

Statement of the United States Concerning Approval of the
Settlement
of Rosner v. United States Lawsuit

The Jewish communities in lands controlled by the wartime Hungarian government suffered unspeakable crimes during the Holocaust at the hands of the Nazis and their Hungarian collaborators. The United States expresses its sympathy and solidarity with these victims and hopes that the settlement approved by the District Court will provide meaningful assistance to those survivors.

More than 175,000 Americans lost their lives combating the scourge of Nazism, and countless more were injured. Under very difficult conditions and at enormous personal sacrifice, American and allied troops defeated a determined enemy, liberated concentration camps, and fed, clothed and provided medical care to millions of starving and sick refugees, Jewish and non-Jewish alike. After the war, the United States Government and its citizens initiated unprecedented programs to aid, repatriate, and resettle Jewish and non-Jewish refugees.

In 1945, in the midst of the chaos of the immediate postwar period, U.S. forces captured what is now known as the Hungarian Gold Train from the Hungarian pro-Nazis. That train contained some of the personal property plundered from the Jewish communities of so-called "Greater Hungary," an area that included territories that had been seized from neighboring countries. Some non-Jewish property was on the train as well. The train, when captured by U.S. forces, was found to contain, among other things, boxes of jewelry, cutlery, thousands of wedding rings, and other personal property commingled without regard to the identity of their owners.

Many of the Jews from whom this property had been stolen were either killed or displaced in the war, and the United States Government at the time found that it had no practical way to identify the property or return it to the individuals from whom it had been stolen, as meaningful traces of individual ownership had been largely obliterated by the Hungarian pro-Nazis. The United States likewise concluded that it could not

identify even the national origin of individual items, since the train contained property plundered from Jewish residents of territories that belonged to a number of different countries. Further, transferring the train's contents to the postwar Hungarian government would, in effect, have recognized as legitimate Axis Hungary's annexation of portions of neighboring countries. There was also good reason to doubt that the Hungarian government would return any property to the surviving Jews of Hungary (many of whom were, in any event, no longer in Hungary and would never return there). Indeed, shortly after World War II, the French returned to Hungary certain property that was associated with the Gold Train prior to its capture by the United States, but the post-war communist Hungarian government denied that the property was Jewish in origin and virtually none of the property was returned to its Jewish owners.

The U.S. Government, recognizing the tragic origin of the Gold Train property, sought to use it to help surviving victims. In 1948, after consulting with leading Jewish organizations, and with their approval, the United States transferred the property to the International Refugee Organization ("IRO"). The IRO sold the property at auction and the proceeds were applied for the benefit of victims. Ninety percent of the proceeds were passed to preeminent Jewish relief organizations – including the Jewish Agency for Palestine and the American Jewish Joint Distribution Committee – to be used for the rehabilitation and resettlement of Jewish refugees. The remaining ten percent assisted non-Jewish refugees. None of the proceeds was kept by the United States.

The United States Government takes seriously any allegation that its conduct may have contributed in any way to the suffering or anguish of Hungarian Holocaust survivors, and the United States has thoroughly examined its conduct with respect to the Hungarian Gold Train property. It has also consulted with eminent scholars in the field. On the basis of its examination and consultation, the United States has concluded that, although the conduct of its personnel was appropriate in most respects, it was contrary to U.S. policy and the standards expected of its soldiers in two important areas.

First, some military personnel failed to return Gold Train property that had been requisitioned by the military during the initial post-war period. The requisitioned property included, among other things, typewriters, rugs, cutlery, and linens that were used by American military personnel in offices and official residences in post-war Europe. Although records survive reflecting the return of certain requisitioned Gold Train property to the U.S.-run warehouse from which it had been removed, the United States acknowledges that, in contravention of law and United States policy, some of its military personnel did not return that property upon their departure from Europe, but instead that property was either abandoned, retained or damaged beyond repair.

Second, some property was stolen from the warehouse in which the Gold Train property (as well as other property) was stored before the auction, and at least some of the thefts were perpetrated by members of the United States armed forces. Certain of the wrongdoers were apprehended, prosecuted and punished, but only a portion of the stolen property was recovered.

The United States regrets the improper conduct of certain of its military personnel and seeks in this settlement to provide meaningful assistance to those Hungarian Holocaust survivors still living who qualify as financially needy.