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23 July 2009



department for
culture, media
and sport

Dear Mr Rowland,

**CLAIM FOR EIGHT DRAWINGS IN THE COLLECTION OF THE COURTAULD INSTITUTE,
LONDON**

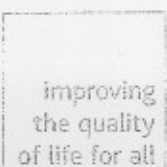
Thank you for your letter of 8 July to the Chairman of the Spoliation Advisory Panel,
which he has seen.

The Chairman has authorised me to say that he has considered your comments on the
Panel's determination of the claim, including your request that the decision is reviewed.

I must inform you, however, that the Chairman sees no reason to review the Panel's
decision, which stands.

Yours sincerely,

Mark Caldon
Assistant Secretary to the Spoliation Advisory Panel



Subj: **Denial of Request for Reconsideration, Glaser v. Courtauld**
Date: 2009-07-29 15:53 Eastern Daylight Time
From: DavidJohnRowland
To: hillary.bauer@culture.gsi.gov.uk
To: Mark.Caldon@Culture.gsi.gov.uk

Dear Mr. Caldon:

I have received today your brief letter informing me that the Chairman sees "no reason to review the Panel's decision, which stands."

Both my clients and I find this response to be entirely unsatisfactory in light of the several reasons which we have conveyed to the Panel as to why the decision should be reconsidered. These are to wit:

1. The Panel found Glaser to be a Nazi persecutee who lost his property, including the eight drawings in question, due to Nazi persecution.
2. The Panel found that the above was already acknowledged in German restitution proceedings.
3. The Panel incorrectly found that Glaser had mixed motives for leaving Germany.
4. The Panel's finding that the Glaser heirs have an "insufficient moral claim" is not supported by the facts, including the overwhelming conclusion that Professor Glaser was a Nazi victim whose loss of property was caused by Nazi persecution.

In light of the above, the Glaser heirs must conclude that the Panel's decision is not well founded in its application of the historical record, including the prior German restitution decisions, that the Panel's decision does not appear to have a rational basis, and that the Panel's decision does not meet the requirements of a "fair and just" solution as mandated by the Washington Conference principles and Terezin Declaration, because it does not return property whose loss was clearly caused by Nazi persecution.

In particular the Terezin Declaration specifically recognizes that "...art and cultural property of victims of Nazi persecution was confiscated, sequestered and spoliated, by the Nazis, the Fascists and their collaborators through various means including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales under duress, during the Holocaust era between 1933-45 and as an immediate consequence....". This definition of Nazi confiscated and looted art fits perfectly to the historical facts and events under which Professor Glaser was persecuted by the Nazis and lost his art collection in what can only be classified as a coerced sale under duress. In such case the Panel's failure to return the artworks is both inexplicable and unsupportable.

Accordingly, we intend to lodge a strong protest with the British Parliament and to report this matter to the European Shoah Legacy Institute in Terezin (Terezin Institute) which is being set up to report on individual country compliance with the Washington Conference.

In addition, as discussed with Professor Palmer at the Prague Conference, and as one of the leading voices in the United States for a U.S. Art Commission based on the British model, I am deeply disappointed in the manner in which this matter was handled and decided which include:

1. No right for the parties to present their case to the Panel in person.
2. No right to comment on the Panel's report before it was issued.
3. No apparent criteria as to how the decision was made and no citation of previous decisions as precedent including no explanation as to why criteria used in other cases was not applied here.
4. No apparent application of the legal doctrine of res judicata with respect to previous German restitution decisions.
5. No apparent application of the Washington Conference principles or the Terezin Declaration (which was already in draft form at the time of the issuance of the Panel's decision).

6. No apparent right of appeal.

In brief, both the decision and the manner in which the decision was reached is unsatisfactory and appears to be arbitrary and not well founded in the facts and the prior decisions which the Panel has made.

I would therefore appreciate it if you would direct me to the proper address at the British Parliament where the report was sent so that my clients can voice their strong and well deserved protest.

Respectfully,

David Rowland