

## Justice for Holocaust survivors

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In the years leading up to the Holocaust, victims of Nazi persecution tried to protect their assets, and their families' futures, by buying property and life insurance from companies such as Generali, Allianz, AXA, Munich Re, Swiss Re, and others. After World War II, the companies stonewalled survivors and heirs by demanding death certificates and original policy documents, denying that policies existed.

After Florida and other states passed laws in the 1990s to require the companies to disclose information and be held accountable, the insurers set up a "commission" to supposedly deal with claims. The body — "ICHEIC" — was paid for and controlled by the insurers, operated in secret and barely survived scandals and rampant mismanagement. After nine years, it obtained less than 3 percent — \$250 million — of the \$18 billion companies owed their customers.

Outrageously, the courts held that this ICHEIC commission would be deemed a legally binding remedy, overturning Florida's and other state laws. As a result, Holocaust survivors are second-class citizens under U.S. law — the only Americans who cannot sue insurance companies who dishonored family policies.

Unfortunately, the Obama administration misrepresented U.S. law and policy to help the insurance companies avoid their obligations. It stated that previous U.S. agreements give the insurers immunity from litigation. However, documents we received under the Freedom of Information Act confirmed, in the Justice Department's own words, that previous U.S. agreements "do not provide an independent legal basis for dismissal of individual claims."

U.S. Reps. Ileana Ros-Lehtinen, Debbie Wasserman Schultz, Alcee Hastings, and Ted Deutch have pushed for a bill to fix this problem, and they filed another bill this week.

Shamefully, several nonsurvivor Jewish groups like the Claims Conference and others bitterly oppose restoration of survivors' rights, using false arguments similar to the administration's. Make no mistake — no Jewish organization has the moral authority to presume to speak for Holocaust survivors. To make matters worse, with the ADL and AJC taking money from Generali and Allianz, their conflicts of interest are even more appalling.

Stuart Eizenstat, representing the administration before Congress even though he is also a Claims Conference official, made the same “legal peace” argument that the FOIA documents contradict. After the committee was shown the DOJ’s smoking guns, the department demanded they be returned! Instead of telling the truth, the Obama administration continues to try to cover up for Allianz, Generali, and other Holocaust profiteers.

However, we have some outstanding news to report. This week, Florida’s U.S. Senator Bill Nelson, who as insurance commissioner helped us in the past — rejected these bogus arguments, and announced that he was supporting the Holocaust survivors. He introduced a Senate companion to the House measure, and promised to work in the Senate and with President Obama to restore our rights.

With half of all survivors in this country living in or near poverty, it is an outrage that the insurance companies have failed to pay over \$20 billion they owe to Holocaust victims. They spend freely on Washington lobbyists, sports events, National Public Radio, and Sunday talk shows. It is time for them to be known for what they really are – companies that profited from the Holocaust by collaborating with the Nazis and failing to pay their customers.

Survivors do not now and never have asked for charity. We demand what is rightfully ours. Why are survivors given less protection than every other citizen? If Congress does not act now, too many survivors will die without justice or dignity.

It is time for President Obama to step forward and do everything in his power to help Holocaust survivors; we are running out of time. It is very sad that we as Holocaust survivors have to take to the streets to be able to communicate with our president, but we will continue to do so until our rights are restored. That is the message we are going to send the president today, tomorrow, and until our rights and interests are fully respected.

David Schaecter and David Mermelstein are president and vice president of the Holocaust Survivors Foundation USA.

Read more: <http://www.miamiherald.com/2011/03/03/v-print/2096359/justice-for-holocaust-survivors.html#ixzz1Fb9GIkmy>