



HOLOCAUST SURVIVORS' FOUNDATION – USA

Member Organizations (Partial List)

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 Cultural 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

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

January 30, 2009

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.

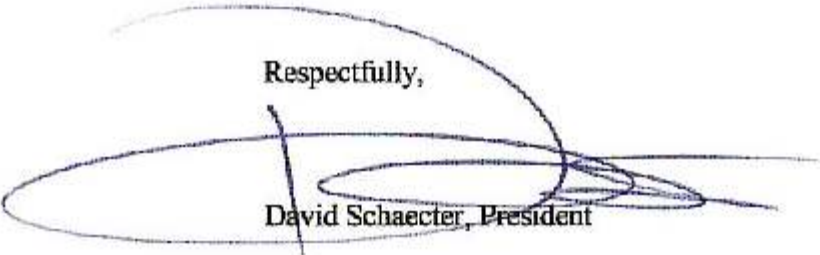
Fourth, institute a comprehensive review of the status of Holocaust survivors' living conditions today, as well as an accounting of the looted assets from the Holocaust. The economists who have seriously examined this situation have concluded that governments and companies in existence today still owe 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 Schaecter, 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:

Secretary State-Designate Hillary Clinton
Attorney General-Designate Eric Holder
Vice President-Elect Joe Biden
Daniel Shapiro