PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SHERMAN. Mr. Speaker, during rollcall vote No. 34 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mrs. CAPPS. Mr. Speaker, due to a family illness I was unable to attend votes this week. Had I been here I would have made the following votes:

Rollcall No. 34—aye; 35—aye; 36—no; 37—aye; 38—aye; 39—aye; 40—aye; 41—aye; 42—aye; 43—aye; 44—aye; 45—no; 46—no; 47—no; 48—no; 49—yes.

PROPERTY RESTITUTION IN THE CZECH REPUBLIC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express my concern over recent setbacks in the return of expropriated properties to rightful owners in the Czech Republic. As Chairman of the Commission on Security and Cooperation in Europe, I have followed property restitution issues in Central and Eastern Europe over the past several years with an eye toward determining whether the restitution and compensation laws adopted in this region are being implemented according to the rule of law and whether American citizens' interests are protected under the laws. While restitution and compensation programs in several East-Central European countries have aspects of concern, today I want to bring attention to the status of restitution in the Czech Republic because of recent troubling developments there.

Since the Velvet Revolution, the Czech Republic has adopted laws that provide for the return of private property confiscated by Nazi or communist regimes. When the actual return of property is not possible, these laws offer former owners the right to receive alternate compensation. Regrettably, the Czech laws limit these rights to those who had Czechoslovak citizenship when the restitution law was adopted or who acquired citizenship before the deadline for filing restitution claims. As a result, former Czechoslovak citizens who fled to the United States seeking refuge from fascism or communism earlier this century, and are now American citizens, have been precluded from making restitution claims unless they renounce their American citizenship. Ironically, had these same individuals fled to Canada, Israel, or any country other than the United States, they would not have lost their Czech citizenship and would today be eligible to receive restitution or compensation. This result stems from a treaty signed in 1928 by the United States and Czechoslovakia that automatically terminated a person's citizenship in the United States or Czechoslovakia if that person became a citizen of the other country. That treaty was terminated in 1997, but its impact remains: under Czech law, Czech Americans are not eligible for dual citizenship in the Czech Republic. Therefore, without abandoning the citizenship of the country that took them in during their time of need, the law denies them the right to receive restitution or compensation as others have. In other words, the citizenship requirement in the Czech property restitution laws discriminates against American citizens. Moreover, it is difficult for me to think that this discrimination was simply an unintended consequence.

In the 105th Congress, the House adopted my resolution, H. Res. 562, that urges the formerly totalitarian countries in Central and Eastern Europe to restore wrongfully confiscated properties, and specifically calls on the Czech Republic to eliminate this discriminatory citizenship restriction. In this regard, the resolution echoes the view of the United Nations Human Rights Committee (UNHRC) which has concluded in two cases that these citizenship restrictions violate the anti-discrimination clause (art. 26) of the International Covenant on Civil and Political Rights. I recently learned that the UNHRC has agreed to hear at least four more cases that challenge these restrictions.

The persuasiveness of the UNHRC's reasoning, when it determined that the citizenship restriction in the restitution law is discriminatory, was compelling. Unfortunately, the Czech Parliament last month debated and rejected a proposed amendment to the law that would have eliminated Czech citizenship as a condition for property restitution claims. This approach was widely considered the most effective remedy to a serious problem. In rejecting the amendment, the parliament missed an excellent opportunity to resolve this long-standing and contentious issue between the Czech Republic and the United States.

While I deeply regret the parliament's decision, I hope that the Czech Government will now seek alternative means to end the discrimination against Czech Americans. In January, several weeks before the parliament voted down the restitution amendment, Deputy Foreign Minister Martin Palous assured me that his government planned to propose a new citizenship law that would permit dual citizenship for Czech Americans. I was heartened to learn that last month the Czech Government introduced this amendment and it is my hope that its early passage will be followed by a reopening of the claims filing period for those individuals who, by virtue of acquiring dual citizenship, will become eligible for property restitution or compensation.

Another disturbing situation involves the case of restitution to the ''double victims'' in the Czech Republic—those individuals, primarily Jews, whose properties were confiscated during World War II by Nazis and then again by the communists that swept the region in the postwar era. One case, for example, is that of Susan Benda who is seeking compensation for an expropriated house in the town of Liberec where her father and his brother grew up. Susan's grandparents were killed by the Nazis and her father and uncle fled their homeland in 1939. The family home was ''sold'' in 1940 to a German company in an transaction subsequently invalidated by a 1945 Czech presidential decree.

In 1994, the Czech Parliament expanded its earlier restitution law to allow individuals whose property was originally confiscated by Nazis between the years 1938–45 to join those whose property was taken by communists in claiming restitution. Under the amended laws, Susan Benda is theoretically eligible to receive restitution of, or compensation for, the home in Liberec. Notwithstanding the Czech Government's purported intention to restore Jewish property seized by the Nazis, However, the Czech Ministry of Finance has arbitrarily imposed additional onerous and burdensome conditions for restitution that do not appear in the law and which, in fact, appear designed to defeat the intent of the law.

Beyond the citizenship requirement in the law, the Ministry of Finance has declared that claimants must prove that they were entitled to file a claim under a postwar 1946 restitution law, that they did file a claim, and that the claim was not satisfied. Remarkably, Susan Benda found a record in the Liberec town hall which establishes that her uncle returned to Czechoslovakia and filed a restitution claim in 1947.

Next, the Finance Ministry requires claimants to prove that a court expressly rejected the postwar claim. In a country that has endured the political and social turmoil of the Czech Republic over the past half-century, the notion that claimants in the 1990s must prove, not only that a court considered a certain case more than fifty years ago, but also must produce a record of the court's decision in the case, is outrageous. Susan Benda was able to produce a claim of title showing that the house was stolen by the Nazis in 1940, confiscated by the communist Czech Government in 1953 and purchased from the Czech Government in 1992 by its current owner-occupant. While Susan cannot produce a document showing that the court actually considered, and then rejected, her uncle's postwar claim, the chain of title and the witness testimony confirm that the Benda family never got the house back—in itself simple, dramatic proof that the postwar claim was not satisfied. Apparently, however, this proof was not sufficient for the Czech authorities and Susan Benda was forced to sue the Ministry of Finance.

Last September, more than three years after filing the claim, Susan Benda was vindicated when a Czech court agreed with her assertion that the Finance Ministry should not have attached the extralegal requirements for restitution. The court ordered the Finance Ministry to pay the Benda family compensation for the value of the expropriated house.

I wish Susan Benda's story could end here but it does not—the Czech Government has appealed the court decision apparently fearful that a precedent would be set for other claims—that is, out of a fear that property might actually be returned under this law. Thus, while the Czech Government proclaims its desire to address the wrongs of the pat, those who, like Susan Benda, seek the return of wrongfully confiscated property are painfully aware that the reality is much different.

Another case that has come to my attention involves Peter Glaser's claim for a house in the town of Zatec. After the 1948 communist takeover in Czechoslovakia, Peter Glaser

sought to emigrate to the United States. To obtain a passport, Mr. Glaser was forced to sign a statement renouncing any future claims to his home. In 1954, Mr. Glaser became an American citizen; in 1962, the communist Czech Government officially recorded the expropriation of Mr. Glaser's home in the land records.

In 1982, the United States and Czechoslovakia signed an agreement that settled the property loss claims of all American citizens against Czechoslovakia. The U.S. Government agency charged with carrying out the settlement advised Mr. Glaser that, because he was a Czechoslovak citizen when his property was taken—according to the U.S. Government, this occurred in 1948 when Mr. Glaser was forced under duress to relinquish the rights to his house—he was not eligible to participate in the claims settlement program but must rather seek redress for his property loss under Czech laws.

When the post-communist Czech Republic passed a property restitution law in 1991, Peter Glaser filed his claim. In a cruel irony, despite presenting documentation from the U.S. Government attesting to the fact that Mr. Glaser was not eligible to participate in the U.S.-Czechoslovakia claims settlement program, the Czech Courts have repeatedly rejected his claim on the grounds that he was an American citizen at the time his property was taken—which, according to the Czech Government, occurred in 1962. The Czech Government asserts that Mr. Glaser's claims were settled and should have been compensated under the 1982 agreement. In other words, the current Czech Government and courts have adopted the communist fiction that although Mr. Glaser's property was expropriated in 1948, somehow the confiscation did not count until 1962, when the communists got around to the nicety of recording the deed.

This rationalization by Czech authorities looks like a back door attempt to avoid restitution. The reality of what happened to the property in Zatec is clear: Peter Glaser lost his home in 1948 when a totalitarian regime claimed the rights to his house in exchange for allowing him to leave the oppression and persecution of communist Czechoslovakia. As the Czech Government knows, communist expropriations—whether effectuated by sweeping land reform laws, as a condition or punishment for emigration, or under other circumstances—frequently went unrecorded in land registries, but that did not make the loss any less real for the victims. For the Czech Government today to cling to technicalities, such as the date the communists officially recorded their confiscation in the land registry, as a means to avoid returning Peter Glaser's home is a sobering indication of the Czech Government's true commitment to rectifying the wrongs of its communist past.

Mr. Speaker, the issue of property restitution is complex. No easy solutions exist to the many questions that restitution policies raise. Nonetheless, when a country chooses to institute a restitution or compensation program, international norms mandate that the process be just, fair and nondiscriminatory. The Czech Government has failed to live up to these standards in the cases I cited.

The Czech Government must end the discrimination against Czech Americans in the restitution of private property. Moreover, the rule of law must be respected. I call on the Czech Government to reconsider its disposition in the Benda and Glaser cases. Czech officials often say that aggrieved property claimants can seek redress in the courts for unfavorable decisions. However, when claimants do just that, as did Peter Glaser and Susan Benda, the Czech Government asserts outrageous or technical defenses to thwart the rightful owner's claim or simply refuses to accept a decision in favor of the claimant. Fortunately, Mr. Glaser, Ms. Benda, and others like them, have pledged to fight on despite mounting costs and legal fees that they will never recoup. The passion and determination of Peter Glaser and Susan Benda, as of all victims of fascism and communism in Central and Eastern Europe, reveal that what may look to some as a battle for real estate is ultimately a search for justice and for peace with the past.

IN HONOR OF THE UNION COUNTY COMMISSION ON THE STATUS OF WOMEN AND THE WINNERS OF THE 1999 WOMEN OF EXCELLENCE AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Union County Commission on the Status of Women and the winners of the 1999 Women of Excellence award. This organization was established in September, 1989, and has dedicated itself to ensuring that women in Union County are treated fairly in the workplace. They continue to provide information and support to women that affects not only my district, but the whole state of New Jersey.

By providing this information to a number of governmental agencies, the Union County Commission on the Status of Women has played a central role in attaining and maintaining equality for women. They advise the Board of Chosen Freeholders in the policy and decisionmaking process of County government, recommend programs to promote the expansion of rights and opportunities available to women in Union County, and originate and implement comprehensive programs to meet the special needs, interests, and concerns of the women of Union County.

To accomplish this necessary and important task, the organization has consistently sought out the best and the brightest people to help them achieve their goals. They have been so successful in this venture that this year, twelve women are singled out for their drive, motivation, and accomplishment in guaranteeing that the rights of the women of Union County are protected. And, as they were singled out by the Commission, I would like to take this opportunity to recognize these women once again for their work and dedication:

Business—Nora Holley MacMillan of Summit

Community Service—Nancy Terrezza of Union Township

Education—Roberta T. Feehan of Elizabeth

Government—Charlotte DeFilippo of Hillside

Government—Senator Wynona M. Lipman of Newark

Health Care—Hazel H. Garlic of Elizabeth

Journalism/Public Relation—Adele Kenny of Fanwood

Law—Judge Susan M. McMullan of Westfield

Law Enforcement—Sergeant Nancy McKenzie of Rahway

Volunteerism—Glenda Magloire of Union County

Women's Advocacy—Mayor Geri Samuel of Scotch Plains

Women's Advocacy—Nellie Suggs of Westfield.

These women exemplify leadership and dedication to both Union County and the community at large. For these tremendous contributions to New Jersey and their incredible example as public servants, I am very happy to honor these individuals for their achievements. I salute and congratulate all of them on their extraordinary accomplishments.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, due to inclement weather I was unavoidably detained in North Carolina this morning and was therefore unable to cast a vote on rollcall Votes 34, 35 and 36. Had I been present, I would have voted ''YEA'' on rollcall 34, ''YEA'' on rollcall 35 and ''YEA'' on rollcall 36.

HONORING MS. RITA SCHWARTZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Rita Schwartz, for her exemplary community service, and for her numerous contributions to the Brooklyn community.

Ms. Rita Schwartz is the Director of Government Relations for the General Contractors Association of New York Inc., a trade organization representing the heavy construction industry. She is responsible for developing and implementing legislative and community strategies for the funding and building of the city's infrastructure system and is active politically in City Hall, Albany, and Washington. Ms. Schwartz is committed to developing opportunities for women and minorities in the construction industry and is involved in several organizations to help these groups gain access to various career opportunities.

Ms. Schwartz has served in the public sector for many years as Supervisor for Government Relations and Community Affairs with the Port Authority of New York and New Jersey. She was responsible for government and community relations and represented the Port Authority with civic, business, community groups and elected officials. In addition, she coordinated special projects and events and had an additional responsibility as Director of Homeless Service Programs for the Port Authority. Before working for the Port Authority, Ms. Schwartz was with the New York City Department of the Aging, the Health and Hospitals Corporation and the New York City Department of Parks, Recreation and Cultural Affairs.