

June 13, 2011

Honorable Bill Nelson
United States Senate
716 Senate Hart Office Building
Washington, D.C. 20510

Dear Senator Nelson,

We write to you with deep and abiding respect for your record as an effective advocate for the rights and dignity of survivors of the Holocaust – so many of whom have found a welcoming home in Florida. Over the years, you have approached these issues with a solemn desire to achieve justice for survivors, with respect to property restitution and Holocaust-related compensation including as a participant in the ICHEIC process.

Ever aware of the urgency of assisting the survivors, like you, we have struggled to obtain the maximum amount of funds, for the most victims in need, as quickly as possible. These efforts have resulted in a number of agreements and claims mechanisms, including the Swiss Banks Settlement, the German Foundation “Remembrance, Responsibility and Future,” the International Commission on Holocaust Era Insurance Claims (“ICHEIC”), and vital home care for survivors achieved through direct negotiations with the government of Germany.

In this spirit, we are reaching out to you to raise our serious concerns about the legislation you authored, the Restoration of Legal Rights for Claimants under Holocaust-Era Insurance Policies Act of 2011.

Any consideration of remedies for the damage perpetrated during the Holocaust – including the issue of unpaid Holocaust-era insurance policies – begins with the painful knowledge that nothing can erase the murder of millions and the loss and suffering of those who survived and their families. At the same time, imperfect as they are, negotiated agreements have provided critical assistance to many in their lifelong effort to cope with unimaginable horrors they were forced to endure.

In seeking to engage governments and institutions to address the gross injustices survivors faced and to confront this most reprehensible chapter in history, the promise of legal peace for those who participated in the various negotiations was critical to achieving the agreements which were reached. As a result, hundreds of thousands of victims of the Holocaust, who otherwise would have obtained little if any relief, have been helped to live with some measure of improved comfort, care and dignity as they age.

Thus, despite its admirable goals, we have serious concerns that S.466 is not only unwarranted, but that its enactment could be detrimental to the interests of survivors, delaying or even jeopardizing tangible, ongoing efforts to provide support for them. We believe advancing the proposed legislation would:

- **Raise false expectations for survivors.** Encouraging lawsuits based on insurance policies issued in Europe, over 70 years ago, does not ensure that a single Holocaust victim will benefit. Not many claimants are in a position to begin long and costly litigation and the few that might be will face significant legal obstacles related, among other matters, to burdens of proof and evidence. In addition, even were insurers able to overcome the strict European data privacy laws, the release of unfiltered information, on potentially millions of insurance policies, would raise hopes, but yield little new information.
- **Compromise the ability of the U.S. to advocate for survivor benefits and issues.** This legislation effectively repudiates or reopens prior agreements. The U.S. plays an essential role in ongoing negotiations with a number of countries and the enactment of S.466 will call into question the U.S. ability to abide by its commitments.
- **Jeopardize ongoing negotiations that have yielded hundreds of millions of dollars for needy Holocaust survivors.** Just recently negotiations between the Conference on Jewish Material Claims Against Germany, Inc. ("Claims Conference") and the German Finance Ministry resulted in considerable additional and new support for, among other matters, survivor home care needs, amounting to over \$550 million over the next three years. This will mean immediate, significant, and tangible assistance immediately for needy survivors throughout the United States and around the world.

Congress has played a vital role in defending the rights of Holocaust survivors and raising the awareness of Americans about the moral imperative to seek every possible measure of justice for victims of Nazi persecution. We would welcome the opportunity to discuss with your staff other efforts to address unresolved Holocaust era issues, such as the restitution of confiscated property in Eastern Europe, and targeted measures to address in real time the needs of the poorest Holocaust survivors.

Above all, we are painfully mindful that no agreement, legislation, or hearing can offer closure on the moral responsibility of governments, institutions and individuals to confront the past and to learn the lessons of the Holocaust. We look forward to working with you to support these efforts which advance the human rights and dignity of all targets of hatred and intolerance.

Sincerely,

American Jewish Committee
 Anti-Defamation League
 B'nai B'rith International
 Conference on Jewish Material Claims
 Against Germany
 World Jewish Congress
 World Jewish Restitution Organization