



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

January 15, 2021  
**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 world's only government office to assist Holocaust victims and their heirs, regardless of their background and current residence, and to pursue restitution through a myriad of multinational restitution and compensation processes. To date, we have assisted individuals from 46 states, the District of Columbia, and 40 countries.

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 restitution claims for assets lost during the Holocaust-era.

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 eases the burdens, removes roadblocks, and reduces costs often incurred by individuals pursuing claims independently. The HCPO is a unit within the New York State Department of Financial Services Consumer Protection and Financial Enforcement Division (“CPFED”).

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 claim-specific research in domestic and international archives as well as public and private repositories to obtain as much data as possible regarding the 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.

The HCPO then determines where to file the claim(s) by identifying the present-day company or claims process responsible for the lost asset in question, or in the case of a cultural asset, by identifying the current owner. 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 and 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 owner and the claimant, resulting in either a compensation agreement or actual restitution of the item.

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

## II. Accomplishments

**Resolute Call for Justice on International Holocaust Remembrance Day:** Superintendent Lacewell participated in the *Ceremony to Commemorate the 75<sup>th</sup> Anniversary of the Liberation of Auschwitz* at the Museum of Jewish Heritage – A Living Memorial to the Holocaust. In her remarks, the Superintendent reaffirmed that “Never Forget” is a call to action. The Superintendent provided an overview of the HCPO and noted that “Never Forget” means more than remembering and honoring the victims of Nazi persecution, it also confers upon those who possess looted assets a duty to restore those assets to rightful owners.

**Swift Review of U.K. Enemy Property Claims:** A meeting between Superintendent Lacewell and members of the U.K. Enemy Property Claims Assessment Panel (“EPCAP”) led to prompt review and settlement of several claims submitted previously to the Panel for consideration. The HCPO’s relationship with the EPCAP Secretariat, which has undergone several administrative changes in recent months, has since been strengthened. The Superintendent’s meeting served as an excellent introduction to the HCPO for the new members of the EPCAP team.

**United States Museum Returns 16<sup>th</sup> Century German Silver Stem Cup:** In cooperation with the Metropolitan Museum of Art, the HCPO secured the restitution of this family heirloom 80 years after its loss. The Stem Cup was part of Eugen Gutmann’s famed silver collection. After Gutmann’s death in 1925, the Stem Cup remained in the home of his son until 1941, when it appeared on a list of works sought by the Nazi-associated dealer Karl Haberstock. While the core of the Gutmann silver collection was shipped from the Netherlands to Munich and survived the war intact, the Stem Cup was separated from the collection. It entered the museum as a bequest in 1974.

**Rare Settlement with Private Italian Institution for Looted Renaissance Painting:** In 1936, Dr. Anna A. Unger inherited Jacopo del Sellaio’s *Madonna and Child* from her father, Dr. Gustav Arens. After the Anschluss, the family exported their belongings from their home in Vienna to

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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/2020/09/ffcpd\\_annualrep\\_2019.pdf](https://www.dfs.ny.gov/system/files/documents/2020/09/ffcpd_annualrep_2019.pdf)

France, where they were stored outside of Paris. In 1942, German authorities looted the family’s artwork, including the del Sellaio. The painting ultimately became part of a private collection in Italy. After the collector’s death, the *Fondazione Cerruti* was entrusted with caring for the art collection. The *Fondazione*, having learned of the painting’s history and the Unger’s family loss, sought to make amends, and reached out to the HCPO. The daughter of Dr. Unger said: "At almost 93, I had lost hope that this beloved Italian Renaissance painting belonging to my parents would ever resurface."

**Record Number of Insurance Payments Issued:** After extensive genealogical research conducted by the HCPO, we were able to assist one family recover proceeds from 12 policies issued to five individuals. To date, these claims have yielded offers totaling \$500,061. We continue to work on this claim, and there are likely more unpaid policies to pursue.

**Dutch Railways Successfully Concludes Compensation Program:** August 5, 2020, marked the end of the claims process providing compensation for Holocaust survivors transported by the Dutch state railway company to concentration camps. HCPO staff secured crucial documentation on behalf of elderly claimants, ensuring they received one-time payments ranging from 5,000 to 15,000 euros.

### III. Expenditures

The HCPO is staffed by five professionals. The total cost of operating the HCPO during the 2019-20 fiscal year was \$844,397, including personal service, fringe and indirect costs, and non-personal service expenditures, as follows:

Total for Fiscal Year 2019-20	
Personal Service	502,973
Fringe/Indirect	338,091
Non-Personal Service	3,332
<b>Total</b>	<b>844,396</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 2019–20, the fringe rate was 63.86%.