

Claimants Representative Committee

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December 10, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: Nazi Victim Restitution, Eastern Germany

Dear President Obama:

Enclosed please find correspondence with German Chancellor Dr. Angela Merkel regarding the failure of Germany to compensate a large part of the Nazi victims who lost property in eastern Germany during the Nazi era.

Instead of being returned to the Nazi victims and their heirs, following the German reunification agreements Germany passed a restitution law in 1990 with too short filing deadlines, which essentially gave much of this property to a third party, the Jewish Conference on Material Claims Against Germany, Inc. (Claims Conference).

Unfortunately, of the 2.3 billion Euro in property belonging to Nazi victims which the Claims Conference obtained, it has only returned 700 million Euro to the Nazi victims and their heirs who lost this property. Despite lengthy negotiations to resolve this issue, the Claims Conference refuses to fairly and adequately return this property to the heirs of the Nazi victims who lost it. Instead they have set up a new 50 million Euro fund which pays pennies on the dollar for a 100% release of claims. Most of the heirs of Nazi victims who are entitled to this property are very elderly and have no other choice than to accept this unfair settlement. For further information see: www.claimantsrepresentativecommittee.com.

As representatives of the heirs of Nazi victims who lost this property, we ask you to discuss this issue with Chancellor Merkel, so that this property will be returned to the heirs of the Nazi victims who lost this property. With respect thereto, we note that Germany is obligated in the reunification treaties to pass laws returning this property to the Nazi victims and their heirs who lost it. A failure to do so, including giving this property to a third party which refuses to return it to the heirs of the Nazi victims who lost it, is in our view a violation of those treaties, in addition to being an unconstitutional taking of private property.

Members: Law Offices Rowland & Petroff New York, Law Offices Lissner & Lissner LLP New York, Knaute Rechtsanwälte Partnerschaft Berlin, Rechtsanwalt Prof. Dr. Fritz Enderlein Potsdam, von Trott zu Solz Lamme Berlin, Andrea Enderlein Potsdam, Muggenthaler Research München, Rechtsanwältin Barbara Erdmann Berlin, Rechtsanwälte Rosbach & Frey Berlin, Rechtsanwalt Ralph Konertz Neuss, Attorney Yuval Hen Israel u.a.

On behalf of all of the heirs of victims of Nazi persecution who have not yet obtained the return of their property lost in eastern Germany, we look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Rowland', written over a horizontal line.

David J. Rowland
Member, Claimants Representative Committee

Enc.

Cc: Chancellor Dr. Angela Merkel
Julius Berman, Chairman Claims Conference
Greg Schneider, Executive Director Claims Conference
Douglas Davidson, US Ambassador for Holocaust Issues
Ambassador Ronald Lauder
Charles Schumer, U.S. Senator
CRC Members

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December 9, 2013

Chancellor Dr. Angela Merkel
Bundeskanzleramt
Willy Brandt Strasse 1
10557 Berlin
Germany

Re: Nazi Victim Restitution, Eastern Germany

Dear Chancellor Merkel:

We are a group of lawyers and other business professionals who represent the majority of the heirs of Nazi victims who lost property in eastern Germany due to Nazi persecution and have not yet received it back.

We noted your prompt reaction to the Gurlitt affair and the efforts you and Germany are making to insure that Nazi victims and their heirs obtain their art back. This is laudable and fulfills Germany's historic responsibility.

However, we are not sure if you are aware that currently Germany has disinherited most of the heirs of Nazi victims from their eastern German property.

The problem has to do with Germany's naming the Claims Conference as the "legal representative" of Jewish Nazi victims and their heirs who did not file timely claims under the 1990 Property Law (Vermögensgesetz). The deadlines for filing property claims were quite short, especially given the fact that Jewish victims and their heirs had been scattered across the globe and many had no idea what to claim, or that there was any possibility to claim back their property after 40 years of communism.

As a result, the Claims Conference has obtained approximately 2.3 billion Euro of property which belonged to individual Nazi victims and their heirs, of which they have returned only approximately 700 million Euro to the actual victims or their heirs who lost this property.

This means that the Claims Conference is keeping approximately 1.6 billion Euro of Nazi victim's property which it refuses to return the heirs of Nazi victims who lost this property.

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In the past when Nazi victims or their heirs asked for their property back from the Claims Conference, it opened a "Goodwill Fund" which paid out 80% of the property it had obtained to the victim or their heirs who lost it. However this program closed on March 31, 2004. Since then a new Late Applicant Fund (LAF) was opened this year which pays out only 25% of the property which the Nazi victim lost to the heirs, but only up to 50,000 Euro, and for this the Claims Conference demands a full release of claims.

For this new LAF fund, the Claims Conference has set aside 50 million Euro, although this is only about 3% of the 1.6 billion Euro of Nazi victim property which it is keeping.

The Claims Conference says that it needs these funds to provide home care for holocaust victims and therefore cannot fairly and adequately return this property to the heirs of the Nazi victims who lost it. However, we recently learned that the German government has agreed to fund the Claims Conference's home care program with 1 billion US Dollars until the year 2017.

Therefore, we cannot and do not understand why the Claims Conference continues to refuse to fairly and adequately return Nazi victim property to the heirs of the Nazi victims who lost it. This is especially so where the heirs have contacted the Claims Conference and asked them for the return of their property.

Of course we agree that where there are truly no heirs, the Claims Conference should keep these funds and use them for charitable purposes to improve the lives of Holocaust survivors. However, this should not be at the expense of the victims and their heirs who survived and want to have their property back. Our estimates are that the Claims Conference, or Germany, if the Claims Conference will not act, should set aside at least 200 million Euro to make sure that the heirs of Nazi victims can obtain the return of their property.

The refusal of the Claims Conference to fairly and adequately return this property to the heirs of the victims who lost it is a scandal of the highest level and needs to be remedied immediately. In this regard Germany has a sacred duty and responsibility to Nazi victims and their heirs to insure that their stolen property be fairly and adequately returned to them.

Please keep in mind that when Nazi Victims lost their property, the entire family was affected and to a great extent the tremendous problems Nazi persecution caused these families continues to affect them today. Restitution of their property can help to heal this wound.

Please also keep in mind that this property was lost due to Nazi persecution and that it is Germany's responsibility to return it to the victims who lost it, and to their heirs. That Germany gave this property to the Claims Conference is no solace to the heirs of Nazi victims when the Claims Conference refuses to return it to them.

We therefore appeal to you to take all necessary steps to insure that the Claims Conference returns Nazi victim property to its rightful owners, the heirs of the Nazi victims who lost it, or if the Claims Conference continues to refuse to do this, that Germany fulfills its responsibility to do so.

For further information see www.claimantsrepresentativecommittee.com.

We look forward to hearing from you.

Respectfully,

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