



United States Department of State

Washington, D.C. 20520

December 22, 2015

Nowy Dziennik  
Polish Daily News  
70 Outwater Lante Suite 402  
Garfield, New Jersey 07026

Dear Mr. Nowakowski and Mr. Sadowski:

Thank you for your letter of October 15 to Secretary Kerry asserting that Poland has extinguished all property claims by American citizens under the terms of the 1960 bilateral treaty. You also asked for the State Department's position on property claims issues raised in correspondence to the Secretary on June 29 from forty six Members of Congress as well as a July 30 letter by the Comptrollers of the City and State of New York and the Treasurer of the State of California to Polish Prime Minister Kopacz. Thank you also for the memorandum from the Platta Law firm, which you attached to your letter.

Pursuant to the July 16, 1960 bilateral treaty between the Government of Poland and the Government of the United States, Poland agreed to pay \$40 million to settle claims of nationals of the United States against Poland for property taken and nationalized on or before entry into force of that Agreement. The 1960 Agreement covers claims only of persons who were U.S. nationals *at the time of the taking*, not at the time of the Agreement. The Agreement's Annex defines "claims of nationals of the United States" as "rights and interests in and with respect to property nationalized, appropriated or otherwise taken by Poland which, from the date of such nationalization, appropriation or other taking to the date of entry into force of this Agreement, have been continuously owned...directly by natural persons who were nationals of the United States." This interpretation was confirmed by the Foreign Claims Settlement Commission, which only considered eligible those persons who were U.S. nationals at the time that Poland took their property.

The Platta Law Firm's assertion that "American citizens, especially those of Jewish origin", were compensated under the 1960 Agreement does not address the fact that most American Jewish claimants were not American citizens at the time their property was confiscated and nationalized *and thus were not eligible for compensation*. Jewish and non-Jewish Americans of former Polish citizenship have long complained that Polish laws governing private property and the Polish court system are especially cumbersome, challenging, time consuming and expensive for claimants outside of Poland. The United States has consistently advocated for legislation or reforms to the Court system that are fair, comprehensive, and nondiscriminatory and that are neither burdensome nor costly to the individual claimant. The 1960 Agreement does not preclude the United States from approaching the Government of Poland to encourage adoption of fair and transparent property laws and reforms to the court system. It is worth noting that the majority of claimants are Polish citizens who are neither Jewish nor American.

With regard to Communal Property, the United States welcomed the Act of February 20, 1997 that established the Regulatory Commission to restitute Jewish communal and religious property. The Government of Poland's support for the Regulatory Commission is essential for the Commission to conclude its important work. The United States has encouraged the Polish government to improve the functioning of the Commission. In 18 years, the Regulatory Commission has processed only approximately 45% out of over 5500 claims filed. We urge the Government of Poland to work with the Jewish community to expeditiously resolve outstanding claims.

Lastly, with regard to heirless property, the Holocaust was an unprecedented act of genocide, whereby the Nazis murdered 90% of Poland's 3.5 million Polish Jews. The notion of abandoned property without heirs escheating to the State under these circumstances cannot be considered a routine procedure under customary law to address heirless property. As such, the United States urges the Government of Poland to consider ways to address heirless property, including establishing an organization to act as successor to the unclaimed property or establishing a fund to assist the local Jewish community and former citizens of Polish Jewish citizenship abroad.

I hope this information has been useful to you. Please do not hesitate to contact me if you have further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Dean". The signature is fluid and cursive, with a large loop at the end.

Nicholas Dean  
Special Envoy on Holocaust Issues  
U.S. Department of State

CC: The Honorable Ambassador Ryszard Schnepf