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## In Lawsuit Against Swiss Banks, A Hope to Do Justice to a Father's Memory

By CHARISSE JONES

For half a century, Gizella Weisshaus followed a trail of whispers.

She followed it three times to Switzerland, searching for a bank account her father opened there during World War II, hoping his family could escape the Nazis and use the money to rebuild their lives.

For Mrs. Weisshaus, who lost everyone and everything in the war, memory was the only proof she had. But Swiss banking officials said that without an account number, they could not help her.

The teen-age girl who survived the Holocaust grew older. She became a mother, and a grandmother. Now Mrs. Weisshaus, 66, says time is of the essence.

"Our people are not getting younger," said Mrs. Weisshaus, who has asked the United States courts to intervene. "I'm considered one of the youngest survivors, so there's going to be nobody left to claim this money. That's why I felt this was the only way to force them to disclose these so-called dormant accounts. We are the survivors, and we are entitled to the money and information."

Mrs. Weisshaus is believed to be the first Holocaust survivor in the United States to sue the banks of Switzerland for unclaimed accounts made by Jews throughout Europe fearing that their assets would be seized by Germany. Many of those Jews later died in the Holocaust. The class-action suit, filed in Federal court last month, accuses Swiss banks of failing to return money and valuables deposited by Jews during World War II, as well as wealth stolen from them by the Nazis.

Since the suit was filed, Mrs. Weisshaus's lawyers say that more than 3,000 survivors have come forward asking to join it. And the case has become the emotional center of a growing furor over Switzerland's dealings with the Nazis during and after World War II.

"These aren't people who say there's a lawsuit, let me go jump on the bandwagon," said Ed Fagan, one of Mrs. Weisshaus's lawyers. "These are people who have for 50 years been trying to get their money."

Swiss Government and banking officials maintain that they have searched exhaustively for such accounts in the past, but are willing to do so again to put the matter to rest.

"The Swiss have pledged that at the end of this process, not one penny will remain in Switzerland that may have belonged to a victim of the Holocaust," Jeffrey Taufield, a spokesman for the Swiss Bankers Association, said.

In the years before and during World War II, many Jews deposited money and valuables in Switzerland, where banking secrecy laws could protect their assets from the Nazis. And soon after the war ended, the battle over abandoned accounts and looted assets left in that country began.

But only in the last year has the issue shifted into the spotlight, partly because documents long classified have been made public and partly because 50th anniversary examinations of the war have fostered a greater understanding of the Holocaust.

### A Father Shares A Secret and Vanishes

The Senate Banking Committee, headed by the Republican Senator Alfonse M. D'Amato, has held hearings with survivors and says it has found evidence to support claims that Swiss banking authorities withheld many deposits. And a Swiss historian, Dr. Peter Hug, has recently spoken of supposedly secret deals that Switzerland struck with former Communist eastern European countries to use dormant accounts of Holocaust victims to compensate Swiss businesses for expropriated assets.

Equally important, some say, has been the growing willingness of survivors and witnesses to take on a battle that some had viewed as too painful to fight.

"People had come through such a horror and done whatever they had to do to survive," said David Cohen, who accompanied a survivor who was considering joining the lawsuit. "The tiny fraction of dignity they were able to hold on to during the war was worth more than all

the money they had in the bank. So if even the thought of being turned down or rejected or treated like a pariah was there, they would have stayed far from it."

But Mrs. Weisshaus felt she had no choice. A black-and-white picture of her with her father rests on a table. "I have to do justice to his memory," she said.

She was born in Sighet, Romania, in 1929, where her father was a prosperous merchant. When the war began, food was harder to come by and fuel was low. "But I had my family," said Mrs. Weisshaus, the oldest of seven children. "And we were happy."

Then "in 1944, about the end of March, the Germans came into our town," Mrs. Weisshaus said. She was 14 when her family was sent to live in one room in a ghetto. Later, her father was arrested.

But he came home once more, to say goodbye, and to share his secret.

"My father came home with a guard to say goodbye to the family," she said. "He spoke first with my mother. And then he took all the children around him and he told us he had money hidden in the walls, and money in a Swiss bank. And that was it. That was the last I saw of my father."

The next day, the rest of her family boarded cattle cars for a three-day journey to Auschwitz in German-occupied Poland. When they arrived, the newcomers were divided into two groups. Mrs. Weisshaus was separated from her family, despite her mother's plea to the guards to let the young girl go with her. "They wouldn't do it," she said, "and they sent me to the other side where I went to work." Mrs. Weisshaus said she was taken to a forced-labor camp. The other group, which included her mother, siblings and grandparents, was killed.

The fighting kept inching closer to the camp, and so the guards forced their prisoners to march, locking them in barns at night. "And so it happened one day that they didn't open the barn," she said. The prisoners banged on the door. It opened, and standing outside were Russian soldiers. "And then we found out it was the end of the war."

#### From Swiss Banks, Nothing but Rebuff

Mrs. Weisshaus, then 15, returned to her hometown. "I was sure somebody was going to be alive," she said. A great-uncle whom she had never met went to the train station every day to ask people if they knew who had survived. It was there where he learned of his brother's granddaughter, Gizella. He told her to come live with him, that he would take care of her. "I said I have to go home and find my family," she recalled. "I should be there when they come."

But no one ever did. In all, Mrs. Weisshaus lost 55 relatives. She salvaged pictures of her family from her old home, and remembered her father's message that there was money hidden there.

The Russian soldiers who now lived there would drink through the night and sleep during the day, she said. So she would sneak through the backyard and into the attic to search. She scraped the walls and tapped the floor until she finally found the small treasure, hidden in hollowed-out places inside the ceiling's beams. There was more than \$1,500 dollars, a gold watch, French coins and small pieces of gold.

With no family left, she sought out a matchmaker who found her a husband, Josef. Mrs. Weisshaus used some of the money she found in the attic to buy cloth for a wedding dress.

"I would give that money away for anybody," she said. "I should have had some relatives survive. I mean most of my friends, they had sisters, or cousins, or aunts or somebody to belong to. I had nobody."

She and her family moved to the United States in 1950, settling among other Satmar Hasidic Jews in Williamsburg, Brooklyn. But Mrs. Weisshaus never forgot her father's whispers about the money in Switzerland. She visited different Swiss banks, three times in eight years, and everywhere she went, she was rebuffed.

"I had to have something that is impossible to get," she said of the bank officials' demands for an account number. "And that's why they got away with this for all this time."

Then, earlier this year, the Swiss government appointed an ombudsman to look into the claims of Holocaust survivors regarding the dormant accounts. Mrs. Weisshaus wrote the ombudsman, but her patience wore thin when she read news accounts that said it would take five years for the Swiss to identify all the abandoned assets.

"It made me angry that even now they claim they need five years to find these dormant accounts, as if 50 years wasn't enough," she said.

#### For a Survivor, Lawsuit Is a Mitzvah

Mrs. Weisshaus's lawsuit seeks disclosure of all assets deposited by Holocaust victims in Swiss banks. The suit also charges that a large portion of the German wealth deposited in Switzerland and used to finance the war effort was stolen from victims of the Holocaust, and seeks compensation for survivors and their families. Lawyers and some Jewish organizations say that with interest and inflation, the assets

are probably now worth billions.

In addition to the ombudsman, a special committee set up by the Swiss Bankers Association and the World Jewish Congress, and headed by former Federal Reserve Chairman Paul Volcker, will bring in auditors to search for unclaimed assets.

Swiss officials say that their country has tried to resolve the issue of dormant accounts before. In 1962, the Swiss Parliament set a 10-year period in which the country's banks were to trace the owners of dormant accounts that apparently belonged to Jewish victims of the Holocaust, said Mr. David Vogelsanger, the Swiss Embassy's political affairs and press officer. Ten million Swiss francs were found, most of which were turned over to the owners or their families, while \$2.5 million in francs remained unclaimed, he said. Two-thirds of the remaining money was given to Jewish charities, and the remainder was turned over to the Swiss Refugee Aid Organization.

Last year, Mr. Vogelsanger said, the Swiss banks again searched for dormant accounts and found unclaimed money totaling \$38 million in Swiss francs. Officials say, however, that it is unlikely that the money belonged only to Holocaust victims.

But Mrs. Weisshaus says she knows her family's money is there, and she will continue to seek it.

Not so long ago, she set out to find a grave of a great-uncle who had immigrated to America. She was the first member of the man's family to visit his grave in 87 years. Her visits there are a mitzvah, she explained -- a good deed. Just like the filing of a lawsuit on behalf of people who survived the war, in memory of those who did not.

"Why did they choose me?" she said of the Nazi guards who sent her to work while they sent her family to death. "I was the chosen one to keep up the family, and I am doing the right things. There were some people who said they didn't believe in God anymore. But I couldn't think that way. So finding my grand-uncle and filing this lawsuit I had to do. Because of their memory. And because I was chosen to do this."

**Correction:** November 14, 1996, Thursday

A picture caption on Tuesday with an article about Gizella Weisshaus, a Holocaust survivor who is suing Swiss banks to recover her family's money deposited during the war, misstated the location of Mrs. Weiss haus in an old family photograph. She was the eldest daughter, shown between her parents in the back row of the photo, not the younger girl who was second from the left in the front row.