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Putting a Price on Holocaust Survivors' Hopes

By WILLIAM GLABERSON

A Brooklyn man is hoping for money to supply Holocaust survivors who are losing their sight with voice-operated computers so they can continue to study Jewish religious texts.

An 80-year-old Jehovah's Witness from Germany who spent four years in a concentration camp just wants her people's Nazi-era suffering to be recognized. A Swedish group would like to build a monument in honor of Gypsies who were sent to the gas chambers at Auschwitz.

Those are among the hopes behind scores of applications from all over the world in a remarkable competition in federal court in Brooklyn. More than half a century after the Holocaust, an American judge will decide how to distribute what may be \$400 million to groups representing victims of Nazi persecution. The money is part of a landmark \$1.25 billion settlement reached in 1998 by Swiss banks in a class-action lawsuit over their handling of Nazi-era accounts.

Since World War II, billions of dollars of restitution has been distributed from government funds, lawsuit awards and other sources. But experts on those programs say the judge in Brooklyn, Edward R. Korman, is facing an extraordinary task as he sorts through proposals from more than 70 groups, social service agencies and international coalitions.

"It will require the wisdom of Solomon" to make choices among compelling proposals like plans to provide subsistence food supplies to impoverished survivors nearing the end of their lives, said Stuart E. Eizenstat, who helped negotiate international Holocaust compensation programs as deputy treasury secretary in the Clinton administration.

Judge Korman, 61, the chief judge of the United States District Court in Brooklyn, has made it clear that he views the choices he must make as sobering. "A comparison of needy survivors is by definition an odious process," he said in a decision this week on one issue in the case. "All individuals who survived the Holocaust bear scars, and all merit relief."

But Judge Korman, a former United States attorney who was born and raised in Brooklyn, has also said publicly that because of the opportunity to right historic wrongs, supervising the Swiss banks settlement is a "once-in-a-lifetime case for a judge."

The applications filed with Judge Korman paint a vivid picture of the breadth of consequences even now of Nazi policies toward Jews, Jehovah's Witnesses, Gypsies, gays, disabled people and others. One group wants money to supplement modest payments it makes to those it calls "righteous gentiles," non-Jews who risked their lives to save Jews and now, in many cases, live in dire poverty.

Another, an international group called the Pink Triangle Coalition, noted that thousands of gays had been exterminated or imprisoned by Hitler, many of them tortured or castrated. But their history was so obscured by decades of bigotry that only seven impoverished gay survivors who need financial aid have been located worldwide. The group asked for money to support research and education to try to recapture what it describes as the lost history of the gay victims of Nazism.



Angela Jimenez for *The New York Times*

Rabbi Yehuda Krinsky of the Lubavitch Hasidic headquarters in Brooklyn seeks direct aid for Holocaust survivors and for Jewish education.

Faced with applications seeking more than \$2 billion, Judge Korman will have to make agonizing choices. The law provides few guideposts, said Burt Neuborne, a lawyer appointed by the judge to represent the interests of Holocaust victims in the case. "It's not a political decision," Mr. Neuborne said. "It's not legal. It is moral. He is going to have to make a moral judgment."

The unusual competition came about because of problems carrying out a portion of the Swiss banks' settlement. The lawsuit claimed that the banks had cooperated in transferring Holocaust victims' accounts to Nazi authorities, misled account-holders' survivors and destroyed bank records while allowing many of the accounts to be drained.

Of the \$1.25 billion in the settlement, \$800 million was to be used to repay Nazi-era account-holders or heirs. But court officials have said many obstacles, including the difficulties of getting information from the banks, have hampered the effort.

In a decision last month, Judge Korman said \$150 million has so far been paid to depositors or heirs. Separately, more than \$425 million has been paid to former refugees and slave laborers or used to supply necessities to Nazi victims living in poverty in the former Soviet Union and elsewhere as the "next best thing" to returning bank depositors' money.

Judge Korman ruled that many of those survivors were living at a subsistence level, some fighting off starvation. Three years ago he ruled that programs serving the neediest survivors had priority in the distribution of funds that are not earmarked for specific groups, like the bank depositors or former slave laborers.

A group representing American survivors has criticized the judge, saying they have not received a fair share of the money. But in his decision this week, Judge Korman said that although there are needs among American survivors, they are "clearly less pressing" than those of survivors in many other places in the world.

Because of the possibility that much of the \$800 million earmarked for depositors was likely to remain unclaimed, Judge Korman invited proposals last fall for what to do with the balance. The amount is not yet known, but Mr. Neuborne has said it may be as much as \$400 million. The application deadline was Jan. 30.

The proposals vary from detailed plans by large international organizations to modest suggestions from small groups. They include a sketch sent from Sweden depicting an imagined monument at Auschwitz to commemorate the deaths of Gypsies, and narrowly tailored proposals, like the one put forth by a computer specialist from Bensonhurst, Brooklyn, to help aging Holocaust victims continue what are often lifetime routines of studying Jewish texts.

Next month, a special master appointed by the judge, Judah Gribetz, is to make recommendations on how to distribute the money. (The applications can be viewed on the Web, at www.swissbankclaims.com.) Judge Korman has scheduled a hearing in Brooklyn for April 29, and people from all over the world are expected to testify.

Behind the applications, there are often powerful stories. Irene Hizme, 66, who lives in Oceanside on Long Island, and her twin brother were among the sets of concentration camp twins experimented on by the Nazi doctor Josef Mengele. She uses a wheelchair and suffers from a series of ailments that she traces to the experiments.

She gets payments from an organization that supports survivors of the experiments, which has asked for additional money to help her and victims like her. "I wish I didn't need any of this," she said in an interview, "but the truth is, I need it to live."

Several applications were filed by groups representing the Romany people, often called Gypsies, who were rounded up by the Nazis for mass extermination. One application asks for money for a scholarship program to try to break a cycle of poverty on many continents that is compounded by the Holocaust.

"We desperately need to be able to stand on our own two feet and to be able to pull ourselves up and not rely on outsiders," said Ian F. Hancock, a prominent Romany professor at the University of Texas at Austin who is chairman of the education fund.

Another application came from the small Jewish community in the city of Olomouc in the Czech Republic. In an e-mail response to a reporter's questions, Milos Dobry, secretary of the Olomouc group, said 51 Jewish Holocaust survivors remain in a community that had 3,500 Jews before the Nazi occupation.

On March 15, 1939, the Nazis burned the Olomouc synagogue. Ever since, the e-mail message said, "we have only a prayer room furnished in an old style." Many Olomouc survivors are poor and ill, it added. "It would be a big help for them to receive a financial help from abroad."

The applications include plans for inventive educational projects on the Holocaust. Some want to preserve the histories of communities that were wiped out. Some groups focus on housing, food or social services for survivors. One organization in Israel seeks to provide counseling for some concentration camp survivors who are still often awakened by nightmares, its application says.

Many groups are secular. Some have religious or cultural goals. The Lubavitch Hasidic movement, which encourages secular Jews to become more observant, asked for money for direct aid, like soup kitchens, for survivors as well as for the education of Jews in religion and ritual in far-flung places like the Baltic states, Greece and Peru.

"The greatest revenge the victims could have on those who persecuted and slaughtered them would be in the perpetuity of Jewish education and, therefore, Jewish life," said Rabbi Yehuda Krinsky, an official at Lubavitch headquarters in Brooklyn who filed the application.

In interviews, survivors struggled to explain that the competition is painful because it inescapably pits victims' groups against one another. The struggle, some said, is not just over dollars, but also over the hopes of people all over the world that what happened to them be remembered.

By telephone from Madrid, where she now lives, Magdalena Kusserow Reuter, 80, a Jehovah's Witness, said she is sometimes shocked when people seem surprised to learn that Witnesses, too, were targets of Nazism. Mrs. Reuter spent four years in the Ravensbrück concentration camp after refusing Gestapo demands that she renounce her faith.

"It is important," she said, "that we will not forget."