

October 22, 2020

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First St., NE  
Washington, DC 20543

Re: No. 19-351, *Federal Republic of Germany, A Foreign State, and Stiftung Preussischer Kulturbesitz, an Instrumentality of a Foreign State v. Alan Philipp, et al.*

Dear Clerk Harris:

In accordance with Rule 32(3) of the Rules of the Supreme Court of the United States, Respondents submit this proposal to lodge certain non-record materials with the Court.

This case concerns in part the reach of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(3) (the "FSIA") and whether a transaction in 1935 that conveyed an art collection from Jewish art dealers to Hermann Goering and his agents constitutes a taking of property in violation of international law within the meaning of the statute. Among the issues now briefed by the parties is the proper historical perspective with which events in 1935 should be viewed, and to what extent Congress intended to include such takings in the FSIA.

On October 16, 2020, eighteen members of the United States House of Representatives wrote a letter to the Emily Haber, the Ambassador of the Federal Republic of Germany to the United States of America.

In the letter, the Representatives address Congressional policy and understanding with respect to the timeline of the Holocaust, and those Representatives' concern at the positions taken by Petitioners in this case. The letter will therefore aid the Court in deciding the issues before it about the FSIA.

Respondents will promptly deliver a copy of the letter if the Court approves.

Thank you very much for your time and assistance in this matter.

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Very truly yours,

/s/ Nicholas M. O'Donnell  
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