

received
March 17, 2004

March 14, 2004

The Honorable Edward R. Korman
Chief Judge, U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11202

GEORGE PICK
4501 ANGLINGTON BLVD
ANGLINGTON, VA 22203

Mr. Judah Gribetz
Bingham McCutchen
399 Park Avenue
New York, NY 10022-4689

Dear Judge Korman and Special Master Gribetz:

We are among those who survived the Holocaust as children, whether in hiding, in labor camps, in ghettos or in death camps. Because of our histories, we have a special interest in the difficult decision you face on how to distribute the Residual Funds of the Looted Assets (Swiss) Settlement.

We are among those who wish the funds to be distributed, on as equitable and speedy a basis as possible, to indigent fellow survivors, those in need of adequate home care, health care, emergency assistance and other services. We are troubled, however, by some proposals in circulation about how this can best be done and therefore wish to make our views known. These views include the following:

1. **The funds should go to the neediest survivors regardless of their location.** Some would effectively exclude indigent survivors who now live in Western Europe, Israel or the United States. We strongly disagree. There is no justification for penalizing these destitute survivors merely because they ended up in democratic nations, as if that were a stigma to be suffered.

We are mindful of how imperfect are estimates of Holocaust survivors around the world, let alone of indigent ones. There is no doubt, however, that elderly survivors are poorer than the elderly Jewish population as a whole. At last report, for example, it was estimated that at least 25% of elderly survivors' incomes in the United States fell below the poverty level, nearly triple the poverty rate among elderly U.S. Jews in general.¹ How could the court tell such people, who still are struggling to survive, now on about \$9,000 a year or less for an individual, that they have been doing too well to receive any of the funds in question?

2. **Funds should go only to destitute Holocaust survivors.** They should not go to those whose claim is that they suffered under communism (as did some of us), to needy Jews in general or to educational or other institutions, now matter how worthy they may be.

¹ See Ira M. Sheskin, *Estimates of the Number of Nazi Victims and Their Economic Status*, Sue and Leonard Miller Center for Contemporary Judaic Studies, University Miami, p. 9.

3. **The definition of indigent survivors should include those who were hidden or disguised.** Among studies of survivor populations submitted to the court, some omit those who stayed alive in ghettos or in hiding. This is peculiar, to say the least. Did parents have to take their children to death camps for the children who lived to be considered survivors? Were hidden survivors' lives not sufficiently devastated when most or all of their families perished and they lost all else that they had? Have they not suffered enough without being told now that they are not worthy of being counted as survivors? If such survivors now are in dire need, they clearly should be among those who receive funds.
4. **Because of survivors' advanced ages, most funds should be distributed swiftly.** We belong to the Association of Child Survivors of the Holocaust in the Washington/Baltimore, Maryland and Virginia Areas and our members' ages range from 61 to 78. As you know well, many survivors die each year. While we understand that the court must be cautious in allocating funds, it cannot afford to delay too long, lest it be too late.

In light of this, we urge that, at a minimum, 10% of the funds be disbursed immediately to the oldest indigent survivors, so long as there is reasonable confidence that the money will reach them and that it will not displace other meager sums on which they live. (No survivors should be shortchanged by any other social or health programs for which they otherwise would be eligible.) On the other hand, because other survivors are likely to become indigent in the years ahead, especially as more spouses die, we urge that another 10% of the funds be set aside for future disbursements. The decision on disbursing the remaining 80%, of course, should be made as soon as feasible.

5. **The distribution mechanism should be transparent, practical and accountable in all nations involved.** We urge that (1) distribution standards be clear, uniform and enforceable, (2) financial accounts be audited annually and be open for public inspection, and (3) disbursing organizations have no financial interest in distribution decisions beyond the modest administrative costs that may be involved. The responsible bodies in each nation, we believe, should include representatives of Holocaust survivors, Jewish social service agencies and neutral third parties in equal numbers.

We know that you are dealing with a difficult case, one that is not made any easier by what you recently called the Swiss banks' "attempt to delay justice and prevent access to the truth." We also know that no amount of money can compensate for the unspeakable horrors inflicted by the Nazis. We believe, however, that by using the residual Swiss funds to help Holocaust survivors everywhere who are in dire need today, you will be providing a measure of compassion in a world that sorely needs it.

Very truly yours

Edith Cord , Columbia, MD

Theodora R. Klayman , Chevy Chase, MD

Louis Maier, Silver Spring, MD

Vera Weissman, Washington D.C.

Maurice Singer, Bethesda, MD

George Pick, Arlington, VA

Francisca Kan, Elkton, MD

Anita Epstein, Silver Spring, MD

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Lilo Ertmann, Rockville, MD

Helen Goldkind, Bethesda, MD

Max Heppner, Baltimore, MD

Dora Wistreich, Silver Spring, MD.

Note: Signatures are on file

Robert Kan, Elkton, MD

Halina Litman Peabody, Bethesda, MD

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