

# **EXHIBIT 11**

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# SPIEGEL ONLINE

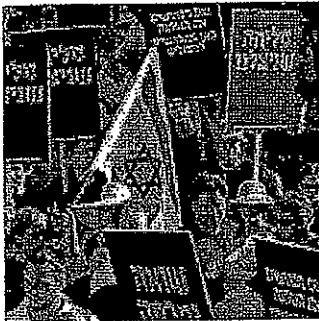
06/03/2008 04:01 PM

ISRAEL CRITICIZES JEWISH CLAIMS CONFERENCE

## Huge Profits Casts Shadow over Holocaust Survivors Organization

By *Christoph Schult* and *Andreas Wassermann*

Through the sale of property Nazis stole from Jews in eastern Germany that was later signed over to the organization, the Jewish Claims Conference has made a profit of about 1.5 billion euros. But not all of that money has been given to Holocaust survivors. Criticism of the powerful organization is growing in Israel and many are calling for greater transparency.



DPA

A solidarity march for Holocaust survivors in Israel: Not all of the money from sales of property by the Jewish Claims Conference has gone to the victims.

The building at Sophienstrasse 26 is plain and functional. The guard in the lobby and the access control system are the only clues that this building in Frankfurt's Westend neighborhood houses more than just ordinary offices. In fact, it is the German headquarters of one of the world's most influential Jewish organizations, the Jewish Claims Conference (JCC).

Georg Heuberger, a small, white-haired man, greets visitors in his office on the sixth floor. The 62-year-old, the JCC's representative in Germany, reports to the organization's main office in New York. When Heuberger, a historian, took the position two years ago, he knew that the JCC is not uncontroversial among Jews, especially given its sensitive monopoly: the exclusive right to distribute compensation funds from the German government to the Jewish victims of Nazi persecution. He had not been in office long before he began hearing complaints.

Meanwhile, Heuberger is no longer the only target of grievances. Around the globe, the descendants of Holocaust victims feel unfairly treated by the JCC, an umbrella association for Jewish organizations. They accuse it of hoarding compensation and restitution funds instead of distributing them to victims. The JCC's critics include the Israeli government and parliament.

The money at the center of the controversy consists of funds the JCC collected in Germany. The organization, established in 1951 to enforce Jewish restitution claims against Germany, found a new field of activity in eastern Germany in 1990. There, it searched for real estate once owned by Jews, seized by the Nazis and eventually nationalized by the East German government -- all without compensating the owners or their heirs. After the fall of the Berlin Wall, the heirs were given until 1992 to file claims. By law, those who did not file such claims forfeited their property to the JCC. According to its own records, the JCC has earned about €1.5 billion (\$2.3 billion) from the sale of properties following restitution.

According to the JCC, the proceeds from these sales are used "for the benefit of Holocaust survivors." But representatives of victim groups question whether this is true and accuse the JCC of a lack of transparency and of having accumulated enormous reserves. Documents SPIEGEL has obtained also suggest questionable business practices. Internal documents paint a picture, not of a selfless organization devoted to championing the rights of others, but of a business enterprise sitting on assets worth hundreds of millions of dollars.

In Israel, the venerable organization has come under public pressure as a result of a film by Israeli journalists Guy Meroz and Orly Vinnai-Federbush. In the film, which was aired in early May, the Israeli Pensioners' Affairs Minister Rafi Eitan calls the JCC "a gang." The government has already taken action in response to the film. A €400 million (\$620 million) fund for Holocaust survivors requiring special care was withheld from the JCC. The Movement for Quality Government, a citizens' group leading the fight against corruption in Israel, even wants to see the JCC placed under the supervision of a German-Israeli government commission.

The activity in Jerusalem has reverberated in Berlin, where negotiations between the JCC and the Finance Ministry are scheduled to take place on Wednesday. Heuberger's goal is to increase various compensation funds and to gain recognition of additional victim groups. But now JCC representatives fear that the course of events in Israel could obstruct the talks with the German government.

The main reason that the JCC petitioned for large restitution sums after 1990 was the Nazi confiscation of real estate. When property records in eastern Germany became accessible, they were often in deplorable condition. The JCC's German office sent out researchers to comb through address records and telephone books from the 1930s, as well as the membership lists

of Jewish congregations. In each case, the JCC petitioned for the restitution of the applicable piece of property, even when it did not know whether heirs or property owners were still alive.



JCC representative Georg Heuberger: Criticism from around the world. DPA

The JCC had plenty of competition in its struggle to lay claim to these properties in the former East Germany. Many attorneys eagerly listed themselves as claimants, even without powers of attorney, and then placed newspaper ads to locate the corresponding heirs, so that they could buy the property from them. The consequences were bizarre. When the deadline for filing restitution claims expired on Dec. 31, 1992, approximately 240,000 claims had been filed for properties formerly owned by Jews -- in East Berlin alone. Up to 10 different claims were filed for some pieces of property. In most cases, the JCC was one of the claimants.

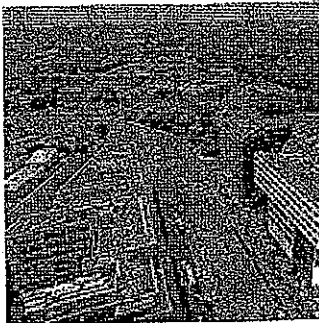
Shortly before the 1992 deadline, the JCC, after tough negotiations with the German government, managed to achieve a decisive advantage: It was the only claimant that was granted the right to file broad claims. Even important details, such as the exact location of a piece of property or the names of the original owners, could be filed later in the restitution proceeding.

The preferential treatment of the descendants of Holocaust victims remains a source of considerable dissatisfaction today. Ironically, the purpose of the agreement between the JCC and the German government was to prevent former Jewish assets from being awarded to the German treasury if heirs could not be found. The JCC interpreted the agreement to its benefit, arguing that heirs had, after all, been given the opportunity to file their claims before the 1992 deadline.

But these heirs were in a far less favorable position than the JCC. If they filed claims after the deadline, they could only hope that the JCC's New York office would be accommodating and willing to make exceptions for their individual situations. Two brothers living in Australia, for example, neglected to file their claims to an apartment building in Berlin's Pankow district by the filing deadline. They simply did not know that the building had once belonged to their grandfather. When they learned the truth in 1999, the building had already been signed over to the Claims Conference. The brothers wanted to keep the building, but the JCC had it auctioned off.

The brothers' only remaining option was to file a petition with the JCC under the auspices of the organization's so-called "Goodwill Fund". As a precondition, they had to accept that they had "no legal claim" to "payment of portions of the proceeds" and had no legal means of contesting the decision in favor of the JCC. In the end, the JCC's Special Committee in New York agreed to pay the brothers 80 percent of the price realized at auction, with the JCC keeping the balance. Although the brothers still see themselves as the only rightful heirs, they gave in. "My clients reproach the Claims Conference, in the dearest of terms," their attorney wrote to the JCC, "for not having looked after the interests of the original owners, but instead exclusively pursued its own interests."

### Calls for Greater Transparency



The Lenné Triangle on Berlin's Potsdamer Platz square: Arianized by the Nazis

DPA

The case of the Jewish department store dynasty Wertheim is also one that has not been resolved to the satisfaction of the victims' heirs. It was presumably the most valuable individual restitution to which the JCC secured the rights after German reunification. The sale of Wertheim properties flushed more than €180 million (\$279 million) into the organization's coffers. A Wertheim property on Leipziger Platz in Berlin's Mitte district sold for €75 million (\$116 million) in December 2006, and less than half a year later the Karstadt Group, which operates a major department store chain, paid the JCC €88 million (\$136 million), primarily as compensation for the Lenné Triangle on Berlin's Potsdamer Platz. Karstadt had sold the property to billionaire Otto Beisheim in 2000. But in 2005, a Berlin court awarded the Wertheim holdings, which the Nazis had Arianized, to the JCC. Roman Haller, who negotiated the deal on behalf of the JCC, was pleased with the outcome. "We are grateful," Haller said, "to be able to contribute in this way to bringing a small measure of justice to the Wertheim heirs."

For Constance Leninger Fischer, who lives in New York and is the granddaughter of company founder Georg Wertheim, the words of the JCC official must have sounded like sheer mockery. In October 2006, the JCC issued a terse and direct decision, in which it stated that Fischer had "absolutely no basis" for any claims against the JCC. The organization refuses to comment on the status of negotiations, merely confirming that "informal talks" with an attorney are underway.

Discretion is one of the JCC's trademarks, and discretion also characterizes its dealings with the German Finance Ministry. Almost unnoticed by the public, the German federal government

has paid the JCC well over €100 million (\$155 million) in the last six years. The funds represent payments for so-called global settlements, which the German government intends as settlement of individual compensation cases. The first of these deals with the JCC related to synagogues in eastern Germany that were destroyed during the Kristallnacht pogrom in 1938. Berlin paid the JCC €69 million (\$110 million).

The JCC paid the Central Council of Jews in Germany €17 million (\$26 million) to develop Jewish communities in the eastern part of the country. But the Central Council has no idea what happened to the remaining €52 million. The money, explains Frankfurt JCC representative Heuberger, "was used for various JCC social projects for Holocaust survivors."

Projects supported by the JCC are listed in detail on the organization's Web site. But individual transactions are systematically shielded against outside inspection. When outside auditors request access, they are quickly reminded of the hazardous terrain they are about to enter. When auditors from the Federal Audit Court wanted to investigate the use of money from the JCC's hardship fund for Holocaust survivors, they encountered substantial reservations. The correspondence to address the Audit Court's questions went on for years. In the end, representative Heuberger insists, the JCC "corrected the deficiencies that were found."

In 2006, auditors were mainly interested in an office the Claims Conference maintains in Paris, paid for with German taxpayers' money. The office, which operates on an annual budget of €58,000 (\$90,000), derives its funding from the German government's hardship fund for Holocaust victims. According to the JCC, the Paris office will be closed at the end of June.

An internal review of the business practices of Michael Siegmund, who sold real estate on behalf of the JCC for many years, was treated like a state secret. Beginning in 1998, Siegmund worked part-time as a member of the supervisory board of a real estate auction company, Deutsche Grundstücksauktionen AG. The company earned a profit on almost every sale of real estate that had been signed over to the Claims Conference. The organization terminated its relationship with Siegmund, though not until the middle of last year, "to avoid even the potential appearance of a conflict of interest," JCC controller Jigal Molad writes in a report SPIEGEL has obtained. "The position on the supervisory board was approved by JCC management," says former JCC manager Siegmund.

It was not the first time that real estate deals left a bitter aftertaste. The JCC also had to bear the consequences of a different case, this time involving a businessman in Bad Homburg near Frankfurt. In the 1990s, the businessman, who represented the eastern states of Saxony-Anhalt and Brandenburg, sold the JCC's restitution claims to properties, the return of which the JCC had already applied for, but for which the agencies that handle unresolved property issues had not yet issued a decision. The businessman's idiosyncratic business practices

brought in millions for the JCC. But, as internal documents suggest, the JCC employee was also profiting personally.

In November 2003, a real estate buyer from the northwestern city of Münster contacted the JCC office in Frankfurt to complain about the employee. The buyer claimed that he had paid the employee and one of his independent contractors more than €500,000 (\$775,000) in commissions to gain access to JCC properties. A short time later the JCC salesperson, who has declined to comment on the charges, was let go.

To this day, it remains unclear exactly how much money the organization earned through the sale of real estate in eastern Germany. Only after coming under heavy criticism did the JCC mention a sum of roughly €1.5 billion (\$2.3 billion). In mid-July the organization plans to publish a list of all properties it sold, including the selling prices.

"This is sacred money," says Seev Bielski, the chairman of the Jewish Agency, a Jewish immigration organization, "which is why the Claims Conference, more so than any other public institution, must seek to provide transparency." Bielski hired an outside auditor to determine how large the JCC's reserves are. The report was never made public, and the incident serves as an example of the JCC's enormous influence. The Jewish Agency was one of the recipients of JCC payments. "They threatened to hold back money," Jewish Agency chairman Bielski complains.

SPIEGEL has obtained a copy of the draft version of the audit report. According to the document, the JCC controlled reserves of \$780 million (€503 million) in 2005 alone. "There is no reason to hold on to so much money," says Yehuda Bar-Lev, an accountant from Tel Aviv. According to the JCC, these numbers are outdated, but Heuberger admits "that we must take steps to achieve more transparency."

The control committee of the Israeli parliament, the Knesset, will address the issues surrounding the JCC on June 16. "The Claims Conference is no army, and it has no reason to keep anything secret," says committee chairman Sevulun Orlev. The German government has also pricked up its ears. In an informal meeting during an event at Frankfurt's Paulskirche Church to commemorate the 60th anniversary of the Jewish state, the German ambassador in Tel Aviv described to JCC representative Heuberger the devastating criticism his organization faces in Israel.

This does not present a good starting point for Heuberger in his negotiations with the German Finance Ministry on Wednesday. When Israeli journalists asked him about the Claims Conference, Finance Minister Peer Steinbrück said: "I know about the problems."

*Translated from the German by Christopher Sultan.*

## Israel to replace representative at Holocaust claims summit

By Cnaan Liphshiz, Haaretz Correspondent

Sun., June 14, 2009 Sivan 22, 5769

Tags: Jewish World, Israel News

Following complaints about conflicts of interest, the Foreign Ministry is considering sending a minister to represent Israel at the Prague conference on Holocaust assets, instead of a Claims Conference representative.

Reuven Merhav had been expected to serve as Israel's top delegate to the forum.

The June 26 Prague event will bring together delegates from 50 countries to assess progress in recovering looted property. This is a follow-up to a 1998 Washington summit.

Currently, East European countries like Poland and Ukraine are refusing to divulge compensation statistics for heirless Jewish property, which is estimated to be worth tens of billions of dollars.

"Israel's position in Prague is unlike that of other countries," Deputy Foreign Ministry Danny Ayalon told the Knesset plenum on Wednesday. "I certainly am considering the option of appointing a minister to represent Israel."

Merhav himself proposed that a minister lead Israel's 12-man team, Ayalon said.

Ayalon was replying to a query by MK Zevulun Orlev, who said that while Merhav was "a worthy man beyond reproach," his nomination was "a conflict of interest."

Merhav currently holds a senior, non-salaried position with the Conference on Jewish Material Claims Against Germany, the world's richest restitution body, which represents world Jewry in compensation talks with Germany.

The Claims Conference is currently under review by a parliamentary committee of inquiry, over accusations that it has withheld funds from survivors and heirs.

Politicians, prominent restitution figures and the Movement for Quality of Government complained



that Merhav's nomination could render heirs of Jews who were murdered in the Holocaust "voiceless" at what may be the last international conference on restitution, citing the Claims Conference's "problematic record" in transferring funds to heirs.

The Claims Conference denies withholding funds from eligible heirs.

Ayalon noted that Merhav - a former Mossad and Foreign Ministry official - was responsible for putting the issue of heirless property in Europe on the agenda of the Prague Conference.

"The interests of the State of Israel and the Claims Conference are not identical," Orlev said. "For example, the Claims Conference may be concerned with commemoration, while Israel is focused on welfare," he told Haaretz.

Ayalon said that the Ministry's legal department has found there was no conflict of interest in Merhav's nomination.

"In my heart, I too have grievances with the Claims Conference," Ayalon said. He also noted that "working together is a major interest for the Claims Conference and Israel," and that the Prague Conference "could turn over a new leaf in Israel's relationship" with the Claims Conference.

# **EXHIBIT 12**

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## Why Won't Those SOBs Give Me My Money?

by Si Frumkin

*As banks, insurance companies, judges, presidents, and even Jewish organizations close off channels to individual claims, this survivor refuses to give up.*

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This is a rhetorical question. I know why they won't. They would rather keep it.

They figure, if I got along all this time without them paying what they owe me, well then, I can wait a while longer, and eventually I will be gone and that will be the end of the story. If they bother to talk or think about what I and the other survivors are bitching about, while they smoke their expensive cigars on chartered jets on the way to luxurious destinations, they're probably saying: you shouldn't bitch; you're lucky to be alive.

And yes, they are right. I am lucky to be alive. I have survived, I've lived a good life, I have seen much beauty, I have known much ugliness, and I am coming to the end of it all. Should I just relax and let it go? Maybe, but not yet.

I am angry. Angry with the SOBs in Germany. With our own SOBs in Washington. With the SOBs running the Jewish organizations that presume to speak and negotiate for me and others like me. With the criminals who run European insurance companies that stole hundreds of millions of dollars from people who died prematurely in gas chambers, and then hired stooges to make sure it's not given back.

I am a law-abiding American citizen. I pay my taxes and my traffic tickets. I vote. I have served on a jury. I fly my flag on national holidays.

In return, I expect my government to fulfill its constitutional obligations to me. One of them is my right to a trial by a jury of my peers. This has been denied me because, apparently, my government prefers to defend and uphold the rights of giant German corporations.

The SOB I know best is the one whose slave I was, the one that worked my father to death, the one my government is protecting from me. Called Philipp Holzmann A.G., it is a biggie—the second largest company in Germany and one of the largest in Europe.

During World War II, Holzmann owned my father and me for slightly more than a year. I was a 13-year-old Jewish kid from Lithuania given to Holzmann as a slave by the Nazi government. I didn't have a name. I was Jew #82191. My dad was #82192—he stood in line behind me when the numbers were given out. Then about 9,000 or 10,000 of us from Lithuania were loaded into freight cars and shipped to Landsberg, a town in Bavaria where Holzmann was constructing an underground factory to build jet fighters for Hitler's air force.

Hitler needed the jets. The dozen or so prototype ME-262s flew about 100 MPH faster than anything the Allies could deploy. In their first month of operation they downed almost 100 U.S. and British bombers. Holzmann's job was to get the factory built in a hurry, and they did their best. Work went on twenty-four hours a day, in twelve-hour shifts, seven days a week. We lived on starvation diets—and when people died, more were brought in for free.

The factory was never finished. I was liberated at age fourteen, twenty days after my dad died. After a few years of wandering around Europe and South America, I ended up in California. By 1954, I had an American wife, a job, a college education, a tract home in the San Fernando Valley, and a newborn son.

In the late 1980s, when people started talking about German companies paying compensation to slave laborers during the war, I decided to figure out what Holzmann owed me. We worked eighty-four-hour weeks. At the unskilled-labor rate of twenty-five cents an hour, my fourteen months of work totaled roughly \$1,100. A 1944 dollar is worth about \$15 today—let's be generous and say \$10—so that brings us to \$11,000. Add the compound interest for fifty-eight years at a minimal 3% per year and you end up with \$70,000–90,000.

And let's get something clear. This isn't charity—it's compensation.

There is also the matter of my father's death. He collapsed on his way to work. The rest of the column kept on going, and I just managed to see him being taken away on a handcart. Dad was still alive when I came back from work. I said goodbye; I think he understood. And then he was gone. I have no idea how to calculate the value of my father's life.

In 2000, after California abolished the statute of limitations on compensatory claims by former slaves, about forty other former Holzmann slaves in California and I engaged a lawyer to sue Holzmann.

Naturally, Holzmann resisted. Powerful, expensive attorneys specializing in obfuscation did everything to beat us—to prolong the process, to tire us out.

And throughout, from one appeal to another, the SOBs had the support of my government. State Department experts during the Clinton Administration testified: "Lawsuits by former slave laborers would be tantamount to interference with the foreign policy of the United States." They insisted that the statute of limitations was still in force and that California's action was an unconstitutional usurpation of powers. We kept losing.

If that wasn't bad enough, several Jewish organizations appointed themselves as our representatives and began negotiating with Germany on the final resolution of all claims. A German foundation was created into which German

slave owners would deposit \$5 billion as final compensation for all claims in perpetuity. All valid claimants would receive about \$7,500 each, and there'd be "legal peace," now and forever. There was jubilation all around.

I object.

I never authorized any Jewish organization to negotiate for my father or me. There are, of course, some ex-slaves who gladly accepted the agreement—and they have the right to do so. Others, like myself, want the compensation to be decided in court by a jury of our peers—an option which appears to have been abolished by the decisions of my government and some self-appointed Jewish machers.

And here's an interesting fact about my personal SOB, Holzmann.

Guess which construction company was awarded the \$56 million contract to build the National Monument in Washington to honor the GIs of World War II? The Tompkins Builders of Washington, DC, which is wholly owned by the J. A. Jones Construction Co., a subsidiary of J. A. Jones Inc. of Charlotte, North Carolina, a subsidiary since 1979 of Philipp Holzmann A.G. It's disconcerting: a monument honoring fallen American soldiers was built by a company owned by a corporation that tried so very hard to help Hitler manufacture the weapons that had killed them.

And now to a different cast of SOBs who won't give me my money.

My dad had a name before he became #82192. He was an educated, sophisticated man, a cosmopolitan businessman who traveled widely. It's inconceivable that my father wouldn't have provided for his family in case something happened to him. He must have had a life insurance policy. But I cannot prove it.

A few years ago, the world suddenly realized that European insurance companies had been holding on to hundreds of thousands of unredeemed insurance policies on the lives of Jews who died when the Nazis ruled Europe. The companies refused to pay. Even the few who recovered the actual policies were told that a death certificate was needed, or some other silly and cruel excuse.

By 1999, the pressure mounted—primarily from California, which enacted a law requiring any insurer doing business in the state to disclose information about policies sold in Europe from 1920 to 1945. With few exceptions, the insurers refused to open their files. Like the slave owners, they hired expensive lawyers and went to court.

The cases dragged on and on until June 2000, when the U.S. Supreme Court overturned the California law, ruling 5 to 4 that the state was improperly interfering with the conduct of foreign affairs. Really? Hiding the names of insured and murdered Jews was unacceptably influencing our foreign policy?

Annoyed by all the fuss, the European insurance companies came up with a brilliant scheme: the International Commission of Holocaust Era Insurance Claims, or ICHEIC, that would have the authority to decide the matter of all the claims concerning dead Jews. The insurance companies would be members of

the commission as would insurance commissioners from several states. And retired U.S. Undersecretary of State Lawrence Eagleburger would be hired (at a salary of \$360,000/year) to run the ICHEIC out of London, far away from most of those pesky survivors.

During congressional hearings in September 2002—after almost three years of work—Eagleburger acknowledged that the ICHEIC had spent \$56 million on overhead, salaries, travel, etc. while offering \$35 million to settle claims by qualified claimants with “acceptable” proof. Many—maybe most—of these offers to people with “acceptable proof” were rejected by the claimants as being unfair and insufficient. A case in point is a friend of mine who is one of the few claimants to have a paper policy, for \$2,000, issued in 1936. Assicurazioni Generali, the Italian insurer that refused to acknowledge the policy for thirty years, finally admitted that it was valid and offered to pay \$5,000 as settlement in full. My friend rejected the offer. Apparently the ICHEIC formula values a 1936 U.S. dollar as being worth approximately two and a half dollars in 2002, rather than the actual \$100. (In 1936 a Cadillac cost about \$600, compared to about \$60,000 in 2002.) So, the \$2,000 life insurance should be worth \$200,000, plus the compound interest for 66 years. I estimate the total to be about \$500,000—yet Generali offered \$5,000!

So far, Generali has been able to keep the money it stole. It, too, has the cooperation of the U.S. government and its judiciary in acknowledging ICHEIC—created, financed, and controlled by the insurance SOBs—as the only legitimate body to rule, decide, and control Holocaust-era insurance claims.

Still, I want to see those lists. I am sure that my father’s name appears on one of them. I am also sure that tens of thousands of other Jews whose parents or grandparents perished will find the names of their relatives.

Hitler took away my father’s name and gave him a number. The insurance companies took it away again by pretending that he never existed. I want them to acknowledge that he lived, that he died, and that the way he died matters to his son and to the grandchildren he never knew.

*Si Frumkin, liberated from Dachau at age fourteen, went on to become the CEO of a textile business while dedicating himself to the causes of Soviet Jewry, Holocaust education, and political activism. He is a cofounder of the Union of Councils for Soviet Jews.*

# SOUTHERN CALIFORNIA COUNCIL FOR SOVIET JEWS

AFFILIATE MEMBER OF UNION OF COUNCILS FOR SOVIET JEWS



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Dear Howard:

On July 25, 2008 I wrote you a letter asking for your help in providing justice to tens of thousands of my fellow Holocaust survivors. Much has happened since then. Not least is the landslide election, your re-election and your well deserved move to the chairmanship of the Foreign Affairs committee. I congratulate you and wish you much success and meaningful accomplishments.

My July letter addresses the conflict that has been slowly winding its way through the House on the passage of HR 1746 – the bill dealing with restitution and compensation of the heirs and relatives of holders of life insurance policies with European insurance companies. Last year it looked as if justice was to be done but the untimely death of Tom Lantos brought it to a halt. This legislative session faces a number of important tasks. They are all critical but none will likely affect the life or death questions that this issue will – we are dealing with a destitute population of people who survived the nazis and who came to America searching for justice. I urge – I implore you – to help them!

I have attached a copy of the letter of 7/25/08 that addresses the facts of the issue. I hope that you will devote some of your efforts towards a resolution that will finally do what is right.

I hope to meet with you and discuss this and any other issues when you are back in sunny California again.

A belated Happy New Year to you and yours.

Si Frumkin

Attached: Letter Si Frumkin to Howard Berman, 7/25/08

# SOUTHERN CALIFORNIA COUNCIL FOR SOVIET JEWS

AFFILIATE MEMBER OF UNION OF COUNCILS FOR SOVIET JEWS



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July 25, 2008

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Association Soviet Jewish Emigrés  
Bobal Okudzhava Foundation  
Holocaust Survivors Ass. - former USSR  
Media Analysis Foundation

Dear Howard:

This is not the usual letter a legislator receives. I will not regurgitate the statistics that you have seen many times before. I will not go into the legalistic minutiae that are already familiar to you and your aides. This is an appeal to you, to your conscience, to your sense of right and wrong. And it isn't a selfish appeal: I personally want nothing for myself, my friends or my family.

This is a request for justice for tens of thousands of destitute people whom I do not personally know but whom I consider my brothers and sisters because we share a tragic past.

I am a Holocaust survivor. I was liberated from Dachau by the American army at the age of 14, just twenty days after my father died. Five years later, in 1949, I managed to come to the U.S.

I have lived here for most of my life – 59 years! I married a third generation American, we had two sons and two grandchildren, I got a good education and managed to build a good life for my family.

I love and trust America and, in this, I am not alone. We, immigrants – and especially, we survivors, know how grateful we should be to this wonderful country. We know better than those who were lucky enough to have been born here, the "real" Americans, how much better, fairer and more just this country is than just about any other on this planet.

I have tried to repay the debt I believe I owe, by helping those who were less fortunate than I. I was deeply involved in the Soviet Jewry movement that liberated 1 ½ million Soviet Jews to allow them and their children to live in freedom in the greatest Exodus to freedom in 3000 years. I have advocated help – often successfully, sometimes less so – for Holocaust survivors. I wrote and lectured on the Holocaust to thousands of children and adults at colleges, museums, churches and synagogues.



# SOUTHERN CALIFORNIA COUNCIL FOR SOVIET JEWS

AFFILIATE MEMBER OF UNION OF COUNCILS FOR SOVIET JEWS



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In pre-Soviet Lithuania my father had an automobile dealership. He sold Harley Davidson motorcycles as well as German NSU and British motorcycles; Swedish SKF ball bearings; (U.S.) Fisk and (British Kelly) Springfield tires and much more. He spoke many languages, had a degree from a German university and traveled on business and pleasure all over the world.

I am mentioning this in order to show that he was a sophisticated, well educated individual who cared for his family. It is inconceivable that he didn't provide for his wife and children by purchasing life insurance. He died in Dachau on April 7, 1945 without a death certificate. Many years later, the European insurance companies (*and their handmaiden ICHEIC - created by them, financed by them, and controlled by them*) still refuse to reveal the names of their clients and thus give the possible beneficiaries a chance to see for themselves if the European insurance bandits had stolen and kept the premiums European Jews paid.

Several years ago, I was involved in the distribution of \$3 million that a consortium of Dutch insurance companies made available for destitute Holocaust survivors in California. This was the only such action by European insurers. We distributed the money to several thousand recipients - without any expense to the fund we created - all costs were covered by the interest the money earned.

By comparison, in his testimony in 2003, Lawrence Eagleburger, ICHEIC's chairman declared that ICHEIC had paid out \$35 million in insurance claims while spending \$56 million to do so. He also stated that ICHEIC regarded as valid 54,000 received claims but had made offers of payment to just 2600 - less than 5%! The best estimate by experts is that *millions* of policies were sold to European Jews by the insurance companies - ICHEIC acknowledged 54,000 as valid.

The Claims Conference has a long and convoluted history some of it is commendable, some not. Its handling of Jewish properties in East Germany and reluctance to contact the *rightful heirs* of these properties, its refusal to acknowledge valid claims for restitution by immigrants and survivors from the former USSR that led to mass demonstrations in Los Angeles and resulted in a change of Claims Conference's policy for the better, its refusal to increase the participation on its Board of Directors of Holocaust survivors, the obscenely long time it took to finally expose

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and dismiss the former discredited chairman Israel Singer are examples of policies that resulted in harm to survivors without input from survivors.

At this time, HR1746 was meant to right some of the injustice in distributing millions for research, education, museums and historical landmarks at a time when tens of thousands of destitute, sick and feeble survivors who struggle to survive would be deprived of help. All of them are at least in their 70s – disillusioned, neglected and voiceless. HR1746 was unanimously supported by the Foreign Affairs Committee with the late Tom Lantos as chairman. And then, shockingly, the help that would have become available through HR1746 has now been emasculated by amendments in the Financial Services Committee.

I am aware that there was support from a number of Jewish organizations for making the bill meaningless. It is interesting that most of the organizations – possibly all of them – will be receiving sizeable allocations under the adjusted and cruel bill. The organizations supporting the amendments are not directly involved with Holocaust survivors, do not represent them and, frankly, have no business in lobbying or influencing decisions concerning the plight of the survivors.

At this point I want to repeat something I have said before: if and when the lists of insurance clients are published and it becomes obvious that my father had life insurance, I will transfer anything I would be entitled to, to organizations or individuals that would use the money to help indigent survivors.

I am not in this for money. I write this letter in search of justice. In just a few years more, the survivors will be gone forever. I beg you – do whatever you can to pass HR1746 in the form that was supported by the late Tom Lantos!

Sincerely,

Si Frumkin, chairman SCCSJ; Staff lecturer at Museum of Tolerance, Simon Wiesenthal Center; Senior Adviser and Founder Association Holocaust Survivor from former USSR; Board of Directors, L.A. County Retirement Association; L.A. Jewish Family Service Survivors Supervisory Commission; Russian Language Interviewer Shoah Foundation; L.A. City Human Relations Commission (former); Board of Directors Israel Christian Nexus; L.A. County Sheriff Advisory Board; etc., etc.,

## Restore survivors' rights

BY DAVID SCHAECTER and ESTHER TOPOREK FINDER  
[dschaecter@gmail.com](mailto:dschaecter@gmail.com)

[etfinder@juno.com](mailto:etfinder@juno.com)

For decades, Holocaust survivors and the families of Holocaust victims seeking transparent and accountable restitution of looted assets, such as insurance policies, have struggled against overwhelming odds.

In June, it was reported that Generali, Allianz, AXA and Munich Re are among the top 10 insurance companies in the world. After World War II, these companies, and others, failed to pay tens of thousands of policies bought and paid for by European Jews in good faith. Survivors were subjected to demands for original policies, or death certificates, as if Hitler was issuing those at Auschwitz.

As a result, the companies pocketed billions of dollars of Holocaust victims' money.

The Obama administration, in legal papers filed by the Justice Department, recently stated that it would be "contrary to U.S. foreign policy" for Generali to be held accountable in U.S. courts. This was a different position from the one taken by President Bill Clinton, who refused to support Generali.

The Obama Justice Department stated that a commission financed and controlled by insurers, which paid only 3 percent of the amount owed and ignored congressional disclosure mandates, should be considered to be the exclusive, legally binding, remedy. Generali and Allianz alone failed to pay an estimated \$2 billion each.

Based on the department's position, a federal appellate court held that Holocaust survivors, including many U.S. veterans and war veterans, do not have the same rights as every other American to collect on family insurance policies in American courts. Are Holocaust survivors second-class citizens in the eyes of U.S. law? This is deeply hurtful to survivors and their families.

One of the officials responsible for the administration's bias toward the insurers was Solicitor General Elena Kagan, now President Obama's nominee for the Supreme Court. Shouldn't she be required to give her reasons before being elevated to such a powerful lifetime position? If the decision was made by a

lower-level appointee or bureaucrat, did senior officials such as Attorney General Eric Holder, Secretary of State Hillary Clinton, Vice President Joe Biden or President Obama approve the decision? As Americans we are entitled to know.

Most people do not realize that half the Holocaust survivors in the United States live near or below the poverty line. Rather than ask for charity and take away needed resources from other Americans, survivors and heirs should be able to recover the proceeds of policies they are legitimately entitled to. It is unconscionable that our government is allowing these insurance giants to enjoy such unjust enrichment.

The administration's actions are as ironic as they are painful. Last week, Obama insisted on an independent authority to decide and administer payments to Gulf Coast residents hurt by the BP oil disaster. He opposes bankruptcy for BP to ensure the company will fully pay all damages because of its large profits. Yet the administration says a commission controlled by equally profitable insurers, that paid pennies on the dollar, should be binding on Holocaust survivors. While we applaud the administration's commendable efforts to obtain justice for the Gulf Coast residents, why aren't Holocaust survivors entitled to the same protections?

Far too many Holocaust survivors have died alone, and in misery, giving up hope for justice and dignity. This need not be the case for those who remain, if the president and Congress will exert proper leadership. We ask three things:

- President Obama should support the survivors' and heirs' position, not Generali's, when the issue comes before the Supreme Court this summer.
- The administration should support HR 4596, currently before the U.S. Congress, to restore survivors' and heirs' legal rights, and Congress should pass the bill before adjourning.
- The administration and Congress should require all companies that profited from the Holocaust to pay all claims and disgorge heirless proceeds into a fund managed by trustees respected by the survivor community, with a mandate to secure a dignified standard of living for all Holocaust survivors in need.

We want to believe that if informed of these facts, President Obama would use his vast influence to correct these moral inversions and help those legally deserving and those in need.

*David Schaecter is the president of the Holocaust Survivors Foundation USA, a national coalition of Holocaust survivors and survivor groups. Esther Toporek Finder is the president of The Generation After and a member of the Coordinating Council of Generations of the Shoah International (GSI).*



# EXHIBIT 13

**From:** Reuven Merhav [<mailto:rmerhav@gmail.com>]

**Sent:** Sunday, March 17, 2013 12:38 PM

**Subject:** Re: SWC First Pre-Conference Meeting

**Dear Friends,**

**I fully agree with Herb Block; regrettably I shall not be able to join you next week.**

**It has been said quite a few times - it seems that we mix the means with the end. After over three years of existence, and with a promising beginning of a fine declaration and a well worded joint declaration with the EU, our pages are quite empty; no point in repeating what had been said time and again, but ESLI's chief aim was certainly not arrange conferences, in which XX countries will compare notes and design desirable goals, without marking practical operational measures and the financial means necessary to accomplish them.**

**I therefore strongly suggest that we first and foremost put our house in order, see to it that we have a working mechanism with a duly established foundation, based on the guiding principles of June 30, 2009.**

**This is why I suggest to postpone the proposed conference, until after we have achieved the above - as Herb Block rightly states in the last sentences of his mail. The fact that we have the means, budgeted by a well meaning ESLI supporter and benefactor like the US, does not mean we have to spend them. I could think of XX better ways to spend these funds for needy H/S and N/V any where.**

**I recognize, however, the modest, but very important beginnings in the area of looted art, initiated by or within ESLI. These have earned support of quite a few bodies, and I trust that in view of their success that support will continue.**

**I am also of the opinion that the Government of the Czech Republic, which has initiated the ESLI idea, will continue its support for the idea and for the institute, making good use of its very unique position in the EU and in the Terezin Community as a whole.**

**Best Passover - Pessach regards to all,  
Reuven Merhav**

**2013/3/15 Herbert Block <[Herbert.Block@jdcny.org](mailto:Herbert.Block@jdcny.org)>**

**I cannot attend the meeting in Brussels on Wednesday but want to again register my serious concerns about a June conference date.**

**There simply is not adequate time to properly prepare the SWC in three months, especially, as unlike the IPRC which covered an issue (property restitution) with which many are familiar, the topic of the social welfare needs of Nazi victims is one which has not heretofore been dealt with by many of the countries and**

**European bodies. Therefore, more time is needed to look at how European institutions and governments might further address this matter, and to prepare some possible meaningful outcomes from the conference. Further, much material must be gathered from countries and NGOs and compiled and then written in a presentable form so it can be reviewed prior to the SWC.**

**While the needs of Nazi Victims are immense, and they are aging, we do not need to quickly just have a conference that merely restates that and accomplishes nothing practical and concrete to benefit their condition. To proceed with a conference in June --so that it can be said that ESLI held a conference, without the in-depth reports that are essential, without sufficient contacts having been made with European officials and institutions concerned about the social welfare of Holocaust survivors, and without more serious discussions about and approaches to possible funding sources beforehand – would amount to having a conference just to have another event, which I believe makes no sense.**

**Further, I believe that there should be some parallel discussions about the future plans for and direction of ESLI as well as the follow-up needed from the IPRC last November.**

Herbert Block  
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**From:** Social Welfare Conference 2013 [mailto:[swc@shoahlegacy.org](mailto:swc@shoahlegacy.org)]  
**Sent:** Thursday, March 07, 2013 11:36 AM  
**To:** Herbert Block  
**Subject:** Invitation to the First Pre-Conference Meeting

Prague, March 7, 2013

Dear Mr. Block,

In preparation for the upcoming Social Welfare Conference 2013 in Brussels, we would like to announce the **First Pre-Conference Meeting** and provide you with information on the draft schedule to enable you to make your travel arrangements.

The First Pre-Conference Meeting will be held on March 19 - 20, 2013 in Brussels, Belgium. On the first day, March 19, 2013, the Welcome Reception will be held **in the Prague House (Delegation of Prague to the European Union), Avenue Palmerston 16, 1000 Brussels.** <http://www.prague-house.eu/?lang=en>



On the second day, March 20, 2013, the working part of the first Pre-Conference meeting will be held in the premises of **the Permanent Representation of the Czech Republic to the European Union, Rue Caroly 15, 1050 Brussels – Ixelles**. [http://www.mzv.cz/representation\\_brussels/en/index.html](http://www.mzv.cz/representation_brussels/en/index.html)

**Registration for the 1<sup>st</sup> Pre-Conference meeting is required:**

Please register through the **online registration form by March 13, 2013** by clicking [here](#).

After filling in the registration form, you will receive automatically generated confirmation of successful completion by email. The registration will only be valid after receiving a final confirmatory email by the organizers of the conference. If you do not fill in the registration form, we cannot guarantee your participation at the first Pre-Conference meeting.

#### **Draft Schedule:**

##### **Tuesday, March 19, 2013**

19:30 - 21:30 **Welcome Reception**

**Venue:** Prague House, Delegation of Prague to the EU, Avenue Palmerston 16, Brussels

##### **Wednesday, March 20, 2013**

8:30 - 9:00 **Registration**

**Venue:** Permanent Representation of the Czech Republic to the European Union, Rue Caroly 15, Brussels

9:00 - 10:30 **Meeting with EU experts** (brainstorming on the role of the EU in the process, desired outcomes vis-a-vis EU structures)

10:30 - 11:00 Coffee Break

11:00 - 12:30 **Discussing the draft Declaration and other conference outcomes**

12:30 - 13:30 Lunch

13:30 - 15:00 **Discussing SWC agenda, speakers, participants**

15:00 - 15:30 Coffee Break

15:30 - 16:30 **Second Pre-conference agenda**

We kindly ask you to keep in mind that this is an initial version and is subject to change, but it provides you with the all the necessary information for your travel and accommodation planning.

#### **Accommodation:**

The number of hotel rooms available in Brussels is limited for the days surrounding the first Pre-Conference meeting because of a number of other events happening there. **We strongly recommend that you do not hesitate with making a hotel reservation and book at your earliest convenience.**

We recommend the following hotels:

*1/ Hotel Radisson Blu EU, Rue d'Idalie 35, Brussels*, <http://www.radissonblu.com/euhotel-brussels>

The hotel is in a very short distance from both Pre-Conference venues. A fix rate of 339 EUR incl. breakfast (per single room per night) has been pre-arranged.

For reservations please contact Ms. Ans Van Extergem, Senior Sales Manager, T: +32 (0)2 626 81 30, M: [+32 476 57 58 93](tel:+32476575893), [ans.vanextergem@radissonblu.com](mailto:ans.vanextergem@radissonblu.com). **Please refer to the Permanent Representation of the Czech Republic when making your reservation.**

2/ *Hotel Renaissance, Rue du Parnasse 19, Brussels*, <http://www.marriott.com/hotels/travel/brubr-renaissance-brussels-hotel/>

The hotel is in a very short distance from both Pre-Conference venues. A fixed price for the participants was not arranged, but is approx. 300 EUR per night.

For reservations please contact Mr. Robert Nagys, Tel. [+32 \(0\)2 505 24 75](tel:+3225052475), [robert.nagys@marriott.com](mailto:robert.nagys@marriott.com). **Please refer to the Permanent Representation of the Czech Republic, Mr. Radek Machů, when making your reservation.**

3/ *Other possibilities of accommodation via* [www.booking.com](http://www.booking.com)

**Local transportation:**

Public transportation is easy and reliable, for more information on getting around please visit <http://www.stib.be>

We recommend Taxiverts <http://www.taxiverts.be>

Tel: +32 2 349.49.49 from abroad, Tel: 02/349 49 49 when using local telephone. The usual price from the airport to the city center is 30-40 EUR.

**Practical information:**

**Travel and accommodation expenses of the participants are not covered by the organizers.**

Further information regarding the meeting and logistics will be accessible from March 11, 2013 at [www.swc2013.eu](http://www.swc2013.eu) and we will of course update you via email and send more information soon.

Should you have any questions please do not hesitate to contact us at [swc@shoahlegacy.org](mailto:swc@shoahlegacy.org).

We look forward to seeing you in Brussels.

Sincerely yours,

Tereza Knapová  
Director a.I.



European Shoah Legacy Institute

Rytířská 31

110 00 Prague 1

Czech Republic

[www.shoahlegacy.org](http://www.shoahlegacy.org)

# EXHIBIT 14

Prague restitution :unedited draft

- by Elie Wiesel -

I remember: On April 18th, 1944, on a house to house operation destined to rob all Jewish families of their fortunes, a policeman and an elegantly dressed Hungarian lieutenant entered our home in Sighet and asked for all our valuables : he confiscated:

431 Pengös, our entire cash, 1 camera, my fountain pen, 1 pair of seemingly gold earrings, 1 golden ring, 1 silver ring, 3 ancient silver coins, 1 military gas mask, 1 sewing machine and 3 batteries for flashlights.

They dutifully signed a document, which I have in my possession, and left for my grandmother Nissel's home, two houses away.

She was a war widow. Her husband, my grandfather whose name Eliezer I try to wear with pride, fell in battle as a medic.

In mourning, a profoundly pious woman, she wore black clothes, rarely spoke and read Psalms uninterruptedly.

A similar official document listed HER valuables...

One Pengö, two coins, three smaller coins.

And two pieces of 21-cm tall solid brass candlesticks. That's all she possessed.

Bureaucracy was supreme and eternal even then: whether official murder or robbery, not fearing embarrassment or retribution, everything had to be recorded.

Why the Hungarian and German armies needed was her pitiful life's savings and her Shabbat candlesticks to win their war is beyond me. At times I am overcome with anger thinking of the red coat my little 8-year old sister Tsipuka had received for our last holiday: she wore it in Birkenau walking, walking hand in hand with my mother and grandmother towards.... A daughter of an SS must have received it as a birthday present.

Just measure the added ugliness of their hideous crimes: they stole not only the wealth of wealthy but also the poverty of the poor.

The first transport left our ghetto one month later.

Only later did I realize that what we so poorly call the Holocaust deals not only with political dictatorship, racist ideology and military conquest; but also with...financial gain, State-organized robbery, or just money.

Yes, The Final solution was ALSO meant to remove from Jewish hands all their buildings, belongings, acquisitions, possessions, valuable objects and

properties...Industries, art work, bank accounts...And simple everyday objects...Remember: before being shot by Einsatzkommandos, or before pushed into the gas-chambers, victims were made to undress...Six millions shirts, undershirts, suits, scarfs, pairs of shoes, coats, belts, hats...countless watches, pens, rings, knives, glasses, children's toys, walking sticks...Take any object and multiplied it by six million...All were appropriated by the Third Reich...It was all usefully calculated, almost scientifically thought through, programmed, industrialized....Jews were made to be deprived of their identity, and also of their reality...In their nakedness, with names and title and relations worthless, deprived of their self esteem of being the sum total of their lives both comprised all that had accumulated in knowledge and in visible categories...

When the war ended, what was the first response to its unspeakable tragedy? For us individual Jews, the obsession was not vengeance but the need to find lost family members. Collectively, in all DP camps, a powerful movement was created to help build a Jewish State in Palestine.

*Per Shalom Scholman, 400 Es -*

In occupied Germany itself, the response moved to the judiciary. The Nüremberg Trials, the SS trials, the Doctors trials. Wiedergutmachung, restitution, compensation: were not on the agenda. The immensity of the suffering and the accompanying melancholy defied any expression in material terms.

In liberated countries, in Eastern Europe, surviving Jews who were lucky to return to their homes and/or stores were shamelessly and brutally thrown out by their new occupants. Some were killed in instantaneous pogroms. Who had the strength to turn their attention to restitution?

Then came the Goldmann-Adenauer agreement on Wiedergutmachung. The first Israelo-German conference took place early 1953 in Vassenaar, Holland. Israeli officials and wealthy Jews from America and England allegedly spoke on behalf of survivors, none of whom was present. I covered the proceedings for Israel's Yedioth Ahronoth. I disliked what I witnessed. I worried it might lead to precarious reconciliation. It did. The icy mood of the first meetings quickly developed in friendly conversations at the bar. Then also, deep down, I opposed the very idea of 'Shilumim'. I felt that money and memory are irreconcilable. The Holocaust has ontological implications; in its shadow monetary matters seem quasi frivolous. In the name of Israel's national interest, David Ben Gurion's attitude was, on the other hand, quoting the prophet's accusation of

David, 'Haratzachta vegam yarashta' : should the killer be his victim's heir? Logic was on his side, emotion was on mine.

In the beginning we spoke about millions, at the end the number reached billions. International accords with governments, insurance companies, private and official institutions in Germany, Switzerland and various countries. In Israel, local industry benefitted from the endeavor. As did needy individual survivors elsewhere too, including Europe and America.

Throughout those years, chroniclers, memorialists, psychologists, educators and historians discovered the Holocaust as their new field of enquiry. Some felt inadequate and even unworthy to loon into mystics would call forbidden ground. Having written enough pages on the subject, I confess that am not satisfied with my own words. The reason: there are no words. We forever remain on the threshold of language itself. We know what happened and how it happened; but not WHY it happened. First, because it could have been prevented. Second, the why is a metaphysical question. It has no answer.

As for the topic before us this morning, I am aware of the debate that was going on within various Jewish groups on the use to be made of the monies requested and received: who should get how much: institutions or persons? The immediate answer is: both.

However, it is with pained sincerity that I must declare my conviction that living survivors of poor health or financial means, deserve first priority. They suffered enough. And enough people benefitted FROM their suffering. Why not do everything possible and draw from all available funds to help them live their last years with a sense of security, in dignity and serenity. All other parties can and must wait. Do not tell me that it ought to be the natural task of local Jewish communities; let's not discharge our responsibilities by placing them on their shoulders. WE have the funds. Let's use them for those survivors in our midst who are on the threshold of despair.

Whenever we deal with this Tragedy, we better recall the saying of a great Hasidic Master: You wish to find the spark, look for it in the ashes.

Elie Wiesel

# EXHIBIT 15

**Statement of Jack Rubin**  
**United States Senate Select Committee on Aging**  
**Aging in Comfort: Assessing the Special Needs of America's Holocaust Survivors**  
**January 15, 2014**

My name is Jack Rubin. I am a survivor of several Nazi concentration and death camps, the only member of my beloved family to survive the Holocaust. Somehow I survived and was fortunate to make it to this great country and raise a beautiful family, with three (3) children and four (4) grandchildren.

I have served on the advisory committee of the Jewish Family Services in West Palm Beach for many years, and am also here representing the Holocaust Survivors Foundation USA, which we formed 14 years ago to fight for the rights of tens of thousands of survivors still living in the United States, especially those living in poverty. Our leaders are elected by survivors from all over the United States.

Senator Nelson, I want to thank you for your many years of support for Holocaust survivors, and for holding this important hearing with Senator Collins and your colleagues. But I want to get right to the point.

As you know from our struggles dating back to the late 1990s, we survivors have tried everything we know to lift our brothers and sisters out of this grinding poverty and little has worked.

Instead, we have been blocked everywhere we have turned, in court cases right up the Supreme Court, in Congress, and even seeking proper funding directly from Germany. The small and inconsistent gains in funding for survivors over the years from Germany, channeled through the Claims Conference, are delivered in uneven and we believe inadequate ways, and we still see the poverty and misery at tragically high levels still today.

**Some 55,000 Holocaust survivors in the United States today live near or below the official federal poverty level. This is tragic and unacceptable. We believe that a serious assessment by this Committee of the actual cost of needed in-home care and basic emergency services such as medicines, dental care, hearing aids, food, rent, utilities, transportation, and other vital services will show a multi-billion dollar deficit.**

The Holocaust survivors in this country strongly believe even at this very late date, we must return to the origins of Chancellor Adenauer's promise in the 1950's when he said that modern Germany must take care of the all of the needs of survivors due to the savage actions of the predecessor government, the Nazi German regime, with the death camps, the labor camps, medical experiments, torture, and other crimes which have left this tragic legacy till this very hour. Because of the these horrible deprivations, survivors' mental and physical health care needs are more extensive, more complex, and more dire than other elderly people, and require serious, comprehensive responses.



Unfortunately, the existing system has fallen tragically short of what survivors need and deserve. The current funding and care delivery system is difficult for survivors to access, and also severely underfunded.

Holocaust survivors are looking to this Committee to help secure the funding for the care all survivors need, primarily from the German government and businesses such as Allianz and Generali who profited from the Holocaust. Survivors are not seeking additional funds from the United States government or American taxpayers, or from Jewish philanthropy. The United States did not cause survivors' extensive problems we experience today, and neither did the Jewish community. Looking to these sources is wrong in principle and wrong because it will never yield the amount of funds actually needed to provide for the needs of survivors today.

Here are some examples collected from South Florida and other communities throughout the U.S.:

- Emergency funds are capped at \$2,500 per year per survivor. That is a cap, not a guarantee. Most survivors get less every year because of limited funds that have to be divided among many survivors with emergencies. The result is that many, many survivors' emergency needs go unmet.
- Hearing aids usually cost about \$5,000, and are not covered by Medicare. With the \$2,500 cap and lower actual amounts available, survivors often cannot get even one hearing aid, much less two in the same year. How can a hearing impaired survivor in his or her late 80s be expected to manage with no or only one hearing aid?
- Most survivors have extensive dental needs because during the Holocaust, we had no opportunity to care for our teeth, suffered extreme malnutrition, as well as beatings and other horrible deprivations. Unfortunately, dental services are paid for from the same emergency funds that are limited to \$2,500 per year. And the dental work that many survivors need costs thousands and thousands of dollars. Some dentists give pro bono help in some cities, but this is very limited. I see and hear story after story where survivors cannot get the gum surgery, or extensive dental work they need because there is no money. This is a very, very big problem. The lack of proper dental care harms survivors' dignity, and also puts them at risk for bad nutrition and cardiac problems.
- Many poor survivors don't have a car, cannot access public transportation, or cannot drive themselves to medical appointments. The lack of transportation to go to the doctor is a real problem and there is not enough money for this. Survivors often miss their doctor appointments for lack of transportation.
- The cap on home care funds has been reduced in some areas by 50%. In some cases survivors with documented need of 24 hour care had funding cut from \$2,500 to \$1,250 per month.

- There is the elderly survivor, Mrs. K, who is very sick and is in the hospital for blood transfusions, but was refused when she asked for her AARP insurance paid which she couldn't afford – all of \$625 for a quarter
- Or, Mrs. I, who needed a refrigerator and after a six week wait, her application was denied. This was in September and she still does not have a working refrigerator for her food and medicine.
- There was the elderly survivor woman who, during one of the hottest days of this past summer, requested money for an air conditioner that cost \$500. She was told they only had enough money to give her half of the cost. Unfortunately she didn't have the rest and had to endure the unbearable summer heat without air conditioning.
- There is the survivor who was desperate for assistance to pay for a stair lift since her husband is home bound and was told they were too rich for assistance, even though their mortgage payments use up most of their income.
- Survivors are begging for home care and being refused. In one community I was told the maximum is 15 hours per week, despite the severity of the survivors' illness. These are people who are not eligible for Medicaid. If they go to an assisted living facility, they use every penny available to pay their overhead, but you have to know that aids in those facilities cost extra. The Claims Conference programs refuse any assistance to survivors for these so-called "extra" services in assisted living facilities or nursing homes.
- These many problems are illustrated by the case of a survivor from Stovnietze, Poland, who spent World War II in the Lodz and Kielce ghettos, and Auschwitz. He survived because he was a mechanic and also learned to be a bricklayer. He suffered so many injuries in the camps including terrible foot injuries from standing barefoot in the snow. Everyone but his sister perished in the camps. This survivor eventually settled in Richmond, Virginia. He worked all his life and had saved some money, but never married and had no children. But like many survivors, he was a hoarder. As he aged it got so bad he was pinned down in his home. When neighbors didn't see his car move for three days, they called the police, who had to hoist this elderly survivor out the upstairs window. He was sent to the hospital close to death. Showing signs of recovery, he got better in a nursing home until his medical coverage came to an end. He couldn't move home because it was unlivable, so he went to assisted living, at \$5,000 a month, which increased to \$6,000 as he faltered. Soon he needed aides in the facility, which cost an additional \$6,000 per month -- with no assistance from the Claims Conference or other programs. These costs were far beyond his reach financially. He had to be moved to another facility that was less expensive, where he eventually died in March 2013. However, without the help of a group of two very dedicated friends and his former employer in the small Richmond community he would never have received the attention or care he needed.
- Widows and widowers who live alone cannot get home care from Medicare if they don't spend a certain number of nights in the hospital, and after many operations are told they

should have help at home even if there were only in the hospital overnight. Yet the rationing of home care funds puts these survivors in danger.

- Some survivors are now applying for assistance for the first time. This is because they are desperate for help, but their needs were not factored into the agency's budget and they have to wait for help which may never come. Others do not even apply because they are aware of the funding shortages.
- Survivors are re-traumatized every time they have to retell their wartime experiences and for many, the application process for assistance is emotionally brutal.
- Though there are fewer survivors every year, the agencies caseloads are increasing because more are becoming poor, they are getting more frail, and their needs are increasing due to declining health.
- It is unconscionable that survivors, who went hungry for years during the Holocaust, should go hungry in the United States, but they are.
- If a survivor moves to an assisted living facility or a nursing facility, the Claims Conference programs provide no assistance if they need help with a personal aide or with personal hygiene. If a survivor lives independently, he or she can get meals delivered or other services, but these stop if they move to a facility. In these facilities, a resident must pay extra for assistance with meds or to take a bath, but none of that is covered by the Claims Conference.
- Social workers and survivors involved in the advisory committees have heard this question far too often: "Do I take my medication or do I buy food?" There are limited funds that must cover a broad range of needs. "Should the agency take care of every need of a few survivors, or take care of some needs of many survivors?" Under the current framework, these questions are inevitable. Rationing is inevitable. Why does it have to be this way?
- There are children of survivors who are putting themselves in financial jeopardy to help care for their parents. We are grateful that the Committee recognized this problem and invited Ms. Bar-Cohen to relate her personal experience in caring for her father. These difficulties are widespread.

I would also like to add the following summary points from Dr. Barbara Paris, Vice Chair of Medicine & Director of Geriatrics at Maimonides Hospital in Brooklyn, whose full description of relevant issues is attached as an exhibit to my testimony:

1. Coordination of services: Although there are many agencies that provide various "pieces of the pie" (Self-help, JASA, Met council, Bikur Holim) there is no coordinated effort or umbrella that can help a health care provider, patient or family coordinate all of these agencies, easily access their services and assure that the patient's needs are being met by a combination of these services. There is no central way for a given provider, patient or

family to even know what array of services currently exist for survivors in a given neighborhood.

2. Minimize the paperwork: Many providers are hesitant to advocate with these agencies or the Claims Conference due to repetitive and endless forms that follow a request, often without light at the end of the tunnel.
3. Home care/ assisted living/nursing homes: Elderly survivors with multiple illnesses and functional limitations who are isolated at home with no family to assist should be entitled to 24 hour home care and options for low cost assisted living facilities. There are no reasonably priced, subsidized, assisted living care facilities geared towards the dietary and psycho-social needs of survivors. In addition for those who require nursing home, that do not have Medicaid, the rates are unaffordable and should be subsidized for this population.
4. Mental health services: We need to train and have easily accessible mental health counsellors , social workers , psychologists and psychiatrists who understand the issues facing both first and second generation survivors , whose services are financially accessible (sliding scale or free). These services are not currently or very minimally covered by health care insurance. Transportation costs need to be covered and in many cases the counsellors need to go into the patients' homes.
5. Companionship: There needs to be a centralized effort to develop regional availability of both volunteer and paid friendly visitors who are educated in the special issues of both first and second generation survivors.
6. Special Programs: A cadre of special programs around holidays, summertime should be available – a week in the Catskills with dietary laws adhered to etc.... Many survivors are all alone on Jewish holidays, have no celebrations or any moments of joy.
7. Advocacy: There needs to be regional access to health care providers, lawyers etc. who are willing to both treat and advocate for survivors and participate in establishing goals of care and act on their behalf . Financial support for these services should be subsidized.
8. Second Generation Plans: This requires an assessment of the scope of the financial, psycho-social and medical needs of this generation. There will need to be programs, support networks and services set up and accessible to address their needs.

### **Doing the Math to Properly Analyze Recent German Home Care Announcement**

Senator Nelson, as you are well aware, in-home care is vital for survivors as they cannot be institutionalized easily whether it be a nursing home or mental health facility, which conjures up for most survivors the most bitter memories of the way the Nazis treated us. There could be nothing worse than having to be institutionalized after all we experienced.

You worked with us on a sensible long-term care insurance policy back in 1999-2000 that survivors could control themselves, but as you recall it was blocked by the institutions who preferred the status quo. Think of the thousands who have suffered since then who could have been helped if your efforts had not been derailed! I raise this not to assess blame, but to remind you and the Committee that survivors need and deserve comprehensive, accurate, and **survivor-centered solutions – TODAY.**

Now everyone is talking about home care, with grand announcements that Germany would spend \$800 million over the next four years (2014-2017) for survivors' home care through the Claims Conference. We are asking the Committee to please take a very close look at this announcement and use a sharp pencil and paper to really understand what it will mean to survivors for tangible help they desperately need.

According to the announcements 56,000 survivors per year are served via the Claims Conference with these German funds. This 56,000 number does not include untold numbers of other survivors who are not currently served, because we know most agencies do not conduct or cannot afford outreach because funds for services are already limited. Yet these Holocaust survivors are also entitled to help and they must be an integral part of this calculation, too.

But if the Committee and the Senate do the simple math, it will show how terribly inadequate these supposedly large dollar figures are when it comes to the reality of what the survivors really need.

\$200 million per year divided by the 56,000 survivors that the Claims Conference and Germany say are now being served, amounts to about \$3,560 for each Holocaust survivor each year.

The average survivor in his or her 80s needs at least 15 hours per week of home care. At \$15 per hour, which would be the low end in Chicago and South Florida, \$3,560 only provides 16 weeks a year of home care. What is a survivor supposed to do the other 36 weeks?

If a survivor needs 24 hour a day care, the new German fund would provide only 9 days of care every year.

In New York City, where home care costs at least \$20 per hour, the funds would provide even less home care for Holocaust survivors.

This is obviously not sufficient. Survivors cannot make it on partial solutions, press releases, and political rhetoric.

A recent report of the New York City social services organization Self Help shows how inadequate the recently announced funding levels really are. It says that in 2013, in the New York City metropolitan area alone, 26,572 survivors, or 41% of the New York survivor population, required some help with daily tasks. When that number is compared with the 56,000 survivors worldwide that are currently "served" via home care funds through the Claims Conference, the deficiencies are obvious. New York accounts for roughly half of the U.S.

survivor population, which is between 20 and 25% of the world survivor population. If New York's survivor population, with about 12% of the world's total, has enough survivors needing home care to comprise (for analytical purposes) 47% of the total number of survivors getting help with home care through the Claims Conference today, the "math" shows there are huge amounts of unmet needs now, and will be gaping needs in the years to come.

When viewed in historical context, the recent German home care announcement is even more chilling. This grand new announcement might meet 25% of survivors' current home care needs. However, it is the culmination of several years of increases since 2005 in which the totals have doubled with each new announcement, usually every two years. Since the latest, high-water mark will only meet 25% of U.S. survivors' home care needs, it shows how much unnecessary suffering survivors had to endure in recent years as funding has been inching up gradually through negotiations with Germany without regard for the **actual** human needs being neglected.

Another question this Committee should ask is: What are the Claims Conference's plans for the new Germany home care funds? Have the allocations for each city in the United States been determined? We think that the United States Senate, and the United States House of Representatives, and certainly the Holocaust survivors, are entitled to know exactly how the new German home care funds will be allocated -- where, when, and how much?

Doing this math, taking the local pay scales of any local venue, X\$/hour for home health care workers X number of days a month which are clinically determined to be needed, gives you a number which makes a mockery of the actions and proposals currently on the table. The unique health and emotional conditions and illnesses of survivors require professional treatments. We think a serious, intensive, and critical inquiry will show the actual need is several billion dollars for home care alone, when you consider the aggregate, world wide need, and the remaining years this care will be needed, and a like amount for emergency services also. Where will the funding come from for these desperately needed professional services when Germany's periodic increases over the past decade still yield only 25% of the funds needed into the foreseeable future?

I very much doubt that Chancellor Adenauer, who promised in the 1950s that Germany would provide for the victims of the Holocaust "to their last breath," would be satisfied by the state of affairs today.

Survivors need and deserve a rational budget that will address all important unmet needs, ideally worldwide. It should no longer be acceptable to cause continuing misery to survivors based on piecemeal negotiations every few years and a patchwork of programs.

### **Survivors Are Not Asking for Help from U.S. Taxpayers**

Mr. Chairman, we want to also be clear that Holocaust survivors are not asking for more help from the U.S. taxpayers. Survivors already benefit from many programs for the elderly, and should continue to do so. We hope these can be made better for all elderly in the U.S. However, U.S. taxpayers are already burdened enough, and soon 10 million American baby

boomers will be turning 65 every year for the foreseeable future. Shaving off thin slices of these precious funds which themselves have been sequestered and cut along with regularly targeted funds added would make it tragic for survivors to be inserted in that long line of those seeking those ever smaller funds.

Holocaust survivors endured ghettos, starvation, disease, concentration camps, killing factories, and death marches. We came to the United States and became proud and productive American citizens. Many survivors served this country in combat in Korea and Vietnam. I myself am a U.S. military veteran. Survivors are fiercely independent and never wanted to rely on their fellow Americans for a penny of assistance. These same survivors now have to ask for help because they can no longer care for themselves.

But the United States did not cause the problems survivors face today – Germany did.

As a survivor I am sick as are my colleagues that these taxpayer funds of HHS, and others are being contemplated for use for us and our brothers and sisters when we insist Germany's full responsibility to provide the actual costs of all the services remains a moral and a practical imperative.

In this regard, I feel it is necessary to comment on the recent initiative announced by the White House about helping Holocaust survivors.

Last month, the White House announced an “initiative” to help Holocaust survivors in need with a plan to appoint one desk person at HHS to coordinate with social service agencies, begin a program to recruit VISTA volunteers to help survivors, and begin to organize fundraising in the Jewish Federations to augment funding for survivors’ needs.

As it currently stands, the White House’s announcement is deeply flawed. Survivors deserve the most thorough, professional, and comprehensive care available, not half-measures. And the Jewish community should not be looked to for fundraising to fill these gaps – the Jewish people were the victims, not the perpetrators. The Jewish communities should not be called upon today to provide the financial assistance that is Germany’s responsibility, and be asked to short-change other community priorities such as Jewish education, youth programs of all kinds, providing assistance for other Jews in need locally and throughout the world, including other Jewish elderly.

It isn’t like the Jewish Federations have not been aware of the shortages in funding for survivors over the past several years. They too have been hit hard by the economy, and changing philanthropic trends and lack of confidence in institutions as well. Further, many communities have tried to hold special fundraising efforts, which are well-intended but never calculated to nor have they succeeded in actually raising the funds to provide survivors the full measure of assistance needed.

The survivors’ needs are vast and immediate. Why should we Holocaust survivors always be subjected to these kinds of compromises and flawed solutions? Well-meaning but short-

sighted suggestions that survivors' needs can be addressed through volunteer programs and extra fundraising in Jewish communities will not suffice.

We raised all of these concerns with the Vice President's staff, and these are only some of the reasons we believe the White House's announcement should be viewed as perhaps a starting point, but not the end point for what is needed to provide the complete and professional levels of care that survivors need and deserve, and not to sidetrack a the urgent business to immediately get this right for survivors, at long last. This is in every sense of the word, a matter of life and death. Where is the urgency?

We welcome the Vice President's support for helping Holocaust survivors. But we feel strongly that the recent announcement does not go far enough, and is focused in the wrong areas. If there is more Federal Government support or more charitable contributions to help some of the survivors in need as we all know about, it would be welcome. But this is not the solution to the vast problems survivors face today. This approach has been tried for decades and it has not worked. When we are talking about needing hundreds of millions of dollars per year over and above what is currently being spent to properly care for survivors, raising a few million dollars in the Jewish community will not come close to solving the problem, and neither will \$5 million or \$10 million from the U.S. government.

Some of my fellow panelists may talk today about what is being done for survivors, and others will even praise Germany and the Claims Conference for periodic increases in funding here or there. But none of them ever seems willing to hold Germany accountable for holding back funds survivors desperately need. Why do retired German WWII veterans and even SS officers receive ample pensions and complete health care coverage, when Holocaust survivors are forced to choose between paying for food or medicine, and cannot pay for dental care, home care, utilities, home care, and other basic needs? This isn't right.

Maybe, after this hearing and the Committee's work, the White House will immediately build on the acknowledgement that the needs are great, and use its unique authority to deliver the comprehensive financial support that survivors need and deserve.

However, even without the White House, we believe in this Committee and in our elected members of Congress, led by you Senator Nelson and Senator Collins, along with Senators Boxer, Feinstein, Mikulsky, and Rubio, who have previously supported us, to take the lead, starting today.

We are losing more and more survivors every day and they need our help now. We need to this Committee to figure out how much they need for housing, dental care, home health care and other survivors and then use your eminence as members of this great United States Senate to help us secure the needed funding, today, without any more delays. The German government and the United States government continues to protect the Allianz insurance company and to hide behind the Claims Conference in providing insufficient levels of care for tens of thousands of survivors in need. We need the Vice President, the entire Administration, this Committee and entire Congress to pressure Germany, and all culpable business entities, to fulfill their moral obligations to Holocaust survivors, today.



### **What Happened After the 1997 Senate Resolution Calling on Germany to Provide Adequate Income Support and Full Health Care for Holocaust Survivors?**

In 1997, the United States Senate unanimously passed a resolution co-sponsored by Senators Moynihan, Graham, Hatch, Dodd, and Biden, calling on Germany to provide adequate material and social service support so that *all Holocaust survivors* could live in dignity. The resolution noted that retired SS officers in Germany and elsewhere receive far more generous health care benefits from Germany than Holocaust survivors. It called for, among other goals, that “the German Government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover the medical expenses of all Holocaust survivors worldwide.” S.Con. Res. 39, July 15, 1997.

Unfortunately, neither the Jewish community leadership, the Executive Branch, nor Congress followed through on persuading Germany to live up to these aspirations. Today, 17 years later, there is no more excuse for delay.

The grandstanding, fractured, and irrational, bi-annual announcements of Claims Conference-German secret negotiations have got to stop as the means of caring for survivors once and for all. It should be replaced by the serious solution sought by the survivors who have pleaded for this for nearly 15 years of agony and endless suffering and inability to lift their brothers and sisters in need into a reasonably comfortable and dignified quality of life, and having watched as so many survivors died in agony these past 15 years while those in power ignored or failed to grasp the seriousness of our plight. The above suggested process is the only way once and for all to set the process right and kill poverty among our ranks before it is too late.

### **Data on Survivors Living in Poverty**

Senator Nelson, when we started this effort back in 1998, 1999, 2000, there were at least 87,500 U.S. survivors living in or near poverty, which was half of the 175,000 living survivors in the U.S. at the time. Today, there are some 110,000 living survivors, and still, half – 55,000 – live below the poverty line or are considered poor. To us survivors, it is unbearable to think about the tens of thousands of survivors who already died in misery in this great country without the care they needed. It is unconscionable that thousands of survivors, who went hungry for years during the Holocaust, should have died hungry or alone here in these great United States. The current framework is not acceptable, and never was. But now that this Committee is investigating the status of survivors in the United States, we are praying that this Committee’s work will not allow the catastrophes of the past decade to be repeated.

Keep in mind that Holocaust survivors also suffer from much higher levels of poverty than other elderly because of the loss of parents, grandparents, the loss of property and other

assets, and the deprivation of educational opportunities. Even many survivors who did OK economically have outlived their resources, and are now unable to afford the care they need.

Unfortunately, there is no comprehensive census data that shows the number of survivors in the U.S., the number that live in poverty, and the kind of care they are receiving via government and privately-delivered services. However, there are several local studies and national surveys that support the basic finding that half of all survivors live below or near the poverty level, and that the funding for survivors' needs is terribly inadequate everywhere. Here are a few of these summarized.

National Data. As I noted, today, some 55,000 Holocaust survivors in the U.S. – half of the survivor population here – live below or near the poverty line and cannot afford sufficient food, shelter, medicine, health care, home care, dental care, hearing aids, eyeglasses, and other services necessary for a dignified old age. This number is derived from data from leading demographers compiled by the Jewish Federation system and filed with the Federal Court in 2004. The number of U.S. survivors living in or near poverty at the time was 87,500. (See Sheskin, Estimates of the Number of Nazi Victims and Their Economic Status, January 2004; 2000-01 National Jewish Population Survey.) 55,000 is also the number cited by the Claims Conference when describing the population of U.S. survivors who are poor today.

Los Angeles. In December 2008, the Jewish Federation of Los Angeles conducted a survey which concluded that there are 10,000-12,000 Holocaust survivors living in the Los Angeles metropolitan area, most of whom are over the age of 85, 75% of whom are female, and 49% of whom are “low income or poor.” See Los Angeles Community Study of Vulnerable Jewish Seniors and Holocaust Survivors, December 2008.

The Los Angeles study found, “[c]onsistent with other national studies, Holocaust survivors in Los Angeles are less affluent than other Jews, with 49% of households either low-income or poor. Using the federal poverty guidelines, 27% of survivors are living at or below 100% of the guidelines.”

New York. A few years ago, the UJA-Federation of New York City reported that “[t]here are 73,000 aging Holocaust survivors in NY, half of whom are living at or below the poverty level.” See <http://www.facebook.com/ujafedny>.

As I said before, a recent report in 2013 by Self Help found that in 2013, in the New York City metropolitan area alone, **26,572** survivors, or 41% of the New York survivor population, required some help with daily tasks.

San Francisco. The *Jewish News Weekly of Northern California* reported in 2008 that of 4,000 Holocaust survivors living in the Bay Area, 1,000 of them “are in trouble,” and that “the Jewish community is not raising enough money to care for the poorest and sickest in a proper and humane way.” See Anita Friedman, “Holocaust Remembrance is About Honoring the Living, Too,” *Jewish News Weekly of Northern California*, May 2, 2008. These concerns about the large number of survivors in need in the Bay Area were again reported four years later. See

Deborah Garel, "As We Memorialize Shoah Victims, Don't Forget the Living," *Jweekly.com*, April 12, 2012.

Washington, D.C. The *Washington (D.C.) Jewish Week* reported in November 2012 that while "Claims Conference money has never been enough to fund the JSSA's (Jewish Social Services Agency's) support for Holocaust survivors," that in 2012 the agency was estimating a \$500,000 shortfall because of the increased demand for services. See "Fiscal Cliff for Survivors," *The Washington Jewish Week*, November 28, 2012.

South Florida. In Miami, a 2003 survey (the most recent one to ask the question) found that 39% of survivors live below the official poverty level. No one believes the situation has improved since then. But the community isn't even asking the question now – either to avoid embarrassment, or perhaps because they realize the results won't make a difference with today's funding system.

In preparation for the 2009 Prague Conference on Holocaust Assets, the South Florida social service organizations met with the Holocaust survivor leadership and Congresswoman Ileana Ros-Lehtinen to discuss the conditions facing survivors in the care of the communities there. In Miami, the director reported that the survivors under the care of the Jewish Community Services organization are mostly in their late 80s and 90s, and require substantially greater care on the whole than they did even a few years ago, but the current system only provides a portion of the hours of home care needed.

Broward County and Palm Beach Counties reported larger but somewhat younger survivor populations, with slightly lower levels of poverty levels and lower levels of hours of care and emergency services needed on average. So, Broward and Palm Beach Counties' survivors were at the time of that meeting getting about one quarter to one third of the home care they needed, about 4-6 hours per week (like Miami 10 years ago). Further, their emergency funds from the Claims Conference are not only rationed every month, but run out long before the end of the year. Because their situations mirror what Miami looked like a decade ago, we can assume the needs will continue to grow among survivors there in the coming years.

I am including a current write-up from the Alpert Jewish Family & Children's Service organization in West Palm Beach as an exhibit to my testimony.

Israel and elsewhere. There are also thousands of impoverished Holocaust survivors living in Israel, Europe, Canada, Australia, and South America who are not receiving the services they need for a dignified quality of life. According to the Claims Conference in 2010, the number of Holocaust survivors living in or near poverty in Israel was 74,000, and the number in the former Soviet Union was 90,000. When the 55,000 poor U.S. survivors are included in this ghastly count, it shows **219,000 Holocaust survivors living in or near poverty worldwide**. As has been widely reported to the shock and dismay of many, even survivors in Israel do not receive proper and needed care, due to funding shortages from Claims Conference and the Israeli government, it doesn't. See, e.g. Liel Leibovitz, "Israel's Starving Survivors," *Tablet*, April 8, 2013; Daniel Ziri, "Budget Runs Out for Holocaust Survivors' Expenses," *The Jerusalem Post*, August 11, 2012.

### Insurance Companies' Responsibility

Senator Nelson, we also appreciate your introducing S. 466 in 2011 to restore Holocaust survivors' rights to sue Allianz, Generali, AXA, Munich Re, Swiss Re, Zurich, Basler, RAS, Victoria, and other global insurers who dishonored insurance policies they sold to our parents and grandparents. The failure of your bill to advance to even a Judiciary Committee vote in the Senate (and of HR 890 to advance to a vote in the House) remains a bitter disappointment to Holocaust survivors and our families. I would like my testimony before you in the 2008 Senate Foreign Affairs Committee, and the testimony of fellow HSF executive committee member Renee Firestone in the House and Senate in 2011 and 2012, along with my other HSF colleagues who have testified on the insurance issue and other issues of vital concern to survivors, to be deemed an official part of this hearing record. Here are the citations:

<http://www.foreign.senate.gov/imo/media/doc/RubinJTestimony080506p1.pdf>

<http://archives.republicans.foreignaffairs.house.gov/112/fir111611.pdf>

<http://www.judiciary.senate.gov/pdf/12-6-20FirestoneTestimony.pdf>

<http://democrats.foreignaffairs.house.gov/110/rec032807.htm>

<http://archives.republicans.foreignaffairs.house.gov/112/71263.pdf>

<http://judiciary.house.gov/hearings/pdf/Dubbin100922.pdf>

<http://archives.financialservices.house.gov/hearing110/arbeiter020708.pdf>

<http://archives.republicans.foreignaffairs.house.gov/110/sch032807.htm>

<http://archives.republicans.foreignaffairs.house.gov/110/rec032807.htm>

<http://www.gpo.gov/fdsys/pkg/CHRG-110hrg38141/pdf/CHRG-110hrg38141.pdf>

<http://archives.republicans.foreignaffairs.house.gov/110/mos100307.htm>

<http://archives.republicans.foreignaffairs.house.gov/110/rub100307.htm>

The reason is that my colleagues and I have attempted to bring the concerns of the survivor community before this Congress over the past decade on several occasions, and our positions have been thoroughly documented and supported. But we have been overwhelmed by the moneyed interests of the insurance companies, the misrepresentations of the Bush and Obama Administrations, and the treachery and dishonesty of certain non-survivor Jewish groups led by the Claims Conference, ADL, AJC, B'nai B'rith, Agudas Israel, the World Jewish Congress, and Stuart Eizenstat.

But insurers collectively owe Holocaust survivors and our families well over \$20 billion in today's dollars, and they have denied us our families' historic and financial legacies. Thousands of survivors have died as second class citizens in this country without the ability to reclaim their families' financial and historic legacies. It is criminal that the insurers remain immune, with the assistance of those I just named.

I raise this here Senator Nelson for several reasons. First, even if survivors' legal rights were restored and all traceable beneficiaries and heirs are paid, there would still be billions of dollars in likely heirless proceeds these companies could and should contribute to a fund to assist survivors today. As I said in 2008, what about the policies that went up in flames in Auschwitz-Birkenau, and the other death camps? Why should Generali and Allianz be the heirs of the Jewish families who were annihilated?

I raise this for another reason. As you surely recall, to defeat our efforts going back to 2007 in Congress to restore survivors' legal rights, the insurers, the State Department, and even some Jewish groups made the argument that restoring survivors' legal rights would result in less funding from Germany for the needs of indigent survivors. This was and is an outrageous argument. One thing has nothing to do with the other. Insurance companies should pay their debts and survivors should be able to sue them if they breach their contracts. That has nothing to do with *Germany's* long overdue moral obligation to provide adequate funding for the needs of survivors, a duty it has ignored and only recently began to address due to pressure from the survivors and our allies here in Congress.

But if you go back to the actual hearing record in 2008, you will see that the Claims Conference witness cited this argument while was bragging about having secured \$70 million from Germany for "additional home care funding" – for the entire world! We pointed out that \$70 million for two years, or \$35 million per year, for the 50,000 survivors then being served, would generate a total of \$700 per survivor for home care funding – about 4 weeks of home care given the average cost of \$15 and average need of 15 hours per week.

Germany doubled these home care funds again in 2010 and 2013, culminating in the home care fund discussed above that will address only 25% of the survivors' needs. If the funds from Germany have doubled three times and now will only meet one-quarter of the needs, this Committee can easily see that a far more direct and forceful response is desperately needed. This is what survivors are hoping will result from today's hearing and your next steps.

Of course, we hope and expect that Congress will take up a bill like S. 466 again this year and pass it so survivors can recover our family insurance policies. However, in addition, we believe that the insurers such as Allianz and Generali and others who profited from the Holocaust should also contribute to the kind of fund we are urging here to provide for all survivors' needs, immediately, and without further haggling. They have the money – they stole it. They can pay it out today to relieve survivors' suffering, some of which they caused.

### Survivors' Care Remains Germany's Responsibility

Nothing has changed since Chancellor Adenauer's remarkable assertions of German responsibility in the 1950's! Instead Germany, under the present newly re-elected government has actively successfully pushed their own responsibilities to the US government and the American Jewish community instead. How bizarre is that? We are outraged and we beg this committee, especially you, Mr. Chairman, who has also sat ably on the Foreign Relations Committee, to press the Secretary of State and the President, who have developed close ties to Chancellor Merkel and visited the camps with her and with Elie Wiesel, to change all this now, and get back to providing sufficient funds directly to meet survivors' actual physical and mental needs.

The cost of a proper, comprehensive, and permanent program would be minimal compared to Germany's and the insurers' resources – but would provide a vital lifeline to survivors who need and deserve it.

While you may think a turn-around is impossible to refocus on Germany's responsibility. We believe because of the very personal ties which exist uniquely at this time in the relationships with Chancellor Merkel, and with you, Mr. Chairman, and the Secretary of State, a concerted effort to renew and refresh German's role is promising and should be tried on a concerted high level it should work. I am sure Elie Wiesel would join such an effort just as he did at the Prague conference on this subject and his visits with the President and Merkel at Bergen Belsen Concentration Camp as well as other such meetings.

Let me remind the Committee of Elie Wiesel's words to the 2009 Prague Conference:

*However, it is with pained sincerity that I must declare my conviction that living survivors of poor health or financial means, deserve first priority. They suffered enough. And enough people benefitted FROM their suffering. Why not do everything possible and draw from all available funds to help them live their last years with a sense of security, in dignity and serenity. All other parties can and must wait. Do not tell me that it ought to be the natural task of local Jewish communities; let's not discharge our responsibilities by placing them on their shoulders. WE have the funds. Let's use them for those survivors in our midst who are on the threshold of despair.*

If only this could be the serious focus by all high level persons, led by you, Mr. Chairman, it would finally cut through the talk and false efforts once and for all then to provide actual meaningful care not gimmicks which won't work once again leaving survivors continuing to suffer until they die.

Thank you again Senator Nelson and Ranking Member Collins for your efforts here. They are historic and extremely important.



# HOLOCAUST SURVIVORS' FOUNDATION - USA

December 11, 2007

Her Excellency Dr. Angela Merkel, MdB  
Federal Chancellor  
Bundeskanzleramt  
Willy-Brandt-Straße 1  
10557 Berlin  
Germany

Dear Chancellor,

We write this letter with admiration for the direct and humane manner in which you have conducted your high office since being elected.

We are an alliance of over 50 Holocaust survivor organizations from across the United States, formed nearly a decade ago to represent and help those survivors among us who are suffering terribly and receiving little or no help in their battle against poverty.

We are approaching you now after reading of the public disagreements over the provision of funds for aging Holocaust survivors whose urgent needs are not being met. Whether the funds meant to help survivors are being hidden and hoarded for other purposes, or whether those entrusted with the allocation of these precious resources simply underestimated the amounts required to provide dignity and healthcare for survivors into the 21st century, the result is the same. It is tragic and unacceptable.

It is common knowledge that survivors in the United States are very unhappy with how survivor-related funds have been spent in the past. It is painfully obvious to us that in far too many instances resources are not going to the living survivors who are in need.

We are also distressed at the reaction, reflected in recent media reports, of many in Germany who wrongly feel that any efforts to seek additional funding to care for aged, needy survivors are simply another attempt to "fleece" your country. We are saddened that such a harsh attitude prevails in the face of the indisputable fact that survivors suffer from catastrophic medical and psychological conditions as a direct result of the horrors they suffered during the Holocaust. In fact, Madam Chancellor, as we are sure you know, these conditions are intensified by the normal aging process and require much more care and intervention than previously imagined.

Yet, no funds are forthcoming to deal with the very real and painful situation of tens of thousands of survivors living in poverty in this country and around the world. They did not do this to themselves. It was done to them willfully and relentlessly, as history has shown.

We dissent with those who take the position that governmental agencies and public resources in other countries, provinces or states pay for the required care of survivors, thereby diverting funds for care of the general aging population in the U. S. or elsewhere. Although the German government admits publicly that it has a continuing direct responsibility to survivors of the Shoah, this moral obligation has not been effectively implemented.

**"JUSTICE AND DIGNITY FOR SURVIVORS"**

PHONE (305) 231-0221 EXT. # 243

4700 DISCAVNE BLVD MIAMI, FL 33137-3279  
EMAIL: contact@hsf-usa.org

FAX (305) 231-4242

HOLOCAUST SURVIVORS' FOUNDATION -- USA

Page 2

We urge you to take a personal responsibility in addressing these pressing challenges by assigning a person in your office to coordinate efforts to provide the necessary funds for Holocaust survivors in need of assistance.

We further propose that your government establish a fund for this purpose, with guaranteed funding to provide a dignified level of care and basic services for all Holocaust survivors, and that you ensure all agencies participating in handling such funds or delivering services recognize the unique physical and emotional needs of survivors, are committed to the efficient and effective delivery of services, and operate in a completely transparent fashion.

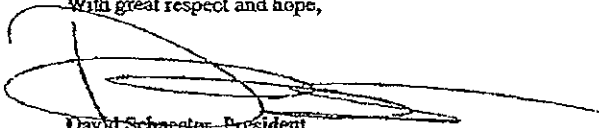
The current framework for addressing the needs of aging survivors, in which the political considerations of unrepresentative and unaccountable organizations overshadow the right of survivors to health and dignity, has not been adequate. The result is, unfortunately, not appropriate for the morally demanding, indeed, sacred responsibility of caring for survivors. We are confident that the overwhelming majority of Holocaust survivors throughout the world would confirm this view.

If the present system had been working properly, there would not have been the huge build-up over the past years resulting in over 80,000 survivors presently living at or near poverty in the U. S., and even more in Israel. No additional proof is needed.

We write, then, to ask for your direct intervention. We are confident that you will recognize these injustices and -- by executive action -- put in place the type of system we propose in cooperation with actual survivors and appropriate agencies. The aging survivors need help quickly and effectively before it is too late! Your actions would be greatly applauded and widely supported.

Naturally, our national organization stands ready to help in this endeavor. I would welcome a call from your office at (305) 231-0221, Ext. 243, and look forward to your written response as well.

With great respect and hope,



David Schneider, President  
Holocaust Survivors Foundation-USA, Inc.

Approved by HSF Executive Committee:

Israel Arbeiter, Boston  
Nessee Godin, Washington, D.C.  
David Mennelstein, Miami  
Alex Moskovic, Hobe Sound, FL

Leo Rechter, Queens  
Henry Skuster, Las Vegas  
Fred Taucher, Seattle  
Esther Widman, Brooklyn



POSTALSCHEIN Bundesministerium der Finanzen - Postfach 301 5003 Bonn

Holocaust Survivors' Foundation - USA  
Präsident David Schaefer  
4200 Biscayne Blvd  
MIAMI, FL 33137-3279  
USA

HAUSANSCHRIFT Dienstleitz Bonn  
Elberstraße 56, 53119 Bonn  
BEARBEITET VON RD'in Barbara Busch  
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E-MAIL Barbara.Busch@bmf.tun.de  
TELEF. 890645  
DATUM 21. Februar 2008

BETREFF **Wiedergutmachung nationalsozialistischen Unrechts**

BILDZUS **Ihr Schreiben vom 11. Dezember 2007**

OZ **VB 4 - O 1470/08/0002**

DEK **2008/0090097**

(zu Antwort Nr. OZ 131004 000000)

Sehr geehrter Herr Schaefer,

vom Bundeskanzleramt wurde ich als innerhalb der Bundesregierung für Fragen der Wiedergutmachung zuständiges Fachressort gebeten, Ihr Schreiben vom 11. Dezember 2007 zu beantworten.

Zu meinem Bedauern muss ich Ihre Forderung nach Einrichtung eines Homecare-Fonds, der seit langem auch von der Jewish Claims Conference (JCC) sowie von der israelischen Regierung gefordert wird, ablehnen.

Es ist zwar richtig, dass bei höherer Lebenserwartung die Pflegebedürftigkeit zunimmt. Dies gilt jedoch nicht nur für Holocaust-Überlebende, da die Pflegebedürftigkeit in der Regel nicht verfolgungs-, sondern altersbedingt ist. Die jeweils - und auch von der amerikanischen Holocaust Survivors' Foundation - aufgeführten typischen Krankheitsbilder (z.B. verstärktes Auftreten von Osteoporose) sind auf die Mangelernährung im Kindesalter zurückzuführen, unter der weite Teile der Bevölkerung Europas gelitten haben. NS-Verfolgten, die durch verfolgungsbedingte Gesundheitsschäden Pflegeleistungen benötigen, wird nach dem Bundesentschädigungsgesetz Hilfe geleistet. Ferner unterstützt die Bundesregierung im Rahmen des Artikel 2-Abkommens mit der JCC Einrichtungen, die Pflegeleistungen für Holocaust-Opfer

Postfach Bonn, Bundesministerium der Finanzen, 53119 Bonn

www.bundesministerium.de

erbringen. In den Jahren 1993 bis 2007 sind insgesamt 52,9 Mio. € im Rahmen der Institutionellen Förderung der JCC zur Verfügung gestellt worden. Im Rahmen der Stiftung „Erinnerung, Verantwortung und Zukunft“ sind zudem an die JCC 114 Mio. € für humanitäre Zwecke gezahlt worden. Eine weitergehende Finanzierung von Pflegeleistungen ist von Seiten der Bundesregierung nicht vorgesehen.

Die Bundesregierung ist darüber hinaus nicht für unzureichende Sozialsysteme anderer Staaten verantwortlich.

Hierfür bitte ich um Verständnis.

Mit freundlichen Grüßen

In: Auftrag  
Barbara Busch

Beglaubigt



*Carde*

[TRANSLATION]

Mailing address: Bundesministerium der Finanzen – Postfach [illegible], Bonn

Holocaust Survivors' Foundation – USA  
David Schaecter, President  
4200 Biscayne Blvd  
MIAMI, FL 33137-3279  
USA

[illegible]  
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+49 (0) 1888 682-2508  
[Barbara.Busch@bmf.bund.de](mailto:Barbara.Busch@bmf.bund.de)  
388645  
February 21, 2008

RE **COMPENSATION FOR NATIONAL SOCIALIST ILLEGALITY**

REF. Your letter of December 11, 2007

No. **V B 4 \_ 1470/08/0002**

DCK **2008/0090087**  
(please mention in correspondence with [illegible])

Dear Mr. Schaecter:

I have been asked by the office of the Federal Chancellor, as the person responsible for questions of compensation within the Federal Government, to respond to your letter of December 11, 2007.

I regret that I must deny your claim for establishment of a Homecare Fund, which has been requested for a long time also by the Jewish Claims Conference (JCC) as well as the government of Israel.

Although it is true that with longer life expectancies, the need for care is increasing, this does not apply only to Holocaust survivors, since the need for care is, as a rule, not caused by persecution, but by age. The typical disease picture mentioned – also by the American Holocaust Survivors' Foundation – (e.g., increased occurrence of osteoporosis) are not due to the malnutrition in childhood that was suffered by large parts of the population of Europe. Those persecuted by the Nazis who need care services for health damage caused by persecution, will be provided with assistance according to the Federal Compensation Law. Furthermore, the Federal Government supports providing care services for Holocaust victims within the framework of article 2 of the agreement with the JCC

[line illegible]

institutions. In the years 1993 through 2007, a total of 52.9 million € was made available within the framework of institutional support for the JCC. Within the framework of the "Remembering, Responsibility, and Future" Foundation, 114 million € were also paid to the JCC for humanitarian purposes. More extensive financing of care services is not planned by the Federal Government.

Moreover, the Federal Government is not responsible for inadequate social systems of other states.

I request your understanding of this.

With friendly greetings,

by assignment,

Barbara Busch

Certified

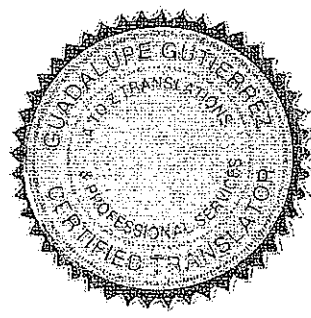
[seal, signature]

AFFIDAVIT

STATE OF FLORIDA )  
 ) SS  
COUNTY OF MIAMI-DADE )

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA AT LARGE, PERSONALLY APPEARED MRS. GUADALUPE GUTIERREZ, A CERTIFIED TRANSLATOR FOR AND ON BEHALF OF A TO Z TRANSLATIONS & PROFESSIONAL SERVICES CORP., WHO, AFTER BEING DULY SWORN, DEPOSES AND SAYS THAT THE PRECEDING IS A TRUE AND CORRECT TRANSLATION INTO ENGLISH OF THE ATTACHED DOCUMENT(S) IN GERMAN AND THAT THE TRANSLATOR IS COMPETENT TO TRANSLATE FROM THE FOREIGN LANGUAGE INTO ENGLISH.

*Guadalupe Gutierrez*  
Guadalupe Gutierrez



SWORN TO AND SUBSCRIBED BEFORE ME BY GUADALUPE GUTIERREZ, WHO IS PERSONALLY KNOWN TO ME, THIS 3rd DAY OF June, 2008.

*Maritza S. de Puzo*

NOTARY PUBLIC, STATE OF FLORIDA  
AT LARGE

Name: Maritza S. de Puzo  
Commission No. DD 562207  
Expires: August 27, 2010





# HOLOCAUST SURVIVORS' FOUNDATION - USA

## Holocaust Survivors Foundation USA Response to German Government Home Care Funding Announcement

June 2013

### 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
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- Survivors of the Holocaust of New Mexico
- Tikvah Acharay Hashoah, San Francisco

The Holocaust Survivors Foundation USA has for many years urged Congress and the Administration to propose real, provably workable and comprehensive solutions to put an end the inconsistent and inadequate solutions of the past which have kept so many thousands of survivors locked in poverty all these decades! NOW is the historic moment for a truly comprehensive, informed, and just solution to the issues causing so much suffering among Holocaust survivors today.

Reality Check About Recent Claims Conference-Germany Home Care Announcement. In May, 2013, the Germany announced that it would supply \$800 million in home care funding through the Claims Conference for the years 2014-2017. Unfortunately, a simple analysis shows that even this seemingly large amount of money is NOT a sufficient response to the problems facing indigent survivors in need of home care. Considering this is a worldwide fund, and the number of survivors that are supposedly served every year and the cost of home care, etc., the facts show that the home care funding announced will address only a small fraction of survivors' actual home care needs.

As President Obama is fond of saying, do the math. According to the Claims Conference announcement, the home care funds provided by Germany will be \$182 million in 2014. It also says that 56,000 survivors per year are served via the Claims Conference with these German funds. <http://www.claimscon.org/?url=negotiations-05-13>. Keep in mind that this 56,000 number does not include many thousands of other survivors who have not been getting any assistance, whether because they are on waiting lists due to lack of funds, or hidden in the shadows and not coming forward to seek help because of the lack of funds, or out of pride, etc. But they must become an integral part of this calculus too.

That being said, the math shows how these dollar figures, while sounding large, are pitifully inadequate: If you divide \$182 million by the present number to be served of 56,000 survivors, the result is \$3,250 in home care funding per survivor for 2014. In South Florida, home care costs about \$15 per hour, so \$3,250 would pay for 216 hours of home care. The average survivor in South Florida, who is in her 80s, needs at least 15 hours of home care per week, and most need much more. Just going with the average, the 2014 budget will pay for less than 15 weeks per year of the average survivors' home care needs. What is the survivor supposed to do the other 37 weeks every year? What about the states like New York and others where proper home care costs more than \$15 per hour?

*"JUSTICE AND DIGNITY FOR SURVIVORS"*



# HOLOCAUST SURVIVORS' FOUNDATION – USA

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The cost of home care in Europe and Israel is comparable to the U.S., and even in Eastern Europe and the former Soviet Union home care is more expensive than one would assume. For example, in the Hungarian Gold Train settlement administration, the data showed that in Hungary, "home care," defined as cleaning, shopping, and cooking, cost \$9.53 per hour in 2010. "Home nursing," such as rehabilitation and physical therapy, cost \$11.89 per hour in 2010.

**However one does the calculation, the conclusion is obvious -- \$3,250 per year is a drop in the bucket compared to the actual home care needs of survivors worldwide.**

Here is another important number: some 50,000 survivors live below or near the poverty line. According to the Claims Conference in 2010, the number in Israel was 74,000, and in the former Soviet Union there were 90,000 survivors living in poverty. Granted, every survivor does not need home care today, but compare the 56,000 currently receiving home care funding to the 50,000 poor survivors in the U.S. alone, much less the 234,000 living in poverty worldwide, and divide the funding levels announced, and you can see that the one billion dollar sum spread over the next four years is NOT remotely sufficient for home care for survivors. Let's not forget that emergency services (food, medicine, medical care, dental care, hearing aids, eyeglasses, rent and utility subsidies, transportation, etc.) are equally important and MUST be funded adequately as well, and which is also not remotely the case today.

Familiar Pattern. The May 2013 announcement is not made on a blank slate. It is at least the third such announcement in the past 5 years, beginning in June 2008, and each was presented with great fanfare and gave the impression of an unbelievable magnitude of dollars for home care for survivors. But when you peel away the numbers, with each successive announcement, the annual amount of home care funding raised substantially, which proves the true failure of previous negotiations to address the actual scope of the survivors' home care needs. (This issue was addressed by HSF counsel Samuel J. Dubbin in his 2008 Senate Foreign Relations Committee testimony and answers to Committee questions, at pages 5-11.) When you consider how paltry the actual impact of the "huge" numbers announced this week is, you have to ask how many survivors suffered without the care they needed and died lacking the dignity they deserved over the entire preceding decade?

At least, this is the way the survivors view the current and past announcements. Forget the fanfare and the press releases – do the math. Unfortunately, these announcements and the surrounding hype continually derail serious investigations or analyses of the resources actually obtained, and habitually blunt movement for more effective results.



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In 2007, HSF asked German Chancellor Merkel to dedicate a permanent source of funding to guarantee assistance for all survivors in need – just as Chancellor Adenauer promised in the 1950s. Her government responded with a truly terrible letter saying essentially that it isn't Germany's fault that the U.S. doesn't have comprehensive health care, or that old people have diseases like osteoporosis. This correspondence is attached, including the response after six months from what appears to be a low level bureaucrat. Pressure from survivors has caused this situation to improve, but not nearly enough.

In 2011, we wrote to Secretary of State Clinton seeking Stuart Eizenstat's dismissal as "Special Advisor for Holocaust Issues" because of his conflict of interest as a Claims Conference official. In that letter, we noted among other issues the harm that has been caused by the Claims Conference's periodic begging and scraping for increases in funding, resulting in grand announcements but leaving thousands of survivors without the help they need (pages 6-7 of HSF letter). The 2013 announcement is more of the same, and tens of thousands of survivors will continue to suffer because too many policymakers will assume these "grand" numbers will do the job. They won't.

Objections to Older Americans Act Amendments. The same principle applies to the proposed amendments to the Older Americans Act and the Jewish Federations recent press release touting that plan. They imply – wrongly – that Holocaust survivors are asking for help from the U.S. government or U.S. taxpayers for kosher food when so many needy Americans are losing their benefits, so many injured U.S. veterans are not getting the financial or medical care they deserve, and the sequester has caused even more pain and suffering across the land. This is not what survivors are seeking.

We survivors have consistently demanded that Germany, and culpable companies like Allianz, Generali, and other insurers, provide the necessary funds for the care of those survivors now living in poverty. This is the proper allocation of responsibility, and it is also consistent with the commitment made in the 1950s by German Chancellor Adenauer, who promised to care for survivors to their last breaths because of the horrors the predecessor German government inflicted. The facts on the ground prove this promise has not been kept. However, the hype behind the Federation legislation would let Germany off the hook despite its historic role as perpetrator causing the lifelong personal, medical, and emotional suffering and poverty among survivors.

Further, what amount of funding is actually proposed with this amendment? How many survivors would be helped if it passes? Has anyone seen these numbers? These questions should be the subject of Congressional inquiry.

**"JUSTICE AND DIGNITY FOR SURVIVORS"**





# HOLOCAUST SURVIVORS' FOUNDATION – USA

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Survivors do not want to be associated with a special pleading bill and a public grab for U.S. taxpayer funds, or a plea to private Jewish philanthropy. Survivors know that the aging U.S. baby boom population is and will in the future place enormous demands on the American taxpayer and Treasury. (10,000 baby boomers in the U.S. turn 65 every day.) They also understand that local Jewish communities are stretched to care for others including other Jewish elderly who deserve tzedekah from the community.

All of this fanfare only serves to obscure the widespread suffering and damage that remains unaddressed, which leads us back to the point that the HSF leadership have been trying to make all these years.

As outlined above, the announced "\$1 billion breakthrough" is really meaningless unless it is placed in the context of the actual needs worldwide, and the facts show the amounts are far too small. This comes as no surprise when you juxtapose the above math with the admissions made by Reuven Merhav of the Claims Conference and Herbert Block of the JDC in a March 2013 email, that the Prague Conference mechanism had achieved no progress at all since 2009 on the issue of survivors' needs:

After over three years of existence, and with a promising beginning of a fine declaration and a well-worded declaration with the EU, our pages are quite empty; no point in repeating what had been said time and again, but [the institute's] chief aim was certainly not [to] arrange conferences, in which XX countries will compare notes and design desirable goals, without making practical operational measures and the financial means necessary to accomplish them. . . .

These facts all reflect the lack of seriousness and urgency that the reigning organizations have devoted to the life-and-death problems of Holocaust survivors in need. Survivors and our families do not trust the Claims Conference for these and other reasons – including its outrageous spearheading of the effort to deny our legal rights to enforce family insurance policies which is very important for us survivors. .

Proposed Solution. The HSF is urging the survivors' Congressional allies, and the White House, to raise these facts with German Chancellor Merkel, and make a concrete and solemn proposal that Germany and the insurers such as Generali, Allianz, AXA, and others commit to an immediate, comprehensive, and permanent funding stream for all vital services for Holocaust survivors who need the assistance, before thousands more are forced to suffer further indignities solely because they were simply damned to be born Jewish in Europe in the early 20<sup>th</sup> Century. The amounts it would cost would be minimal compared to Germany's resources -- but would provide a vital lifeline to survivors who need it.

*"JUSTICE AND DIGNITY FOR SURVIVORS"*



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The responsible course of action today is a new, independent effort that Germany (and the insurers and others) would commit the funds needed for comprehensive care to be transferred en bloc to HHS for distribution to responsible, certified local care-giving agencies, using structured tight overhead scales. This was done with the Soviet Jewry immigration model that has been successful for 25 years. We know this can work since a similar smaller matching grant program between HHS and Jewish Federations was very successful having been created by our colleague Mark Talisman, when aid was needed for the resettlement of Soviet Jews in the '70s & '80s. (Of course HSF supports a commitment by Germany for survivors in other countries.)

In 1997, the United States Senate unanimously passed a resolution co-sponsored by Senators Moynihan, Graham, Hatch, Dodd, and Biden, calling on Germany to provide adequate material and social service support so that *all Holocaust survivors* could live in dignity. S. Con. Res. 39, July 15, 1997. The resolution noted that retired SS officers in Germany and elsewhere receive far more generous health care benefits from Germany than Holocaust survivors. It called for, among other goals, that "the German Government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover the medical expenses of all Holocaust survivors worldwide."

Needless to say this was not achieved in the intervening 16 years. The grandstanding, irrational peripatetic bi-annual announcements of the results of the Claims Conference-German secret negotiations have got to stop as the means of caring for survivors once and for all. It should be replaced by the serious solution sought by the survivors who have pleaded for this for nearly 15 years of agony and endless suffering and inability to lift their brothers and sisters in need into a reasonably comfortable and dignified quality of life, and having watched as so many survivors died in agony these past 15 years. The above suggested process is the only way once and for all to set the process right and kill poverty among their ranks before it is too late.

The next step could be a Congressional investigation and hearings - perhaps a joint House-Senate hearing -- conducting a comprehensive analysis of the conditions of survivors in the U.S., a detailed explanation of how and where the recently announced \$1 billion in home care funding will be spent, along with an accounting of the expenditures under past programs of the Claims Conference and the Swiss Bank settlement expenditures of over \$200 million, of which 75% was allegedly used for needy Nazi victims in the Former Soviet Union, etc. Some inquiry into the structure, operations, policies, program management, and expenditures of the Claims Conference is also needed - either directly by Congressional committees or perhaps via the General Accountability Office.

January 10, 2014

## Holocaust Survivor Needs

Prepared by Barbara Paris, MD, FACP

Vice-Chair Medicine & Director of Geriatrics

Maimonides Medical Center, Brooklyn NY

First Generation – often live alone and either have no family at all or family members do not live in reasonable proximity to assist with finances, day to day needs, guide decisions, provide oversight or companionship. This raises many issues as survivors age and face increasing frailty, chronic and acute medical illnesses and memory loss:

Home care attendants – private pay help is unaffordable for most, even those who are not sufficiently impoverished to qualify for Home Medicaid. As Medicaid dollars become increasingly scarce, very elderly at-risk patients are denied 24 hour care unless they are bedbound with bed sores or worse. Many are also caught in the gap of not being sick enough for 24 hour home care, but also not sick enough to be accepted to a nursing home. Most also would prefer to stay at home, but that becomes a challenge when there is no family oversight or back-up.

Mental Illness – With more time on their hands as they age and no longer work or have primary responsibility for their children, their minds return to the traumas of the war. In addition, with early or moderate dementia and even mild cognitive impairments, the ability to suppress these memories falters. Depression, anxiety and post-traumatic stress disorder increase yet are often under diagnosed and inadequately treated by health care providers, most of whom are not educated about the special issues of aging survivors. Patients' behavior is often misinterpreted as non-compliant, annoying, somatization etc. Patients themselves may also feel stigmatized by the suggestion of a psychiatry consultation.

Companionship – There is a tremendous sense of loneliness and lack of companionship. Children and grandchildren (if they exist) cannot adequately fill the gap – with age, survivors feel the loss of their spouses, parents, siblings, etc., with ever greater intensity. Home attendants can clean, cook, shop and bathe, but they are not companions. Dorot in Manhattan is a wonderful organization that provides friendly visitors, educational programs without walls etc. – but there are fewer, smaller scale and more difficult to access similar programs in Brooklyn.

Goals of Care - As these patients approach the final years and months of their lives and become increasingly debilitated with diminished quality of life, health care providers need to have sensitive discussions with survivors to minimize aggressive and often futile and painful procedures and hospitalizations, often without the benefit of palliative and or hospice care. Court appointed guardians are also often limited in their ability to help set appropriate goals of care in this setting.

Second Generation – This is another area of tremendous unmet need, many of whom are themselves now senior citizens with significant unaddressed physical and psycho-social issues. Families are known to be significantly dysfunctional, have tremendous problems caring for their parents, themselves and their own children. We need to recognize and begin to address and support their needs, and also recognize them as survivors.

Summary points:

1 Coordination of services: Although there are many agencies that provide various “pieces of the pie” (Self-help, JASA, Met council, Bikur Holim) there is no coordinated effort or umbrella that can help a health care provider, patient or family coordinate all of these agencies, easily access their services and assure that the patient’s needs are being met by a combination of these services. There is no central way for a given provider, patient or family to even know what array of services currently exist for survivors in a given neighborhood.

2. Minimize the paperwork: Many providers are hesitant to advocate with these agencies or the Claims Conference due to repetitive and endless forms that follow a request, often without light at the end of the tunnel.

3. Home care/ assisted living/nursing homes: Elderly survivors with multiple illnesses and functional limitations who are isolated at home with no family to assist should be entitled to 24 hour home care and options for low cost assisted living facilities. There are no reasonably priced, subsidized, assisted living care facilities geared towards the dietary and psycho-social needs of survivors. In addition for those who require nursing home, that do not have Medicaid, the rates are unaffordable and should be subsidized for this population.

4. Mental health services: We need to train and have easily accessible mental health counsellors , social workers , psychologists and psychiatrists who understand the issues facing both first and second generation survivors , whose services are financially accessible (sliding scale or free). These services are not currently or very minimally covered by health care insurance. Transportation costs need to be covered and in many cases the counsellors need to go into the patients’ homes.

5. Companionship: There needs to be a centralized effort to develop regional availability of both volunteer and paid friendly visitors who are educated in the special issues of both first and second generation survivors.

6. Special Programs: A cadre of special programs around holidays, summertime should be available – a week in the Catskills with dietary laws adhered to etc.... Many survivors are all alone on Jewish holidays, have no celebrations or any moments of joy.

7. Advocacy: There needs to be regional access to health care providers, lawyers etc. who are willing to both treat and advocate for survivors and participate in establishing goals of care and act on their behalf . Financial support for these services should be subsidized.

8. Second Generation Plans: This requires an assessment of the scope of the financial, psycho-social and medical needs of this generation. There will need to be programs, support networks and services set up and accessible to address their needs.

Addendum:

Cases:

Case 1

98 year old widowed survivor with one son who is bedbound and confused s/p massive stroke. The patient is alert, anxious, has severe degenerative joint disease, unstable gait with frequent falls and hypertension on medications. She lives alone. She is not wealthy but she is not Medicaid eligible. Although she is fortunate to have no skilled nursing needs, she is frail and at risk living alone. Her lack of memory impairment and no skilled nursing needs make her not eligible for fulltime home care or nursing home. She is falling through the cracks of all systems. She is unable to afford an assisted living facility which would be a reasonable option, if it was affordable.

Case 2

96 year old widowed survivor who has one son in another state and another son who is disabled with chronic mental illness. The patient is currently in a sub-acute setting after having suffered a stroke that left her with right sided weakness of her arm and leg. Although she is mentally intact, she is unable to perform activities of daily living without assistance due to her stroke. She does not qualify for Medicaid and she cannot afford private pay 24 hour home attendants or the daily nursing home rate. Long term care is reasonable option, if the rate were subsidized and more affordable.



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Prepared for Jack Rubin

By Jenni Frumer, LCSW  
Associate Executive Director

January 12, 2014

## **Introduction**

Alpert Jewish Family & Children's Service of Palm Beach County, Inc., (AJFCS) has been serving Holocaust survivors since the early 1970's, as a beneficiary agency of the Jewish Federation of Palm Beach County. However, the numbers of Holocaust survivors has increased dramatically since the late 1990's and it is estimated that there are between 8,000 – 12,000 survivors in Palm Beach County. The Holocaust survivors that we serve are a heterogeneous group; having had varying experiences during the war.

The basic needs of Holocaust survivors, as they are with all victims of atrocity relates to the complications during the aging process. The process of aging might be challenging for the most typical, successful individual; however, for survivor's it usually creates extreme anxiety, vulnerability and deep-rooted expectations of death. It is critical that Survivor's, because of their unique experiences are not prematurely placed in nursing homes. There is a new field of knowledge emerging, which addresses issues of "re-institutionalization" and multi-generational legacy of trauma.

In our experience, it is most important to recognize that for survivors, asking for help is often difficult. Our professionals and Survivors on our Advisory Committees routinely confirm the reticence of survivors to seek help. All of our survivors have re-located to Florida to escape the harsh winters of the north and a review of the professional literature confirms that life-event stressors such as moves, even when desirable, as we age can create feelings of vulnerability that evoke memories related to their Holocaust experience.

Our survivors, like all other elders need to be treated with the utmost respect and dignity. They also require a unique focus -- driven by their traumatization and past life experience -- which demands a more sensitive approach when working with this population.

It is critical that survivors are recognized as having unique needs; and that needs require attention prior to them being elderly and frail. Early intervention with supportive services will assist them as their needs change and they become more frail and in need of more extensive services in greater frequency and duration.

The needs of survivors need to be met by culturally competent, well-qualified clinical professionals.

While many survivors will need help in the future, those who require it now, need it NOW!

## SUMMARY CONCERNS AND ISSUES WITH CURRENT FUNDING

Keeping in mind that while the current eligibility requirements to access CC funding for Holocaust survivors who need in-home care are more “generous” than previous requirements, there are many survivors who continue to need more care than is possible through current funding .

In-home care is defined here as assistance with Activities of Daily Living (including Instrumental Activities of Daily Living).

Concerns and Issues with current funding:

- A survivor may not receive MORE than a total of 25 hours a week of in-home care.
- The average number of hours provided to a survivor is 16 per week, determined by a comprehensive professional assessment.
- A professional *diagnostic tool* is used to assess the need for in-home care for each survivor. This tool “scores” the CURRENT (snapshot) needs of the survivor and determines the number of in-home hours of care, per week. If there is a sudden change in functioning of the survivor, a re-assessment can be performed, which most likely will change the score and thus more hours; although STILL only up to a total maximum of 25 hours a week.
- The capacity and ability to “secure” additional hours for a survivor would be helpful when there is an *emerging* medical/psychiatric situation, where it would be helpful to be more proactive and establish additional hours to *mitigate* against such crises from occurring.
- Of those we currently serve, approximately 25% (40-45 clients) could benefit from **more than** the maximum 25 hours allowable– to keep them in their own homes for as long as possible – alleviating the emotional distress of inappropriate placement in more costly skilled care facilities
- Proactive in-home care to caregivers by providing respite and support would be critical to alleviate a health crisis or caregiver burnout
- For those who live alone – additional hours for socialization and monitoring would mitigate against the isolation and It is recognized that, “social isolation has been linked to an increased risk for morbidity, mortality, and cardiovascular disease” (Hawkley et al., 2003, Sorkin et al., 2002), and more recently, Wilson et al, 2007 states that “social isolation has been shown to increase risk for dementia and Alzheimer’s disease among older adults”.



## NEEDS OF SURVIVORS

**Instrumental Activities of Daily Living (IADL's)** for example: *transportation, light housekeeping, grocery shopping, meal preparation, bill paying, appointment scheduling, medication management, etc.* This need is compounded because of the lack of public transportation system in our service area. Those survivors, who can no longer drive due to medical reasons, are literally "trapped" and dependent, especially if they require assistive devices for walking; are frail, have dementia, feel afraid or are vulnerable. If they are frailer, even if they are able to drive, because of their physical limitations require that they receive assistance with these activities as well. Many of these needs directly impact the Holocaust survivor's sense of dignity and vulnerability. **These services are covered by the CC grant for those who are eligible, but only up to a maximum of 25 hours a week.**

**Companionship services**, for non-medical needs. This is an especially important emotional need that survivors have, since many of their cohort are older and also frail. Relationships are interrupted and for the survivor, to be able to have another senior interact with them on a regular basis is critical to their well-being. "Companions", are seniors themselves who are recruited and then matched with a survivor; they often speak Yiddish. Companion services are helpful to caregivers who can receive **respite care** from a companion for the person they are caring for. **A portion of these services are paid for by the CC grant.**

**In-home nursing and medical services include:** assistance with ADL's (Activities of Daily Living): bathing, eating, dressing, toileting, etc. Survivors who are physically or mentally impaired require assistance with personal care to maintain their basic needs. **These services are covered by the CC grant for those who are eligible, up to a maximum of 25 hours a week (not in addition to other in-home nonmedical care. The total possible in-home care of all kinds is a maximum of 25 hours a week).**

**Care coordination** is a professional intervention that can be implemented at any stage of the individual's continuum of need and may vary in frequency, duration and intensity to match the needs of the client. Care coordination or Care Coordination is required to coordinate services for clients, support the integration of care and provide support and attend to their psycho-social process as they age. **A portion of these services are paid for by the CC grant.**

Supportive in-home **counseling** provided by the case managers and in some instances, therapists if mental health issues require more than supportive counseling; requiring in-office counseling and psychiatry services. **The CC grant does not support this service.**

**Outreach** is a critical component of work with survivors. It is most important that any and all potential obstacles to care and support be removed; including perceived barriers, not just physical or bureaucratic ones. **The state of Florida provides limited funding for outreach activities. However, this is very limited and we are constrained in outreach by the limited funds we have available to serve new clients who might come forward.**

**Financial Assistance** is often a need expressed by survivors and is observed and verified by professionals who work with them. Many live on fixed incomes, having depleted their savings. Many have lived beyond the years they planned for, in their retirement. Medical expenses, prescription medications, medical co-pays and premiums are beyond their capacity to successfully manage and many survivors chose to go without medical attention. **A portion of these services are paid for by the CC grant.**

**Socialization**, through annual programs such as *Café Europa* and monthly drop-in *Eat & Schmooze* opportunities are important to the well-being and health of survivors. Particularly in south east Florida, where transportation is extremely limited and isolation in senior residential developments poses so many problems. **A portion of these services are paid for by the CC grant.**

### 3. CURRENT SITUATION – demographics and description of those we serve:

- We currently have more than 380 open active cases (caseload)
- Forty (40%) percent of our survivors receive in-home care at this time
- Average hours of in-home care (both medical and nonmedical) provided: 16 hours a week
- 70% of those we are currently serving live alone
- 35 % reside with caregivers, at risk themselves for illness and incapacity form the stressors of caregiving
- 75% of our current survivors are female
- It is estimated that of the current home care caseload, 45% could use more hours to “stave off” a crisis from occurring by having greater support in-home

- Approximately 25% of the home care caseload would benefit from more than the maximum number of hours allowable through the grant (maximum of 25 hours a week), to prevent inappropriate institutionalization
- Each year, for the past 5 years, we have opened between 50 and 70 new cases of survivors who need help

One of the most challenging situations we have observed over the past 5 years, impacted by the economy is the reduction of family financial resources to directly help their Holocaust survivor parents, by supplementing their income or paying for care.



United States Senate  
WASHINGTON, DC 20510-0905

March 28, 2014

BILL NELSON  
FLORIDA

Aviva Sufian  
Special Envoy for US Holocaust Survivor Services  
Administration for Community Living  
US Department of Health and Human Services  
Washington, DC 20201

Dear Ms. Sufian:

Congratulations on your recent appointment as the first Special Envoy for US Holocaust Survivor Services; the need is great and the time increasingly urgent for our nation's Holocaust survivors. As Chairman and participants at the Senate Special Committee on Aging's recent hearing, "Aging in Comfort: Assessing the Special Needs of America's Holocaust Survivors," we write to share with you findings from the hearing, and to request your assistance and partnership moving forward as we address the overwhelming need within this population.

First, we ask that you conduct a full assessment of the gaps in funding for Holocaust survivors with respect to social services' needs. We cannot begin to address a problem for which we do not understand the scope. For instance, we do not know nationally how many survivors await services or how far the funding gap extends. We know, for instance, that the complex social, emotional, and physical dynamics faced by aging Holocaust survivors require a different approach to traditional long-term care models, and the importance of keeping survivors in their home or in a familiar environment for as long as possible—but we do not know how many survivors are on waiting lists for services like home health care because they have already exhausted the cap set by the Claims Conference.

With respects to home care services specifically, the Jewish Social Service Agency of Greater Washington estimates that home care costs can range from \$1,900 to 10,000 per year, but testimony at the Aging Committee hearing highlighted costs much higher, and further, estimated that that the levels of home care funding announced in 2013 by the Claims Conference would meet only 25% of the current needs of impoverished survivors. It is important to understand what services could cost, and it is fundamental that we enumerate how many individuals are waiting for care that is not covered. Better tracking of funds and a full assessment of need will help to provide the data needed to ensure fair compensation for survivors. We would appreciate your sharing any data with the Committee, as well as any planned action steps to better assess need across our nation in this area.

Finally, we ask that you conduct a thorough review of any unintended barriers that may exist in our federal programs that hinder Holocaust survivors from receiving the services available to all American seniors. For instance, at the Committee's hearing last month, one witness detailed his frustration with state agencies that continue to count reparations as income when determining eligibility and amount of federal benefits. The Victims of Nazi Persecution Act of 1994 (P.L.



March 28, 2014

Page 2

103-286) explicitly exempts reparations payments from being counted toward eligibility for purposes of federal benefits, and has been the law of the land for twenty years. There is no excuse for this type of activity.

In another example, one witness testified before the Committee that her father was denied long-term care insurance due to his precarious health status—some of which stemmed directly from beatings and starvation he endured at Auschwitz. This is a common situation for survivors who bear lifelong marks of their fragile health as a result of the Holocaust. As of April 2009, her father was number 9,730 on Maryland's Medicaid waiver list with an estimated three to four year wait for basic home and community-based services. As you consider the unintended barriers that may exist in our federal programs, we hope that you will not only consider education that may be needed to our state and local agencies who administer these programs, but also any additional administrative actions you can take that will lessen any unfair burden experienced by this population to accessing the rightful care they need.

We have reviewed with interest the initial plans for your activities as Special Envoy, including the soliciting of volunteers from AmeriCorps and fundraising activities. However, an assessment of the funding shortfall, and in what areas, and a review of our federal programs, are steps that must happen in order for the United States to be successful in this effort. Such actions will both pay dividends as the United States continues negotiations with Germany for our survivors, and will ensure transparency and the best possible use of available funds and resources we have today and in the future.

The full video of the Committee's hearing as well as all of the witnesses' testimonies are available on the Aging Committee's website ([www.aging.senate.gov](http://www.aging.senate.gov)); we hope it will be useful to you in your efforts. We looked forward to continuing to work with you on this very important initiative.

Sincerely,



Bill Nelson



Ben Cardin



Elizabeth Warren



Richard Blumenthal

Cc: Kathy Greenlee, Administrator, Administration for Community Living and Assistant Secretary of Aging, US Department of Health and Human Services

Cc: Kathleen Sebelius, Secretary, US Department of Health and Human Services

# EXHIBIT 16

**DEAR CHAIRMAN SCHUMER AND MEMBERS OF THE COMMITTEE:**

**THANK YOU FOR INVITING ME TO PRESENT A VOICE IN SUPPORT OF SENATE BILL 466. I COME BEFORE YOU AS AN INDIVIDUAL, BUT I SPEAK ON BEHALF OF ALL SURVIVORS AND THE MILLIONS WHOSE VOICES WILL NEVER BE HEARD.**

**MY NAME IS RENEE FIRESTONE. I AM AN AUSCHWITZ SURVIVOR.**

**I WOULD LIKE TO ADDRESS A SERIOUS SITUATION STILL PLAGUING THE SURVIVORS.**

**FOR YEARS WE HAVE BEEN TRYING, IN VAIN, TO COLLECT ON INSURANCE POLICIES ISSUED TO OUR FAMILIES PRIOR TO WORLD WAR II, AND WHICH REMAIN, TO DATE, LARGELY UNPAID.**

WHEN WE TRIED TO MAKE OUR CLAIMS TO THE INSURANCE COMPANIES, THEY HAD THE AUDACITY TO TELL US WE NEEDED ORIGINAL DOCUMENTATION, OR WE WERE ASKED FOR DEATH CERTIFICATES OF THE PEOPLE TO WHOM POLICIES WERE ISSUED.

WERE THEY INSANE?!! DID THESE INSURANCE COMPANIES REALLY BELIEVE THAT AFTER THE NAZIS STRIPPED US OF OUR FAMILIES, OUR RIGHTS, OUR POSSESSIONS, OUR DIGNITY . . . . EVEN THE HAIR ON OUR HEADS, THAT THEY WERE STANDING AT THE DOORS OF THE GAS CHAMBERS WHERE THEY MURDERED MY BELOVED MOTHER, HANDING OUT DEATH CERTIFICATES PROVING THEIR CRIMES?

THIS INSULT WOULD HAVE BEEN BAD ENOUGH. BUT WE SURVIVORS . . . AMERICAN CITIZENS . . . MANY OF WHOM, AFTER EMERGING FROM THE DEPTHS OF HELL, CAME HERE AND SERVED IN THE AMERICAN MILITARY . . . ARE BEING DEPRIVED BY OUR OWN GOVERNMENT OF OUR CONSTITUTIONAL RIGHT TO SEEK REDRESS FROM THE COURTS AND CLAIM WHAT IS RIGHTFULLY OURS.



**YOU CAN NEVER KNOW, MR. CHAIRMAN, JUST HOW PAINFUL – AND RETRAUMATIZING – THAT IS TO US SURVIVORS.**

**I HEAR WEEKLY FROM MANY OF MY FELLOW SURVIVORS HOW HURT AND OUTRAGED THEY ARE THAT THIS IS HAPPENING TO THEM. IN FACT, THEIR FRUSTRATION FINALLY REACHED A BREAKING POINT AND OVER THE LAST TWO WEEKS HUNDREDS OF SURVIVORS AND THEIR FAMILY MEMBERS AND SUPPORTERS SIGNED PETITIONS, THE MAJORITY OF WHICH ARE FROM NEW YORK AND CALIFORNIA. SIGNERS INCLUDE A NOBEL LAUREATE AND HIS WIFE, A WELL-KNOWN MEDICAL RESEARCHER, AND THE PETITIONS HAVE GONE TO OTHER MEMBERS OF CONGRESS AS WELL AS THE MEDIA. THEY WANT THE WORLD TO KNOW WHAT INJUSTICE HAS BEEN HEAPED ON THEM.**

**IN SPITE OF WHAT WAS PROMISED BY ICHEIC, ALLIANZ, GENERALI, AXA, AND OTHERS WHO ARE THE SOLE REPOSITORIES OF THE PROOF OF THESE POLICIES, NEVER RELEASED THE FULL LISTS OF THE INSURED.**

**IN MY CASE, I WAS TOLD THAT MY FATHER'S NAME WAS NOT FOUND.**

**HOWEVER, MY FIRST COUSIN, FRED JACKSON, WAS THE FIRST SURVIVOR WHO APPLIED TO ICHEIC AND COLLECTED FROM GENERALI BECAUSE HE WAS LUCKY ENOUGH TO FIND SOME PAPERS IN HIS HOUSE ON HIS RETURN HOME FROM THE DEATH CAMP.**

**FRED'S MOTHER . . . WAS MY FATHER'S SISTER. WE LIVED IN THE SAME TOWN WHERE MY FATHER BUILT OUR BEAUTIFUL VILLA (WHICH IS STILL THERE), AND WHERE HE HAD A SUCCESSFUL BUSINESS IN THE MAIN CENTER OF OUR TOWN.**

**MY FATHER WAS THE OLDEST SIBLING AND ADVISOR TO THE WHOLE FAMILY. HE AND MY AUNT WERE VERY CLOSE. THERE IS NO WAY THAT MY AUNT HAD INSURANCE AND MY FATHER DID NOT. WHY WOULD HE ADVISE OTHERS TO GET INSURANCE AND NOT GET IT FOR HIMSELF AND HIS FAMILY?**

**ALL WE ARE ASKING FOR IS TO HAVE OUR RIGHTS RESTORED THROUGH SENATE BILL 466 . . . AND TO BE ABLE TO SEEK THE AID OF OUR COURT SYSTEM TO ENFORCE OUR CLAIMS UNDER THESE INSURANCE POLICIES.**

**WE ARE NOT BEGGARS OR GREEDY, AS SOME CALL US. OUR FAMILIES PAID FOR THESE POLICIES WITH THE SWEAT OF THEIR BROWS, AND NOW WE ONLY WANT WHAT IS RIGHTFULLY OURS.**

**SHAMEFULLY, MANY JEWISH ORGANIZATIONS STAND IN OPPOSITION TO THE WILL OF THE SURVIVORS AND THE PASSAGE OF SENATE BILL 466. HOW OBSCENE AND REPUGNANT THAT OUR OWN PEOPLE WOULD DENY THE RIGHTS OF THE SURVIVORS!! AND HOW PAINFUL.**

**WHERE WERE THESE SAME ORGANIZATIONS WHEN WE AND OUR PARENTS, BROTHERS, SISTERS, AND FRIENDS WERE BEING MURDERED?! DID THEY COME TO OUR AID? HOW DARE THEY NOW OPPOSE US.**

**I WISH THAT MY DEAR FRIEND CONGRESSMAN TOM LANTOS, THE ORIGINAL CHAMPION OF THIS BILL, WOULD BE HERE WITH US TODAY. I KNOW THAT HIS LOVELY WIFE, ANNETTE, IS HERE. I AM GRATEFUL TO BOTH OF THEM.**

**AGAIN . . . I AM HERE TODAY TO ASK THIS HONORABLE COMMITTEE TO SUPPORT SENATE BILL 466, AND ENSURE ITS SWIFT IMPLEMENTATION WHILE SOME SURVIVORS ARE STILL ALIVE. WE ARE IN OUR 80's and 90's. HALF OF ALL SURVIVORS IN THIS COUNTRY ARE DESTITUTE. MR. CHAIRMAN, TIME IS OF THE ESSENCE IN ORDER TO SERVE JUSTICE AND PRESERVE THE DIGNITY OF THE REMAINING SURVIVORS IN OUR FINAL HOURS.**

**I THANK THE CHAIRMAN AND MEMBERS OF THIS HONORABLE COMMITTEE FOR YOUR TIME AND FOR GIVING ME THE OPPORTUNITY TO BE HEARD.**



# EXHIBIT 17

**STATEMENT OF KLARA FIRESTONE**

**UNITED STATES HOUSE OF REPRESENTATIVES**

**COMMITTEE ON FOREIGN AFFAIRS**

**The Struggles of Recovering Assets for Holocaust Survivors**

**September 18, 2014**

My name is Klara Firestone. I was born in Prague, Czechoslovakia immediately following the end of World War II, and I am the daughter of two Holocaust survivors. I am the founder and president (for my second term) of Second Generation of Los Angeles, a founding member of Generations of the Shoah International (GSI), and sit on the Board of the Los Angeles Museum of the Holocaust, the first museum and monument to the Holocaust in the United States. Since founding Second Generation in 1978, I have been steeped in Holocaust affairs and have worked hand-in-glove with the members of the survivor community in Los Angeles and our surrounding counties. I come here today to speak on behalf of myself, my family, and the hundreds of Survivors and Second Generation who I have counseled and ministered to over the past 37 years, and who have not had a voice to advocate for their rights. As the leader of Second Generation of Los Angeles, I have facilitated hundreds of support groups for children of Holocaust survivors, and in more recent years, after becoming a psychotherapist, I facilitated therapy groups for Second Generation. I have also been instrumental in helping survivor families navigate what have often been very complex and difficult relationships between parents and children given the extreme trauma that served as the backdrop for our developmental years, and most of our lives.

There is a long trail of problems that tens of thousands of survivors and family members have confronted, too often with incredibly frustrating and painful outcomes. The status quo is obviously not acceptable. If half of all survivors worldwide — including in the United States — are living today in or near poverty, unable to afford even the basics for a dignified old age, the approach of the past 50 years is obviously wrong. The temptation is great to dwell on the past, but we know you called this hearing to see what can be done TODAY to make a change for the better. What can be done today for survivors and their family members who have suffered terribly and continue to suffer? The answer is very plain:

Germany must assume the responsibility to provide for all medically necessary and basic income needs of all Survivors.

I would add my voice to the others who have discussed many of the medical and emotional issues that survivors and the Second Generation must deal with on a daily basis. The problems are real, and they require serious professional attention, with properly trained health care and psychological care givers who understand the unique problems that survivors and their children must deal with. Proper care requires a sea change in the funding available, and it is only just and right that this responsibility be assumed by the German government, and other entities that collaborated and profited from the Holocaust. Later in this statement, I address the extremely important issue of the plight and suffering of so many of our Second Generation members, who are the forgotten victims of the Nazi's atrocities and also deserve immediate and comprehensive support from Germany.

If this Committee does one thing as a result of this hearing, we ask that you undertake a concerted, bi-partisan, and relentless effort to convince Chancellor Merkel and the German Bundestadt to make good on Chancellor Adenauer's pledge in 1952 to take care of Holocaust survivors "to their last breath."

As my fellow panelist, Holocaust Survivor, Jack Rubin, stated in a recent Op-ed in the Jerusalem Post: "[T]he fact is, Germany caused the massive medical and emotional problems survivors are confronting today, and Germany should pay for all of the survivors' needs, without the bargaining and compromising that has become the Claims Conference's specialty. Survivors and heirs should have the right to recover their lost assets, including German properties, insurance claims, and artworks, and Germany should pay for the needs of indigent survivors."

My testimony follows in the footsteps of my mother, Renee Firestone, who appeared before the full House Committee on Foreign Affairs on November 16, 2011, and before the Senate's Judiciary Committee on June 20, 2012. In the interest of conserving time, I have included her full written testimony to the House Committee as an exhibit to my written testimony and I reference it here, at this juncture. I wish, however, to point up a few salient points from her testimony.

At the age of 20, my mother was imprisoned for 13 months in the infamous death camp known as Auschwitz/Birkenau during the last years of World War II. Her mother, my grandmother, was never even processed into the camp, but was gassed immediately on arrival to Auschwitz. Six months after arrival at the camp, her 16 year old sister, after whom I am named, was first experimented upon before being



shot by the Nazis to avoid her re-entering the general population of the camp and possibly exposing what the Nazis were doing. Her father, Morris, died of tuberculosis shortly after liberation. Her brother Frank, who had been a partisan . . . a resistance fighter . . . was the only other member of her immediate family to survive. In addition, we lost almost all of our huge extended family.

Following liberation in 1945, she was reunited with her brother and soon-to-be husband, my father Bernard, who had been in a Hungarian forced labor camp and then interned at Mauthausen concentration camp.

When the Holocaust ended, the fragments of Europe's Jewish communities emerged broken and tattered, wanting nothing more than to find who of their families survived and begin rebuilding their lives. They were too busy fighting their "demons" to care about fighting bureaucracy in order to claim what was due them. Many believed, as my mother also did then, that this was "blood money" and wanted nothing to do with it. They asked the question, "How can you compensate me for the loss of my parents, brothers, sisters, aunts, uncles, cousins, etc. in dollars? What value should I assign that? So once again, their claims and needs went unmet. In the years immediately after the war, these very young survivors traveled to whichever country would allow them access and safe haven, thankful to have the chance at new lives. A handful made it to phenomenal wealth, but the majority did not, and today the educated estimates are that approximately half of all survivors in the United States are living at or below the poverty line. Yet when they have tried in the past to gain some measure of justice, they have been met with the appalling intransigence of the Claims Conference leadership and had the doors slammed in their faces.

Can someone please tell me why, after suffering the humiliations and brutality of the Nazis, the survivors must now go begging for what is rightfully due them, suffering additional indignities and being re-traumatized, only this time by the ones who are ostensibly there to aid them! If you could hear the comments and cries of the survivors at this betrayal, it would break your hearts, just as it broke mine.

As the most active and visible leaders in our survivor community, my mother and I have been approached hundreds of times by survivors and their children beseeching us to intervene on their behalf to recover restitution which is rightfully theirs. Time and time again we have attempted to do just that, and we, too, have been unsuccessful.

Even advocating for my own family has proved to no avail. My beloved father passed away in 2001. Prior to his death, he had received a letter from the Claims Conference confirming that they had assigned him a claim number for a particular fund and he would soon be receiving the monies. After contacting them numerous times over the years, we are still waiting for those funds. They now claim that they are unable to find his claim in the system. You cannot imagine the pain this causes the loved ones of a Holocaust survivor, not to mention re-traumatizing the survivors themselves, and this is the kind of problem I hear about over and over again.

With so many obstacles to obtaining what belonged to them, the survivors sought a different route to recover some part of their family legacies. They attempted to file claims with the insurance companies that had insured their parents' lives and properties through the auspices of ICHEIC, the International Committee on Holocaust Era Insurance Claims. Once again they hit a wall, thwarted by the ineffectiveness of ICHEIC.

My mother spoke to me numerous times about her certainty that her father had insurance to cover his business, their home, and his life. Her comment was almost always the same, "My father was sort of the patriarch of the family. Everyone, including his brothers and sisters would come to him for advice on all matters. Why would he advise his relatives to get insurance and then not purchase it for himself and his family?" This makes no logical sense. By a stroke of magical luck, my mother's first cousin found some documents when he went home after the war, including the insurance policy of his parents. He was the very first survivor to recover from ICHEIC because of this document, although others were not so lucky. And when the children of his deceased brothers finally discovered that they could claim as well, they tried but were told that the claim had already been paid. So much for "adequate and sufficient notice to claimants."

As my mother stated in her testimony on November 16, 2011,

*My father was a very responsible man, with a business and real property in order to provide our family with an upper middle class standard of living in pre-war Czechoslovakia (annexed by Hungary in 1938). I am certain he had insurance. But when I filed my claim, after all the fanfare, the Commission (ICHEIC) informed me that his name was not on any of the lists. This is difficult for me to accept, but since it is well-known that the lists produced by Generali and the other insurance companies were incomplete, I wonder why the U.S.*

government has neither demanded a full accounting, nor allowed the states to require it.

\* \* \*

*Here are some facts that this Committee and Congress should know about when they come to evaluate the insurance companies' and anyone else's claim that Holocaust survivors, and the children and grandchildren of Holocaust victims, should be satisfied with ICHEIC, rather than have our rights enforced.*

*ICHEIC was chartered under Swiss law and headquartered in London to avoid American public record laws and court subpoenas. It was funded by the insurance companies themselves, its meetings were conducted in secret, and minutes were not even published of the secret meetings.*

*Almost all survivors were frustrated and insulted by their ICHEIC experiences. This was conveyed to Congress in a series of hearings between 2000 and 2003. The survivors regaled experiences such as multi-year waits for responses, denials without any explanation, demands for information that no claimant could be expected to know (such as the birthdates or death certificates of relatives who perished in the Holocaust), and denials of claims even where policies were proven to have existed (Generali's "Negative Evidence Rule").*

*In its first five years, **ICHEIC spent more money on administrative expenses than it paid in claims.** Chairman Lawrence Eagleburger told a Congressional Committee that ICHEIC's internal processes were "none of its [Congress's] business."*

*In 2002, Congressman Henry Waxman wrote: "Holocaust survivors have been waiting decades to reclaim Holocaust-era insurance policies. Unfortunately, the . . . majority of the companies that have agreed to the ICHEIC process have not lived up to their obligation to disclose policyholder lists. The ICHEIC member companies also appear to have wrongfully rejected, undervalued or left unanswered the claims of many survivors."*

*In 2003, Congress even passed a law -- the Foreign Affairs Authorization Act -- that required the State Department to collect information on ICHEIC companies' claims, practices, and results. However, **ICHEIC refused to comply with this requirement** as the State Department reported in its annual reports each year.*

*When ICHEIC ended in 2007, it had paid fewer than 14,000 of the 800,000 life/annuity/endowment policies estimated to be owned by European Jews in 1938. The total paid on policies was \$250 million, less than three percent (3%) of the \$18 billion in outstanding values at the time, according to the estimate of economist Zabludoff, using what he regards as very conservative numbers. Today the unpaid amount of Holocaust era insurance policies exceeds \$20 billion.*

*ICHEIC also issued 34,000 checks for \$1000 each which it termed “humanitarian” in nature, but which survivors considered insulting rejections. Yet ICHEIC and its supporters today take credit for having “paid 48,000 claims,” an obvious attempt to inflate its results and give the appearance of success to a process that badly failed.*

*You can also imagine our shock when, after ICHEIC ended, its Chief Executive Officer, Mara Rudman, became a paid lobbyist for the American Insurance Association – the umbrella U.S. group lobbying against the original version of HR 890 that was introduced by the late Congressman Tom Lantos in 2007. Mr. Lantos, the only Holocaust survivor to ever serve in Congress, was a dear friend of mine. His widow, Annette Lantos, as well as his daughter Katrina, have remained committed advocates for the rights of Holocaust survivors.*

*As a Californian, I am also proud to say that our Insurance Commissioners, **especially former Commissioner, and now Congressman, John Garamendi**, were among the very few who stood toe to toe with the insurance companies and even the Jewish groups on ICHEIC who were so ready to cave into the insurance companies and short-change the survivors. Mr. Garamendi fought passionately for our interests.*

*Unfortunately, despite Mr. Garamendi’s tireless efforts to make ICHEIC work to benefit claimants, the insurance companies won big by paying so few policies, by paying such small settlements, and by convincing the Supreme Court that the states did not have the right to allow us Holocaust survivors to hold the insurers accountable for their actions. This loss was devastating, and shocked survivors throughout the State and the country.*

*Not only are we distraught over the way the courts have disrespected Holocaust survivors, but the records that the Holocaust Survivors Foundation USA has found under the Freedom of Information Act show that the State and Justice Departments acted terribly in their court papers and Congressional testimony. We*

*cannot understand how our own government became the adversary of Holocaust survivors in the 21<sup>st</sup> Century.*

*Despite the claim that the United States and Europe have been “successful in Holocaust restitution,” that is far from the truth. Specific property restitution for individuals has been largely unfulfilled. Only a fraction of the properties actually looted during the Holocaust were “recovered” or restituted in any general sense, and of those funds, only a small portion recovered and deemed “heirless” or for “humanitarian purposes” has trickled down to meet the pressing social service needs of the remaining Holocaust survivors.*

*Tragically, tens of thousands of survivors, including many thousands in the US, are facing dire problems. They cannot meet basic home and health care needs, or pay for medicines, dentures, eyeglasses, hearing aids, or walkers, or receive transportation to the doctor. This may shock most leaders and public officials, but it has been documented with increasing frequency in the Jewish and mainstream media.*

*In the United States, half of all survivors – more than 50,000 – either live below the poverty line (25%) or have incomes so low they are considered “poor” given the cost of living in their communities. In my hometown of Los Angeles, 39% of all Holocaust survivors live below the poverty line. This is a moral and human tragedy that should never have been accepted, but it was, and it continues today. Yet we survivors, and our children, are dealing with these tragedies day in and day out, and the governmental and philanthropic establishments have been sadly protective of status quo organizations and corporations, rather than protective of survivors’ rights, interests, and needs.*

*How did this state of affairs come to pass? The role of the Conference on Jewish Material Claims Against Germany, Inc. (“Claims Conference”) in the restitution failures is a common thread that cannot be ignored. One of the reasons victims have done so badly in the property and insurance negotiations is that the organizations primarily doing the negotiating (the Claims Conference, the World Jewish Congress, the World Jewish Restitution Organization—WJRO) are less interested in individual claims being honored than in “global settlements” which result in funds they can control. Even Stuart Eizenstat, no champion of survivors’ rights, recognized this in his book *Imperfect Justice*.*

*As reported in the media and testified in Congressional committees, the Claims Conference has drawn the ire of Holocaust survivors throughout the world*

*for its lack of survivor representation in policy making, for policies that cause grave harm to thousands of impoverished survivors, for its lack of transparency in the handling of restituted assets, and worst of all, for its use of restitution funds for pet projects including grants to board members and cronies of organization officials, and other serious concerns.*

*The Claims Conference is a creation of the early 1950's. It reflects a political decision made by leaders of the Jewish community and the German government, in the aftermath of the Holocaust, to have a mechanism to channel German reparations to Holocaust survivors. For over 40 years, there were no official survivor organizations on the Claims Conference board of directors. In the 1990's two "survivor groups" were added to the board, but today only 2 of the 24 voting board members are survivor organizations. So, the Claims Conference's board members and officers were neither elected by survivors, nor does it morally represent the Nazi victims in whose names the organization obtains its funds.*

*After German reunification in the early 90s, Germany passed a law making the Claims Conference the legal heir ("successor organization") to East German properties not claimed by direct heirs within the outrageously short time limit set by the Germans. However, the Conference did not publish information about the names of the Jewish owners of these properties, and then claimed them as their own! To make matters worse, the courts have supported the Claims Conference's claim to ownership of such properties – even against the legitimate heirs of Holocaust victims who had no idea about the two year deadline – including many who understandably had no idea about family assets before the devastation of the Holocaust.*

*Moreover, the Claims Conference has never fully accounted for nor disclosed information about properties it obtained after German reunification that were owned by Jews before World War II. Nor has there ever been an audit of the organization's asset base by an independent **outside** authority that is accountable to the public or the government.*

*The shell game taking place was that the Claims Conference ousted thousands of German property heirs of their rights, and then turned around and used the properties for various "research, documentation, and education" projects which were only authorized for the Claims Conference after it amended its by-laws in 1994 – not coincidentally after becoming the "owner" of the "heirless" Jewish German properties.*

*Yet, without a mandate to use all of the funds at its disposal for the needs of survivors, it has spent far in excess of \$250 million in the last 15 years on projects unrelated to survivors and their welfare. Many of these "research, documentation, and education grants are made to organizations that sit on the Claims Conference Board of Directors. Survivors question the legitimacy of these grants, and have for over a decade, yet we hear silence from most public officials and private community leaders.*

*Let me repeat – despite tens of thousands of impoverished Holocaust survivors suffering from inadequate nutrition, housing, medical care, home care, and other vital services, the Claims Conference has seen fit to squander \$250 million for non-survivor “research, education and documentation” projects, including many insider grants – a quarter of a billion dollars worth of guaranteed Holocaust survivor suffering intentionally imposed by the Claims Conference. How can Congress and other leaders be silent in the face of such cruelty?*

*There has never been a full, public accounting of the actual value of the assets, including real estate, art, and other properties in the Claims Conference’s inventory of assets. This lack of information is not only inconsistent with all modern notions of necessary transparency of organizations dealing with the public trust, but it makes a mockery of the constant refrain of the past decade -- that it "does not have enough funds" to meet the current needs of survivors around the world.*

*Among the many terrible, painful, and disgraceful indignities we have been made to suffer occurred in 2002 when Israel Singer, then-President of the Claims Conference (and simultaneously Secretary General of the World Jewish Congress) wrote an article in a prominent Jewish journal giving elaborate details about all of the education and building projects that the Claims Conference was going to create “**with Holocaust restitution funds after the survivors are gone.**” This column outraged survivors throughout the country, as Holocaust Survivors Foundation USA President David Schaecter wrote in response:*

*How can plans for a "Jewish People's Fund" go forward while survivors languish on waiting lists for the health care they deserve, especially after all they have endured? How dare these institutions presume to spend "restituted" funds for their favored "philanthropic" projects into the next century, using money claimed from the most terrorized victims of the past century? Who will take responsibility for ensuring that the individuals around whom much of our modern*

*Jewish existence is centered - Holocaust victims - are not abandoned a second time?*

*Despite an outpouring of survivor anger, and limited media coverage of this startling admission by Rabbi Singer that what the survivors had feared all along was really being planned, very little changed. Pressure from some communities has caused the Claims Conference to increase allocations here, and there, as if they were applying grease to a squeaky wheel. But how can survivors' rights be toyed with so shamelessly?*

*You might recognize Mr. Singer's name. He was dismissed in early 2007 from his position as Secretary General of the World Jewish Congress for a variety of financial improprieties, including taking over a million dollars from one of the Claims Conference organizations (the Jewish Agency) and placing it in a secret Swiss Bank account. Yet for a long period, he retained his position as President of the Claims Conference, while the Chairman, Julius Berman (who remains Chairman today), saw “no reason to take action” and remove him because Rabbi Singer allegedly “has never been involved in the financial decisions of the Claims Conference.” Ultimately, public pressure caused the Claims Conference to dismiss Rabbi Singer.*

*However, for purposes of HR 890, it is important for this Committee to understand that during the entire ICHEIC period, when it opened in 1998 until it closed in March 2007, Israel Singer was the “leading” voice of the “Jewish” side. As noted, this was a body where the insurance companies were fully represented, **but not claimants**. ICHEIC documents show that Rabbi Singer himself represented three different “Jewish groups” on ICHEIC – the Claims Conference, the World Jewish Congress, and the World Jewish Restitution Organization (WJRO). So, when these groups stand before Congress to oppose my constitutional right as an American citizen to go to court against these insurers, based on ICHEIC, they are really defending outcomes engineered or approved by an insular group of non-elected and non-representative big-shots with no legal or moral right to speak or act for us, the victims, or our families.*

*The Claims Conference has continued to act as if it owns these survivor funds, and the sincere outcry of decent people has been overwhelmed by the institutional power of the Claims Conference's funding practices. These practices include silencing opposition by funding a myriad of non-survivor programs around the world, and by creating the fear in communities that it might reduce the minimal funding it provides to Jewish family service organizations for survivors' needs.*



Had they been able to pursue a recovery on these insurance policies, perhaps we would not have had the need to be here today and the survivors would have had the financial resources to live out their golden years in peaceful and dignified security.

In more recent years, the Survivors trusted that the U.S. government believed the survivors had made great contributions to their adopted homeland and were valuable enough to accord them the same rights as every other citizen of this great country. And here, too, they were grossly disappointed . . . by our own State Department, Executive Branch of our government, and by Congress in not restoring the survivors' right to have their "day in court" against the insurance companies.

Finally, I wish to touch on an issue which has yet to be discussed, but vitally important, and which has no other platform to be heard. And that is the plight and suffering of many of our Second Generation members. Although we are not always certain of the mechanism and how it functions, there is an awareness now of something called "transmitted trauma," the concept that the trauma our parents went through has been passed down to some of us, the results of which manifest as if they themselves had experienced the trauma directly. They exhibit a sort of vicarious PTSD, Post-Traumatic Stress Disorder, with all the attendant symptomology . . . "flashbacks" of events that they did not experience, but were most likely gained from stories fed to them "with mother's milk" at an impressionable age, irrational fears such as people coming in the middle of the night to take them away, hallucinations that Nazi soldiers are coming down the aisles in a movie theater, startle reflex, etc. I can't begin to tell you the number of desperate calls I have received from survivor parents troubled over their child's mental health. Some of these children have been so damaged by the time they reached their teenage years that they have been totally disabled and dysfunctional for the rest of their lives. Additionally, for some of them who have only been marginally affected by their parents' experiences, the stresses of now having to be caregivers to their parents while experiencing financial hardships has taken an enormous emotional toll on us. The survivors come with unique "baggage" that only serves to exacerbate the already difficult and stressful task of caring for an aging parent.

We have watched and suffered alongside our parents in their struggle for justice. The thought that our "inheritance" will go into the coffers of the Claims Conference and its affiliates just heightens our frustration and pain. On June 22, 2014, the JTA published an article entitled *Considering future, Claims Conference*

*weighs shutting down vs. Holocaust Education.* In that article, the Claims Conference stated, “Given the Claims Conference’s successes at convincing Germany to increase its funding for survivors, the panel concluded that “to close down without attempting to leverage its position and significant experience in the service of Holocaust education and remembrance would be to miss a major opportunity.” [http://www.jewishpress.com/news/breaking-news/considering-future-claims-conference-weighs-shutting-down-vs-holocaust-education/2014/06/22/.](http://www.jewishpress.com/news/breaking-news/considering-future-claims-conference-weighs-shutting-down-vs-holocaust-education/2014/06/22/)” The survivor community’s response was incredulous. First, with half of all survivors living in or near the poverty line and lacking the funds they need for even basic necessities of life, the statement that the Claims Conference has been “successful” in obtaining funding for survivors defies reality.

Further, it is offensive to survivors and their family members to perpetrate the myth that the Claims Conference is indispensable for Holocaust education and remembrance. Who do they think has been providing it all these years since the end of the Holocaust? The answer is: The Holocaust Survivors and their families. Who has spearheaded and funded all the Holocaust museums and memorials and monuments in this country and abroad? The survivors! And who began the process of educating the masses on the atrocities and lessons gleaned from the Holocaust? The Survivors! My mother said to me, “If they want to pay for Holocaust education, they can start by paying me for the 35 years I have been speaking to the world about my experiences.”

And, in the unlikely event that any funds should remain after the last of the Survivors have left this world, those funds are the rightful inheritance of the children and grandchildren of the Survivors, and only they can and should decide how that is disposed of.

We children of survivors feel the inadequacy of our words whenever we attempt to convey the suffering of our parents and families to others, especially to the members of this Honorable Committee, our own representatives, all of which suffering was for no good reason. Except now, we have the platform to express the harsh fact that Germany has shirked its responsibilities to our loved ones who are without adequate resources to be cared for properly and to allow for a healing of the physical and mental wounds obtained at the hands the Nazi German Regime. Why should others who are not the perpetrators be pushed to provide inadequate resources thus allowing the tragic suffering to continue to this day without relief?

That is why we are so grateful to you, the members of this Committee, for the opportunity to plead our cause and to urge you, in the strongest terms, to use your power and press our own government, starting with the President, the Secretary of State and the Attorney General, and all of you, to demand that Germany provide the ADEQUATE funds necessary until all survivors have gone, as was promised by Chancellor Adenauer right after the War's end. Our efforts for decades in this regard were without appropriate answers. Nothing! Instead silence. followed by crumbs when the funders got around to it.

**It is “one minute to Midnight”** and if something is not done quickly and sufficiently, my fear is that thousands of the remaining survivors will die tragically, suffering their unmet medical and psychological needs.

Simply put, Germany must resume its moral responsibility to care for ALL the medical and mental health needs of the survivors and their families, with no more back turning or sloughing off these huge responsibilities onto the shoulders of others.

We call upon this honorable Committee and its members to press Chancellor Merkel and the German government to **fully** fund the needs of our aging Survivors, without offset or delay.

Chairman Ros-Lehtinen, thank you for allowing me to testify, and I request that I can submit the attached exhibits in the Hearing Record. I also wish to thank Chairman Royce for allowing Mr. Rohrabacher, Chairman of the Europe Subcommittee, and Ms. Ros-Lehtinen and Mr. Deutch, Chairman and Ranking Member of the Middle East and North Africa Subcommittee, to hold this hearing. I thank Mr. Rohrabacher for agreeing to co-sponsor this hearing. And, a most special thank you goes to Congresswoman Ros-Lehtinen and Congressman Ted Deutch, who have been the most steadfast supporters of the Survivor community and champions of our cause against tremendous odds, for many, many years.

# EXHIBIT 18

# latimes.com

Editorial

## Help for Holocaust victims

**Two bills in Congress could remove roadblocks faced by those who bought insurance to protect themselves and their families against the Nazis.**

June 15, 2012

In Europe, as the Nazis rose to power, many Jews tried to protect themselves and their families financially by purchasing life insurance policies, annuities, even dowry policies. For decades after World War II, getting payment on those policies — particularly difficult when survivors and heirs had been stripped of all their possessions, including family records — became part of the larger challenge of how to compensate those who suffered at the hands of the Nazis. Two bills in Congress would help families recover money long denied them. They deserve approval.

With the support of the U.S. government, the insurance industry set up an international commission in 1998 through which European insurers agreed to pay out thousands of claims, using relaxed standards of proof. Not all survivors chose to go through the International Commission on Holocaust Era Insurance Claims or to accept the payments they were offered. Many criticized the insurers for underpaying or unfairly denying claims. Instead, some filed lawsuits in the U.S. against European insurers doing business here as well. But federal courts rebuffed their attempts, saying they interfered with U.S. foreign policy, which was geared toward securing the European insurance companies' cooperation with the commission and promoting it as the exclusive arena for survivors' claims.

The bills in the House and the Senate would overrule those court decisions and allow survivors to sue. The legislation would also allow states to enact laws (as California once tried to do) to compel European insurers doing business in the state to disclose the names of policyholders from the Holocaust era.

Both the George W. Bush and the Obama administrations have urged courts to disallow individual lawsuits. And the current administration says the legislation would harm the processing of any Holocaust-era claims still underway and cripple relations with countries the U.S. has entered into agreements with regarding a variety of reparation and restitution issues from that period.

Those objections are overblown. The U.S. never guaranteed European insurers that they would be immune from litigation in return for settling claims through the commission. United States officials promised only to file statements in lawsuits arguing that the cases be dismissed in the interest of foreign policy. And they've done that.

Simply allowing survivors to sue is no guarantee of legal success, and many might face arduous battles in court. But that is their risk to take. The U.S. government should not stand in their way.

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# EXHIBIT 19



# 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
- 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

## Holocaust Survivors Foundation USA Statement on Recent JFNA Announcement Regarding U.S. Government Funding for Holocaust Survivors Social Services

April 10, 2018

**Contact: Louise Lawrence-Israels, HSF Executive Committee -- (301) 530-6888  
Samuel J. Dubbin, HSF Counsel – (305) 815-8060**

As Holocaust survivors, and elected leaders of Holocaust survivor groups, we were shocked to read William Daroff's and JFNA's recent statement describing an increase in Federal government spending from \$2.5 to \$5 million for Holocaust survivors' needs as enabling the system "to ensure that Holocaust survivors are able to live in dignity and comfort for the remainder of their lives." We are supplying these facts to make sure that Mr. Daroff, the JFNA leadership, and the entire Jewish community truly understand the actual harsh realities that survivors in need are facing each and every day.

Survivors have vastly greater medical, emergency, and long-term care needs than others due to the torture, starvation, death marches, and other criminal actions of the Germany Nazi regime. With home care alone costing at least \$15 per hour in medium sized cities, and the average survivor in his or her 80s and 90s needing a minimum of 25 hours of home care per week, \$2.5 million would provide only enough home care for a total of 128 Holocaust survivors. Of course, many survivors need significantly more home care hours every week -- many needing it 24/7. With 30,000 U.S. survivors living in poverty, as JFNA acknowledged, it is ludicrous for Mr. Daroff or JFNA to make the statement they made. Shame on them.

We regret a release with such inaccurate information has been disseminated and trust Mr. Daroff and JFNA will issue the correct information as rapidly as possible! We survivors have been fighting to get the Jewish Community to understand how much underinvestment continues when it comes to providing help for the tens of thousands of survivors in need. We cannot understand the misinformation and tone deafness about the actual plight among so many survivors who have suffered for so long – during the Holocaust, and in the years since in grinding poverty and without the financial means for basic health care and other essential needs.

We only pray fervently that the Claims Conference, as well, will negotiate seriously in their long awaited annual meeting with German government officials, because every year their results only reinforce the poverty and suffering among survivors in need. The proof? After years negotiations, the current allocations from Germany provide about one-third of the home care funding for survivors currently being served. It is long-past time for those "in charge" to articulate the true suffering that continues despite these negotiations each and every year!

***"JUSTICE AND DIGNITY FOR SURVIVORS"***





# HOLOCAUST SURVIVORS' FOUNDATION – USA

Holocaust Survivors' Foundation USA

April 10, 2018

Page 2

## Member Organizations (Partial List)

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Assn. of Holocaust Survivors from  
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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

This must stop soon, as it is one minute to midnight for survivors and they should see liberation from their suffering right away, before time has run out!

In 2016, both Houses of the U.S. Congress unanimously passed resolutions calling on the government of Germany to fully fund 100% of survivors' needs worldwide. They understood that current levels of funding from Germany, through the Claims Conference and current system, are grossly inadequate and subject to arbitrary limits. It is long overdue for the Jewish leadership to join with the survivors and demand, from Germany, full funding so survivors will in truth be able to live their lives in dignity.

## **The Holocaust Survivors Foundation USA Executive Committee:**

Israel Arbeiter, Boston MA  
Dena Axelrod, Ft. Lauderdale, FL  
Renee Firestone, Los Angeles, CA  
Ella Frumkin, Los Angeles, CA  
Nesse Godin, Washington D.C.  
Jay Ipson, Richmond, VA  
Louise Lawrence-Israels, Washington D.C.  
Herbert Karliner, Miami Beach, FL  
Annette Lantos, Washington, D.C.  
David Mermelstein, Miami FL  
Alex Moskovic, Harrisonburg, VA  
Leo Rechter, Queens, NY  
Shirley Rubin, Boynton Beach, FL  
David Schaecter, Miami, FL  
Anita Schuster, Las Vegas NV  
Charles Srebnik, New York, NY  
Agnes Vertes, Weston, CT  
Esther Widman, Brooklyn NY

***“JUSTICE AND DIGNITY FOR SURVIVORS”***



# HOLOCAUST SURVIVORS' FOUNDATION – USA

## Holocaust Survivors Foundation USA (HSF) Statement In Response to Claims Conference-Germany Negotiations – July 13, 2017

### Member Organizations (Partial List)

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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

**Contact: David Schaefer, President (305) 742-8501**

Once again, the Claims Conference announcement of their so-called negotiations will mean little to thousands of survivors in dire need of serious health care, mental health care and all the rest of the services they currently are deprived of for lack of the resources Germany should have been provided to so many deserving of help. Even a quick reading of the results of these so-called negotiations makes clear there was no intention in helping all the survivors who continue to suffer year after year. How can this be? The House and Senate unanimously passed resolutions voicing their strong support of such assistance so urgently needed be provided and no effort was apparently made at all in the few days they sat in what are termed negotiations showing how little they care about survivors by the thousands remained mired in poverty and lack of basic care medically mandated by professionals yet still not made available.

Shame on this group of people who say they are negotiating and come up with these pitiful results while these survivors apparently are expected somehow to survive with no care for yet another year of suffering. Why is there no outcry by our Jewish community as the Congress was quickly able to do so in their strong resolutions last year? The arrogance of this group unwilling to provide the assistance so clearly needed yet again, while declaring victory for small improvements, is wrong. This ongoing tragedy of survivors in need is horrid and in the name of basic decency must somehow be honestly addressed to alleviate the ongoing human tragedies we face every day among our brothers and sisters in need.

Of course it is long overdue that the Iasi, Romania victims received compensation for their suffering. It should not have taken so long, but it cannot be used to obscure the broader failure of the negotiations – once again.

Survivors are appalled that, once again, the Claims Conference is not increasing funds for emergency services -- medicines, certain medical procedures, life-critical and expensive dental care, hearing aids, wheelchairs, transportation to the doctor, and other services that survivors need for a decent quality of life. These are desperately and widely needed by Holocaust survivors and obscenely underfunded.

Finally, the announced increase in home care funding, once again, conceals the greater scandal of grossly insufficient funding for home care. \$462 million seems like a lot, but is tragically low when compared with survivors' actual real-life needs, and when spread across the 67,000 survivors worldwide the CC said it served last year.

It is time to end the piecemeal, secret negotiations that have failed to alleviate the poverty and suffering of so many survivors. Survivors need and deserve a comprehensive program of care fully funded by Germany for a new life worry free for the last part of their lives, to be channeled to the survivors through the U.S. government or directly to survivors. Given the failures of the current system, and existing programs where Germany pays survivors directly, there is simply no need for the Claims Conference as a broker or intermediary.

***“JUSTICE AND DIGNITY FOR SURVIVORS”***



# 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

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

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New Mexico

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San Francisco

## SIGNED BY THE HOLOCAUST SURVIVORS FOUNDATION USA EXECUTIVE COMMITTEE

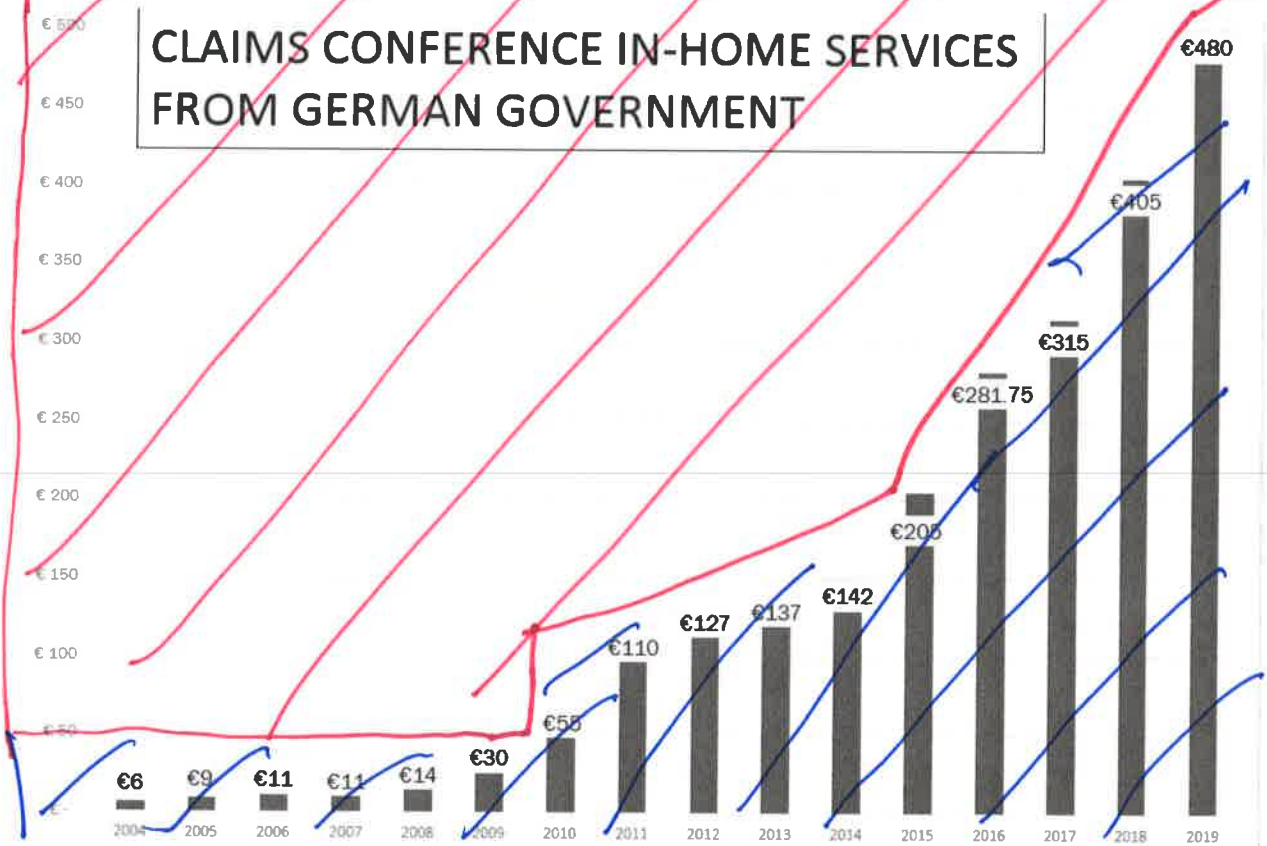
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*“JUSTICE AND DIGNITY FOR SURVIVORS”*

1 billion

700m

# CLAIMS CONFERENCE IN-HOME SERVICES FROM GERMAN GOVERNMENT



234,000  
worldwide  
living in  
poverty -  
2010

56,000

67,000

76,200