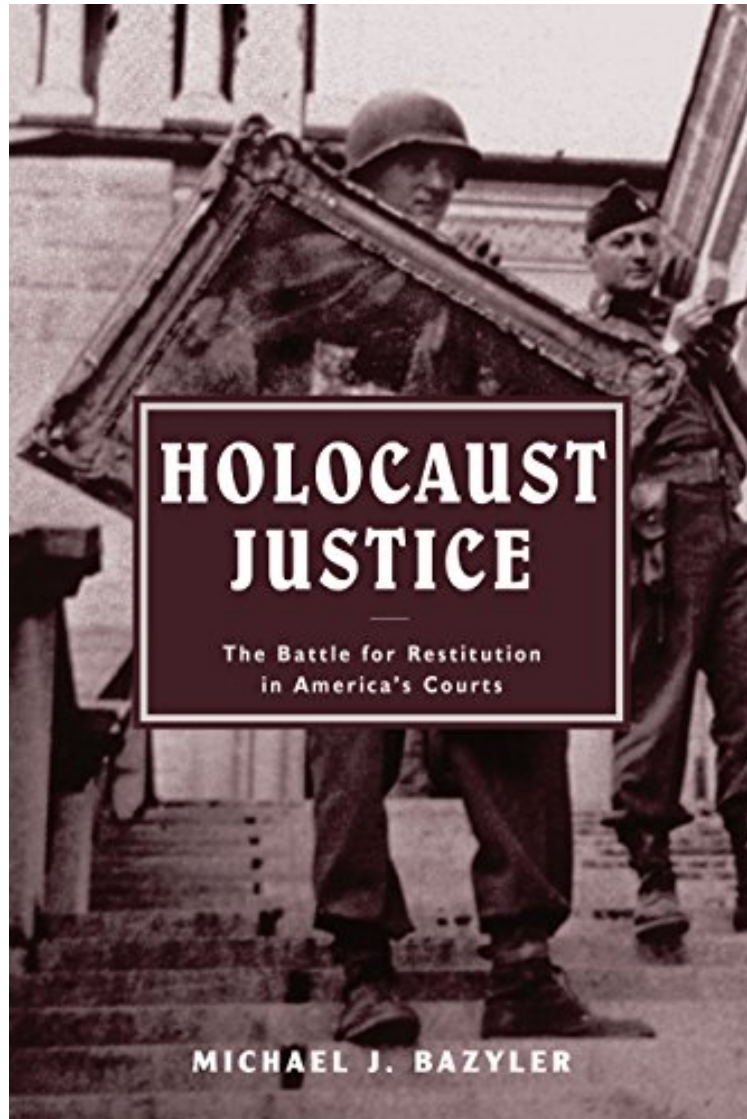


(Library ebook) Holocaust Justice: The Battle for Restitution in America's Courts

## Holocaust Justice: The Battle for Restitution in America's Courts

*Michael J. Bazylar*

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**Michael J. Bazylar : Holocaust Justice: The Battle for Restitution in America's Courts** before purchasing it in order to gage whether or not it would be worth my time, and all praised Holocaust Justice: The Battle for Restitution in America's Courts:

1 of 1 people found the following review helpful. Belated Justice for the Victims of the Holocaust Or Something Else? By Jan Peczkis The author, Michael J. Bazylar, is a Professor of Law, and an attorney who specializes in Holocaust-related litigation. He was born to Holocaust survivors, and grew up in postwar Lodz, Poland. (p. xiii). INTERESTING FACTS AND FIGURES Bazylar estimates that the Nazis stole Jewish assets worth between a

total of 230 and 320 billion dollars (in 2003 dollars) (p. xi). [So much for the myth that the Holocaust was a uniquely-irrational genocide insofar as it brought no tangible benefits to the perpetrator. It most certainly did.] Approximately 8-10 (even 12) million people were slaves (forced laborers) for Nazi Germany. (p. 59). Of course, most of them were not Jews. Between 1933 and 1945, the Germans stole approximately 600,000 pieces of art, not including rare books, stamps, coins, furniture, etc. The looted art alone had a net worth of 2.5 billion dollars (in 1945) and 20.5 billion in 2003. (p. 202).

**WHY HAVE HOLOCAUST SURVIVORS NOT BEEN COMPENSATED FROM GERMAN MONIES LONG AGO?** Although Bazylar pooh-poohs Norman Finkelstein's claim that Holocaust survivors are being manufactured for Holocaust Industry purposes, he tacitly acknowledges the validity of Finkelstein's argument: The very definition of a Holocaust survivor is ambiguous. (pp. 274-275). Since 1952, Germany has paid the Jews a total of 60 billion dollars to some Jewish victims of Nazi persecution. (p. 61). But the Luxembourg Agreement also included considerable monies, as for Israel's infrastructure, which did not go to Holocaust survivors. If justice and compassion for Holocaust survivors are of such urgency and moral gravity, one must ask why not? Why are we, in 2003 (the date of the publication), STILL hearing about destitute Holocaust survivors that have been denied justice for decades? As a matter of fact, Holocaust survivors, to this day, complain that even recently-acquired Holocaust-restitution monies largely do not go to them. Other Jewish spokesmen say that this is exactly how it should be, asserting that Holocaust-reparation payments belong to ALL Jews, and not just Jewish survivors. (pp. 80-81; pp. 272-on). What's more, Holocaust reparations are being used for Holocaust education. (p. 278-279). Considering the mountains upon mountains of Holocaust-promoting material that already saturates western culture, this is a bit jarring. It tends to support the premise that the Holocaust Industry is, first and foremost, a self-perpetuating racket. There is more. Wealthy Jewish organizations could have amply met the financial needs of the Holocaust survivors long ago, and not even have felt it as pointed out by Norman Finkelstein. One can reasonably suspect that the Holocaust survivors have been kept needy in order to serve as bait for never-ending Holocaust-reparation demands to play on peoples and politicians' emotions (the ARGUMENTUM AD MISERICORDIAM).

**HOLOCAUST INDUSTRY MODUS OPERANDI: INTIMIDATION IS AT LEAST AS IMPORTANT AS LITIGATION** In the Swiss bank settlement, according to Bazylar, True, Judge Korman never ruled on the legal arguments made by both sides in the Swiss bank litigation. (p. 74). Now add this to the lawsuit against German industries that made use of slave labor. Bazylar adds, Even if they were now less fearful of American litigation, practical considerations led the Germans to press for a global settlement akin to the settlement achieved by the Swiss banks. First, like the Swiss, the German companies were still under the threat of sanctions imposed by state and local governments. More important, those German multinationals doing a lot of business in the United States wanted to avoid the negative publicity that fresh allegations, unearthed from new historical research, might bring them. (pp. 78-79). The same campaign of intimidation worked in the case of the French banks. Bazylar comments, The political pressure proved to be a significant element in moving the French banks to strive for a speedy end to the litigation. (p. 182).

**ARBITRARY VICTIMS: HOLOCAUST JUSTICE SETTLEMENTS PRIMARILY BENEFIT JEWS** Many commentators that defend Holocaust restitution efforts, including Michael J. Bazylar, bring up the Claims Conference Program for Former Slave and Forced Laborers, and how most of the monies secured went not to Jews but the Eastern Europeans, including Poles. Unfortunately, this is a bit disingenuous. Original plans called for the monies to go only to Jewish forced laborers, but this was changed for tactical reasons--when it became obvious that it would become a major liability to Jews in general and the Holocaust Industry in particular. For details, please click on, and read my detailed review, of Restitution and Memory: Material Restoration in Europe. In addition, the Slave and Forced Laborer indemnities must be put in the broader context of overall Holocaust-Industry efforts, in which the lion's share of the monies goes to the Jews. Consider the Swiss banks settlement. The following were beneficiaries: Jews, homosexuals, the physically handicapped, homosexuals, Gypsies (Sinti and Roma). On the other hand, Slavic peoples (Poles and Russians), who confessedly were also victims of the Nazis, were specifically EXCLUDED. (p. 34). This is justice??

5 of 5 people found the following review helpful. The story of the effort to win compensation for the Theft of the Property of the Jews of Europe. By Shalom Freedman. This is a clear, comprehensive well-written account of a search for justice and compensation for those whose property and possessions were stolen during the Holocaust. The author Michael Bazylar, who is Professor of Law at Whittier Law School in California and international law litigator, rightly notes the outset that the property crimes of the Holocaust, secondary to the murder of eleven million human beings, including six million Jews, are nonetheless of great significance. Bazylar makes a strong case for the historical importance and rightness of the search for compensation for the property loss. For over five decades major international business firms in Switzerland, Austria, and Germany had ignored and covered up their role in property-crimes. The major banks of Switzerland, United Bank of Switzerland, Credit Suisse, and the Swiss Bank Corporation had been heartlessly cruel to individuals by refusing to acknowledge their bank accounts. In the course of the investigations the banks were proven to have collaborated with the Nazis in purchase of gold some of which was taken from the bodies of victims. The Swiss Government had traded with and so supported the Nazi regime. Bazylar tells the story of the search for compensation in the United States Courts. It turns out that Justice could be attained not in any European courts but only in American ones. The willingness of the U.S. court system to hear these claims, the ability of U.S. government

officials ( U.S, Senator Alfonse D'Amato and New York State Comptroller Alan Hevesi played key roles ) enabled pressure to be applied to the Swiss government and firms. The tale of their shameful stonewalling, denial and attempt to escape from any honest dealing with the heirs of the bank account holders is a fascinating part of the story. The compensation deal which was finally made for 1.25 billion dollars actually meant that very small amounts of compensation went to individual holders of accounts. But the whole process did have the positive effect of exposing the degree of venality and criminality, beside sheer human heartlessness of the Swiss Banking Community and political establishment. Bazyler then goes on to tell the even more heartbreaking story of the slave-laborers search for compensation from Germany. The German firms at first tried to deny and escape any responsibility. The slave-labor issue also extended to firms outside of Germany including even Ford and I.B.M. Again to make a long story short an agreement was reached which led to compensation being given to slave- laborers. Eighty percent of those who received compensation for having worked as slave- laborers were Slavs from Eastern Europe. The relatively small sums of compensation by Western terms, a few thousand dollars only, could in the case of many of those living in Eastern Europe be of significant help. And this when all of this was of course a mere pittance in comparison to the 'real price' in suffering, in life, in time , in dignity which was paid by the slave- laborers. Bazyler also considers the whole question of stolen art and its return. In his last chapters he replies to those critics of the whole historical effort to gain monetary compensation. Important well- meaning Jewish voices criticized the whole effort as demeaning the Shoah, as somehow enabling the criminals to think that they had paid off and so made up for their crimes. Bazyler takes strong exception to these critics. He shows, rightly in my opinion, how the class- suits and public attention they generated , exposed Holocaust criminals who had been masquerading as ordinary citizens. He points out that 'monetary compensation' is the only form of compensation possible when speaking of crimes of theft. There was no intention to in any way equate these crimes in weight and significance with the horrible acts of murder and torture which the Nazis and their accomplices committed. Bazyler also refutes the charge that the suits may have stirred new Anti- Semitism in a Europe which has never truly freed itself of Anti-Semitism. Bazyler points out how for a number of those who received the compensation there was a certain sense of justice done. In his last chapter Bazyler talks about the way such class- action suits may be used by other victims of historical property theft. This is a well- documented and extremely well- written study. The persistence, devotion of many of the litigants and also of the lawyers is one side of the story. Another side , is the evil of the evildoers, those who profited from theft and hid that profiting for decades. Justice of course cannot really be done to the victims, even to those victims who lost only property. For no one lost only property, in a crime whose essence was in destroying the very humanity of its victims, in depriving them of every last bit of human dignity. 7 of 9 people found the following review helpful. An original and core addition to Holocaust Studies reference By Midwest Book Review Holocaust Justice: The Battle For Restitution In America's Courts by Michael J. Bazyler (Professor of Law, Whittier Law School, Costa Mesa, California, and Fellow at the Center for Advanced Holocaust Studies, U.S. Holocaust Memorial Museum, Washington, DC) is a definitive analytical study of how the American courts and system of justice were used to address the mass-scale theft initiated by the Holocaust, which not only exterminated six billion Jews but also stole hundreds of billions in wealth and possessions from its Jewish victims. Since the end of World War II, this mass theft was further perpetrated and exacerbated by Swiss banks that refused to give the families of Holocaust survivors their due; Italian, Swiss, and German insurance policies that refused to pay on prewar policies; wrangling in the courts concerning art looted by the Nazis in wartime Europe, and more. An original and core addition to Holocaust Studies reference collections, Holocaust Justice is a thoughtful, informative, detailed, authoritative study of the ongoing battle for justice stretching decades after Nazi genocide was ended by the Allies along with the rest of the Third Reich.

The Holocaust was not only the greatest murder in history; it was also the greatest theft. Historians estimate that the Nazis stole roughly \$230 billion to \$320 billion in assets (figured in today's dollars), from the Jews of Europe. Since the revelations concerning the wartime activities of the Swiss banks first broke in the late 1990s, an ever-widening circle of complicity and wrongdoing against Jews and other victims has emerged in the course of lawsuits waged by American lawyers. These suits involved German corporations, French and Austrian banks, European insurance companies, and double thefts of art first by the Nazis, and then by museums and private collectors refusing to give them up. All of these injustices have come to light thanks to the American legal system. Holocaust Justice is the first book to tell the complete story of the legal campaign, conducted mainly on American soil, to address these injustices. Michael Bazyler, a legal scholar specializing in human rights and international law, takes an in-depth look at the series of lawsuits that gave rise to a coherent campaign to right historical wrongs. Diplomacy, individual pleas for justice by Holocaust survivors and various Jewish organizations for the last fifty years, and even suits in foreign courts, had not worked. It was only with the intervention of the American courts that elderly Holocaust survivors and millions of other wartime victims throughout the world were awarded compensation, and equally important, acknowledgment of the crimes committed against them. The unique features of the American system of justice which allowed it to handle claims that originated over fifty years ago and in another part of the world made it the only forum in the world where Holocaust claims could be heard. Without the lawsuits brought by American lawyers, Bazyler asserts, the claims of the

elderly survivors and their heirs would continue to be ignored. For the first time in history, European and even American corporations are now being forced to pay restitution for war crimes totaling billions of dollars to Holocaust survivors and other victims. Bazylar deftly tells the unfolding stories: the Swiss banks attempt to hide dormant bank accounts belonging to Holocaust survivors or heirs of those who perished in the war; German private companies that used slave laborers during World War II including American subsidiaries in Germany; Italian, Swiss and German insurance companies that refused to pay on prewar policies; and the legal wrangle going on today in American courts over art looted by the Nazis in wartime Europe. He describes both the human and legal dramas involved in the struggle for restitution, bringing the often-forgotten voices of Holocaust survivors to the forefront. He also addresses the controversial legal and moral issues over Holocaust restitution and the ethical debates over the distribution of funds. With an eye to the future, Bazylar discusses the enduring legacy of Holocaust restitution litigation, which is already being used as a model for obtaining justice for historical wrongs on both the domestic and international stage.

From Booklist Historians estimate that the Nazis stole assets worth between \$230 billion and \$320 billion in today's dollars from Europe's Jews during the Holocaust. This included paintings, other artwork, jewelry, artifacts, and money. In the 50 years since the end of World War II, most of these Jewish victims have yet to be compensated for their losses. In 1996, Holocaust survivors and their heirs began successfully suing the three largest Swiss banks for failing to return money deposited with them on the eve of and during the war. As Bazylar shows, museums worldwide, including in the U.S., are holding art looted by the Nazis. The author, the son of Holocaust survivors, posits that the "real hero" is the American justice system, the only forum in the world where Holocaust claims can be heard today. In this lucid and compelling book, Bazylar documents the fight for restitution, its successes, and its failures. George Cohen Copyright American Library Association. All rights reserved A masterly study of the search for justice against long odds. Its analysis is compelling, its importance immense. It is also a fascinating read. -Daniel Jonah Goldhagen, author of *Hitler's Willing Executioners* and *A Moral Reckoning* An incisive work of legal history and an invaluable guide to the litigation involving Holocaust-era assets. Bazylar offers an elegant and up-to-date study that will prove indispensable for those interested in restitution law, the Holocaust, and the issue of historical injustice. -Jonathan Petropoulos, former Research Director, Presidential Advisory Commission on Holocaust Assets in the United States. Michael Bazylar brings the passion of a child of Holocaust survivors and the tenacious investigative skills of a lawyer in addressing the complexities of Holocaust restitution. The result is courageous, provocative, and sobering. -Rabbi Abraham Cooper, Simon Wiesenthal Center This book should be read by everyone interested in how some measure of justice was obtained for victims of the Holocaust and about how issues of historical injustice should be addressed by the international community. -Paul Hoffman, Chair, Amnesty International An indispensable guide to the complex and controversial struggle for justice in the aftermath of the Holocaust. -Michael Berenbaum, The University of Judaism About the Author Michael J. Bazylar is Professor of Law and The 1939 Society Law Scholar in Holocaust and Human Rights Studies at the Dale E. Fowler School of Law, Chapman University.