

ROLL CALL

Holocaust Survivors Face Uphill Fight

September 22, 2008

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Roll Call Staff

A group of Holocaust survivors is lobbying this week for what would amount to a legislative miracle. The survivors have been pressing Congress all year to pass a bill that would help them pursue claims against European insurance companies over policies held by their families in the leadup to World War II.

But with just days remaining in the Congressional calendar — and disagreement over the bill only intensifying — odds are grim that they'll see the bill they favor before next year.

Advocates for the aging survivors as well as Congressional aides who support the original bill, sponsored by Rep. Ileana Ros-Lehtinen (R-Fla.), say lobbying by the insurance industry has been successful in stalling the measure.

A House GOP aide who has worked in favor of the original version of the bill said the point of H.R. 1746, the Holocaust Insurance Accountability Act, was to pressure European insurance companies to disclose the names of Holocaust-era policyholders and to help survivors or their descendants to bring claims to court.

“The bill was pretty much gutted” in the Financial Services Committee because of “intense pressure from the insurance industry,” this aide said.

Indeed, lobbying records show that many of the companies that would have been affected by the legislation worked against the bill this year.

Those companies and lobbying groups include Generali, Allianz, Swiss Re, Axa, Aegon and the Dutch Association of Insurers, among others. They have tapped outside lobbyists from such firms as Brownstein Hyatt, Mayer Brown Farber Schreck, and Hill & Knowlton.

The survivors have hired lobbyist Jonathan Slade of the Cormack Group, who said his efforts for the Holocaust Survivors Foundation are pro bono.

“I would've never believed that Holocaust survivors would need lobbyists to have the United States Congress restore their fundamental human rights,” said Sam Dubbin, a Miami attorney who represents several Holocaust survivors in pending litigation and in the lobbying effort for the bill.

Added Slade of his uphill effort: “You're talking about hundreds of thousands of dollars of lobbying against Holocaust survivors, who only have Sam Dubbin and myself.”

Insurance industry sources maintain that most European insurance companies have already settled through binding international agreements and that most U.S. Jewish organizations oppose the original bill.

And James Segel, special counsel to House Financial Services Chairman Barney Frank (D-Mass.), said the bill that passed out of that committee strikes a balance by not interfering with ongoing agreements between the companies and survivors while also pressuring Eastern European insurers to pay claims. “Obviously, it's a very emotional subject,” Segel said. “We listened to all sides.”

The survivors, part of the Holocaust Survivors' Foundation USA, support Ros-Lehtinen's bill that passed the House Foreign Affairs Committee in February but oppose the version that came out of Frank's committee this summer.

The measure would also need to pass the House Judiciary Committee before the end of this week, and nothing is on the schedule there.

“There's hope that the Judiciary Committee could mark it up,” Dubbin said. “We know nothing's scheduled. ... Survivors every day of the week are

contacting Congressional offices to get them to realize that time is the enemy.”

One of those survivors-turned-lobbyists is Izzy Arbeiter, 83, who spent five and a half years in six different concentration camps, including Auschwitz. He lost his parents and a brother in 1942.

Arbeiter has come to Washington to meet with Members and earlier this year testified before the Financial Services Committee.

“We were hoping to get Congressman Barney Frank to support the bill, which up to now he didn’t, because it’s important for the survivors to be able to get back from the insurance companies what was taken from us, what was taken from our families,” Arbeiter said.

But several major Jewish organizations, including the Anti-Defamation League, B’nai B’rith and the World Jewish Congress, have told Members that they do not support Arbeiter’s and his allies’ effort.

Ken Jacobson, deputy national director for the ADL, said the group and its allies believe survivors would stand to gain very little in court settlements. And, he said, the law could actually undermine existing agreements with insurance companies, thus jeopardizing most Holocaust survivors’ benefits.

Under the International Commission on Holocaust Era Insurance Claims, insurance companies agreed to pay into a fund. As a result, insurance companies paid people without requesting documentation of policies, since such records long ago perished, he said.

“If this legislation would provide for the opportunity to reopen things after the fact, then all of these suspension of evidentiary claims would no longer apply,” Jacobson said. “You’d have to have all the documents.”

Still, Jacobson said, he understands the emotion behind the survivors’ lobbying efforts. “But the simple truth is you could never get real justice for what happened,” he said.

Another survivor supporting the Ros-Lehtinen bill disagrees with Jacobson.

Leo Rechter, 81, who was born in Vienna and lived on the run in Belgium during the war, said the

insurance companies have not held up their end of the international agreement and therefore neither should the survivors be bound by it.

The insurance companies “did not keep their promise of applying the relaxed standards of proof, and therefore we see no reason to keep that promise of not suing,” Rechter said. “We feel that insurers did not live up to their promises, and there are many survivors who live in poverty.”

While many of the leading Jewish organizations oppose the measure, others in the Jewish community say they are outraged that Dubbin’s clients’ position isn’t generating more sympathy in the community.

Mark Talisman, a former Congressional staffer and founding vice chairman of the Holocaust museum in Washington, has urged Dubbin’s clients to press on.

“I’m appalled at what’s going on,” Talisman said. “We built a very large museum in Washington, but we have to worry about those survivors who are still living.” He said he is mystified and sad about the opposition by the Jewish organizations.

“These are human beings who have gone through hell and back, and at the end of their lives to have this,” Talisman said. “I think it should be their choice if they want to go through all the trouble to go to court. ... The better part of valor would be to mark up the Judiciary bill. There’s still time.”

While most of the insurance companies and their outside firms did not return calls or would not comment on the record, Frank Mankiewicz of Hill & Knowlton, who counts the Dutch Association of Insurers as a client, said the original version of H.R. 1746 was riddled with problems.

He said that if the law would have mandated every European insurance company to publish a list of its policyholders between 1935 and 1945, that would have violated “every European privacy law.”

Mankiewicz said the bill is dead for the year, but he expects Dubbin and the bill’s supporters to bring it up again next year.