



# Jewish War Veterans

*of the United States of America*

*"A Jewish Voice for Veterans;  
a Veteran's voice for Jews since 1896."*

1811 R St. NW, Washington, DC 20009 | 202.265.6280 | [jwv@jwv.org](mailto:jwv@jwv.org) | [www.jwv.org](http://www.jwv.org)

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April 12, 2024

The Honorable Jesse Gabriel  
California State Assembly  
1021 O Street, Suite 8230  
Sacramento, CA 95814

## **Re: Assembly Bill 2867 – Justice for Victims of Wartime Theft - Support**

Dear Assemblymember Gabriel,

The Jewish War Veterans of the USA (JWV) writes to express our strong support of Assembly Bill (AB) 2867, to protect California residents through the judicial system when they seek to rightfully reclaim stolen art and property. This issue is particularly important as policy leaders seek to right past and ongoing wrongs concerning the theft of property of persecuted communities, including Holocaust victims.

Founded in 1896, the Jewish War Veterans (JWV) of the USA is the premier voice for Jewish uniformed service members and veterans in the United States. The JWV affirms that Jewish men and women serve honorably and heroically in the military forces of the United States of America during peacetime and war. The JWV defends the rights and benefits of all service members and veterans, combats antisemitism, and supports the State of Israel.

California has long provided strong protections for art theft victims. These protections were strengthened in 2010 to ensure that the rightful owners of a work of art don't lose their claim of ownership because of their prior lack of knowledge as to the artwork's whereabouts. This is particularly important when working to reclaim art looted by Nazis in World War II - because many families may only discover their art's whereabouts by surprise or coincidence, or after lengthy and difficult searches.

However, a recent court decision failed to protect California residents because of "choice of law" rules, which many believe were misapplied and minimized California's commitment to support rightful owners of stolen art and cultural property. The choice of law process failed to protect a California Jewish family, the Cassirers, attempting to reclaim art that was looted by the Nazis, and later purchased by a Spanish museum. Attorney General Rob Bonta and former Attorney General Kamala Harris both argued that California law should apply to cases like that involving the Cassirer family, who were forced to surrender a famous impressionist masterpiece by Camille Pissarro to the Nazis at the beginning of World War II. Despite such arguments, the Ninth Circuit recently found that Spanish law should apply in this case, effectively allowing a Spanish museum to retain ownership of the stolen painting.

The court's decision failed to uphold California's commitment to the rule that a thief cannot convey good title, and that stolen art should be returned to its rightful, original owner. It also failed to uphold Federal law, passed unanimously in 2016, to consider the time when a victim of Nazi looting becomes aware of the location of their art, and provides adequate time to pursue justice.

The only effective response to this issue is to correct the error, by clarifying California law is the substantive law to be applied in this and other stolen art cases. AB 2867 would address this recent and future potential injustices by mandating that California law must apply in lawsuits involving the theft of art or other personal property looted during the Holocaust or other acts of persecution.

Should you have any questions, please contact JWV's National Executive Director, Ken Greenberg ([kgreenberg@jwv.org](mailto:kgreenberg@jwv.org)) or 202 265 6280 ext. 406.

Sincerely,

A handwritten signature in black ink that reads "Barry Lischinsky". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

COL. Barry Lischinsky (Retired)  
National Commander (2023-2024)