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Holocaust victims deserve better

It is never too late to correct an injustice. The worse the injustice, the more important it is to address it. This is why Congress should approve the Holocaust Insurance Accountability Act. The bill would provide a means for Nazi-era survivors to sue insurers for restitution in federal court, even if 60 years late.

Claims denied

A decade ago the United States, in a well-intentioned move, helped to create a commission to resolve Jewish Holocaust-era insurance claims. Yet when the International Commission on Holocaust Era Insurance Claims (ICHEIC) shut down last year, it had failed. Less than 5 percent of the estimated value of those policies were actually paid out to survivors or their heirs. In the process, thousands of claims were denied with little or insufficient explanation.

Jack Rubin's claim was among them. His parents died in the Auschwitz concentration camp. A Boynton Beach resident, Mr. Rubin testified last year in Congress that he submitted claims to ICHEIC under their names. He recalled the sign where his family lived and owned a general store. It said they were insured by "Generali Moldavia." He even remembered the insurance-agent's name.

Four years later he received a letter saying neither the insurer nor its subsidiaries had a record of his family's policies. An ICHEIC arbitrator upheld the denial without questioning the insurer. Now Mr. Rubin, 79, is among a group of survivors suing the insurer and objecting to a settlement that they believe provides too little, too late.

Yet Mr. Rubin's chances to win his claim are slim. That's because a 2003 Supreme Court decision regarding Holocaust claims says federal foreign-policy interests favor "nonadversarial resolutions" in the absence of congressional action. This case involved state laws similar to the Holocaust Insurance Accountability Act (H.R. 1746) introduced by U.S. Rep. Ileana Ros-Lehtinen, R-Miami. It would force insurers with U.S. operations to disclose records and allow survivors to sue for unpaid policies.

Right this wrong

Indeed, Florida had such a law, thanks to then-Insurance Commissioner Bill Nelson, until it was struck down. The House Financial Services Committee is having a hearing on the bill on Thursday.

Congress should do its part to right this wrong. The ICHEIC did not provide the deserved restitution to a majority of Holocaust survivors victimized by insurers who collaborated with the Nazis.

Mr. Rubin told Congress: 'If our society today has any decency, it would require the companies to open their records and be fully accountable for their thefts of our families' legacies. After all, isn't this why people buy insurance?'