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## For Holocaust heirs, a new struggle

By LESLEY CLARK

Recounting family members killed in gas chambers, aging survivors of the Holocaust went before Congress Thursday to ask for their day in court.

The survivors want to force the handful of international insurers who sold life insurance policies to Jewish families before World War II to publicly disclose their books on the hundreds of thousands of policyholders.

And they want the opportunity to take those companies to court, describing futile paper chases to collect on life insurance policies their parents had faithfully maintained before they were ordered out of their homes by Nazi troops.

"It isn't asking for very much, really," said Israel Arbeiter, who survived four years of German concentration camps, but whose parents and younger brother perished at Treblinka.

"There should be no legal peace for companies without moral peace for the survivors."

The survivors have the impassioned and bipartisan backing of Rep. Ileana Ros-Lehtinen, a Miami Republican, and South Florida Democrats Robert Wexler, Ron Klein and Tim Mahoney. Ros-Lehtinen and Wexler have introduced legislation that would require the insurers to report the names of Holocaust-era insurance policyholders and would give heirs and survivors a legal right to sue European insurers in U.S. courts.

Though suits can now be filed, the U.S. government routinely asks that they be dismissed.

Ros-Lehtinen charged that the insurance companies have "sought unjust enrichment at the expense of the Holocaust victims," as she read a letter from a Palm Beach County woman, Elizabeth Lefkovits, who said she found her late father's life insurance policy after the war, but has not been able to have her claim addressed.

### TOUGH OPPOSITION

The legislation, though, faces formidable opposition in the form of the Bush administration and an array of influential Jewish organizations, including the Anti-Defamation League and the World Jewish Congress, which argue that congressional intervention would sever existing international agreements that have paved the way for thousands of survivors and their heirs to be compensated.

Stuart Eizenstat, President Clinton's special representative on Holocaust-era issues, warned the House Committee on Financial Services that the legislation carries "potentially catastrophic consequences," including undermining the "good faith of the U.S. government" and "consigning Holocaust survivors to an endless and fruitless search for justice."

"The U.S. courts would not be so friendly a venue," Eizenstat said, suggesting that the committee should stick with the process created by a special Holocaust commission.

"[Survivors] would be faced with statutes of limitation, rules of evidence and burdens of proof . . . Litigation would take time. Time that survivors on the whole do not have."

Eizenstat said the commission paid \$306 million to Holocaust victims before it completed its claims process. And J. Christian Kennedy, special envoy for Holocaust issues at the State Department said the insurance companies that cooperated with the commission have voluntarily agreed to continue to process claims.

"We have found that dialogue and negotiation with companies and governments lead to faster and better results for survivors than litigation," Kennedy said.

### COMMISSION CRITICIZED

But lawmakers criticized the commission and said the payout was only a fraction of the billions of

dollars in outstanding Jewish policies.

"Six million Jews died in the Holocaust, and 13,000 have received compensation," Wexler said. "That's the process we're defending here?"

Wexler acknowledged he's gotten phone calls from leaders of Jewish organizations, telling him, "Wexler, you're upsetting the apple cart."

A letter from B'Nai B'rith International called the commission's work "imperfect," but said it helped not only arrange the payment of claims against existing companies, but paid claims filed against now-defunct companies and funded survivor assistance programs. And it "pledged to continue fielding new claims, so an important avenue remains open to survivors."

But members of the committee proclaimed

themselves not satisfied with the scope of the payouts.

"It's not what's paid, it's what's owed," said Rep. Gary Ackerman, D-N.Y. "This is about anything other than greed. This is about denial."

Wexler estimates that 85 percent of the value of policies is still being held by the insurance companies.

"The question is 'Do we let it die and it's game over?' or does this Congress allow survivors one last chance," he said.