

Private torment of the woman

LAST spring, during the height of negotiations between a handful of Swiss banks and Holocaust victims campaigning to recoup money deposited before World War II, there was an extraordinary sight. Estelle Sapir, a 72-year-old Queens resident and rightful heir to several hundred thousand dollars, would arrive for meetings with Credit Suisse carrying a box of cookies — which, according to her attorney Ed Fagan, she generously shared with lawyers in the opposite camp.

Says Fagan: "Many times I'd have to tell her, 'Estelle. You can shake hands with the [Credit Suisse officials] or say hello. But don't lean over and give them a kiss!'"

But charming everyone — including her bitter adversaries — was Estelle Sapir's way. By the time she died last month at the age of 73, Sapir — an elegant, auburn-haired woman who was less than 5 feet tall — had become the symbol of the decades-long struggle to force Swiss banks to return millions of dollars that belonged to survivors and their families.

In the first family interview since

Sapir's death, her niece Jeannette Bernstein reveals to The Post that while Sapir was ultimately vindicated by a Credit Suisse settlement of reportedly \$300,000 to \$500,000, her courageous struggle to fulfill the death camp vow she'd made to her father haunted her difficult life. It also almost certainly hastened her death.



Meredith Berkman

When you hear her story, the financial settlement paid to Estelle Sapir seems like very little compensation for what she endured.

Anyone who has followed the Swiss bank cases may recall Sapir's compelling story. In 1942, at the age of 16, she was imprisoned with her family in a detention camp in Southern France; as the women were separated from the men, Estelle spoke to her father for a few precious moments through the barbed wire. Jozef Sapir, a wealthy Polish businessman, told her he had secreted away part of the family fortune and that she must reclaim it.

"You have to survive," Jozef told her, repeatedly quizzing her on the names of the banks that held the funds. "You'll be OK, because there's money in the bank." He handed her his wedding ring for safekeeping.

Sapir never saw her father alive again.

She escaped (along with her mother and brother; an older sister had already fled) and spent the war years hiding out in the French countryside, working for the Underground. Though she was trained to throw grenades, Sapir's main job was wearing short skirts and riding a bicycle to distract German soldiers with her shapely legs.

When the war ended, Sapir contacted the French and English banks that held portions of the family's money, and some was returned. But in 1946, the Geneva branch of Credit Suisse

refused to turn over an account unless she produced a death certificate. Sapir who had financial documentation argued that bank officials knew that was impossible. "Where should I get it? From Hitler? From Himmler?" she responded.

In the 1960s she came to America joining her mother and siblings. But their existence was nothing like the lavish life in Poland. In New York she spent more than 20 years working at a local pharmacy, selling makeup and perfume. But at home she maintained high standards. When you went to Sapir's modest apartment for dinner, remembers Bernstein, "the table was impeccable. She always had the right napkins and plates. She had great style. She looked high-maintenance even though she wasn't."

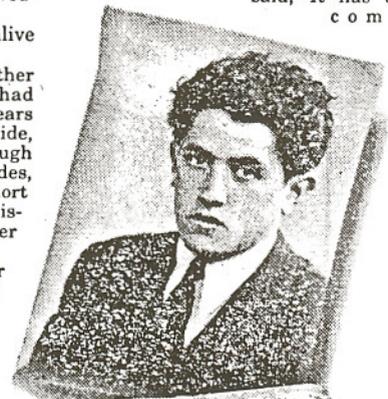
And Sapir, who wore her father's ring around her neck until her death, refused to relinquish her role as the family's outspoken advocate.

"I don't think it was so much about the money as history had to be rewritten," says Bernstein, a Manhattan real-estate broker who lived around the corner from her aunt in Bell Harbor and regarded her as a surrogate mother. "Our family knew the story about the Swiss banks, but the world didn't know. Everyone thought

Switzerland was neutral and a wonderful country. She said, 'It has to be'." c o m



Estelle Sapir (left) displays photos of her and her brother Joseph (clockwise), her father Jozef and a group shot taken in the prison barracks in France, 1943. Her brother Lucian (right) survived the Holocaust; Estelle's Polish passport was issued in 1939.



who broke the Swiss banks

out. She felt this was her calling."

Bernstein is also convinced that Sapir, a beauty who was briefly engaged after the war, never married because of her enormous emotional burden.

"Wherever she went, her father's face was always there," Bernstein recalls. "Until she got satisfaction, she was not going to get married. She felt she couldn't keep the promise if she had her own children."

A turning point came in 1996, when Bernstein contacted then-Sen. Al D'Amato's office because the senator was head of the Banking Committee; Sapir brought evidence with her when she met with several of his aides, and D'Amato immediately took up her case.

"We had a love affair," D'Amato says affectionately of Sapir, who appeared in one of his campaign commercials last fall; she was the star witness at D'Amato's 1996 Senate hearing on the Swiss banks. (She also, he notes with a laugh, offered him unsolicited romantic advice.) "Estelle inspired me. There wasn't anything she wouldn't do for the cause. The mission was not for her personally or for gain. I think it was fueled by her desire to see that justice was done."

Sapir then hired attorney Ed Fagan to handle her claim against Credit Suisse, and she served as a lead plaintiff in the class-action suit brought against it, along with Union Bank of Switzerland and the Swiss Bank Corporation. The case eventually grew to include many thousands of other survivors — including those without Swiss accounts but who argued that the banks held money looted from European Jews — until it became, in Fagan's words, "a great Holocaust victims' giveaway."

"Boy, did she have a mouth," says Fagan, who has been criticized for aggressively courting survivors and their heirs; a few hours later he flew to Austria to settle a suit brought against the Austrian banks. "A good mouth. She was powerful, and she spoke her mind. And she was a great flirt."

But as her case dragged on, Sapir, who was already frail, began to waste away. She had difficulty eating, and her weight dipped below 70 pounds. Bernstein believes her aunt — who continued speaking out against the banks and lending her presence to other survivor class-actions, including those brought against German corporations that employed Jewish slave labor during the war — was simply drained.

"Estelle kept on thinking about the people in the camps, and she started almost looking like they did. A few times she said to me, 'If I knew before what I know now, I don't know if I would have done this.'"

— Jeannette Bernstein

"You could see the story on her face," says Bernstein. "She kept on thinking about the people in the camps, and she started almost looking like they did. A few times she said to me, 'If I knew before what I know now, I don't know if I would have done this.' But in the next breath she'd say, 'But I had to.'"

"Estelle gave her life for the battle," agrees Fagan. "These cases force survivors to come back and relive the worst nightmares they've ever had. They don't eat, and they don't sleep. It kills them. That's what it did to Estelle. That's what it does to all of them."

At least Sapir lived long enough to receive part of her family's money. Last May, Credit Suisse settled with her after she reluctantly agreed to remove herself from the class-action. "That was our biggest battle with her," remembers D'Amato. "We had to convince her she wasn't abandoning the others." In fact, according to D'Amato and Fagan, Sapir's settlement facilitated the resolution of the larger case for \$1.25 billion last August.

Last fall, Sapir returned to Warsaw for the first time since the war with a small group including Bernstein, her brother Herb Broner, and WCBS-TV investigative reporter Marcia Kramer; the trip was filmed for an award-winning WCBS

special, "Return to Poland." When they arrived at Majdanek, where her father was killed, Sapir shocked everyone by crawling into one of the death camp ovens.

"When she came out, she had ashes in her hand," says Bernstein. "She said, 'Now I have something of my father.'" Bernstein plans to bury a pill bottle filled with the ashes at Sapir's gravesite.

"She now had done everything she wanted to do," Bernstein continues. "She kept the

promise. I think she thought, 'OK, someone else can take over.'"

Early on the morning of April 13 this year, Sapir called Bernstein and another niece to her home because she wasn't feeling well. When the women arrived and called an ambulance, Sapir, who used English or French with her family, suddenly began speaking Yiddish, a language she hadn't used in many years.

"She started talking to her [dead] mother as if she were standing right there," says Bernstein, still shaken at the memory. "I was holding her hand, and she was saying, 'Mama, I want to die. It's time.'"

When the rescue crew arrived, Sapir was already dead. It was, ironically, Yom Ha Shoah, Holocaust Remembrance Day.

Sapir's legacy — her burn for justice and restitution — will now be carried on by her family. According to Fagan, Sapir had several cases outstanding against German and French banks which her heirs will continue. Bernstein has also been named as a plaintiff on behalf of her father, Itzhak Broner, in a slave-labor class-action suit brought against BMW.

In his eulogy at her funeral, D'Amato described Sapir as "small in stature but a giant." The managing director of Credit Suisse First Boston flew in from London on the Concorde to pay his last respects to the woman who had triumphed over his bank. Bernstein is convinced that her aunt, flirtatious to the end, would have been thrilled by all the attention. "She would have loved her funeral," she says.



A diminutive woman with a tough streak, Estelle campaigned for then Sen. Al D'Amato's re-election. D'Amato was on a congressional committee that investigated the Swiss banks.

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