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Robbing the Dead

By Samantha Power; Samantha Power, a lecturer at Harvard's Kennedy School of Government, is the author of " 'A Problem From Hell': America and the Age of Genocide."

IMPERFECT JUSTICE

Looted Assets, Slave Labor,
and the Unfinished Business of World War II.

By Stuart E. Eizenstat.

Illustrated. 401 pp. New York:

PublicAffairs. \$30.

WRITING in his journal on Sept. 15, 1945, Gen. George S. Patton, commander of the Third Army and liberator of Nazi concentration camps, had this to say about the emaciated people under his care: "Others believe that the Displaced Person is a human being, which he is not, and this applies particularly to the Jews who are lower than animals . . . a subhuman species without any of the cultural or social refinements of our time." Some of the liberated Jews were persecuted, physically abused and even murdered in the postwar period. The vast majority were swatted away as nuisances or swindled.

Take Estelle Sapir, a 17-year-old Polish Jew imprisoned in Rivesaltes, France, in 1942. Estelle managed a final conversation with her father, Joseph, through a prison fence. "Don't worry for money," he said, "You have plenty of money in Switzerland." He named the different cities where he had stored his family's savings. Reaching through the barbed wire with a single finger to touch his daughter, he made her repeat the information to be sure she would not forget. The day after this exchange, Joseph Sapir was transported to the Majdanek death camp in Poland and was never heard from again.

Estelle survived the Holocaust. In 1946, in accordance with her father's wishes, she went to the Credit Suisse bank in Geneva and inquired about the family accounts. The teller returned with a folder labeled "J. Sapir." But even though it was obvious that Estelle was the rightful claimant, the bank manager took refuge in formalities, coldly insisting that she provide her father's death certificate, a known impossibility. Estelle visited the bank several times, twice in 1946, once in 1957 and once in 1996. The Swiss bankers refused to budge.

In the three-decade-long debate over the role of the Allies, the occupied countries and the neutral powers during the Holocaust, there has been little discussion of the treatment of survivors after the war. Stuart E. Eizenstat, an ambassador to the European Union and an under secretary in the Clinton administration's State and Commerce Departments, is the American official most responsible for drawing attention to their fates, and for providing them a measure of reparative justice.

As an American Jew, Eizenstat was upset by the Roosevelt administration's wartime

denial of entry to Jewish refugees and its refusal to bomb Nazi train tracks leading to the death camps. He believed that like the Swiss bankers, German car manufacturers and Austrian art dealers, he needed to make amends for the sins of his nation. "For me, this was not just another public policy challenge but a chance to help remove a cloud over the history of the United States," he writes in "Imperfect Justice," a dense but readable memoir on his experiences negotiating the "unfinished business" of the Holocaust.

Eizenstat's efforts began in 1995, when he was assigned the "limited mission" of helping bring about the return of Nazi-confiscated religious property in Eastern Europe. Over the next six years his mandate expanded in ways nobody predicted. "Imperfect Justice" offers a near blow-by-blow account of how compensation deals were struck. Although the Swiss government had "buried its head in the deep Alpine snow," Eizenstat describes how Swiss bankers were pressed into setting up a billion-dollar fund for holders of dormant bank accounts. This precedent then helped him broker deals with the Germans, Austrians and French.

The issue of "Nazi gold" and corporate compensation has so occupied the news in the last half-decade that it is easy to forget that Swiss banking was once thought to be an unblemished profession. It is also easy to overlook the fact that before the negotiations started, Holocaust-profiteering governments, insurance companies, museums and others rested easy -- certain, a full half-century after the war, that the law of finders keepers, losers weepers had prevailed.

Eizenstat's negotiations were propelled by a number of forces. The end of the cold war and the opening of Eastern Europe's archives meant millions of victims were now able to document their demands. Awareness of the Holocaust continued to rise steeply. Crucially, globalization was rendering European companies with branch offices in the United States far more vulnerable than ever before.

In light of the stakes -- huge sums of money, national and professional pride, the calls for justice from victims or their bereaved relatives -- Eizenstat had to deal with what he calls a "witches' brew of egos and mutual jealousies." His story's participants include Edgar Bronfman, the billionaire head of the World Jewish Congress; Alfonse D'Amato, the truculent New York senator fighting for his political survival; and Christoph Meili, a security guard at a Swiss bank who became a national pariah in 1997 when, moved by the film "Schindler's List," he decided to go public with his discovery that his bank seemed to be shredding its German Reichsbank wartime records.

"Imperfect Justice" graphically recounts how Eizenstat juggled the competing agendas, special interests and conflicting moral and financial claims that might have caused those less determined to quit in frustration. Just as Richard Holbrooke did with the Bosnian peace negotiations in "To End a War," Eizenstat provides readers with a look at how a gritty American negotiator can drive home a deal nobody especially likes but all learn to live with.

Ever the diplomat, Eizenstat is quick to acknowledge the imperfections in the settlements

he achieved. Still, he can be credited for nudging and at times dragging along a process that has shined a spotlight on the needs of the survivors, and has helped create shame and expense for previously unaccountable governments and companies. (In a sign of how touchy the issue still remains, Switzerland has threatened to ban this book because its jacket shows a swastika made of gold ingots superimposed on a Swiss flag.)

Thanks to the pressure generated by America's intervention, the Swiss finally paid Estelle Sapir \$500,000 in 1998. She died just a few months later. But before she did, she explained why she had tried for so long to track down her father's money. "I want when I go back upstairs to heaven, when I meet my father, to tell him, 'I done this for you. I went. I done. I found.' "

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