



# HOLOCAUST SURVIVORS' FOUNDATION – USA

## Response to Jewish Groups' Opposition to S. 466 – June 17, 2011

### 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 Holocaust Survivors Foundation USA (HSF) is a national coalition of elected survivor leaders from throughout the United States. It is necessary for us to speak out because, with only a fraction of looted assets having been restituted to Holocaust victims, and half of the Holocaust survivors in the United States living below or near the poverty line, it is clear that the status quo has been and remains unacceptable.

The Claims Conference, the American Jewish Committee, the Anti-Defamation League, B'nai B'rith International, the World Jewish Congress, and the World Jewish Restitution Organization have circulated a letter opposing legislation to allow Holocaust survivors and heirs of Holocaust victims to sue European insurers such as Allianz, Generali, AXA, and others in U.S. courts. Their opposition is based entirely on flawed premises and marred by conflicts of interest.

First, it is not true that the United States government promised European insurance companies that they would be immune from litigation in U.S. courts if they participated in ICHEIC. ICHEIC was always understood to be voluntary unless you accepted a payment. The U.S. government agreements all say ICHEIC alone does *not* justify dismissal of lawsuits. Recently, the Justice Department produced documents to survivors under the Freedom of Information Act which admitted that the government never promised immunity to the insurers. When the documents were placed in the Congressional record, the government demanded them back, proving how embarrassing they are. The documents are available at [www.hsf-usa.org](http://www.hsf-usa.org).

Second, it is irresponsible for the groups to pretend that survivors' legal rights have any relationship to Germany's funding for home care or other social services for indigent survivors. The German Ambassador informed Members of Congress and HSF leaders, in writing, that the government would *not* retaliate by reducing such funding if insurance, and that letter can also be seen at the HSF web site, [www.hsf-usa.org](http://www.hsf-usa.org).

Third, it is outrageous to say Holocaust survivors should have to give up our legal rights against Generali, Allianz, AXA, and other insurance companies to induce *Germany* to provide funding for the needs of impoverished survivors. What does one thing have to do with the other? Insurance companies should pay their debts and we should be able to sue them if they breach their contracts. This has nothing to do with *Germany's* long overdue moral obligation to provide adequate funding for the needs of survivors, a duty the Claims Conference, ADL, and AJC have done little or nothing to enforce in the past decade while thousands of survivors suffered needlessly.

**"JUSTICE AND DIGNITY FOR SURVIVORS"**



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Fourth, the Claims Conference, and its client organizations like the ADL, AJC, B'nai B'rith, World Jewish Congress, and World Jewish Restitution Organization, have no legal or moral standing to interfere with our individual rights. The courts have extinguished our individual rights to claim insurance policies purchased by our mothers, fathers, grandparents, aunts and uncles, denying us our rights as U.S. citizens. The legislation would enable Holocaust survivors and family members to obtain documents actually created by our loved ones and containing family historical information, and to recover funds owed under basic laws governing contracts. These policies were purchased by individuals, human beings, not by the organizations that are all too willing to bargain away what they do not own, and allow global corporations to retain their Holocaust windfalls. They simply have no business interfering with our rights.

It is also important for Members of Congress to realize that Claims Conference, and the AJC and ADL, have been the recipients of money from ICHEIC, Allianz, and Generali, respectively. ADL, B'nai B'rith, and the World Jewish Congress receive money from the Claims Conference, and AJC is a board member as well. These relationships create clear conflicts of interest, and taint the groups' credibility on the subject of whether these same insurance companies should be held accountable for the billions of dollars they still owe Holocaust victims' families.

These conflicts may well have contributed to the inconsistencies in the Executive branch's position as well. According to Stuart Eizenstat's 2003 book: "The Germans and their lawyers knew full well from months of explanations that we would not take a formal legal position barring U.S. citizens from their own courts." However, in 2008 Mr. Eizenstat joined the Claims Conference as Chief Negotiator, and in 2009 he became "Special Advisor" to the State Department. In 2010, he testified on behalf of the State Department, and unexpectedly, contrary to his previous statements, he alleged that passage of legislation to restore survivors' rights "would interfere with the idea of 'legal peace' established in these settlements."

In any event, there is no moral or legal justification for Holocaust survivors to be second class citizens under U.S. law, and Congress has the authority and the responsibility to ensure that no citizens are subjected to such moral inversions. We therefore urge Congress to act without further delay and enact S. 466 and HR 890 which would restore survivors' legal rights, and allow us to recover our family legacies wrongly denied us all these past decades.

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