

Holocaust Claims Processing Office

Annual Report to the Governor and Legislature

January 16, 2024



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 foreign 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 — both in the United States and 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 (“DFS”) and sits within DFS’s Consumer Protection and Financial Enforcement Division.

In response to the complex nature of restitution claims, the HCPO has developed a systematic method to handle its 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. Because claims received by the office can range from the fully documented to the purely anecdotal, the HCPO undertakes comprehensive claim-specific research in domestic and international archives and 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 and requests 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

19th Century German Impressionist Painting Restituted to the Heirs of Gustav Rüdberg by the City of Frankfurt and the Städelsches Kunstinstitut Museum: Gustav Rüdberg (1868-1941) was the owner of a mail-order business for photography and optical instruments in Hanover, Germany. During the 1910s, he built his art collection of German Impressionist and Expressionist works and helped establish the prestigious art society Kestner-Gesellschaft, which promoted contemporary art and photography in Germany. Rüdberg acquired the painting *Portrait of Lady* by Fritz von Uhde at an October 17, 1916, auction at the Galerie Hugo Helbing, and it remained in his collection until April 1937 when he sold the work under duress, well below market value, to the City of Frankfurt. Within a year of the sale, the Hannover financial authorities began to systematically dispossess Rüdberg of his property, and the remainder of his art collection was seized by order of the city authorities and deposited at the local museum. On December 15, 1941, Rüdberg and his wife Elsbeth were deported to Riga, Latvia, where they perished.

While researching the collection of Max Rüdberg, who was a cousin of Gustav Rüdberg, the HCPO came across an annotated copy of the 1916 Helbing catalogue that noted Rüdberg as the purchaser of the von Uhde painting. After determining that the painting was in the Städel Museum, the HCPO reached out to the museum for additional information and learned that the museum was simultaneously undertaking further research into its provenance. The museum confirmed that the painting was owned by Gustav Rüdberg. The HCPO, together with the Städel, identified and located Gustav’s heirs, some of whom were already working with the HCPO in connection with their longstanding claim for Max Rüdberg’s art collection, and secured the settlement on behalf of the family.

Heirs of Johann Bloch Reunited with Four Paintings and Ten 18th Century Chasubles:

Johann Bloch (1869 – 1940) was co-owner of his family’s Brno leather factory and a shareholder in a rubber goods company. After the occupation of Czechoslovakia, the family factory was Aryanized and, by September 1939, Bloch’s Brno villa was under the control of a government-appointed custodian. In 1939, Bloch sought permission to export his collection to England. The Ministry of Education and National Enlightenment requested that his collection be more thoroughly examined. On March 20, 1940, the National Gallery recommended Bloch be granted permission to export his collection on the condition that he donate the four paintings to the museum. Less than a year after Bloch’s death in 1940, his widow was forced to sell the couple’s houses. She was deported to the Terezin Concentration Camp in 1942 and then to Riga, where she perished.

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

² https://www.dfs.ny.gov/system/files/documents/2023/03/2022cpfe_annual_report_20220315.pdf

Johann Bloch's eclectic collection also included a number of 18th century French, German, and Italian religious vestments and dalmatics, which he gifted to his daughter Hermine Getrud Fleischner in 1930. Fleischner, suspecting war was on the horizon, prepared to leave Czechoslovakia and, in 1939, deposited the vestments at the Museum of Decorative of Arts Prague for safekeeping prior to fleeing for the United Kingdom.

With the invaluable assistance of the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims in Prague, Czech Republic, the HCPO was able to confirm that the Bloch paintings were part of the permanent collection of the National Gallery Prague and that the 10 chasubles were still in the collection of the Museum for Decorative Arts. Negotiations with these institutions for the restitution of these cultural objects swiftly ensued, resulting in their return.

HCPO Director Participated in Holocaust Envoy Meeting: From November 30 – December 3, 1998, 44 countries and 13 non-governmental organizations gathered in Washington, D.C., at the invitation of the U.S. Department of State and the U.S. Holocaust Memorial Museum to participate in a government-organized international meeting to address issues related to assets lost as a result of Nazi persecution — specifically art, insurance, communal property, archives, and books. At the conclusion of the meeting, the 44 participating governments endorsed the *Washington Conference Principles on Nazi-Confiscated Art*. These 11 non-binding principles have guided the resolution of claims for lost and looted art for the past 25 years. In connection with the 25th anniversary of this watershed conference, the U.S. Department of State and the World Jewish Restitution Organization hosted a meeting of Holocaust envoys from around the globe to discuss the Washington Conference Principles and propose best practices based on the experience of experts in the field. The Director of the HCPO provided subject matter expertise on the topic of looted art to those in attendance and continues to offer assistance in the lead-up to their release.

HCPO Contributes to International Publications: The HCPO Director along with the HCPO Senior Art Claims Specialist co-authored an article entitled “Bridging Past and Present: the Holocaust Claims Processing Office and the Function of Provenance Research in a Restitution Claim,” which appeared in summer volume of *Kunstchronik*, a journal published by the German Central Institute for Art History. The article illustrates to the art historical community the practical applicability of provenance research beyond academia and its multifaceted impact on researching artwork that was lost as a result of Nazi persecution. The HCPO Director also wrote an essay entitled “The Holocaust Claims Processing Office and the Art Trade: An Unlikely Partnership” for the anthology *Provenienzforschung und Kunsthandel* (Provenance Research and the Art Trade) sponsored by Ketterer Kunst GmbH & Co., KG in commemoration of the 25th anniversary of the Washington Conference Principles on Nazi-Confiscated Art. The essay describes the many ways the HCPO works with the art trade to resolve claims.

Holocaust Survivors and Heirs Receive Second Payment for Assets located in the Former East Germany: The Late Applicants Fund (“LAF”) enabled individuals who missed the 1992 deadline established by the German Federal Government to apply for restitution as an heir of former owner(s) of property that was located in the German Democratic Republic and which was lost during the Nazi regime. A total of 50 million euros was set aside by the Conference on Jewish Material Claims Against Germany (Claims Conference) to pay LAF claims. Initial awards of approximately 45 million euros were issued, with a remaining balance of some 5 million euros left

in the fund. As a result, the Claims Conference issued the second and final round of LAF payments to all eligible applicants, which will enable them to receive, in total, 50% of the value of their portion of the claim.

Cooperation with German Consulate Eases Bureaucratic Burden Enabling Heir to Receive Long Awaited Payment: The HCPO, in conjunction with the German Consulate in New York City, advocated on behalf of a family eligible to receive a lump sum payment their mother was entitled to under the Federal German Restitution Law (BEG) but hadn't received due to missing bank information. When she passed away at the age of 96, her son, who was suffering from dementia, needed to submit a certificate of inheritance issued by the court in Germany to receive the unclaimed compensation. The family began the arduous process of collecting the required documents for their certificate of inheritance application but found it impossible to obtain original or certified copies of various vital records. These included the mother's marriage certificate, which was unobtainable because she was married in a town located in the former Czechoslovakia, which is now present-day Ukraine. An Israeli certificate of inheritance was located for the mother, however, and the HCPO was able to obtain a certified copy of the original certificate of inheritance, along with the apostille issued by the Israeli Ministry of Justice. Extensive advocacy and dialogue brought about a successful conclusion for the family. Not only did the German compensation office decide to accept the Israeli Certificate of Inheritance with apostille in this case but they also agreed to review whether the presentation of a foreign certificate of inheritance with apostille could be accepted as proof of inheritance in place of the inheritance proceedings at a German court.

Sisters Receive Pension Under Expanded Program: Jewish Holocaust survivors who were in hiding in France became eligible for pensions under a recent agreement between the German Federal Government and the Claims Conference. Two sisters, born in France, were only 2 years old and 4 years old when they went into hiding along with their mother. Their father was arrested and detained in Drancy but was able to escape. Miraculously, the entire family survived. The two sisters are now receiving a monthly pension of 375 euros under the Regional Specific Pension Program. They also received one-time lump sum payments of 2,500 euros from the Child Survivor Fund that was established as a symbolic payment to acknowledge the unimaginable trauma children suffered having lived in hiding with the terror of being caught or being separated from their parents or having suffered abuse in ghettos or concentration camps.

III. Expenditures

The Department does not receive tax revenues, but rather, is fully funded through assessments charged to regulated entities. DFS's work, however, has benefited all New Yorkers. The Department's operating expenses are assessed upon regulated entities under section 206 of the Financial Services Law and are not a cost to New York taxpayers.

The HCPO is staffed by four professionals. The total cost of operating the HCPO during the 2022-23 fiscal year was \$921,623, including personal service, fringe and indirect costs, and non-personal service expenditures, as follows:

Total for Fiscal Year 2022-23

Personal Service	553,215
Fringe/Indirect	366,434
Non-Personal Service	1,974
Total	921,623

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 2022–23, the fringe rate was 63.95%.