

YIVO INSTITUTE FOR JEWISH RESEARCH

ידי שער רויסנשאַטלעכער אינסטיטוט - ירוק

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September 5, 2000

Hon. Judah Gribetz
Special Master for Holocaust Victims Assets Litigation
Richards and O'Neill LLP
885 Third Avenue
New York, New York 10022



Dear Mr. Gribetz:

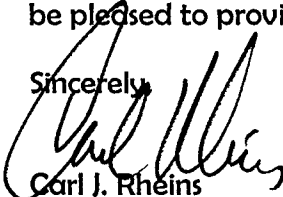
On behalf of the YIVO Institute for Jewish Research, I submit herewith a plan under which funds from the settlement of claims against the Swiss banking institutions would be allocated to YIVO. As the only pre-Holocaust scholarly institution that survived to transfer part of its collections from Eastern Europe to the United States, YIVO is uniquely qualified to receive such funds.

As noted in the "Initial Questionnaire" filed with the Notice Administrator in San Francisco in June 2000, YIVO stands by its estimate of a minimum of \$2 million as the amount of our losses in World War II. If YIVO were to replace all the library and art assets stolen by the Germans from 1942-1943, the dollar amounts would be significantly higher.

YIVO is a unique institution; its collections embrace every type of Jewish cultural artifact and area of scholarship, as described in the annexed memorandum. With the funds requested, YIVO would sponsor a series of five endowed grants-in-aid to graduate students and emerging scholars for East European Jewish research projects, partially fund the creation of *The YIVO Encyclopedia of the History and Culture of Jews in Eastern Europe*, and, finally, rebuild and augment the holdings of the library and archives.

I believe that YIVO qualifies as a claimant organization in the Swiss settlement. The annexed memorandum spells out the specifics of YIVO's claim. If you or your staff have any questions, I would be pleased to provide additional information.

Sincerely,



Carl J. Rheins
Executive Director

Enclosures

CC: Mr. Bruce Slovin, Chair, YIVO Board of Directors

Proposal for Funding

to

Special Master for Holocaust Victims Assets Litigation

September 5, 2000

Submitted by:

YIVO Institute for Jewish Research
15 West 16th Street
New York, New York 10011-6301

Founding of the YIVO Institute for Jewish Research

The YIVO Institute for Jewish Research (*Yidisher Visnshaftlekher Institut*) was founded in Vilna, Poland (now Vilnius, capital of Lithuania) in 1925, at a conference of Jewish scholars and social scientists that included Albert Einstein, Max Weinreich, and Sigmund Freud. Its goals were to record the history of the language, literature, and culture of the Jews of Eastern Europe, and to pioneer in the critical study of these topics. A prime activity within these larger goals, with the assistance of amateur collectors, was the collection and preservation of documents, letters, books, posters, artworks, newspapers, photographs, music, folklore, and other material reflective of everyday Jewish life in Eastern Europe. From the beginning, YIVO has collected and explored Jewish scholarship, political and religious activities, cultural products, education, and community institutions across the broadest band of Eastern Europe, continuing with the study of the lives of the descendants of these Jewish communities around the globe.

In the great entry hall of the YIVO headquarters, Wiwulskiego 18, in Vilna, a Yiddish map of the world once hung, with an inscription that read: "*Der yivo un zayne farbindungen iber der velt*" (*YIVO and its affiliates across the globe*). YIVO was immediately embraced by East European Jews as a focus of national pride, the foremost treasury of Jewish culture and a modern laboratory within which Jewish society was studied and served.

From its inception, YIVO's work was animated by a deep concern that the language and culture of Ashkenazic Jewry were undergoing radical transformations in a rapidly modernizing world. YIVO's founders worked tirelessly to collect the documents and archival records of the Jewish communities from across Eastern Europe, years before the unforeseeable devastation that would befall them.

At the beginning of World War II, several of YIVO's leading scholars, including Dr. Max Weinreich, managed to escape from Nazi-occupied Europe and find refuge to continue their work in the United States. The YIVO Institute for Jewish Research, headquartered in New York since 1940, is living proof of their courage and devotion. In the years following World War II, through the efforts of survivors, the United States Army and others, YIVO was able to reclaim a portion of its prewar library and archives confiscated by the Nazis. These materials form the core of the current collections.

The YIVO Library now contains over 350,000 volumes, in Yiddish and many other languages; the Archives hold more than 23,000,000 archival pieces, including diaries, letters, posters, sound recordings, costumes, art, and ceremonial items, and over 100,000 photographs, many of which are the only record of a vanished life. YIVO's is the world's largest archive of materials on the life and culture of East European Jewry.

YIVO today continues its dedication to understanding the Eastern European roots of the contemporary Jewish experience. In February 1999, YIVO, as leader, joined by other institutions dedicated to Jewish culture, moved into the Center for Jewish History, its new home. YIVO's Library and Archives are open to the public free of charge, and are used by a panoply of scholars, researchers, students, teachers, journalists, genealogists, and lay readers, both Yiddish and non-Yiddish speaking. Materials collected are in a wide variety of languages in addition to Yiddish; these include Hebrew, German, French, Russian, Rumanian, Hungarian, Ladino, and English. Books, periodicals, and reference materials are acquired for the Library each year, while the Archives collect chiefly historical materials in non-book formats.

In a typical year, there are more than 4,000 visitors to the YIVO library. This has already begun to increase at the new location. Over 9,000 telephone, fax, and email inquiries annually are fielded by YIVO staff. The unique YIVO exhibition, "The Power of Persuasion: Jewish Posters of the Pre-War Period," opened in Warsaw in January 1999 at the Jewish Historical Institute-ZIH. In June 2000, it moved to Paris, where it opened at the Musée d'art et d'histoire du Judaïsme.

Many museums display historic posters, photographs and artifacts (often on extended loan) from YIVO. These include Washington's U. S. Holocaust Memorial Museum, the Diaspora Museum in Tel Aviv, and New York's Jewish Museum and new Museum of Jewish Heritage. The Max and Frieda Weinstein Sound Archive at YIVO also is an invaluable resource for historic songs, taped interviews with Yiddish speakers, East European folksong and ethnomusicology.

- The many other programs and resources at YIVO, as well as professional memberships and partnerships, are summarized in Attachment A-1. The YIVO Public Programs Schedule for Fall-Winter 2000-2001 is appended as Attachment A-2.

Losses During World War II

Although YIVO was able to renew its life in New York from the remnant collections returned after the war, it lost more than half its holdings, as well as its headquarters building and property in Vilna. Some of these losses are irreparable -- materials that cannot be replaced because they were one-of-a-kind.

- History

YIVO flourished in Vilna until the Soviet occupation of Lithuania in August 1940. Following the German conquest in July 1941, the YIVO building was turned into a German military barracks, many of YIVO's key leaders were arrested and murdered, and the YIVO Library and Archives were ransacked; many thousands of books, papers, photographs, Judaica, and other items were destroyed or stolen.

Stuart E. Eizenstat, Deputy Secretary of the United States Treasury, commented on April 10, 2000, in an address in New York City, that "The Holocaust was not only history's greatest example of inhumanity, but history's greatest theft: Billions of dollars of gold from the ... banks of the countries overrun by the Nazis and from victims... Some 600,000 pieces of art were stolen." These seizures were part of a greater effort to eliminate all traces of living Judaism. "Jewish communal property was a particular target, including YIVO's collections. "Seizing it advanced the goal of eliminating all traces of Judaism and the Jewish people from the continent," Eizenstat elaborated.

The systematic looting of library and art collections by the *Einsatzstab des Reichsleiter Alfred Rosenberg* (Action Squad of Reich-Administrator Alfred Rosenberg) or ERR, destroyed significant portions of the YIVO library, archives, and art collections. The ERR required the former librarians and Jewish intellectuals of Vilna to select the books, papers, and objects that were to be carried off to Rosenberg's new *Institut zur Erforschung der Judenfrage* (Institute for the Study of the Jewish Question), in Frankfurt, Germany.

In March 1942, the YIVO building was seized by the Rosenberg-unit to become a processing center for a variety of libraries and collections originally from Vilna, Kovno, and neighboring towns. Poet Abraham Sutzkever, who was part of the work group, observed,

Once the books were seized, they were subjected to a process of *selektsia* -- between life and death...as with the mass murder of the Jews, the destruction of Jewish books was meticulously recorded...the number of books sent to Germany...to the paper mills, with breakdowns according to language and century of publication." (*Embers*, p. 6-7)

Within this "system," the ERR planned to send the bulk of the YIVO library, and other materials centralized in the ghetto, to the paper mills. According to Dr. David Fishman, Professor of Jewish History at the Jewish Theological Seminary of America,

A quota of 70% was set as the proportion of books to be disposed of as trash ... books with impressive bindings were sent to Frankfurt, while poorly bound items went to the paper mills. In June, 1942, [Herman] Kruk wrote: '[I]t is heartbreaking to see this happening.' In early July he added: 'YIVO is dying; its mass grave is the paper mill.'" (*Embers*, p. 7)

The members of the Jewish work group pressed into service at the YIVO center tried, with a great deal of ingenuity and courage, to save documents, books, art works, and Judaica from destruction. The losses sustained, despite the efforts of this brave "Paper Brigade" to save YIVO materials, were massive and difficult to specify because of destroyed records. Looted assets from YIVO were transported to Germany.

- Library Materials Lost

As noted in YIVO's original filing, great losses were sustained in the library holdings. Before the destruction of its Vilna headquarters during the Nazi occupation, YIVO had amassed a specialized library of over 100,000 volumes, and over 100,000 manuscripts and archival items, which included theatrical collections, photographs, and letters of famous personalities and authors, and sundry items and cultural ephemera connected with Yiddish life in Eastern Europe. The Library was an outstanding source of Jewish history and folklore, and included Judaica in all languages.

A great deal of the collected materials was not yet catalogued at the time of the German occupation. Based on the remnant returned to YIVO, and on the materials massed since YIVO moved its headquarters to New York, many unique items were stolen or lost to the paper mills during the Nazi occupation.

- Archives Material Lost

As noted in the *Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries* compiled by The Research Staff of the Commission on European Jewish Cultural Reconstruction (Affiliated with Conference on Jewish Relations, New York, 1946) a special Supplement to *Jewish Social Studies* - Vol. III, No. 1), the YIVO Archives in 1939 included documentary material of the former rabbinical school in Vilna; papers of several liquidated Jewish communities in the Poznan district; the manuscript of Alfred Landau's Yiddish dictionary compiled over a period of sixty years; the collection of 600 life-histories of Polish-Jewish youth (over 70,000 handwritten pages, less than half of which survived); many manuscripts of a religious character; a great part of the archives of Rabbi E. Gutmacher from Grodziec; thousands of letters of Yiddish and Hebrew authors and many of their manuscripts; as well countless other treasures. [See Attachment B]

Today, the YIVO Archives still contains millions of irreplaceable items. Thousands of handwritten eyewitness accounts by Holocaust survivors and displaced persons; over 600

memorial books from Jewish communities in Poland and neighboring countries; records and documents from the Warsaw, Lodz, and Vilna ghettos constitute just a portion of the Holocaust materials. The Archives also hold the world's largest collection of East European Jewish sound recordings; over 200,000 photographs and more than 400 videos and films; about 50,000 posters documenting Jewish life from the late 19th century to the present; documentation of early immigrant experiences, including records of early relief and rescue organizations; autobiographies of hundreds of Jewish immigrants; the Bund Archives and Library documenting the Jewish Labor Movement from its inception in Vilna in 1897; and the world's most extensive Yiddish music and theater collection.

It is undoubtedly true that thousands of photographs, letters, community records and objects were destroyed or stolen during the war years, and not returned by post-war governments. Among the items in the Archives lost and/or stolen was the YIVO art collection (see below).

- Stolen Art

The Art Museum of YIVO, founded in 1935, under the direction of Dr. Otto Schneid, is cited in the *Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries*, as having held "a good collection of paintings and etchings by Marc Chagall, Mane Katz, etc.; [ceramic] figures by Ryback." The collection contained more than 100 artworks by a number of important artists. Among the holdings, besides the works already mentioned, were works of other important artists such as Mark Antokolskii, Yankel Adler, Maurycy Gottlieb, B. Kratko and Chaim Nisn Tyber, as listed in Attachment B.

What is more, the story of the YIVO collection and the artworks it included is a history of the Jewish community's involvement with and support for the Institute's museum. Each work noted was donated, by the artist (Chagall, Katz, Cuckierman), by a distinguished citizen (Dr. T. Symchowicz, Sofia and Joseph Weitzman, Mieczyslaw Zagajski), or a community group active in supporting YIVO (YIVO Friends from Lodz, Ida Kaminska 20th Anniversary Committee). The collection itself was a valuable assemblage of work by contemporary artists, but it also included religious art and Jewish ritual objects. Taken altogether, the YIVO art museum collection was a snapshot of the nature and vitality of the YIVO community; it was a living community interested in preserving and studying all aspects of Jewish life and culture, from rabbinica, to political movements, to personal histories, to community records and institutions, to creative writings and artistic output. Attachment C is a listing of art works compiled by Moshe Kligberg in 1946.

The overall plan is described in *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (1994) by Lynn H. Nicholas: "After the combat phase...the ERR planned to begin its usual confiscations of Jewish ... possessions and archives and take away 'all cultural goods ... of the opponents of National Socialism.'" (*Rape of Europa*, p. 187) In reality, based on the fragmentary evidence available, it appears that YIVO's collection, like other collections of so-called "degenerate art," was seized by Rosenberg's ERR and shipped to Germany. None of these collected works was returned to YIVO after the war.

Finally, it is important to note that it was not only the valuable YIVO collections that were pillaged and destroyed. The communities which supported the work of YIVO, like the YIVO Institute's holdings, were destroyed by the Nazi occupation and subsequent regimes. But from the remnant collections transferred to New York, it was possible to begin rebuilding this Jewish institute, and to rebuild the Jewish community that it serves.

- Possible Looted Assets Sold in Switzerland

In the ground-breaking *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art* (1995), Hector Feliciano follows his extensive investigations into the provenance of specific looted artworks to the conclusion that it has benefited many persons, institutions and countries to avoid a search into the origins of certain art works. Using the example of the Emil G. Bührle Foundation, he notes in the chapter 'A Short Swiss Epilogue: Purchased Skeletons in the Kunstkammern' that "[this foundation's art] collection contains paintings that were confiscated during the war...a good example of how Swiss collectors and dealers profited from the country's neutrality, and from the war itself."

Not only have contemporary galleries and individuals reaped the benefits from looted art, but it is also unfortunately the case that "Swiss banks and financial institutions also profited from the savings of people fleeing Nazism, as well as from the enormous cash and gold transactions with the Third Reich," Feliciano continues. "[So] too Switzerland as a whole has either forgotten, or chosen not to remember, the role it played during the war...And if Switzerland owned up to these actions, it would surely discover...too many skeletons...shadowy places, and...unresolved questions in its past." (*Lost Museum*, pp. 204-205)

Feliciano is but one researcher who has been able to uncover facts about art and assets looted from Jewish individuals and institutions. The YIVO Institute's once impressive art and artifacts collections also fell victim to looting and redistribution, when not destroyed by the actual warfare. As an organization that was forced to relocate to America to survive -- and to recover a remnant of the original library and archival collections -- YIVO is charged to recover what was lost, and to remember the Jewish communities so ruthlessly destroyed and plundered, teaching this history to current and future generations.

Use of Funds

YIVO's losses are in many ways irreparable. The loss of so many Jewish communities is of course a far greater calamity. Jewish life and culture, as lived in many Eastern European countries, was varied, complex and full of life. But these communities, for the most part, are gone or severely reduced.

The YIVO Institute is dedicated to ensuring that the history and memory of Jewish life across Eastern European are not forgotten.

In this regard, YIVO proposes to apply funds received from this request for three major initiatives:

1. ***First, YIVO would establish five graduate-level scholarship grants-in-aid, to be offered on an annual basis to emerging scholars and Ph.D. candidates, supporting them as they pursue Jewish studies research in the newly reopened archives in the former Soviet Union and across Eastern Europe for one year.*** A decade ago, a huge shadow was lifted from Eastern Europe. A vast segment of humanity achieved political, economic, cultural, and religious freedom. Scholars are now free to pursue all topics and all issues without political and ideological constraints, and access to archives and libraries long closed to free inquiry, has become available. Younger scholars from the Americas, Israel, Eastern Europe and elsewhere have begun to make great advances in the recovery of the history and culture of East European Jewry. Scholars now have new access to formerly closed archives and libraries, to populations in the former Soviet Union, to community records, cemeteries, and other building blocks of historical documentation. With these new YIVO grants-in-aid, graduate researchers

will be able to explore in those areas; a veritable explosion of new information, new understandings and interpretations will be the anticipated result of this opportunity.

The time is right to establish these fellowships/grant-in-aids. It is particularly important to encourage the new historical scholarship now, while some of those who lived in both the pre- and post-war Jewish world are here to contribute their knowledge and experience. These fellowships will ensure that the story of Jewish Eastern European community life, in all its complexities and variations, which vanished during the Holocaust, will be recorded and studied.

2. ***In the second initiative, the funds requested would be instrumental in supporting a vital new project: The YIVO Encyclopedia of the History and Culture of Jews in Eastern Europe.*** The *Encyclopedia* will be a standard book of reference on Jewish life and culture in Eastern Europe, before during and after the Holocaust. The *Encyclopedia* will provide the definitive history of East European Jewry before, during, and after the Holocaust. By describing the way of life of the lost communities and people, this compendium will serve to document and memorialize the complexity and richness of that life and culture, and the distinguished individuals who labored on behalf of the greater Jewish community, including those who participated in political and religious movements, the scholars, artists, musicians, actors, writers, and others of note.

Under the guidance of Editor-in-Chief, Dr. Gershon David Hundert, the Montreal Jewish Community Professor of Jewish Studies at McGill University, Montreal, Canada, the *Encyclopedia* is planned as a two-volume work of 1.2 million words, 1000 illustrations, and over 100 maps. Indiana University Press has agreed to publish the *YIVO Encyclopedia*, with a target date of 2004.

The *YIVO Encyclopedia* is intended to be a comprehensive encyclopedic reference work for information on all aspects of the history and culture of Jews in Eastern Europe from the beginnings of Jewish settlement to the present time. Alphabetically arranged articles, presented in a readable and inviting format, will be devoted to persons, places, aspects of material culture and social and cultural phenomena. An attempt will be made to attend also to the imagined experience of Jews in Eastern Europe through their literature, art, music, architecture, and folklore. Illustrations and photographs will be used copiously to document and supplement the written text. Maps will help readers cope, for example, with the bewildering shifts in political boundaries, particularly in the last three centuries. The *YIVO Encyclopedia* is envisioned as the *Britannica* on Jewish life and culture in Eastern Europe.

While a descriptive encyclopedia cannot in any way replace the actuality of the life once lived in Eastern Europe by Jews, it will serve to honor the memory of the lost communities, their many accomplishments, and the long history of Jewish life in Eastern Europe. It is critical to make this complicated history available to English-speaking readers at a time when those that once lived in the destroyed cities and towns are still alive to share their experiences, memorabilia and scholarship.

3. ***The third piece would go toward rebuilding and augmenting the current YIVO collections.*** Particularly, YIVO would focus on filling gaps in the sets of newspapers and periodicals from communities across the globe prior to World War II, as well as for restoring the few works of art still remaining in the collections. The new materials would cover aspects of Jewish life and culture in Eastern Europe; with these accessions YIVO will be able to maintain

its preeminent position as a global resource center. All funds from this request will go to new accessions.

Particular attention will be paid to building the Slavic Jewish collection, as well as to adding contemporary publications from each of the Baltic states, those of the former Soviet Union, and from the countries across the globe wherein succeeding generations have settled. None of this support would be spent on salaries or administrative overhead.

Conclusion

In the words of the distinguished Dutch Jewish historian Jacob Presser, "Like history, life continues, but sometimes there must be one who remembers." Remembering, preserving the artifacts of East European Jewish life and history, and teaching about these to present and future generations -- these are the challenges met daily by the YIVO Institute for Jewish research, against all odds.

The \$2 million in funds requested from the settlement with the Swiss banks will provide a foundation to ensure that YIVO's timely work moves forward.

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