

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Senate Committee on the Judiciary Subcommittees on the Constitution and Oversight,
Agency Action, Federal Rights and Federal Courts
Hearing, “S. 2763, the Holocaust Expropriated Art Recovery Act – Reuniting Victims with
Their Lost Heritage” June 7, 2016**

It’s been said that the artwork and other cultural items the Nazi regime stole from their rightful owners from 1933 to 1945 represents the “greatest displacement of art in human history.”

The systematic theft during the Nazi era is unique in world history, not only by virtue of its massive scale, but also of course, because it was accomplished through such unspeakable crimes and widespread destruction. Since that time, there have been efforts both here and abroad to help reunite stolen artwork with their owners. These efforts have resulted in varying levels of success.

Nevertheless, the United States has taken the position that claims by victims and their heirs should be resolved expeditiously and on the facts and merits of the claims.

One of the sad and unfortunate byproducts of Nazi persecution, is that the nature, scale and particular circumstances of their crimes render unfair the application of certain rules that typically govern the restitution of property. I’m referring, of course, to statutes of limitations and other time-based bars to litigation.

As some of our witnesses will share with us today, piecing together the stolen art’s history of ownership is an especially tall task because of the fragmentary evidence available in the wake of the Holocaust. Not only were many of the original records destroyed during the Nazi era, but much of the stolen artwork was then resold multiple times – often without any documentation, and often on the black market. And as we’ve seen in some instances, the statute of limitations expired while World War II was still being fought.

Under these unique circumstances, the time-based defenses that are typically, and appropriately, available to defendants in actions to return stolen property may be inappropriate, here.

That is not to say that we should sweep aside time-based defenses indefinitely. There still needs to be, in my view, some degree of finality with respect to these claims. Put differently, while it may be appropriate under the circumstances to reset the clock on time based defenses, there should still be a clock. But the bottom line is this: we need to fulfill our commitment to make sure that this artwork is returned to its rightful owners.

I look forward to hearing from the witnesses today as we continue to consider this important legislation.