS RECEIVED 24/7 COVERAGE AND OTHER POOR SURVIVORS GENERALLY ARE ENTITLED TO UP TO 50 HOURS PER WEEK OF HOME CARE.

AS PART OF THE LUXEMBOURG AGREEMENT, A CLAIMS PROCESS WAS CREATED TO PROVIDE COMPENSATION TO HOLOCAUST SURVIVORS OR THE HEIRS OF THOSE WHO WERE MURDERED AND WHO OWNED REAL PROPERTY IN GERMANY CONFISCATED BY THE NAZIS. AFTER THE END OF THE COLD WAR, THE FALL OF THE BERLIN WALL, AND THE REUNITING OF POST-WAR GERMANY, THE JEWISH CLAIMS CONFERENCE AND THE NEW FEDERAL REPUBLIC OF GERMANY CREATED SUCCESSOR ORGANIZATIONS, ADMINISTERED BY THE JEWISH CLAIMS PROCESS, WHICH WERE GIVEN TITLE TO THE CONFISCATED JEWISH PROPERTY IN THE FORMER EAST GERMANY. A CLAIMS PROCESS WAS CREATED WHICH ALLOWED THOUSANDS OF SURVIVORS TO RECOVER THEIR PROPERTY OR RECEIVE COMPENSATION FOR IT. AFTER THE CLOSE OF THE CLAIMS PROCESS, HEIRLESS PROPERTY, FOR WHICH THERE WERE NO LIVING SURVIVORS OR HEIRS, WAS SOLD BY THE JEWISH CLAIMS CONFERENCE: 80 PERCENT OF THE PROCEEDS WERE DISTRIBUTED TO HOLOCAUST SURVIVORS AND 20 PERCENT HAS

BEEN USED TO SUPPORT HOLOCAUST EDUCATION AND REMEMBRANCE PROGRAMS AND INSTITUTIONS, FROM THE U.S. HOLOCAUST MEMORIAL MUSEUM AND YAD VASHEM TO THE MARCH OF THE LIVING, IN WHICH YOUNG STUDENTS ARE TAKEN TO AUSCHWITZ/BIRKENAU AND THEN TO ISRAEL. **THE JEWISH CLAIMS CONFERENCE HAS BEEN THE LARGEST SUPPORTER OF HOLOCAUST EDUCATION AND REMEMBRANCE PROGRAMS IN THE WORLD.** AT ITS PEAK TWO YEARS AGO, THEY DISTRIBUTED \$18 MILLION ANNUALLY. BUT THE RUNOFF FROM THE PROPERTIES HAS DRAMATICALLY DECLINED TO \$9 MILLION IN 2019 AND WILL SOON BE OUT OF FUNDS.

AT A TIME OF INCREASING ANTI-SEMITISM AND HOLOCAUST DENIAL, THIS IS A DRASTIC PROBLEM. IN OUR RECENT 2019 NEGOTIATIONS WITH THE GERMAN FINANCE MINISTRY, WHILE WE OBTAINED AN ADDITIONAL \$50 MILLION IN BENEFITS FOR HOLOCAUST SURVIVORS IN INCREASED PENSIONS AND HOMECARE, WE ALSO OBTAINED FOR THE FIRST TIME A COMMITMENT BY THE GERMAN GOVERNMENT, WHICH HAS DONE SO MUCH TO PROVIDE HOLOCAUST EDUCATION WITHIN GERMANY, TO SUPPORT HOLOCAUST EDUCATION WORLDWIDE, IN COOPERATION WITH THE JEWISH CLAIMS CONFERENCE. DETAILS ARE BEING DISCUSSED NOW, WITH THE HOPE THEIR SUPPORT WILL COMMENCE NEXT YEAR, IN 2020.

STILL, WITH ALL OF THESE PROGRAMS, OF THE 400,000 HOLOCAUST SURVIVORS ALIVE TODAY, OVER 80 PERCENT IN THE FORMER SOVIET UNION AND CENTRAL AND EASTERN EUROPE; 35 PERCENT IN ISRAEL; 40 PERCENT OF THE 40,000 SURVIVORS IN THE NEW YORK CITY AREA LIVE IN OR NEAR THE POVERTY LINE. IT IS UNACCEPTABLE FOR SURVIVORS WHO LIVED SUCH A TRAUMATIC LIFE IN THEIR EARLY FORMATIVE YEARS SHOULD HAVE TO LIVE IN DEGRADATION AND POVERTY IN THEIR DECLINING YEARS. I HOPE CONGRESS IN GENERAL AND THIS COMMISSION IN PARTICULAR CAN HELP CALL ATTENTION TO THIS DIRE SITUATION. AS WE LOSE AROUND 6 PERCENT OF SURVIVORS EACH YEAR, THERE IS AN URGENCY FOR ACTION.

WHILE TIME DOES NOT PERMIT ME TO DISCUSS OTHER EFFORTS AT PROVIDING JUSTICE TO VICTIMS OF STATE-SUPPORTED INJUSTICE, I WOULD DIRECT THE COMMISSION TO TWO EXAMPLES, ONE WELL KNOWN AND THE OTHER ALMOST UNRECOGNIZED. TO HEAL THE DIVISIONS FROM DECADES OF BRUTAL APARTHEID RULE BY THE WHITE MINORITY GOVERNMENT OF SOUTH AFRICA, NEWLY ELECTED **PRESIDENT NELSON MANDELA SIGNED LEGISLATION IN 1995 THAT CREATED THE TRUTH AND RECONCILIATION COMMISSION CHAIRED BY ARCHBISHOP DESMOND TUTU.** THIS COMMISSION WAS NOT CREATED TO PROVIDE COMPENSATION TO THOSE WHO DIRECTLY SUFFERED UNDER THE APARTHEID REGIME. RATHER THE COMMISSION WAS TO TAKE INVESTIGATE APARTHEID-RELATED CRIMES BY TAKING TESTIMONY FROM 20,000 MEN AND WOMEN WHO WERE PERSECUTED AND, UNDER AN AMNESTY, FROM THE PERPETRATORS, AND DEVELOP A REPORT ON THE DIMENSIONS AND CONSEQUENCES OF APARTHEID. IT WAS SPECIFICALLY DESIGNED TO HELP RECONCILE THOSE WHO SUFFERED AND THOSE WHO DIRECTLY PERSECUTED SOUTH AFRICA'S BLACK POPULATION OR WHO MORE GENERALLY SUPPORTED AND ECONOMICALLY BENEFITED FROM APARTHEID.

ON RECEIVING THE REPORT ON OCTOBER 31, 1998, MANDELA RECOGNIZED THAT MANY WOULD BE DISAPPOINTED BY THE “PUNITIVE JUSTICE AND A PEACEFUL TRANSITION”, BUT “ACCEPTED THE REPORT AS IT IS, WITH ALL ITS IMPERFECTIONS...TO HELP RECONCILE AND BUILD OUR NATION.”

LESS WELL KNOWN, BUT RELEVANT TO YOUR IMPORTANT HEARINGS, WAS HOW THE NEWLY REUNITED GOVERNMENT OF GERMANY SOUGHT TO PROVIDE JUSTICE TO THE VICTIMS OF COMMUNIST EAST GERMAN OPPRESSION BY THE GERMAN DEMOCRATIC REPUBLIC. (SEE JULIAN JUNK AND JONATHAN MINER, “COMPENSATING HISTORICAL INJUSTICE: MORE THAN JUST MONEY”, HUMANITY IN ACTION) SOME 140,000 EAST GERMAN CITIZENS WERE IMPRISONED FOR POLITICAL OPPOSITION TO THEIR OPPRESSION, OFTEN UNDER BRUTAL CONDITIONS. UNLIKE THE SLAVE LABOR AGREEMENT I NEGOTIATED IN JULY 2000 WITH THE FEDERAL REPUBLIC OF GERMANY FOR HOLOCAUST-ERA REPRESSION, **THIS WAS AN INTERNAL GERMAN RESPONSE TO THE REPRESSION OF THEIR OWN CITIZENS. ONE LAW IN 1992 PROVIDED POLITICAL PRISONERS WITH A ONE-TIME PAYMENT OF 300 EUROS FOR EACH MONTH THEY WERE IN JAIL, AND THEIR CRIMINAL RECORDS WERE ERASED. A SECOND LAW IN 1994 DEALT WITH ISSUES OF PROFESSIONAL AND ADMINISTRATIVE PERSECUTION.** BUT THERE WAS LITTLE PUNISHMENT FOR THE FORMER PERPETRATORS.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON THIS IMPORTANT AND TIMELY TOPIC.

BIOGRAPHY

STUART E. EIZENSTAT SERVED ON THE WHITE HOUSE STAFF OF PRESIDENT LYNDON JOHNSON (1967-1968). HE WAS PRESIDENT JIMMY CARTER’S CHIEF WHITE HOUSE DOMESTIC POLICY ADVISER AND HEAD OF THE WHITE HOUSE DOMESTIC POLICY STAFF (1977-1981). HE HAS WRITTEN A BOOK **PRESIDENT CARTER: THE WHITE HOUSE YEARS** (2018) ABOUT THE CARTER ADMINISTRATION. IN THE CLINTON ADMINISTRATION HE SERVED AS U.S. AMBASSADOR TO THE EUROPEAN UNION; UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE; UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS & AGRICULTURAL AFFAIRS; AND DEPUTY SECRETARY OF THE TREASURY. HE ALSO SERVED AS SPECIAL ADVISOR ON HOLOCAUST-ERA ISSUES TO PRESIDENT BILL CLINTON AND SECRETARY OF STATE MADELEINE ALBRIGHT (1993-2001). HIS BOOK **IMPERFECT JUSTICE: LOOTED ASSETS, SLAVE LABOR AND THE UNFINISHED BUSINESS OF WORLD WAR II** (2003) RECOUNTS HIS WORK ON BEHALF OF HOLOCAUST JUSTICE, MEMORY AND LESSONS IN THE CLINTON ADMINISTRATION. DURING THE OBAMA ADMINISTRATION, HE WAS SPECIAL ADVISOR ON HOLOCAUST-ERA ISSUES TO SECRETARIES OF STATE HILLARY CLINTON AND JOHN KERRY (2009-2017). HE CURRENTLY SERVES AS EXPERT ADVISER TO THE STATE DEPARTMENT ON HOLOCAUST-ERA ISSUES (2018-PRESENT). HE IS ALSO THE AUTHOR OF **THE FUTURE OF THE JEWS: HOW GLOBAL FORCES ARE IMPACTING THE JEWISH PEOPLE, ISRAEL AND ITS RELATIONSHIP WITH THE UNITED STATES** (2013). HE IS SENIOR COUNSEL AT COVINGTON & BURLING, LLP. HIS TESTIMONY IS PERSONAL AND NOT IN HIS CAPACITY WITH COVINGTON & BURLING OR AS EXPERT ADVISER TO THE STATE DEPARTMENT ON HOLOCAUST-ERA ISSUES.