

Exhibit B: Holocaust Photos



Photo 1: Prosthetics Lined Up Against a Wall at Auschwitz
Credit: Panstwowe Muzeum at Auschwitz-Birkenau



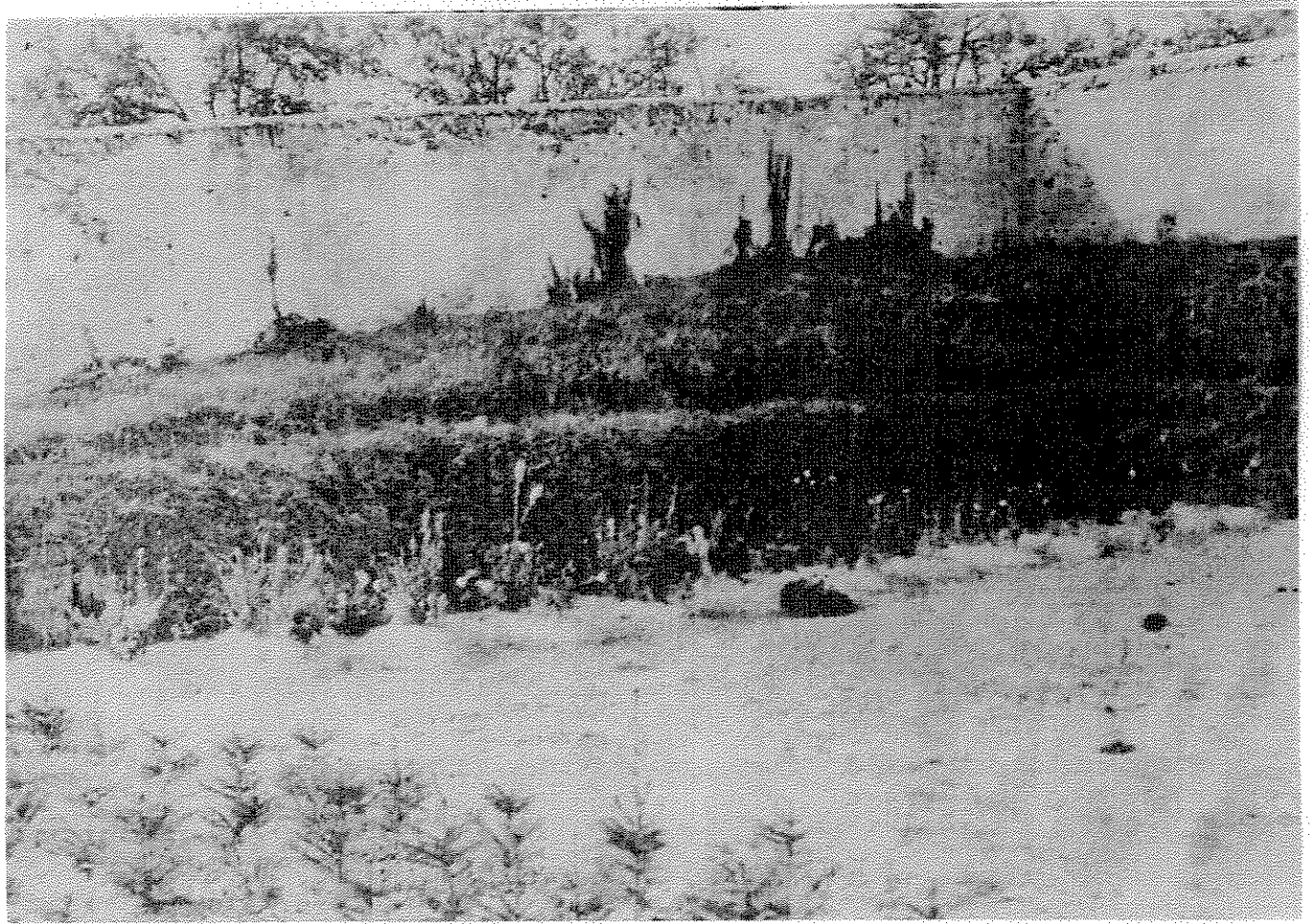
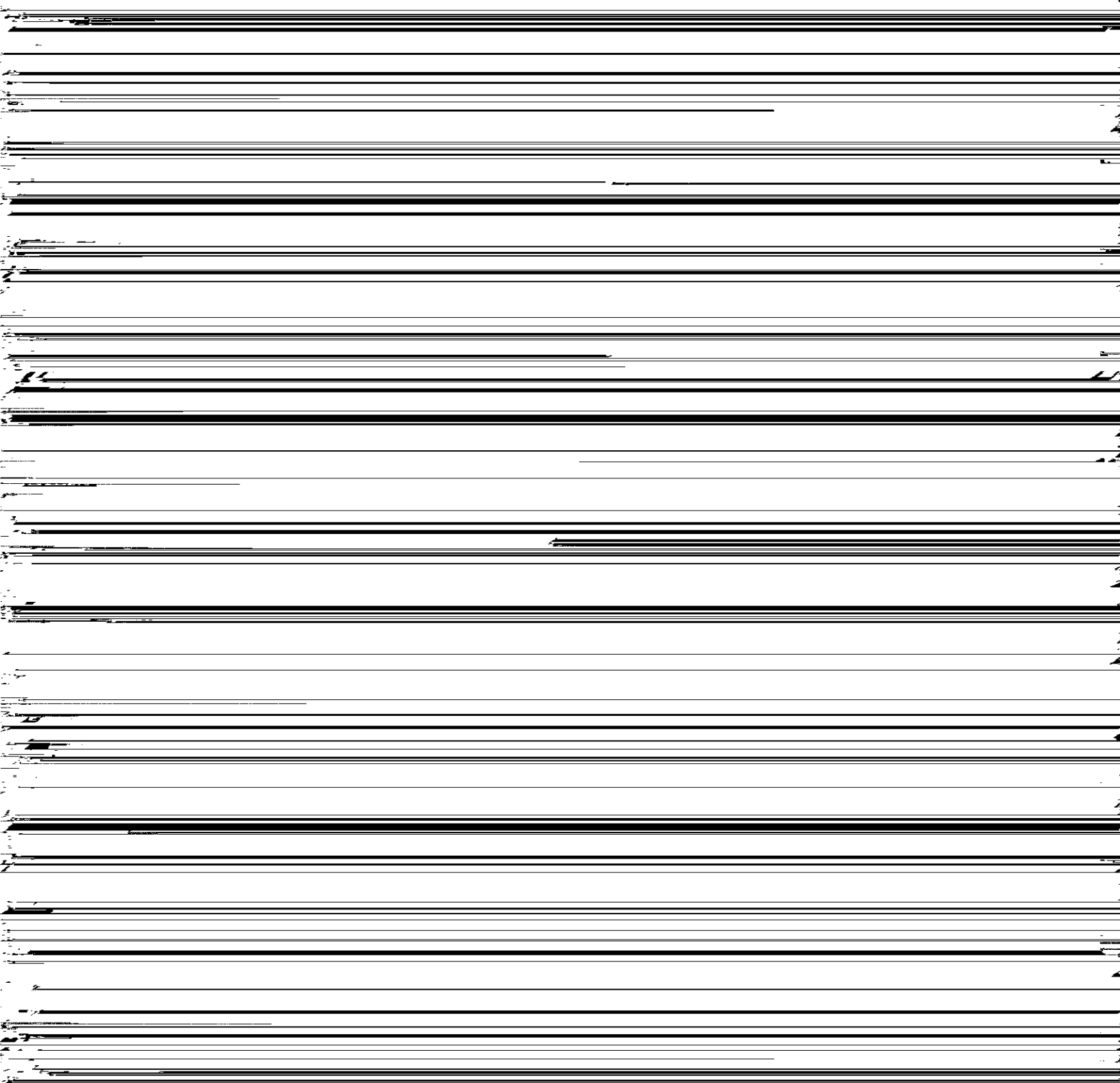
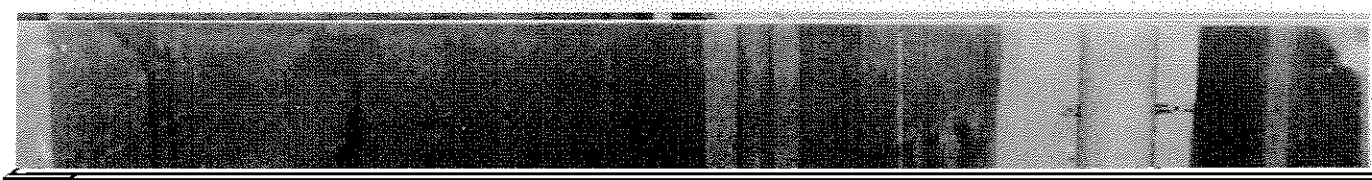


Photo 3: Hadamar Killing Center – Children's Cemetary
Credit: United States Holocaust Memorial Museum (USHMM)



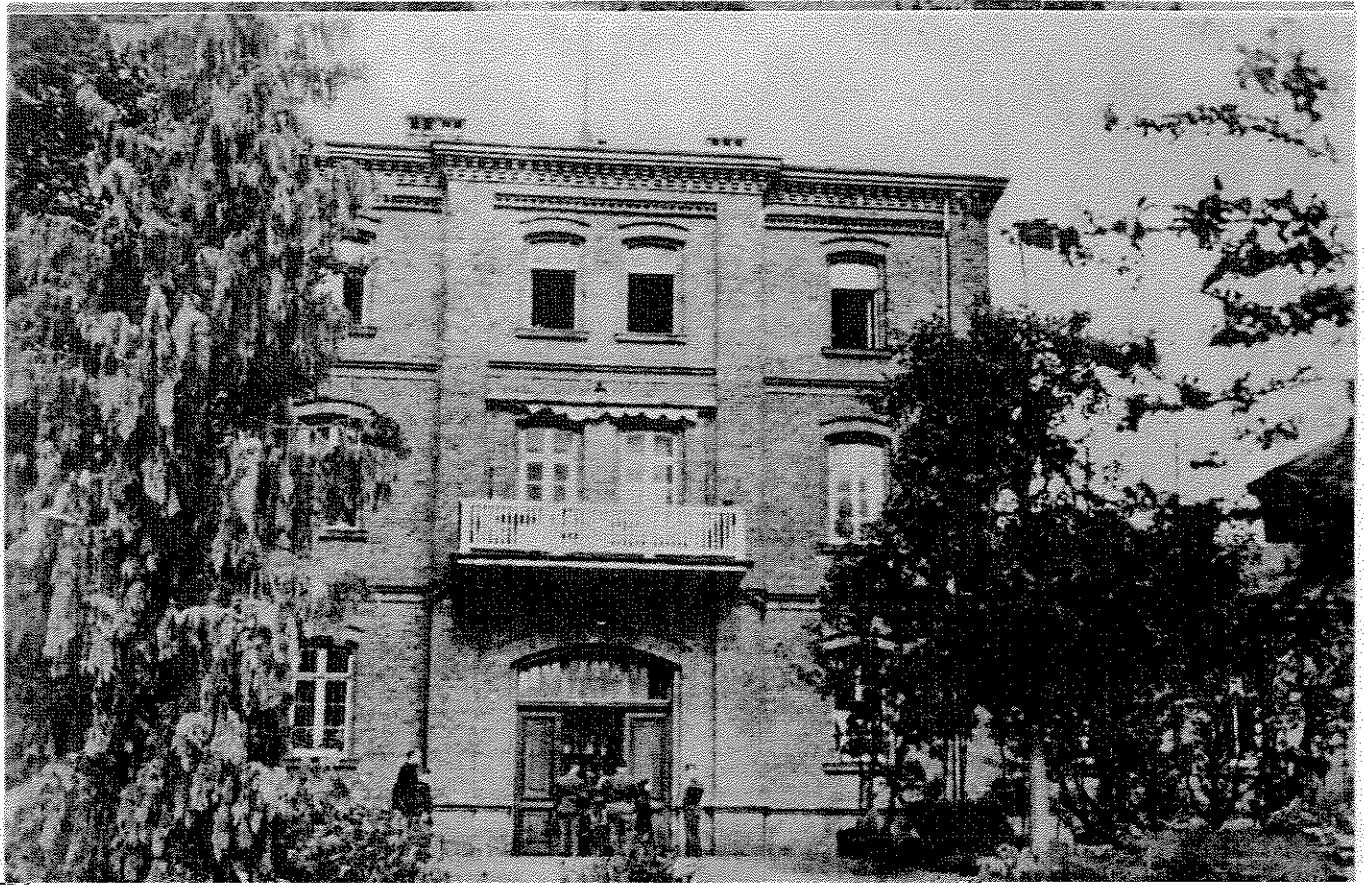




Photo 6: Karl Brandt
Credit: USHMM, courtesy of Hedwig Wachenheimer Epstein

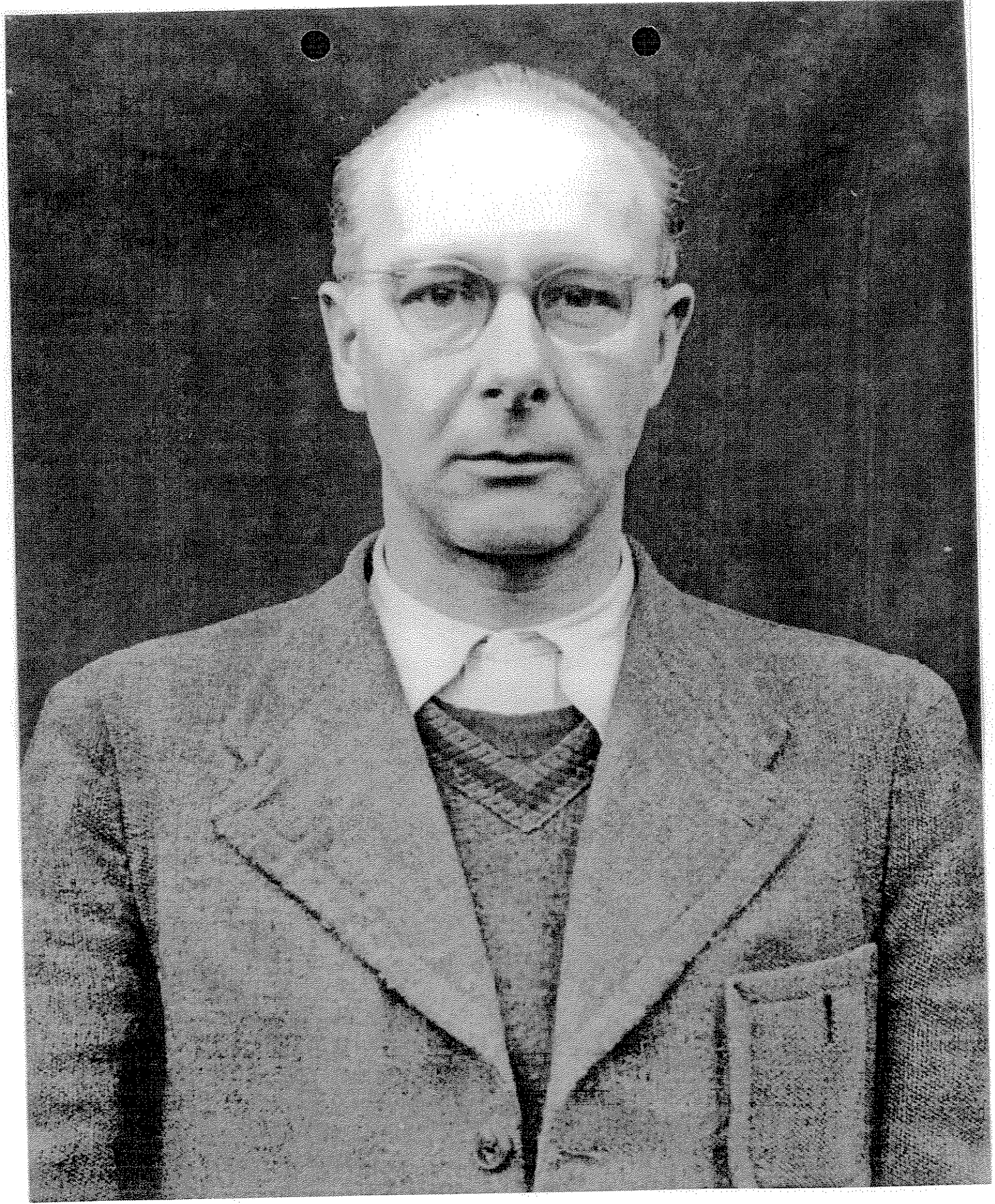


Photo 7: Viktor Brack
Credit: USHMM, courtesy of Hedwig Wachenheimer Epstein



Foto: Konr. Mueggling

Chef der Kanzlei des Führers Reichsleiter Philipp Bouhler

Der Mann, der seit vielen Jahren verantwortungsvolle Arbeit in der Bewegung leistet, ist in der breiten Öffentlichkeit wenig bekannt. Seit September 1932 zweiter Geschäftsführer der NSDAP, war er nach Neugründung der Partei deren Reichgeschäftsführer bis zum Herbst 1934. Das Vertrauen des Führers zu diesem einen seiner treuesten und bescheidensten Mithämpfer berief Bouhler im Oktober 1934 als Chef der Kanzlei des Führers in die unmittelbare Nähe Adolf Hitlers. Er bearbeitet als solcher alle Parteiangelegenheiten, die an den Führer direkt herangetragen werden. Reichsleiter Bouhler ist gleichzeitig Vorsitzender der Parteiämlichen Prüfungskommission zum Schutze des NS-Schrifttums.

Geburtsdag 11. September 1897

SEPTEMBER

10 Tage

10

Sonntag

11

Montag

.....

.....



> > >Special Master/Distribution
In re Holocaust victim Assets Litigation
Notice administrator
PO Box 8039
San Francisco CA 94128-8039
U.S.A.

Brussels, 20 October 2000
Ref : 315-00-YV-ST-va

Dear Noticer Administrator,

The European Disability Forum (EDF) is a European umbrella organisation with 70 European NGOs and 17 National Councils from all of the EU as member. EDF represents the interests of 37 million disabled citizens in the EU. Our mission is to advance disabled people's human rights and promote equal opportunities in the EU Institutions and Member States in accordance with principles of non-discrimination.

As President of the European Disability Forum, I fully support Disability Rights Advocates in the US and request that the Court increase the amount allocated for people with disabilities to 1% of the total settlement amount, or \$12,5 million, and direct the majority of the money be used to create a Disability Fund that will support advocacy oriented projects to improve the lives of people with disabilities.

EDF stresses the importance of this request as it is based on the numerous physical and psychological barriers disabled people have had to face and still currently face to make their voice heard in the cause of Holocaust cases and through the Notice Plan. Please find below some arguments justifying these barriers.

Relief to people with disabilities as a class is just because people with disabilities received inadequate notice of the lawsuit and the settlement. Despite the settlement's specific designation of people with disabilities as one of four Holocaust victim groups, the Notice Plan made no specific provisions to publish notice in even one disability publication, or work with even one disability organisation, or provide notice in any alternative format (such as large print or braille), or use any assistive technology whatsoever for disabled people, such as accessible computers or telecommunications devices for deaf.



Certain unique characteristics of the group of people with disabilities make it particularly appropriate to provide class relief to this category of victims. These include the lack of notice directed towards this group and the fact that this group tends to be difficult to reach, and lack the organisational structure of other survivor groups. As a group that are far less likely to make claims, to have survived to be in a position to make claims. Consequently, they will likely be extremely under-represented among individual claimants.

People with disabilities continue to face widespread discrimination today, resulting in the institutionalisation and segregation of disabled people, their isolation from traditional means of communication and dissemination of information, and absence of resources of their representative organisations.

So, in the light of the above mentioned arguments, we commit ourselves that any funds allocated to disabled people, via disability oriented, non-profit, non-governmental organisations, will be used for the purpose of advancement of the civil and human rights of disabled people. This type of funding will have the greatest impact on the lives of people with disabilities.

Yours sincerely,

Yannis Vardakastanis
EDF President

October 26, 2000

Special Master/Distribution
In re Holocaust Victim Assets Litigation
Notice Administrator
P.O. Box 8039
San Francisco, CA 94128-8039

Re: Case No. CV 96-4849 ERK, MDG (E.D. N.Y.)

Dear Special Master,

The California Foundation for Independent Living Centers (CFILC) is writing to express its concern with the proposed distribution of distribution of Holocaust Victims Assets as it relates to people with disabilities.

CFILC is an association of 25 disability civil rights and empowerment services organizations scattered throughout California.

We serve 30,000 to 40,000 annually through direct services and work with thousands more on advocacy projects that promote inclusion, access and civil rights.

The proposed distribution of \$10,000,000 to all non-Jewish victims of the Holocaust and the stipulation that it be used for humanitarian purposes will not serve people with disabilities. By the very nature of having a disability in Nazi Germany it is unlikely that many victims are still alive or even had the opportunity to have heirs to benefit from this distribution.

A far more just remedy would be to set aside 1% of the total settlement amount (\$12.5 million) and dedicate it to eradicating prejudice against people with disabilities. By doing this the settlement can work to ensure that this class of people are not persecuted again but allowed to live with dignity and the civil rights that all human beings should have.


California
Foundation
for Independent
Living Centers

660 J Street, Suite 270
Sacramento, CA 95814-2413
(916) 325-1690
TDD (916) 325-1695
Fax (916) 325-1699

- Adult Independence Development Center - Santa Clara
- Center for Independence of the Disabled - Belmont
- Center for Independent Living - Berkeley
- Center for Independent Living - Fresno
- Central Coast Center for Independent Living - Salinas
- Community Rehabilitation Services - Los Angeles
- Community Resources for Independence - Santa Rosa
- Community Resources for Independent Living - Hayward
- Dayla McIntosh Center for the Disabled - Anaheim
- Disability Resource Agency for Independent Living - Modesto
- Disabled Resources Center - Long Beach
- FREED - Grass Valley
- Humbolt Access Project - Eureka
- Independent Living Center of Kern County - Bakersfield
- Independent Living Resource - Martinez
- Independent Living Resource Center - San Francisco
- Independent Living Resource Center - Santa Barbara
- Marin Center for Independent Living - San Rafael
- Placer Independent Resource Services - Auburn
- Service Center for Independent Living - San Gabriel / Pomona Valley
- Southern California Rehabilitation Services - Downey
- The Access Center of San Diego - San Diego
- Westside Center for Independent Living - Los Angeles

In the end, isn't part of the "solution" to the Holocaust to create a world where everyone is valued, regardless of whatever is "different" about him or her? This is systemic change on a large scale and will need a large-scale series of activities to occur. Please let that be the legacy of the many people with disabilities who, even today, are being discriminated against just like those in Nazi Germany.

Sincerely,


Patricia Yeager
Executive Director

CC: Shawna Parks
Disability Holocaust Project Coordinator

Legal Advocacy for the Defense of people with Disabilities

1-32-2 Minamidaira, Hino-shi, Tokyo 191-0041 JAPAN

Phone +81-42-592-2025, Fax +81-42-592-2038

October 27, 2000

Re : Holocaust Victims Assets.

Case No. CV 96-4849 ERK, MDG (E. D. N. Y.)

We LADD (Legal Advocacy for the Defense of People with Disabilities) is a non-profit organization working to establish Civil Rights for people with disabilities in Japan and the world.

We have had very deep concern on the Swiss Banks Holocaust cases. Our current biggest concern on this issue is a fair distribution of the settlement. However, we feel that the proposed distribution is not sufficient for people with disabilities.

We would like to emphasize our requests here to :

(1) Increase the amount allocated for people with disabilities to 1% of the total settlement amount, or \$12.5 million, and

(2) Direct that the majority of the money be used to create a Disability Fund that will support advocacy oriented projects to improve the lives of people with disabilities.

We hope you will consider our request prudently.

Sincerely,



Yoshi KAWAUCHI
Representative

Special Master/Distribution
In re Holocaust Victim Assets Litigation
Notice Administrator
P.O. Box 8039
San Francisco, CA 94128-8039
USA

October 11, 2000

Holocaust Victims Assets-Case No. CV 96-4849 ERK, MDG (E.D. N.Y.)

Dear Madam, dear Sir,

The German Council of Centers for Self-Determined Living of Disabled People - ISL e.V. - is happy to hear that the above mentioned case is close to a settlement so that the victims of the Holocaust finally can get some justice and compensation for their sufferings. As far as we are informed the court plans to suggest a settlement besides the individual compensation for non-Jewish victims like people with disabilities. We would like to comment on this issue and would appreciate it, if our statement can be considered in the hearings and in the final decision.

We from the German Council of Centers for Self-Determined Living of Disabled People know from our members and feel strongly that disabled people have been a main group which was mistreated and killed to the hundreds of thousands by the Nazi-regime. While this is undisputed, there has been little consideration to this fact regarding compensation and public consideration for this matter. Even more, disabled people were continuously discriminated with social segregation, institutionalisation and with little information about their rights in Germany and other parts of the world. As far as we know, there has been no special notice in any publication of disability organisations regarding this and other cases and the settlement, so that many disabled people had hardly any chance to react to it and make their claims. Furthermore we have heard that the Notice Plan doesn't include any cooperation with a disability organisation in order to reach this group so that no notice in alternative format or usable by assistive devices for people with visually impairments and blindness was given. As far as we know, there were no information given in sign language for deaf people, rather than in easy to read versions for people with mental disabilities.

Since the group of disabled people in general tends to be isolated from important developments in society and the relevant information in general because of institutionalisation, smaller social networks and a lack of adequate education, the chances for individuals with disabilities were quite

low, to hear about the chances for compensation especially considering the missing special outreach to this group. Therefore we feel that it is very important that the court takes a strong position towards the compensation of disabled people as a group in order to prevent this group again from being overlooked and disadvantaged because of missing information and outreach. Therefore we are proposing that 1 % of the total compensation should go towards projects, which clearly support the human and civil rights and independent living of disabled people. Based on our experiences in this area such projects have a cross-disability approach and should advocate for social change, so that finally disabled people get more chances to strengthen their position in society, to help victims to connect with survivor groups and to claim the civil rights for disabled people in order to make sure, that the Holocaust can't be repeated in the future.

Hoping that you can consider our statement for your decision and wishing the court good luck in it's final decision, I send you my best regards.

Sincerely

Martina Puschke
Director

ISL e.V.
Kölnische Str. 99
D-34119 Kassel - Germany
Tel. +49 561/72885-46
fax: +49 561/72885-58
E-Mail: OMilesPaul@aol.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIMS ASSETS;
WEISSHAUS, et al.

Plaintiffs,

v.

UNION BANK OF SWITZERLAND, et al.

Defendants.

CASE NO. CV 96 4849

**DECLARATION OF OTTMAR
MILES-PAUL IN SUPPORT OF
MOTION FOR *CY PRES* AWARD
OF ALLOCATION FROM
SETTLEMENT FUND FOR THE
CLASS OF "PEOPLE WHO ARE
PHYSICALLY OR MENTALLY
DISABLED OR HANDICAPPED"**

Court: Honorable Edward Korman
Special Master Judah Gribetz

I, Ottmar Miles-Paul, declare:

1. This declaration is based upon my personal knowledge. If called upon to testify, I could and would testify completely to the facts of this declaration.
2. I am the Public Relations Officer of the NETZWERK ARTIKEL 3.
3. The NETZWERK ARTIKEL 3 is an organization run by and for people with disabilities. We seek to improve the situation and the equality for disabled people. Our ultimate mission is to gain equal rights for disabled people.
4. The NETZWERK ARTIKEL 3 recognizes that discrimination knows no boundaries. We cooperate for example closely with the Civil Rights Office for Disabled People in Hungary and am active to improve equal rights on the European Union level. Disabled people in Europe still face discrimination in many areas of life and get only slowly equal rights legislation.
5. Our organization has not worked on the persecution of people with disabilities during the Holocaust, either in terms of research or advocacy.

6. Our organization has not worked with or been associated with survivors of the Nazi regime who were persecuted on the basis of their disability. No such survivor has contacted our office. Of our contacts in the European disabled community, no one has expressed knowledge of any survivors nor any knowledge of where these survivors might be located.
7. Our organization is also not a part of any network of these survivors or organizations who represent them, and I am not aware of the existence of any such network.
8. Because of the social welfare approach there is a lot of help for disabled people, but often in a very paternalistic and exclusive way. So, we have a lot of things for disabled people but the equal rights approach and the right to self-representation is fairly low. Even though things have changed in the last ten years and disabled people themselves are more visible in society there are many problems how society sees disabled people and the attitudes are changing only slowly. There is still a long way to go in many respects. We are currently working on the passage of an equal rights law on the federal level. Only in one State – Berlin – we passed a equal rights law two years ago and it shows slowly positive effects.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9 day of August, 2001 at Kassel, Germany.

Ottmar Miles-Paul

Ottmar Miles-Paul

Public Relations Officer , NETZWERK ARTIKEL 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIMS ASSETS;
WEISSHAUS, et al.

CASE NO. CV96 4849

Plaintiffs,

v.

UNION BANK OF SWITZERLAND, et al.

Defendants.

**DECLARATION OF SUSAN
HENDERSON IN SUPPORT OF
MOTION FOR *CY PRES* AWARD
OF ALLOCATION FROM
SETTLEMENT FUND FOR THE
CLASS OF "PEOPLE WHO ARE
PHYSICALLY OR MENTALLY
DISABLED OR HANDICAPPED"**

Court: Honorable Edward Korman
Special Master Judah Gribetz

I, SUSAN R. HENDERSON, declare:

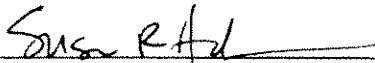
1. This declaration is based upon my personal knowledge. If called upon to testify, I could and would testify competently to the facts in this declaration. I am the Director of Administration at Disability Rights Education and Defense Fund, Inc. (DREDF).
2. DREDF is an organization run by and for people with disabilities. DREDF is a US-based national law and policy center dedicated to protecting and advancing the civil rights of people with disabilities through legislation, litigation, advocacy, technical assistance, and education and training of attorneys, advocates, persons with disabilities, and parents of children with disabilities. While our early work focused on achieving law reforms in the United States, for the past decade we have also worked with groups of people with disabilities and parents of children with disabilities in seventeen countries who are

striving to enact or enforce disability rights laws and policies. We have also worked collaboratively with US-based organizations of people with disabilities whose mission is to empower people with disabilities globally. These activities have helped us understand the challenges to equal citizenship people with disabilities face internationally, and the role we can play to support their work.

3. Our organization has not worked on the issue of the persecution of people with disabilities during the Holocaust, either in terms of research or advocacy.
4. Our organization has not worked with survivors of the Nazi regime who were persecuted on the basis of their disability. I am not aware of disabled Holocaust survivors who have contacted our office. We have not made attempts to search for these survivors and have no knowledge regarding where such survivors might be located.
5. Our organization is not a part of any network of survivors persecuted on the basis of disability or organizations who represent them, and I am not aware of the existence of such a network.
6. I acknowledge that there is a great need for funding for projects to advance the human and civil rights of people with disabilities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 21 day of August, 2001, at Berkeley, California.



Susan R. Henderson
Director of Administration, DREDF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIMS ASSETS;
WEISSHAUS, et al.

Plaintiffs,

v.

UNION BANK OF SWITZERLAND, et al.

Defendants.

CASE NO. CV 96 4849

**DECLARATION OF YANNIS
VARDAKASTANIS IN SUPPORT
OF MOTION FOR *CY PRES*
AWARD OF ALLOCATION FROM
SETTLEMENT FUND FOR THE
CLASS OF "PEOPLE WHO ARE
PHYSICALLY OR MENTALLY
DISABLED OR HANDICAPPED"**

Court: Honorable Edward Korman
Special Master Judah Gribetz

I, Yannis Vardakastanis, declare:

1. This declaration is based upon my personal knowledge. If called upon to testify, I could and would testify competently to the facts in this declaration.
2. I am President of the European Disability Forum. The European Disability Forum is an organization run by and for people with disabilities. The European Disability Forum is an international non-profit organisation based in Brussels. It was set up in 1996 by organisations of disabled people and their families to defend issues of common concern to all disability groups, and to be an independent and strong voice for disabled people towards the EU. EDF represents more than 37 million disabled people in the European Union, a number that we will see increased with the accession of the applicant countries to the EU.
3. Our mission is to promote equal opportunities and non-discrimination of disabled people and to guarantee and protect their fundamental human rights by means of active involvement in policy development and campaigns on disability rights at the EU level
4. The Council of Europe has granted consultative status to EDF. Also, EDF has established similar contacts with the International Labour Organisation (ILO), the World Health Organisation (WHO) and the Economic and Social Council of the United Nations (UN).
5. Our organization has not worked on the issue of the persecution of people with disabilities during the Holocaust, either in terms of research or advocacy.
6. Our organization has not worked with or been associated with survivors of the Nazi regime who were persecuted on the basis of their disability. I am not aware of any such survivor who has contacted our office. We have not made any attempt to search for these

survivors and have no knowledge regarding where such survivors might be located.

7. Our organization is not a part of any network of survivors persecuted on the basis of disability or organizations who represent them, and I am not aware of the existence of any such network.

8. I acknowledge that there is a great need for funding for projects to advance the human and civil rights of people with disabilities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this Tuesday of 28 August, 2001, at Brussels (Belgium).

/s/ Yannis Vardakastanis

Yannis Vardakastanis
EDF President

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIMS ASSETS;
WEISSHAUS, et al.

Plaintiffs,

v.

UNION BANK OF SWITZERLAND, et al.

Defendants.

CASE NO. CV 96 4849

**DECLARATION OF VLADIMIR
CUK IN SUPPORT OF MOTION
FOR *CY PRES* AWARD OF
ALLOCATION FROM
SETTLEMENT FUND FOR THE
CLASS OF "PEOPLE WHO ARE
PHYSICALLY OR MENTALLY
DISABLED OR HANDICAPPED"**

Court: Honorable Edward Korman
Special Master Judah Gribetz

I, VLADIMIR CUK, declare:

1. This declaration is based upon my personal knowledge. If called upon to testify, I could and would testify completely to the facts of this declaration.
2. I am the Coordinator of the Association of Disabled Students of Yugoslavia located at Filipa Filipovica 45, 11 000 Belgrade, Yugoslavia.
3. The Association of Disabled Students of Yugoslavia is an organization run by and for people with disabilities. We seek to unify students with disabilities in order to increase general awareness about our needs, work for basic access to institutions of higher education, and advocate for our equality and human rights. Our ultimate mission is to create a network of individuals dedicated to increasing opportunities for people with disabilities throughout the Balkan Peninsula and beyond.
4. The Association of Disabled Students of Yugoslavia recognizes that discrimination

knows no boundaries. In October of 2001, we will host an international conference entitled "Disabled in Higher Education." Attendees from nations throughout the world will come to Belgrade to discuss strategies for improving access to institutions of higher education for students with disabilities in order for them to realize their full intellectual potential to the benefit of the countries of Eastern and Central Europe.

5. Our organization has not worked on the persecution of people with disabilities during the Holocaust, either in terms of research or advocacy.
6. Our organization has not worked with or been associated with survivors of the Nazi regime who were persecuted on the basis of their disability. No such survivor has contacted our office. Additionally, we have asked over 100 people who have some connection with the European disabled community if they know of survivors. To date, no one has expressed knowledge of any survivors nor any knowledge of where these survivors might be located.
7. Our organization is also not a part of any network of these survivors or organizations who represent them, and I am not aware of the existence of any such network.
8. People with disabilities in Yugoslavia face numerous architectural and attitudinal barriers, that result in segregation and isolation. As a consequence of the political situation in Yugoslavia in the last 10 years, democracy and human rights have suffered severe degradation, and in particular rights of disabled people. During the last decade, the government was very much focused on activities aimed at maintenance of a social peace and to create a picture of perfect life in Yugoslavia.
9. The disabled population have been marginalized and, in a way, hidden from the sight of

public. This group of society was not represented in media and this has resulted in negligence. Disabled people can not find decent job, and even if they find a job, it is always job on the low level and it is always less paid.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of August, 2001 at Belgrade, Yugoslavia.

/s/ Vladimir Cuk
VLADIMIR CUK
Coordinator, Association of Disabled
Students of Yugoslavia

SID WOLINSKY (California Bar No. 33716)
LAURENCE W. PARADIS (California Bar No. 122336)
KYLE KICKHAEFER (California Bar No. 203321)
DISABILITY RIGHTS ADVOCATES
449 15th Street, Suite 303
Oakland, CA 94610
Telephone: (510) 451-8644
Fax: (510) 451-8511
TTY: (510) 451-8716

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIMS ASSETS;
WEISSHAUS, et al.

CASE NO. CV96 4849

Plaintiffs,

**DECLARATION OF MITCHELL
LAPLANTE RE: CLASS MEMBERS
WITH DISABILITIES**

v.

UNION BANK OF SWITZERLAND, et al.

Defendants.

Special Master: Judah Gribetz
Court: Honorable Edward Korman

I, MITCHELL LAPLANTE, declare:

1. I have personal knowledge of the facts set forth below except as to those facts which are stated as my expert opinion. As to the latter, they are based on data generally regarded as reliable by experts, are within my field of expertise, and I believe them to be true. If

IN RE: HOLOCAUST VICTIMS ASSETS; WEISSHAUS, et al v. UNION BANK OF SWITZERLAND, et al.
DECLARATION OF MITCH LAPLANTE RE: CLASS MEMBERS WITH DISABILITIES

called to testify, I could and would competently attest to the facts and statements in this Declaration.

Professional Qualification and Experience

2. I received my Bachelor of Arts degree in 1978 in sociology (social relations) cum laude from Cornell University. I received my doctorate in sociology from Stanford University in 1985, where I was a Social Research Council fellow and was a recipient of an award from the American Sociology Association for the best dissertation in medical sociology in 1984.
3. In 1986 I became a faculty member of the Department of Social and Behavioral Sciences at University of California, San Francisco (UCSF), initially as Assistant Research Sociologist and Pew Postdoctoral fellow in Health Policy. In 1992, I was promoted to Associate (Adjunct) Professor and currently hold that position (promoted to Step 2, July 1, 1993; promoted to Step 3, July 1999.). I have been an active researcher in the field of health and disability studies, and have been an active researcher in the field of health and disability studies, and been Principal Investigator of several extramurally-funded research projects. I have been an instructor of graduate courses in demography of aging and disability. I am the author of many publications, including articles in several peer-reviewed journals and distinguished journals, book chapters, and books.
4. In October 1993, I received a five-year National Center of Excellence grant from the National Institute on Disability and Rehabilitation Research and established the Disability Statistics Rehabilitation Research and Training Center at UCSF. I was reawarded this

grant in 1998.

5. These grants established a ten-year program of research and training on epidemiologic, demographic, and social aspects of disability; including prevalence and incidence, socio-demographic distribution, policy related aspects such as health insurance, participation in and coverage of persons with disabilities by government and private programs, employment and earnings of persons with disabilities, and the use and costs of medical and rehabilitative services. The research consists of statistical analysis of several large national survey and program databases, including the National Health Interview Survey, the Survey of Income and Program Participation, and the National Medical Expenditure Survey.
6. In 1994, I was appointed to the United Nations Expert Committee on disability statistics. My consultations have included the Institute on Medicine Committee on a National Agenda for the Prevention of Disability; the National Research Council's Committee on National Statistics; consultant invitee to the Panel on Survey of Income and Program Participation; the Centers for Disease Control Working Group on Chronic Disease and Disability Prevention; a National Institute of Health (NIH) Task Force that led to establishment of a Center on Medical Rehabilitation Research within the NIH; and most recently as a member of the National Academy on Social Insurance panel on Rethinking Disability Policy.

Number of Holocaust Survivors with Disabilities

7. Disability is prevalent in all societies. A significant percentage of disability can be found

in any given population. For instance, in The Federal republic of Germany, based on a registry of people with disabilities in 1983, 11.8% of males and 9.8% of females were disabled. In Austria in 1976, 20.9% of the population was surveyed to have a disability. These statistics are comparable to other European countries; however, the exact rate of disability varies from 8 to 21% depending on the types of survey questions used.

8. In 1950, the population of West Germany was 50 million, East Germany was 18 million, and Austria was 7 million. Assuming that 10-20% of the population was disabled, as many as 7.5 to 15 million people may have been disabled at the time of World War II.
9. Potentially, each and every one of these people was a target of Nazi persecution. People with disabilities would have been noticed because of their visible disabilities or by coming in contact with medical authorities.
10. The disabled population would include many people who, because of their age, would not likely have survived to the present time. Nevertheless, assuming each of these 7.5 to 15 million people were targeted, then a significant number is likely still alive today. The uninformed beliefs of the general public notwithstanding, disability is by no means an absolute indicator of abbreviated life expectancies. People with many common types of disabilities (e.g. paralysis, disfigurements, deafness, and blindness) can expect to live close to a normal number of years.
11. Based on the Austria survey, approximately ten percent of the disabled population was under twenty-five years old. This figure is a very conservative estimate because the 1976 Austria survey is based on an older population, and the population at the time of World

War II was much younger. Also, it would be reasonable to include people up to age thirty who were alive at the time of World War II as potential survivors. The actual figure could be as high as twenty percent of the disabled population being under thirty years of age at the time of World War II. Thus, given these numbers, from 1.5 to 3.0 million people with disabilities may have been thirty years of age or younger in 1945.

12. Assuming the life expectancy of people with disabilities at young ages may be somewhat lower than the general population, the survivorship to the present time of those thirty and younger at the end of World War II would range from sixty percent for those at birth to twenty percent for those who were thirty years old. These percentages are based on a population with a life expectancy at birth of fifty years. Assuming an average survival rate of forty percent, this would calculate to between 600,000 and 1.2 million disabled survivors.
13. These calculations aside, at a minimum survivors with disabilities would comprise approximately 15% of all other victim groups, most notably Jews.

Locations of Holocaust Survivors with Disabilities

14. Because of the overlapping persecution of both Jews and people with disabilities by the Nazis, it can safely be assumed that there would be slightly higher concentrations of disability Holocaust survivors in some of the same areas where Jewish Holocaust survivors are found. In addition, a few countries, such as the United States, the Scandinavian countries and the Netherlands, have tended to be less hostile toward people with disabilities than other nations. Accordingly, it would not be surprising to find a

slightly higher number of survivors in those more receptive countries.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23 day
of February, 2000 in San Francisco, California.


MITCHELL J. LAPLANTE

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SID WOLINSKY (California Bar No. 33716)
LAURENCE W. PARADIS (California Bar No. 122336)
KYLE KICKHAEFER (California Bar No. 203321)
DISABILITY RIGHTS ADVOCATES
449 15th Street, Suite 303
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Telephone: (510) 451-8644
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TTY: (510) 451-8716

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIMS ASSETS;
WEISSHAUS, et al.

CASE NO. CV96 4849

Plaintiffs,

**DECLARATION OF HUGH
GREGORY GALLAGHER RE:
CLASS MEMBERS WITH
DISABILITIES**

v.

UNION BANK OF SWITZERLAND, et al.

Special Master: Judah Gribetz
Court: Honorable Edward Korman

Defendants.

I, HUGH GREGORY GALLAGHER, declare:

1. I have personal knowledge of the facts set forth below except as to those facts which are stated as my expert opinion. As to the latter, they are based on data generally regarded as reliable by experts, are within my field of expertise, and I believe them to be true. If

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called, I could and would competently testify to the facts and statements in this Declaration.

Professional Qualification and Experience

2. I received my Bachelor of Arts degree (*magna cum laude*) in 1956, from Claremont College. In 1959, I received a Bachelor of Arts and Master of Arts from Oxford University, United Kingdom.
3. For several years, from the late 1980's to the mid-1990's, I researched and wrote By Trust Betrayed: Patients, Physicians, and the License to Kill in the Third Reich. This book is a comprehensive study of the systematic murder and victimization of people with disabilities during the Third Reich.
4. I have also written several other books, including Black Bird Fly Away: Disabled in an Able-Bodied World, examining disability in the United States; FDR's Splendid Deception; Etok: A Story of Eskimo Power; and Advise and Obstruct: The Role of the United States Senate in Foreign Policy Decisions, for which I was nominated for the Pulitzer Prize.
5. Articles I have written have appeared in the *NY Times*, *The Washington Post*, *People Magazine*, and *Mainstream*, among other publications.
6. I have received several awards and fellowships. In 1999, I was presented with the August W. Christmann Award from the City of Chicago for lifetime achievement. In 1996, I was given an Honorary Ph.D., Doctor of Humane Letters, John Jay College, CUNY, New

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York. In 1995, I was the winner of a \$50,000 Henry B. Betts Award for lifetime career achievement. In 1988, I served as a World Institute on Disability Fellow. From 1987-1989 I was a Visiting Scholar at the Institute for the Advanced Study of Ethics at Georgetown University. During 1981-1982 I was a Visiting Fellow at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution.

7. From 1991 until the present, I have worked as a freelance writer and scholar. I have served as a consultant for the Library of Congress and the United States Holocaust Memorial Museum.
8. Based upon the specific research I have conducted regarding people with disabilities during the Holocaust and my knowledge of the Holocaust generally, I have reached a number of conclusions. As a historian and as an expert on the Holocaust and its impact on people with disabilities, my opinions are:
 - a. Because of many factors, the number of victims with disabilities, as well as the number of Holocaust survivors with disabilities, cannot be easily calculated.
 - b. Individuals with disabilities who were victimized during the Holocaust make up a very large and diverse group of people. Disability occurs at all times in all societies and classes. Victims of the Holocaust with disabilities are comprised not only of the people in hospitals and institutions who were targeted specifically because of their disabilities, but they also comprise at least fifteen percent, and probably more, of every other victim group (including Jewish and Romani victims).

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- c. Current estimates regarding the number of people with disabilities victimized during the Holocaust, such as over 275,00 murdered and over 400,000 sterilized in Nazi programs, are conservative and primarily include only those people found in German hospitals and institutions during the Holocaust. They do not include large numbers of people with disabilities who lived outside such institutions and who were targeted because of their disabilities. Nor do they include those people with disabilities who may have been targeted either because they had disabilities or because they also fell into another victim group (i.e. a Jewish wheelchair user).
- d. The Nazi regime was determined to create a master race, free of any disability or weakness. Through the distorted “science of eugenics,” the notion of all people with disabilities as “useless eaters” and “lives unworthy of life” was established.
- e. Therefore, in calculating the number of victims with disabilities, one must include those individuals targeted by the Nazi regime because they did not fit Adolph Hitler’s prototype for a master race. People with any discernible physical or mental abnormalities were vulnerable to seizure by the Nazis. Many of these same people who were victimized may have been Jewish, Romani, or homosexual. Conversely, many homosexuals, Jews, or Romani seized by the Nazis were also people with disabilities.
- f. Given these facts, it is impossible to know, in the case of many victims, whether a person was persecuted due to being Jewish, homosexual, Romani, or because he or she had a disability.

- g. It is also difficult to accurately calculate the numbers of people with disabilities severely mistreated by the Swiss, although it is a certainty that large numbers were persecuted by the Swiss. That is, Swiss adherence to eugenics theories, including laws mandating the forced sterilization of people with disabilities and laws prohibiting marriage among people with disabilities, contributed to the suffering of people with disabilities by the Swiss during the Holocaust. Like many Jews, people with disabilities were also denied entrance to Switzerland or were deported after temporary stays in interment camps.
- h. The number of disability Holocaust survivors is also difficult to calculate because men and women who were persecuted for any reason (e.g., because they were Jewish, Romani, or homosexual) and were forced into a concentration camp or slave labor camp but survived until the end of the War, invariably left such places with disabilities. Even those who survived the camps were experimented on, beaten, malnourished, worked like animals, and forced to sleep and bathe under nearly impossible conditions while imprisoned. Such factors were a sure recipe for all sorts of disabilities.
- i. Contrary to prevalent stereotypes, people with disabilities are not necessarily “unhealthy,” nor do they face dramatically shortened life expectancies. Many of the most common categories of disability, such as deafness, blindness, paralysis, learning disabilities, disfigurements and amputees can be expected to have normal (or close to normal) life spans. This is particularly true with continuing

Sent By: Disability Rights Advoc

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improvements in assistive devices and diagnosis and treatment of many disabilities.

I declare under penalty of perjury that the foregoing is true and correct. Executed this

11th day of February, 2000 in Cabin John, Maryland.



HUGH GREGORY GALLAGHER

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