

**STATEMENT OF DAVID MERMELSTEIN
UNITED STATES SENATE JUDICIARY COMMITTEE
HEARING ON HOLOCAUST ERA INSURANCE CLAIMS
SEPTEMBER 17, 2019**

My name is David Mermelstein. I am the President of the Holocaust Survivors of Miami-Dade, and Vice President of the Holocaust Survivors Foundation USA. I was born in Kivjazzd Czechoslovakia in 1928. My father Martin Mermelstein was a self-employed businessman who owned a business selling beer, wine, liquor, and cigarettes. In 1944, we were all deported to the Beregsatz Ghetto and then to Auschwitz. My parents, my four brothers, my sister, and grandparents were all murdered in Auschwitz. I am the only member of my family to survive.

Unfortunately I do not have the time in this hearing to talk about everything we went through. Although I realize the purpose of this hearing is to discuss the problems of insurance policies that our parents and grandparents bought but the companies refused to honor, it is impossible to provide the context of this particular injustice without describing the terrible, terrible crimes that were perpetrated against the Jewish people, including of course my family, in the Holocaust. What we went through, I could talk about for hours, which is exactly what I do with school children and community groups all the time.

How I survived the Nazis, and how I survived the aftermath of World War II, the Russians, the DP Camps, and the rest, is described in my deposition in the Hungarian Gold Train case, which I am attaching to this statement so that the Senators on this Committee can understand more about my life, the Holocaust, and the unprecedented crimes inflicted on us by the German Nazi regime.

As I explain in that deposition, I was very lucky to survive the Nazis, lucky to escape the Russians after the war, and lucky, after two years in a Displaced Persons (DP) Camp, to be allowed to immigrate in 1948 to the United States. I courted my wife Irene, another survivor, for a while in New York and after we got married, we went to Miami for our honeymoon and decided to stay. So, I was lucky again to build a business and raise a wonderful family in Miami. However, we can never forget what happened to our families in the Holocaust and we never will.

Now, let's talk about the insurance. I remember there was a plaque on our in house that said there was insurance, by Generali. My father was a careful businessman, so naturally he would have had insurance to protect his business and his family. Many survivors also remember those plaques, or an agent coming around every two weeks to collect premiums, but most of us

were too young to know the name of the insurance company. Of course we have no documents for obvious reasons.

In 1998, we worked closely with our Florida Insurance Commissioner, Bill Nelson, for a State law to make the companies publish all the names and allow survivors to go to court if they wouldn't settle. **That** is when the companies came up with the idea of the ICHEIC commission – because of pressure from the states. Still, everyone told us ICHEIC was voluntary and not binding unless you agreed to a settlement.

So, with all those promises, I applied to ICHEIC. They said they could not find my father's name. They sent a check for \$1000 as a "humanitarian payment." ICHEIC sent out 34,000 of those \$1000 checks. Survivors deeply resent the idea of a "humanitarian payment" instead of the funds we know our parents set aside in case of a disaster. The whole thing was an insult to survivors, and it still is.

Yet the Courts have said that because of ICHEIC, and because of Bush and Obama Administration policies, Holocaust survivors cannot go to an American court to collect our family policies. This is a disgrace and only you can help us have our rights and dignity restored.

Survivors are in shock that the U.S. government took away our rights to go to American courts to make our claims. Remember, these are contracts

– not charity. How would those State Department and Justice Department people, and those Judges, feel, if they lost everything, and then their own government said they couldn't even go to court like every other American citizen to collect on an insurance policy their father paid for? They wouldn't stand for it, and we won't either.

We all endured the ultimate hell. We lost everything – our rights, our property, our loved ones. How is it possible that today in the year 2019 we are second class citizens and can't even go to an American court like everyone else? How would you feel if you lost everything? How would you feel if your rights were stripped away? How would you feel if your own government said you couldn't even have the same rights as every other American?

Even worse, the government lied when it went to court against us. I am the one who asked for the Justice Department's records under the Freedom of Information Act. They admitted the government lied about what Generali was promised. When a Congressman and our lawyer Sam Dubbin used those memos in a Congressional hearing, the Justice Department told me to give the records back. They still wanted to hide the truth. Needless to say, I refused.

One of my closest friends in Miami is Herbie Karliner, a survivor of Kristallnacht and the S.S. St. Louis. After the United States forced that ship with several hundred German Jews to return to Europe in 1939, Herbie's mother, father, and sister were sent to Auschwitz and murdered there. He and his brother survived in hiding. He has papers proving his father had a large life insurance policy sold to him by Allianz. But his claim was denied by ICHEIC and Allianz. They said Allianz already paid Herbie's father. Years later, Herbie got papers from the German Embassy where Allianz said his father cashed in his policy on November 9, 1938. That was not possible, because November 9, 1938 was Kristallnacht, when his father's store was burned down, and his father was taken by truck to Buchenwald. Allianz's and ICHEIC's excuse is an obvious fraud. But Herbie, who is not only a survivor but a U.S. veteran who served in Korea, cannot to a U.S. Court to sue Allianz. This is just wrong.

Sadly, you might hear from some Jewish groups that they are against Congress passing a law. But they are NOT, I repeat, NOT, Holocaust survivor groups and do not represent survivors in any way. Survivors are appalled at the arrogance of these organizations, such as the American Jewish Committee, the Claims Conference, the Anti Defamation League, B'nai B'rith, and the World Jewish Congress. They have no right to speak

for us, or to act for us, and they never did. They love to speak “ABOUT US, but it is always WITHOUT US.” They should mind their own business. Please read the letters the survivor leaders sent these groups, which is part of my written submission.

I have more bad news. Half of all Holocaust survivors, including in the United States, live in poverty and cannot afford the basic necessities of life – food, rent, utilities, medicines, dental care, hearing aids, eyeglasses, transportation to the doctor, and long term care. The State Department, and non-survivor groups, all try to justify stripping away our rights in order to convince Germany to provide funds for survivors in need. This is a false choice, and the policy has been a complete failure.

First of all, what is the connection between insurance policies owed by private companies and Germany’s moral obligation to provide for survivors’ care? There is no connection at all.

Second, we have it in writing from the German Ambassador that the German government would **never** threaten to withhold funds for survivors’ needs because of a law restoring survivors’ insurance rights. That is in our papers.

Third, the organizations who are supposed to be negotiating for these funds have failed to deliver anything close to full funding for survivors’

needs. This was proven in two Congressional hearings in 2014, which were convened at the request of the Holocaust Survivors Foundation USA. This was also found in Senate and House Resolutions in 2016 calling on today's German Germany to fully fund survivors' needs. Yet, the insurance companies are sitting on over \$25 billion in profits they pocketed from policies they sold to our families before the Holocaust.

Survivors believe the companies should pay every policy traceable to living heirs in today's dollars, and should disgorge the rest of their Holocaust profits from policies owned by victims whose entire families were destroyed, for the benefit of survivors in need today.

Without action by Congress, the insurance companies will be the heirs of the victims of the Holocaust. This is unacceptable. There should be no legal peace for the companies until the Holocaust survivors have moral peace. We are very far away from that today, Mr. Chairman.

I am 90 years old, about to turn 91. For the past 30 years, I have visited hundreds of classrooms and community groups in Florida speaking to students and adults about my experiences in the Holocaust. I do this not because I enjoy telling the stories because they are mostly very sad. I do this because I believe that all people have an obligation to become educated about the Holocaust, to remember, and to make a personal commitment that

they will do everything they can to never let such atrocities happen again –
not to the Jewish people, not to anyone.

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 MIAMI DIVISION

4 CASE NO. 01-1859 CIV SEITZ

5 IRVING ROSNER, et al.,

6 Plaintiffs,

7 vs.

8 UNITED STATES OF AMERICA,

9 Defendants.

10 -----x
11
12 220 Alhambra Circle
13 Coral Gables, Florida
14 Monday, March 22, 2004
15 9:25 a.m.

16 VIDEOTAPE DEPOSITION OF DAVID MERMELSTEIN

17 Taken on behalf of the Defendant before LOIS
18 E. GUFFEY, RDR, Notary Public in and for the State of
19 Florida at Large, pursuant to a Notice of Taking
20 Deposition filed in the above cause.
21
22
23
24
25

1 APPEARANCES:

2 SAMUEL J. DUBBIN, P.A.
3 DUBBIN & KRAVETZ, LLP
4 Commercebank Center Fourth Floor
5 220 Alhambra Circle
6 Coral Gables, FL 33134
7 By: Samuel J. Dubbin, ESQ.
8 Appearing on behalf of the Plaintiffs.

9 And

10 CUNEO WALDMAN & GILBERT, LLP
11 317 Massachusetts Ave., N.E.
12 Suite 300
13 Washington, DC 20002
14 By: David W. Stanley, Esq.
15 Appearing on behalf of the Plaintiffs.

16 U. S. DEPARTMENT OF JUSTICE
17 20 Massachusetts Ave., N.W.
18 Washington, D.C. 20530
19 By: Carolyn A. McKee, Esq.
20 And Jeffrey M. Smith
21 Appearing on behalf of the Defendants.

22 I N D E X

23 WITNESS DIRECT CROSS REDIRECT RECCROSS
24 DAVID MERMELSTEIN 3 63 91

1 Thereupon:

2 THE VIDEOGRAPHER: This is the videotape
3 deposition of David Mermelstein. This video
4 deposition has been noticed by Attorney Carolyn A.
5 McKee from the United States Department of Justice
6 in the matter of Irving Rosner, et al. versus the
7 United States of America. This is Case No.
8 01-1859-CIV in the United States District Court,
9 Southern District of Florida, Miami Division. This
10 deposition is being taken at the offices of Dubbin &
11 Kravetz, LLP at 220 Alhambra Circle, Suite 400,
12 Coral Gables, Florida. Today is March 22nd, 2004.
13 The court reporter is Lolane Guffey from Fernandez &
14 Associates. The videographer is Jeff Menton of
15 Valuable Video. We are on the video record. The
16 time is 9:25 a.m.

17 Will the court reporter please swear the
18 witness in and then would counsel state their
19 appearances for the record.

20 Thereupon:

21 DAVID MERMELSTEIN

22 was called as a witness, and having been first duly
23 sworn, was examined and testified on his oath as
24 follows:

25 DIRECT EXAMINATION

1 MS. MCKEE: Carolyn McKee, for the United
2 States.

3 MR. SMITH: Jeffery Smith, for the United
4 States.

5 MR. DUBBIN: Samuel Dubbin, for the
6 plaintiffs.

7 MR. STANLEY: David Stanley, for plaintiffs.

8 BY MS. MCKEE:

9 Q. If I could begin. Good morning,
10 Mr. Mermelstein.

11 A. Good morning.

12 Q. How are you? Again, my name is Carolyn McKee.
13 I am an attorney at the Department of Justice and I
14 represent the United States in this matter. Sitting
15 next to me is a court reporter. She is going to take
16 down every word that you and I say, and at the end of
17 the table is a videographer who is going to be -- at the
18 request of the court is going to be videotaping what
19 goes on here today.

20 A. Okay.

21 Q. Have you ever been deposed before?

22 A. Once.

23 Q. Once. And in what context?

24 A. I sold a business and I had to take it back.

25 Q. Very good. So you are a little familiar with

1 how this is going to go --

2 A. A little.

3 Q. -- but I just want to remind you a little bit
4 of the sort of ground rules and make sure we are all on
5 the same page. In a few minutes I am going to ask you
6 questions related to the facts in this lawsuit. If you
7 don't clearly hear one of my questions, please, ask me
8 to repeat it.

9 A. Okay.

10 Q. Will you agree to do that?

11 A. Yes.

12 Q. If you don't understand a question, tell me.
13 This can be very informal. So will you do that?

14 A. Yes.

15 Q. Okay. If you don't know or don't remember the
16 answer to a question, just say so. Will you do that?

17 A. Yes.

18 Q. Also, if at any time during the deposition you
19 realize that an earlier answer was somehow incomplete or
20 wrong for whatever reason, just -- if you could just
21 tell me and we will be happy to go back and correct the
22 record. Will you do that?

23 A. Okay.

24 Q. Next, if you need a break for any reason,
25 please, tell me. We will be happy to accommodate that

1 Q. Where do you live, sir?

2 A. 9121 Southwest 66 Terrace, Miami.

3 Q. Are you married?

4 A. Yes.

5 Q. What is your wife's name?

6 A. Irene.

7 Q. Do you have children, sir?

8 A. Yes. Three children.

9 Q. And grandchildren?

10 A. Three.

11 Q. What about great grandchildren?

12 A. Not yet.

13 Q. Not yet. How long have you lived in Miami?

14 A. 53 years.

15 Q. Are you employed or retired at this time?

16 A. Retired.

17 Q. Retired. And what did you do before you
18 retired?

19 A. Worked and owned a dry cleaning.

20 Q. What is your birth date, sir?

21 A. 12-21-28.

22 Q. Where were you born?

23 A. Czechoslovakia.

24 Q. What town in Czechoslovakia?

25 A. Kivjazz.

1 as much as we can. This is not -- we can take breaks,
2 go to the restroom --

3 A. Okay.

4 Q. -- do all that kind of thing. For the most
5 part, as long as there is not a question pending, I will
6 be happy to take a break.

7 A. Good.

8 Q. If you answer the question, I will assume you
9 understood the question.

10 A. Yes.

11 Q. Okay. Are you taking any medicine or drugs of
12 any kind today that would prevent you from speaking
13 truthfully or understanding?

14 A. Today, no. Actually, I don't take medicine in
15 the morning.

16 Q. Okay. Are you -- are you feeling well today?

17 A. Yes.

18 Q. Very good. And is there any other reason why
19 you think you can't give full answers and truthful
20 answers today?

21 A. No.

22 Q. Very good. Thank you. If you could state
23 your name for the record, please, sir.

24 A. The name is David Mermelstein.

25 M-E-R-M-E-L-S-T-E-I-N.

1 Q. Could you spell that?

2 A. K-I-V-J-A-Z-D.

3 Q. So when you were born you were a Czech
4 citizen; is that correct?

5 A. Yes, yes.

6 Q. What citizenship do you hold now?

7 A. U.S.

8 Q. Have you ever held a citizenship of another
9 country?

10 A. No, just --

11 Q. Just the two?

12 A. Just the two. Although they may --

13 Q. When did you become -- when did you become a
14 naturalized citizen of the United States?

15 A. It was '54.

16 Q. 1954?

17 A. '54? Either three or four, yes.

18 Q. To the best of your recollection --

19 A. Yes.

20 Q. -- 1954?

21 A. Uh-huh.

22 Q. When you naturalized, did you give up your
23 Czech citizenship?

24 A. Oh, yeah.

25 Q. Do you have any family in Czechoslovakia now?

1 A. No.
 2 Q. Any family in Hungary?
 3 A. (Witness nods head).
 4 MR. DUBBIN: David, Mr. Mermelstein, make sure
 5 you let her finish the question before you answer,
 6 okay. And state your answer verbally, because
 7 although she's good at sign language it's better if
 8 you state your answer on the record.
 9 THE WITNESS: Well, do you consider a cousin
 10 family?
 11 BY MS. McKEE:
 12 Q. Yes, I do.
 13 A. Oh. Then yes.
 14 Q. Where is your cousin?
 15 A. Australia --
 16 Q. Okay.
 17 A. -- Israel and Brooklyn.
 18 Q. Are you in contact with those cousins?
 19 A. With the one in Brooklyn, yes.
 20 Q. But not with the others?
 21 A. In Israel occasionally but not that often.
 22 Q. Okay. Very good.
 23 (Whereupon, there was a brief interruption.)
 24 THE WITNESS: Let me turn it off. Okay.
 25 BY MS. McKEE:

1 A. He owned a business.
 2 Q. What kind of business?
 3 A. Similar to a pub.
 4 Q. I am sorry?
 5 A. Similar to a pub where they sold --
 6 Q. Yes.
 7 A. -- wine, whiskey, liquor, beer, all that. In
 8 Europe you couldn't sell it all over. It had to be a
 9 special place for all that.
 10 Q. Is this the house that you lived in at the
 11 time of the war?
 12 A. Yes.
 13 Q. Did you ever live in any other house --
 14 A. No.
 15 Q. -- in Czechoslovakia?
 16 A. No.
 17 Q. I know this is a difficult subject, sir, but
 18 at some point you were forced to leave your home; is
 19 that correct?
 20 A. Yes.
 21 Q. And your entire family was?
 22 A. Yes.
 23 Q. Where did you go?
 24 A. To the ghetto. And they took us to a city
 25 called Beregszasz

1 Q. Have you visited Czechoslovakia since you left
 2 it, sir?
 3 A. Once.
 4 Q. When was that?
 5 A. About six -- six, seven years ago.
 6 Q. And the purpose of your visit?
 7 A. I went back to my hometown.
 8 Q. How long was your visit?
 9 A. Two weeks.
 10 Q. Sir, where did your family live when you were
 11 born?
 12 A. In that house.
 13 Q. In the house in --
 14 A. Kivjazzd.
 15 Q. Kivjazzd?
 16 A. Yes.
 17 Q. For how long did they live there?
 18 A. Ooh, my father was born there.
 19 Q. Okay. And did you have -- what other family
 20 members lived with you in that house?
 21 A. The grandparents and an aunt. And you mean
 22 the rest of the family?
 23 Q. Yes, please.
 24 A. Five brothers, a sister and parents.
 25 Q. Did your father work, sir?

1 Q. Can you spell that, sir? If not we can --
 2 A. Yes.
 3 MR. DUBBIN: It's in the -- it's in the
 4 complaint.
 5 MS. McKEE: Okay.
 6 BY MS. McKEE:
 7 Q. And all of your family members went with you?
 8 A. Yes.
 9 Q. At the -- where did you go next?
 10 A. From the ghetto they took us to Auschwitz.
 11 Q. And at the end of the war, sir, where did you
 12 go?
 13 A. After I was liberated?
 14 Q. Yes.
 15 A. Back to the hometown.
 16 Q. How old were you at that time?
 17 A. 16 and a half.
 18 Q. What did you find in your hometown?
 19 A. An empty town.
 20 Q. Did you go to your house?
 21 A. Yes.
 22 Q. And what did you find?
 23 A. Nothing.
 24 Q. From there where did you go, sir?
 25 A. Whew. I overstayed my welcome there, left

1 because it became part of Russia. So I went back to
2 Czechoslovakia, to Germany to a displaced person camp.

3 Q. When you say that your town in Czechoslovakia
4 was overtaken by the Russians -- is that right, by the
5 Soviets?

6 A. Yeah, after the war.

7 Q. After the war. Okay. Do you remember when
8 you arrived in that displaced person camp in Germany?

9 A. Yes. November 1945.

10 Q. And when were you liberated from --

11 A. May the 5th, 1945.

12 Q. So during those months in between you were
13 traveling back to your hometown and spent time there; is
14 that right?

15 A. Well, I was sick after -- stayed in
16 Czechoslovakia for awhile and then went back home, yes.

17 Q. Do you remember the name of the displaced
18 person camp?

19 A. Oh, sure.

20 Q. What is that?

21 A. Landsberg Amlach.

22 Q. And what country or organization ran that
23 camp?

24 A. UNRO.

25 Q. I am sorry?

1 newspapers, no CNN.

2 Q. What was the U. S. Army telling you at that
3 time?

4 A. They weren't -- they weren't telling us -- we
5 were -- we were -- you could say we were under their
6 control but we didn't have direct contact with the
7 Americans.

8 Q. Who did you have -- who did you have direct
9 contact with?

10 A. In the displaced person camp there were --
11 like a leadership.

12 Q. After you have left the camp in November --
13 no, I am sorry. After you left the camp in March of
14 1947, where did you go?

15 A. That's when they picked some of the younger
16 ones and took us to Pren. And we were getting ready
17 like to come to the United States.

18 Q. Where is Pren, sir?

19 A. In Germany.

20 Q. In Germany. Could you spell that? Do you
21 remember?

22 A. P-R-E-N.

23 Q. Where did you stay in Pren?

24 A. It was a building under the Americans where we
25 went to the consul back and forth.

1 A. The UNRO, United Nations Reorganization.

2 Actually, the American army was in charge.

3 Q. What languages were spoken at that camp?

4 A. Mainly Jewish.

5 Q. Mainly -- I am sorry?

6 A. Jewish.

7 Q. Jew -- what language?

8 A. Yiddish.

9 Q. Yiddish. Okay. Did you speak Yiddish at the
10 time, sir?

11 A. Oh, yeah.

12 Q. Were there other Czechoslovakians at the camp?

13 A. Yes. From all over the world.

14 Q. Were there other -- were there Hungarians
15 there?

16 A. Yes.

17 Q. How long did you spend at that camp?

18 A. From November '45 to March 1947.

19 Q. What was life like at the camp?

20 A. Miserable. One word. We were seven men in a
21 room and the food was on a meal ticket.

22 Q. Did you receive news from elsewhere in the
23 world? Did you receive news from Europe or from the
24 United States?

25 A. Very little, very little. There was no

1 Q. How long were you there?

2 A. Only about a month.

3 Q. And who was in charge of that move? Was it
4 the U.S., United States?

5 A. The United States with UNRO.

6 Q. Did you have a choice on whether or not to go
7 to Pren?

8 A. No. You want to -- eventually you are hoping
9 to come to the United States.

10 Q. What happened -- what happened next? Where
11 did you go next?

12 A. To the United States.

13 Q. Where, in the United States?

14 A. Where we arrived?

15 Q. Yes.

16 A. Pier 5 in New York.

17 Q. Where did you go when you arrived?

18 A. An aunt. I went to my aunt.

19 Q. Where was your aunt living?

20 A. Well, she passed away now, but she lived in
21 Brooklyn, 193 Hooper Street.

22 Q. Was -- your aunt was an American citizen; is
23 that right?

24 A. Yes.

25 Q. How -- did you live with your aunt then?

1 A. Yes.
 2 Q. For how long?
 3 A. About a year.
 4 Q. How long had your aunt been in the United
 5 States?
 6 A. Oh, I think she came after the First World
 7 War.
 8 Q. What did she do here?
 9 A. Her husband was a tailor.
 10 Q. Where did you go after leaving your aunt's
 11 house?
 12 A. I went to West Warwick, Rhode Island. I had
 13 an uncle there.
 14 Q. Had your uncle been here before the war?
 15 A. Before the war, yes.
 16 Q. He was an American citizen?
 17 A. Yes.
 18 Q. What did he do?
 19 A. He worked as a bookkeeper.
 20 Q. Did you go and live with your uncle?
 21 A. Yes.
 22 Q. For how long?
 23 A. One year.
 24 Q. What did you do during that time?
 25 A. I worked in a clothing factory.

1 Q. A year. And then another year in Rhode
 2 Island?
 3 A. Yeah.
 4 Q. Are we then in 1949?
 5 A. '49, yeah.
 6 Q. 1949. How long did you live in Clifton, New
 7 Jersey?
 8 A. The rest of '49.
 9 Q. Okay. Then where did you go, sir?
 10 A. Miami.
 11 Q. What brought you to Miami?
 12 A. What part?
 13 Q. What brought you to Miami?
 14 A. Oh, oh. Honeymoon.
 15 Q. Where did you meet your wife?
 16 A. Oh, that's a long story.
 17 Q. Where?
 18 A. In Czechoslovakia.
 19 Q. Did she come with you from the --
 20 A. No.
 21 Q. -- camp? Okay. You met up again in the
 22 United States?
 23 A. We met up again, yes.
 24 Q. During this time that you were in the United
 25 States right after the war, when you were in Brooklyn.

1 Q. When you came to the United States, sir, you
 2 came by yourself; is that right?
 3 A. Yes --
 4 Q. Without other family members?
 5 What did you do after you left your uncle's
 6 house?
 7 A. Went to New Jersey.
 8 Q. Where, in New Jersey?
 9 A. Clifton.
 10 Q. What did you do there?
 11 A. Worked in a clothing factory.
 12 Q. With whom did you live?
 13 A. There I lived with a cousin for awhile. Then
 14 I took a room, lived on my own.
 15 Q. Do you remember what year this is now?
 16 A. Oh, yeah. End of '48.
 17 Q. End of 1948. I just want to go over the
 18 dates, sir. You came over to the United States in March
 19 of 19 -- no. April of 1947?
 20 A. March. March 14th, 1947.
 21 Q. Okay. Is that the day you arrived?
 22 A. Yes.
 23 Q. Then you spent a year with your -- how long
 24 did you live with your aunt in Brooklyn?
 25 A. About a year.

1 and Rhode Island and New Jersey, were you in contact
 2 with anyone in Europe?
 3 A. For awhile in the displaced person camp, yeah,
 4 friends that didn't come out yet.
 5 Q. Friends that you had met at the displaced --
 6 A. Yeah.
 7 Q. What kind of contact was that? Was it
 8 letters?
 9 A. Letters, yeah. That's why it wasn't that
 10 often.
 11 Q. What were you hearing from them in the
 12 letters?
 13 A. Just how anxious they were to get someplace.
 14 Q. Anything about the political situation there?
 15 A. No.
 16 Q. Mostly about themselves?
 17 A. Yes.
 18 Q. So you moved to Miami in what month?
 19 A. December the 3rd, 1950.
 20 Q. With your wife; is that right?
 21 A. Yes.
 22 Q. What did you do when you arrived here, sir?
 23 A. In Miami?
 24 Q. Yes.
 25 A. I worked in a dry cleaner.

1 Q. How long did you do that?
 2 A. For 21 years.
 3 Q. And what did you do after that?
 4 A. I went in business for myself.
 5 Q. So you -- you bought a dry cleaning?
 6 A. I start --
 7 Q. You opened it?
 8 A. Opened one.
 9 Q. Opened a dry cleaning?
 10 A. Yes.
 11 Q. How long did you own your store, sir?
 12 A. I opened in 1970 and sold that, open another
 13 one. About three years ago I retired.
 14 Q. Got it.
 15 A. Three, four years ago.
 16 Q. In your life in Miami for the last 50 years --
 17 53 years, have you been a member of the Jewish community
 18 here?
 19 A. Oh, yeah.
 20 Q. What sort of things do you do?
 21 A. What sort of things I do in the community?
 22 Q. Yes.
 23 A. Well, I was president from the local survivors
 24 of Miami. Then I became president of the State of
 25 Florida, the Coalition of Holocaust survivors; Vice

1 A. Yes.
 2 Q. Approximately how many years?
 3 A. Four.
 4 Q. You said you were president of the Florida
 5 chapter -- I am sorry, the Florida Survivors --
 6 A. Coalition.
 7 Q. -- Coalition. For how long have you been --
 8 were you president or have you been president of the
 9 state organization?
 10 A. For the past three -- this is the fourth year.
 11 Q. This is the fourth year. Were you members of
 12 those two organizations before you became president?
 13 A. I was a member of the first.
 14 Q. When did you become a member of the first?
 15 A. In the middle '50s.
 16 Q. What does -- what sorts of things does that --
 17 does the local chapter do?
 18 A. Well, we started not so much as a chapter like
 19 you know. We started because we didn't have nobody. So
 20 we found and met each other. So when there was any
 21 occasion, we invited our friends. And we made some
 22 money, and we helped our own people if they needed help.
 23 Nobody went to welfare -- on welfare.
 24 Q. Is there a National Survivors Organization?
 25 A. Yes.

1 president to the national organization; and the board of
 2 the Jewish Social Services; and advisory board to the
 3 Jewish Family Service.
 4 Q. When were you president of the local
 5 survivors?
 6 A. For -- Oh.
 7 Q. Approximately.
 8 A. About eight years ago.
 9 Q. For how long was your term?
 10 MR. DUBBIN: Well, let -- can I make sure --
 11 why don't you rephrase the question because I am not
 12 sure -- she said the local surviv-- president of the
 13 local survivors.
 14 THE WITNESS: Miami chapter.
 15 MR. DUBBIN: Right.
 16 MS. MCKEE: Yes.
 17 THE WITNESS: Miami branch.
 18 MR. DUBBIN: Okay. I am sorry.
 19 MS. MCKEE: Thank you.
 20 BY MS. MCKEE:
 21 Q. When were you president of the local survivors
 22 Miami branch?
 23 A. Well, I am still president, even though we
 24 are -- survivors dwindled away.
 25 Q. Have you been president for a number of years?

1 Q. Was that up and running in the 1950's?
 2 A. No, no.
 3 Q. When did that one start?
 4 A. That's only about three, four years?
 5 Q. Three or four years ago?
 6 A. Yeah.
 7 Q. What about the state organization, when did
 8 that start?
 9 A. Also about five years ago.
 10 Q. When you were a member of the local
 11 organization did you get news from overseas at all about
 12 things that were going on in Czechoslovakia?
 13 A. Well, we talked about it, yeah.
 14 Q. Were there any publications that came out of
 15 this chapter, this group?
 16 A. Not from that group.
 17 Q. Did you, during this time from -- at any
 18 period between 1950 and today, have you read survivor
 19 publications of some -- any kind?
 20 A. Yes.
 21 Q. What are those publications?
 22 A. The American Gathering.
 23 Q. And when did you read that?
 24 A. I think it was coming out quarterly.
 25 Q. Was that coming out in the 1950s?

1 A. I can't tell you what year it started to come
2 out.

3 Q. Approximately?

4 A. Wasn't '50, no, not in '50.

5 Q. A decade? '60s or '70s?

6 A. Probably -- yeah.

7 Q. What sort of -- what news was in that or what
8 type of material was in that publication?

9 A. Well, an interest of the survivors.

10 Q. Where was that published; do you know?

11 A. New York.

12 Q. New York. Anything -- did you read any other
13 publications, survivor publications?

14 A. Not survivor publications at that time, no.

15 Q. Any other publications about the Holocaust?

16 A. Well, the papers had it always.

17 Q. The newspapers?

18 A. Yeah.

19 Q. What newspapers do you read?

20 A. The Miami Herald, the local Jewish Journal and
21 occasionally the New York paper.

22 Q. Are those the same publications you have been
23 reading over your 50 years?

24 A. Yes.

25 Q. So when you were here -- first arrived in

1 Q. What other sorts of organizations do you
2 belong to in Miami?

3 A. That's all.

4 Q. Okay. Sir, returning to the time when you
5 were living in Czechoslovakia during the war was there a
6 time when your family's belongings were taken from you?

7 A. What, specifically, or when, how do you mean
8 it?

9 Q. As I understand, you were living in a house
10 with your family members --

11 A. Yes.

12 Q. -- in Czechoslovakia during the war. At
13 some -- at any point did someone come and ask for your
14 belongings?

15 A. Not during Czechoslovakia time, no.

16 MR. DUBBIN: Can we -- you want to -- I mean
17 the complaint alleges that where he was living in
18 Czechoslovakia became part of Greater Hungary in
19 1939 and that's --

20 THE WITNESS: Oh, yeah. That's why --

21 MR. DUBBIN: You didn't ask that question.

22 MS. McKEE: That's the confusion. Okay.

23 MR. DUBBIN: So I think that's the -- that's
24 the confusion.

25 MS. McKEE: Okay.

1 Miami in the '50s and '60s, were you -- where were you
2 getting your news about what was going on in Europe?

3 A. Well, the Miami Herald, and there is a Jewish
4 radio an hour or so a week.

5 Q. I am sorry, sir?

6 A. The Miami Herald, and there is a Jewish radio
7 program once a week.

8 Q. Do you remember -- is that radio program still
9 running?

10 A. Not that particular one but there is another
11 one.

12 Q. Okay. What's the name of the current one, if
13 you know?

14 A. Let's see. Danny Tadmore is the host but the
15 name of the program is --

16 Q. Don't worry, sir. Do you remember the host or
17 anything about the earlier one?

18 A. No.

19 Q. Do you belong to a temple here?

20 A. Yes.

21 Q. Have you belonged to the same temple for the
22 last 50 years -- 53 years?

23 A. Not 53. I joined the temple in 1953.

24 Q. What temple is that?

25 A. Zion.

1 BY MS. McKEE:

2 Q. Sir, when you were living in your house in
3 Czechoslovakia, when then became Hungary, at some point
4 did your -- did someone come and take your -- ask or
5 take your belongings from you?

6 A. Well, I don't know how you -- belongings.
7 They took half of the house, took the business away.

8 Q. -- who took the house?

9 A. Two Hungarian gendarme, equal to police, and a
10 German officer.

11 Q. Did they physically remove belongings from
12 inside the house?

13 A. Yes.

14 Q. Did you witness that, sir?

15 A. Yes.

16 Q. Did they take things from your father's
17 business?

18 A. Not -- not from the business, itself, but
19 there was --

20 Q. Okay. What was taken when the officers, the
21 Hungarian officers -- when the gendarme came to the
22 house? Do you remember what they took?

23 A. Yes.

24 Q. What was that?

25 A. They took -- there was a cabinet with a

1 dowery, all the fancy linen table cloths, chandeliers.
 2 Q. Anything else?
 3 A. Well, they took something but I didn't see the
 4 jewelry; a handful.
 5 Q. Okay. Did they leave anything in the house?
 6 A. Yes.
 7 Q. What did they leave?
 8 A. Well, in the rest of the house we had the
 9 sewing machine, we had the crystal, we had stuff that
 10 was handed down from generation to generation.
 11 Q. Okay. Did they come more than once to your
 12 house to take property?
 13 A. Yes.
 14 Q. Did they give you or your parents a receipt of
 15 any kind for the property they took?
 16 A. I saw him gave a paper, but I didn't see what
 17 was written on it.
 18 Q. Could you repeat that, sir?
 19 A. They gave a piece of paper but I couldn't see
 20 what it was written on it.
 21 Q. You personally didn't see it; is that right?
 22 A. I saw the paper they left but I didn't --
 23 Q. Is that because your parents had the piece of
 24 paper?
 25 A. (Witness nods head).

1 as they took it away?
 2 A. Tied it up in like a sheet or something.
 3 Q. Did your parents put their names on the
 4 property?
 5 A. No.
 6 Q. Was there any other identifying mark on the
 7 property?
 8 A. No. It was all handmade.
 9 Q. Did you or your family give any property to
 10 the neighbors at this time?
 11 A. No.
 12 Q. Did you hide -- did you or your family hide
 13 any property in the residence?
 14 A. My father -- my father did hide something. I
 15 saw him go up to that more than once. One time I saw
 16 him with papers, which I assumed it was some of the
 17 papers that he had that he took them to the United
 18 States.
 19 Q. Where did he hide those?
 20 A. In the attic.
 21 Q. In the attic?
 22 A. (Witness nods head).
 23 Q. Did you see him hide anything else?
 24 A. He went up a few times but --
 25 Q. Do you remember what he was hiding?

1 MR. DUBBIN: Why don't you make sure you
 2 answer verbally; not with a nod but with a statement
 3 yes, okay?
 4 THE WITNESS: Oh.
 5 MR. DUBBIN: And can you tell whether his
 6 voice is coming across?
 7 THE VIDEOGRAPHER: I am hearing him clearly.
 8 I have his microphone kicked up just a tad.
 9 THE WITNESS: I will answer clear.
 10 BY MS. MCKEE:
 11 Q. At any point did your parents take property to
 12 turn it over to the government?
 13 A. No.
 14 Q. How many times did the gendarme come to your
 15 house to take property?
 16 A. Once.
 17 Q. If you remember, sir, when the gendarme came
 18 to your house did they choose what to take or did your
 19 parents give them certain things?
 20 A. No. When they opened up that closet they --
 21 they saw there what they wanted, not -- they saw the
 22 stuff and they took what they wanted to take.
 23 Q. They just took what they wanted to take?
 24 A. Yeah.
 25 Q. Do you remember how they packaged the property?

1 A. No.
 2 Q. Do you know anything else that he was hiding?
 3 A. No.
 4 Q. When you and your family left that house and
 5 moved to the ghetto, did you take any property with you?
 6 A. No property, just what you could carry. They
 7 only gave us an hour to pack.
 8 Q. Sir, the property that was taken by the
 9 gendarme, have you seen any of that property since that
 10 day?
 11 A. No.
 12 Q. When you returned to the house after the war
 13 what did you find?
 14 A. Nothing in the rooms.
 15 Q. So there was nothing -- the property that had
 16 been left by the gendarme was then gone?
 17 A. No. It was gone, yes.
 18 Q. It was gone, yes. Okay.
 19 After the war did you make any efforts to find
 20 the property, either that was taken by the gendarme or
 21 the property that was left in the house and then
 22 disappeared?
 23 A. I am sorry?
 24 Q. That was a complicated question. I will --
 25 A. Well, I wasn't sure if you -- how you mean it.

1 Q. I will start again. After the war did you
2 make any efforts to track down the property that the
3 gendarme had taken from your family?
4 A. Yes.
5 Q. What did you do?
6 A. By asking the people.
7 Q. Which people?
8 A. The neighbors.
9 Q. Were there non -- did you have non Jewish
10 neighbors?
11 A. Yes.
12 Q. And those neighbors had been there throughout
13 the war?
14 A. Yes.
15 Q. What did the neighbors say?
16 A. They took it away.
17 Q. When they said --
18 A. The Hungarian and the Germans.
19 Q. Did you make any other efforts to find the
20 property?
21 A. No.
22 Q. When you were in the displaced persons camp
23 did you ask any officials about the property?
24 A. Officials?
25 Q. Did you ask the people running the camp about

1 A. No.
2 Q. And did you ever contact anyone in the United
3 States Government to track down -- to ask about the
4 property?
5 A. No.
6 Q. Sir, have you ever seen notices about ways to
7 file claims for property lost during the war?
8 A. Did I see what?
9 Q. A notice or an explanation of how to file a
10 claim to get property lost in the war back?
11 A. No.
12 Q. Do you and your family members here, did you
13 talk about the lost property over the years?
14 A. Yes.
15 Q. What kind of things do you say?
16 A. Well, that we didn't really know what happened
17 to the items that they took from us, the gold.
18 Q. Did you have any idea at any point what
19 happened to it after the gendarme took it?
20 A. We knew that --
21 MS. McKEE: That's a --
22 MR. DUBBIN: Pretty open-ended question.
23 MS. McKEE: Very.
24 MR. DUBBIN: Vague. Maybe you could clarify
25 "at any time."

1 the property?
2 A. No.
3 Q. When you were at the displaced persons camp
4 did you ever ask a U. S. Army soldier about the
5 property?
6 A. No. We weren't in touch with them.
7 Q. Okay. When you came to the United States in
8 the late '40s did you make any efforts at that time to
9 find or track down the whereabouts of the property?
10 A. Well, we talked about it but nobody knew how,
11 what to do.
12 Q. When you say we talked about it --
13 A. -Survivors.
14 Q. The survivors together talked about it?
15 A. Yeah.
16 Q. And since that time, since -- until you filed
17 this lawsuit, what other efforts, if any, did you make
18 to track down the property?
19 A. What other efforts? How do you mean?
20 Q. Did you ever contact the Czechoslovakian
21 government?
22 A. Well, it was -- there was no more
23 Czechoslovakia government as far as we were concerned.
24 We were not part of Czechoslovakia no more, either.
25 Q. Did you ever contact the Hungarian government?

1 MS. McKEE: I am happy to.
2 BY MS. McKEE:
3 Q. Before the late 1990s -- in the 1950's did
4 you -- what did you think had happened to the property?
5 A. Well, we knew the Hungarian government got it
6 because the police or national -- not local police, like
7 here.
8 Q. Did you know anything about what the
9 government did with the property after they took it?
10 A. No.
11 Q. Other than your family members and other
12 survivors have you spoken to anybody else about the
13 property over the years?
14 A. When you say over the years --
15 MR. DUBBIN: Again, you are -- maybe you could
16 clarify that for specificity since that encompasses
17 a long period of time, including after the suit.
18 BY MS. McKEE:
19 Q. During the 19 -- before -- I will rephrase
20 that question.
21 Other than your family members and other
22 survivors, in the 1950s did you talk about the property
23 with anyone else?
24 A. No.
25 Q. In the 1960's did you talk with the property

1 about anyone -- with anyone else other than family
 2 members and other survivors?"
 3 A. No.
 4 Q. What about in the 1970s?
 5 A. No.
 6 Q. In the 1980s?
 7 A. No.
 8 Q. Then in the 1990s you have been speaking with
 9 other people; is that correct?
 10 A. In late 1990s.
 11 Q. With whom have you spoken about the property?
 12 A. Well, 1999 you mean? Then we started to try
 13 to find out how we could go about finding out -- after
 14 the commission, you mean?
 15 Q. Whenever, sir, you first learned about or
 16 started talking about this property again with --
 17 A. After.
 18 Q. -- people out -- other than survivors?
 19 A. 1999, I think after the -- President Clinton
 20 appointed the commission and they came out with that
 21 report then.
 22 Q. In the years after the war, sir, did you know
 23 that some Jewish property had been sold at auction in
 24 New York?
 25 A. Some art, yes.

1 A. Came from Hungarian Jews that came from
 2 Budapest.
 3 Q. Did you learn that from -- where did you --
 4 where did you learn that? Did you speak to those
 5 people?
 6 A. Well, we were talking between ourselves, so it
 7 came down.
 8 Q. Just to clarify, so you learned in the 1970s
 9 or '80s by speaking to Hungarian survivors that there
 10 had been a train found in Austria that may have had
 11 Jewish property on it?
 12 MR. DUBBIN: I object. That's not what his
 13 testimony was.
 14 MS. McKEE: Okay.
 15 MR. DUBBIN: Maybe you -- mischaracterizes the
 16 question.
 17 BY MS. McKEE:
 18 Q. Okay. Sir, what did you learn in the 1970s
 19 from other -- from Hungarian survivors?
 20 A. That the gold --
 21 MR. DUBBIN: Again, you know, his testimony
 22 was it was -- he wasn't quite specific on the decade
 23 that he heard it.
 24 MS. McKEE: Okay.
 25 BY MS. McKEE:

1 Q. What did you know about that auction?
 2 A. Just read in the paper that some of the art
 3 was in the museum or it was sold.
 4 Q. What was your understanding of where that art
 5 came from?
 6 A. It was stolen from the Jews.
 7 Q. Did you have -- did the gendarme take any art
 8 from your house?
 9 A. No.
 10 Q. Did you learn anything else about that auction
 11 in New York when you were --
 12 A. No.
 13 Q. -- living there?
 14 A. No.
 15 Q. Sir, when did you first hear that a Hungarian
 16 train had been located in Austria with Jewish property
 17 on it?
 18 A. Well, there was talk about it, that when the
 19 Russians were approaching, that the Hungarian government
 20 shipped it to Austria.
 21 Q. When was that talk?
 22 A. What year? I can't remember what year.
 23 Q. Can you tell me a decade?
 24 A. Must have been in the '70s, '80s.
 25 Q. Where did you -- where did that talk happen?

1 Q. What did you learn in either the '70s or the
 2 '80s from Hungarian survivors?
 3 A. That gold, art, carpets all the stuff that
 4 they took away from the Jews were loaded on a train and
 5 shipped to Austria.
 6 Q. Did you ever think that your family's property
 7 might have been on that train?
 8 A. Yes.
 9 Q. Okay. Did you think that in the 1970s or
 10 '80s, at the time that you heard about the -- first
 11 heard about the train?
 12 A. Yes.
 13 Q. What else did you learn during those
 14 discussions during the 1970s or '80s?
 15 A. About the gold train?
 16 Q. Yes.
 17 A. That's all, that there was stuff on there, box
 18 with names, addresses.
 19 Q. Did you learn at that time that the U. S. Army
 20 had taken custody of the train?
 21 A. Not at that time, no.
 22 Q. What did you learn about the contents of the
 23 train at that time?
 24 MR. DUBBIN: I believe he answered the
 25 question but -- so I object. that it's been asked

1 and answered.

2 BY MS. McKEE:

3 Q. Did you learn anything in addition to what you

4 have already said?

5 A. No.

6 Q. What other discussions were you having with

7 other -- with Hungarian survivors during the 1970s and

8 '80s about Hungarian Jewish property taken during the

9 war?

10 A. What other conversations? No other

11 conversations.

12 Q. So that the --

13 A. Basically, there was a --

14 Q. -- primary focus -- the primary focus then was

15 about the gold train?

16 A. The gold train.

17 Q. When did you first learn that the U. S. Army

18 had taken custody of the train?

19 MR. DUBBIN: And I believe he's answered that

20 had question already but you are free to answer.

21 THE WITNESS: 1999 when -- after the --

22 President Clinton's commissioner came out with it.

23 BY MS. McKEE:

24 Q. After the commission came out with what?

25 A. The report of what happened to the properties

1 A. Some of it was taken by the officers, some of

2 it was auctioned, and some of it -- still don't know.

3 Q. Is there anything else that you think the army

4 did wrong?

5 A. Yes.

6 Q. What?

7 A. By not returning it to the -- at that time, to

8 the Hungarian government or the Jewish Agency.

9 Q. By Jewish agency, what do you mean?

10 A. In Budapest.

11 Q. Is the Jewish -- by the Jewish agency, do you

12 mean -- do you mean an international Jewish

13 organization?

14 A. No. The Hungarian.

15 Q. The Hungarian Jewish --

16 A. In Budapest.

17 Q. -- Agency?

18 A. Yeah.

19 Q. What is that organization?

20 A. Well, it would be, I guess, similar to the

21 Jewish Congress in the United States.

22 Q. And that was a Hungarian local Jewish group?

23 A. Yeah.

24 Q. Do you know if that group asked for the

25 property?

1 that the United States Government took under control.

2 Q. Where did you first read that report?

3 A. The Herald.

4 Q. I am sorry?

5 A. In the Herald.

6 Q. Are you aware, sir, that there was an interim

7 report by that commission and a final report?

8 A. No.

9 Q. Do you remember -- strike that. What did you

10 do, sir, upon reading that report?

11 A. Well, first we were talking between ourselves

12 how -- what we could do.

13 Q. And by "among ourselves," you mean?

14 A. Survivors.

15 Q. Then what did you do?

16 A. Then we got in touch with Mr. Dubbin.

17 Q. Sir, why do you feel that the U.S. -- strike

18 that. Do you believe that the U. S. Army did something

19 wrong with the property on the train?

20 A. Yes.

21 Q. What do you believe they did wrong?

22 A. Well, when they took control over it, and what

23 happened to it?

24 Q. What do you understand that the U. S. Army did

25 with the property?

1 A. Yes.

2 Q. They did ask for the property?

3 A. They did.

4 Q. Is there anything else that you think that the

5 U.S. Army did wrong with regard to the property on the

6 train?

7 A. Besides what I mentioned?

8 Q. Besides what you mentioned.

9 A. No, I don't think.

10 Q. Sir, have you read anything or -- strike that.

11 What have you read that's been written about the gold

12 train?

13 A. That some of it was taken by the officers,

14 some of it was shipped home, some was auctioned off.

15 Q. Where did you read that?

16 A. In the paper.

17 Q. In the Miami Herald?

18 A. Yes.

19 Q. Anywhere else?

20 A. From Mr. Dubbin.

21 Q. Have you read anything else about the gold

22 train, other than what was written in the Miami Herald

23 or that was provided to you by Mr. Dubbin?

24 A. No.

25 Q. Have you ever met with a historian of this

1 period?

2 A. No.

3 Q. Sir, do you believe that the U. S. Army could
4 have returned your family's property to you
5 individually?

6 A. Individually. Could have made an effort, yes.

7 Q. Do you believe that that effort would have
8 been successful?

9 MR. DUBBIN: Object. I think it's
10 argumentative.

11 MS. McKEE: I think it's what?

12 MR. DUBBIN: Argumentative.

13 BY MS. McKEE:

14 Q. Do you believe that the Army could have looked
15 at your family's property and connected it to you
16 personally?

17 A. Yes.

18 Q. Why?

19 A. Because when -- when the police finds stolen
20 property, they show it and see if people could identify
21 it.

22 Q. Is there any way -- other way that the U. S.
23 Army could have connected the -- any property they found
24 of your family's to you?

25 MR. DUBBIN: I object because it calls for the

1 was sold in New York from the gold train?

2 A. I looked at it, yes.

3 Q. Did you recognize any of your family's
4 property on that list?

5 A. The way those pictures are, it's very
6 difficult.

7 Q. Is that -- is that a no?

8 A. In what sense do you mean?

9 Q. Did you recognize any of that property -- any
10 of your family's property in that auction book?

11 A. No.

12 Excuse me. Can we take a two-minute break?

13 MS. McKEE: Absolutely. I am happy to take a
14 break.

15 THE VIDEOGRAPHER: Going off the video record.

16 The time is 10:24 a.m.

17 (Short break taken)

18 THE VIDEOGRAPHER: We are back on the video
19 record. The time is 10:34 a.m.

20 BY MS. McKEE:

21 Q. We are back from the break, Mr. Mermelstein.
22 How are you?

23 A. Okay.

24 Q. Good. Are you aware, sir, that, the U. S.
25 Army was in Austria after the war?

1 witness to speculate about what the army could have
2 done.

3 BY MS. McKEE:

4 Q. If you could answer the question.

5 MR. DUBBIN: You are allowed answer the
6 question.

7 THE WITNESS: They could have, yes, by
8 advertising, publicizing.

9 BY MS. McKEE:

10 Q. So what do you know about the property that
11 was actually on the train at the time the United States
12 Army took control of it at the end of the war?

13 A. What items or what kind of stuff?

14 Q. Yes.

15 A. Well, everything that they took away from
16 homes, from in the ghetto, all the gold that was
17 collected, everything was on that train.

18 Q. Do you believe that your family's property was
19 on that train?

20 A. Yes.

21 Q. Why?

22 A. Because the gold, number one, and all the
23 fancy linen and all that stuff, because that was listed
24 as on the train.

25 Q. Have you reviewed the auction lists of what

1 A. Yes. Yes.

2 Q. Do you believe, sir, that the U. S. Army -- do
3 you -- strike that. Do you understand that the U. S.
4 Army sometimes used enemy property to provision their
5 troops at that time?

6 A. No.

7 Q. If they had used property that they found in
8 Europe at the time, enemy property, do you believe that
9 the U. S. Army would have been able to do so
10 appropriately?

11 MR. DUBBIN: Let me object. First of all, you
12 are calling for speculation. Second of all, I
13 believe you are asking him for a legal conclusion.

14 BY MS. McKEE:

15 Q. If you could answer, sir.

16 A. Let me get that.

17 MR. DUBBIN: You want to have the court
18 reporter read the question back.

19 But I also object that it's a compound
20 question.

21 MS. McKEE: Let me rephrase the question.

22 BY MS. McKEE:

23 Q. Do you believe that the United States Army
24 could have used German property at that time to supply
25 their troops after the war?

1 MR. DUBBIN: Objection. It calls for a legal
2 conclusion.
3 THE WITNESS: If they could use German
4 property? Yes.
5 BY MS. McKEE:
6 Q. Do you believe that the U. S. Army could have
7 used Hungarian property at -- to supply the troops after
8 the war?
9 A. No.
10 MR. DUBBIN: Again, I object. Calls for a
11 legal conclusion. But you can answer.
12 THE WITNESS: No.
13 BY MS. McKEE:
14 Q. Why? Why the difference between German
15 property and Hungarian property?
16 A. The difference between the two of them is that
17 the German property was taken from -- most likely from
18 occupied territory and the Hungarian property was stolen
19 or taken away from the Jews.
20 Q. Was Hungary occupied territory during the war?
21 MR. DUBBIN: Again, I object to the request
22 for a legal conclusion. He's not an expert on
23 history but you can answer the question.
24 THE WITNESS: Was Hungary -- I don't know how
25 you mean -- what you mean exactly.

1 Q. To your knowledge, did the United States say
2 anything affirmative about the property that was wrong?
3 A. I don't -- I don't know what you mean.
4 Q. I will rephrase the question. Before 1999,
5 did the United States say anything about the property,
6 that you know of, that was wrong?
7 MR. DUBBIN: Okay. Let me object because you
8 are asking him that information that he says
9 nobody -- that nobody gave him at the time, and that
10 these allegations are well spelled out in the
11 complaint, a matter of history.
12 BY MS. McKEE:
13 Q. If you could answer, sir.
14 A. Did they --
15 Q. Do you know of any statement that the United
16 States made that was incorrect prior to 1999?
17 A. No.
18 Q. Sir, do you feel that the Hungarian
19 government, after the war, misled you in any way with
20 regard to this property?
21 A. No.
22 Q. Do you believe that any Jewish organization
23 misled you with regard to this property?
24 A. No.
25 Q. Do you believe that anyone else, other than

1 BY MS. McKEE:
2 Q. I am going to withdraw the question.
3 MR. DUBBIN: I am going to move to strike the
4 last answer. If I didn't object, then I am moving
5 to strike. I think I objected but I don't remember.
6 BY MS. McKEE:
7 Q. Sir, do you feel that the United States has
8 made misrepresentations to you about the gold train?
9 A. Yes.
10 Q. What are those misrepresentations?
11 A. When they took the property, until the
12 President's commission came out we didn't know, and it
13 was hidden from us. They didn't tell us the truth.
14 Q. What didn't they tell you?
15 A. What happened with the property once they got
16 control over it.
17 Q. At any time, sir, before 1999 did you make a
18 request for information about the property to the U.S.
19 Government?
20 A. No.
21 Q. So the misrepresentation, as I understand your
22 testimony, is that the United States didn't say anything
23 about the property; is that correct?
24 A. Well, they had the information. They never
25 shared it with anybody.

1 the United States, misled you with regard to this
2 property?
3 A. No.
4 Q. Sir, I want to turn to the specific claims in
5 the lawsuit that you have brought. I know you have done
6 this -- you have spoken generally about the property
7 that was taken from your parents' house. Can you list
8 for me the property for which you are making a claim in
9 this lawsuit?
10 A. You want me to --
11 Q. As best you can, I want you to list the items
12 of property as to the best of your knowledge.
13 A. How many pieces of -- what do you call it, the
14 china -- not china, glassware, crystals?
15 Q. Whatever you remember, to the best of your
16 knowledge, I would like that, sir.
17 A. One cabinet of crystals.
18 Q. By crystals do you mean glassware, stemware?
19 A. Yes. White-colored.
20 Q. Anything else?
21 A. Sewing machine, china.
22 Q. What sort of china, table china?
23 A. Yeah. Stuff that we didn't use that was
24 (indicating) put away.
25 Q. Display china?

1 A. Well, it was sets, but it wasn't used every
2 day.
3 Q. The special china.
4 A. Yes.
5 Q. Was there one set of that china?
6 A. Two different colors.
7 Q. Two different sets?
8 A. Yeah.
9 Q. Anything else?
10 A. There was so much stuff in the house.
11 Silverware.
12 Q. Was that silverware made of silver, of actual
13 silver?
14 A. Yes. There were -- not the daily but we had,
15 as observant Jews, have two sets --
16 Q. Yes.
17 A. -- so that -- and there was a set for
18 Passover.
19 Q. Okay. Anything else?
20 A. I had it out of my mind now.
21 Q. Take your time.
22 A. It's -- those special quilts, type, red satin
23 on one side and white underneath.
24 Q. Anything else?
25 A. Right now I --

1 A. No.
2 Q. You are not claiming any jewelry of any kind?
3 Jewelry?
4 A. Jewelry, yes.
5 Q. What jewelry are you claiming?
6 A. Well, specifically, what I know --
7 Q. Yes.
8 A. -- the gold rings.
9 Q. I am sorry. Gold rings?
10 A. Gold rings.
11 Q. How many gold rings?
12 A. One, two -- four. And two gold watches. My
13 mother's necklace.
14 Q. What did that necklace look like?
15 A. It was gold. That's all. My grandmother's.
16 That was in the closet, and they took a bunch that I --
17 at that age --
18 Q. Your grandmother's necklace, was that?
19 A. Yeah. Another few pieces but --
20 Q. Were there any diamonds that you remember?
21 A. Yeah. Two.
22 Q. Any other stones?
23 A. Two was my grandmother's. My mother had a
24 diamond ring, yeah.
25 Q. Other than what we have mentioned here, is

1 Q. In the complaint, sir, you mentioned Kiddish
2 cups?
3 A. Oh, yeah. That was silver. Yeah.
4 Q. How many kiddish cups?
5 A. There were four sets.
6 Q. Those were made of silver?
7 A. Yeah.
8 Q. Also in the complaint you mention silver
9 candelabra?
10 A. Yes.
11 Q. How many silver candelabra?
12 A. Well, as you know, in a Jewish home Friday
13 night everybody lights a candle. So it was my mother,
14 and my aunt, and my grandmother, and one extra set
15 from -- probably they were handed down. The last one in
16 the house wound up with everything that was there.
17 Q. Do you remember any other property that you're
18 claiming in this lawsuit?
19 A. Right now I don't know.
20 Q. That's all you can remember today, sir?
21 A. Yeah.
22 Q. You're not claiming any art; is that correct?
23 A. No.
24 Q. You are not claiming any rugs; is that
25 correct?

1 there anything else that you are claiming in this
2 lawsuit?
3 A. All the fine linen.
4 Q. What kinds of linens?
5 A. All handmade. It was a dowery.
6 Q. Were they table linens?
7 A. Table linens, pillow slips, crocheted like.
8 Q. Is there anything else?
9 A. Oh, I don't know. Down covers. Not quilts,
10 heavier than quilts, from down.
11 Q. Down comforters?
12 A. Yeah.
13 Q. Is there anything else that you are claiming,
14 sir?
15 A. It's hard to think.
16 Q. No. Take your time. We have time.
17 A. Oh, the books over there.
18 Q. What kind of books?
19 A. Two kinds. One wall of religious books,
20 because that was handed down from generation to
21 generation. And regular books, history books and --
22 Q. Is there anything else, sir?
23 A. There were a few old stuff, like antique. I
24 remember they used to crush the stuff, what you call it,
25 the --

1 MR. DUBBIN: Mortar and pestle?
 2 THE WITNESS: One of those, yeah. A hand iron
 3 that -- used to put coals in it, which we didn't use
 4 it lately.
 5 BY MS. MCKEE:
 6 Q. What was that made of?
 7 A. Iron.
 8 Q. Iron. Was there anything else, sir?
 9 A. I am trying to go through room by room. Right
 10 now that's all I could think.
 11 Q. Returning to the crystal in the cabinet, was
 12 there anything identify-- specifically identifiable on
 13 that crystal to your family?
 14 A. Identifiable to me?
 15 Q. Yes.
 16 A. If I would see it, probably, but -- at that
 17 age, you know, they didn't let children go and touch
 18 that.
 19 Q. What about any of the silver? Was there
 20 anything particularly? Were there initials or anything
 21 identifying on them?
 22 A. Not initials but the way the lines were going
 23 (indicating).
 24 Q. What about the kiddish cups?
 25 A. They had inscriptions, Hebrew, but I don't

1 New York?
 2 A. Yes. In New York?
 3 Q. Yes.
 4 A. Yes.
 5 Q. When did you do that?
 6 A. About five years ago.
 7 Q. Had you been there before that?
 8 A. No.
 9 Q. Have you visited the Holocaust museum in
 10 Washington, D.C.?
 11 A. Yes.
 12 Q. When did you do that?
 13 A. Two -- two or three months ago.
 14 Q. Okay. Have you been to a Holocaust museum
 15 anywhere else?
 16 A. Well, I don't know. The Yed Yeshim, you call
 17 it a museum?
 18 Q. Where is that?
 19 A. The Yed Yeshim in Israel.
 20 Q. When were you there?
 21 A. Seven -- about seven years ago.
 22 Q. Any other type of museum?
 23 A. Museums, no.
 24 MS. MCKEE: If we could take a break for just
 25 a few minutes.

1 remember them.
 2 Q. Were those inscriptions specific to your
 3 family?
 4 A. Yeah.
 5 Q. Did they mention your family's name?
 6 A. Well, it was my -- one of them was my great
 7 grandfather.
 8 Q. Did they mention his name?
 9 A. Initials, yeah.
 10 Q. His initials. Okay. What about the jewelry,
 11 was there anything identifying on the jewelry?
 12 A. I never really looked at the rings on the
 13 fingers.
 14 Q. Thank you. Sir, do you have an estimate of
 15 the total value of this property that your family lost
 16 during the war?
 17 A. I really never sat down to try and come up
 18 with the figure because it's something irreplaceable.
 19 To set a value on something that was part of you, and
 20 part of your family, going back, I don't know how many
 21 years, wouldn't be easy.
 22 Q. Do you know in this lawsuit that you are
 23 limited to recovering only \$10,000?
 24 A. Yes.
 25 Q. Sir, have you visited the Holocaust museum in

1 THE VIDEOGRAPHER: Going off the video record.
 2 The time is 10:56 a.m.
 3 (Short break taken)
 4 THE VIDEOGRAPHER: We are back on the video
 5 record. The time is 11:03 a.m.
 6 BY MS. MCKEE:
 7 Q. We are back after the break. Thank you for
 8 that.
 9 A. Okay.
 10 Q. I just have a few more questions for you and
 11 we will be done. Mr. Mermelstein, are you aware that
 12 this case has been filed as a class action?
 13 A. Yes.
 14 Q. What does that mean to you?
 15 A. It means --
 16 MR. DUBBIN: Let me just object to the extent
 17 it calls for a legal conclusion but you can answer.
 18 THE WITNESS: I just hope it will come to a
 19 close.
 20 BY MS. MCKEE:
 21 Q. What do you know about what a class action
 22 suit is?
 23 A. Well, when an attorney files a lawsuit for a
 24 group of people.
 25 Q. You, sir, are representative of the class; is

1 that correct?

2 A. I don't know what that means.

3 MR. DUBBIN: Again, you are calling for a
4 legal conclusion. He's a plaintiff in the case.
5 We, the lawyers, have pled the case and he's one of
6 the named plaintiffs. And we have alleged that he's
7 representative of the people who experienced what he
8 went through.

9 BY MS. McKEE:

10 Q. Sir, how many people do you estimate are in
11 the class, other survivors like yourself who are making
12 these claims against the United States?

13 A. I would say maybe up to about 10,000.

14 Q. What is that estimate based on?

15 A. Just from talking to people.

16 Q. From talking to other survivors?

17 A. From calls that I get.

18 Q. You, sir, are a named plaintiff. Your name is
19 on the complaint. But then there are also absent class
20 members, people whose names are not on the complaint; is
21 that right?

22 A. Yes.

23 Q. Is it possible that an absent class member
24 could have -- have property of more than \$10,000?

25 MR. DUBBIN: Objection. You are calling for

1 not sure.

2 Q. So you don't have any position on that?

3 A. No.

4 Q. Are you confident, sir, that there will be
5 adequate funding to proceed with the lawsuit?

6 A. Oh, yeah.

7 MS. McKEE: With that, then, I thank you for
8 your time. It was a pleasure to meet you.

9 THE WITNESS: Same here.

10 MS. McKEE: And we conclude this deposition.

11 MR. DUBBIN: Okay. Except for
12 cross-examination which I will now conduct. Okay.
13 So I will be asking questions the same way the
14 government did.

15 CROSS EXAMINATION

16 BY MR. DUBBIN:

17 Q. And same rules apply. If you don't understand
18 my question, tell me. Make sure you understand the
19 question before you answer it. Okay? Describe your --
20 who lived in your house back in, you know, the late
21 '30s, early '40s.

22 A. My grandparents, my aunt, my parents, five --
23 we were five brothers and a sister.

24 Q. Okay. In the spring of 1944 tell us what
25 happened to your family.

1 speculation by the witness.

2 THE WITNESS: Well, everybody would estimate
3 their values at -- to set a price would be very,
4 very difficult.

5 BY MS. McKEE:

6 Q. Have you spoken with other class members about
7 their property?

8 A. Value of the property?

9 MR. DUBBIN: Listen to the question carefully.

10 BY MS. McKEE:

11 Q. Have you spoken to other class members about
12 their property?

13 A. Not particular property, no.

14 Q. Have you discussed the value of that property
15 with any of them?

16 A. No.

17 Q. If there is a money award in this case, sir,
18 how do you believe it should be allocated among the
19 up to 10,000 plaintiffs?

20 MR. DUBBIN: Again, I object to what --
21 calling for a legal conclusion. I mean the way a
22 settlement is structured is determined by the court.

23 BY MS. McKEE:

24 Q. If you could answer, sir.

25 A. Well, I thought the court would decide. I am

1 A. Well, in April, the beginning of April -- was
2 a couple of days after Passover. The town was
3 surrounded and we got a notice to pack, that we leave,
4 and gave us an hour time to pack.

5 Q. How was that notice delivered?

6 A. A guy with a -- the way they made the
7 announcement -- in the town, a guy with a drum, and just
8 kept repeating as he went through the town.

9 Q. Did you consider the possibility of not
10 following the order?

11 A. Well, no, because they said anybody will be
12 missing from the family they'll shoot the family. So
13 nobody didn't think of --

14 Q. So tell us what happened after you received
15 the notice. What did you do?

16 A. So we packed whatever we could, and they came
17 from house to house and got us out, sealed the door and
18 took us to the synagogue until they had the whole town
19 together. Then they took us to the train and were sent
20 to the ghetto in Beregszasz.

21 Q. And when they sealed the door behind you, the
22 property you described earlier in your deposition, the
23 china, the crystal, the linens, the silver, the Shabbat
24 candlesticks, the kiddish cups and the like, those were
25 still inside the house, correct?

1 A. Yeah. Yes.
 2 Q. So after you -- tell us what happened when you
 3 arrived in the ghetto.
 4 A. Well, the ghetto, we had high -- barbed wire
 5 fences. Guards were there. Nobody could come in,
 6 nobody could go out. And then one morning an
 7 announcement came that anybody that has gold, silver or
 8 valuta -- that's like foreign currency -- to turn it in,
 9 because if they will catch anybody with it they would
 10 shoot them. So they went around with buckets and
 11 everybody took off the -- all the jewelry that they had.
 12 Q. And you witnessed this yourself?
 13 A. Yes, yes.
 14 Q. Did you and your family have to remove your
 15 jewelry and put it in the bucket?
 16 A. Yes.
 17 Q. And which family members were with you in the
 18 ghetto at that time?
 19 A. All -- all of them.
 20 Q. And is some of the jewelry that you mentioned,
 21 that you are claiming in this lawsuit, is some of the
 22 jewelry that was taken from you in the ghetto among the
 23 jewelry that you are seeking compensation for in this
 24 suit?
 25 A. Yes.

1 A. The whole family.
 2 Q. So you were in the same car together?
 3 A. Yeah.
 4 Q. How long was the -- how long did it take to
 5 get from the ghetto to Auschwitz?
 6 A. Two days and a night.
 7 Q. Please describe what happened when you arrived
 8 in Auschwitz.
 9 A. We arrived in Auschwitz. The train went right
 10 into the camp from -- the train stopped. The doors
 11 opened. They rushed us off the wagons. They said,
 12 leave everything there, everything will follow you. We
 13 got off, lined up, men on one side, women and children
 14 on the left. You saw barracks with children, old
 15 people. A band was playing. Didn't have no idea where
 16 we are going or what's going to happen.
 17 Q. What -- were you able to communicate with your
 18 family during this -- during the time you were arriving
 19 at Auschwitz?
 20 A. Yes.
 21 Q. What -- what did you all discuss?
 22 A. What's going to happen. Nobody knew. We were
 23 under the assumption that they were sending us to a work
 24 camp. That's what the rumors were then.
 25 Q. How old were you at this time.

1 Q. Okay. How -- after they collected your
 2 jewelry, describe what life was like. Like where did
 3 you sleep in the ghetto?
 4 A. Slept on the floor. Just a blanket that we
 5 brought along. They cooked us soup, one soup a day, and
 6 plus we ate -- rationed whatever we brought along.
 7 Q. How long were you in the ghetto?
 8 A. A month.
 9 Q. Okay. What -- describe the circumstances
 10 under which you left -- left the ghetto.
 11 A. Well, one -- one morning they just --
 12 announcement to get ready to leave, and they took us to
 13 the station -- to the station. There were those cattle
 14 cars where they filled up the wagon, close to about 100
 15 people in a wagon. They put in two buckets, one bucket
 16 of water and one for facilities. Not knowing how long
 17 that has to last. So the water was rationed a
 18 tablespoon at a time. And you can imagine having --
 19 from babies, young children, middle age parents,
 20 grandparents; the worst thing was when somebody had to
 21 use the facilities. Didn't know how long that was going
 22 to last, but it lasted two days and a night until we got
 23 to Auschwitz. Want me to go on?
 24 Q. Who accompanied you on the train to Auschwitz
 25 from your camp?

1 Mr. Mermelstein?
 2 A. 15 and a half.
 3 Q. Did you and your parents talk at all about
 4 what to expect, what to do?
 5 A. No, because we didn't know what to expect.
 6 Nobody knew.
 7 Q. So you arrived, and they separated the men and
 8 the women?
 9 A. Yeah, and started to walk to the front. And
 10 then we were about ten feet before the front. My father
 11 saw that they separating. So he came over and told me
 12 to be sure -- I should stay with my brothers. I had two
 13 older brothers. So when we came to the front and I saw
 14 my whole family goes to the left and the two brothers to
 15 the right. So I kind of stopped for a second. And then
 16 I saw the SS coming with the stick so I just ran to the
 17 right. At that time it meant life or death. So it was
 18 like somebody up there (indicating) told me, run to the
 19 right.
 20 Q. What happened then, the people who went to the
 21 left?
 22 A. They went straight to the gas chambers.
 23 Q. And that included who in your family?
 24 A. Yeah.
 25 Q. Your mother and your father?

1 A. Yeah. Two brothers, a sister, my aunt,
2 grandparents?

3 Q. So you went to the right with your brothers.
4 What happened after that?

5 A. After that, one of the trustees came by and
6 told me to stretch out and pinch yourself and left. I
7 couldn't ask why. But I ran between my two brothers,
8 stepped on their shoes, stretched out to look taller.
9 Later on I found out why: Because they only send people
10 that could go to work. And being that he saw I was
11 young -- so it helped at that time.

12 Q. So after you stood on your brothers' feet and
13 made yourself appear bigger, what transpired after that?

14 A. Then we went to a barrack where they cut our
15 hair, told us to undress and walk through a shower. The
16 only thing we kept our own was the shoes. They gave us
17 a cap, a shirt and a -- pants. That's the only thing we
18 had.

19 Q. Would you, please, describe what daily life
20 was like at Auschwitz.

21 A. Well, in Auschwitz I was only a few days until
22 they need people for a work camp. So we were sent out.
23 But when we came to the -- to the barrack that we were
24 assigned to there was the commander. He kind of
25 welcomed us. And those words I will never forget. He

1 night, and the smoke was terrible, so we figured out
2 what was happening.

3 Q. And that was at Auschwitz before you went to
4 the work detail?

5 A. Yeah. Then they sent to us a work camp.

6 Q. Okay. Tell us about daily life in the work
7 camp.

8 A. That was also a camp by -- fences, the tower
9 guards. And in the morning was roll call, every morning
10 and every night. Before we went out to work, we were
11 counted. Coming back from work, we were counted. If we
12 made a mistake, they made us stay on our knees until
13 they recounted.

14 THE REPORTER: I didn't understand. They
15 made us stay on --

16 THE WITNESS: On the knees.

17 THE REPORTER: Okay.

18 THE WITNESS: Until they recounted to make
19 sure that everybody was accounted for. Not that
20 anybody could run away, because we went to work with
21 guards. Always. Could never walk away out of line
22 or something because our job was -- we were
23 building a rail -- a small railroad, those small
24 trains, by a mountain, because they figured
25 Americans wouldn't suspect a railroad by a mountain.

1 said: "You came here. You saw the sign on the gate
2 where you walked into the camp, "Arbite Mact Fry," work
3 makes you free." He says: "Don't believe it. You came
4 here to die. You are just waiting your turn." If I
5 don't like the way you look at me or if I don't like the
6 way you standing, I'll kill you and I don't have to
7 account to nobody." Took out his gun and just shot a
8 guy there in the side (indicating).

9 Some people couldn't take it the first day,
10 the second day. They ran to the fence. All the
11 fence -- there was more than one fence. It was like
12 sections in Auschwitz; one section for work, one section
13 for -- to be killed, and one section to wait for
14 assignments. People ran over to the fence and killed
15 themselves. That's when my oldest brother took the two
16 of us, and he made us promise that we would never do
17 anything to help the German accomplish what they want
18 to.

19 So when he left, we went in the barrack and we
20 asked the trustee -- we cannot see our parents or where
21 did they go. And he called us to the door. He says:
22 "You see that smoke? There are no parents. There are
23 no brothers. They're all in heaven." Even at that time
24 you couldn't believe that would be true. But being
25 there a few days and seeing all the people go in day and

1 So we took turns of using the equipment.

2 My first job was to use an air hammer, sledge
3 hammer. That thing was so heavy I couldn't pick it
4 up. But I knew you had to do something. Otherwise,
5 you don't live. So when it came my turn, I took the
6 air hammer -- and the guards always walked in the
7 back of us, so I always made sure that I -- my back
8 is towards him so he couldn't see the front. And I
9 squeezed the handles. And you know, when you
10 squeeze the handles it makes a noise, so -- and I
11 was shaken. So I got by like that for about a week.
12 That was -- in the morning the menu was a black cup
13 of coffee. Lunch, vegetable soup, green leaves,
14 stuff like that. At night, a slice of bread and a
15 cup of coffee.

16 BY MR. DUBBIN:

17 Q. How long were you in that -- that work camp?

18 A. We got there in end of April of '44 until the
19 end of the year. When the Russians were approaching
20 they were so close that we thought we would be liberated
21 any minute. We were locked in the barracks. Nobody
22 could open a window, look out, but the shooting was
23 going on, and we knew it was the Russians. We could
24 tell the planes. You could hear them further than you
25 could see them. The American, the British planes used

1 to come fly quietly in different ways. But shooting
2 stopped, and they found one way out. So that's when we
3 started on the Death March.

4 Q. About what month was that, Mr. Mermelstein?

5 A. The end of September, October.

6 Q. Okay. You said we started the Death March.
7 Would you explain what you mean by that.

8 A. Well, we started to walk day and night.

9 Q. Was this under -- were you under Nazi --

10 A. Oh, yeah.

11 Q. -- domination at the --

12 A. Yeah.

13 Q. Who told you there was going -- who took you
14 out of the work camp on the march?

15 A. The Germans.

16 Q. And where did they tell you you were going?

17 A. Didn't -- they never said nothing to you.

18 Just, ready? We going to go. Didn't know where or
19 when. Walk day and night. People -- from other camps
20 we met, people were dying. They couldn't walk, they
21 shot them. At that time I got separated from my oldest
22 brother, and I was with one brother until we got to a
23 big farm. There they got some green stuff, cooked it.
24 We ate. Then they put us on a train. No -- no top.
25 And in Europe in October is already cold. Not even like

1 it was, but working on the train, I was able to
2 steal some coal, the black coal, and we were eating
3 that. And eating that black coal, not brushing your
4 teeth, my gums -- I had more gum operations here in
5 Miami than I could count. I lost all my teeth on
6 top.

7 And I went to the hospital. The hospital was
8 a barrack with three rooms. They had bunk beds,
9 four people in a bed and two under the bed. When
10 you first came in you went under the bed. And under
11 the bed you couldn't turn over. You had to pull
12 yourself out, turn over and slide back in until
13 somebody died. Then we took the person out, then
14 went in there.

15 BY MR. DUBBIN:

16 Q. Which camp is this?

17 A. Ebensee. And there they hardly fed us at all.
18 So the people from the third room, when they died, there
19 was a double window. They just threw them out. You
20 could see stacks up high. The crematorium couldn't burn
21 them fast enough. So as the people came in the first
22 room, the rest of us were moved down. And if they
23 needed room, the one -- the very last ones, they just
24 threw them out alive. And we knew they were alive
25 because we heard them moaning and moaning. I was

1 Washington (indicating). Cold. Was no top. It was
2 raining, snowing. We were sitting in one position.
3 There was no room to lay down or stretch out. And all
4 we had is what I told you, that one shirt and pants, was
5 wet, cold. Until we got to a camp called Mathausen.
6 Stayed there all day in the trucks, and then they send
7 us to another camp called Ebensee, E-B-N-S-E-E. And
8 there was -- that camp was built right after the
9 Anschluss, when Germany united with Austria. It was
10 called verrichtung lager vor die Liefeschocher becher.

11 MR. DUBBIN: We'll give you the spelling
12 later.

13 THE WITNESS: A death camp for political
14 gangsters. There we worked in the tunnels. My job
15 was to hook up those little wagons when they were
16 filled up, brought out. And in the tunnels there
17 were different clays. And somebody said that it's
18 good, that they make margarine out of that. So we
19 started to eat the clay. I don't even want to tell
20 you what happened after. When they ate that clay
21 people were dying. And one time I told the guy --
22 showed him to stop. The train, he didn't. And I
23 smashed my hand. And if you couldn't work you had
24 to go to -- step out in the morning and go to the
25 hospital. But before that, the food I told you what

1 already at the second door -- second room by the door
2 ready to go in the third room. So it would have been a
3 matter of days. But we were lucky. One morning we woke
4 up and there were no guards. So those that could walk
5 ran out, and they came back and hollered: "There are no
6 Germans. The gates are open."

7 So me and three of my friends, they were a
8 year older, we rolled out, we pulled ourselves on the
9 hand and knees to get outside. Then I saw the tanks
10 coming in. They were something. That was the first
11 time I saw black face sticking out of the tank. We
12 didn't know what it was but we saw the teeth.

13 Q. And who was it?

14 A. American soldiers.

15 Q. You were liberated by American soldiers?

16 A. By the American Army, yes, the Third Army.
17 And then a soldier came by and tried to pick me up, and
18 he couldn't because everything was just hanging. So he
19 called another guy. And even the two of them were
20 afraid. So they went and got a board and took me to a
21 field hospital that they had, showered, and they fed us
22 every hour on the hour for about six weeks. Then the
23 American Army took us to Czechoslovakia. And from
24 there -- we slept over there. The next day we went to
25 Prague, to the capital.

1 Q. So let me get this straight. You were -- upon
2 liberation you were liberated by the American Army?

3 A. Oh, yeah.

4 Q. And you were cared for in an American
5 hospital?

6 A. Yes.

7 Q. Okay. And how do you know that they were
8 American?

9 A. Oh, well, we saw the -- the white star on the
10 tank. And we couldn't speak. They couldn't speak to
11 us. But later on they had chaplains that came and we
12 were able to speak to them.

13 Q. And it was approximately how many weeks that
14 you were under the care of the American medical care?

15 A. Six weeks there, until I was able to walk a
16 little. So I was anxious to -- to go. So in Prague, me
17 and two other guys, we used to meet people, the
18 stations, whatever. The first thing we asked: "What
19 camps were you in? Anybody from" -- like I would say
20 Miami. And this is how we found out which survivors
21 survived.

22 Q. The date that the American army came into the
23 camp to bring you out, do you remember that date?

24 A. May the 5th.

25 Q. 1945?

1 Czech people didn't let us go. They took away our
2 clothes, kept us there for a week. They wanted to make
3 sure that we get a little stronger.

4 Q. And about what month was that when you were in
5 Prague?

6 A. In June -- May, June, end of June, July. Then
7 we went back home.

8 Q. And that's when you went back to your house?

9 A. Yeah.

10 Q. And as you testified before, what did you find
11 when you went back to your house?

12 A. Nothing.

13 Q. And do you have any --

14 A. Not even -- not even a picture.

15 Q. Do you have any way of knowing how the
16 Hungarians handled your property? Do you know whether
17 the Hungarians put your property in a box with your
18 family's name on it after you were sent to the ghetto?

19 A. No. No.

20 Q. You don't know whether they put it in a box
21 with --

22 A. No.

23 Q. -- a list with your family's name on it or
24 not, do you?

25 A. No.

1 A. We didn't know what day it was but they told
2 us then. Because never saw a calendar, never saw
3 papers, so we didn't know -- especially in the hospital,
4 we didn't know day or night.

5 Q. And just to make it clear, during the time you
6 were in the ghetto after you turned your property over
7 and the time you were on your way to Auschwitz, in
8 Auschwitz in the work camps and in the other camps, did
9 anybody tell you what the Hungarians had done with your
10 property?

11 A. No.

12 Q. Was there any talk of a gold train when you
13 were in the camp?

14 A. No. At that time it was not mine, no. At
15 that time the only thing on our mind was to go home and
16 see if somebody came back.

17 Q. So during your time in camp there was no talk
18 about property?

19 A. No. To get healthy and go home.

20 Q. And then after -- after you convalesced under
21 the care of the Americans your first priority was to see
22 who survived, right?

23 A. Yes. But in Prague the three of us collapsed,
24 and they took us into a building and kept us there
25 overnight. In the morning we wanted to go, but the

1 Q. Before, when you made an estimate that there
2 would be 10,000 members of the class, were you referring
3 to the number who live in the United States?

4 A. Yes.

5 Q. You weren't necessarily making an estimate as
6 to the numbers that live in Hungary, Israel or anywhere?

7 A. No, I couldn't, I couldn't, no.

8 MR. DUBBIN: Could we take a break here for a
9 second.

10 THE VIDEOGRAPHER: Going off the video record
11 the time is 11:34 a.m.

12 (Short break taken)

13 THE VIDEOGRAPHER: We are back on the video
14 record. The time is 11:40 a.m.

15 BY MR. DUBBIN:

16 Q. Okay. You went home. Someone else lived in
17 the apartment and your family's property was gone. And
18 tell me. Then you went -- how was it that you made it
19 to the DP camp from there?

20 A. I was home, and we were restless. People were
21 talking because we didn't see the Czech government. And
22 that state was called the Carpathian Mountains. Until
23 one morning we wake up, an announcement comes out. It's
24 part of Russia. Nobody could leave town without a
25 permit. You can't sell the house. It's not yours. To

1 go to the next town you have to get a permit. The MKVD
 2 was marching down, the teachers right behind them. They
 3 came with everything. In one hour, everything was taken
 4 over, the money was being changed. No matter how much
 5 money you had, you got 200 rubles, something like \$200.
 6 And I wanted to go to the next town so that -- a permit
 7 just for a day, because the next town was a bigger town
 8 and they had a public kitchen supported by the United
 9 Jewish Federations. And we used to get together there
 10 and find out who came home, what camps they were in, if
 11 they knew somebody from my town. That's the way,
 12 actually, we found out who survived, who didn't, going
 13 from one station to the next, from one city to the next,
 14 always talked only about one thing, actually: What
 15 camps, anybody from there. And I got the 200 rubles.
 16 So I was -- for a few minutes I was thinking what to do.
 17 I saw a clerk in the next office. I went in there. I
 18 told them to make me a permit. I want to go to the next
 19 town. He couldn't, he said. So I took out 50 rubles
 20 and I put that on the table for him. He looked around,
 21 didn't see nobody. Made it. So I put in my pocket, and
 22 I took another 50. I said, now make me that I am a
 23 Czech citizen because you know where I was born, you
 24 know I was (indicating) -- so he made me one. But
 25 remember, when I went to the next town to the kitchen, I

1 said: "I came home from the camps and I am looking
 2 for family."
 3 So he looked at me up and down. Then, with
 4 his finger, he waved three times to go straight
 5 home. "Don't let me ever see you here again because
 6 you know what will happen."
 7 So I went back home. My friend -- my
 8 brother's friends, one couple got married, and one
 9 got engaged, and they were planning to leave, too.
 10 So I says: "I'm going, too."
 11 So we got together and we figured we'll go to
 12 the capital of the Carpathian and find somebody
 13 there, see if we could buy or do anything,
 14 something.
 15 BY MR. DUBBIN:
 16 Q. Okay. Let's -- he's going to have to change
 17 the tape in about a minute so why don't -- you want to
 18 change it now?
 19 THE VIDEOGRAPHER: This will be the end of
 20 videotape number one. The time is 11:45 a.m. We
 21 are going off the video record.
 22 (Discussion off the record)
 23 THE VIDEOGRAPHER: We're back on the video
 24 record. This is videotape number two. Time is
 25 11:47 a.m.

1 saw two young ladies working there. Somebody asked me
 2 how I met my wife? I don't know. Was it you?
 3 MS. MCKEE: Yes.
 4 THE WITNESS: Two young ladies. But at that
 5 time I was 15 -- I was 16 and a half and she was a
 6 little younger. We didn't even talk. So then I
 7 remembered that slip to do -- to cross. So I
 8 figured, I will show them that I am a Czech citizen,
 9 they let me cross the border.
 10 Came there. The Russian officer looked at the
 11 paper, tore it up and just threw it away. And there
 12 was nobody to talk to. You couldn't go no place,
 13 and that was it. So I figured, I will wait until at
 14 night until it's dark, and I will go way out of town
 15 and I will cross the border. But I was arrested by
 16 the Russian border police, the dogs started to bark,
 17 and charged with treason, trying to leave the
 18 country, taking Russian money. And in the morning
 19 they took me to the headquarters. It was the rus--
 20 one Russian officer sitting there. Five gold stars.
 21 I counted them many times. And after the guy read
 22 out the charges he asked me what I had to say.
 23 Well, naturally, I denied everything. I wasn't
 24 going to cross the border. I love it here. He
 25 says: "What are you doing here at the station?" I

1 BY MR. DUBBIN:
 2 Q. You were explaining how you were going to try
 3 to go with a married couple to get out of your hometown.
 4 A. Yeah.
 5 Q. Okay.
 6 A. So the five of us went to the capital.
 7 Q. Who were the five?
 8 A. Me and friends of my brother's. And we got
 9 there, all day. We met some people but nobody know how
 10 to help us try to get across. And this I remember like
 11 today. It was 4:30 in the afternoon. It was getting
 12 dark. Here we are in a strange city, nowhere to sleep
 13 and watching the MKVD, the secret police. Until a man
 14 started to follow us. And we were boarding, so we
 15 started to walk away, and he came running over, and he
 16 recognized me. He was one of the guys sleeping under
 17 the bed and I helped him when a guy next to me died. So
 18 we took him out and I helped him come in.
 19 So he took us home. He had two rooms. He
 20 gave us one room. And we told him why we there. So he
 21 went out to try and find out -- see what he could find
 22 out from the people that he knew. He came back. He
 23 says: "Nothing could be done. Nobody knows of anything
 24 except there is -- by the border there is a Jewish
 25 baker, one man there. And he should be able to help

1 us." ...
 2 So we went there. We found the bakery, and we
 3 told him what we want to do. He begged us not to go.
 4 He says: "Look across the street. There are three
 5 wagons there." And there was a mountain. He says:
 6 "Anybody caught is being locked up in the wagon. When
 7 it's full they ship it to Siberia." Or if you walk up
 8 the mountains, we don't know where the soldiers are and
 9 they could shoot or capture us.

10 So we had three chances: Get shot, get caught
 11 and Siberia, or make it. Well, you could see which
 12 decision we took. But the guy didn't want no Russian
 13 money. He didn't want no Czech money. He wanted only
 14 dollars. Dollars, in Europe, even before the war, was
 15 tough. But after the war -- but to our luck, the couple
 16 that was married, where she came home -- before they
 17 took them away the father showed him that he buried a
 18 can with a couple of things in there. And in that can
 19 was \$5. And that \$5 took the five of us across.

20 So we got to a small town in Slovakia, knocked
 21 on the door, the farmer let us in. We slept there. In
 22 the morning we wanted to go to the capital of Slovakia.
 23 He says: "You're too far from that." The next city
 24 was -- I think was 20 miles. No bus, no train, only a
 25 horse and buggy goes that way. And how much was that?

1 guys to buy us tickets far -- to the furthest city in
 2 Slovakia and told the guy to get a horse and buggy and
 3 take us. Don't let us off until the train is actually
 4 there.

5 So we left there and we went to the capital of
 6 Slovakia. There we were already safe. Then in the
 7 morning my friends and we went to the flea market. They
 8 had some stuff to sell. I had four cigarettes to my
 9 name. And I needed a pair of shoes. So went to the
 10 flea market and I saw a guy with a pair of shoes. How
 11 much? He said -- so many kronens. I said: "I don't
 12 have no money but I have cigarettes." He said: "12?" I
 13 said: "No. I saw a pair there for four. So I
 14 guess" -- he said: "No, no." So I started to walk away
 15 but he called me back. Didn't look at the size, didn't
 16 look at the color. Just got them. We went back to the
 17 room. They had enough money to go halfway to Prague. I
 18 didn't have a penny. We go to the train, and I met some
 19 people there. One of them happens to be Rosner. He is
 20 on the (indicating) -- and I remember I asked him if he
 21 is taking an express or a local. He says: "What
 22 difference does it make to you? You don't have no money
 23 anyway." I said: "Well, if they catch me with an
 24 express I will be so much closer." Anyway, we all got
 25 on the train. They set down. When I saw the conductor

1 A thousand kronen, Czech krone. Between the five of us
 2 we only had 25.

3 So we started to walk, 6:00 in the morning,
 4 and we got there 5:00 o'clock in the afternoon. On the
 5 way we were stopped by the police. They thought we were
 6 black marketeers, until I showed them my shoes, what --
 7 when we crossed down from the mountain there was a
 8 little water, and my sole got caught, tore off. So I
 9 tied it up with a string. So he saw that and they let
 10 us go. We came to a city, Sobrance. And we sold some
 11 cigarettes that we brought along. We knew cigarettes
 12 were scarce in Slovakia. So we got enough money to go
 13 to the next city, because it was illegal to help us
 14 refugees from the Soviet Union. So we wanted to go away
 15 as far as possible.

16 So we went to the next city, and there we
 17 asked for a Jewish community. It's a big city. So one
 18 guy says: "Follow me." But he didn't want to talk to
 19 us. He was afraid even dare to talk to us. So we came
 20 there, and it was a little community center. And the
 21 people were praying already, and we went in there. We
 22 knew if we want to eat we have to go pray first. So
 23 there a man recognized me, too, from the hospital. And
 24 after the service he asked, what are we doing here. So
 25 we told him. So he got us some food, and he sent two

1 coming in, I went under the bench. And Rosner was
 2 hiding me. But they didn't tell me the pipes are hot.
 3 So when the conductor left I came out, and we were going
 4 back and forth. When the train stopped, we watched the
 5 conductor. If he was on this side we were walking the
 6 other way. The two girls were sitting there. They
 7 asked them for tickets. They said we have it. Until we
 8 got to Prague. And we come out, and we see the Russian
 9 MKVD and the Czech police at the station checking
 10 everybody. And they asked them for tickets. We don't
 11 have no tickets. So we ran back, had a little
 12 conference. What do we do? So we decided each one of
 13 us should go in a separate line, and when they say
 14 tickets, he has it (indicating). So we went through.
 15 Then we were going to -- they had some family, and I met
 16 somebody at the train. They said my uncle is in a city
 17 not far from there. So I went there. And he told me I
 18 have to go back to Prague to apply for citizenship
 19 again.

20 So I went there, filled out the papers, and
 21 the guy tells me I couldn't sign. I need a father. I
 22 said: "I have no father." He says: "You must have a
 23 mother." "Don't have a mother." He didn't tell me why
 24 that I couldn't sign. I wasn't 18. So I just walked
 25 away with the papers. That's the only thing I had. So

1 when I came to that city, 12:00 o'clock at night -- so I
2 laid it on the bench and I slept. In the morning I woke
3 up and a detective was right up -- standing there and
4 waiting for me. Because I was blond, had long blond
5 hair by then, blue eyes, looked just like a German.

6 So I showed him the papers and he said it was
7 fine. So I started to walk. I figured I'm going to
8 look for a -- for two signs to find somebody, somebody
9 looks Jewish or a store with a name. Walking for a half
10 an hour, and I met a cousin of mine on the street, 7:30
11 in the morning. So he took me home. And at night I
12 found my uncle, stayed there a week and started to talk.
13 Russia was asking for the people back. So I saw I
14 didn't want no part of that. So I heard people are
15 going to Germany. So they organized groups, and we went
16 to the Czech border to cross into Germany to be under
17 the American zone again. So we did. And that's how I
18 got to a displaced person camp. And from there to the
19 children's group, finally from Bremerhaven took a
20 liberty ship, Marine Fletcher.

21 Q. You are talking about your passage to the
22 United States now?

23 A. Yes.

24 Q. Just one last question about the DP camp. In
25 the camp, you lived there for over two years, right?

1 A. Um.

2 Q. Were you basically confined to living in the
3 camp?

4 A. Yes.

5 Q. I mean you didn't have the ability to travel
6 outside?

7 A. Yeah. We could travel outside, but the camp
8 was -- we had DP police even, displaced persons police.
9 The camp was, in a way, controlled by us. Except when
10 the military police came sometime for something or
11 other. But we were seven in a room, seven people in a
12 room, and we had a meal ticket to get food.

13 Q. And you worked? Did you work --

14 A. No.

15 Q. -- in the camp?

16 A. No.

17 Q. Okay. And did you ever leave the camp?

18 A. Yes, but --

19 Q. For what?

20 A. Just to -- you heard somebody from my town is
21 in the other city, so I went to find out what or -- you
22 know. That's the only way we got news from one person
23 to the next. There were no newspapers, no CNN, again.

24 MR. DUBBIN: Okay. That's my cross. Thank
25 you.

1 REDIRECT EXAMINATION

2 BY MS. MCKEE:

3 Q. Mr. Mermelstein, I have just one or two
4 questions. I just want to understand. Returning again
5 to when the property was taken from your house, based on
6 what you have said today, I think it's true that some
7 property were taken by the gendarme, some was left in
8 the seal -- in the house that was sealed, and some was
9 taken -- some of the jewelry was taken from you and your
10 family in the ghetto; is that correct?

11 A. Yes.

12 Q. Was there any other time that property was
13 taken from you?

14 A. No.

15 Q. Was any of the jewelry -- was all of the
16 jewelry taken in the ghetto?

17 A. Yeah, all that --

18 MR. DUBBIN: Let me -- would you mind
19 rephrasing?

20 MS. MCKEE: I can do that. Yeah. I
21 understand.

22 BY MS. MCKEE:

23 Q. Was any jewelry taken from the house?

24 A. Yeah.

25 Q. By the gendarme?

1 A. Yeah.

2 Q. And some jewelry was taken from the -- in the
3 ghetto?

4 A. Yes.

5 Q. Do you remember which pieces were taken?

6 A. Well, they took all the rings, the necklace
7 (indicating).

8 MR. DUBBIN: You mean in the ghetto? Maybe we
9 should rephrase the question.

10 MS. MCKEE: Will you give me a moment?

11 MR. DUBBIN: I am sorry.

12 BY MS. MCKEE:

13 Q. Which pieces were taken from the house?

14 A. That was in that closet with the dowry.

15 Q. Do you remember which pieces were there?

16 A. No.

17 Q. Do you remember which pieces were taken in the
18 ghetto?

19 A. Yeah. But I saw them take off from the neck
20 and fingers.

21 Q. The necklace and the rings?

22 A. Yeah.

23 MS. MCKEE: I have no further questions.

24 MR. DUBBIN: Okay. Thank you very much for
25 all your time.

1 MS. McKEE: Thank you very much.
 2 THE WITNESS: Okay. Let me just tell you off
 3 the record. You asked me how I met my wife?
 4 MS. McKEE: Yes.
 5 THE VIDEOGRAPHER: Did you say off the record?
 6 THE WITNESS: Yes.
 7 THE VIDEOGRAPHER: Please wait a second then.
 8 This concludes the videotape deposition of David
 9 Mermelstein consisting of two videotapes. The
 10 original tapes of today's testimony will remain in
 11 the custody of the United States Department of
 12 Justice. Time is 12:02 p.m. We are going off the
 13 video record.
 14 (Thereupon, the taking of the deposition was concluded
 15 at 12:02 p.m.)
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1
 2 EXCEPT FOR THE CORRECTIONS
 3 MADE HEREIN BY ME, I
 4 CERTIFY THIS IS A TRUE AND
 5 ACCURATE TRANSCRIPT.
 6 FURTHER DEPONENT SAYETH
 7 NOT.

DEPONENT

7 STATE OF FLORIDA)
 8) SS
 9 COUNTY OF BROWARD)

10 Sworn and subscribed to before me this day
 11 of , 2003.

11 PERSONALLY KNOWN _____ OR I.D. _____
 12 _____

13 Notary Public in and for
 14 the State of Florida at
 15 Large

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA)
 3) SS
 4 COUNTY OF BROWARD)
 5 I, Lois E. Guffey, RDR, CRR, and Notary Public in
 6 and for the State of Florida at Large, do hereby certify
 7 that the witness, DAVID MERMELSTEIN, personally appeared
 8 before me and was duly sworn
 9 Witness by hand and official seal this 22nd of
 10 March, 2004, in the City of Hollywood, County of
 11 Broward, State of Florida.

12 Lois E. Guffey, RDR, CRR, Notary
 13 Public, State of Florida

REPORTER'S DEPOSITION CERTIFICATE

14 STATE OF FLORIDA)
 15) SS
 16 COUNTY OF BROWARD)
 17 I, Lois E. Guffey, RDR, CRR, do hereby certify that
 18 I was authorized to and did stenographically report the
 19 deposition of DAVID MERMELSTEIN, the witness herein;
 20 that a review of the transcript was requested; that the
 21 foregoing pages, number from 1 through 96, inclusive, is
 22 a true and complete record of my stenographic notes of
 23 the deposition by said witness; and that this
 24 computer-assisted transcript was prepared under my
 25 supervision.
 I FURTHER CERTIFY that I am not a relative,
 employee, attorney or counsel of any of the parties, nor
 am I a relative or employee of any of the parties'
 attorney or counsel connected with the action.
 DATED at Hollywood, Broward County, Florida, this
 22nd of March, 2004.

LOIS E. GUFFEY, RDR
 Certified Realtime Reporter

1
 2 FERNANDEZ & ASSOCIATES
 3 444 BRICKELL AVENUE
 4 MIAMI, FLORIDA 33131
 5 (305)374-8868

March 22, 2004

6 Samuel J. Dubbin, Esq.
 7 SAMUEL J. DUBBIN, P.A.
 8 Commercebank Center Fourth Floor
 9 220 Alhambra Circle
 10 Coral Gables, FL 33134

RE: Irving Rosner, et al. Vs. United States

Dear Mr. Dubbin:

13 With reference to the deposition of DAVID MERMELSTEIN
 14 taken in connection with the above-captioned case,
 15 please find enclosed the transcript of said deposition.
 16 Please arrange to have the witness read your copy of the
 17 transcript, denoting any corrections by page and line
 18 number on the enclosed errata sheet. This errata sheet
 19 must be signed by the witness and the original forwarded
 20 to Ms. McKee.

21 If this has not been taken care of, however, in 30 days
 22 or by the time of trial, whichever comes first, I shall
 23 then conclude that the reading, subscribing and notice
 24 of filing have been waived.

Yours very truly,

22 Lois E. Guffey "Lolane"
 23
 24
 25



HOLOCAUST SURVIVORS' FOUNDATION – USA

November 30, 2011

Member Organizations (Partial List)

Amer. Assn. of Jewish Holocaust Survivors of Greater Boston
Assn. of Holocaust Survivors from Former USSR, Los Angeles
C.A.N.D.L.E.S., Terre Haute, IN
Child Survivors of Arizona
Child Survivors/Hidden Children of The Holocaust
Coalition of Holocaust Survivor Clubs in South Florida
Council of Nazi Holocaust Survivor Organizations of So. California
Habonim Cultural Club, Miami

Holocaust Child Survivors & Friends of Greater Hartford
Holocaust Survivors Club of Boca Raton
Holocaust Survivors of Greater Detroit
Holocaust Survivors of Greater Pittsburgh
Holocaust Survivors of South Florida
Holocaust Survivors Group of Southern Nevada
Houston Council of Jewish Holocaust Survivors
The Jewish Holocaust Survivors & Friends of Greater Washington
Jewish Survivors of Latvia, Inc. New York
National Assn. of Jewish Child Holocaust Survivors, Inc.
New American Jewish Social Club, Miami
New Cracow Friendship Society, New York
Survivors of Atlantic City, NJ
Survivors of the Holocaust Asset Recovery Project, Seattle
Survivors of the Holocaust of New Mexico
Tikvah Acharay Hashoah, San Francisco

David Harris, President
American Jewish Committee
National Office
165 East 56th Street
New York, NY 10022
Fax (212) 891-1450

Dear Mr. Harris:

We are writing to ask the American Jewish Committee (AJC) to reverse its opposition to and withdraw its lobbying campaign against HR 890, the Holocaust Insurance Accountability Act of 2011 (and its Senate counterpart S. 466). If AJC is not willing to change its position, we would like an opportunity to address AJC's lay leadership directly at the next Board of Governors Meeting.

The Holocaust Survivors Foundation USA, Inc. (HSF) a national coalition of survivors and survivor groups, representing twenty states and encompassing the vast majority of survivor communities in the U.S. We came together in the year 2000 because we witnessed first-hand the failures of the "restitution" enterprise. With only a fraction of the funds looted actually recovered by individual owners or heirs, and no one demanding a comprehensive approach to funding the needs of impoverished survivors around the world, survivors needed an authentic voice.

Today, Holocaust survivors are the only American citizens who are barred from U.S. courts for the purpose of recovering insurance policies sold to our families but dishonored by the insurance companies. Bills pending in the House and Senate that would rectify this problem, HR 890 and S. 466, have broad bi-partisan support, and the universal support of Holocaust survivors and survivor groups. Independent estimates of the insurers' unpaid debts to survivors exceed \$20 billion in today's dollars, on hundreds of thousands of policies.

Unfortunately, the AJC and a few other non-survivor organizations are aggressively opposing Holocaust survivors and taking the side of the German Government and the insurance industry. We are hurt and anguished to see AJC using its prominence to fight against Holocaust survivors. Why in the world would you lend AJC's prestige – and the good names of thousands of community leaders and rabbis -- to protect the secrets and the pocketbooks of Germany and large insurers who have cheated our families out of billions of dollars? Local AJC leaders who we have approached seem equally confused

"JUSTICE AND DIGNITY FOR SURVIVORS"



HOLOCAUST SURVIVORS' FOUNDATION - USA

Mr. David Harris
November 30, 2011
Page 2

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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

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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

and upset. They have no idea that their good name is being used to thwart the will of Holocaust survivors in Washington.

Survivors have always supported the good work of AJC but are deeply hurt and offended by your inexplicable crusade to oppose us. To be clear, AJC has no legal or moral standing to interfere with our individual rights. These policies were purchased by our mothers and fathers, grandparents, aunts, and uncles. They represent our families' histories. They are our families' property. These are not "communal assets" to be siphoned away by organizations like AJC who are too willing to bargain away what you do not own.

By opposing what survivors universally endorse in Washington, AJC dishonors our experiences and the deaths of our loved ones. Your organizational forbearers were largely silent during the darkest days of history, when they could have saved millions of human lives by speaking out. How dare you use your voices today to defeat the interests of living survivors who are only seeking the right to speak and act for ourselves?

We are also troubled by AJC's reliance on arguments that have been thoroughly discredited by the public record.

First, it is incorrect that HR 890 and S. 466 would violate promises of immunity to insurance companies made by the U.S. government. The International Commission for Holocaust Era Insurance Claims (ICHEIC) was always understood to be voluntary unless a claimant accepted a payment. This was repeatedly acknowledged by the Clinton Administration in court filings and correspondence with Members of Congress. Even Stuart Eizenstat conceded in his 2003 book that while German companies "insisted on a definitive commitment by the United States to support some legal ground for the dismissal of future suits," President Clinton refused: "The Germans and their lawyers knew full well from months of explanations that we would not take a formal legal position barring U.S. citizens from their own courts."

Recently, the Justice Department produced documents under the Freedom of Information Act once again admitting that no President promised insurers immunity from lawsuits. How can AJC justify continuing to make this argument in Congressional lobbying documents? If such tactics are not illegal, they are certainly not ethical in our view.

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HOLOCAUST SURVIVORS' FOUNDATION – USA

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

Second, it is deeply troubling for AJC to argue that restoring survivors' rights as American citizens would threaten funding from Germany to assist indigent survivors. The German Embassy has repeatedly denied any such linkage in statements to individual members of Congress, and the Ambassador himself wrote in a letter to the HSF that Germany would not reduce funding for indigent survivors if insurance legislation were enacted.

More importantly, it is outrageous in principle for AJC to say that Holocaust survivors should have to give up our legal rights against Generali, Allianz, AXA, and other insurance companies to induce Germany to provide funding for the needs of impoverished survivors. What does one thing have to do with the other? Insurance companies should pay their debts and we should be able to sue them if they breach their contracts. This has nothing to do with Germany's long overdue moral obligation to provide adequate funding for the needs of survivors, who suffer far greater physical and emotional maladies than the typical elderly population, due to the torture and deprivations suffered at the hands of the Nazis.

AJC's sudden concern for survivors' welfare rings hollow in light of recent history, when AJC did not speak out about the plight of survivors when the Claims Conference assured everyone that the problems were not so bad, and that the only thing survivors needed was for local Jewish Federations to dig deeper into their pockets to provide more assistance. Yet, for the past decade, half of the Holocaust survivors in the United States have been living below or near poverty. Tens of thousands of tortured souls have been suffering without the food, medicine, home care, dental care, shelter, and other vital assistance they desperately need. During these painful years, while we in the HSF have been advocating and pressing everyone who will listen to secure adequate funding for survivors from Germany, guilty European companies, and the Claims Conference, AJC was silent.

During this period of communal indifference, AJC has sat as a board member of the Claims Conference, ratifying the obscene distribution of over \$250 million in "research, documentation, and education" grants for non-survivor purposes, grants that more often than not were given to Claims Conference board members or their affiliates. To the desperate and poor survivors denied help, this was a quarter-billion dollars of "community" sanctioned suffering that AJC and other Claims Conference board members deemed acceptable, despite the horrific shortfalls in funding for poor survivors,

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and the well-known protests of survivors like ourselves who raised our voices in opposition to such abdication of moral responsibility. You can understand why we survivors view AJC's unexplained new interest in the plight of poor survivors with skepticism.

The third argument offered against HR 890 is that it would "raise expectations and false hopes" among survivors. Little needs to be said in response – the argument defeats itself. All this legislation would do is enable survivors and family members to decide for themselves, working with lawyers of our own choosing, whether or not to pursue a court case against the insurance companies who stole from us. We have the ability -- and certainly the right – to make those decisions for ourselves. We survived hell on earth, and lost everything dear to us, while AJC and others of your ilk failed to rally the moral compass of the world in defense of Jewish innocents. How dare you patronize us about "raising false hopes?"

Finally, we are compelled to note that AJC is saddled with severe conflicts of interest when it comes to European insurance companies that profited from the Holocaust. In addition to AJC's membership on the board of the Claims Conference, an avowed opponent of survivors' individual rights, AJC was an ICHEIC participant who never raised any concerns despite the scandals, rampant mismanagement, deviations from "rules" that were supposedly in place to assist claimants, its repudiation of a Congressional mandate to report on companies' claims handling policies, the shredding of unspecified memoranda including those concerning the "phantom rule" reported by ICHEIC arbitrator Albert Lewis, and CEO Mara Rudman's decision to "seal" the ICHEIC records that weren't destroyed for 50 years.

AJC's financial relationship with Allianz, one of the most culpable Holocaust era insurers, is also problematic. Allianz has never been denied that the company was closely allied with the Nazi Reich. It insured Auschwitz and other death camps while selling policies to European Jews and turning over customer files to the Nazis. In 1933, Allianz chairman Kurt Schmitt was an early Nazi party member and became Hitler's Minister of Economics.

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Although Allianz has refused to honor \$2 billion worth of unpaid Jewish policies, it was willing to pay \$300 million of naming rights to the NY Jets/Giants Meadowlands stadium. Thanks to righteous citizens' outcry against this shameful act, the deal was cancelled. Unlike the good people of New York and New Jersey, the AJC is perfectly happy to take money from Allianz – survivors' money – to pay for trips by “young American professionals” to Germany.

Mr. Harris, with increasing attention being paid to the substance of the issues raised by HR 890 and S. 466, the survivors' position is gaining important bipartisan support. HR 890 has nearly sixty (60) co-sponsors who have joined original and lead sponsor Foreign Affairs Committee Chairman Ileana Ros-Lehtinen, including prominent Jewish members and members of both political parties. In the Senate, S. 466 is now co-sponsored by Senators Diane Feinstein and Barbara Boxer of California, along with Senators Bill Nelson and Marco Rubio of Florida.

Our colleagues have suffered incalculable tragedies and unspeakable crimes, most losing most if not all of their loved ones. To have no understanding or willingness to help in regard to Nazi stolen assets like paid up insurance contracts which are not given back is intolerable. Having built huge organizations by invoking the horrors of the Holocaust to raise money and engender sympathy for their “human rights” programs, AJC now abuses its sacred obligations to those of us who endured the ultimate horror by opposing what we survivors unanimously support.

We believe the time has come for AJC and its sister organizations to inform the sponsors of HR 890 and S. 466 that they have changed their position and now support passage of a robust law to enable survivors to recover their families' unpaid insurance policies, and that time is of the essence in the need for Congressional action and Presidential approval of the measure.

If AJC will not agree to this change, we request an opportunity to have this discussion with the lay leadership of the organization at AJC's next Board of Governors meeting. At this juncture in history, it is appropriate and long overdue for every board member to personally be on record as supporting or opposing Holocaust survivors' rights.

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I welcome the opportunity to discuss this with you personally, and I can be reached at (305) 231-0221.

Sincerely,



David Schaecter

JOINED BY HSF EXECUTIVE COMMITTEE:

Israel Arbeiter, Boston MA
Dena Axelrod, Ft. Lauderdale, FL
Renee Firestone, Los Angeles, CA
Sello Fisch, Bronx NY
Ella Frumkin, Los Angeles, CA
Nesse Godin, Washington D.C.
Louise Lawrence-Israels, Washington D.C.
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Alex Moskovic, Hobe Sound, FL
Suzanne Marshak, Chicago, IL
Leo Rechter, Queens, NY
Jack Rubin, Boynton Beach, FL
Henry and Anita Schuster, Las Vegas NV
Ivar Segalowitz, Great Neck, NY
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Abe Foxman, President
Anti Defamation League
823 United Nations Plaza
New York City, NY 10017
212 697-0109 (Fax Number)

Dear Mr. Foxman:

We are writing to ask the Anti Defamation League (ADL) to reverse its opposition to and withdraw its lobbying campaign against HR 890, the Holocaust Insurance Accountability Act of 2011. If ADL is not willing to change its position, we would like an opportunity to address ADL's lay leadership directly at the upcoming National Executive Committee Meeting in Palm Beach.

The Holocaust Survivors Foundation USA, Inc. (HSF) a national coalition of survivors and survivor groups, representing twenty states and encompassing the vast majority of survivor communities in the U.S. We came together in the year 2000 because we witnessed first-hand the failures of the "restitution" enterprise. With only a fraction of the funds looted actually recovered by individual owners or heirs, and no one demanding a comprehensive approach to funding the needs of impoverished survivors around the world, survivors needed an authentic voice.

Today, Holocaust survivors are the only American citizens who are barred from U.S. courts for the purpose of recovering insurance policies sold to our families but dishonored by the insurance companies. Bills pending in the House and Senate that would rectify this problem, HR 890 and S. 466, have broad bi-partisan support, and the universal support of Holocaust survivors and survivor groups. Independent estimates of the insurers' unpaid debts to survivors exceed \$20 billion in today's dollars, on hundreds of thousands of policies.

Unfortunately, the ADL and a few other non-survivor organizations are aggressively opposing Holocaust survivors and taking the side of the German Government and the insurance industry. We are hurt and anguished to see ADL using its prominence to fight against Holocaust survivors. Why in the world would you lend ADL's prestige – and the good names of thousands of community leaders and rabbis -- to protect the secrets and the pocketbooks of Germany and large insurers who have cheated our families out of billions of dollars? Local ADL leaders who we have approached seem equally confused and upset. They have no idea that their good name is being used to thwart the will of Holocaust survivors in Washington.

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We are also troubled by ADL's reliance on arguments that have been thoroughly discredited by the public record.

First, it is incorrect that HR 890 and S. 466 would violate promises of immunity to insurance companies made by the U.S. government. The International Commission for Holocaust Era Insurance Claims (ICHEIC) was always understood to be voluntary unless a claimant accepted a payment. This was repeatedly acknowledged by the Clinton Administration in court filings and correspondence with Members of Congress. Even Stuart Eizenstat conceded in his 2003 book that while German companies "insisted on a definitive commitment by the United States to support some legal ground for the dismissal of future suits," President Clinton refused: "The Germans and their lawyers knew full well from months of explanations that we would not take a formal legal position barring U.S. citizens from their own courts."

Recently, the Justice Department produced documents under the Freedom of Information Act once again admitting that no President promised insurers immunity from lawsuits. How can ADL justify continuing to make this argument in Congressional lobbying documents? If such tactics are not illegal, they are certainly not ethical in our view.

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More importantly, it is outrageous in principle for ADL to say that Holocaust survivors should have to give up our legal rights against Generali, Allianz, AXA, and other insurance companies to induce Germany to provide funding for the needs of impoverished survivors. What does one thing have to do with the other? Insurance companies should pay their debts and we should be able to sue them if they breach their contracts. This has nothing to do with Germany's long overdue moral obligation to provide adequate funding for the needs of survivors, who suffer far greater physical and emotional maladies than the typical elderly population, due to the torture and deprivations suffered at the hands of the Nazis.

ADL's sudden concern for survivors' welfare rings hollow in light of recent history and all available evidence that ADL has never spoken out about the plight of survivors before. Today, half of all Holocaust survivors in the United States live below or near poverty. In the past decade, tens of thousands of survivors have suffered in poverty and despair, without the food, medicine, home care, dental care, shelter, and other vital assistance they desperately need. During these painful years, while we in the HSF have been advocating and pressing everyone who will listen to secure adequate funding for survivors from Germany, guilty European companies, and the Claims Conference, ADL was silent.

ADL even accepted hundreds of thousands of dollars from the Claims Conference for its ongoing non-survivor programs despite the horrific shortfalls in funding for survivors in need. It is truly shameful for ADL to now, suddenly, profess concern about the needs of impoverished survivors as an excuse to support global insurance conglomerates who stole billions from our families. You can understand why we survivors see ADL's unexplained new interest in the plight of poor survivors with skepticism.

The third argument offered against HR 890 is that it would "raise expectations and false hopes" among survivors. Little needs to be said in response – the argument defeats itself. All this legislation would do is enable survivors and family members of Holocaust victims to decide for themselves, in consultation with attorneys of our own choosing, whether or not to pursue a

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Finally, we are compelled to note that ADL is saddled with severe conflicts of interest when it comes to European insurance companies that profited from the Holocaust. It was ADL, after all, that took money from Assicurazioni Generali, S.p.A., one of the most culpable Holocaust insurers, and then held a dinner in honor of Generali’s president, in the face of irrefutable evidence that Generali sold hundreds of thousands of policies to Jews, turned over our family information to the Nazis and their henchmen, and failed to pay over \$2 billion in Holocaust victims’ policies. It is ADL’s former President, Ken Bialkin, who is Generali’s lead counsel in opposing survivors’ rights, and ADL’s former lobbyist Harry Wall who became one of Generali’s lobbyists. Normally, such conflicts of interest would disqualify any group from this discussion, yet ADL persists in using its lobbying muscle to oppose Holocaust survivors’ rights.

We also note, along these lines, that with increasing attention being paid to the substance of the issues raised by HR 890 and S. 466, the survivors’ position is gaining important bipartisan support. HR 890 has nearly sixty (60) co-sponsors who have joined original and lead sponsor Foreign Affairs Committee Chairman Ileana Ros-Lehtinen, including prominent Jewish members and members of both political parties. In the Senate, S. 466 is now co-sponsored by Senators Diane Feinstein and Barbara Boxer of California, along with Senators Bill Nelson and Marco Rubio of Florida.

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As noted above, we believe the time has come for ADL and its sister organizations to inform the sponsors of HR 890 and S. 466 that they have changed their position and now support passage of a robust law to enable survivors to recover their families' unpaid insurance policies, and that time is of the essence in the need for Congressional action and Presidential approval of the measure.

If ADL will not agree to the change, we request an opportunity to have this discussion with the lay leadership of the organization at ADL's upcoming National Executive Committee Meeting in South Florida. At this juncture in history, every lay leader should personally be on record as supporting or opposing Holocaust survivors' rights.

I welcome the opportunity to discuss this with you personally, and I can be reached at (305) 231-0221.

Sincerely,

David Schaefer

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- Nesse Godin, Washington D.C.
- Louise Lawrence-Israels, Washington D.C.
- Herbert Karliner, Miami Beach, FL
- Annette Lantos, Washington, D.C.
- David Mermelstein, Miami FL
- Alex Moskovic, Hobe Sound, FL
- Suzanne Marshak, Chicago, IL
- Jack Rubin, Boynton Beach, FL
- Henry and Anita Schuster, Las Vegas NV
- Ivar Segalowitz, Great Neck, NY
- Fred Taucher, Seattle WA
- Esther Widman, Brooklyn NY

"JUSTICE AND DIGNITY FOR SURVIVORS"

Posted on Wed, Nov. 26, 2008

Justice for Holocaust survivors

BY HERBERT KARLINER

Earlier this month, the world observed the anniversary of Kristallnacht, the infamous night of broken glass, symbolically marking the beginning of the Holocaust. I was a small child that day, when we awoke to the news that my father's store and most other Jewish-owned businesses had been set on fire. Within hours, the Gestapo arrived and took my father, Joseph Karliner, to Buchenwald.

My father returned after a few weeks, and soon our family looked helplessly on the lights of Miami Beach from the deck of the SS St. Louis. But we were turned away by this great country, dooming my father, my mother, my two sisters and hundreds of others to death at the hands of the Nazis. I was lucky to survive with my brother and to make a home in the United States.

Our father had told us about a life insurance policy that he bought from Allianz, in case something happened to him. He was killed in 1942. When we approached Allianz after the war, they said his policy had been paid out to an "unknown person."

For decades, insurers like Allianz grew fat on Holocaust profits. Conservative estimates show that the current value of unpaid life policies sold to Holocaust victims by Allianz, Generali and other insurers is more than \$18 billion.

- **In the late 1990s**, Florida and other states passed laws to help survivors recover their policies. To dodge that bullet, the industry set up the International Commission for Holocaust Era Insurance Claims, a Swiss-chartered, industry-funded body. Despite skepticism, many survivors applied hoping to get the truth about family policies.
- **My brother and I** were among the hopeful and applied. Allianz again refused payment, saying the funds had been "paid out to the policy holder in 1938."

Years later, I managed to obtain the "repurchase" document. It was dated Nov. 9, 1938 -- Kristallnacht. Neither Allianz nor ICHEIC gave me this document at the time I applied. If they had, I would have told them that I doubted my father stopped by the Allianz office on his way to Buchenwald to cash in his life insurance policy that day.

Congress had the chance to fix this problem with legislation sponsored by the late Tom Lantos, Reps. Ileana Ros-Lehtinen and Robert Wexler and others. It would have required insurers doing business in the United States to publish policyholder names and guaranteed court access to survivors and heirs. Unfortunately, prominent members of the House and Senate broke promises to help.

The Claims Conference, a nonsurvivor organization -- joined by the Anti-Defamation League, American Jewish Committee, the Religious Action Center of Reform Judaism, B'nai B'rith, the World Jewish Congress and Agudas Israel -- took the insurers' side against survivors. They falsely argued that Germany would reduce the meager financial assistance currently provided for poor survivors if the bill passed -- a claim even the German Embassy denied. In the words of David Mermelstein, president of the Florida Survivors Coalition, survivors are appalled that these groups -- which do not represent survivors, have not consulted with survivors and have done nothing to help survivors in need -- would today oppose our rights to recover what was stolen from our families.

Despite rhetoric about remembering the Holocaust, cruel indifference remains the rule. Recently, Allianz had the audacity to bid millions to name the new Jets-Giants football stadium. Insurers and banks that plundered billions from the Holocaust are now asking that their affiliates get U.S. taxpayer money in the federal bailout. Last month, the U.S. Justice Department sided with Generali in an important court case, saying survivors' access to courts conflicts with "U.S. foreign policy." For shame. So this year's commemoration of Kristallnacht, is riddled with tragic irony. Tens of thousands of Holocaust survivors in the United States and the world, including thousands in Florida, are too poor to enjoy a decent quality of life. They lack adequate nutrition, housing, home care, medical care, prescriptions, dental care and eyeglasses, and other basic services. As a volunteer for the Jewish Community Services in Miami, I can certify that far too many survivors are not getting the help they need to live in dignity.

Meanwhile, public officials and community leaders, who gather and intone about the need to confront evil, have coalesced to dishonor the actual victims of the Holocaust.

Maybe this 70th Kristallnacht observance will bring, at long last, a commitment to ensuring that we survivors obtain the truth about our families' legacies, including a full accounting from all corporate profiteers. And, maybe at long last, all survivors will be afforded the dignity they deserve in their last years. This will happen only if the public speaks out and demands justice and decency for victims of the Holocaust. This is what remembrance -- and justice -- demand.

Herbert Karliner, a Holocaust survivor from Peiskrescham, Germany, has lived in Miami since 1950.

THE TIMES OF ISRAEL

<http://www.timesofisrael.com/holocaust-survivors-hail-end-of-allianz-golf-tourney-sponsorship/>

Holocaust survivors hail end of Allianz golf tourney sponsorship

Insurance giant, accused of owing billions in unpaid life insurance claims for Jews killed in Europe, pulls out of event

BY [JTA](#) April 24, 2017, 9:29 pm [O](#)

Holocaust survivors praised the termination of Allianz's sponsorship of an annual Florida golf tournament.

Survivors, who say the international insurance company still owes an estimated \$2 billion in unpaid claims to them, have been protesting the annual PGA seniors tournament held in Boca Raton since 2011. Allianz has sponsored the tournament for the past 11 years.

Family members and supporters joined survivors at a news conference Monday on the front steps of the Boca Raton City Hall, coinciding with Yom Hashoah, or Holocaust Remembrance Day.

"It is a day to remember and pray for the victims of the Holocaust who perished — and to convey our determination not to forget their suffering and the hate that brought it about," the Holocaust Survivors Foundation USA said in a statement issued Monday. "The end of the Allianz sponsorship is a tremendous victory for survivors. We also believe it will be a springboard for long-overdue actions to respect our rights and needs."

The foundation pointed to a perennial bipartisan bill in Congress that would allow Holocaust survivors to sue insurance companies in US courts. The bill was most recently reintroduced in February.

Although the survivors and activists claimed victory, a tournament director told the Palm Beach Post on Thursday that Allianz “chose not to renew” its contract, but did not say why it pulled out. A spokeswoman for Boca Raton said city administrators and elected officials “did not terminate a relationship with Allianz.”

Still, US Representative Ileana Ros-Lehtinen (R-Florida) called the decision to end Allianz’s sponsorship of the tournament “welcome but long overdue news,” in a statement issued Monday. Ros-Lehtinen has been a co-sponsor of the legislation to allow survivors to sue the insurance company in US courts.



Rep. Ileana Ros-Lehtinen, R-Florida. (AP/Harry Hamburg)

“Today will mark the beginning of a renewed effort for all of the next steps the survivors need — we can no longer sit idly by and allow these survivors to continue to be victimized and denied their day in court,” she said.

Holocaust survivors have previously attempted to sue Allianz in an effort to reclaim insurance payments on thousands of life insurance policies that the company sold to Jews in Europe during the 1930s and 1940s. Survivors who attempted to file claims with Allianz after World War II were refused due to a lack of documentation, including death certificates.

“As Holocaust survivor leaders who have long advocated for the rights, interests, and needs of survivors throughout the US and the world, we applaud this important step,” the Holocaust Survivors Foundation USA said in its statement. “For the past seven years,

Holocaust survivors, our families, and community supporters protested at the site of the tournament, citing Allianz's long-standing refusal to honor tens of thousands of insurance policies it sold to Jewish Holocaust victims — valued today at more than \$2.5 billion. That sum represents less than three months' operating profit for Allianz.”

Allianz has acknowledged its connections to the Third Reich and vowed to resolve any unclaimed settlements. As part of the International Commission on Holocaust Era Insurance Claims, the company paid more than \$306 million to some 48,000 claimants by 2006, but survivors say the insurance group still owes more money from insurance policies purchased by Eastern European Jews during the Holocaust.

Emily Slosberg added 9 new photos — at [City of Boca Raton, FL Government](#).
· April 24 at 9:37am · Boca Raton, FL ·

Today is Yom Hashoah, Holocaust Remembrance Day, which commemorates the 6 million Jews killed by Nazis.

As Elie Wiesel stated, “For the dead and the living, we must bear witness.” As we bear witness today, we must protect their rights and address their needs, here in our very own community, and this is a strong step in that direction.

Today we celebrate the fact that the Holocaust survivors and family members sent Allianz packing. Allianz will no longer be the sponsor of Boca Raton's Golf Tournament.



