

**Testimony of Alex Moskovic
House of Representatives
Committee on Foreign Affairs
Subcommittee on Europe
October 3, 2007**

Good Afternoon. My name is Alex Moskovic. At the age of 14, I was the only one of 41 family members to survive the Auschwitz-Birkenau and Buchenwald extermination and concentration camps. I came to this country in 1947 and after my retirement, I moved to Florida and volunteered to work on the Advisory Committee of the Ruth Rales Jewish Family Services in Boca Raton FL. The growing problems facing survivors as they age, the lack of resources to assist them, and the overall frustration faced by all survivors, including me, who attempted to recover their family assets such as insurance policies, led me to become active with local survivor groups and the national Holocaust Survivors Foundation USA.

I am here to speak, as a Holocaust survivor, about the failure of what is often called the quest for “a measure of justice” for survivors. All agree that no amount of money can ever compensate us for the crimes of the Holocaust. But the processes employed over the last decade have mostly failed. We have been denied access to the truth about our families and their lives. In allowing unauthorized negotiators to enter compromises over Swiss bank thefts, insurance thefts, and property restitution, the notion that “perfect justice is impossible” has served as a cover for secrecy, and for allowing governments and global financial institutions to benefit from the theft of tens of billions of dollars in the Holocaust. We are asking Congress to help. You are our last chance for a dignified outcome that respects survivors’ rights and interests.

I only have time for a few specific remarks here, but I ask that you read my entire submission and the attachments which I request be included in the official record. Some of these materials are older as you can see, and were based on the best data available. More recent data, which I have also included, show that over 80,000 Holocaust survivors in the United States either live below the poverty level, or have incomes so low that they are considered poor. Tens of thousands cannot afford a decent quality of life. All of our volunteer activities cannot provide the medicines, home care, dentistry, rent, food, and other basic needs of these survivors. You must ask all participants in the hearing about these problems. You are our last hope.

My father had a business in our hometown of Sobrance, Czechoslovakia. This was an area where Generali, a Jewish company at the time, was a major force in the insurance market. The International Commission for Holocaust Era Insurance Claims, the ICHEIC, was formed in 1998. I applied and gave all the information I had, which wasn't much for a boy who survived at age 14 with no living relatives. Several months later, my name and the names of several family members appeared on the ICHEIC website, indicating that policies had been sold to us before WWII. Yet I never received any specific response from ICHEIC. ICHEIC denied my claims without providing any information whatsoever. I had no choice but to accept their decision. The fact that 97% of the Jewish families' insurance money wasn't repaid does not surprise me because most survivors who entered ICHEIC believe it was a fiasco. We need Congress to pass HR 1746 to correct this injustice.

Survivors are angry and hurt that so many billions remain held by the corporate plunderers of the Holocaust. Not only is this concealment wrong morally, it is unacceptable when you consider the amount of poverty and need among survivors today. This might surprise you if you read statements by Claims Conference President Israel Singer, that \$20 billion was recovered for Holocaust survivors in the last decade. If this is true, we are all wondering what happened to that money. I will give you one example because of time, but it is similar to thousands of similar cases all over the U.S. and the world.

Mr. and Mrs. L. (86 and 79 years old), Survivors of Poland, now live in a small condo at Century Village in Boca Raton FL. Mr. L. is a stroke victim now suffering from dementia and cannot be left alone. Mrs. L. was Mr. L.'s caretaker, however a while ago Mrs. L. had an emergency and was hospitalized and received coronary by-pass surgery, valve replacement and repair of a hole in the heart. Her recovery had complications and she needed to be in extensive re-hab. Though a relative helped with Mr. L. at first, she could not afford to miss more work. The Social Services provided some stop-gap assistance, but due to their experiences as survivors, and the problems of age, the separation was traumatic for both Mr. L. and Mrs. L. and it was clear they needed to be together. But the JFS lacked the funds to allow Mr. L. to join his wife in the re-hab center. Survivors can only receive approximately 8 hours from the Claims Conference and the community for home care or situations such as this.

I see these kinds of tragic problems all the time. It is happening more often as the survivor population is aging and it becomes almost impossible for them to

take care of one another. On the Advisory Committee, we are forced to turn down requests for medications and devices such as dentures all the time because there is not enough funds. Today, Mr. and Mrs. L, and many thousands of survivors, are simply not be able to receive assistance they require for a decent level of health care and human dignity.

At the Ruth Rales JFS, the clients in the past few years have doubled because of aging and but the allocation of funds have remained the same. How can we live with such a deplorable situation?

So we don't know where the \$20 billion has gone, but we know not enough is being used to care for survivors in need. The major source of money for these programs is the funds recovered from German properties, claimed and managed by the Claims Conference. But the Conference has never published an accounting of what it did with all these properties, so no one really knows how much it has available to spend. Ernst and Young recently wrote that the group's disclosures were not proper. We are all waiting for the full story.

In addition, the Conference spends 20% of its annual discretionary budget for projects unrelated to survivors needs, like education and research. Over half of these grants go to board members or the Claims Conference, or their affiliates, raising moral if not legal questions. We survivors believe that money recovered that belonged to our families should either go to the actual heirs, or to benefit living survivors who are in need today.

We are the ones who lost everything, our beloved parents, brothers, and sisters, as well as everything we owned. Why should others decide what happens to

our families property like ICHEIC did? Who is the Claims Conference or anyone else to tell us that the memories of our murdered loved ones should be honored with various programs while living survivors are suffering and money is being hoarded and hidden? Survivors do not understand why public officials and other organizations that have supported the status quo do not give us the respect of allowing us to make these decisions for ourselves, and why they tolerate this kind of injustice.

I would like to add that there is no reason the German Government itself should be on the sidelines in this discussion. Germany remains responsible for the catastrophe that befell us, and should not be allowed to sit by as an observer while any Holocaust survivor today lacks the care, food, and shelter they need. Shouldn't survivors receive at least as much as retired SS officers?

The years left are but few to be required to be concerned with the survivors needs in the world. Time is running out, the hour glass is emptying, and if not Here, Where? And if not Now... When?

Thank You.

January 15, 2007

The Honorable George Daniels
c/o Clerk of the Court
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Objection to Generali Holocaust Insurance Settlement

Dear Judge Daniels:

I am a Holocaust survivor from Sobrance, Slovakia, which came under Hungarian sovereignty in 1940. I am writing to convey my extreme misgivings about the "Generali class action settlement" about which I received a notice late last year. For the reasons I describe below, I am WITHDRAWING the "exclusion" I previously submitted and wish instead to present these objections to the settlement. I would like to reserve the right to speak at the hearing on January 31, either in person or through an attorney.

My parents, Jozsef and Gittel Moskovits, owned a home and business in Sobrance. Our home was full of valuables such as artwork, expensive silver ware, jewelry, and the like. My father's business was also well stocked with groceries, fabric for clothing, and other items in a country store. My father operated his business until we were deported to Auschwitz-Birkenau in 1944, and later to Buchenwald camps. My father perished at Buchenwald but I, alone among my family, survived. I believe my father had insurance on his life and business, including an "education" or "endowment" policy for my mother, me and my two brothers Zoltan and Erwin.

I submitted a claim to the ICHEIC in August of 2000, after all the fanfare and publicity about its promise to disclose information and achieve payments of unpaid insurance policies. When the ICHEIC published a list of policy holder names in 2003, it included six names for which I would be eligible today to recover – my name, Alexander (Sandor); my father Jozef; my mother Giza – Hungarian -- and Gittel – Yiddish; and two of my uncles, Henrik and Markus. The towns where the named policy owners lived or purchased the policies were the larger towns near Sobrance -- Medzilaborce and Michalovce (where my mother was born). One of the listings included "Generali" as the issuing company. I updated my records with ICHEIC after that information came out.

I waited for years for any kind of response, but never received a further information, much less any offer or denial, even to this day. In March 2004, received a "humanitarian payment" of \$1000, with a form letter stating that ICHEIC "had been unable to match my claim (s) to any insurance company or archival records to date." It concluded that "although unlikely, if we match your information with a named company policy, we will be in touch." As of January 2007, I have received no further word from ICHEIC or Generali.

I am extremely involved in several Holocaust survivor organizations in South Florida and nationally, so I have attempted to understand the Generali settlement as have other survivors. Sadly, my experience with ICHEIC – never receiving any real information, and not even receiving an outright denial after more than 6 years – is common. In addition, I know many survivors whose claims have been denied, including in cases where they believed by name had

their families' insurance such as Generali, without receiving any actual information. It seems that we were only given the information that the insurance companies wanted us to have – nothing. It is hardly the "full disclosure" promised by Stuart Eizenstat and Chairman Lawrence Eagleburger.

In order to placate thousands of survivors, ICHEIC made thousands of \$1000 payments like they gave me, as if we are all too stupid to understand this was an effort to subdue our outrage. And the scandals! Eagleburger's salary, the outrageous travel and administrative expenses, the diversion of survivors' money for more Claims Conference programs like summer camps, the disbarment of the ICHEIC Chief of Staff, etc.

I called and sent written questions to the AB Data Center, and none of the questions were ever answered consistently. I did read the class notice carefully, however, and reached some conclusions myself, which are disturbing. The bottom line seems to be that this settlement does nothing more than to make the ICHEIC decisions "final" to people like me who played by the rules and have been denied any information, and been denied any payment. The other provision is to extend the period to make "new claims," which obviously does not apply to me since my claim is most definitely "old." I am one of thousands of survivors who tried to follow the rules and was treated terribly.

What also disturbing now is that I am finding that a great number of survivors do not understand that their previously denied claims would be FINAL if this settlement is approved. They believe that they can re-file previously denied claims. Unfortunately, class members have received inconsistent information from those associated with the settlement on this point. Most survivors who receive the notice believe they can re-submit a previously denied claim under the settlement. However, I see in the Miami Herald on Saturday that Generali's lawyer says this is not so. He said that denied claims are not eligible for re-submission.

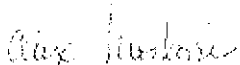
Of course, many survivors have become cynical and prone to accept anything rather than get their hopes up, and that is probably why Generali thinks this will go through. But I for one am not willing to be treated this way, and I hope the Court does not impose this charade on those thousands of survivors who trusted the "leadership" only to be treated like idiots.

My other concern is why is Generali so anxious to settle this litigation now and quickly? As in the case of Bad Arolsen which may have related documents that there is such concern that senior members of the House and Senate have asked US and European governments and authorities to open those archives held sealed for the past 61 years, to open them up to all of us to determine what is relevant to this case involving many of us and many more who never had access to any documents at all.

I am choosing to remain in the class and OBJECT because I realize now that with the momentum of a class action, it is more likely that people like me without actual documents but with a pretty good idea that we had Generali policies will have a better chance to succeed. Since this settlement would slam the door shut on me and thousands of other survivors who were ignored and mistreated by ICHEIC and Generali, I believe it is important for the Court to hear our story.

This is especially true because most people do not understand they are about to be cut out of any hope of recovery. Judge, how can this case go forward, with such huge implications and consequences for so many of us, when so huge a Nazi archives is not yet open to us to know any information it may hold to help us presenting this case.

Repectfully,

A handwritten signature in cursive script, appearing to read "Alex Moskovic".

Alex Moskovic,
7529 SE. Bay Cedar Circle
Hobe Sound, FL. 33455

CC: Robert Swift and Marco Schnabl,

International Herald Tribune
U.S. court to rule on effort to block class action
Holocaust insurance
settlement

The Associated Press
Tuesday, January 30, 2007

The Nazis were about to arrest his family in 1944, and Alex Moskovic remembers his father burying family documents in a 3-foot-deep (1-meter) hole under the shed behind their home in Czechoslovakia.

When he returned after the Holocaust — the only survivor in his family — Moskovic found the house in Sobrance had been pillaged and the shed torn down. The buried cache, probably including insurance policies, was never found.

On Wednesday, a U.S. District Court in New York will hold a hearing on objections raised by Moskovic and five other Holocaust survivors seeking to block a class action settlement by Assicurazioni Generali. That is the Italian insurance company Moskovic believes issued policies to his father and uncles for which he would be the heir.

If Generali's settlement with lawyers for claimants is approved, it will close the book for thousands of people who say they could be beneficiaries. If the court stops it, Moskovic and others may pursue larger compensation packages, although with no guarantee of success.

Judge George Daniels may decide Wednesday or delay a ruling for several weeks in what is one of the final restitution battles for Holocaust victims.

Among his arguments, Moskovic says a long-closed Nazi archive in the German town of Bad Arolsen may contain evidence of his family's insurance policies to support his claims.

Last May, the 11-nation committee overseeing the archive, run by the Red Cross' International Tracing Service, agreed to open the vast collection of files to research. That decision requires ratification, however, and may take years before coming into force.

"I'm very leery about the whole thing," Moskovic says of Generali's settlement plan. For years, the company refused to pay claims for prewar insurance policies for which it said it no longer carried liability, he said.

"Why is Generali so anxious to settle right now, before these archives at Bad Arolsen open up?" said Moskovic, 75, who lives in Hobe Sound, Florida.

Robert Swift, a Philadelphia lawyer representing Generali, says there is no reason to believe insurance documents are stored at Bad Arolsen.

"We really don't think there's going to be any information in there with regard to policies issued by Generali," he told The Associated Press. "It wasn't the nature of those archives. It's basically operational documents that were maintained at the concentration camps."

Reto Meister, director of the International Tracing Service, said the archive has "no collection of documents that we received from private European insurance companies."

However, he said, copies of insurance policies could exist in the files of individuals, but they would have to be searched name by name. The index registers the names of 17.5 million people murdered or persecuted by Hitler's regime.

The Nazis seized insurance policies along with the assets of Jews and other oppressed groups and cashed in many of them. After the war, insurance companies rejected claims by survivors or their heirs who lacked proof of valid outstanding policies.

Meister said the Bad Arolsen archive has arrest records that list people whose property and assets were confiscated, but the lists give no details of what was seized.

Insurance companies argue that policyholders were compensated when Germany negotiated restitution payments with the World Jewish Congress in the 1950s and say their own assets supporting Holocaust-era policies were confiscated by communist governments in Eastern Europe.

The New York-based Conference on Jewish Material Claims Against Germany, which continues to distribute compensation, says more than US\$60 billion has been paid to survivors, heirs, the state of Israel and Jewish charities.

Ten years ago, Holocaust survivors filed a class action suit against the big European insurers that have affiliates in the United States, claiming the companies wrongly withheld payment on policies on which they earned bountiful profits.

The lawsuit was put on hold in 1998 when the companies agreed to create the International Commission on Holocaust Era Insurance Claims to deal with unpaid claims and find a formula to put a value on policies issued as early as 1920.

Headed by Lawrence Eagleburger, a former U.S. secretary of state, the commission received more than 91,000 claims before its March 31, 2004, deadline. More than half were thrown out.

Of the rest, the commission Web site says it had paid US\$234 million to nearly 16,800 people as of October. Some 27,000 others were told their claims could not immediately be validated, but were given US\$1,000 each from a "humanitarian fund."

Among the latter group was Moskovic, who said he accepted a US\$1,000 check in 2004 on the understanding Generali was continuing to research his claim. But he heard no more from the international commission or the company.

"If you ask survivors, they'll say it was an outrage, a joke," said Samuel Dubbin, a Miami lawyer for Moskovic and the five other objectors. "The payments were a fraction of what was due. It was meant to take the insurance industry under the radar."

Dubbin faults the companies for failing to publish the names from their records of prewar policyholders and for refusing to open their archives to claimants.

Moskovic, a retired TV sports producer, said he had no idea how much insurance was bought by his father, who owned a general store and two properties. He remembers, however, that his parents talked about insurance.

Generali separately reached a settlement with claimants' attorneys covering more than 1,000 people whose cases are unresolved. Under agreement, Generali, which already has paid US\$135 million, would accept new claims until March 31, 2007. Claimants would be paid according to the international commission's formula if their claims prove justified.

After that deadline, the settlement says, "Generali will be released as to all Holocaust era insurance claims, and the class action litigation will be dismissed with prejudice."

Each of the four claimants serving as representatives for the class action would be paid up to US\$5,000 under the proposed settlement. The class action lawyers would be paid US\$3.25 million.

Moskovic, in a letter to Judge Daniels, said the settlement would "slam the door shut on me and thousands of other survivors who were ignored and mistreated by ICHEIC and Generali."

Swift, the company's lawyer, argues the offer is fair. "There is such a thing as a statute of limitations. Under normal circumstances, you'd never be able to bring in claims that are this old," he said.



HOLOCAUST SURVIVORS' FOUNDATION - USA

July 25, 2007

Member Organizations (Partial List)

Amer. Assn. of Jewish Holocaust
Survivors of Greater Boston

Assn. of Holocaust Survivors from
Former USSR, Los Angeles

California Assn. of Holocaust
Child Survivors

C.A.N.D.L.E.S., Terre Haute, IN

Child Survivors of Arizona

Child Survivors Club of
Palm Beach, FL

Coalition of Holocaust Survivor
Clubs in South Florida

Council of Nazi Holocaust Survivor
Organizations of So. California

Habonim Cultural Club, Miami

Holocaust Child Survivors &
Friends of Greater Hartford

Holocaust Restitution Committee,
New York

Holocaust Survivors of
Greater Detroit

Holocaust Survivors of
Greater Pittsburgh

Holocaust Survivors Group of
Southern Nevada

Holocaust Survivors, Inc.,
Queens, NY Chapter

Houston Council of
Jewish Holocaust Survivors

The Jewish Holocaust Survivors &
Friends of Greater Washington

Jewish Survivors of Latvia, Inc.
New York

National Assn. of Jewish Child
Holocaust Survivors, Inc.

New American Jewish Social Club,
Miami

New Cracow Friendship Society,
New York

Survivors of Atlantic City, NJ

Survivors of the Holocaust Asset
Recovery Project, Seattle

Survivors of the Holocaust of
New Mexico

Tikvah Acharay Hashoah,
San Francisco

Comments by Holocaust Survivors' Foundation-USA on State Department (Kennedy) Answers to Questions Posed by Senator Bill Nelson, and ICHEIC (Eagleburger) Final Report

It is a sad day when our own State Department sides with the insurance companies who have reaped enormous financial benefits from the Nazi-led Holocaust at the expense of its victims. Those companies used our families' money to become the largest and wealthiest companies in the world, yet they have never been required to disclose what they did with insurance policies they sold to Jews who believed in good faith these companies would honor their promises if disaster struck. But disaster did strike, and the companies managed to steal over \$17 billion in unjust enrichment. We are deeply saddened that our State Department would side with these corporate thieves, abandoning the basic American tenets of justice and decency

The State Department cover letter says generally that it opposes HR 1746 because it would conflict with a number of U.S. bilateral agreements and that the International Commission for Holocaust Era Insurance Claims (ICHEIC) has already achieved many of the objectives of the legislation. We strongly disagree with the positions set forth by the State Department, Ambassador Kennedy, and former ICHEIC Chairman Eagleburger in his June 2007 written defense of ICHEIC, for the reasons outlined below. When appropriate, our responses provide a reference to Ambassador Christian Kennedy's numbered responses to Senator Bill Nelson's Questions from the Foreign Relations Committee and Chairman Eagleburger's Final Report.

1. HR 1746 does not conflict with U.S. bilateral agreements. The legislation does not conflict with the U.S. Executive Agreements because those agreements do not, on their face, abrogate survivors' rights to recover their family insurance policies. Stuart Eizenstat, in his book describing the U.S.-German Foundation negotiations, concedes that the President lacked the authority to waive individual rights in the context of the German-U.S. Foundation Agreement, and (to the chagrin of Germany) that the U.S. never agreed to such a waiver. Therefore, the State Department's current position is that Congress should extend to Germany and Austria *greater rights* than they negotiated for at the time of the Executive Agreements. This is absurd. (Administration views on HR 1746, Kennedy Answers to Question 5).

Moreover, the Justice Department confirmed early in the process that the Government never purported to waive survivors' claims. On September 11, 2000, seven (7) members of Congress wrote to the Solicitor General urging the Department not to take the side of German insurers in the litigation involving ICHEIC and the German Agreement. While the Department stated that it was obligated to take the insurers' side against the California regulations at issue, it confirmed that the United States

"JUSTICE AND DIGNITY FOR SURVIVORS"

never agreed that private suits were legally barred: “The [position of] the United States . . . does not suggest that private claimants who wish to pursue suite against German companies are foreclosed from doing so.” (September 29, 2000 Letter from Assistant Attorney General Robert Raben to Henry Waxman, et al.)

Those members of Congress expressed particular umbrage that the German-U.S. Agreement over slave labor was expanded to include any kind of limits on insurance regulations or liabilities, which amounted to billions of dollars. “[W]e reject the notion that insurance claims estimated to be worth billions could be satisfied by the arbitrary DM 300 million (\$150 million) set aside in the German Foundation Fund.” Later, on September 29, 2000, forty six (46) members raised concerns about ICHEIC’s poor performance with Chairman Eagleburger, adding: “ICHEIC never belonged in the slave labor settlement . . .”.

The Department of Justice added that even the Government’s limited support for ICHEIC was contingent on its successful functioning: “[S]hould the United States conclude that ICHEIC cannot fulfill the function for which it was created, the United States will certainly reconsider the balance reflected in its views on the constitutional issues [i.e. the California commissioner’s subpoena power.]” September 29, 2000 Letter from Assistant Attorney General Robert Raben to Henry Waxman, et al.

Survivors throughout the United States (and the world) have experienced ICHEIC’s failures first hand, and call upon Congress to follow through and correct the shortcomings in the process, while the survivors still have life and hope.

2. ICHEIC failed to deliver its promises to open company records and pay claims according to relaxed standards of proof.

As noted above, ICHEIC fell considerably short of its promises. Therefore, even if there were a conflict between the agreements and the legislation, Congress has good reason to abrogate the agreements. These many shortcomings include failing to:

- Publish names of most Jewish policyholders from the era, except for Germany and Austria, despite the fact that two-thirds of pre-Holocaust non-Soviet European Jews lived in Eastern Europe.

- Undertake adequate research to find policy listings in east European archives.

- Apply, in many cases, “relaxed standards of proof” in recognition of the fact that Holocaust survivors or their heirs lack documentation as a result of the horrific events of the Holocaust.

- Develop and require payment by the insurers of the “global amount” of unpaid insurance.

--Pay a significant amount of outstanding life insurance proceeds. Including both claimant payments and humanitarian outlays, ICHEIC ended up satisfying less than 3 percent of the total.

--Pay little, if any, non life policies.

Meanwhile, the recent disclosure about a “phantom rule” imposed by ICHEIC officials to erect a very high burden of proof not required by the rules for claimants with ICHEIC appeals by respected former New York State Insurance Superintendent Albert Lewis has further tainted the ICHEIC legacy, and deserves a full investigation by Congress or the GAO.

(Administration views on HR 1746, Kennedy Answers to Question 1-3.).

3. Congress has the power to abrogate the insurance provisions of the bilateral agreements in question. Since the executive agreements were not ratified as treaties, Congress has the power to enact legislation abrogating the agreements. *Weinberger v. Rossi*, 456 US. 25 (1982). (Administration views on HR1746, Kennedy Answers to Questions 4, 5).

4. ICHEIC did not include any legitimate representatives of Holocaust survivors or insurance claimants. Contrary to the frequent statements by Amb. Kennedy and Mr. Eagleburger, it is not true that “ICHEIC members included organizations representing Holocaust survivors.” The “Jewish” organizations on ICHEIC were the World Jewish Congress, the World Jewish Restitution Organization, the Claims Conference, and the State of Israel. None of these entities represents Holocaust survivors. In fact, none of them are even “survivor organizations.” They do not and never did have the legal or moral authority to speak for or resolve issues involving survivors’ insurance claims.

The Claims Conference has 24 board member organizations, only two of which are survivor organizations. The board is not accountable to Holocaust survivors either legally or in fact. The WJC is a worldwide Jewish membership organization, and the WJRO is nothing more than an aggregation of the Claims Conference, and the WJC, and other non-survivor organizations. The State of Israel, despite its importance to Jews everywhere, has a multitude of national interests and is by no means authorized to represent the interests of survivors with insurance claims.

Further, recent news reports cast serious doubts on the probity of many of these participants to serve in the role of negotiator of holy money such as survivors’ claims, including alleged financial improprieties and mishandling of and failure to account for Holocaust victims’ assets.

(Kennedy Answers to Question 7; Eagleburger/Koken ICHEIC Lessons Learned Report.)

5. ICHEIC paid only 17,000 of the 870,000 life policies owned by Jews at the beginning of WWII. It is a blatant misrepresentation to say that ICHEIC paid “48,000 claimants” who were “beneficiaries or heirs or policies issued to Nazi victims.” In fact, ICHEIC companies recognized and made offers on a total of only 17,000 insurance policies in force between 1920 and 1945. According to published data, ICHEIC also made 31,000 payments of \$1,000 that were considered “humanitarian payments” to survivors or their heirs. (State Department views on HR 1746, Kennedy Answers to Questions 1 and 2.

6. ICHEIC paid less than 3 percent of the value of unpaid insurance policies owned by Jews at the beginning of WWII. Amb. Kennedy states that “over \$500 million dollars have reached Holocaust survivors and heirs as payments for insurance claims and related projects.” Even if true, this total pales in comparison to the **\$17 billion conservative 2007 estimate** by economist Sidney Zabludoff of the value of life/annuity policies owned by Jews in Europe that were still unpaid when ICHEIC was started. This is conservative because it updates the value of Jewish policies in 1938 which remained unpaid in 1998 to 2007 values using the extremely conservative 30 year U.S. bond rate. Of course, insurers such as Generali, Allianz, Munich Re, Swiss Re, Swiss Life, etc undoubtedly earned higher returns on their money as their funds were invested in real estate and stocks, as well as bonds.

Amb. Kennedy is mistaken when he states, “We have not seen the methodology of the authors of studies” indicating that the unpaid insurance theft is somewhere between \$17 billion and \$200 billion. On 3/29/07, Sidney Zabludoff sent by email a copy of his paper as requested by John Becker of Kennedy’s office. This paper, which was published in the Jewish Political Studies Review, Spring 2005 issue, contained a detailed methodology showing how the \$15 billion (2003 values) in Jewish life policies was estimated (the \$17 billion is the equivalent in 2006 values). It was also filed in the Generali litigation in November 2004 and again in February 2007. Moreover, the two studies—ICHEIC’s final report and Helen Junz’s for the Swiss related CRT -- Kennedy refers to in his answer have nothing to do with determining current value. Junz’s study does refer to late 1930s value for a few countries, but even this is at the cash surrender value rather than the face value (amount received upon death).

The \$500 million figure cited repeatedly by Eagleburger, the State Department, and Kennedy also requires clarification. According to ICHEIC published statistics, it paid approximately \$260 million for actual insurance policies through March 2007. It paid another \$31 million in \$1,000 “humanitarian payments” and allocated some \$169 million for social services and other projects unrelated to survivors’ welfare.

(Administration views on HR 1746, Kennedy Response to Question 8.).

7. ICHEIC failed to publish the vast majority of Eastern European policy holder names, and failed to publish the names of German and Austrian policy holders in a timely fashion.

It is misleading for Amb. Kennedy to state that ICHEIC “published 500,000 names and provided widespread publicity during a four to five year claims period.” After four years, by the end of 2002, only some 78,000 policies were published, with about three-quarters of these from Germany and Austria. Clearly missing are policyholder names from Eastern Europe where the bulk of European Jews lived before World War II. The final 400,000 names—all from Germany-- were posted in the latter half of 2003, a few months before the final December 31, 2003 deadline. Congressman Henry Waxman and the Washington State Insurance Commissioner Mike Kreidler panned ICHEIC for its inadequate and late publication of names. As Congressman Waxman noted, fewer than 10,000 policy holder names from Eastern Europe were published, even though several million Jews – the vast majority (not including the

USSR where insurance was minimal due to Communism) -- lived in Poland, Czechoslovakia, Hungary, Romania, and Austria prior to WWII.

As to archival research, a number of sources have indicated that there are substantial insurance records in east European archives but ICHEIC did not give sufficient emphasis in obtaining this information. ICHEIC did ask State Department to assist with archive access but that effort was not successful.

(Administration views on HR 1746, Kennedy Response to Question No. 7.).

8. It is outrageous for the State Department to defend ICHEIC today after ICHEIC refused to supply the State Department with information required by Congress in Public Law 107-228, the Foreign Relations Authorization Act of 2003. Yet when ICHEIC refused to provide the information required, rather than move to hold ICHEIC in contempt for disobeying an Act of Congress, the State Department responded by recommending that the Congressional mandate be *repealed*.

9. Amb. Kennedy’s defense of ICHEIC, like Mr. Eagleburger’s report of June 2007, implies that without ICHEIC Holocaust survivors would have recovered nothing from miscreant insurers. They ignore the fact that by 1998, several major states (Florida, California, New York, Texas, Illinois, Maryland, etc.) had enacted comprehensive laws requiring insurers subject to their jurisdiction to publish policy holder names and pay claims, failing which survivors and heirs could pursue their claims in court with treble or punitive damage and attorneys fee provisions. Survivors all understood when ICHEIC was formed, it was an industry initiative designed to create a safe harbor from these state laws. The companies were successful beyond their wildest dreams with ICHEIC’s 3% payment record.

10. The reference to claims which “had already been explicitly settled in U.S. courts” is highly misleading. It suggests that proponents of the legislation are attempting to revisit payments to survivors and heirs pursuant to prior settlements or even ICHEIC. This is not true. HR 1746 does not purport to revisit claims for which survivors and heirs received payments through ICHEIC.

The legislation does explicitly reverse “settlements” that sweep away survivors’ rights to make a claim against a company such as Generali even though a policy owner never had notice that the company had issued a policy and thus never made a claim, or who made an ICHEIC claim that was denied even though no company records were produced to justify such denials. But the system was designed to be *voluntary* by claimants who filed claims at the invitation of ICHEIC, Eagleburger, and insurance commissioners with the promise that companies would be required to disclose all relevant information, and that “liberal standards of proof” would apply. This didn’t happen as promised.

11. The Kennedy response asserts that there have been “settlements of lawsuits involving Swiss companies and Generali” As far as the Swiss companies are concerned, any settlements are very limited and there have been no releases issued in the Swiss litigation because the process is ongoing. The State Department should produce evidence documenting the extent to which it believes Swiss companies’ claims have been “settled.” In the case of the Generali settlement, it was widely condemned in the *New York Times*, *International Herald Tribune*, *Miami Herald*, and several Jewish media. It is currently under appeal, and so the passage of HR 1746 would allow the court of appeals to apply the new law to the extent applicable.

12. The Kennedy response states that “We disagree with the findings” in HR 1746 that criticize ICHEIC for limiting itself to only certain forms of insurance. He said “ICHEIC’s mission was determined by its commissioners...” But while the commissioners clearly included non-life policies under the ICHEIC mandate, the working apparatus never followed through, despite continuous inquiries from Commissioners and others.

13. In response to a question on the Generali settlement, Amb. Kennedy states, “We understand that, as part of a court settlement, Generali agrees to follow ICHEIC valuation and eligibility standards” However, according to Mr. Zabludoff this is not true. The Generali Settlement Agreement greatly reduces the post 1998 annual increases that are stipulated in the ICHEIC valuation guidelines. There also are a number of other statements about the valuation guidelines in the settlement that are unclear.



HOLOCAUST SURVIVORS' FOUNDATION USA

Member Organizations (Partial List)

Amer. Assn. of Jewish Holocaust
Survivors of Greater Boston

Assn. of Holocaust Survivors from
Former USSR, Los Angeles

C.A.N.D.L.E.S., Terre Haute, IN

Child Survivors of Arizona

Child Survivors/Hidden Children of
The Holocaust

Coalition of Holocaust Survivor
Clubs in South Florida

Council of Nazi Holocaust Survivor
Organizations of So. California

Habonim Cultural Club, Miami

Holocaust Child Survivors &
Friends of Greater Hartford

Holocaust Survivors Club of
Boca Raton

Holocaust Survivors of
Greater Detroit

Holocaust Survivors of
Greater Pittsburgh

Holocaust Survivors of
South Florida

Holocaust Survivors Group of
Southern Nevada

Houston Council of
Jewish Holocaust Survivors

The Jewish Holocaust Survivors &
Friends of Greater Washington

Jewish Survivors of Latvia, Inc.
New York

National Assn. of Jewish Child
Holocaust Survivors, Inc.

New American Jewish Social Club,
Miami

New Cracow Friendship Society,
New York

Survivors of Atlantic City, NJ

Survivors of the Holocaust Asset
Recovery Project, Seattle

Survivors of the Holocaust of
New Mexico

Tikvah Acharay Hashoah,
San Francisco

August 31, 2007

URGENT

Dear Representative Lantos:

I am a Holocaust survivor, and the President of the national survivor group the Holocaust Survivors' Foundation - USA, Inc. (HSF). I testified at a hearing of the House Foreign Affairs Committee Subcommittee on Europe on March 28, 2007. The hearing addressed the status of the Nazi camp records at the International Tracing Service Archive at Bad Arolsen, Germany, and other subjects of vital concern to Holocaust survivors as well. I am writing now to give some positive news with respect to the archive, but bad news about the failure of insurance companies to repay survivors for policies sold to our loved ones prior to WWII.

Regarding Bad Arolsen, thanks to your leadership, most of the countries that had not yet ratified the amendments to the custodianship agreement have now done so. Prior to the involvement of Chairman Wexler, Congressman Hastings, and yourselves, all indications were that the ratification process would take years. After your strong stand, several countries accelerated their ratification processes. Today, only three countries (France, Greece, and Italy) are left, and we know you are working hard to press them to ratify.

Survivor leaders have also met with the leadership of ITS/Bad Arolsen and the U.S. Holocaust Memorial Museum. It is fair to say that everyone is frustrated by the impediments to full and transparent access, after ratification is final, due to the current state of the digitization of the materials. However, the ITS and the Museum appear willing to take the survivors' and affected families' views to heart as we all seek to overcome these obstacles. We will continue to monitor the process and keep Congress informed.

However, there is today an urgent need for Congress to act on the matter of Holocaust era insurance policies. Chairman Wexler raised the insurance issue at the hearing, and my colleague Leo Richter and I addressed the insurers' catastrophic record of not paying victims' family policies. Over 800,000 life insurance policies of European Jews' life insurance policies in force at the beginning of WWII remain unpaid, with a value of \$17 billion. The International Commission for Holocaust Era Insurance Claims (ICHEIC), after nine years, only succeeded in paying a tiny fraction of the total. It paid less than 3% of the policies outstanding (17,000) and less than 3% of the value (\$260 million). However well-intended the process, it failed.

That is why it is so important that Congress act immediately to pass the Holocaust Insurance Accountability Act of 2007, HR 1746, introduced by Congresswoman Ileana Ros-Lehtinen and Congressman Robert Wexler. At this time there are about 20 co-sponsors. Under logic and morality, there should be over 400 co-sponsors. I am asking you personally to sign on as a co-sponsor, and to seek a hearing in early September on the bill.

The legislation would require insurers who sold policies to European Jews before WWII who are doing business in the U.S. to open their records to survivors and heirs, which was never required previously, certainly not by ICHEIC. It would also allow survivors and heirs to bring legal cases against recalcitrant insurers.

"JUSTICE AND DIGNITY FOR SURVIVORS"

HOLOCAUST SURVIVORS' FOUNDATION · USA

Page 2

In addition to the egregious failure of the ICHEIC set forth in my March testimony, you will be shocked by the recent disclosures of former New York Insurance Superintendent Albert Lewis, who served as an ICHEIC appellate judge. As reported by the New York Jewish Week, he was pressured by ICHEIC officials to deny claims he believed were meritorious, based on a phantom rule that contravened the published ICHEIC rules. He reported that other arbitrators began applying the phantom rule to the disadvantage of survivors. He revealed email exchanges about the ICHEIC inner-workings that were contrary to published rhetoric about ICHEIC's supposed goal of making it easier for survivors to prove claims. Who knows how many other nefarious practices contributed to the ICHEIC's failures?

Mr. Lewis's disclosures add further fuel to what was already an overwhelming case for HR 1746. To remind you of my earlier testimony, the public record of ICHEIC's performance was already overwhelmingly disappointing.

- ICHEIC was conducted in complete secrecy, being chartered under Swiss law with its headquarters in London. Chairman Eagleburger has admitted this set-up was designed to avoid the subpoena powers of U.S. Courts and the reach of American Public Records and FOIA laws.

- No survivors with claims, and no heirs with claims, were present. No chosen representative of claimants was present. Even though nearly 100 people attended the ICHEIC meetings, there was no room for those whose rights were being decided. There were two survivors allowed in these meetings, but they were in the room because they are part of the Claims Conference. They were not elected by Survivors or claimants in any way, shape, or form.

- There was room in these meetings for dozens of lawyers, publicists, and lobbyists from each of the insurance companies. It would break your heart to see the line up of attendees. Lawyers like Kenneth Blalock, former President of the Anti Defamation League, are in the meetings, representing Generali. ADL's former lobbyist Harry Wall, who has served as Generali's lobbyist, was also in the meetings. But not claimants or their representatives.

- The insurance companies under ICHEIC did not open up their archives to survivors and heirs, even though that was promised by Under Secretary of State Stuart Eizenstat and others before various Congressional committees in 2000 and 2001. As Congressman Waxman has noted, only a fraction of the total names from Eastern Europe – less than 20% when ICHEIC concluded – were published.

- When a company denied a claim under ICHEIC, it had complete discretion over whether or not to provide survivors with their internal records supposedly documenting the reasons for the denial. Insurers routinely failed to provide claimants with relevant documents. As President of the HSF, I have heard from so many survivors who trusted the process but believe it was stacked against them from the start.

- As stated above, ICHEIC will have paid on less than 3% of the life insurance, annuity, and endowment policies that companies sold to Jews that were in force at the beginning of World War II.

- ICHEIC even refused to provide the U.S. State Department with information that Congress mandated be collected in its oversight of the implementation of the Executive Agreement between the United States and Germany covering slave labor, insurance, and property matters.

"JUSTICE AND DIGNITY FOR SURVIVORS"

Holocaust Survivors' Foundation - USA

Page 3

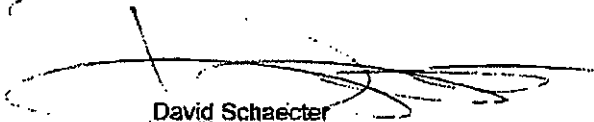
In addition, the Federal Appellate Court has set the Generali class action settlement appeal for oral argument on September 19, 2007. This settlement, which was not even noticed to the individuals whose ICHEIC claims were denied, would make the ICHEIC process final and legally binding on survivors who never agreed to such an arrangement. If Congress does not act soon, an adverse ruling on the appeal would be very damaging to survivors' and heirs' insurance rights.

Let me add that as HSF President I confront daily the tragic fact that thousands of Holocaust survivors in this country - your constituents - live on meager incomes and are barely surviving. One quarter live at or below the poverty line, and another quarter are considered "poor" given their incomes and the cost of living. The unique hardships suffered during the Holocaust make for even more tragic health and emotional problems for all survivors, but are especially cruel for the poor among us. While everyone is entitled to have their insurance proceeds after these 60 years, the imperative to enable those whose finances are insufficient today to have what they are owed should weigh on all our consciences, especially those in Congress.

We all know how busy you will be this week after Labor Day recess, but please push to have hearings at the latest next week at your Europe Subcommittee to move this legislation fast as all our options for justice in regard to all insurance restitution will end forever without this legislation. We are all counting on you and you have our eternal gratitude in doing so.

I would be happy to answer any questions you have about the matters discussed in this letter, or at the March 28 hearing, or any other issue relating to the rights and interests of Holocaust survivors. Please feel free to call me any time at (305) 231-0221, Extension 243.

Sincerely,



David Schaefer
President
Holocaust Survivors' Foundation - USA

"JUSTICE AND DIGNITY FOR SURVIVORS"

June 14, 2007
Op-Ed Contributor

Losing Count

By THANE ROSENBAUM

THE Holocaust has always been marked by numbers. There was the numbering of arms in death camps and the staggering death toll where the words six million became both a body count and a synonym for an unspeakable crime. After the Holocaust, Germany performed the necessary long division in paying token reparations to survivors. More recently, Swiss banks and European insurance companies have concealed bank account and policy numbers belonging to dead Jews.

Only with the Holocaust have dehumanization and death been as much a moral mystery as a tragic game of arithmetic. And the numbers continue, although now largely in reverse.

After 60 years, Holocaust survivors are inching toward extinction. According to Ira Sheskin, director of the Jewish Demography Project at the University of Miami, fewer than 900,000 remain, residing primarily in the United States, Israel and the former Soviet Union. Most are in their 80s and 90s. Unless immediate measures are taken, many of those who survived the Nazi evil will soon die without a proper measure of dignity.

According to Dr. Sheskin's data, more than 87,000 American Holocaust survivors — roughly half the American total — qualify as poor, meaning they have annual incomes below \$15,000. The United Jewish Communities, the umbrella organization of the American Jewish Federations, determined that 25 percent of the American survivors live at or below the official federal poverty line. (The poverty figure in New York City is even higher.) Many are without sufficient food, shelter, heat, health care, medicine, dentures, eyeglasses, even hearing aids.

Conditions worldwide are similar. It's a sad twist that the teenagers who mastered the art of survival so long ago have been forced, in their old age, to call on their survival instincts once again.

It doesn't have to be this way. Although the various global financial settlements represent only a small fraction of the Jewish property that was plundered during the Holocaust, they still amount to billions of dollars. Which raises questions: Why aren't the funds being used to care for Holocaust survivors in whose name

and for whose benefit these restitution initiatives were undertaken? Why weren't survivors permitted to speak for themselves in the very negotiations that led to the recovery and distribution of their stolen assets?

Take the Swiss bank settlement, for instance. A federal judge in Brooklyn distributed 75 percent of the looted assets to survivors in the former Soviet Union, leaving only 4 percent for destitute survivors in the United States, even though roughly 20 percent of the world's Holocaust survivors live in America. Assets that had been stolen by the Swiss were once again diverted, this time by the charitable inclinations of a judge who, ignoring the voices of survivors, severed the connection between the victims of the theft and the proceeds of the recovery.

On the matter of insurance, a federal judge in Manhattan recently approved a settlement in which fewer than 5 percent of the life insurance policies that had been sold to Jews would be restituted, allowing the Italian insurer, Generali, to escape with more than \$2 billion in unjust enrichment. By not requiring Generali to disclose the names of policyholders, the settlement amounts to a cover-up. Tens of thousands of Holocaust survivors are being kept from the truth and will likely be foreclosed from bringing individual claims against the corporation that defrauded them.

The Jewish Claims Conference, an organization established in the 1950s to recover and distribute Jewish property, has assets under its care estimated at \$1.3 billion to \$3 billion, which includes a vast inventory of cash, real estate and artwork. Despite the urgency of human suffering, the conference insists that it cannot respond to the unmet needs of Holocaust survivors.

Meanwhile, it spent about \$32 million last year on programs dedicated to "research, documentation and education." Some of those millions went to a program that paid \$700,000 to a "consultant" — a friend of the organization's president — who, in an interview with *The Jewish Week*, couldn't recall what he had been asked to consult on. While the conference supports many worthy projects, it is controlled not by survivors but by surrogates, and operates with limited oversight and financial accountability.

The Holocaust, so large an atrocity, has a way of overshadowing everything, including its survivors. In focusing on the past in order to prevent history from repeating itself, we have forgotten those who are the direct casualties of this crime. Amid all the Holocaust hoopla the survivors have become secondary.

This neglect is widespread. Even the United States Holocaust Memorial Museum has regarded itself as primarily a home for historians and a monument to history, but not as an institution that places survivors first. Yet without their anguished presence the museum would not exist.

One demonstration of its inattentiveness involves the imminent transfer to the museum of electronic copies of Germany's Bad Arolsen archives, which hold 50 million documents pertaining to the fate of more than 17.5 million victims. Unfortunately, the museum has failed to commit to making the archives accessible on the Internet so that they can be accessed as easily by Holocaust survivors as by visiting scholars.

So what can be done to honor those who survived but who seem to have been forgotten?

First, all traceable assets held by the claims conference and the negotiated settlements with Swiss bankers and European insurance companies must be returned to their owners, with the remainder used for survivor needs.

Second, Congress should pass the proposed Holocaust Insurance Accountability bill, which would require insurers to publish the names of policyholders and allow survivors to resolve claims on fair and truthful terms.

Third, all Holocaust documentation, like the Bad Arolsen archives and the recently disclosed Austrian war records, must be made readily accessible. Survivors and their families must have easy access so family histories can be recovered and property claims verified. These archives cannot be just the province of scholars.

Finally, if both the World Jewish Congress and the claims conference fail to achieve transparency in their operations, then Congress or law enforcement should publicly account for the funds that have been controlled by institutions that survivors never elected and did not authorize.

Surviving the Holocaust, which was against all odds, is still a numbers game. The percentages are always against the survivors. Nearly murdered, shamefully defrauded and with the clock ticking, they wait for justice, accountability and, most of all, respect.

Thane Rosenbaum, a professor of law at Fordham, is the author of "The Myth of Moral Justice."



June 2002 / Sivan 5762

<http://www.shma.com/jun02/david.htm>

Use Restituted Funds for Urgent Survivors' Needs

By David Schaecter

There are between 80,000 and 110,000 Survivors in the United States (about 400,000-500,000 worldwide). Their average age is around eighty years old and they are dying at a higher than average rate for their age group. Many are dying alone, without home or health care in their last years. No one is paying attention, especially the leaders of the American Jewish community.

Despite the headlines over the past few years suggesting that "billions of dollars" have been recovered for Holocaust victims from European businesses and governments, the truth is that the restitution process has largely been a disaster for Holocaust survivors and their families.

The banks, insurers, and manufacturers that profited from the Holocaust, many of whom are major international concerns (doing business in the U.S.) today, will pay out a mere fraction of their ill-gotten gains as a result of recent deals. They also will avoid anything close to full disclosure of their records from that period of time. The organizations that negotiated in the name of survivors are pushing to be the organizations that decide how to distribute the "leftover" money - the "Jewish People's Fund." While voicing empty rhetoric about "taking care of survivors first," they have given paltry support for the real social service needs of survivors today.

There are enormous and unacceptable shortfalls in social service funding, including long-term in-home health care that is essential to the dignity and health of survivors. They need an insurance-based, home health care program that would provide the necessary hours per week (five hours is currently the maximum) to care for medical needs of survivors such as basic health care management, post-surgical and home-based cancer treatment. Home care is essential for some survivors because they have no extended family to see it their needs. In addition to the long waiting lists in most communities for basic services, most survivors do not even present themselves for care, knowing that assistance is generally unavailable.

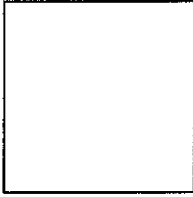
There are twenty-four members on the Conference on Material Claims Against Germany Board (the central repository of the assets of Jews who perished in the Shoah), and only two represent survivor organizations. The result is that large amounts of funds recovered in the name of Holocaust victims are not necessarily used for survivor needs. The funds have become a source of "worldwide Jewish philanthropy" and millions of dollars have been earmarked for non-survivor projects dear to the hearts of individual board member organizations throughout the world. While many of these projects are worthy, they are not related to the needs of survivors. For example, millions of dollars are currently being committed by the Claims Conference to care for Russian Jews in the former Soviet Union. While 55 percent of those Jews are said to be survivors, 45 percent are not. In the year 2000, the Claims Conference allocated \$775,000 to the organization of Jews in Bulgaria, where there was no Holocaust, and \$1.45 million to the Yiddish Theatre in Tel Aviv. Shouldn't the general Jewish community take responsibility for these allocations rather than use funds recovered in the name of survivors?

A national organization has emerged to provide survivors a voice in this arena, the Holocaust Survivors Foundation USA, Inc. (HSF), which comprises forty-six member-organization groups from throughout the United States. The groups are unified in their demand for greater accountability and transparency from the Claims Conference, the operating entity with the funds. HSF also demands a voice in all restitution matters including how funds recovered in the name of Holocaust survivors are spent.

How can plans for a "Jewish People's Fund" go forward while survivors languish on waiting lists for the health care they deserve, especially after all they have endured? How dare these institutions presume to

spend "restituted" funds for their favored "philanthropic" projects into the next century, using money claimed from the most terrorized victims of the past century?

Who will take responsibility for ensuring that the individuals around whom much of our modern Jewish existence is centered - Holocaust victims - are not abandoned a second time?



David Schaecter, a survivor, was elected President of the Holocaust Survivors Foundation, an organization created in 2001 to address the very issues identified in this essay. The HSF membership consists of leaders from across the United States who are elected by individual survivor organizations.

<http://www.shma.com/jun02/Eva.htm>

Our Task: To Dignify the Lives of Survivors

By Eva Fogelman

As American Jewry has entered the 21st century, the issue of Jewish illiteracy - a reality that is leading to the erosion of our very fiber - is salient. Literacy is an ingredient essential to continuity, particularly in the aftermath of a culture that was decimated in the destruction of European Jewry. No one remedy will solve the illiteracy problem, but Israel Singer's vision for free Jewish education for every Jewish child is an approach that has the potential to ameliorate this crisis in American Jewish life.

Singer, however, is presumptuous in his plans for the future of disbursing restitution funds; in thirty years few if any of the she'herit hapleta (remnants of European Jewry - the community of survivors) will be among the living. To put it in stark terms, the body is not yet buried, and the relatives are fighting over who will get the jewelry.

If we appraise in a realistic manner the existing essential necessities of the aging survivors in our midst, than the conversation of excess funds is a moot point. Indeed, we would all like to know how much of existing funds have already been spent for "systems maintenance" rather than supporting the needs of the survivors.

My response to Singer is informed by my role as a psychologist who treats needy Holocaust survivors. They are told that because the existing funds are not sufficient to provide for their medical and housing needs, the guidelines must be written in such a way as to eliminate many such requests. Therefore, anyone who applies for funds experiences some form of humiliation and - to add injury to insult - is also "nickled and dined" in the process.

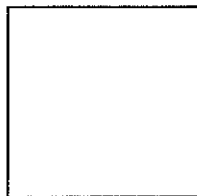
Those who were children during the Shoah and who are now in their late fifties and early sixties, and who are not yet eligible for Medicare and cannot afford medical and dental insurance but are not below the poverty level for Medicaid, have no place to turn for help. We have created a system in which survivors continue to live in hiding. Some have no money to be members of synagogues and to attend social functions - they remain socially isolated. Monthly stipends, though modest, would make a difference to these people. Another issue: some survivors are told that their rent is too high to receive help, but alternative housing that would not further isolate them does not exist. A program of housing that takes into consideration the social as well as the economic factors is the answer.

The possibilities for dignifying the lives of survivors from any restitution funds that are unclaimed from communal property, insurance policies, bank accounts, and other assets are endless. The German pension

system provides their Waffen SS with at least a two-to-four-week vacation at a spa every year. Why can't those who make the decisions about restitution funds conceive of inspired ways to enrich the lives of survivors?

I am sure that Singer agrees with these sentiments. He too says: "our first obligation is to take care of Holocaust survivors." So why are we talking about excess riches when there is no money to pay for survivors' basic necessities (e.g. hearing aids, medication, dentures, transportation)?

This issue has the potential to become a vehicle for intramural conflict in which agendas that have nothing to do with the welfare of survivors are played out. We ignored the victims during the years of persecution; let us not disregard and isolate them in their waning years.



Eva Fogelman is a psychologist in New York City, Co-director of Psychotherapy with Generations of the Holocaust and Related Traumas, Training Institute for Mental Health. She is the author of *Conscience and Courage: Rescuers of Jews During the Holocaust*, writer and co-producer of *"Breaking the Silence: The Generation After the Holocaust."*

<http://www.shma.com/jun02/israel.htm>

Transparency, Truth, and Restitution

By Israel Singer

After 55 years, President Johannes Rau of Germany finally wrote letters of forgiveness to every Holocaust survivor that benefited from the Slave Labor agreement. Chancellor Franz Vranitzky spoke in the Knesset putting to rest once and for all the canard that Austria was the first victim of Nazism rather than its first willing accomplice. Swiss president Armand Koller apologized for his country's neutrality when such a position was deemed immoral. And French president Jacques Chirac realized that not all of France was in the resistance with Charles de Gaulle. A large part of it, including his predecessor, was for much of the war allied with Henri-Philippe Petain. The rest of institutional France was in collaboration with the Nazis until 1943, although they didn't admit it until 1995. These were the achievements of the struggle for moral and material restitution in the period of the 1990s.

Holland did not valiantly save all of its Jews but willingly deported 90 percent of them. Norway participated in the deportations and illegal appropriations of Jewish property. And a lot of countries did not just act as willing partners - Hungary, Croatia, Slovakia, Latvia, and Lithuania participated not only in deportations and mass murders but also in the grossest theft that went along with the ugliest murder in the history of genocide. In fact, the organized theft of Jewish property was an intentional and major byproduct of murder during the war. There were no "good guys" but for a few exceptions in Bulgaria and Denmark where Jews were saved in an organized effort.

The most important achievement of the past decade, besides gaining new information through recently opened archival dossiers (and making millions of them available to historians), was the feeling that, for the first time, the record was set straight and people could no longer hide behind their own myths. Not all Jews were poor, not all banks were honest, not all insurance companies discharged their duties to those who paid them premiums. Even the Allies - though not as bad as neutral countries and certainly unlike the enemies of the Jews - enriched themselves by inaction and sometimes foolish policies.

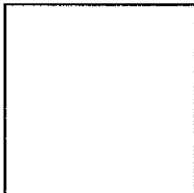
"Truth telling" is what the fifteen commissions that were established throughout Europe, North America, and South America accomplished. Money was an important material expression of remorse and restitution. The

struggle for justice, however, was not about money, and those who chose to make it so, whether they were Jews or non-Jews, tried one more time to revise history and failed.

East European Jews were thrice victimized: once by the Nazis, then by the Communists, and finally by the Jews and the West who agreed not to give them pensions and recompense. The deal made between Germany, Austria, and the West in the post-war period was a sordid one to serve the needs of the Cold War and the new enemy. East European Jews, especially those in the former Soviet Union, were the first beneficiaries of recent restitution claims after fifty years of starvation and humiliation. Justice has many faces and is as indivisible as truth. The only way to struggle against injustice and antisemitism is to expose the truth. This - and the restitution of the material aspects of injustice - has been the struggle of the 1990s.

Holocaust survivors are not the only persons charged with making decisions for the Jewish people about how to use monies that will not be needed after they die. While our first obligation is to take care of Holocaust survivors, the remainder of any monies should be spent to ensure the existence of the Jewish people - not necessarily the existence of Jewish organizations. These decisions, which are about the future rather than the past, affect the entire Jewish people. The entire Jewish people are the heirs of survivors, and as a child of survivors and having worked for them my entire life, I say this with some authority. Survivors have tremendous institutional memory - without which the Jewish people couldn't understand their own existence in this time. However, survivors should not decide all questions about funds restored to the Jewish people from the Holocaust.

Those decisions should be entrusted to a new body that would include the Conference on Jewish Material Claims Against Germany, the World Jewish Restitution Organization, and the government of Israel, along with Holocaust survivors, Jewish educators, and innovative thinkers. The body's structure and operating principles would reflect the best practices of strategic thinking and venture philanthropy, and not succumb to uninspired organization mediocrity that plagues so much of Jewish life. Its mandate should be to address the future needs of the Jewish people; for example, education - creating an innovative voucher system for every Jewish child to attend Jewish schools - would be a welcome initiative. The purpose of this effort would be to create a new future for the Jewish people. This restitution should be used to rebuild the Jewish soul and spirit. This has never been done effectively in the Diaspora. And for those who don't want to do this, the legacy of the Holocaust will be only about social welfare programs and money.



Israel Singer is Chairman of the World Jewish Congress, and Chairman of several restitution organizations, including the World Jewish Restitution Organization and Conference on Jewish Material Claims Against Germany.

CHILD SURVIVORS/ HIDDEN CHILDREN of the HOLOCAUST INC.



August 22, 2005

**Dr. Israel Singer, President
Conference of Jewish Material Claims Against Germany, Inc.
15 East 26th Street, Room 906
New York, N.Y. 10010**

Dear Dr. Singer,

Why was it decided to turn down an increase in allocation of funds for home care and emergency grants for the needy survivors world wide at the meeting of the Board of Directors of the Claims Conference in July 2005? An alternative plan could have been implemented by reducing the 20% presently being spent for Research, Education and Development, or even freezing some educational projects for the near future. At the present, which is more significant; the well being of the needy survivors or education?

This request was voted down by a large majority of the organization (Agudath Israel World Organization, Anglo-Jewish Association, American Jewish Congress, Jewish Labor Committee, Council of Jews from Germany, World Jewish Relief, plus 16 other groups) members on the Board of Directors including many survivors. The big question is why was the vote so lopsided?

We are angry and feel that this unconscionable decision has betrayed, once again, our needy survivors! Shame on you ALL.

Have you read the article from the Forward on August 12, 2005. " Holocaust Survivors are three times more likely to attempt suicide than other people are, according to findings in the recent American Journal of Geriatric Psychiatry suggests" ?

There are many distressing issues on the horizon. Many survivors were hardly able to put their lives in order and rebuild their families. But some were not able to establish a secure old age. A significant number of elderly and impoverished survivors today are desperately in need of home care services. Need I remind you that most are now in their 80's and 90's, and need to be nurtured and cared for.

We cannot ignore these remnants of our people in the twilight of their lives. We must find the resources and must allocate funds to make these survivors live their lives with dignity.

**7529 SE. Bay Cedar Circle, Hobe Sound FL. 33455
Tel. 772-223-5244, Fax. 772-219-9465, E-mail: moskov_a@bellsouth.net**

After all the suffering and trauma the survivors experienced, they deserve to live their declining years without worrying that their incomes will not suffice to cover rent, food, or prescriptions. No one should have to choose between these needs.

The social welfare needs of survivors are changing rapidly. There are a growing number of indigent survivors who are falling between the cracks. For them outreach is needed. The needs of survivors in the remaining years of their lives must be of the highest priority, before education. With funding levels now dangerously inadequate new and immediate strategies are required.

I, Alex Moskovic as a member of the Holocaust Survivors' Advisory Committee in Palm Beach County, am out there in the trenches. We listen to our brothers and sisters of their plight, we made a promises to our parents to make a difference. The Child Survivors/ Hidden Children have a speakers' bureau and we travel throughout South Florida to inform students and the elderly of our lives during the Holocaust. Each year we speak to thousands of people and they listen, therefore we get called back to the schools and organizations. Yes, education of the holocaust is going on and our aim is to leave a LEGACY to be carried on by the 2Gers.

Care must be provided with an open hand, heart and a feeling soul. The years left are but a few that the Claims Conference will be required to be concerned with the survivors needs.

Now is your opportunity. You as individuals can make a difference.
Time is running out, the hourglass is emptying.
And if not here, where?
And if not now, when?

Shalom,

Alex Moskovic, Jack Rubin and Daniel Gevirtz of the CS/HCH

P.S Please reply to our inquiry. Jack Rubin would appreciate if Julius Berman would reply to this letter as he knows him from Bridgeport Conn.

CC:
Dr. Israel Singer
Julius Berman
Gideon Taylor
Moshe Sanbar
Roman Kent

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CHILD SURVIVORS/ HIDDEN CHILDREN of the HOLOCAUST INC.



February 13, 2005

**The Honorable Ileana Ros-Lehtinen
United States Congresswoman
2160 Rayburn HOB
Washington, D.C. 20515-0918**

Dear Congresswoman Ros-Lehtinen,

According to some reports ICHEIC hopes to have all claims processed by the end of 2005. Established in 1998, by January 21, 2005 they made only 5270 offers to the claimants for \$83.80 million. There are, at this time, tens of thousands of claimants who have not received any information regarding their claims.

The Child Survivors/Hidden Children of the Holocaust who were left orphans during the Holocaust and have claims with ICHEIC feel this is unjust and would like to have closure pertaining to the insurance policies their parents had. Therefore, please consider the following questions:

- 1) How many of the 5270 offers of the settlement to survivors have been accepted and paid out ?**
- 2) According to the number of past claims processed until now, is it realistic to assume that all the claims will be processed by the end of 2005 ?**
- 3) The process that ICHEIC accepted to resolve the insurance claims is expensive and extremely complicated, therefore it would be only logical that ICHEIC should undergo an independent audit to show that they have accomplished their mandate following the negotiations of 1998, to prove to everyone they did an outstanding job. Or are there some hidden reasons that the opposite may be revealed?**
- 4) The relevant European insurance companies are going through independent audits by ICHEIC, why then should ICHEIC not be held to the same standard of transparency and accountability ?**

Our group is very interested in your thoughts and response on this subject.

Respectfully,

Alex Moskovic, President of CS/HCH

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JCPA RESOLUTION ON CARE FOR NEEDY HOLOCAUST SURVIVORS

Adopted by the 2003 JCPA Plenum

It has been estimated that there are more than 500,000 Holocaust survivors living throughout the world today many of whom are elderly and infirm and some of whom are living in abject poverty, lacking basic needs including food, shelter and medical care.

This shocking situation has only recently begun to come to the attention of many in the Jewish community, for a variety of reasons, including in part because the problem is a relatively new one, resulting largely from the advancing age of the overall survivor population, and the fact that needy survivors are, in some measure, a hidden population many of whom are hesitant to seek assistance.

As the Holocaust survivor population continues to age, many more survivors are likely to find themselves in need.

Some restitution payments have been made as partial recompense for the massive material losses and the immeasurable human suffering of the victims of the Holocaust. Vigorous efforts must continue to be made in order to obtain additional restitution payments from governments and institutions that have not as yet made significant and appropriate contributions.

Substantial portions of such payments have been earmarked and are available for discretionary allocation and distribution for humanitarian purposes and certain portions of such payments, while originally earmarked to compensate individual victims and claimants, have gone unclaimed and are also available for such discretionary allocation and distribution (collectively from all sources, the "Holocaust Related Funds").

Decisions regarding the allocation and disbursement of Holocaust Related Funds are complex and must take into account factors such as the relative needs of survivors in various parts of the world. In addition, there are some in our community who desire to see a portion of such funds used to promote tolerance, to teach about the history of the Holocaust, for Jewish education or for various Jewish continuity programs.

Notwithstanding such complexities and competing priorities, it is clear from the recent alarming revelations concerning the unmet needs of many Holocaust survivors that those Holocaust survivors who have endured so much hardship in their lives and who continue to suffer, should be of paramount concern to the Jewish community and that all funds obtained in their name should be expeditiously allocated and disbursed to help alleviate their plight.

The JCPA hereby asserts that:

- As long as Holocaust survivors living anywhere in the world are lacking basic needs, including food, shelter, medical care or any other form of assistance now or hereafter deemed necessary to allow them to live out the remainder of their lives in comfort and dignity, any and all Holocaust Related Funds now or hereafter obtained, from whatever source paid and by whatever agency administered, which are not legally restricted to a specific contrary purpose, shall be promptly disbursed to or on behalf of such Holocaust survivors in order to meet such needs. To the extent that there are Holocaust Related Funds remaining after all the present and anticipated needs of such Holocaust survivors have been fully met, it would be appropriate to consider the use of such remaining funds for programs of research, documentation and education of the Holocaust, among other uses.

The community relations field should:

- Educate themselves and others about the current conditions in which many Holocaust survivors live.
- Raise this issue in their communities to determine the extent to which local survivors are living with significant unmet needs.
- Raise these issues with agencies involved in the determination of the needs of Holocaust survivors and the allocation and disbursement of Holocaust Related Funds to meet those needs.
- Encourage such agencies to involve in their determinations representatives of Holocaust survivors and professional social service agencies such as the Jewish Family and Children's Services.

Last update - 10:19 05/07/2007

Holocaust claims group to detail real estate holdings it controls

By Amiram Barkat, Haaretz Correspondent

The Conference on Jewish Material Claims Against Germany, the body that represents world Jewry in negotiations for compensation for Holocaust survivors and their heirs, has decided to disclose the details of the real estate assets it holds and will present a list of said assets during a conference Sunday in New York City.

The real estate held by the organization consists of property left unsold by Holocaust victims who had no legal inheritors at the time of their deaths. According to German law, the conference has the right to receive property assets of Holocaust survivors who lack inheritors to execute their wills.

Assessments performed by the conference have determined that they hold hundreds of millions of dollars worth of real estate holdings in what was once East Germany.

In recent years, the conference has sold billions of dollars worth of property of Holocaust survivors, and has utilized the sales to fund organizations that give aid to Holocaust survivors and provide Holocaust education.

Since the real estate sales began, the conference has refused to disclose details of the property in its possession. The formal explanation given by the conference for their prior refusal to disclose its holdings is that disclosure could harm their chances of selling the holdings at the highest possible values.

Martin Stern, an Israeli-British businessman who was one of the leaders of the struggle to bring disclosure of the conference's real estate holdings, said on Wednesday that there is also a need to disclose holdings sold by the conference since 1994, arguing that it is the only way to know if sales were carried out according to the letter of the law.

Accountants for the conference until recently supported the policy of non-disclosure, but in recent weeks have announced that norms of disclosure require that they publish their holdings on a yearly basis.

Haaretz has learned that the accountants' request for disclosure was met with opposition in the conference, but was eventually approved as a matter of policy.

The list of assets disclosed in the organizations yearly assessments will be presented to the directorate of the conference this Sunday in New York City.

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**ESTIMATES
OF THE NUMBER OF NAZI VICTIMS
AND THEIR ECONOMIC STATUS**

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ESTIMATES OF THE NUMBER OF NAZI VICTIMS

Estimating the number of Nazi Victims in the world represents a significant challenge. Three estimates, which vary from about 688,000 to almost 1.1 million, are presented in Exhibit I. Definitional problems, a lack of accurate data, and a lack of comparable data from country to country have plagued all attempts to develop accurate estimates.

This document examines the United Jewish Communities (UJC) estimate of 122,000 Nazi Victims in the United States presented in a report available at www.ujc.org. This estimate of 122,000 Nazi Victims is based upon the 2000-01 National Jewish Population Survey (NJPS). NJPS 2000 was a random digit dial telephone (RDD) survey of 4,523 households containing one or more self-defined Jewish persons. The UJC estimate is based upon three questions from NJPS which establish whether respondents were in labor camps, concentrations camps, or fled areas that came under direct or indirect Nazi control.

NJPS 2000 is used by both Ukeles and DellaPergola for their estimates of the number of US Nazi Victims. Ukeles applied an estimated 4.5% death rate to update the estimate to 2003. DellaPergola uses NJPS data on age, place of birth, and year of immigration to the U.S. from NJPS 2000 to develop his estimate of Nazi Victims.

This researcher believes that the 122,000 estimate is clearly too low. Survey research is as much an art as it is a science. One must understand the survey process and interpret the results in the context of the limitations of the method. The UJC report simply presents the number of Nazi Victims without providing appropriate cautions about the manner in which the survey research process may impact the results. In fact, all of these cautions point strongly toward the conclusion that the UJC estimate of 122,000 is low.

MODIFICATIONS OF THE UJC ESTIMATE OF 122,000 NAZI VICTIMS

I consider the 122,000 estimate too low for the following reasons (the numbers reference the appropriate lines in Exhibit 2):

① NJPS 2000 is a very complicated survey that cost about \$6,000,000 and was designed by the United Jewish Communities National Technical Advisory Committee (NTAC), on which I served from 1987-2003. For reasons that are unimportant in the current context, the sample was divided into two parts: 4,147 interviews were completed with a "more Jewishly-connected sample" representing about 4.3 million Jews and 376 interviews were completed with a "less Jewishly-connected sample" representing about 900,000 Jews. In total, the study estimated the U.S. Jewish population at about 5.1 million Jew in households and about 100,000 Jews in institutions.

The three questions about being a NAZI Victim were only asked of respondents in the "more Jewishly-connected" sample. Thus, the survey estimated the percentage of Victims among the 4,147 and applied that percentage to the adult population of 3,360,180 within the 4.2 million Jews. This yields an estimate of 116,880 Nazi Victims (Exhibit 2, Line 1).

This procedure assumes that no Victims are to be found among the adults in the 900,000 persons represented by the 376 interviews. This is clearly wrong.

② Whether the percentage of Victims among the 900,000 persons is lower than, equal to, or higher than the percentage among the 4,300,000 persons is hard to determine. It is easy to imagine some Victims who might, after their Holocaust experience choose to be less "Jewishly-connected." (Many of the people in the less Jewishly-connected-sample had 1-2 Jewish parents, and were raised Jewish, but currently consider themselves atheists, agnostics, secular, etc.) My best estimate would be that the percentage of Victims among the 696,583 adults in the 900,000 persons is lower than the percentage of Victims (3.57%) among the 3,360,180 adults in the 4,300,000 sample. But if the percentage is the same, then there are an additional 24,868 Victims in the U.S. over and above the 116,880 Victims found in the more Jewishly-connected estimate, yielding a total of 141,748 Victims (Exhibit 2, Line 2).

③ Data are missing for a small percentage of respondents in the more Jewishly-connected sample who either were not asked the Victim questions (because they were originally classified as less Jewishly-connected), refused to answer the Victim questions, or simply did not know the answers. As is typical in survey research, I have allocated the missing data to the Victim category and the Non-Victim category in proportion to the responses given by those who did answer the question (Exhibit 2, Line 3). This adjustment adds 3,197 Victims for a total of 144,945.

④ The NJPS estimates of the total number of Jews in the U.S. (both the 4.2 million Jews living more Jewishly-connected households and the 900,000 Jews living in less Jewishly-connected households) are clearly two low. The reason that this is important is that the number of Nazi Victims was calculated as a percentage of the total adult population.

We know the NJPS estimate is too low as a result of a test designed by this researcher and completed by AB Data of Milwaukee. This test examined the percentage of distinctive Jewish name households (DJNs - Schwartz, Levy, Cohen, etc) among those survey respondents who did answer the "What is your religion?" question (*cooperators*) compared to those potential respondents who refused to answer this question (*refusers*). 0.16% of cooperators held one of 31 DJNS, compared to 0.37% of refusers. This provided clear and convincing evidence that the 5.2 million was an undercount and resulted in several statements in the UJC report indicating the belief that the study provides a minimum estimate of the number of Jews in the U.S.

In fact, I believe that the 5.2 million represents a significant undercount. An alternative estimate of the number of Jews in the U.S. is available each year from the *American Jewish Year Book* (AJYB) published by the American Jewish Committee and the Jewish Publication Society. The AJYB estimate of 6.2 million Jews is derived by summing estimates from hundreds of American Jewish communities. These estimates are collated by the Research Department of United Jewish Communities.

Almost 85% of the *AJYB* estimate is supported by local Jewish community studies completed in the past 15 years that used random digit dialing as the estimating technique. There are only a few large Jewish communities that have not yet undertaken a local community study (Rockland County, New York and Orange County, California, for example). The data for the other 15% of the 6.2 million are provided by rabbis and Jewish Federation workers based upon local knowledge.

Good reason exists to believe that the *AJYB* estimate is too high. Households who reside in more than one location are counted twice. These include snowbirds and college students. However, because this author is responsible for most of the Florida estimates in the *AJYB*, that source only reports as living in Florida those households who reside in the Florida for at least eight months of the year, hopefully minimizing the double counting of snowbirds. For students, local Jewish community studies do not count students living in dormitories as part of the community, again minimizing the overlap.

Given these two quite disparate estimates (5.2 million from NJPS and 6.2 million from the *AJYB*) can one rectify the difference? The truth most likely lies somewhere in between. It seems reasonable to this researcher to split the difference and assume that the Jewish population of the United States is about 5.7 million.

Why is this number so important? Because NJPS 2000 provides an estimate of the percentage of adults who are Nazi Victims. The number of Nazi Victims is derived by multiplying this percentage by the number of Jewish adults. If the NJPS estimate of Jewish population is 500,000 persons (9.6%) too low, then the estimate of the number of Nazi Victims is also too low by this same percentage. Assuming 403,000 adults among the additional 500,000 Jews implies an additional 14,397 Victims for a total of 159,342 (Exhibit 2, Line 4).

⑥ Persons living in nursing homes and other such institutions without their own telephone numbers are excluded from a random digit dialed telephone survey. Given the age of the survivor population and its comparatively lower level of health (as shown in the UJC report), it is likely that some non-trivial number of Victims are to be found among the estimated 100,000 institutionalized Jews. JDC-Brookdale estimates that about 5% of the survivor population in Israel is institutionalized. Applying this figure to the estimate of 159,342 Victims in households, implies a total of 167,309 Victims in the U.S. (Exhibit 2, Line 5).

⑥ Jewish demographic studies do not interview persons who have converted to another monotheistic religion, such as Christianity or Islam. While we would not expect the number of Nazi Victims who have converted to another religion (or who had at least answered the "What is your religion question?" in NJPS by naming another monotheistic faith implying that they had converted out of Judaism) to be high, there are doubtlessly some Victims who have done so.

⑦ Victims are probably overrepresented among respondents who refused to admit being Jewish when called "out of the blue" by the telephone survey. Such behavior may be easily understood in the context of their life experience.

⑧ Victims, who are mostly age 65 and over, are probably more likely to be in the "ineligible respondents" category, that is, they are probably overrepresented among respondents who were unable to complete the telephone survey due to health reasons (such as hearing and mental impairments). The fact that the UJC report on Nazi Victims documents the greater extent of health problems among Victims compared to non-Victims in the same age groups supports this contention.

⑨ Victims are much older than Jewish adults in general and are of lower socio-economic status. My research as part of over 30 local Jewish community studies strongly suggests that, for a variety of reasons, elderly respondents are less likely to participate in telephone surveys.

Thus, this researcher believes that a minimum of about 175,000 Nazi Victims in the U.S. is a reasonable estimate. While one can argue that the adjustment made in Line 2 of Exhibit 2 may be too liberal, it is also true that the adjustments in lines 6-9 are not quantifiable, although they all point to an underestimate.

Exhibit 3 provides data on the number of survivors in the seven American Jewish communities in which data have been collected via a question in which respondents self-define themselves as survivors (Does any adult in your household consider themselves to be a Holocaust survivor?) In these seven communities alone, four of which represent South Florida (Miami, Broward, South Palm Beach, and West Palm Beach), there are about 21,000 survivors.

CONCLUSIONS. My review of the three existing estimates presented in Exhibit 1 suggests that the DellaPergola report is the most thoroughly researched and the most complete. DellaPergola, who produces an article on the size of the world Jewish community annually in the *American Jewish Year Book* is one of the most respected Jewish demographers in the world.

The number of Nazi Victims in the U.S. that I have suggested based on NJPS is approximately equal to the number he suggests, although we arrive at this conclusion using disparate methodologies.

In the current context, I would take issue with the inclusion of 118,000 Jews of North African origin in the Israeli total and I have thus subtracted this group to arrive at an estimate of 393,000 Nazi Victims in Israel.

In the current context, I would also take issue with the European estimate in that it again includes Jews of North African origin. The bulk of European "Sephardic" Jews most likely live in France. Most of these Jews settled in France soon after the Algerian Civil War in 1962. A December 2002 study of the Jewish community in France reported in the 2002 *American Jewish Year Book* suggests that 70% of French Jewry is Sephardic. Of DellaPergola's estimate of 229,000 European Nazi Victims, 123,500 live in France. If we assume that 70% of these Victims are Sephardic, than about 86,500 of the Victims in France are of North African origin. Subtracting the 86,500 Victims of North African origin in France from the total of 229,000 European Nazi Victims yields a new estimate of 142,500 Nazi Victims in Europe. While one might argue that use of the 70% Sephardic figure may be an

overestimate, I am ignoring the presence of Sephardic Jews among Victims in all other European countries.

The reason I say that I take issue "in the current context" with the Israeli and European numbers, is that it simply seems very unlikely that North African Jews were victims of theft by Swiss entities.

Thus, I would conclude that about 18% of the 975,000 Nazi Victims who were likely to have been victims of theft by Swiss entities live in the U.S.

EXHIBIT I: VARIOUS ESTIMATES OF NAZI VICTIMS

Area	Spanic Committee 1997		United Jewish Communities (UJC) 2000		Ukeles, 2003		DellaPergola, 2003		Sheskin, 2004	
	Number	%	Number	%	Number	%	Number	%	Number	%
Israel	370,000	41.2%	NA		265,000	38.5%	511,000	46.8%	393,000	44.2%
FSU	202,000	22.5	NA		149,800	21.8	146,000	13.4	146,000	16.4
Europe	155,000	17.3	NA		125,700	18.3	229,000	21.0	142,500	16.0
United States	150,000	16.7	122,000		109,900	16.0	174,000	15.9	175,000	19.7
Rest of World	20,000	2.2	NA		37,500	5.5	32,000	2.9	32,000	3.6
Total	897,000	100	NA		687,900	100.0%	1,092,000	100.0%	888,500	100.0%

EXHIBIT 2: ADJUSTMENT TO THE 122,000 ESTIMATE IN UJC REPORT

ESTIMATION FACTORS:	Change	New Estimate
① Calculate Victims for More Jewishly-Connected Sample of 4.3 million Jews including 3,360,000 Jewish adults (instead of 4.3 million plus those in the 0.9 million who had been asked these questions because they were originally in the 4.3 million used in the UJC Report) (Note that although this is referred to as the 4.3 million sample, the survey did not estimate the characteristics of the 100,000 Jews in institutional settings.)		116,880
ADJUSTMENTS THAT CAN BE QUANTIFIED:		
② Calculate Victims for Less Jewishly-Connected Sample of 0.9 million Jews including 696,583 Jewish adults (assumes 3.57% of adults are Victims, as is the case for the 4.3 million)	24,868	141,748
③ Adjust for "Don't Know" Responses and Refusals in the more Jewishly-connected sample	3,197	144,945
④ Assume Jewish population of 5.7 million, rather than 5.2 million. Within the 5.7 million, assume 78% are adults (4,446,000 adults). Take 3.57% of the additional 403,000 adults among the 500,000 Jews missed by NJPS.	14,397	159,342
⑤ Add 5% of Victims in institutional settings (following JDC-Brookdale study in Israel) among the estimated 100,000 Jews in institutions	7,967	167,309
ADJUSTMENTS THAT CANNOT BE QUANTIFIED:		
⑥ Nazi Victims who have converted to another monotheistic faith		
⑦ Fearful to admit one is Jewish in a telephone survey		
⑧ Victims are more likely to be in the "ineligible" category.		
⑨ Victims, who are elderly and of lower socioeconomic status, are less likely to participate in a telephone survey		
Estimated Total		175,000

EXHIBIT 3
HOLOCAUST SURVIVORS AND CHILDREN OF SURVIVORS
DATA FROM LOCAL JEWISH COMMUNITY STUDIES

		Jewish Adults				Households with a Survivor or a Child of a Survivor
		Survivors		Children of Survivors		
		Percentage	Number	Percentage	Number	
Community	Year	Percentage	Number	Percentage	Number	
Broward	1997	3.5%	7,360	3.6%	7,569	7.5%
South Palm Beach	1995	4.7%	4,947	3.1%	3,263	6.4%
Miami	1994	3.4%	4,354	4.3%	5,507	8.1%
Bergen	2001	3.4%	1,777	9.0%	4,704	15.6%
West Palm Beach	1999	1.3%	1,147	1.0%	883	3.2%
Washington	2003	0.6%	1,010	6.2%	10,437	8.7%
Monmouth	1997	0.9%	455	4.4%	2,224	8.1%
Total Survivors			21,050		34,587	

Source: Jewish Community Studies by Ira M. Sheskin, Ph.D. in each Jewish community.

ECONOMIC STATUS OF VICTIMS

NJPS 2000 queried the annual household income in 1999 or 2000 of all households in the survey. According to these data, about 25% of Nazi Victims have incomes below the Federally-established poverty levels. (Note that these poverty levels vary by household size and age. For example, for one-person households age 65 and over, the Federally-established poverty level was about \$8,000 in 1999.)

The 25% figure compares to 9% of all Jewish elderly and 5% of all Jewish adults.

In addition, the data also show that almost 50% of Nazi Victims have incomes below \$15,000, showing that even in those households which are not below the poverty level, an additional 25% are living on *very modest incomes*.

Given the above estimate of 175,000 Nazi Victims in the U.S., we can estimate that about 45,000 live below the Federally-established poverty levels and an additional 40,000 live on *very modest incomes*.

It should be emphasized that these should be viewed as minimum estimates because many of the victims in categories not reach by NJPS (categories 5, 7, and 8 in Exhibit 2) are probably more likely to be of lower income.

Limited information is available on the needs of Holocaust survivors from the seven local Jewish community studies. Only in Miami is the sample size satisfactory for analysis. The analysis shows a significant level of need among the 4,354 survivors in households in Miami. Based upon the 1994 *Jewish Demographic Study of Miami* by this author:

- 1) One fourth of survivors live alone.
- 2) 76% (3,204 survivors) of survivors were age 65 and over, including 558 survivors who were age 85 and over. Less than 4% of survivors in Miami are under age 65.
- 3) 28% (1,176 survivors) of survivors had a health limitation, including 21% (882 survivors) who had a health limitation requiring supervision or assistance on a daily basis.
- 4) 51% (2,121 survivors) of households with survivors had an annual household income under \$25,000, including 21% (886 households) of households with survivors who had an income under \$10,000. (The poverty level for a single person living alone is \$8,980; for a two-person household, \$12,120). Another 20% of households with survivors had a household income between \$25,000-\$50,000. Thus, 70% of households with survivors had household income under \$50,000.
- 5) 90% of households with survivors own their home and 65% of households with survivors live in a high rise building. 52% (2,184 survivors) of households with survivors who own their home live in homes valued at \$100,000 or less. 77% (3,251 households) of households with survivors live in homes value at \$150,000 or less.