

# FOREWORD

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**A**s someone who has been deeply involved in Holocaust justice issues decades after the end of World War II in both the Clinton and Obama Administrations, as well as in private life, I am inspired by Dina Gold's compelling and beautifully written book about her quest to recover her family's grand six story building just yards from Checkpoint Charlie in what had been, before the fall of the Wall, East Berlin.

Her determination to fulfill what seemed the forlorn wish of her grandmother to get back the family's large property if the Berlin Wall ever fell, led her on an improbable and impressive search to become an expert in German inheritance law, find documents to prove ownership, make frequent trips to Berlin, and overcome bureaucratic obstacles.

This book is the first about a property claim in the former East Germany, and tells us much about how difficult property restitution is even today. Her family's fortune became a victim of the double-tragedy of 20th century Central and Eastern Europe: Nazism followed by Communism. The Wolff family property was forcibly sold by the Nazis and then, because it was in the Russian zone of East Berlin, was nationalized by the Communist German Democratic Republic, a misnomer if ever there were one.

There are several important lessons we discover from this impressive book. First, we learn of the lifestyle of her wealthy family in pre-

Hitler Germany, how integrated they were into the fabric of German economic life and how dramatically that changed.

Second, it demonstrates how difficult private property restitution is. It takes enormous effort, grit, determination, time and energy to pursue justice. In all the negotiations I have conducted, private property restitution and compensation has been the most difficult. I led the U.S. government's efforts during the Clinton Administration to obtain over \$8 billion for Holocaust survivors or the families of victims of Nazi aggression, Jewish and non-Jewish, from Swiss and French banks for Holocaust-era accounts they never divulged; German and Austrian slave and forced labor companies who brutally employed millions of people in the service of the Third Reich, for which they had never been compensated; payments of tens of thousands of dollars to beneficiaries of insurance policies that had not been paid, often because of non-payment of premiums when the owners were in concentration camps; recovery of hundreds of Nazi-looted art pieces under the Washington Principles on Art; and the restitution or compensation for communally-owned buildings (synagogues, schools, community centers, even cemeteries). But the kind of restitution Dina Gold sought is rare. Only in the January 2001 agreement I negotiated with Austria, was there a process established for the compensation of Nazi-confiscated property, and in limited circumstances, restitution. The Austrians agreed to establish a \$200 million fund and in an efficient and transparent process, almost 20,000 claims were honored. But this was the exception.

In the 2009 Terezin Declaration, where I led the U.S. delegation, and the 2010 Best Practices and Guidelines for Immovable (Real) Property Confiscated by the Nazis or Their Collaborators From 1933-1945, when I served as Special Representative of Secretary of State Clinton on Holocaust-Era Issues, we finally got over 40 nations to agree to make private property restitution more of a priority. But the pledges were not legally binding, and with few exceptions the results have been disappointing.

The reason why private property compensation and recovery has been so difficult is the irrational concern that Jews will try to get back their homes and buildings that private parties have occupied for decades. We made clear in the Best Practices and Guidelines that this

is not the case. In almost all cases, the government can pay a modest percentage of the fair market value of the property. Those seeking actual restitution, as was the case for Krausenstrasse 17/18, would only be called for when the government held the building. An example of this fear is Poland, where the greatest amount of Nazi-looted property remains. I worked during the Clinton Administration with then Polish President Kwasniewski, who was genuinely committed to achieve justice in this area, but could not get the Polish parliament to pass an acceptable bill allowing claims for those living abroad, even though we emphasized this should cover not only Jewish property confiscated by the Nazis, but non-Jewish Polish property nationalized after the War. Their representative participated in every stage of the negotiation of the 2010 Best Practices agreement, but then they disavowed it months later, saying their name had been affixed to the document in error. For sure, the Polish people, Jews and non-Jews suffered grievous losses during World War II, perhaps 3.5 million Polish Jews and 3 million non-Jewish Poles. Also, it is possible for individual cases to succeed on occasion in recovering property. But the legal and cost barriers are almost insurmountable.

I remain hopeful that with new leadership in the Czech-based European Shoah Legacy Institute (ESLI), which we created in the 2009 Terezin Declaration, progress can be made. The European Union should actively encourage its member states to implement the 2010 Best Practices.

The other lesson from Dina Gold's splendid book is how now, 70 years after the Shoah, we are able to unearth new findings and discoveries, including the Gurlitt Munich art collection, and continue to seek belated justice, as in the negotiations with the French government for the deportation of Jews on the SNCF railway, who moved from France after the War. Following decades of relative neglect after the end of World War II, with the focus on the Cold War, the Holocaust remains more topical than ever, as does the sense of urgency to find creative ways to recover what was so grievously lost in the past before it is too late. In this sense, Dina Gold's remarkable work gives hope that it is never too late. Her story is a testament to the human spirit.