



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

January 18, 2022
Adrienne A. Harris, Acting 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 48 states, the District of Columbia, Guam, the Virgin Islands and 39 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 Portal¹ and are also available as part of the Consumer Protection and Financial Enforcement Division Annual Report.²

II. Accomplishments

Bank Fee Waiver for Holocaust Reparation Payments: The New York State Department of Financial Services launched an initiative to assist Holocaust survivors and their families obtain waivers for wire transfer or processing fees associated with Holocaust reparations payments. Although a small number of banks agreed to waive these fees in the past, those account for less than 5% of New York State's financial institutions. Working with over 180 of New York State's financial institutions, DFS will create a reliable list of institutions that are committed to waiving these fees. With an estimated 20,000 Holocaust survivors living in New York, thousands of survivors could incur these fees in the near future. These transfer fees impose a significant burden on recipients, many of whom are elderly and rely upon these payments to assist with household expenses.

First Recovery with the Carabinieri for the Protection of Cultural Heritage: The HCPO identified a double-sided chalk drawing by the Italian artist Giacomo Cavedone (1577-1660) entitled *A Study of a Priest Holding a Book* (recto); *A Study of the Standing Figure of a Young Soldier* (verso) being offered for sale in Italy at the Old Paintings Online, Salò Brescia, as the same as the one stolen from the Brno home of the renowned art collector Dr. Arthur Feldmann when the Nazis requisitioned the Feldmann villa in March 1939. Upon making this discovery, the HCPO, with the help of the Federal Bureau of Investigation Art Crime Team, alerted the Carabinieri for the Protection of Cultural Heritage ("Carabinieri") and requested their assistance on behalf of the Feldmann heirs. The HCPO worked closely with the FBI and Carabinieri, which led to the successful recovery the drawing.

Bank Claim Favorably Resolved after Second Appeal: In 2004, the HCPO submitted a claim to the Enemy Property Claims Assessment Panel (the "Panel") in the United Kingdom for monies frozen in the United Kingdom pursuant to the 1939 U.K. Trading with the Enemy Act and which remained under the purview of the U.K. government. The Panel initially denied the claim, citing that the business that owned the asset had been Aryanized and therefore the owners of the

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

² https://www.dfs.ny.gov/system/files/documents/2021/06/2020_cpfed_annual_report_20210315.pdf

property at the time the property was frozen were the Nazi Aryanizers rather than the Jewish victims and original owners of the company. The HCPO promptly submitted an appeal arguing that the Aryanization was an illegal transfer of ownership and should be considered void, arguing that concluding otherwise contradicted all past and present international tenets regarding the restitution of Holocaust-era looted assets, including those espoused by the U.K. government. Unfortunately, the Appeals Adjudicator for the Panel denied the claim for a second time. During the intervening years, the HCPO continued to undertake research related to this case and determined that the asset that was frozen was being paid from the U.K. branch of the company, owned by the same family that owned the German branch prior to Aryanization, to the German branch. With this new information in hand, the HCPO reengaged the Panel, submitted a second appeal and requested a review of the claim based on new documentation. The Panel found this new information persuasive and 17 years after the case was originally presented to them, the HCPO effectively appealed the original decision. The Panel decided the claim in favor of the heirs of the Jewish owners of the company.

New Claims Process for Holocaust Survivors of Luxembourg: The HCPO issued a public service announcement to inform individuals about this new claims process, established in 2021. Under the new agreement between the State of the Grand Duchy of Luxembourg and the Consistoire Israélite de Luxembourg, co-signed by the World Jewish Restitution Organization and the Luxembourg Foundation for the Remembrance of the Shoah, a total of 1,000,000 euros will be distributed equally among approved applicants. The exact amount to be distributed to each eligible individual can only be calculated when the total number of approved applicants has been determined. Eligible individuals will receive a one-time payment payable in two installments. We continue to assist claimants with submitting applications to this process before the extended deadline of January 31, 2022.

Regional Specific Pension Claims Processes Recently Established: Jewish Holocaust survivors from the Leningrad Siege, those who were in hiding in France, as well as those persecuted in Romania are now eligible for pensions. Under the new agreement between the German government and the Claims Conference, eligible individuals will be entitled to 375 euros per month. The HCPO is coordinating with the Claims Conference to ensure all eligible claimants submit applications.

HCPO Continues to Actively Assist Survivors and Heirs with Insurance Claims: In April 2021, members of the U.S. House of Representatives and the U.S. Senate from Florida reintroduced the *Holocaust Insurance Accountability Act (of 2021)*, marking the seventh time this legislation has been introduced since the closing of the International Commission on Holocaust Era Insurance Claims (“ICHEIC”) in March 2007. Once again, the legislation aims to convey a private right of action on presumed beneficiaries of “certain insurance policies” in effect during the Nazi period to sue in U.S. district courts to enforce their rights under such policies. It should be noted that in the vast majority of present-day Holocaust-era insurance claims, the heirs of Holocaust victims do not possess any documentation related to policies from the relevant period. Though the legislation has been referred to various congressional committees it has not advanced further. The HCPO continues to monitor the legislation and remains in contact with other stakeholders as

well as insurance companies to determine what if any steps might be necessary. The HCPO’s non-litigious approach to resolving claims for unpaid Holocaust-era insurance policies remains the most effective means of addressing these outstanding claims, and the HCPO continues as the only organization providing assistance free of charge to Holocaust victims and their heirs seeking to make claims against European insurance companies.

III. Expenditures

The HCPO is staffed by five professionals. The total cost of operating the HCPO during the 2020-21 fiscal year was \$XXX,XXX, including personal service, fringe and indirect costs, and non-personal service expenditures, as follows:

Total for Fiscal Year 2020-21	
Personal Service	522,219
Fringe/Indirect	340,603
Non-Personal Service	1,586
Total	864,408

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 2020—21, the fringe rate was 62.39%.