



## THE JACOB D. FUCHSBERG LAW FIRM C-ENG 0076 149

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COUNSEL EMERITUS

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OF COUNSEL

BY EXPRESS MAIL

March 10, 2004

Hon. Edward R. Korman  
U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Via  
Holocaust Victim Assets Litigation  
P.O. Box 8300  
San Francisco, CA 94128-8300

Re: Holocaust Victims Assets Litigation  
Proposal from Merkaz Vurke

Dear Judge Korman:

Enclosed is a written proposal from Merkaz Vurke, which I respectfully request be included in the proposals being considered for Phase II distributions from the Swiss Banks Holocaust Victims Assets. For your background information, also enclosed is my previous submission on behalf of Merkaz Vurke which was a Memorandum of Suggestions for Allocation.

Due to recent newspaper publicity, I just became aware that a deadline had been set for proposals from organizations for distributions from the proceeds of the Holocaust Victims Assets Litigation. Although this is past the official date for proposals, I was never notified of the date although I had gone on record with Your Honor and with the Special Master requesting such notification. I therefore respectfully request that the proposal of Merkaz Vurke be given due consideration, and it not be prejudiced by this late filing.

For Your Honor's information, my requests to be notified were as follows:

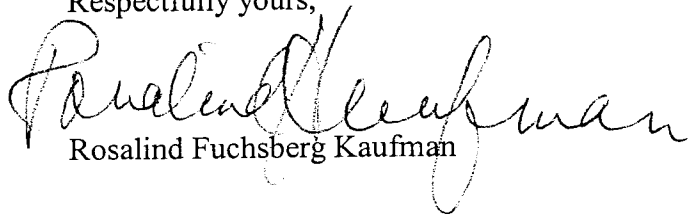
- a. By letter dated September 5, 2001, I sent a letter to Your Honor requesting notification when the Court was ready to go into Phase II of this litigation. (A copy of my letter is enclosed).
- b. In November 2002, I telephoned Special Master Gribetz because I had learned of an article in a Lithuanian newspaper that indicated that the Special Master or the Court had begun giving funds to organizations from the settlement proceeds. Mr. Gribetz advised me that you were still in Phase I of the Swiss Banks settlement agreement and that you still did not know the amount of claims to bank accounts that will be made. He assured me that I would get notification when the Court was ready for Phase II. At Mr. Gribetz' request, after we spoke I faxed him the Lithuanian press article that I had referred to. (Enclosed is a copy of the article I faxed you with my cover sheet.)

Nevertheless, I was never notified either by the Court or the Special Master's office that the Court was ready to go into Phase II and was unaware of the filing deadline until last week, through a newspaper article.

The enclosed proposal was written by Merkaz Vurke in October 2003. It is a proposal for three grants, all of which would benefit needy Nazi survivors. The first grant is for \$60,000, the second for \$1.25 million, and the third for \$300,000.

If you need any additional information please contact me at my White Plains address listed above (3 Barker Avenue) or by telephone at 914-682-2228.

Respectfully yours,



Rosalind Fuchsberg Kaufman

-1-

212-252-5064

7"03

## Merkaz Chasidei Vurka

2nd Floor, 1438 Ocean Parkway, Brooklyn, NY 11230

Mail to: P.O. Box 35, Brooklyn, NY 11218

ISRAEL: Mosdot Vurka, Yuval Gad 312/8, Ramot 3 Jerusalem

Mail to: P.O. Box 7364, Jerusalem 91073

Mail to: 244 Fifth Ave., New York, NY 10001

Honorary Committee  
 Rabbi David Singer  
 Rabbi Moshe Lipsitz  
 Rabbi M. Oledk  
 Haim Herz  
 Sam Lauer  
 H. Mandelbaum  
 L. Silverstein

Heshvan 7 Tashsag  
 October 13, 03

Dinner Committee  
 Honorary Chairman  
 Moshe Braunfeld  
 Chairman  
 Rabbi Irving Ebert  
 Rabbi Yisroel Satran  
 Solomon Matz  
 Yisroel M. Flawes

By Fax

Ms. Rosalind Fuchsberg Law Firm  
 White Plains, N.Y.

Assistant Chairman  
 Moshe Beitlis  
 Ben Blander  
 Jerome Teomkin

Memo: Swiss Bank Grant to Help Our Organization to Continue  
 Caring for Holocaust Survivors re Mr. Gribetz, Special  
 Master

Advisory Committee  
 Avon Orenstein  
 Leo Plak  
 Harold Sumner

1. Grant for approximate bi-monthly commemorative meetings attended by survivors; amount = \$60,000 estimated.
2. Grant to expand existing facilities for survivors in need; amount = \$1.25 m. estimated.
3. Grant for additional funds to provide interest-free loans to survivors; amount = \$300,000.

Synagogue Committee  
 A. Bond  
 M. Cynamon  
 E. Fuchs  
 H. Geber  
 A. Gruber  
 M. Guntzberg  
 H. Kohn  
 A. Kometz  
 H. Stein  
 A. Traube

grant number 1

Merkaz Chasidei Vurka  
 Local Committee  
 Rabbi B. Mendelson  
 Rabbi Gedaliah Herz  
 Rabbi Menahem Baum  
 Moshe Borenstein  
 Shepsil Drip  
 Siskind Finkelstein  
 Yisroel Gutfreund  
 Haim M. Margolis  
 Rabbi Y. Mendelson  
 Shmuel Y. Putermich  
 Yakov Frankel  
 Joseph Himmelfarb

- a. Meetings to date held at Congregation Sfath Tmes: at 1321 43 st. Brooklyn, N.Y. 11219 and also at private homes, both of which are temporary locations.
- b. 25-100 people attending.
- c. Cost - \$30,000-60,000 peryear including catering and related costs.
- d. benefit - To provide avenues of communication for survivors among peers sharing the same war experience and speaking their mother tongue, Yiddish. These meetings serve as a vital and crucial means of expression to the survivors.
- e. Meetings have<sup>been</sup> held continuously since 1947 attended by survivors.

Jerusalem Bais Medrash  
 Committee  
 Rabbi Jehoshua Grodzky  
 Menahem Kil  
 Naphtali Erenreich  
 Harman Schiff

Grant number 2

Grant to expand facilities which today are temporary after being located for 37 years at 121 Chester Ave, Brooklyn, NY. The cost of a suitable existing building in the Ocean Pkwy area is estimated at \$1.25 million. A permanent location will greatly assist our efforts to upgrade care for Holocaust survivors.

Grant number 3

Grant to establish an interest-free loan for low and middle income survivors for their uninsured medical and housing needs for which there is a critical need not provided by \* \$75,000 has been pledged to date by a Holocaust survivor if the balance is forthcoming.

If you require additional information please contact me.

Sincerely,

  
R.S. Halperin-Kalish

\* other Holocaust related organizations.

THE JACOB D. FUCHSBERG LAW FIRM, LLP

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JACOB D. FUCHSBERG (1913-1995)

S. STANLEY KREUTZER  
COUNSEL EMERITUS

September 5, 2001

Hon. Edward R. Korman, Chief Judge  
U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201  
Att.: Ms. Paula Susi, Case Manager

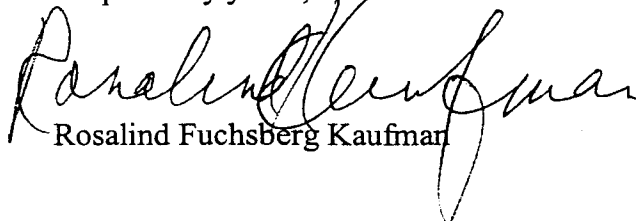
In Re Holocaust Victims Assets Litigation

Dear Judge Korman:

I represent Merkaz Vurke, which was an organization existing in Poland before World War II, and a claimant in the Holocaust Victims Assets Litigation. Aside from devastating individual losses of its members, Merkaz Vurke as an organization suffered significant losses of its assets during the Holocaust, including financial holdings in banking institutions, synagogue buildings, antiques, religious objects and other valuable property.

I respectfully request, when the Court is ready to go into Phase II of this litigation, that you notify me in my capacity as counsel for Merkaz Vurke, so that the appropriate claims can be made at that time.

Respectfully yours,

  
Rosalind Fuchsberg Kaufman

Cc: Hon. Judah Gribetz, Special Master

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Attention: Hon. Judah Grubetz

RE: In re Holocaust Victims Assets

From: **THE JACOB D. FUCHSBERG LAW FIRM, LLP**

By: Rosalind Fuchsberg Kaufman

The attached article is from the Lithuanian newspaper, "Yated --"

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**In Re Holocaust Victim Assets Litigation (CV-96-4849)**

**MEMORANDUM OF SUGGESTIONS FOR ALLOCATION**

**Submitted by The Jacob D. Fuchsberg Law Firm, LLP  
Attorneys for Merkaz Vurke  
Rosalind Fuchsberg Kaufman, Esq., of counsel**

The Jacob D. Fuchsberg Law Firm, as attorneys for Merkaz Vurke and on their behalf, respectfully submits this Memorandum of Suggestions Regarding the Plan of Allocation of the Holocaust Victims Assets Litigation.

**Preamble**

The allocation of the settlement funds from the Holocaust Victims Assets Litigation presents an historic opportunity to provide some measure of justice for victims of the Holocaust through monetary compensation to individual survivors and their progeny, and to community organizations that were an integral part of pre-war Jewish life and themselves fell victim to the Holocaust.

While it is fair and equitable that the first people to be allocated monies under the terms of the Settlement Agreement should be those individuals or organizations who had actual funds on deposit with Settling Defendants' banks, or who are heirs of such depositors, it is apparent that after payment to these depositors and heirs, only a relatively small portion of the settlement will have been allocated.

Thus, the issue that needs to be addressed is how to allocate the remaining funds.

Speaking to this issue, I strongly recommend that organizations such as Merkaz Vurke be allocated a substantial portion of the settlement.

Organizations are as important as individuals, and ultimately settlement monies allocated to organizations who have lost assets in the Holocaust will not only compensate them for their past losses (including Deposited Assets, Looted Assets and Cloaked Assets), but also will enable them to continue their communal services for the progeny of the victims, as the victims themselves would have wanted, fostering continuity in Jewish life.



## Merkaz Vurke --- Its Glorious Past in Poland

Merkaz Vurke a/k/a Merkaz Chasidei Vurke a/k/a the Vurke Organization (hereinafter “Merkaz Vurke”), was one of the largest active communal and religious organization existing in Poland for almost 160 years prior to World War II, comprising 120,000 -135,000 members who lived in approximately 150 towns in Poland.

Prior to World War II, Merkaz Vurke, whose headquarters were located at 41 Zamenhof Street in Warsaw, owned synagogues and other community buildings located in Warsaw and in the approximately 150 towns where its members lived.

Merkaz Vurke was established by followers (and descendants of followers) of the important 17-18th century Hasidic rabbi, Rabbi Yitzhak of Vurke, known as the 'Ohev Israel' (the one who loved the people). His son, the second Vurke Rabbi, is known as Mendel the Silent. Elie Wiesel recognized the significance of this legendary Rabbi in his book, “Souls on Fire”. In his attempt to communicate the impact of this renowned Rebbe who withdrew into himself but influenced many, Wiesel hypothesized,

“Could he have foreseen that one hundred years after his retreat another fire would set the continent ablaze, and that its first victims would be Jewish men and women abandoned by God and by all mankind? Could it be that from that moment on he planned to fight fire with fire --- attempting to prepare us, demanding that we be strong, intransigent, capable of resisting evil no matter what form it takes, the comfort of faith included; capable of resisting even God and the hope in God?”.

Wiesel, “Souls on Fire”, p. 254, Random House, Inc., New York, 1972.

The Vurke organization itself was a victim of Nazi persecution. It lost the ownership and use of its synagogue buildings and community centers, its valuables (including religious articles and antiques) were looted, and it lost monies and investments that were in its own name as well as deposits and investments placed with leading individuals of the community on its behalf.

These losses were so extensive and damaging that the organization was forced to cease operations in Poland during the Holocaust and, thus, was unable to help its members at a time of extreme need. In all, approximately \$30,000,000 in assets was stolen or lost and claims will be made by Merkaz Vurke for these losses, which included Deposited Assets, Looted Assets and Cloaked Assets, as defined in the Settlement Agreement.

## Merkaz Vurke --- Rebirth From the Flames, and Hopes For the Future

In defiance of the Nazi final solution, Merkaz Vurke is still in existence. Following the war, Merkaz Vurke was reconstituted in 1947. Survivors of the Vurke organization formed a religious corporation in the State of New York. In Israel the official name of the organization is "Mosdot Vurke", but is referred to in correspondence as Merkaz Vurke.

Today there are approximately 30,000 followers of Merkaz Vurke, approximately 20,000 in Israel and the U.S.A.; approximately 10,000 in Europe, South America, Canada and Australia.

Although the number of Merkaz Vurke's members today is a fraction of what it was in its heyday prior to World War II, its membership is growing as it succeeds in addressing the needs of its members and the Jewish communities in which they live by providing needed services and planning ahead for the future. For example, (a) in Israel Merkaz Vurke builds and helps administer synagogues, provides welfare benefits, health benefits, Jewish education, low-cost housing and financial services in the form of grants and no-interest loans for the needy; (b) in the U.S.A. Merkaz Vurke builds and helps administer synagogues and has plans for establishing a community center in New York City; (c) in Belgium, Venezuela, Costa Rica and Canada, Merkaz Vurke provides welfare benefits and financial services in the form of grants and no-interest loans for the needy.

Despite severe financial constraints, Merkaz Vurke in Israel has had the ability to acquire rights to use a large tract of land in Jerusalem owned by the State, with the hope of obtaining needed funds to establish a synagogue-center, school and multi-unit apartments.

If a substantial allocation is made to Merkaz Vurke from the Holocaust Victims settlement, it will enable this centuries-old organization to service its members as their ancestors who were murdered in the Holocaust would have wanted.

### Conclusion

Allocating a substantial portion of the settlement to Merkaz Vurke and other organizations meeting similar criteria, rather than distributing directly to individuals, would serve four purposes:

- a) Have an immediate positive effect on thousands of people and their communities.
- b) Contribute to Jewish continuity by allocating funds to organizations which will enable their members to live as the Holocaust victims would have wanted their progeny to live.
- c) Compensate an important segment of Polish Jewry and their spiritual followers for their devastating losses by providing now for present institutions and housing important to them and the continuity of their progeny.
- d) Simplify the distribution and administration of settlement funds to the recipients, with a concomitant decrease in transactional costs.

Respectfully submitted,

THE JACOB D. FUCHSBERG LAW FIRM

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By: Rosalind Fuchsberg Kaufman  
Attorneys for MERKAZ VURKE  
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New York, NY 10110  
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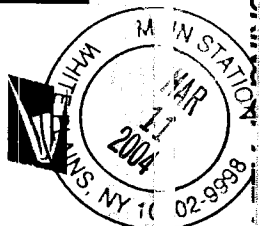
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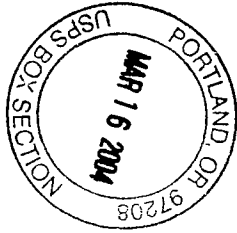
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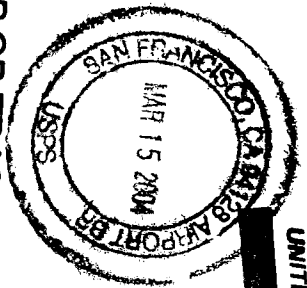
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