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## Still Fighting for Life

*By Tory Newmyer,  
Roll Call Staff*

Holocaust survivors fighting for unpaid life insurance claims are rallying behind a House bill that would allow them to sue in federal court to recover payouts from the pre-war policies.

The push for a legislative fix comes after an exhaustive nine-year process — overseen by former Secretary of State Lawrence Eagleburger and including insurance companies and Jewish organizations — wrapped up this spring after delivering what many survivors, and now some lawmakers, are calling a meager portion of what is owed.

That process, officially the International Commission on Holocaust Era Insurance Claims, doled out \$300 million, paying 17,000 policies.

“It might seem like a lot of money, but it’s infinitesimal compared to what these policies represented,” Rep. Robert Wexler (D-Fla.), chairman of the Foreign Affairs Subcommittee on Europe and

a co-sponsor of the bill, said at a hearing on the measure earlier this month. He pointed to estimates that about 850,000 policies, worth \$17 billion in today’s money, remain unpaid.

The measure also would force insurance companies doing business in the U.S. to open their books and publicly disclose the names of all World War II-era policyholders, so survivors and relatives can pursue claims.

It has bipartisan support, including Foreign Affairs Chairman Tom Lantos (D-Calif.) and ranking member Ileana Ros-Lehtinen (R-Fla.), the original sponsor. But a Lantos spokeswoman said no markup has been scheduled. And so far, no Senator has offered a companion measure.

The State Department opposes the bill on the grounds that the ICHEIC process basically worked and that a confrontation with European insurance companies could cause diplomatic strain for the U.S.

"Was it enough? It's never enough," Christian Kennedy, the department's special envoy for Holocaust issues, told the Europe Subcommittee last week. "But it was a set of substantial financial payments made to people who were probably in utter despair that they would receive anything."

The legislative push comes against the backdrop of an ongoing class-action suit against Assicurazioni Generali, an Italian insurer estimated to hold the bulk of the unpaid claims. A settlement in the case has been pending for 10 years, but last week the U.S. Court of Appeals for the 2nd Circuit in New York said the company had failed to adequately inform policyholders of that settlement.

The court ordered Generali to mail notices of the settlement to each policyholder it knows of, and set a new hearing on the fairness of the settlement terms. Sam Dubbin, a lawyer for the policyholders in the Generali case, also is helping organize grass-roots support for the House bill, called the Holocaust Insurance Accountability Act of 2007.

"A large number of survivors have been writing letters to newspapers and getting in touch with their Members of Congress," Dubbin said, but he conceded it is difficult to motivate a groundswell of activism among a group of people whose patience with the process is running out.

One of those survivors, Alex Moskovic, who made it through Auschwitz and Buchenwald, testified last week before the panel that his name and those of his relatives appeared on the ICHEIC Web site but that his claim was rejected with no explanation. "All agree that no amount of money can ever compensate us for the crimes of the Holocaust. But the processes employed over the last decade have mostly failed," he said.

The survivors' lobbying effort, organized by the umbrella Holocaust Survivors' Foundation, also is getting an assist from Jonathan Slade of The Cormac Group.

The insurance companies, for now, appear to be holding their fire on Capitol Hill. An official with Generali said the company has hired David Cohen with Brownstein Hyatt Farber Schreck to monitor the bill but not lobby on it directly.

The company only has employed lobbyists once before: in 1998, it briefly hired Ikon Public Affairs. At that time, Ikon operative Domenic DelPapa was serving as a spokesman for a newly formed group called the Committee for Justice for Holocaust Victims, according to a report in the Miami Herald.

The group sponsored an ad attacking then-Florida Insurance Commissioner Bill Nelson (D) for financing the state's hurricane fund using Swiss banks — shortly after Nelson had issued a subpoena to Generali to question the pace of its settlements with Holocaust survivors.

Peter Lefkin, top lobbyist for Allianz of America Corp., whose German parent company is estimated to hold one of the larger portfolios of Holocaust-era policies, said he, likewise, is simply monitoring the legislation. He said the company would be protected from the bill's provisions by an international agreement reached in 2000 between the U.S. and German governments.

Still, Lefkin said, "we certainly don't think the bill is warranted or fair. The ICHEIC process worked very well and had strong support from all its impacted constituencies."

American Insurance Association spokesman Dennis Kelly declined to specify what his group is doing on the bill, but in a statement, pointed to a 2003 Supreme Court decision overturning a California state law that would have sanctioned insurers that failed to publish information about Holocaust-era policies.

The insurance companies for now appear to be relying on the support of diplomatic powerhouses who invested in the ICHEIC process. In a May letter to Sen. Bill Nelson (D-Fla.), Eagleburger said the House bill "makes a mockery of my publicly stated belief that the companies that participated in ICHEIC had cooperated fully and as a consequence now deserve legal peace."