

# SWISS BANKS AND THE SHREDDING OF HOLOCAUST ERA DOCUMENTS

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## HEARING

BEFORE THE

COMMITTEE ON

BANKING, HOUSING, AND URBAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

THE RECENT EVENTS WHICH RELATE TO THE INQUIRY INTO THE ASSETS OF HOLOCAUST VICTIMS DEPOSITED IN SWISS BANKS INCLUDING THE CIRCUMSTANCES SURROUNDING THE SHREDDING OF BANK RECORDS BELIEVED TO PERTAIN TO BUSINESS DEALINGS DURING THE NAZI RULE IN GERMANY

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TUESDAY, MAY 6, 1997

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Printed for the use of the Committee on Banking, Housing, and Urban Affairs

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# SWISS BANKS AND THE SHREDDING OF HOLOCAUST ERA DOCUMENTS

TUESDAY, MAY 6, 1997

U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS  
*Washington, DC.*

The Committee met at 2:17 p.m., in room SD-538 of the Dirksen Senate Office Building, Senator Alfonse M. D'Amato (Chairman of the Committee) presiding.

## OPENING STATEMENT OF CHAIRMAN ALFONSE M. D'AMATO

The CHAIRMAN. I would like to thank our witnesses, Israel Singer and Elan Steinberg of the World Jewish Congress, and Christoph Meili. Christoph is the 29-year-old bank guard who was fired after he reported the destruction of bank records at the Union Bank of Switzerland on January 8th of this year.

The Committee has been looking into the relationship between Switzerland and its banks, and their dealings with Nazi Germany.

We are pleased to hear testimony today from Israel Singer, General Secretary of the World Jewish Congress, as well as Elan Steinberg. Israel Singer has been at the forefront, along with Edgar Bronfman and Mr. Steinberg, in the fight to obtain restitution from the Swiss banks, and to get a proper accounting of the looted gold, personal properties, and real estate during this era.

It was Israel Singer and Edgar Bronfman who came to Washington on December 7, 1995, to tell me about their negotiations with the Swiss bankers who up until that time had stalled them and had not been forthcoming with regard to information on the accounts. That is how the Banking Committee began its inquiry.

Today, we will also hear for the first time from Christoph Meili. He is here along with his wife, Guiseppina, and children, Miriam, four, and David, two. For his bravery in saving historically important documents from the shredder, Christoph was fired and today is under investigation for violating Swiss banking laws for disclosing the records, first to the Zurich Jewish Community, and then to the Swiss police.

He has faced persecution and penalties for a deed that ennobles him in the eyes of the world. It is unconscionable that this could happen. But yet in this day and age, 50-plus years after the Holocaust, it continues, that persecution for the righteous, for the young man who stands before us. This man has ennobled all of us by having the courage to come forward, for having the courage to expose the powerful and the mighty, hiding behind the laws that were supposed to protect depositors, and using those very laws to per-

**secute** him, to threaten prosecution, and to actually deprive this young man of an opportunity to support his family.

He has been out of work since this took place. I must state again for the record, I am privileged to sit here in front of a good and decent man, a man who has made a difference, a man who has had the courage to stand and will be remembered notwithstanding the difficulties he is **enduring** now, for, generations to come as one of those that the Good Book talks about as the "righteous."

While Christoph and his family have been persecuted for a noble deed, it is a disgrace and unforgivable that the bank's archivist who ordered the shredding of these documents, Irwin **Haggemuller**, still has his job and faces no prosecution. Why? How is that? Do we really believe that documents that go back 60 years and were irrelevant, were suddenly seized upon to be destroyed?

Christoph Meili should be viewed, my friends, as a hero, not a criminal. His actions in revealing the destruction of evidence are courageous, and they serve the cause of **justice** for the victims and survivors of the Holocaust and their families.

Isn't it interesting, a **non-Jew**, a gentile stands up to the most powerful interests that there are, certainly in Switzerland, if not among the most powerful in the world.

It's a stain upon the victims' memories that the young man who uncovered these acts, the destruction of these records in order to help the cause of **justice**, is now being made a victim.

Moreover, it's unfortunate that the Chairman of the Union Bank of Switzerland, Robert Studer, even had the unmitigated gall to make remarks questioning the motivation of Christoph for preventing or revealing the destruction of these records.

This act of selflessness has not been rewarded, **but** it will find its reward one day. Rewards will be heaped upon this young man and his family for his courage. The world will remember this noble act and this noble man.

Christoph has been unemployed since January. This hardship is taking its toll on this brave man and his family. Thankfully, Edgar **Bronfman** has come to the rescue once again by offering Christoph a job. I am sure that this is a comfort to Christoph and his family.

Immediately after the shredding was disclosed, I wrote to and also spoke personally to Ambassador Thomas Borer about his case. I was assured that he would not be fired, only suspended during the initial inquiry. Nevertheless, he was fired from the security firm, **Wache AG**, the firm that was responsible for protecting UBS.

The Committee hopes to discover today what Christoph found intact, and what he found shredded. We want to understand the course of events as they occurred, and what has happened since.

In his testimony before the House Banking Committee on December 11, 1996, **Ambassador** Borer stated that he hoped the Swiss investigation into the question of Jewish assets in Swiss banks would, "Go beyond the narrow legalistic path onto the broader avenue of a higher morality and legitimacy."

I hope that in the case of Christoph Meili, the Swiss Government can do the same. His case is that of a man dedicated to seeing that justice is achieved, yet he is persecuted because he tried to ensure it. His treatment by the security firm that employed him and the bank that wants him prosecuted is unjust and unfair. It flies in the

words expressed by Mr. Borer in terms of looking for justice. This is a tragedy. Because he did his job, **Christoph Meili** was fired. Because he showed courage and integrity, **Christoph Meili** was fired. And now, they are threatening him with prosecution. The people deserve better.

I look forward to hearing this important testimony, to gaining a greater understanding into what happened at UBS, that bank in Switzerland, and what has happened to **Christoph Meili** since he reported the shredding, from Mr. Meili himself.

Mr. Meili, welcome.

### OPENING STATEMENT OF **CHRISTOPH MEILI** SECURITY GUARD, UNION **BANK OF SWITZERLAND**

Mr. MEILI. Thanks.

Declaration: I, **Christoph Meili**, born on April 21, 1968, domiciled at 38d Steinstrasse, 5406 **Rütihof**, Switzerland, declare that, I have been employed by **Wache AG** in Zurich as a night watchman for about 3 years. For the past year and a half, I have been working in this capacity at the **SBG**, Schweizerische Bankgesellschaft, head-quartered at 45 Bahnhofstrasse, Zurich.

**My job** there was guarding the construction site of the current rebuilding project. In addition; I also had other guard responsibilities. I had to be very closely **acquainted** with all locations in this assignment so as to be able to perform the security tasks in case of an emergency.

On January 8th at 4:30 p.m., I started my rounds in the main building. I noticed two full pushcarts in the shredding room. I noticed them because the overfilled carts were **obviously** filled with very old documents and books. On the very top, I saw an **old green A2-sized** book with the title, "Management Minutes," and inscribed with the years around 1916-1917. **Even** though I was **surprised**, I left the documents alone and continued my rounds. Because of the continuing **press** reports regarding the questions of old banking records, I returned **after about 3 minutes** to the shredding room.

I put some books on the conveyor belt to get a fuller picture. I saw the following titles, as far as I can remember: Federal **Bank**, National Bank, **Bankgesellschaft**, years 1870-1926.

Then I also saw 2' thick **black-bound** books, about A3 in size, which had debit and credit columns. The years 1945 to 1965 were written on the cover. I opened one of the books and saw entries starting **February** 1945. Many German chemical companies. At that point, I recognized immediately that the entries starting **February 1945**, were still during World War II. Since there were many German firms, I looked at some of the entries more closely.

I saw companies with names like **Lack und Farbenfabriken**, **Seifenfabriken**, Bayerische **Sodafabrik**. Look. When I see that; I am **very sad**. The first entry was Fr. 1.00; later, the sums were bigger. For example, Name, **1 Franc**, and further down, 44,000 Francs.

I found many entries in the real estate column for 1930-1945. Additional entries were made there regarding bankruptcy auctions

The above books were divided in **different** categories: bonds, stocks, miscellaneous, real estate. Because of the sensitive dates,  
I—

The **CHAIRMAN. Christoph**, a vote has just started.. I am going to ask that we take a **7-minute** break **We** have been **joined** by Senator Dodd.

[Recess.]

The **CHAIRMAN.** We have been joined not only by Senator Dodd, but by Senator Boxer' from California, and Senator Moseley-Braun from Illinois.

I'm going to ask, possibly, Mr. Meili might feel more comfortable if he were to give his statement in German and have a simultaneous translation by his interpreter who is here. Let me suggest that he does a paragraph first, and then you'll interpret for him.

Go **ahead Christoph.**

Interpreter for **MEILI** [Margaret **Bowen**]. Then I also saw **2** thick black-bound books, about A3 in size, which had debit and credit columns. The years 1945 to 1965 were written on the cover. I **opened** one of the books and saw entries starting February **1945**. **Many** German chemical companies. At that point, I recognized immediately that the entries starting February **1945**, were still during World War II. Since there were many **German** firms, I looked at some of the entries more closely.

I saw companies with names like Lack und **Farbenfabriken**, Seifenfabriken, **Bayerische Sodafabrik**, et cetera. The first entry was **Fr. 1.00**; later, the sums were bigger. For example, Name, 1 Franc, and further down, 44,000 Francs.

I found many entries in the real estate column for **1930-1945**. Additional entries were made there regarding bankruptcy auctions.

The above books were divided in different categories: bonds, stocks, miscellaneous, real estate. Because of the sensitive dates, I ripped out the entire real **estate part** from both books. I replaced the books so that no one would notice **anything**. I brought the real estate **pages** and a **book dated 1920-1926** to my locker in two trips. I **finished** my job dutifully, and **took** the real estate pages home with me. There I **inspected them with great** curiosity.,

After I realized **that old banking** records &id documents were to be destroyed **here, while they really belonged** in Archives, and because of the persistent **discussion** about the Second World War and about banking records **pertaining to it**. I wanted to find out on the following day, whether **the documents and** the books had been **destroyed**.

On Thursday, January **9, 1997**, at about **2:30 .m.**, I went straight to the shredding room to see if the books had been actually **destroyed**.

The carts were in the **shredding room**, empty. I found **refuse and covers from the above books** in a metal **container** in the shredding room. By **this, I mean, the** above green and black books.

In a metal **container outside** the shredding room, I found two **additional** books from **1891-1893** under two garbage bags. I took the books to my **locker in two trips**. I took the 1920-1926 book home after I finished **work at 10:30 p.m.** It contained loans, among others, to German companies, starting in 1923.

I was convinced **that the** documents were being destroyed illegally. I wished to prevent the Swiss people from suffering harm, and to make the documents and actions known to the public. I also wanted the oppressed Jewish population-the Holocaust **victims—**

to not again be **left** behind in their search for documentation at the Swiss banks and to get justice. I had the **impression** that parts of the materials being searched for were being destroyed there.

I tried to give the books to the Israeli Embassy. When I called, I **was** told to put the books in the mail. That seemed too risky to Me, and I tried the Israeli Cultural Association. I was able to stop by there and hand over the books. The Cultural Association called me on the following day and they stopped by. I was **told that** this material was now with the police.

I went public about this matter because I want to testify to everyone **regarding** this matter in the interests of Switzerland. I have not **been directed by** anyone; I acted on my own decision and I have no intention of **profiting** from this action.

The correctness of my actions as a Swiss citizen is also made credible by the fact that one of the books saved records the construction of the first Gotthard railroad tunnel. These documents certainly belong in the National Archives.

In addition, I **have discovered** that the documents to be destroyed originated in a time period from which no documents are supposed to be destroyed.

I, **Christoph Meili**, **affirm**, assure and declare; that the above declaration is complete and exact, **according** to the best of my knowledge and belief, and that I am **aware of the legal consequences of perjury** according to the laws of the United **States of America**.

The CHAIRMAN.. Mr. Meili, thank you for coming here today, and **presenting your testimony**. Before we open this up for questioning, I am **going** to ask Mr. Singer if **he** has a statement that he would **like to make** at this time.

**OPENING STATEMENT OF ISRAEL SINGER  
GENERAL SECRETARY OF THE WORLD JEWISH CONGRESS  
ACCOMPANIED BY ELAN STEINBERG, EXECUTIVE DIRECTOR  
OF THE WORLD JEWISH CONGRESS**

Mr. SINGER. Thank you, Mr. Chairman.

It is about a year since **we** appeared before this Committee last, and it's about a **year** since this great **country** **changed** the course of **history**, and this Committee, under your **Chairmanship**, **had** a **major role in that change**...

**We would like to take** this opportunity to thank you; Senator D'Amato, and your **associate**, **Gregglickman**, for the tireless **efforts**, also **Senator Dodd**, **Senator Boxer**, **Senator Moseley-Braun**, **Senator Reed**, and all the other Members of the **Committee** who came last year and come continuously to our support and to the **support of justice**.

**We are here today**, to discuss two subjects, one human and one that is substantive. The **human subject**, I would like to begin by describing to you **in the following manner**...

I met Mr. Meili for the first time about **18** hours ago. It **seems** a **decade** ago. I **met** him, his wife, and his two children in our **offices**. He **came to meet** with us to tell us **his story** that we have just heard recounted here. It's **a story** describing the most heroic and the best that Switzerland has to offer. That Switzerland **from** which my **wife** comes, and my **wife's** family. Many, many people **in**

Switzerland did many great things and good things, and we thank them for that.

In this last year, Senator, the public way in which you and the American way brought many -of the Swiss people to understand once more that they need to do the right thing, and **will** do the right thing, and are doing the right thing, gave credit to this Committee, to this Congress; to the transparent way -in which our society & is run, and brought a personal tragedy to **this courageous** man, this courageous Swiss person.

For 4 months, he has been the **symbol**, the Wilhelm Tell of Switzerland once more, the man who **stood** at the passes and defended his \*country, the country's human spirit, and **the country's** courage. And for 4 months, he hasn't found a job. He's been questioned.;

We w&t to deal with that human problem first; Mr. Bronfman yesterday asked Mr. Meili to accept a position, and we hope he will **take** that job so that the . problem that he is in personally, the human problem of he, his wife, and his children will be resolved. We hope, Mr. Meili, **that you** will take that **position**, not as thanks, but in recognition of the- fact that you **deserve to** work, that you have a right to work, and that we are proud of the way you work.

What you did is like as if the Watergate guard -would have been arrested in this country: for catching the **Watergate** burglars. That is incredible to us **as Americans**.

I'm sure that the Swiss public probably when they look into this **matter**, will feel the same way **as we feel** about this. You'll **probably** get many more job **offers**, but we hope that you take **ours**, and that this matter of your personal **and human** question will be at an end now, and we **hope** that you will accept this position. It is being done in the most, **I think**, human way, and it should be taken as such. We **don't want any thanks**, and we don't want the subject to **be further discussed**, **except that you will** accept it.

With regard to the **substance of the** issue, this Committee and this Government, **the .ll** agencies **which** will be-reporting and reading it to the world tomorrow, at **the** urging of this Committee and at the urging of the President **of the United States of America**, after the organization **brought to** this work by Secretary Eisenstadt —**and** we thank him in **public** today-shall bring a spirit of **transparency** to the subject **which** we brought to you in December **1996**.

None of us thought that we would resolve this **question** or begin to resolve it so-**quickly** because it took **so longfor** it even to be brought to light. **We thank you for your courage, Senator**.

In my **introductory remarks**, I want to tell you that **this could not have happened without you and your colleagues here today**. It is **a credit to America**.

My parents would not have been in the condition **that they were** in over **50 years ago**, **being turned down by 72 countries** for a visa, **had** people like **yourself and the people** in this Committee **been** fighting for their **rrighn**. We are \*today fighting for those same rights, a **little late**. Those are **moral** rights, not **financial** rights.

We are **here** for a **question of moral** restitution? It is unfortunate that moral **restitution can only** be explained at this **late** date through material **means in some** cases. Those documents which Mr. Meili found and those **documents** found by Mr. Eisenstadt's **11-**agency commission; which-are **15** million in number and have **been**

in our archives for 50 years, sitting and waiting to be exposed, are going to tell the truth, because we have created a condition in which there are truth commissions in **15** countries, brought about by the transparency seeking that you, Mr. Chairman, and your colleagues on this Committee have sought to propose to the world as the new method through which we should work:

We were fortunate, and I am fortunate to have been born in this country, **in** the same borough as yourself, and in the same great State as yourself, because my parents were lucky.

We want to see to it that in the future, people 'don't survive through luck, and that moral restitution is a right, and that that right is assured and guaranteed by this Committee.

We thank you on behalf of the World Jewish Community, and the **World Jewish** Congress which represents 80 countries throughout the world, including the great **Jewish** Community of Switzerland. We thank you and we hope that in the future transparency and honesty and truth shall be the watchwords. "If the watchman is not watched by the Lord, then the watchman watcheth in vain."

Thank you very much.

My colleague, Elan Steinberg, shall continue with regard to substantive remarks when you open the floor to further substance and further discussion.

Thank you very much, Mr. Chairman.

The **CHAIRMAN**. Thank you, **Mr. Singer**.

You have the thanks of this Committee for your untiring efforts for many years, in assembling the facts and coming forward and giving us the opportunity to discharge our duties. You have our thanks for being there once again when there is truly someone who needed help and encouragement because he had **the** courage to stand up. I am talking about Mr. Meili.

I am going to ask that we be on a & minute, so put that green light on, and then we'll go right around.

**Mr. Meili**, let me ask you this question: How did the Swiss authorities, the police in particular, treat you after what you discovered? How many days did they interrogate you? Would you share with the Committee, what you went through?

Interpreter for **MEILI**. I was questioned for 5 hours by the police. In the **4** months since, **I** haven't heard from the police.

The public in Switzerland seemed somewhat skeptical. They are not wondering about the content of those files, they are wondering why **Mr. Meili** didn't go to see his superior.

And I feel somewhat like a criminal in Switzerland.

That's it.

The **CHAIRMAN**. Why didn't you go to your superiors?

Interpreter for **MEILI**. Because there are people working for the Schweizerische Bankgesellschaft who work together with the police of Canton and I was afraid that they would suppress the files.

The **CHAIRMAN**. What did your employer say to you, the **Wache** people? Did they just say you're fired, we don't want you back?

Interpreter for **MEILI**. They said that I abused the confidence that goes with my job and that I acted **against** the banking law because there is the Banking Secret in Switzerland.

The **CHAIRMAN**. Let me ask you, isn't it a fact that you asked and your lawyers asked to have those records made public or that you

at least get copies of them so that you.. could show to the world **what** you were doing?

Interpreter for **MEILI**. That **happened** when I learned that those files had wound up **in** the **hands** of the police. Then I realized that I had to do something myself, so the world would learn about this.

The **CHAIRMAN**. What did they -say when you requested that they be made public?

Interpreter for **MEILI**. At first, I had. hoped the matter would be taken up and analyzed with the **World Jewish Congress**. I was reproached with seeking publicity and with **wanting** to get into the limelight, which is not true. And it was the **bank** and the police that made the thing public.

The **CHAIRMAN**. In other words, you never went public with this? It was the bank and the police that first revealed these series of events publicly, is that correct?

Interpreter for **MEILI**. Yes. The **bank** made it known that they had made a mistake. One day later, they made more known. Mr. Haggemuller, an archivist of the firm, whose fault it had been. But the bank had agreed with the police to make this matter public, and Mr. Meili didn't want to do that.

The **CHAIRMAN**. In addition to **losing** your job, would you tell the Committee what other things took **place** to you and your family? The kinds of threats that you received and how many?

Interpreter for **MEILI**. I got many nasty letters and death threats.

The **CHAIRMAN**. Death threats?

Interpreter for **MEILI**. Before I came here, I was threatened that somebody would kidnap my children and I could pay the ransom with the money that I would be getting from the Jews.

The **CHAIRMAN**. Is it fair to say that when you were looking for a job, that you have been boycotted or blacklisted and that there is no opportunity, that you have been turned away when you look for jobs?

Interpreter for **MEILI**. Yes, this was the case. Nobody wants to burn his fingers by touching the matter.

The **CHAIRMAN**. Is that what you have been told by people when you have gone to seek jobs that you're---

Interpreter for **MEILI**. One doesn't say these things. But you notice it. People don't take you seriously. And in Switzerland, people believe in authority. If you do something that goes against authority, then this is delinquent behavior.

The **CHAIRMAN**. Let me just ask you one last question, there are many I would like to ask but my colleague's have been very, very patient. Christoph, you and your family have gone through an awful lot, if you had it to do over, would **you** do it again?

Interpreter for **MEILI**. Yes, I would do it again for the truth.

The **CHAIRMAN**. I think there's nothing more eloquent than that last statement, and I thank you for being a person of courage, honor, and integrity.

And I think I can tell you that I feel less a person and shamefully inadequate when I see a young man who has demonstrated this incredible courage in a sea that lacks compassion and a sea full of danger for him because he did stand up for what he thought was the right thing, and what was the right thing.

The **CHAIRMAN**. Senator Dodd.

## OPENING STATEMENT OF SENATOR CHRISTOPHER J. DODD

Senator **DODD**. Thank you very much, Mr. Chairman.

Let me begin by thanking you again for your work on this issue. You have done a great job with it. The World Jewish Congress has been tremendously helpful and supportive.

Mr. Singer, we thank you once again and thank Mr. Bronfman for his efforts. I'm not sure without your efforts in this regard, and the support obviously of the Chairman of this Committee, we would have arrived at this day.

This is a unique experience for us to have a young man like Christoph Meili before this Committee, and so it is a special occasion for all of us here. It's an incredible story, quite candidly, that someone who would be a security guard in a bank, not a functionary of some office in the institution, but 'someone who's there sort of watching over the place in uniform, I presume, would make it possible for us to understand a lot more about what many people have felt was the case for years, but would actually end up with some proof.

You heard Senator **D'Amato** talk about the righteous, and you may hear a lot about this in the coming days and weeks. But in Israel, there's an Avenue of the Righteous where trees are planted to recognize the contribution of non-Jews who saved the lives of Jews by either helping them escape or hiding them in their own homes. And there were thousands upon thousands of people who were part of the righteous.

In a sense, what you have done, Mr. Meili, is to join that very august group of people. By saving these documents, in a sense, you will allow these documents to speak, just as those who saved the lives of survivors were able to speak. They are not human beings, but they are detailed records which will shed great light, and I think lead us to the kinds of results that we are seeing today in Switzerland and elsewhere.

As Mr. Singer has pointed out, other nations and other countries are now going back over their own records.

This is a particular poignant moment for me to have you here. My colleagues know this but I would not expect you to at all.

Fifty-two years ago, about this time, in May **1945**, my father left the United States and went to a place called Nuremberg and for a year and a half, he was the Executive Trial Counsel at the **Nuremberg Trials**.

He was given the responsibility to handle various cases. One which I heard him talk about with great frequency was the Minister of Economics and the Head of the Reichsbank, Walter Funk, who was responsible in many ways for taking the property and possessions, the gold, the eyeglasses, the personal possessions of the victims of the Holocaust and to use those possessions to acquire personal wealth for members of the SS and others.

In fact, I went back, before coming over here, and at the **Nuremberg Trials** it was very difficult to connect Funk. Funk, like all of these defendants, said they didn't know anything about the Holocaust, but my father was able to find an affidavit, which he read at the trials, about **52** years ago next month.

Let me just read what **he** read on that day and he was able to achieve a conviction of **Walter** Funk. He was quoting now from a Reichsbank official:

**The material deposited by the SS included jewelry, watches, eyeglass frames, dental gold, and other gold articles in great abundance, taken by the SS from Jews, concentration camp victims, and other persons. This was brought to our knowledge by SS personnel who attempted to convert this material into cash, and who were helped in this by the Reichsbank personnel with Funk's approval and knowledge.**

**That** affidavit sealed the fate of Mr. Funk, head of the Reichsbank, and he was convicted at the Nuremberg Trials.

What they didn't do at the Nuremberg Trials was then trace those resources as to where they went afterwards. If my father were here today, he would be so proud of you because you've helped complete the circle in a sense. Because while these documents, in some cases, talk about '1923, and I can hear people saying, well the Nazi rein didn't begin until later, but if you go back and look, the loans in these documents that you found were documents that referred to loans that German companies started taking out in 1923.

The question became, of course, **how** do they repay those loans. And now we know in a sense. So **you** have at least brought some closure, in effect, to some of these questions that were raised then.

What's so disturbing, instead of celebrating you, you ought to be a national hero in your country, a national hero, because nothings more liberating than the truth, and you brought truth to an issue.

So the obvious questions occur to people here, to your own country, obviously, why were they shredding these documents in violation of their own law passed a year earlier? What is there to hide? Why, all of a sudden, was it important to get rid of documents that were 70, 80, 90 years old at this particular moment.

Again, on behalf of my constituency in Connecticut and on behalf of my father who died years ago, I want to thank you very, very much. I suspect there's going to be a tree planted along that Avenue of the Righteous in your memory because of **your** contribution.

My only question is did you see any other documents like this at all during your tenure there- other than on this particular night?

Interpreter for MEILL. My wife saw the files on the real estate.

Senator DODD. Maybe I didn't make myself clear. How long had you worked at the bank?

Interpreter for MEILL. A year and a half.

Senator DODD. Prior to that night in January of this year, did you see any other documents in the shredding room which, as you look back, now raise questions in your mind as to whether or not there were documents being destroyed? .

Interpreter for MEILL. Yes, I saw documents. I did see some documents but I don't see quite clearly what they are connected to. There were things about the content of safe deposit boxes, but I don't know how this all hangs together.

Senator DODD. Had you had any background or experience in understanding financial documents in your schooling? .

Interpreter for MEILL. I went through a commercial course, business, but that is all. I frequented the school in day time and I worked at night as a guard.

Senator DODD. Well, again, I know my colleagues have additional questions but we just want to know whether or not this was addi-

tional proof obviously of the origin for these dollars we are looking for, and I thank you.

The CHAIRMAN. Thank you, Senator.

Senator Bryan has another Committee meeting, I'm going to ask that his statement be placed in the record as if read in its entirety.

Another Committee Member who has been not only concerned but also demonstrated a keen awareness and interest in this matter is Senator Boxer.

### OPENING STATEMENT OF SENATOR BARBARA BOXER

Senator BOXER. Thank you, Mr. Chairman, for your continuing leadership on this. You're just sticking with it, and that's what it's going to take. And I thank you from the bottom of my heart.

I ask unanimous consent that my entire statement be included in the record at this point.

The CHAIRMAN. So ordered.

Senator BOXER. Mr. Chairman, I will make a few comments and ask a question if I have time. Mr. Singer, your words were very powerful. And they just flowed out because they are so much from the heart. I thank you for sticking with this **as well.**

Mr. Chairman, I was born in **1940**, and I was fortunate enough to be born in this country. In that year that I was born, a whole portion of my family was being herded off to die, and some survived because of the righteous that Senator Dodd has talked about.

I **often** wondered, as a child, what is inside a person to give them the courage to put themselves on the line to, in essence, give up security, and peace in their family to save another life. And as Senator Dodd has so eloquently said, "in Israel there is a tribute to the righteous."

Mr. Meili, if this was **1940**, you would have been one of those people. And it gives me and it gives this Committee great hope that with all we have gone through in this century and all the hatred we have seen, and frankly we continue to see all over the world, that such courage still exists.

The answer lies inside each of us. We all have the good and the bad. God allows us to make the choice. The world should be celebrating what you **have** done. This Committee, I hope you realize, is celebrating your courage and your search for the truth. And I hope enough attention will be paid to you because you deserve to be a symbol of what is good in all of us.

Mr. Chairman, thank you for giving me the opportunity today to put these thoughts on the record. And I know that we will send a signal here today that this Committee will not stand for two-faced behavior on the part of the Swiss banks. Don't tell the world that you are searching when you are shredding. Don't give the world a false promise because the truth always comes out.

I know, Mr. Chairman, with your leadership and with the American Jewish Congress, we will get to the bottom of this.

I would like to ask Mr. Singer, how much is this shaking your confidence in what is happening? Do you look at this as irreparable? Are **you** talking to UBS? Are you engaging in discussions with them to find out what happened and why? And is there any way of determining what kinds of documents have already been shredded? Have you done any of this work up to this point?

Mr. SINGER. There are two commissions that have been placed into being as a result of the pressure, and there's no other way to describe it, that this Committee and this Government and other friendly governments in cooperation have exerted.

The VOCCA Commission is at present beginning a series of pilot audits which are going to go into 15 individual banks and try to find out indeed what accounts were there. Where there are holes as a result of accounts that can't be found, which will possibly elucidate if there were activities such as shredding which caused us to find a black hole in this story that we're looking for that goes back to the days of the Holocaust which will not give us the opportunity to be able to find out what happened.

The Bergier Commission, which was established by the Swiss government, will operate methodically, unfortunately not as quickly as we would like, but that is the way sometimes government commissions work. We will follow on the information that will be made possible by the U.S. Commission, the Eisenstadt Commission, which will report tomorrow its initial findings of 15 million documents. This gives one heart and leads one to believe that the documents which we, together with the erstwhile efforts of Senator D'Amato, this Committee, and Gregg Rickman's untiring 24-hour a day efforts, found which blew this entire thing open.

I think I'm hopeful, because if I look back to December 5, 1996, I would have had a totally different answer to give you, Senator Boxer, and I would have been appealing to you as I appealed to Senator D'Amato at that time, to help us pry this open.

Today, I think that the Swiss people are more numerous like Mr. Meili who say we didn't do this, we weren't around -at this time, we didn't enrich ourselves by this. The time has come to basically throw this open.

They are doing this not only in Switzerland, they are doing this in Portugal. We met with the Portuguese Prime Minister. He said, we didn't do this. We want to tell the truth. We met with the Prime Minister of Sweden. He said, we didn't do this, we want to find out what happened. We met with the Prime Minister of Norway. He said, we didn't do this, we want to find out what happened. The Prime Minister of Hungary, former communist countries, democracies, neutral countries, it's happening all over the world and it's happening because of the efforts of this Committee.

Thank you, Senator Boxer.

Senator BOXER. So despite this setback, you are optimistic that there is enough of a push in the world to find the truth?

Mr. SINGER. As Mr. Bronfinan always says, we trust what we verify, and we are going to help you verify.

Thank you.

Senator BOXER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Moseley-Braun, we thank you for your continued participation in the work of the Committee, and particularly in regard to this question.

#### OPENING STATEMENT OF SENATOR CAROL MOSELEY-BRAUN

Senator MOSELEY-BRAUN. Thank you very much, Mr. Chairman. It is always difficult to talk about the Holocaust and the issues associated with it, without being choked up and without being very

emotional because it is such a touching, emotional, and difficult period in our world's history. But Mr. Meili, who no doubt was not born until much after 1940—Senator Boxer, I hate to tell you, he's 29 years old.

Senator BOXER. Thanks, Carol.

[Laughter.]

Senator MOSELEY-BRAUN. You're welcome, Senator Boxer.

[Laughter.]

Senator BOXER. You're such a-

Senator MOSELEY-BRAUN. I know. Well, me too. We are the same age. He was not born during the Holocaust but by his act of conscience, he has revived an eternal optimism in all of us that good will prevail, that good people will prevail and that ordinary people do extraordinary things for good.

By your action, you'll help prevent further injury to people who were the primary victims of the Holocaust. You not only salvaged documents but you saved information and by your act, provided an opportunity for the continuing quest for the truth in regards to one of the world's most horrendous and shameful episodes.

Mr. Meili, you really are a hero and an inspiration to ordinary people who want to believe that the truth will win out in the end. By your activism, by your pursuit of justice, you will help efforts, such as Mr. Singer's and others, to make certain that the information does not get lost or buried or shredded or tucked away, and that the truth will come out in the end.

I want to commend and congratulate Mr. Singer and the activists, the many people with whom you have 'been working' to keep pursuing this. You mentioned 15,000 pages of documents. Did you say 15,000?

Mr. SINGER. Million.

Senator MOSELEY-BRAUN. Fifteen million, I'm sorry, 15 million documents. That takes an awful lot of dedication but it is precisely that dedication that I think we owe not only those who suffered directly, but also ourselves for our own redemption.

To the Union Bank of Switzerland and Wache AG, I think quite frankly they owe an apology not only to you, Mr. Meili, but to the world community, for their singular insensitivity, if not illegality of their action, not only for being in violation of the law, but also certainly in violation of the spirit of reconciliation to which everyone gives such lip service.

Again, I want to thank you for coming forward, for your heroism. Mr. Chairman, I would like the remainder of my statement to be filed with the record.

The CHAIRMAN. I thank you very much, Senator Moseley-Braun.

Senator MOSELEY-BRAUN. I have no questions.

The CHAIRMAN. I want to thank Senator Moseley-Braun and Senator Boxer for their participation; their leadership, and their encouragement in this area.

I have to tell you, as one living in this country and having some position and quite a bit of support, I can't imagine how difficult, because I've seen the pressures and the questioning, and those who question motivations of this Committee and its work and the World Jewish Congress, to imagine this young man, in his very humble

position, coming forward as he did, and the wrath descending upon him. I only met Christoph for the first time Friday evening.

I want to pay public testimony and tribute to another, a young lawyer who is carrying on on behalf of many of the claimants. He came forward, without compensation, without fanfare, to aid and to assist this young man in his hour of need, and I am talking about Mr. Edward Fagan. He deserves to be commended. I have even seen him act as a babysitter taking care of the two young children, and they are a handful, I can testify to that.

[Laughter.]

That is their Italian roots. I was holding this young fellow. That's Guiseppina who is Italiano, is that not true? Where were you born, Guiseppina?

Interpreter for GUISEPPINA MEILI: In Sicily.

The CHAIRMAN. Oh, they have the real stuff there.

[Laughter.]

We need a little lighter moment sometimes. But Guiseppina, we want to salute you as well for being there and being so courageous to help give Christoph the ability to continue in his effort in seeking justice.

Would you like to say anything?

Interpreter for MEILI. I would simply like to thank you for the kind way you have received us and having given us the feeling that we are understood and this is what makes me happy.

The CHAIRMAN. We thank you.

Let me, if I might just ask several other questions, and then put some letters, important documents into the record.

Christoph, what made you think that the records you found were important and should be saved from destruction?

Interpreter for MEILI. A few months before, I had seen the movie "Schindler's List." And that's how, when I saw these documents, I realized I must take responsibility; I must do something.

The CHAIRMAN. Now, I have to tell you, what a chilling answer. How it is that that movie that shocked, I think, so many people and brought to the attention of so many people what had taken place, and how it is that one man tried and did make a difference for so many.

Interpreter for MEILI. Thanks.

The CHAIRMAN. I want to simply say that it is the intent of the Chairman to solicit Members of this Committee to join in sending a communique to the Chairman of the Board of the Union Bank of Switzerland, Mr. Studer.

I think he should be ashamed of his remarks. I think he should be ashamed of himself for what he has done and attempted to do, the damage he has brought to this young man and his family, for the harm, the hurt. Really if that is the chairman of a board of a bank that is supposedly looking to do what is right, notwithstanding its offer to put some \$30-plus millions, I would hope he does not speak for and/or represent the thoughts, hopes, and aspirations for the Swiss citizens who do, I think, express a much higher calling and one much more in line with Christoph Meili.

In addition, I am going to ask that my colleagues join with me so that this does not appear to be just one person, the Chairman, but rather the united thoughts of this Committee to Ambassador

Borer, calling again into account the fact that at least it was his impression, as stated to me, that no harm would come to Mr. Meili.

Senator **MOSELEY-BRAUN**. Mr. Chairman, would you hold **your** thought for a moment?

The **CHAIRMAN**. Certainly.

Senator **MOSELEY-BRAUN**. I would think at a minimum that an apology to Mr. Meili would be appropriate. But also a statement for some records somewhere that there are no other documents, that there is' no more shredding; that there is nothing else going on or being secreted' away. I mean, we may not be as fortunate as to have an accidental finding as has occurred in this case, and I think as a minimum to make the representations to the World Community, in the first instance, **that** everything that is there, whether they think it is relevant or not, is being given up, and also to apologize to this young man for the injury that he has been caused personally.

The **CHAIRMAN**. I'm going to ask the **staff** to work with all of my colleagues in putting forth that minimum request.

In addition, I know that Mr. Meili will have hopefully, many opportunities to be **gainfully** employed, and he will have the opportunity to choose.

But to have this security company, **Wache, W-A-C-H-I& AG**, I wonder if they have any affiliates here in this country, treat him in this manner, and of course I know Union Bank does. I think Union Bank should be absolutely ashamed, and they better get the message. If their chairman is carrying on like this, and they are suggesting conspiracies, et cetera, **after** he's had an opportunity, I would suggest maybe there was a conspiracy 'in terms of the orders given to the so-called, what was he, the archivist who suddenly **decided**, after **60-plus** years, to destroy these records.'

What were they the records of? They were not the records of old telephone listings, they were the records of Jewish properties, they were the records of transactions that certainly for historical purposes should have been kept, but suddenly they just took it upon themselves to destroy them.

I heard that there was a mysterious fire in Pennsylvania at a storage facility in which some records of Swiss Bank apparently caught fire today. We haven't had an opportunity to find out more but I think 6,000 cases apparently, and isn't that an interesting coincidence?

Now maybe it is a coincidence but certainly to have somebody deliberately shredding documents of this kind is incredible, and to have the response the way it was made.

And I have to tell you, we do hold the Swiss government accountable. Why don't they make the materials available? We are going to ask that, at least, we have an opportunity to see what materials Christoph Meili turned over and that the police took into custody. Once again, the secrecy laws come up. They bring them up, it seems to me, only when they want to obfuscate and keep justice from taking place.

I have **two** letters in my hands, and I am going to ask that they both be placed in the record as if read in their entirety.

One is the Termination of Employment by the Wache Company. Part of the letter from the Captain Director, Vice Director, H. De Capitain, says:

**Although your conduct was classified as ethical and moral in certain circles, this is unjustifiable from the perspective of labor law.**

What nonsense. What total nonsense. He should be ashamed. And then he implies that the union that represents Mr. Meili was supportive of his dismissal. That letter was sent February 18th.

We have another letter here a week **after** in which the union said-and it's entitled, "Regarding the Dismissal of Christoph Meili by Wache **AG.**" It says:

**Mr. Meili's decisive action has been an inspiration to other employees. He has shown that the little people can accomplish a lot if they place moral responsibility and common sense above obedience in the performance of one's duties. Mr. Meili's intervention has contributed to the gradual exposure of some shady business deals—yes, even in Switzerland. He deserves to be thanked, not fired.**

And that's signed by Anton Moos, the Secretary of the Union for Service Workers. I think you do deserve to be thanked, and you are thanked by all of the Members of this Committee.

We intend to press on and to ask "**Why?**" Why is it that when they claim to be looking for the truth, that they would fire someone who has put forth the facts as you have.

Senator **BOXER**. Mr. Chairman, **would** you yield to me before you a d j o u r n ?

The **CHAIRMAN**. Certainly.

Senator **BOXER**. I again want to thank you very **much**. And count me in on all of those letters. Frankly, anything that you do to find the truth, I will be **right** by your side.

I want to say to Mr. Meili that I intend to send a transcript of **this** hearing to Steven. Spielberg who is **the** man who made the movie, "Schindler's List." When you ask Steven why he made the movie, he will say two things. We must never forget what happened, **and** we must make sure that it never happens again.

And by your straightforward answer to the **Chairman's** question that you had seen the movie and it had moved you to do the right thing, I think that Mr. Spielberg will be very joyful, as the world should be because of you.

Thank you very much.

The **CHAIRMAN**. Mr. Meili; Israel Singer, and Elan Steinberg, if you have any closing **remarks** you would like to make, we would be glad to receive them.

Mr. **SINGER**. I would like to add just one thing. The British government, two foreign secretaries announced the British report. It called for an international 'conference on **Nazi** gold. We would like to congratulate them. We would like to associate ourselves as the World Jewish Congress for the support of that international conference. Much of the truth needs to be told, and everyone of these activities unmasks further, these' events. The truth liberates.

Thank you, Mr. Chairman.

The **CHAIRMAN**. Thank you.

Mr. **MEILI**. Please protect me in the U.S.A. and in Switzerland. I think I become a great problem in Switzerland. I have a woman, two little children, and no future. I must see what goes on in the next days for me. Please **protect me**. That is **all**.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Meili. You give us a charge, and I wish more of my Members were here to hear your plea. I think they will hear it hopefully through the eyes of those who have recorded your statements.

This is a young man who has acted courageously, and whether those of us can see it, he has not brought himself to really tell you what he has been through and what his family has been through, and the death threats by the hundreds that have poured in, and the fact that he is now shunned.

I think when I asked him for closing remarks, I never anticipated a plea, that none of us can turn, nor should we turn from. I thank you for demonstrating that there are people of great courage who stand up in the face of great personal adversity. You are an inspiration.

We stand in recess.

[Whereupon, at 3:50 p.m., on Tuesday, May 6, 1997, the hearing was adjourned.]

[Prepared statements and additional material supplied for the record follows:]

## PREPARED STATEMENT OF SENATOR ALFONSE M. D'AMATO

I would like to thank you all for attending this Senate Banking Committee hearing and I would especially like to thank our witnesses, Israel Singer of the World Jewish Congress, and Christoph Meili, the bank guard fired after he reported the destruction of bank records at the Union Bank of Switzerland, Zurich branch, on January 8, 1997.

Today's hearing is the second the Committee has held here in Washington in the past year examining the role of Swiss banks regarding the disposition of the accounts of European Jews and others in these banks before, during, and after World War II. The Committee has also looked at the relationship between Switzerland and its banks with Nazi Germany.

We are honored to hear testimony today from Israel Singer, General Secretary of the World Jewish Congress. Israel Singer has been at the forefront with Edgar Bronfman in the fight to obtain restitution from the Swiss banks. It was Israel Singer and Edgar Bronfman who came to Washington on December 7, 1995, to tell me about their negotiations with the Swiss bankers who up until that time had stalled them and had not been very forthcoming with regard to information on the accounts. They asked me to get involved in the search and I agreed. That is how the Banking Committee inquiry began.

Today, we will also hear for the first time from Christoph Meili. He is here along with his wife, Guiseppina, and his two children, Miriam and David. For his bravery in saving historically important documents from the shredder, Christoph was fired and today is under investigation for violating Swiss bank secrecy laws for disclosing the records, first to the Zurich Jewish Community, and then to the Swiss police. He has faced persecution and penalties for a deed that ennoble him in the eyes of the world. It is unconscionable that this could happen.

I must state that I am sitting in front of a very good man, a man who has made a difference and will be remembered for generations to come. While Christoph and his family have been persecuted for his noble deed, it is a disgrace that the bank's archivist who ordered the shredding at UBS, Erwin Haggemuller, still has his job.

Christoph Meili should be viewed as a hero, not a criminal. His actions in preventing the destruction of evidence are courageous and serve the cause of justice for the victims and survivors of the Holocaust and their families. It is a stain upon the victims' memory that a young man who saved records to help their cause is now being made a victim. Moreover, it is unfortunate that the Chairman of UBS, Robert Studer has even made remarks questioning the motivation of Christoph for preventing the destruction of these records.

This act of selflessness has not yet been rewarded, but it will find its reward one day. Rewards will be heaped upon him, his family, and his children. The world will remember this noble act and this noble man.

Christoph has been unemployed since January and this hardship is taking its toll on this brave young man and his family. Thankfully, Edgar Bronfman has come to the rescue once again by offering Christoph a job. I am sure that this is a comfort to Christoph and his family.

Immediately after the shredding was disclosed, I wrote to and spoke with Ambassador Thomas Borer about his case, and I was assured that he would not be fired, only suspended. Nevertheless, he was fired from the security firm Wache AG, the firm that was responsible for protecting UBS, effective April 30, 1997.

The Committee hopes to discover today what Christoph found intact, and what he found shredded. We want to understand the course of events as they occurred and what has happened since.

In his testimony before the House Banking Committee on December 11, 1996, Ambassador Borer stated that he hoped the Swiss investigation into the question of Jewish assets in Swiss banks would "go beyond the narrow legalistic path onto the broader avenue of a higher morality and legitimacy." I hope that in the case of Christoph Meili, the Swiss government can do the same. His case is that of a man dedicated to seeing that justice is achieved, yet persecuted because he tried to ensure it. His treatment by the security firm that employed him and the bank that wants him prosecuted, is unjust and unfair.

This is a tragedy. Because he did his job, Christoph Meili was fired. Because he showed courage and integrity, Christoph Meili was fired. And now, they are threatening him with prosecution. The people deserve better.

I look forward to hearing this important testimony and to gaining a greater understanding into what happened in the UBS bank in Switzerland, and what has happened to Christoph Meili since he stopped the shredding.

## PREPARED STATEMENT OF SENATOR RICHARD H. BRYAN

Mr. Chairman, I **commend** you **for** holding this hearing today on the unclaimed assets of Holocaust **victims deposited in Swiss banks and, in particular, the** circumstances surrounding the **shredding of potentially significant** documents by the United Bank of **Switzerland**. This is the second **hearing** the Chairman has held here in **Washington** on the issues of unclaimed assets and of the gold **transactions** between the **Swiss National Bank** and the German Reichsbank. Swiss banks may have received up to 500 million **Swiss francs** in looted gold from Holocaust victims.

Mr. Chairman, your **work** in this area is **extraordinary** and has brought about dramatic actions that would not have **taken place** except for your persistence.

The Swiss government has **taken a** number of steps to restore public Confidence in their banking system including **the** establishment of an independent commission headed by former Federal Reserve Chairman **Paul Volker**. Also, last December the Swiss government passed a Federal **resolution** forbidding Swiss banks from destroying documents which could **shed light** on the **whereabouts** of assets of Holocaust victims confiscated **during World War II (1939-1945)**.

Today's hearing will focus on this issue of destroying documents that could facilitate the return of assets to Holocaust victims and their relatives. It would appear that the United Bank of Switzerland was violating that law when Mr. Meili [a security guard] discovered bank employees shredding documents. It would appear to me that Mr. Meili deserves credit for doing his civic duty. But instead, he was **fired** from his job. This does not reflect well on the United Bank of Switzerland for taking this action or the government of Switzerland for condoning it.

While at this time it is unclear exactly what these documents are or whether the bank was **violating** the law, the way Mr. Meili was treated will not build trust around the world that the Swiss are, in **fact**, cooperating to right one of the greatest injustices ever performed in the history of mankind.

I understand that the bank is referring to the shredding as a "regrettable error." If they are admitting the shredding is an error, I am puzzled by their treatment of Mr. Meili. It seems to me the bank **should** be less **concerned** about Mr. Meili's possible violation of the Bank Secrecy Act and more concerned with finding out why documents were being shredded in **apparent violation) of Swiss law**.

I understand there is an investigation going on **regarding** the shredding and I hope the Chairman will **keep us abreast of whatever** finding the Swiss authorities come up with. I hope the Chairman will conduct **another hearing** when Commerce Under **Secretary** Stu Eizenstat completes his review of all U.S. records to help **identify, retrieve, and disburse** property confiscated **during** the war.

Again, I commend the Chairman for holding this hearing and **all the work** he has done to bring about some justice to those who have suffered **tremendously**. I look forward to hearing from **Mr. Meili** and our other witnesses'

## PREPARED STATEMENT OF SENATE BARBARA BOXER

Thank you, **Mr. Chairman**. Good afternoon. **Mr. Meili, Mr. Singer**. I **appreciate** both of you appearing before our Committee **today** to discuss **the** ongoing inquiry into the activities of **Swiss banks** during **World War II**.

I especially want to recognize Mr. Meili for his courageous actions in rescuing what may turn out to be extremely important documents from a shredder at the Union Bank of Switzerland, or "UBS" as it is known. At the time of his actions, Mr. Meili was employed as a security guard with the Wache AG Firm in Switzerland. The Wache AG Firm provided security services to the Union Bank of Switzerland. Mr. Meili was ultimately dismissed from his job for breach of trust.

The documents which Mr. Meili rescued may prove to be useful in uncovering the extent of any business dealings between Swiss banks and the Nazis during World War II. These documents could provide useful information in identifying Jewish Holocaust victims who entrusted their money and other assets to Swiss bankers, only to have them hidden by Swiss bank secrecy laws.

Mr. Chairman, I would like to take just a minute to go over the chronology of what brought us to this point. I think it is important in understanding the actions of **Mr. Meili**.

In 1962, the Swiss Legislature passed a law ordering a review of unclaimed bank accounts from the Nazi era. Unfortunately, however, there was no meaningful enforcement mechanism of that law.

Relatives of Holocaust survivors have continued to search for the assets of loved ones held by Swiss banks. These searches have proved fruitless. It appears that the

Swiss bank secrecy laws were used as a shield by some Swiss institutions to prevent the rightful owners of these accounts from claiming them.

One year ago, however, in May 1996, the World Jewish Congress, the World Jewish Restitution Organization, the Jewish Agency in Jerusalem, and the Swiss Bankers Association signed an agreement that relaxed Swiss bank secrecy laws to allow a joint independent commission to reexamine dormant Swiss accounts.

In September 1996, barraged by international criticism and criticism from this Committee under Senator D'Amato's Chairmanship, the Swiss Parliament agreed to a full investigation into assets stolen by the Nazis. And in December 1996, the Swiss government passed a federal resolution forbidding Swiss banks from destroying documents which could clarify Swiss business transactions with Nazi Germany or could help determine the status of so-called "heirless assets."

Given this chronology, I find it absolutely astounding that Mr. Meili should have been reprimanded, much less summarily dismissed, for his actions. I am truly appalled. What confidence can the Members of this Committee, U.S. officials, and the Jewish community have in the integrity of this process if the largest bank in Switzerland—which is also the custodian for the records of several smaller banks—is involved in the destruction of important Nazi-era documents?

The actions of the Union Bank of Switzerland are wholly indefensible. Mr. Meili's act of courage should have been applauded by the bank. His dismissal from his job is an outrage, particularly considering that Swiss law prohibits destroying archive material. Mr. Meili, rest assured that you did the right and moral thing in turning the documents over to the Hebrew Congregation of Zurich and subsequently to the Swiss police. The world is grateful for your courage.

During World War II there were those who stood up and said, "no"—this immoral act will not stand. They were heroes, and by your actions you stand with those who put their humanity before their own security.

Thank you, Mr. Chairman. Again I commend you for your efforts on this matter.

#### PREPARED STATEMENT OF SENATOR CAROL MOSELEY-BRAUN

Mr. Chairman, the actions of this Committee over the last year have played a major role in publicizing a major injustice. Banks in Switzerland consistently made it difficult, if not impossible, for survivors and their descendants to access deposits left in Swiss banks. Some banks charged a fee before they would even look for the account.

I wish that I could say that Swiss banks had fully addressed this problem, and that further hearings on this issue were unnecessary. Unfortunately, although some positive steps have been taken, there is much work remaining. There continues to be some reluctance on the part of the banks to fully meet their responsibilities in this area. Some banks have committed to righting this wrong in principle, but have failed to follow through with action.

We have with us today one of the more recent victims of the Swiss banks' reprehensible conduct. Christoph Meili, a young bank security guard, was fired from his job when he prevented the shredding of documents related to the Holocaust. He followed his conscience and Swiss law, and for that he was fired. His dismissal shows us that the Swiss are still willing to place a higher priority on secrecy than justice. I look forward to hearing his testimony.

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, (Translation from German]

**Declaration**

I, **Christoph Neili**, born on **April 21, 1968**, domiciled at --  
**38d Steinstrasse, 5406 Rütihof, Switzerland**, declare:

I have been employed by **Wache AG** in **Zurich** as a night  
 watchman for **about three years**. **FOR the past year and a half**,  
 I have been working in this capacity at **SBG, Schweizerische**  
**Bankgesellschaft**, headquartered at **45 Bahnhofstrasse, Zurich**.

My **job** there was guarding the **construction** site of 'the  
 current rebuilding **project**. In addition, I also had other guard  
**responsibilities**. I had to be very closely acquainted with all  
**locations** in this assignment so as to be able to **perform** the  
**security tasks** in case of an emergency.

On **January 8** at **4:30 p.m.**, I started my **rounds** in the main  
 building. I noticed two **full pushcarts** in the **shredding room**.  
 I noticed them because the **overflow carts** were obviously filled  
 with **very old documents** and books. **On the very top**, I saw an  
**old green A2-sized book** with the **title "Management Minutes"** and  
**inscribed** with the years around **1916/1917**. Even though I was  
**surprised**, I left the documents alone and **continued** my rounds.  
 Because of the continuing press reports regarding **the questions**  
 of **old banking records**, I returned after about three minutes to  
**the shredding room**. I put some books on the conveyor belt to get  
 a fuller picture. I saw the following titles, as far as I can

**remember:** Federal Bank, National Bank, **Bankgesellschaft, years 1870-1926.**

Then I also [saw] two thick black-bound books, about A3 size, which had debit and credit columns. The years 1945-1965 was written on the cover. I opened one of the books and saw entries starting February 1943. Many German chemical companies. At that point, I recognized immediately that the entries starting February 1945 were still during World War II. Since there were many German firms, I looked at some of the entries more closely.

I saw companies with names like: Lack und Fatbenfabriken, Seifenfabriken, Bayerische Sodafabrik, etc.

The first entry was Fr. 1.00; later the sums were bigger, for example: Name 1.00

44,000.00

I found many entries in the real estate column for 1930-1945. Additional entries were made there regarding bankruptcy auctions.

The above books were divided in about five different categories: bonds, stocks, miscellaneous, real estate. Because of the sensitive dates, I ripped out the entire real estate part from both books. I replaced the books so that no one would notice anything. I brought the real estate pages and a book dated 1920-1926 to my locker in two trips. Finished my job dutifully and took the real estate pages home with me. There, I inspected them with great curiosity.

After I realized that old banking records and documents were to be destroyed here, while they really belonged in Archives, and because of the persistent discussion about the Second World War and about banking records pertaining to it, I wanted to find out on the following day whether the documents and books had been destroyed.

On Thursday, January 9, 1997, at about 2:30 pm, I went straight to the shredding room to see if the books had been actually destroyed.

The parts were in the shredding room, empty. I found refuse and covers from the above book 6 in a metal container in the shredding room. By this I mean the above green and black books.

In a metal container outside the shredding room, I found two additional books from 18914893 under two garbage bags. I took the books to my locker in two trips. I took the 1920-1926 book home after I finished work at 10:30 p.m.

It contained loans to, among others, German companies, starting in 1923.

I was convinced that documents were being destroyed illegally. I wished to prevent the Swiss people from suffering harm, and to make the documents and actions known to the public. I wanted the oppressed Jewish population -- the Holocaust victims -- to not again be left behind in their search for documentation at the Swiss banks and get justice. I had the impression that parts of the materials being searched for were being destroyed there.

I tried to give the books to the Israeli Embassy. When I called, I was told to put the books in the mail.

That seemed too risky to me, and I tried the Israeli Cultural Association. I was able to stop by there and hand over the books. The Cultural Association called on the following day, and they stopped by. I was told that this material was now with the police.

I went public about this matter because I want to testify to everyone regarding this matter in the interests of Switzerland. I have not been directed by anyone; I acted on my own decision; and I have no intention of profiting from this action.

The correctness of my actions as a Swiss citizen is also made credible by the fact that one of the books raved records the construction of the first Gotthard railroad tunnel.

These documents certainly belong in the National Archives.

In addition, I have discovered that the documents to be destroyed originated in a time period from which no documents are supposed to be destroyed.

I, Christoph Meili, affirm, assure and declare that the above declaration is complete and exact according to the best of my knowledge and belief, and that I am aware of the legal consequences of perjury according to the laws of the United States of America.

Bern, February 3, 1997  
[Signature]

[Seal, bottom of every page:]

Marianne Jacobi, Notary, Canton of Bern

**Certification**

**Marianne Jacobi**, Notary, Canton of Bern, vkth offices at  
28 Amtshausgasse, Bern,  
certifies

that the above signature "Ch. Meili" of Michal Christopher Meili, born on April 21, 1968, in Heimishofen, SH, married, security officer, domiciled at 38D Steinstrasse, 5406 Baden-Ruetihof, is his own. The Notary is not personally acquainted with Mr. Meili. He identified himself by Identification Card No. A 7100121, issued on January 23, 1990 by the Housing Department in Fislisbach.

Certified at the Notarial Office in Bern on the third day of February, nineteen hundred and ninety-seven,

February 3, 1997  
Reg. B No. 1487

[Signature:] Marianne Jacobi

[From French:]

[Seal:] Marianne Jacobi  
Notary  
Canton of Bern

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MARGINAL NOTE

(Hague Convention of October 5, 1961)

- 1. Country: Switzerland
- The present official instrument:
- 2. is signed by: Marianne Jacobi
- 3. in her capacity as notary public
- 4. and is affixed with the seal/stamp at the notarial office  
of the Canton of Bern
- 5. in Bern
- 6. on February 3, 1997
- 7. by Ursula Liechti
- 8. under No. 286
- 9. Seal/stamp
- 10. Signature  
(Illegible signature)

[Seal:]  
Canton of Bern  
Chancellery of State

Wache AG Baslerstrasse 107, 8048 Zurich  
 Telephone 01/491 10 10, Fax 01/943 59 38

Registered  
 Mr. Christopher Meili  
 Steinstrasse 38d  
 5406 Rütihof  
 Zurich 18.02.1997 Tsch  
 TO1 1802

### Termination of employment

Dear Mr. Meili

We are herewith terminating your employment as of 30 April 1997.

This termination is in connection with the incidents at our client's, the Union Bank of Switzerland. During working hours you took a look into a client's files and this constitutes a basic breach of trust.

Should security personnel note any irregularities they are to report them to the superiors or the "Meldeadresse" (*translator's note: address to which you are to report*). You did not adhere to these principles which are well known to the profession and turned over material belonging to a client to a private third party.

Representatives of the VHTL union have stated that this breach of trust could have repercussions on the entire profession and their positions as wdl, to which we unfortunately must agree.

Although your conduct was classified as **ethical** and moral in **certain circles**, this is unjustifiable from the **perspective** of labor law. In any case it violates your written "obligation to maintain **confidentiality**" which you signed.

Since you announced on several occasions to the media that any continuation of your employment with **Wache** AG was out of the question, this termination will probably not have any **effect** on your future plans.

Would you please acknowledge receipt of the foregoing.

Sincerely yours,

WACHE AG	
H. De Capitain	Ch. Tschopp
Director	Vice director



Die Dienstleistungs-Gewerkschaft  
 Le syndicat du secteur tertiaire  
 Il sindacato del settore terziario

Presse . Mitteilung

Zürich, 25. Februar 1997

**Zur Entlassung von Herrn Christoph Meili bei der Wache AG**

Die Gewerkschaft unia Zürich verurteilt die oortliche Entlassung von Herrn Christoph Meili als Wachmann der Wache AC.

Herr Meili machte mit seinem entschlossenen Vorgehen andern Angestellten Mut. Er zeigte, dass die „kleinen“ viel bewirken können, wenn sie das Gewissen und den gesunden Menschenverstand höher stellen als Gehorsam und Pflichterfüllung.

Herr Meili's Eingreifen hat dazu beigetragen, dass einige „dunklen“ Geschäfte auch in der Schweiz Schritt für Schritt aufgedeckt wurden. Dafür gehört ihm unser Dank und nicht die Entlassung.

Wir appellieren an die Geschäftsleitung der Schweizerischen Bankgesellschaft, Herrn Meili eine angemessene Stelle zu verschaffen. Es gehört für Aufarbeitung der Vergangenheit, neues Unrecht in der Gegenwart wieder gut zu machen.

Noch gibt es viele „Geheim-Konten“ auf den Danken. Wir ermutigen alle Angestellten, Sinn und Zweck ihrer Arbeit zu überprüfen und ethischen Grundsätzen zu folgen.

Gewerkschaft unia / Sektion Zürich

*Anton Moos*  
 Anton Moos (Sekretär)

## UNIA

The Union for Service Workers

Press release

Zurich, 25 February 1997

**Regarding the dismissal of Christoph Meili by Wache AG**

The **UNIA** Union in Zurich condemns the politically motivated dismissal of Christoph Meili, a security guard employed by the **Wache** AG.

Mr. **Meili's** decisive **action** has been an **inspiration** to other employees. He has shown that the "little **people**" can **accomplish a lot if** they place moral responsibility and common sense above **obedience and performance of one's duties**.

**Mr. Meili's intervention has contributed to the gradual exposure** of some shady business deals - yes, **even** in **Swi-**. He deserves to be thanked not fired.

We call on the management **of** the Union Bank **of Switzerland** to procure a suitable position for Mr. **Meili**. It is **proper for** the **clearing of** the past to set right a new injustice in the present.

**There are still many numbered accounts in the banks. We encourage all employees to examine the sense and purpose of their work and to abide by ethical tenets.**

UMA **Union/ Zurich Section**

**Anton Moos (Secretary)**