



**Holocaust Claims Processing Office  
Annual Report to the Governor and Legislature**

January 15, 2020  
**Linda A. Lacewell, Superintendent**

## I. Operations

In 1997 the State of New York demanded accountability for financial losses suffered during the Holocaust and created the first office in the world to assist Holocaust victims and their heirs pursue restitution. The Holocaust Claims Processing Office (“HCPO”) was established to provide institutional assistance to individuals seeking to recover assets lost due to Nazi persecution. Due to our efforts, banks, insurance companies, international organizations, museums and art collectors, and countries around the world continue to look to New York to set the standard for issues regarding Holocaust-era assets and restitution claims.

Claimants pay no fee for the HCPO’s services, nor does the HCPO take a percentage of the value of the assets recovered. The HCPO is a unit within the New York State Department of Financial Services Consumer Protection and Financial Enforcement Division (“CPFED”).

The HCPO has been able to ease the burdens, roadblocks, and costs often incurred when individuals pursue claims on their own. It remains the only government entity that aids Holocaust victims and their heirs with a variety of multinational restitution and compensation processes. To date, we have assisted individuals from 46 states, the District of Columbia, and 40 countries.

In response to the complex nature of restitution claims, the HCPO has developed a systematic method to handle cases. First, individual claims are assigned to members of the HCPO staff who assist in securing the necessary genealogical and historical documentation to ensure viability of the claim. As claims received by the office range from the partially or even fully documented to the purely anecdotal, the HCPO undertakes claimant-specific research in domestic and international archives as well as public and private repositories to obtain as much data as possible regarding lost assets. The HCPO also conducts general historical research to corroborate and contextualize the information the office shares with claimants, claims processing organizations, companies, institutions and governmental authorities.

Second, the HCPO determines where to file the claim(s) by ascertaining which present-day company or claims process is responsible for the lost asset in question, or in the case of a cultural asset we must ascertain the current holder. Third, the HCPO submits claim information to the appropriate companies, authorities, museums, or organizations requesting that a complete and thorough search be made for the specified asset and when applicable, that the lost property be restituted to claimants. To ensure rigorous review of these requests, the HCPO maintains frequent contact with entities to which it submits claims. Claimants may contact the HCPO with questions at any time knowing that they have a committed advocate that will be responsive to their concerns.

Finally, the HCPO reviews the decision rendered on the claim to ensure that it adheres to published processing guidelines and helps claimants understand those guidelines in order to interpret decisions. In the event a claimant wishes to appeal a decision, the HCPO guides claimants through the appeals process and performs additional research when possible. Alternatively, when claimants receive positive decisions that include monetary awards, the HCPO

facilitates payment by explaining the necessary forms and following up with the claims entity to ensure payment. In the case of cultural property, the HCPO will facilitate the resolution of a claim between the current possessor of the object and the claimant, resulting in either a compensation agreement or restitution of the item.

Statistics regarding the operations of the HCPO can be found by online by going to New York's Open Data Portal<sup>1</sup> and are also available as part of the Financial Frauds and Consumer Protection Annual Report<sup>2</sup>.

### III. Accomplishments

**Collaboration with European Restitution Agencies:** Superintendent Lacewell met with representatives of the U.K. Enemy Property Claims Assessment Panel, the French Commission for the *Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation*, and the French Ministry of Cultures' *Mission for the Research and the Restitution of Spoliated Cultural Property between 1933 and 1945*, to strengthen cooperation and forge new partnerships with these agencies.

**Testimony Before the United States Senate:** HCPO Director Anna Rubin testified before the U.S. Senate Committee on the Judiciary, on September 17, 2019, at their hearing<sup>3</sup> entitled "Holocaust-Era Insurance Claims." Ms. Rubin's testimony addressed how the HCPO handles insurance claims noting how litigation will likely not achieve the closure elderly claimants are seeking. The HCPO continues to successfully process Holocaust-era insurance claims and demonstrates how a voluntary review of claims continues to be the most judicious approach to assisting individuals find closure on this longstanding issue.

**International Symposium Planned:** In August the HCPO launched a call for papers for *Terms of Art: Understanding the Mechanics of Dispossession During the Nazi Period*, the first symposium hosted by New York State for practitioners in the field of art restitution. The symposium will be held May 7-8, 2020, with the aim to explore methods of involuntary loss from a historical, art historical and practical basis. New York State is again taking the lead in the field of Holocaust restitution to resolve claims in a more consistent and expeditious manner.

**Favorable Ruling Issued by Germany's Advisory Commission:** Advocacy by the HCPO ensured a dispute with a German Museum resulted in painting being returned to its rightful owners, the Dr. Max and Iris Stern Foundation. The decision marks the second successful resolution of a claim by the HCPO through the *Advisory Commission on the Return of Cultural Property Seized as a Result of Nazi Persecution, Especially Jewish Property*.

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<sup>1</sup> <https://data.ny.gov/Government-Finance/Holocaust-Claims-Processing-Office-Statistics/ie3e-p84t>

<sup>2</sup> [https://www.dfs.ny.gov/system/files/documents/2019/04/ffcpd\\_annualrep\\_2018.pdf](https://www.dfs.ny.gov/system/files/documents/2019/04/ffcpd_annualrep_2018.pdf)

<sup>3</sup> <https://www.judiciary.senate.gov/meetings/holocaust-era-insurance-claims>

**New German and Dutch Claims Processes:** The HCPO issued two public service announcements to inform individuals about new claims processes established in 2019. The first claims process enabled survivors who fled Nazi Europe through the *Kindertransport* to receive a one-time payment of 2,500 euros. While the second claims process provides a one-time payment of 15,000 euros for Holocaust survivors transported by Dutch Railways to concentration camps and provides a one-time payment ranging from 7,500 to 5,000 euros to heirs of those transported by the railway. With the assistance of the HCPO, claimants have already received payments from both processes.

**French Commission Issues Landmark Decision:** The HCPO secured a groundbreaking decision issued by the *Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Forced during the Occupation*. The decision provides monetary compensation for the family's art work seized from storage in France, based on the purchase price of the painting coupled with the appraised value established in the insurance policy and not the value established by the German authorities post-war.

### III. Expenditures

The HCPO has a staff of five. The total cost of operating the HCPO during the 2018-19 fiscal year was \$808,874, including personal service, fringe and indirect costs, and non-personal service expenditures, as follows:

Total for Fiscal Year 2018-19	
Personal Service	476,513
Fringe/Indirect	328,434
Non-Personal Service	3,927
<b>Total</b>	<b>808,874</b>

#### NOTES:

**Funding:** Full costs for the HCPO are borne by the Department of Financial Services.

**Fringe/Indirect:** Fringe and indirect costs are presented based on the actual payments made. In SFY 2018–19, the fringe rate was 63.89%.