

RELEASE IN PART
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From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Monday, June 22, 2009 8:00 AM
To: H
Subject: FW: Your June 22, 2009 article on the Prague Conference

FYI

From: Stuart Eizenstat [redacted]
Sent: Sunday, June 21, 2009 10:10 PM
To: Mills, Cheryl D; [redacted]
Cc: Kennedy, J Christian; [redacted]
Subject: FW: Your June 22, 2009 article on the Prague Conference

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Dear Cheryl and Susan,

Below is a response from the American Gathering of Holocaust Survivors, the largest and most well-known Holocaust survivor group in the United States, strongly opposing a letter to Secretary of State Clinton, which was simultaneously sent to Haaretz in Israel, from a group of survivors based in South Florida, asking that I be replaced as head of the U.S. delegation because of my association with the Jewish Claims Conference. I will separately send their initial letter.

I have talked with Ambassador Christian Kennedy about this scurrilous and unrepresentative attack, made just before the Prague Conference is to begin. We agree it emanates from two related causes. First, it was instigated by Sam Dubbin, a class action lawyer in Miami who has spent the better part of ten years trying to get Congress to overturn the agreements I negotiated on behalf of the Clinton Administration, which obtained over \$8 billion for Holocaust survivors and other victims of Nazi persecution around the world. He wants to be free to sue the very companies who paid these sums, in return for getting assurances of the U.S. government would do all it could to provide "legal peace" from future suits. Several federal courts have upheld our agreements. He has lobbied for legislation last year and again this year. Indeed, Chairman Frank held a hearing in 2008 on this matter.

The second basis of the letter is a long-standing dispute between some survivors against the Jewish Claims Conference, based in New York City, which was officially designated in the 1950s by the governments of Germany and Israel to be the negotiator with the German government on behalf of Jewish Holocaust survivors. The bulk of the \$60 billion paid by the German government since the 1950s in reparations is passed through the Claims Conference, which then distributes it to survivors. Their complaints range from a lack of transparency in their operations to the 80%-20% split, by which 80% of their proceeds go directly to survivors and 20% to various Jewish organizations for projects of remembrance and education about the Holocaust.

My association with the Jewish Claims Conference, which was fully disclosed during my vetting, is very tangential. I volunteered to lead their once a year negotiation with the German government to improve pensions for survivors, to provide new services like home care, and to increased the population of survivors covered by the German government. I have done this once, in March of this year, with, by the way, major breakthroughs for survivors. None of these issues is involved in the Prague Conference, and the German government has no problem with my participation. That is the only involvement I have with the Claims Conference. I do not participate in their governing bodies, and have no hand in their allocation or other decisions. I will not be involved again, until their next negotiation, in 2010, unless I decide not to continue my voluntary negotiation for them.

Moreover, the letter is unbelievably inaccurate. While I have only been involved for several weeks as the official head of the delegation, it is grossly inaccurate for them to allege that survivors have been left out of the process. Ambassador Kennedy has done remarkable outreach to the survivor community for many months, in preparation for the Prague Conference, and survivors are well represented on the Delegation. In the period since I have been officially involved, I have met with the German Insurance Association to see if they would make a contribution for the social needs of survivors; have talked with Judah Gribetz, the Special Master for the Swiss bank settlement, to see if any of the extra sums they will have left over can be given to survivors; have worked to get language in the Terezin Declaration to encourage countries to set up special funds for survivors and to use heirless property to assist them.

Ambassador Kennedy is preparing a press statement to be used if there is a question about the letter and the Haaretz letter at the daily State Department press briefing.

Best wishes,

Stu Eizenstat

From: Menachem Rosensaft [redacted]
Sent: Sunday, June 21, 2009 8:11 PM
To: hebrish [redacted]
Subject: Your June 22, 2009 article on the Prague Conference

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Dear Mr. Liphshiz,

With respect to your article yesterday on the utterly unwarranted personal attack on Ambassador Stuart Eizenstat by a group of American Holocaust survivors, you should be aware that the leadership of the largest organization of survivors and descendants of survivors in the United States, the American Gathering of Jewish Holocaust Survivors and Their Descendants, in no way shares these sentiments. On the contrary, we hold Ambassador Eizenstat in the highest esteem, know him to be a man of the highest integrity and ethical standards, and are deeply grateful to him for everything he has done and continues to do on behalf of the survivors over many years.

Neither David Schaecter nor Leo Rechter speak for anyone other than the groups they represent, and Mr. Rechter's statement that survivors have "no confidence" in Ambassador Eizenstat is, viewed most charitably, a gross overstatement in that he seeks to attribute his personal prejudices to the many thousands of survivors who do not share his views and who have never authorized him to speak in their name. The lives of thousands upon thousands of survivors throughout the world have been made easier over the past 15 years thanks to Ambassador Eizenstat's tireless work on their behalf. I cannot think of anyone more appropriate to head the U.S. delegation to the Prague conference.

The fact is that Ambassador Eizenstat's **only** association with the Claims Conference is a once a year, three day negotiation **as a volunteer** with the German government for the interests of the survivors. The first such negotiation took place earlier this year in March and resulted in 13,000 survivors who had previously been turned down becoming eligible for reparations for the first time, and in the improvement in existing pension payments to survivors totaling over \$50 million. Moreover, the specific pension issues for which he volunteered to negotiate with the German government bear no relationship to the issues being covered by the Prague Conference.

During the Clinton Administration, Ambassador Eizenstat was the Special Representative of the President and Secretary of State on Holocaust era issues and the lead negotiator on such issues with the Swiss, German, Austrian and French governments, as well as with various Eastern and Central European governments. In that capacity, he obtained over \$8 billion dollars in compensation and restitution for Holocaust survivors, including payments to slave and forced laborers, the return of thousands of Jewish communal and private properties, the payments of tens of thousands of previously undisclosed bank accounts, the recovery of hundreds of pieces of looted art, and the payments on thousands of insurance policies. Indeed, Ambassador Eizenstat is more responsible than any other single person for placing the issue of justice for Holocaust survivors on the international agenda more than half a century after the end of World War II. He has also headed the U.S. delegations to every one of the four previous international conferences dealing with Holocaust era assets, beginning with the 1997 London Conference on Nazi Gold. Messrs. Schaecter and Rechter are well aware of all this, and the fact that they chose to engage in an ad hominem attack against Ambassador Eizenstat one week before the opening of the Prague conference - his appointment as head of the U.S. delegation was publicly announced weeks ago - is unseemly and disingenuous in the extreme.

By way of introduction, I am vice president of the American Gathering of Jewish Holocaust Survivors and Their Descendants (I am the son of two survivors of Auschwitz and Bergen-Belsen), and I am a member of the U.S. delegation to the Prague conference. I would be pleased to discuss this issue further with you, as I am sure you do not want to provide an erroneous account of the facts to the readers of Ha'aretz. I can be reached at [redacted]

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[redacted] any time after 6 am NY time). My email address is [redacted]

I very much hope that you will write a follow-up article to set the record straight.

Sincerely,

Menachem Rosensaft

Menachem Z. Rosensaft, Esq.

[redacted]