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Sidney Clearfield

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THE ROLE OF THE WORLD JEWISH RESTITUTION ORGANIZATION AND OTHERS IN RETURNING STOLEN ASSETS

SIDNEY CLEARFIELD*

When Professor Guttman asked me to participate, my first reaction was that I did not know anything about the legality of neutrality, nor do I know anything about the meaning of morality. However, since I was one of the people who founded the World Jewish Restitution Organization, which I think created all of this recent interest, I think I can talk about what we are concerned with, and what we are looking for on behalf of our constituencies.

Actually, we started in 1992, in a conference in Madrid. Encouraged by the opening of Eastern Europe, nine world Jewish organizations got together, and began to look at what happened to Jewish communal property in Eastern Europe. In the beginning, we did not start with the West or Switzerland. It was in the course of the research in Poland that we found a deal, a treaty between Poland and Switzerland that allowed Switzerland to take assets that belonged to Polish citizens. We found many of these assets belonged to Jewish victims. The deal between Poland and Switzerland allowed these assets to be used to pay for Swiss interests that had been nationalized in Poland. So, the Poles benefitted, the Swiss benefitted, and the victims, once again, lost. These events led to the beginning of the research in Poland. We found that Switzerland and Hungary had reached an arrangement, similar to the arrangement between Switzerland and Poland.

* Executive Vice President, B'nai B'rith—World Jewish Restitution Organization. This paper is a transcript of the proceedings that took place at the Conference on Neutrality, Neutrality, and the Holocaust, which took place at the American University Washington College of Law on April 23, 1998.

A survivor that I know very well, who today lives a middle class American affluent life, told me on numerous occasions that after surviving Auschwitz and the death marches that followed the liberation or the near liberation of Auschwitz, that the thing she found most difficult in dealing with today is that nobody cares. Even upon her liberation, she had nowhere to go, nowhere to turn, no money, no education. As someone mentioned earlier today, from the time of the Evian Conference, the potential victims of the Holocaust felt, and were, in fact, abandoned by much of the world. This friend of mine says she wants above all for the world to look in the mirror, to look at itself, to somehow understand how it failed, and to somehow make sure that this does not happen again.

While many of the facts were known earlier, history and the world seemed to pass over many aspects of the Holocaust that the victims feel were important. Among these forgotten facts is the fact that, beyond being the greatest systematic murder in history, the Holocaust was also the greatest systematic robbery in the history of mankind. Rabbi Sobel mentioned this with a great deal of emotion. In many of the meetings I have attended, I have heard that emotion; particularly from the community of survivors who feel this emotion very deeply and are very concerned that somehow, before the biological clock does its work, they must leave a legacy that will keep the world from repeating its previous errors.

When we look at the robbery, we see Germany as the thief. We see the neutrals as the fences. We see the Allies as the judges who handed down only a slap on the wrist of the perpetrators.

Jewish organizations and survivors want, above all else, for the world to confront, to acknowledge, and, to the extent possible, to make some amends. We want three things from this effort. First, we want history to be corrected. Second, we want the truth, all the truth, the unvarnished truth untarnished by particular national interests. Finally, we want nations to confront the questions of morality, as well as the questions of expediency, and we want material reparations to serve as a small token of justice.

The historical facts lay buried in archives, many of which have been closed to public scrutiny and historical research. Some of these archives, such as the Archives of the Vatican, continue to be closed, so that they are not part of the historical record. Even those archives

that are open will take a tremendous effort to locate and research. We are talking about a tremendous effort. I know there are people here who are engaged in that effort. It is a major, major task to find the truth today.

However, much to our surprise, doing the research is not the most difficult part of all this. The most difficult part of this process appears to be that countries are now being confronted with their own national behavior, as revealed in these archives, even though that behavior occurred many years ago and was perpetrated by discredited regimes. If one looks at the behavior of some of the Swiss officials, both inside and outside the government, or the controversy in the Swiss media, we can see how painful this process has become for Switzerland—which has been singled out on this issue.

I used to be engaged in psychological counseling. What strikes me is, just as individuals find defenses to protect their ego; nations also find defenses to protect their national psyche—all nations. Even organizations, such as my organization, exist by adhering to a network of goals and values supported by myths that illustrate and bind them together. That is what is so difficult in this situation—looking in the mirror and dispelling myths carefully nurtured, sometimes over decades, sometimes over centuries. This is an extremely painful process.

For example, a new view is being unveiled about my nation, the United States. This view portrays the United States as a nation that kept out potential victims of Nazi death camps, that did not do all it could to stop the killing, that allowed and sometimes aided Nazi war criminals to escape—and I could go on. This view goes against the myths that I have learned all my life about the nature of this country, but it has emerged from this search for truth. Switzerland is now sometime viewed as a silent partner of the Third Reich, as a country making a profit on the destruction of human beings. These are issues that shatter the carefully developed national myths of that country.

There are sixteen countries that have embarked on some form of self-examination based on our efforts. A few months ago, I had the occasion to visit a number of different national commissions and discuss with them how they were proceeding in their efforts. Some, I think, are doing, and have agreed to do, a very credible job. Some, I fear, are having a great deal of difficulty actually doing what they say they are going to do.

A theme that I heard from some of these nation's commissions was, "our population is not ready," or "our population is unwilling to look at and to deal with these issues." Some would so limit the field of inquiry to deal only with that which they felt they absolutely had to deal with, such as the transport of gold, without looking at a lot of the other issues and questions that went along with this particular period.

The chairman of one committee went to great pains to indicate to me that they could not in the end acknowledge any level of wrongdoing or guilt; that they might be very willing to contribute to a Holocaust victims' fund, but only as a humanitarian gesture and not as a moral issue. Just as it is difficult for individuals to examine their behavior and self-image, it appears difficult for nations as well.

There has been a lot of rhetoric. I am trying to respond to some of this rhetoric. Some of the rhetoric is directed at us, "the only thing you guys want is money". That is not true. Some of the rhetoric has been directed towards nations, towards regimes. Some of it I think is unfair; some of it overblown. That is in the nature of rhetoric. Only the conclusion of good scientific historical research will do away with that. However, the reason there is so much rhetoric is that it is the only thing that began to create the leverage that caused nations to even begin to look at this issue. If there hadn't been all of this rhetoric, admittedly somewhat overblown, then I don't believe that anybody would have paid any attention to this issue, just as they had done for some fifty years.

Some have stood behind the defense of neutrality. We want only to look at history, but we want to know where the line is between neutrality and profiteering. Some of the Allies have admitted to complacency, but we do not want to know only the history. Rather, we ask, where is the line between complacency and complicity?

What we want is for every country, neutrals, victims, victors, and, of course, perpetrators—which includes, not only Germany, but places like Croatia, Slovakia, and the Baltic states—to confront their role in this great human tragedy. We want them to acknowledge their participation. We want them to take steps within their nations and within the world arena to diminish the likelihood of any repetition. We want the world to learn from what has happened. If that means changing the laws of neutrality, it should be done.

The third area that we are reviewing is material restitution and reparations. Our effort in this regard has several goals, which include gaining a measure of dignity for the needing, remaining survivors; receiving justice for their heirs; and, yes, making an effort to deprive beneficiaries of ill-gotten gains.

While Germany, over the years, has provided a great deal of money for some survivors by providing pensions, many survivors, particularly in Eastern Europe because they were behind the Iron Curtain, have received little or nothing and still live in poverty today. These people, who were deprived of everything, who endured unimaginable physical and mental abuse, and who the world abandoned, deserve the opportunity to live out their final days with some dignity. We believe the world owes them that much.

The justice for the heirs, both private and communal, is intertwined with the goal of depriving perpetrators and beneficiaries of ill-gotten gains. We feel some of the gold that we have been talking about was stripped from victims, and now sits in the vaults of a number of countries. We want to ask the question, should not some of that be used for the survivors?

Who should live freely in the house snatched from someone's grandmother? Who should own the artwork and the household goods taken by either the Nazis or the indigenous populations of the areas that were made "Judenrein?" In the Netherlands, for example, the people came to empty the apartments of Jews three minutes after the Jews were taken out and headed for deportation.

Who should own the buildings, including some buildings erected by my own organization? Should we reclaim buildings that were developed by branches of our organization? Who should own the schools, the old age homes, the synagogues that were left behind? Who should pay insurance policies that have gone unredeemed, or where the heirs have been prevented from redeeming them?

This material restitution and reparation is an integral part of the search for justice. Therefore, we believe that we are seeking truth, morality, and justice.

Thank you.