

# Meeting of the Jewish Claims Conference Board of Directors in New York

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In July, the Board of Directors of the Jewish Claims Conference will hold its annual meeting in New York to discuss the ongoing work of the organization. This board, which can be compared to the supervisory board of a corporation, includes representatives from 10 international and 16 national organizations (one of them is the Central Council of Jews in Germany), along with 12 private individuals.

Responding to pressure from the Claimants Representative Committee, the Board of Directors created the Late Applicants Fund two years ago. However, according to the Committee, the €50 million allocated to this fund is not enough.

I expressed criticism of this situation in my article „Only 25% for late applicants?“ (Jüdische Zeitung, May 2013.) In reality, the amount actually paid may be much less, because there is a limit of €50,000 per property asset – even if multiple heirs are involved. This can result in a situation in which, instead of the 80% as previously required, less than 2% is actually paid out.

The Claimants Representative Committee presented this situation to the German Chancellor in 2013 and asked for assistance (see open letter in the Jüdische Zeitung, March 2014).

The Committee also filed a complaint last year with the New York Attorney General's office (published on [www.claimantsrepresentativecommittee.com](http://www.claimantsrepresentativecommittee.com)). This complaint is currently being investigated.

In preparation for this year's JCC Board of Directors' meeting, the Committee has again addressed the Executive Vice President of the JCC and each individual member of the Board as follows:

„Unfortunately ... this issue was not taken up by your board [in 2013].

„In our view, [the LAF program] is insufficiently funded and does not guarantee the claimant the right to adequately and fairly obtain the return of his/her family property. In addition, many of our clients believe that it borders on being fraudulent, since it requires the release of claims before the amount of the award is determined.

„As you know, the Gurlitt affair has re-ignited public interest in the matter of returning Nazi stolen property to the families who lost it. In the Gurlitt matter the Claims Conference has quite correctly taken the position that stolen artworks need to be returned to the victims who lost it and to their heirs.

„Yet when the same families request the return of their Nazi stolen property from the Claims Conference they are met by a different response. They are 'late', the Claims Conference has better plans for their property, the rights of Nazi victims and their heirs are somehow less when such property has been obtained by the Claims Conference, even though there is absolutely no difference between the Nazi victim whose property ended up with Gurlitt or with the Claims Conference. The cold truth is that their property was stolen from them by the Nazis and by all of the laws of man and by all morality needs to be returned to them. It is that simple.

„During our previous discussions, you always brought up the fact that these funds would be used for your home care project for Holocaust survivors. The CRC applauds this program and supports it. But, the CRC does not believe that it is the duty of Nazi victims to pay for this program. And, when we found out last year in April 2013 that the German government would fund this program in the amount of approximately one billion USD, we thought that the Claims Conference would finally do the right thing and return to our clients the property which was stolen from them.

„You can of course imagine our surprise when not only did this not happen, but that you did not even address this issue at your annual board meeting [that is why we went public with the matter in fall 2013].

„Now the Claims Conference has an historic opportunity to do the right thing. To agree to fairly and adequately fund the LAF program and to restore to our clients the property which

was illegally stolen from them by the Nazis. Here we ask that the Claims Conference treat all LAF claimants just like Goodwill Fund claimants were treated in the past [80% of revenue paid out].

„We think that if you look into your hearts, you will find there the humanity and the courage to do this, which is no less than what we would expect from a Jewish organization which has been tasked with a great historical responsibility.

„Finally, we would be remiss if we did not point out that many of our clients continue to weigh their options, they seek justice and they hope that the Claims Conference will be wise enough to give it to them. However, if this chance is missed, and the Claims Conference turns away from them, they will pursue their rights in the other forums which are available to them. Should you wish to meet and discuss this further we are available.“

This is the content of the letter sent to the JCC executives.

We expect the JCC to finally follow their own noble objectives and do whatever is necessary to bring justice to the Holocaust victims and their heirs. Above all, we expect the JCC to stop applying double standards (see my open letter to Mr. Mahlo, the JCC representative in Germany, in the *Jüdische Zeitung*, May 2014).

The lawyers from the U.S., Israel and Germany who have joined the Claimants Representative Committee unanimously agree that the JCC, which was not itself a victim of persecution, is only a trustee for the actual Holocaust victims. This was also established for the first time with absolute clarity by the German Federal Administrative Court in March 2013. I reported on this in August 2013 in the *Jüdische Zeitung*.

The JCC director in Frankfurt responded with a furious attack against me which, for lack of substantive arguments, included a number of offensive and defamatory remarks.

The letter from our Committee was not only sent to the JCC board members. It was brought to the attention of the New York Attorney General and the German Chancellor. Dr. Merkel was made aware of the fact that the provisions of the Property Act have resulted in an expropriation of property in favor of the JCC.

For many years, I have been trying to make the German government and parliament (Bundestag) aware of their responsibilities. („Is the Federal Republic of Germany responsible for how compensation funds paid to the JCC are used? Berliner Anwaltsblatt 10/2009, p. 354; „Restitution bypasses victims. Why the German government needs to take immediate action! Zeitschrift für offene Vermögensfragen 4/2010, p. 170, etc.)

The upcoming meeting of the JCC Board of Directors would be a good opportunity for the German government to recommend to the JCC governing body that the Goodwill Fund should continue in its previous form.

The Central Council of Jews in Germany, which has always strongly supported the rights and claims of the survivors and their descendants vis-à-vis the German government and the Claims Conference, can also exert its influence on the JCC Board of Directors.

We will see whether the Board of Directors will draw the right conclusions from the ruling by Germany's highest administrative court.