



Holocaust Survivors' Foundation — USA

**Member Organizations
(Partial List)**

May 8, 2008

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 Bill Nelson
United States Senator
716 Hart Senate Office Building
Washington, D.C. 20510

Re: Submission for Official Record of Senate Foreign Relations Committee Hearing of May 6, 2008

Dear Senator Nelson and Other Members of the Committee:

We are Holocaust survivors, and members of the executive committee of the Holocaust Survivors Foundation, USA, which includes elected leaders of groups throughout the country representing thousands of survivors. We came together nearly a decade ago because we were alarmed about the growing poverty and deprivation among our fellow survivors that was being ignored by the Jewish leadership, and about the failure of the "restitution" establishment to deliver anything close to the promised "measure of justice." In our view, the restitution enterprise of the last decade has allowed multinational corporations to keep billions in unjust enrichment without demanding sufficient funds to provide *all* survivors with dignity in their last years.

Thankfully, the House of Representatives is addressing one such area with legislation to require global insurers to account for policies they sold our parents and grandparents before the Holocaust. These companies had the audacity to demand death certificates after the war that Hitler never gave and original policies that no survivor could possibly have after Auschwitz. HR 1746 would require such insurers now doing business in the United States to publish the names of pre-war policy holders, and allow survivors, heirs, and beneficiaries to bring lawsuits against companies who refuse to settle on reasonable terms. We are asking the Senate to do the same, Mr. Chairman and members of the Committee.

In the late 1990s several states passed laws to hold these insurers accountable, but they have been nullified by court cases giving companies immunity under the "International Commission on Holocaust Era Insurance Claims", or "ICHEIC." Companies were supposed to open their files and pay claims under relaxed standards of proof, but those goals were not met. When it closed, ICHEIC paid less than three percent (3%) of the total amount owed, leaving \$17 billion in 2007 dollars unpaid.

The current bill would restore survivors' rights against the insurers. It is opposed by the insurance industry, the German Government, the U.S. State Department, and certain Jewish groups affiliated with ICHEIC. Germany, and hence the opponents, argue that the insurers were promised "legal peace" in previous deals, and that if the bill passes, Germany will no longer deign to give survivors the token payments negotiated periodically by the Claims Conference.

"JUSTICE AND DIGNITY FOR SURVIVORS"



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The *deal* cited is the German-U.S. Executive Agreement where Germany demanded that insurance be included in a global "settlement" before it would pay about \$1 billion to Jewish slave laborers and \$3 billion to non-Jewish forced laborers. This was bad enough because survivors never agreed that our insurance rights could be limited in exchange for German manufacturers doing what they should have done decades ago – i.e. compensate human beings who were forced into slave and forced labor in WWII. One thing has nothing to do with the other. But even in the *deal*, the U.S. never agreed to give insurance companies the immunity they now demand. And though courts have given the insurers greater protection than they bargained for, Congress has the authority to, and should, restore survivors' rights.

Congressman Tom Lantos, a great champion of human rights and especially survivors' rights, who, sadly, passed away last month, courageously resisted Germany's threats and, with ranking member Ileana Ros-Lehtinen, led HR 1746 to unanimous passage through the Foreign Affairs Committee a few months ago.

At the Financial Services Committee hearing in February, opponents hatched their surprise weapon – letters from the World Jewish Congress, the Anti-Defamation League, the American Jewish Committee, and B'nai B'rith opposing HR 1746. The groups repeated this gambit at the Senate Foreign Relations Committee hearing on May 6, joined by the Religious Action Center for Reform Judaism and Agudath Yisroel.

The survivors present at the hearings were appalled at the disrespect shown by Jewish groups we have supported for decades. Their organizational forbearers were largely silent during the darkest days of history, when they could have saved millions of human lives by speaking out. How dare they use those voices *today* to *defeat* the interests of living Holocaust survivors who only want the right to speak and act for ourselves? As Congressman Wexler said: "I don't know how these American Jewish leaders can sleep at night." Chairman Frank also strongly defended the right of every survivor to decide for him or herself what is acceptable when it comes to reconciling with those who wronged us.

It is no secret that the groups are doing the bidding of the Claims Conference, who participated in ICHEIC and had much to do with its decisions. Chairman Julius Berman has told survivors that the Conference is opposing the bill to protect its "credibility" as the negotiator over survivors' rights, and its leaders, previously working behind the scenes, are now operating in the open to scuttle the legislation. But why are these other groups lending their good names to protect insurance companies and Germany and undermine Holocaust survivors' rights?

The ADL and B'nai B'rith have received hundreds of thousands of dollars over the years from the Claims Conference. The AJC is a Claims Conference board member and participated on ICHEIC, and has a vested interest in the appearance that the process was a success. The WJC is also a Claims Conference board member and was a key ICHEIC player, led by its recently dismissed former Chairman Israel Singer. The Reform Movement and Agudath Yisroel are also Claims Conference Board members and some of their institutions have received grants over the years as well. All of these groups refuse to challenge the Claims Conference policy of using millions of precious restitution funds for research, education, and documentation projects including millions in grants to board members, despite the fact that tens of thousands in the U.S. and worldwide cannot afford a decent quality of life.

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There are other conflicts as well. ADL received \$100,000 from one of the most culpable insurers, Generali, around the time Abe Foxman wrote an op-ed urging restraint in the pursuit of property claims such as insurance. The ADL letterhead brandished by Foxman bears the name of Kenneth Bialkin, who has led Generali's legal fight against survivors seeking their families' insurance policies. ADL's former lobbyist Harry Wall is now Generali's lobbyist. So, who is ADL speaking for when it opposes HR 1746?

It is depressing enough that these groups have no shame in presuming to have a relevant opinion when it comes to survivors' rights. Let me be clear — this is none of their business. Having built huge organizations by invoking the horrors of the Holocaust to raise money and engender sympathy for their "human rights" programs, the groups have now abused their sacred obligations to those of us who endured the ultimate horror.

Worst still is that the ADL, the AJC, WJC, B'nai B'rith, and the others have been silent all these years in the face of grinding poverty among the dwindling family of Holocaust survivors among us. They have ignored what my colleagues and I cannot ignore — over 80,000 survivors in the United States who live at or below the poverty line, or who are so poor they cannot afford adequate food, medicine, home care, dentures, eyeglasses, shelter, and other necessities. The unique hardships suffered during the Holocaust make for even more tragic health and emotional problems for all survivors, but are especially cruel for the poor among us.

During the past decade of "restitution," we survivors have been alone without the backing of any of the so-called leaders of the Jewish community, including the Federation and UJC leadership. Even Elie Wiesel has been absent and his voice surely would have helped to stop this suffering among survivors who are living in poverty. We know he is aware of the unabated suffering. Their silence has been the most devastating blow to us in our search for righteousness and dignity for our fellow survivors.

The tens of thousands of poor survivors throughout the world are witnesses to the failure of the entire restitution enterprise which these groups have now embraced. It is time for an honest accounting of the current debt owed by all to the living victims of history's greatest crime.

Senator Nelson, the Floridians signing this letter know you personally and we trust in what you told us when we sat with you after the House of Representatives Financial Services Committee hearing in February — that you are behind us, and that you support legislation restoring the right to go to court for survivors and heirs, and requiring the publication of names. We also know you were one of the first public officials anywhere who took the time to listen to our concerns about the devastating effects of poverty on those among us who are in need, and you were willing to work with us to do the right thing.

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However, survivors throughout the United States are frustrated that non-survivor organizations we never chose and others are so presumptuous as to interfere with our individual rights as Americans. We are also perplexed at the possibility that any elected official, much less a member of the United States Senate, might confuse the interests of such organizations with the rights of those of us who personally lost everything and now seek only the truth and fairness to us as individuals.

Up until now, the real survivors' voices have been drowned out by these organizations and thousands have suffered as a result – and it is hard to imagine but deaths are accelerating among those not receiving the help they desperately need. It is not too late for you and your colleagues in Congress to take the actions necessary to provide survivors what they need and deserve.

We appreciate your placing this letter in the official record of the Senate Foreign Relations Committee hearing of May 6, 2008 for the benefit of your colleagues and the public. We hope you and your colleagues move swiftly to enact HR 1746.

Respectfully,

David Schaefer, President

Executive Committee:

Israel Arbeiter, Boston MA
Nesse Godin, Washington DC
David Mermelstein, Miami FL
Alex Moskovic, Hobe Sound FL
Leo Rechter, Queens NY
Jack Rubin, Boynton Beach FL
Henry and Anita Schuster, Las Vegas NV
Fred Taucher, Seattle WA
Lea Weems, Houston TX
Esther Widman, Brooklyn NY

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