

Congress of the United States
Washington, DC 20515

October 16, 2020

Ambassador Emily Haber
c/o The Embassy of the Federal Republic of Germany
4645 Reservoir Road, NW
Washington, DC 20007

Dear Ambassador Haber,

We write with concern about the recently filed German brief before our Supreme Court in the case *The Federal Republic of Germany v. Alan Philipp, et al.*

While we are not taking a position on this case, bipartisan Congressional action related to Holocaust-era artwork restitution, the timeline of the Holocaust and the scope and nature of genocide are long established.

In 2016, Congress amended the provision of property recovery in the Foreign Sovereign Immunities Act. This also specifically raised the availability of claims for Nazi looted art. Additionally, in 2016 the Holocaust Expropriated Art Recovery (HEAR) Act ensured that Holocaust-era art claims are decided on the merits.

In 2017, Congress passed the Justice for Uncompensated Survivors Today (JUST) Act. In July, the United States State Department released a report as required by the JUST Act which stated:

"The Holocaust was also one of the largest organized thefts in human history. The Nazi regime's confiscation, seizure, and wrongful transfer of the Jewish people's property were designed not only to enrich the Nazi regime at the expense of European Jewry but also to permanently eliminate all aspects of Jewish cultural life."

We are concerned that the brief your government filed has attempted to distinguish the forced sale of the cultural artwork collection in question from "expropriation" under international law.

Putting aside the legal argument that expropriation does not relate to a state unfairly taking property from its own nationals, your government seems to be arguing that forced sales of art to the Nazi regime do not constitute takings at all and that the definition of genocide does not include what happened with respect to the full elimination of Jews from German economic life starting in 1933 when Adolph Hitler and the Nazi regime took complete control.

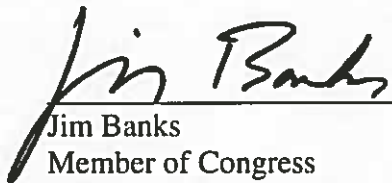
The timeline of the Holocaust is settled and sacred. This has been the bipartisan position of the United States Congress for a generation. Multiple states across our country have Holocaust education in their curriculum which teach this timeline to our school children. The United States Holocaust Memorial Museum has established this timeline as well.

Lastly, Congress made clear in the 2017 Elie Wiesel Genocide and Atrocities Prevention Act the scope and nature of genocide. The brief your government filed seems to suggest that genocide is understood as involving infliction of physical killing and harm, but not economic crimes. This is deeply concerning.

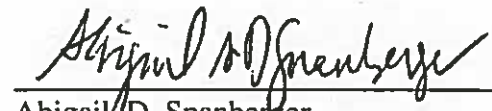
Please know that we value the alliance between our governments and have worked to grow trade and cultural ties between our two countries in each of our states.

This being said, we respectfully request clarification on these important points made in the brief submitted to our Supreme Court.

Sincerely,




Jim Banks
Member of Congress




Abigail D. Spanberger
Member of Congress



Joyce Beatty
Member of Congress



Matt Cartwright
Member of Congress



Steve Chabot
Member of Congress



Madeleine Dean
Member of Congress




Brian Fitzpatrick
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Anthony Gonzalez
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Josh Gottheimer
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Bill Johnson
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David P. Joyce
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Robert E. Latta
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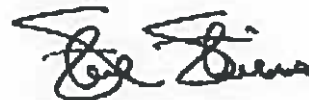
Susie Lee
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Debbie Wasserman Schultz
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CC: Secretary of State Mike Pompeo