



Holocaust Survivors' Foundation - USA

April 22, 2009

Member Organizations (Partial List)

Amer. Assn. of Jewish Holocaust
Survivors of Greater Boston

Assn. of Holocaust Survivors from
Former USSR, Los Angeles

C.A.N.D.L.E.S., Terre Haute, IN

Child Survivors of Arizona

Child Survivors/Hidden Children of
The Holocaust

Coalition of Holocaust Survivor
Clubs in South Florida

Council of Nazi Holocaust Survivor
Organizations of So. California

Habonim Cultural Club, Miami

Holocaust Child Survivors &
Friends of Greater Hartford

Holocaust Survivors Club of
Boca Raton

Holocaust Survivors of
Greater Detroit

Holocaust Survivors of
Greater Pittsburgh

Holocaust Survivors of
South Florida

Holocaust Survivors Group of
Southern Nevada

Houston Council of
Jewish Holocaust Survivors

The Jewish Holocaust Survivors &
Friends of Greater Washington

Jewish Survivors of Latvia, Inc.
New York

National Assn. of Jewish Child
Holocaust Survivors, Inc.

New American Jewish Social Club,
Miami

New Cracow Friendship Society,
New York

Survivors of Atlantic City, NJ

Survivors of the Holocaust Asset
Recovery Project, Seattle

Survivors of the Holocaust of
New Mexico

Tikvah Acharay Hashoah,
San Francisco

The Honorable
Hillary Rodham Clinton
Secretary of State
Washington, D.C. 20510

Dear Secretary Clinton:

Congratulations on your appointment as Secretary of State of the United States. We have great hope and expectations for you as our nation's top foreign policy official. As Holocaust survivors, and elected leaders of survivor groups from throughout the United States, we have a keen interest in everything you will be dealing with, from maintaining and enhancing America's relationship with Israel, protecting our nation's safety, and deploying America's prestige and power to make the world is safer and more humane.

As Holocaust survivors, we have a unique and indispensable perspective on one aspect of foreign policy, Holocaust restitution and its relationship to the dignity, rights, and interests of the dwindling surviving population.

We note with appreciation your candor in addressing many of our nation's problems. We hope you will address survivors' needs and concerns with equal honesty, and shed the platitudes and excuses that have masked the inadequacies of the status quo.

In January, we sent you a copy of our letter to President Obama that sets forth the unfinished agenda for survivors in the area of restitution. As survivors now in our 80s and 90s are passing from the scene, and as tens of thousands of our fellows are forced to live in poverty and desperation after all they endured, we urge you to act decisively to reverse the current trajectory of U.S. policy and deliver real results for the victims of history's greatest crime.

Prague Conference

This is an urgent matter because at the present time, the State Department is preparing for a conference to be held in Prague this summer that presumably will book-end the Washington Conference of 1998 as defining the goals and achievements in restitution of Holocaust victims' assets.

Right now, there is much mystery about mechanisms and people who will be participating in the Conference, and who will be leading the discussions and decision-making for the United States delegation. As several of our members have testified in Congress, a major reason for the inadequacies of the status quo has been the lack of transparency and lack of bona fide survivor representation in restitution decisions. We hope the Obama-Clinton approach will be different and make sure a number of the survivors' actual representatives are included.

"JUSTICE AND DIGNITY FOR SURVIVORS"



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- Survivors of the Holocaust Asset Recovery Project, Seattle
- Survivors of the Holocaust of New Mexico
- Tikvah Acharay Hashoah, San Francisco

Issue No. 1: Meeting Survivors' Needs

Despite a vast amount of evidence over the past decade of the grinding poverty and need among Holocaust survivors in the United States and the rest of the world, the U.S. State Department has done little or nothing to address those needs. In early March of this year, neither the Czech organizers nor the State Department was willing to include the overarching issue of survivor poverty on the Conference agenda, much less make a concrete commitment to provide for the needs of survivors around the world.

Fortunately, due to our own advocacy via the Holocaust Survivors Foundation USA (HSF) and the good offices of our elected Congressional representatives such as Robert Wexler, Ileana Ros-Lehtinen, and Alcee Hastings, the issue of meeting survivors' needs was recently placed on the Prague Conference agenda.

Now, the challenge is to take advantage of this high-profile event to make a commitment to meet survivors' needs for the next decade, with no more excuses and no more obfuscation. It would be a tragedy of massive proportions if our government, your Department, misses the opportunity to use the "Prague Conference" to highlight the issues and set out a real plan to address the problems with a permanent, dedicated funding source.

Now that HSF leaders have placed the issue on the public agenda, against the tide of interests favoring the status quo, we are requesting that you direct those responsible for the Conference in the State Department to include us and our advocates in the official U.S. delegation.

We are respectfully requesting inclusion in the U.S. delegation of a number of the HSF survivor leaders, as well as those who have been supporting us. This would include, in addition to some of our leaders named below, economist Sidney Zabludoff, founding Vice Chairman of the U.S. Holocaust Memorial Council Mark Talisman, attorney Samuel J. Dubbin, Law Professor Thane Rosenbaum, and community leader-supporters Tom Weiss, Danny Kadden, and Jonathan Slade. Understanding the financial strain our government is under, we would be responsible for funding our own travel to Prague for the Conference.

Issue No. 2: Insurance

Most survivors, and the children and grandchildren of survivors, are gravely disappointed at the way they have been treated by the U.S. government. The status quo has not yielded results this country should be proud of in human or moral terms, with culprits receiving more protection and respect than victims.

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Tikvah Acharay Hashoah,
San Francisco

Survivors are distressed by the U.S. government's actions which have allowed global insurance companies to pocket billions of dollars from insurance policies that our beloved parents and grandparents paid for, but were never honored. ICHEIC failed to address the rights of 97% of the universe of account holders. Conservative estimates show that the value of insurance policies to Jews in Europe prior to WWII that have not been paid exceeds \$18 billion in today's value. Court decisions giving insurers more than they bargained for from President Clinton have wrongly deprived survivors and heirs of our legal rights.

The State Department's role in defending insurers and participants on the International Commission for Holocaust Insurance Claims (ICHEIC) against Holocaust survivors and heirs seeking full disclosure of policy information and full restitution of policies has been very troubling. The Department has exaggerated ICHEIC's achievements and misrepresented the scope of the U.S. government's commitments to foreign countries and companies in order to thwart survivors' and Congressional efforts.

The companies such as Allianz, Generali, AXA, Swiss Re, Swiss Life, Munich Re, and others who now enjoy unfettered access to American markets, continue to hold billions of dollars worth of our families' insurance assets. We believe that survivors and families are entitled to the full truth, and to full recovery of these looted policies.

The corporations and governments that profited from the annihilation of our families should not receive "legal peace" when survivors and our families have not received moral peace. We have also pressed for inclusion of insurance on the Prague Conference agenda. At the moment, the official publications of the Prague Conference do not seem to include this vital issue. We ask that the Department insist the insurance issue be fully aired in Prague.

Issue No. 3: Real Property and Other Assets

We certainly support the two announced original goals of the Conference, restitution of East European real property, and art claims. It is important that you understand, however, that the current system for restitution of East Germany properties has been flawed because of the lack of transparency in the publication of information about survivors' and heirs' rights, and lack of disclosure about the disposition of properties and disposition of recovered funds.

Although we support the use of truly "heirless" funds to be used to assist survivors in need, it is morally wrong to place excessive obstacles for true heirs in order to create "humanitarian funds," which the current system, relying on the Claims Conference, has done.

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New Mexico

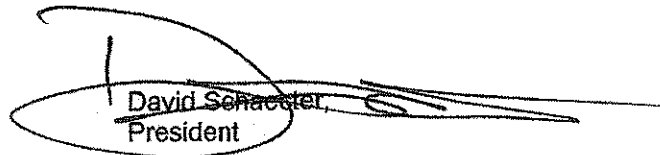
Tikvah Acharay Hashoah,
San Francisco

Every family deserves to have its lost property, art, and insurance policies restored. There should be a fully transparent and accountable process for that. Truly heirless funds must be used to help the survivors in need, a problem that even the State Department now admits warrants attention.

Conclusion

We survivors believe that you would like to stand on our side in these vitally important moral and material issues affecting the quality of survivors' lives in our last years -- for dignity over despair, for justice over injustice, for life over death. That is what we ask and hope for with regard to the Prague Conference and the other issues we raised in our January letter. We look forward to your full support.

Respectfully,


David Schuster,
President

JOINED BY HSF EXECUTIVE COMMITTEE:

Israel Arbeiter, Boston
Nesse Godin, Washington DC
David Mermelstein, Miami
Alex Moskovic, Hobe Sound
Leo Rechter, Queens
Jack Rubin, Boynton Beach
Henry Schuster, Las Vegas
Fred Taucher, Seattle
Esther Widman, Brooklyn

"JUSTICE AND DIGNITY FOR SURVIVORS"



HOLOCAUST SURVIVORS' FOUNDATION – USA

Member Organizations (Partial List)

January 30, 2009

Amer. Assn. of Jewish Holocaust Survivors of Greater Boston
Assn. of Holocaust Survivors from Former USSR, Los Angeles
California Assn. of Holocaust Child Survivors
C.A.N.D.L.E.S., Terre Haute, IN
Child Survivors of Arizona
Child Survivors Club of Palm Beach, FL
Coalition of Holocaust Survivor Clubs in South Florida
Council of Nazi Holocaust Survivor Organizations of So. California
Habonim Cultura! Club, Miami
Holocaust Child Survivors & Friends of Greater Hartford
Holocaust Restitution Committee, New York
Holocaust Survivors of Greater Detroit
Holocaust Survivors of Greater Pittsburgh
Holocaust Survivors Group of Southern Nevada
Holocaust Survivors, Inc., Queens, NY Chapter
Houston Council of Jewish Holocaust Survivors
The Jewish Holocaust Survivors & Friends of Greater Washington
Jewish Survivors of Latvia, Inc. New York
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Dear President Obama:

Holocaust survivors desperately need your help in 2009. Like millions of other Americans, we are looking to you with great hope and anticipation for an administration focused on fairness and justice. Unlike others, however, we were stripped of all our legal rights and our very humanity in the Holocaust, and have waited over six decades for collaborators and profiteers to be held accountable to us for their actions. And, while we know that millions of Americans need and deserve the help of their government, we hope you agree that it is a morally unacceptable for tens of thousands of Holocaust survivors to be living below or near the poverty line today when global companies like Generali, Allianz, and others sit on billions in unjust Holocaust profits. Mr. President, we are counting on you to correct these injustices.

Ironically, we who suffered these unspeakable horrors, have again been stripped of our rights – by the U.S. legal and political system. Today we are the only American citizens who cannot bring an action in court against an insurance company who wrongly denied payments on family insurance policies. Despite heroic efforts by Congressmen Robert Wexler and Ileana Ros-Lehtinen in the last Congress, insurance lobbyists, the Bush Administration, and a cadre of corrupt interests defeated legislation to address some of the major outstanding issues.

Despite headlines in the media that “Holocaust restitution” has been successful, this is simply not the case. The reality is that specific property restitution for individuals has been largely unsuccessful and disappointing. Only a fraction of the funds actually looted was recovered by individual owners or heirs, and only a small portion of funds paid out for “humanitarian purposes” have trickled down to meet the pressing needs of living Holocaust survivors.

The Holocaust Survivors Foundation USA, Inc., (HSF) is a national coalition of elected survivor leaders from throughout the United States that formed in the year 2000 to call attention to these problems. HSF leaders have been quoted on these issues in the *New York Times*, *Wall Street Journal*, *Associated Press*, *Los Angeles Times*, *Washington Post*, *Miami Herald*, *South Florida Sun Sentinel*, *Palm Beach Post*, *Today Show*, *CBS News*, and *Jewish Telegraphic Agency*, *New York Jewish Week*, *Washington Jewish Week*, *Cleveland Jewish News*, *Forward*, and other

national mainstream and Jewish media. We have also testified in recent years before the U.S. Congress and State Legislatures. Nevertheless, the failure of the Government and Jewish leadership to adequately address survivors' rights and interests remains a major blight on our nation's moral behavior when it comes to the victims of history's greatest crime.

The unbearable fact that while so many survivors are suffering today, huge corporations that profited from the Holocaust not only compete successfully in the "global marketplace," but in the U.S. Congressional lobbying sweepstakes. There is an urgent need for a comprehensive solution to the issues of restitution and justice for survivors who are still living. The only thing that is clear is that the status quo has not delivered either material restitution or moral closure for Holocaust victims.

According to data compiled by the Jewish Federation system in 2004, there are 174,000 survivors or "Nazi victims" living in the United States. Over 40,000 survivors, 25% of the U.S. survivor population, live at or below the official U.S. poverty level, and another 40,000 have incomes so low (up to twice the official poverty level) that they are considered poor given the cost of living in their communities. Despite some safety nets, far too many U.S. Holocaust survivors cannot afford adequate nutrition, shelter, health care, dental care, emergency services, eyeglasses, in-home care, and the like. This does not even begin to address the problems unique to aging Holocaust survivors, such as finding health-care professionals who can deal with the long-term effects of starvation, beatings, disease, extreme injury to teeth due to malnutrition and other deprivations, and other traumas that many endured in the ghettos and concentration camps.

Meanwhile, global insurance companies who are fully integrated in the U.S. market exploited the Holocaust to pocket billions of dollars for insurance policies that our beloved parents and grandparents paid for, but were never honored. Conservative estimates show that the value of insurance policies to Jews in Europe prior to WWII that have not been paid exceeds \$18 billion in today's value. Under the current legal landscape, insurers such as Generali, Allianz, Munich Re, AXA, Winterthur, Swiss Re, Swiss Life, Zurich, and others, all of whom do substantial business in the U.S., would inherit hundreds of thousands of policies owed to victims and their families. Only federal legislation can restore our rights.

The insurance companies' thefts were not passive, Mr. President. The history shows that in many cases the insurers betrayed their Jewish customers by turning over their identities, personal information such as addresses, as well as their policies to Nazi authorities. We truly hope that one of the legacies of the Obama Administration will be *action* proving that collaboration with atrocity will never be allowed to succeed, no matter how many years might pass after the events. How else can our society give meaning to our ideals about fighting genocide in places like Darfur today? You can be sure the foreign businesses and governments have been watching America's treatment of the Holocaust profiteers with a smile, seeing that in the future that they will enjoy unfettered access to U.S. markets, while paying pennies on the dollar, and be allowed to cover up the sordid details of their contributions to human degradation.

We have listened carefully to your promises of change, your commitment to “evidence based” policies, your pledge to make our government fair to the least powerful among us, and eliminate the grotesque control that special interests have over our government, as well as your goal of putting an end to genocide. Fidelity to those ideals surely calls upon your Administration to address the historical, moral, and financial issues that plague survivors today.

Mr. President, we are turning to you for justice and dignity. We know you spoke with our attorney Sam Dubbin in Miami and Congressman Wexler about some of these issues, and you expressed support for our cause. We have very little time left. Thousands of our dear brothers and sisters have already passed away having endured the indignities of old age and poverty along with the savage memories of how the world abandoned us and our loved ones. Please do not let these problems fester any longer.

The immediate steps we are asking you to take are the following:

First, support passage of legislation to require insurers to be fully accountable for their conduct toward Holocaust victims and heirs. This means requiring disclosure of policyholder names and allowing survivors access to courts and a fair period of time to bring those claims after the information becomes available. It is outrageous for these corporate giants, who grew fat on Holocaust profits, to throw their weight around Congress today with high priced lobbyists and public relations wizards.

Second, instruct all White House, Department of Justice and Department of State, and other executive branch officials, to inform all courts in which litigation is pending, including the U.S. Supreme Court, that the U.S. government supports the rights of Holocaust survivors, heirs, and beneficiaries of Holocaust victims, to have access to U.S. courts for a determination of their rights. Unfortunately, the Bush Administration recently argued that such litigation is against U.S. policy in a case against Generali, one of the most culpable insurance companies. We urge the new Administration to inform the courts, consistent with the Clinton Administration’s position as articulated in a 2000 *amicus curiae* submission in the Ninth Circuit Court of Appeals, that the United States (1) has never undertaken a duty to achieve legal peace for foreign companies against state litigation and regulatory action, (2) never agreed that survivors or heirs or beneficiaries were precluded from filing suit in U.S. courts, (3) never mandated that individual policyholders or beneficiaries bring their claims in ICHEIC, (4) never agreed that any executive agreements preempted State laws, and (5) never agreed that ICHEIC was an “exclusive remedy” for claimants as a matter of U.S. law.

Third, support legislation, or regulatory action under current Federal Trade Commission authority, to require insurers to disgorge their unjust gains from policies still owed to families who were in the Holocaust, after payment of all identifiable individual policies. We believe that since all survivors lost everything, no survivor today should live without dignity and basic needs being met. The funds from this disgorgement policy should be used – in a fully transparent and accountable manner – to assist all survivors in their final years.

Fourth, institute a comprehensive review of the status of Holocaust survivors' living conditions today, as well as an accounting of the looted assets from the Holocaust. The economists who have seriously examined this situation have concluded that governments and companies in existence today still owe at least \$150 billion in current prices to survivors and the heirs of Holocaust victims. Again, restitution of looted property is a fundamental right in this country for which all citizens should have full rights. However, for the miscreants who profited from the Holocaust to use the passage of time and the perception that survivors are elderly and politically weak, to retain this unjust blood money, is a moral crime and will taint our country for the ages.

We understand that the current crisis requires the Government to put cash in the hands of hundreds of corporations in the interest of the greater good. But it would be painfully ironic and wrong if our government did not also correct and restore our rights to recover the resources our parents and grandparents paid for in good faith but were wrongfully denied.

Mr. President, we firmly believe our goals are mandated by the ideals you campaigned to adopt. You promised fundamental change – evidence-based decisions, and restoration of the rights of the people over the special interests. You promised to stand up for human rights, and end genocide. We believe the best start for that goal is to set a standard that the passage of time will not protect the miscreants who profit from atrocity. Under the current Holocaust precedent, today's genocide collaborators in places like Darfur have nothing to fear from the United States other than a slap on the wrist and business as usual. We believe your principles, contrary to the status quo, would require full accountability.

We are taking the liberty of attaching the Congressional testimony of our officers, and other important news articles and materials describing the history and circumstances we have discussed here. We are counting on you, Mr. President, to help.

Respectfully,



David Schaefer, President

JOINED BY HSF EXECUTIVE COMMITTEE:

Israel Arbeiter, Boston
Nesse Godin, Washington DC
David Mermelstein, Miami
Alex Moskovic, Hobe Sound
Leo Rechter, Queens
Jack Rubin, Boynton Beach
Henry Schuster, Las Vegas
Fred Taucher, Seattle
Esther Widman, Brooklyn

Copies to:

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Attorney General-Designate Eric Holder
Vice President-Elect Joe Biden
Daniel Shapiro