



HOLOCAUST SURVIVORS' FOUNDATION – USA

Summary of Holocaust Insurance Issue and Response to Jewish Groups' Opposition to HR 762 and S. 258 -- July 2018

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 &
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Holocaust Survivors Club of
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Holocaust Survivors of
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Houston Council of
Jewish Holocaust Survivors

The Jewish Holocaust Survivors &
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National Assn. of Jewish Child
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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

Introduction

The Holocaust Survivors' Foundation, USA (HSF) is a national coalition of elected survivor leaders representing over forty survivor groups from twenty states. One of the survivors' most pressing priorities is restoration of our rights to recover payments due under insurance policies that were purchased before World War II by our parents and grandparents from Allianz, Generali, AXA, Munich Re, Zurich, and others. Hundreds of thousands of such policies remain unpaid, with a value that is estimated to be in excess of \$24 billion today.

There is currently legislation in the House and Senate with bi-partisan co-sponsorship that would restore survivors' rights to gain access to company records and bring claims in U.S. courts. Without passage of these bills (HR 762 and S. 258), **thousands more survivors will die, many in poverty and misery**, without being able to recover their family legacies. Holocaust survivors and children and grandchildren **universally** support the legislation.

The insurance companies have spent millions of dollars lobbying against the survivors, hiring prominent Jewish lawyers and lobbyists, and enlisting the support of certain non-survivor Jewish organizations, who recently submitted a letter opposing the legislation. These groups are: the American Jewish Committee (AJC), the Anti-Defamation League (ADL), B'nai B'rith International, the World Jewish Congress (WJC), the Conference on Jewish Material Claims Against Germany, Inc. (Claims Conference), the World Jewish Restitution Organization (WJRO, a combination of the above groups), the Jewish Federations of North America, and the American Gathering. All are using false arguments to defeat our rights, and to make matters worse, many are tainted by financial ties and conflicts of interest.

The bottom line is that the organizations trying to interfere with our rights are NOT Holocaust survivor organizations, do not represent Holocaust survivors in any way, shape, or form, and they have absolutely no right to speak in the name of Holocaust survivors or the heirs of Holocaust victims. These "groups" did not survive the camps, did not see their parents literally go up in smoke in Auschwitz-Birkenau, have most if not all of their loved ones murdered, and bear the pain of surviving when everyone they loved had perished. The groups' arrogance in presuming to know "what is best" for actual Holocaust survivors is an outright disgrace. It is beyond cynical for groups who have absolutely no right to speak about our legal rights, and our family legacies, to give the false impression that they have any legitimate role in the debate over this legislation. They don't.

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A. History and Background

Before World War II, hundreds of thousands of European Jews purchased life, annuity, dowry, and education policies, as well as other forms of insurance. After the Holocaust, as survivors struggled to reconstruct their lives, the insurers shamefully demanded original policy documents and death certificates, and used other disgraceful tactics to cheat the survivors.

In 1998, Florida, New York, California and other states passed laws requiring insurers to disclose policy holder names, and allowing survivors and heirs a 10 year window of time to bring lawsuits if necessary. In response, the insurers formed the International Commission for Holocaust Era Insurance Claims (“ICHEIC”), ostensibly to handle claims on a “voluntary” basis.

ICHEIC’s failures and scandals were well-documented in major mainstream and Jewish media, including the *Economist*, *New York Times*, *Los Angeles Times*, *Baltimore Sun*, *Miami Herald*, and the *New York Jewish Week*. ICHEIC was chartered under Swiss law and headquartered in London to guarantee secrecy. It was funded and controlled by the insurers. No minutes were published, and though insurers had dozens of executives, lawyers, lobbyists, and public relations people at every meeting, *no authorized representatives of Holocaust survivors were allowed to participate*.

When ICHEIC closed in 2007, it only paid \$250 million on 14,000 policies, and issued 34,000 “humanitarian payments” of \$1000 (\$34 million). However, according to the Congressional testimony of Sidney Zabłudoff, the economist who did the study for ICHEIC, this was less than 3% of the 800,000 policies outstanding and \$17 billion owed. **In 2018, the sum owed exceeds \$24 billion.**

Unfortunately, due to the Executive Branch’s support for the insurance companies, the courts have held that *Holocaust survivors, including many U.S. veterans and combat veterans*, cannot go into U.S. courts to recover these unpaid policies. Yet the courts also acknowledged that Congress has the authority to address this problem, which is what HR 762 and S. 258 would do by restoring state disclosure laws and survivors’ and families’ rights to bring court cases, i.e. the same rights as any other American citizen.

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B. Holocaust Survivors' Refutation of Jewish Groups' Arguments.

This memorandum addresses and refutes the opposition's six major arguments, and describes their conflicts of interest as well. Their basic points are:

1. The non-survivor NGOs are "the leading Jewish organizations that advocate for justice for Holocaust survivors."
2. ICHEIC was a satisfactory process and should be the basis for resolution of all insurance claims;
3. The proposed legislation would undermine commitments made by the U.S. government that insurers who participated in ICHEIC would not have to face lawsuits;
4. The legislation is unnecessary because the insurers "will continue to honor" claims, using ICHEIC standards, through the New York State Holocaust Claims Processing Office (HCPO);
5. The legislation would "raise false hopes" among survivors and family members; and
6. Because the legislation would undermine past U.S. government agreements, its enactment would cause Germany to reduce funding for current programs for poor Holocaust survivors.

1. The NGOs' claim to be "the leading Jewish organizations to advocate for justice for Holocaust survivors."

We are appalled by the organizations' pompous diversion of the discussion about our families' insurance policies by conveying false information and invoking empty platitudes. One of these is: "Since the end of the Second World War, the Jewish Community, with the support of the U.S. government, has sought maximal restitution and compensation for confiscated Holocaust era assets." This statement is not true. The reality is that neither the U.S. government nor any Jewish organizations engaged in serious restitution efforts for many decades after the Holocaust.

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To put it differently, if these groups have done such a wonderful job “advocating” for survivors, why do half of all survivors, including those living in the U.S., live in or near poverty, unable to afford basic medical care, emergency care, medicines, dental care, nutrition, and long-term care? As Congressional hearings in 2014 showed, survivors suffer from far greater health care needs and higher poverty rates than other elderly due to the brutality of the Nazi German regime in the death camps, beatings, torture, starvation, death marches, and other depraved acts of cruelty. Yet the current system of funding for survivors’ needs controlled by the Claims Conference only provides a fraction of survivors’ known needs, and imposes impossible obstacles on survivors and their families in accessing funds causing even further pain and suffering on survivors. See Testimony of Dr. Barbara Paris, U.S. House of Representatives Foreign Affairs Committee Hearing on Holocaust Survivors’ Needs, September 18, 2014.

This was precisely the reason that the U.S. House and Senate both enacted resolutions in 2016 calling on today’s German government finally, once and for all, meet its historic moral obligations and fund ALL survivors’ needs through an accountable and transparent delivery system. These hearings and resolutions were initiated by the survivors, NOT by these groups pompously touting their role in “justice” for survivors.

We are determined not to allow the misrepresentations and morally bankrupt arguments being made by these groups to gain traction with Members of Congress. The written testimony of Holocaust survivor Renee Firestone to the Senate Judiciary Committee in June 2012 thoroughly addresses and repudiates the claims and arguments that the non-survivor Jewish NGOs are making. We are also attaching the letters that we sent to the Anti-Defamation League and the American Jewish Committee when they first surfaced a few years ago to defend the indefensible. Therefore, not only is the Jewish groups’ submission the height of condescension and treachery, it continues to advance arguments documented to be untrue.

In sum, the analysis in this letter shows that the “substance” of the NGOs’ letter is a combination of outright falsehoods, distortions, and paternalistic nonsense. Further, not only have some of the groups taken money from the insurance companies (ADL and AJC), they are all either grant recipients or board member of the Claims Conference, a disgraced organization that participated in ICHEIC and which is willing to defend ICHEIC’s horrible results at all costs.

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2. ICHEIC Was Not a Fair Forum for Holocaust Survivors.

a. ICHEIC Results Inflated. The NGOs argument is based on the “success” of ICHEIC, which it claims “allowed tens of thousands of survivors to secure compensation for policies.” This is untrue, right out of the box, and reflects the underhanded tactics by groups who claim to “advocate for justice for Holocaust survivors.” The facts are that ICHEIC paid settlements (based on highly compromised values) with claimants that constituted payment for proceeds owed for only 14,000 policies – out of 800,000 unpaid.

ICHEIC also issued 34,000 “humanitarian payments” of \$1000 each, which survivors considered insulting rejections. Yet ICHEIC and its supporters take credit for having “paid 48,000 claims” to inflate its record, as numerous survivors have explained repeatedly, including in Congressional testimony and the media.

Perhaps the most succinct summary of ICHEIC’s failures came from Yisroel Schulman, President of the New York Legal Assistance Group (NYLAG), which represented many survivors in ICHEIC: “For nine years, ICHEIC failed the very people it was created to serve.” Yisroel Schulman, “Holocaust Era Insurance Claims: Mission Not Accomplished, *New York Jewish Week*, May 4, 2007.

b. ICHEIC Failed to Publish Comprehensive List of Policy Holders. The opponents argue, and the State Department’s former Special Envoy for Holocaust Issues asserted in a Senate Judiciary Committee hearing, that the insurers successfully published all of the relevant policy holder names on ICHEIC, but it isn’t true. Germany’s list of published names came from a database with only 25% of the relevant policies, and only 20% of all Eastern European Jewish policy holder names were published. Italy’s Generali, one of the most culpable insurers, took five years to publish a fraction of its policy holder names, and failed to publish *any* names from over 80 subsidiaries and affiliates, as Mr. Zabłudoff attested.

The Washington State Insurance Commissioner, an ICHEIC participant, wrote at the conclusion of the process: “By failing and/or refusing to provide potential claimants with the information they often needed to file initial claims, the companies succeeded in limiting the number of claims and their resultant potential liability.”

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c. ICHEIC Did Not Apply Relaxed Standards of Proof. The Jewish groups' argument that ICHEIC applied "relaxed standards of proof" is also not accurate. Generali, for example, was allowed to deny paying on policies it admittedly sold by saying the policies were paid or lapsed -- without providing documentation of these transactions. Instead of requiring Generali to prove its defenses, *ICHEIC placed the burden on survivors to prove the policies were still in force.* This of course was an impossible task after Auschwitz. Conversely, of course, the insurers and reinsurers have always had control of their records. For ICHEIC to impose the burden in these cases on Holocaust survivors was absurd.

After ICHEIC closed in 2007, former New York State Insurance Superintendent Albert Lewis revealed that he and other ICHEIC arbitrators were pressured to rule *against* survivors even when they had credible claims, if the *survivors* could not produce documentary proof to support their position. Stewart Ain, "'Phantom Rule' May Have Limited Holocaust-Era Awards to Claimants," *The New York Jewish Week*, June 29, 2007.

d. ICHEIC Ignored A Congressional Mandate To Disclose Claims Information. In 2003, after several hearings in which survivors exposed these and other problems, Congress mandated that ICHEIC provide information on companies' claims practices and results. *See, e.g.,* Joseph B. Treaster, "Holocaust Insurance Effort Is Costing More Than It Wins," *The New York Times*, September 16, 2003. Outrageously, *ICHEIC refused to comply with this Congressional mandate every single year, and has never complied to this day.* As the State Department reported:

The Department requested additional information from ICHEIC in an effort to meet the reporting requirements of Section 704(a)(3)-(7). ICHEIC Chairman Lawrence Eagleburger responded that he would not provide the Department of State any information regarding ICHEIC's undertakings.

e. ICHEIC Records Destroyed Over Regulator's Objections. When ICHEIC closed in 2007, CEO Mara Rudman -- over the objection of at least one state regulator -- ordered the destruction of certain ICHEIC records, and sealed others for 50 years.

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f. ICHEIC's CEO Became a Paid Lobbyist for the Insurance Industry.
When ICHEIC closed, CEO Rudman became a *paid lobbyist* for the insurance industry to oppose legislation sponsored by Representatives Tom Lantos, Ileana Ros-Lehtinen, Robert Wexler, and others, to guarantee survivors' rights.

2. Insurers Were Never Promised Immunity From Litigation.

The NGOs are also incorrect to say insurers were promised immunity by the U.S. government or anyone else if they participated in ICHEIC. To the contrary, the companies understood that claimants did **not** waive their legal rights by filing a claim, but only if they accepted a payment for a policy (not a \$1000 humanitarian payment). This is clear from the ICHEIC minutes, which state: "Mr. Levin [the New York State Superintendent of Insurance] said that it had never been intended that, once a claimant had entered the process, he would have to forego any other available remedy. . . ."

The U.S. government never promised the insurers immunity, which the all relevant agreements confirm. The Clinton Administration filed court papers in 2000 which reiterated that its agreement with Germany "does not preclude individuals from filing suit on their insurance policies in court" and does not "mandate that individual policyholders or beneficiaries bring their claims in ICHEIC." Amicus Brief of United States of America in *Gerling v. Keslo*, in the Ninth Circuit Court of Appeals, at 9; Letters from Assistant Attorney General Robert Rabin to Congressman Henry Waxman, et. al. September 11, 2000.

Even the Jewish group leaders such as Claims Conference Chairman Julius Berman and Chief Negotiator Stuart Eizenstat have admitted that the U.S. government *never* promised the insurers immunity from litigation. Stewart Ain, "Survivors Split Over Suits," *The New York Jewish Week*, June 21, 2011.

HR 762 and S. 258 are needed because the courts gave the insurers immunity based on misrepresentations to the courts by the State and Justice Departments. Internal memos produced to survivors under the Freedom of Information Act (FOIA) admit that "there is considerable tension between the position that foreign policy requires dismissal of an action and the express recognition in the Foundation Agreement that the agreement does not itself provide an independent basis for dismissal. . . ." DOJ demanded these memos be returned after Congressman Adam Schiff and HSF counsel Sam Dubbin cited them in a Congressional hearing. See Amy Biegelson, DOJ Releases, Then Tries To Reel Back FOIA Information in Holocaust Case, *The Center for Public Integrity*, October 12, 2010.

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3. Survivors Are Entitled To Full And Equal Rights, Not Half-Measures

The opponents' preposterous suggestion to deny survivors full and equal rights and rely instead on the New York Holocaust Claims Processing Office is plain nonsense. Their letter states: "the relevant insurance companies continue to accept and process claims according to ICHEIC processing and valuation guidelines and the New York State Holocaust Claims Processing Office *continues to be successful* in helping claimants (from any part of the world) who missed the ICHEIC deadline achieve compensation for their Holocaust era policies."

Here are the facts. The same thing happened in 2007, after the Foreign Affairs Committee under Chairman Tom Lantos unanimously passed a bill similar to HR 762/S.258. Then, Stuart Eizenstat and State Department officials made the same argument and led Rep. Barney Frank to scuttle the bill. In the four-plus years that followed, the New York HCPO succeeded in recovering a grand total of 6 policies, worth only \$70,000 according to its 2011 annual report on its website. **That was \$70 thousand out of \$20 billion (at the time) remaining unpaid.** Claimants who have contacted that office have been ignored and patronized. No new data on the Office's "successful" efforts have been published. Would Congress possibly again shrink from its responsibility to Holocaust survivors based on empty promises of "voluntary" cooperation?

4. Holocaust Survivors Can Decide What We Want For Ourselves.

Survivors reject the opponents' patronizing argument that the legislation would "raise false hopes." Annette Lantos, the widow of Congressman Tom Lantos and a Holocaust survivor, ridiculed this idea in a 2012 op-ed in *Politico*:

Our concern should not be to ensure "legal peace" or "closure" for the behemoth German, Italian, Swiss, and French insurance companies such as Allianz, Munich Re, Assicurazioni Generali, Zurich, Swiss Re, and AXA, that have refused to honor billions of dollars of unpaid Jewish policies. They are not deserving of our sympathy.

It is closure and justice for their victims that should be our goal. Neither should any Jewish groups, like the Anti Defamation League, American Jewish Committee, B'nai B'rith, the Claims Conference, and the World Jewish Congress, paternalistically tell these survivors that vindication of their legal rights will likely be

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too daunting and difficult. Holocaust survivors should have the same rights as any other U.S. citizen to decide for themselves.

My husband spent his congressional career fighting for the rights of victims of injustice. He knew too well what it meant for human beings to have their rights stripped away by arbitrary government acts and he fought against such indignities throughout his public life.

That is why – if he were still alive - he would be leading the charge to protect the rights of Holocaust survivors and their families.

Annette Lantos, “Justice for Holocaust Survivors,” *Politico*, June 20, 2012. Mrs. Lantos’s point of view is supported by other important articles, op-eds, and Congressional testimony of Holocaust survivors Si Frumkin, David Mermelstein, Renee Firestone, Herbert Karliner, Izzy Arbeiter, Leo Rechter, Jack Rubin, Alex Moskovic, and David Schaecter over the past decade. These are all available at www.hsf-usa.org.

5. It Is Incorrect And Immoral To Deny Survivors The Right To Enforce Insurance Contracts To Induce Germany To Provide Assistance For Indigent Survivors.

The opponents also say – without a shred of evidence -- that passage of legislation will harm other “voluntary” assistance provided by Germany for indigent survivors. This argument is outrageous in principle and incorrect as a matter of fact.

First, the German Ambassador to the U.S. has repeatedly said that Germany would *not* retaliate by reducing funding for indigent survivors if insurance legislation becomes law, and acknowledged Germany’s moral responsibility to help survivors.

More importantly, it is contemptible for anyone to say that Holocaust survivors should have to give up our legal rights to enforce *private contracts* to induce *Germany* to provide funding for the needs of impoverished survivors. One thing has nothing to do with the other -- insurance companies should pay their debts and survivors and heirs should be able to sue them if they breach their contracts. At the same time, Germany, which destroyed millions of Jewish families’ lives, has an independent moral obligation to ensure that all Holocaust survivors have dignity in their last years.

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Clubs in South Florida

Council of Nazi Holocaust Survivor
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Holocaust Child Survivors &
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Tikvah Acharay Hashoah,
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The data clearly show that Germany has failed to live up to this ideal. In the United States, half of all survivors – more than 30,000 today – either live below the poverty line (25%) or have incomes so low they are considered “poor” given the cost of living in their communities. Tens of thousands of survivors in this country cannot meet basic home and health care needs, or pay for medicines, dentures, eyeglasses, hearing aids, or walkers, or receive transportation to the doctor. Germany’s failure to meet its moral obligation to survivors certainly does not justify allowing Allianz, Generali, AXA, and other global insurers to avoid their private legal debts to Holocaust survivors.

6. The Jewish Groups Are Compromised By Conflicts of Interest.

It is also relevant that the Claims Conference, AJC, ADL, and other organizations that receive Claims Conference funds have clear conflicts of interest due to their involvement with ICHEIC and receipt of money from the insurers.

ADL took money from Generali when the insurance issue first became public, and then held a dinner in honor of Generali’s president despite common knowledge that the company handed customer files over to Nazi and Axis authorities, failed to pay tens of thousands of Holocaust victims’ policies after the war, concealed information from Holocaust survivors, and pocketed billions of dollars in Holocaust profits. Generali then hired a prominent Jewish lawyer, ADL’s former President, Ken Bialkin, and ADL’s former lobbyist Harry Wall, to defend the company against survivors’ claims.

AJC is also tainted by its receipt of money from Allianz for current programs. Allianz was closely allied with the Nazi Reich. It insured Auschwitz and other death camps while selling policies to European Jews and turning over customer files to the Nazis. In 1933, Allianz chairman Kurt Schmitt was an early Nazi party member and became Hitler’s Minister of Economics. Although Allianz refused to honor \$2 billion worth of unpaid Jewish policies, it was prepared to pay \$300 million for naming rights to the NY Jets/Giants Meadowlands stadium in 2008 until its history was exposed and the public demanded the deal be scotched. However, unlike the good people of New York and New Jersey, the AJC is perfectly happy to take money from Allianz – survivors’ money – to pay for trips by “young American professionals” to Germany.

“JUSTICE AND DIGNITY FOR SURVIVORS”



HOLOCAUST SURVIVORS' FOUNDATION – USA

Holocaust Survivors' Foundation USA
Response to Jewish Groups on Insurance Legislation
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These concerns and others, including the corrupting influence of Claims Conference money, are spelled out in correspondence from the Holocaust Survivors Foundation USA to members of Congress, and to the ADL and AJC themselves, sent in the fall of 2011.

The words of survivor Renee Firestone from her Senate Judiciary testimony in 2012 are equally true today, except that thousands of survivors have passed away, many in poverty, waiting for our government to respect their basic rights and dignity. Please don't delay any longer.

These insurance policies were sold to our families and we have every right to decide for ourselves how to enforce our contractual rights. We survived in spite of the abandonment of European Jews by the State Department and the so-called Jewish "defense" organizations supporting the insurance companies. Many survivors even served in the U.S. military after moving here and in the Korean and Vietnam Wars. It is long past time for Congress finally to pass legislation to restore our basic rights as American citizens.

SIGNED BY THE EXECUTIVE COMMITTEE OF THE HOLOCAUST SURVIVORS' FOUNDATION USA:

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

"JUSTICE AND DIGNITY FOR SURVIVORS"



HOLOCAUST SURVIVORS' FOUNDATION – USA

November 30, 2011

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Tikvah Acharay Hashoah,
San Francisco

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

Dear Mr. Harris:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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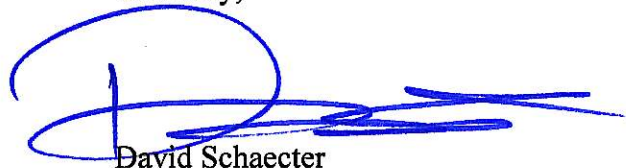
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San Francisco

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

Sincerely,



David Schaefer

JOINED BY HSF EXECUTIVE COMMITTEE:

Israel Arbeiter, Boston MA
Dena Axelrod, Ft. Lauderdale, FL
Renee Firestone, Los Angeles, CA
Sello Fisch, Bronx NY
Ella Frumkin, Los Angeles, CA
Nesse Godin, Washington D.C.
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San Francisco

Abe Foxman, President
Anti Defamation League
823 United Nations Plaza
New York City, NY 10017
212 697-0109 (Fax Number)

Dear Mr. Foxman:

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

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

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

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

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

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

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

Second, it is deeply troubling for ADL to argue that restoring survivors' rights as American citizens would threaten funding from Germany to assist

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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 &
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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

indigent survivors. The German Embassy has repeatedly denied any such linkage in statements to individual members of Congress, and the Ambassador himself wrote in a letter to the HSF that Germany would not reduce funding for indigent survivors if insurance legislation were enacted.

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

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

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

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

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insurance companies who stole from us. We have every right – and certainly the ability – to make those decisions for ourselves. We survived hell on earth, and lost everything dear to us, while ADL and others of your ilk failed to rally the moral compass of the world in defense of Jewish innocents. How dare you patronize us about “raising false hopes?”

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

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

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

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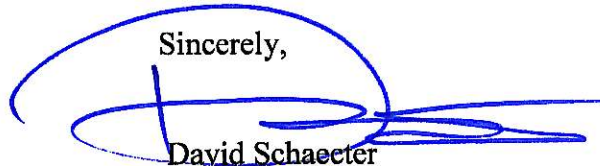
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As noted above, we believe the time has come for ADL and its sister organizations to inform the sponsors of HR 890 and S. 466 that they have changed their position and now support passage of a robust law to enable survivors to recover their families'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

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

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

Sincerely,



David Schaefer

JOINED BY HSF EXECUTIVE COMMITTEE:

Israel Arbeiter, Boston MA
Dena Axelrod, Ft. Lauderdale, FL
Renee Firestone, Los Angeles, CA
Sello Fisch, Bronx NY
Ella Frumkin, Los Angeles, CA
Nesse Godin, Washington D.C.
Louise Lawrence-Israels, Washington D.C.
Herbert Karliner, Miami Beach, FL
Annette Lantos, Washington, D.C.
David Mermelstein, Miami FL
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