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## **Insurers and the Holocaust: Line to nowhere**

Aside from the Holocaust litigation that took place in the 1990s—and some of which still continues—one thing still rings true in the simplest of terms; there were policies purchased, there were deaths, and there should have been payments.

Only until recently have insurers begun to acknowledge the existence of policies, and still they continue to deny valid claims because policyholders' heirs are incapable of producing death certificates, or the necessary documents to collect payment.

It would appear the most recent disappointment for claimants—aside from the ineffectiveness of the International Commission on Holocaust Era Insurance Claims (ICHEIC), is the recent ruling of the United States Supreme Court that California's Registry Statute is unconstitutional. The statute required insurance companies doing business in the State to produce the names of people who purchased policies between 1920 and 1945 in the European countries swept up in the Holocaust.

Although ICHEIC is managed in Washington DC, it is incorporated under Swiss law and claims are administered in London, in order to avoid exposure to American jurisdiction and disclosure requirements. ICHEIC's practice is not to release information as to the number of claims filed or paid, or the amounts disbursed. Meanwhile, 2002 expense reports show ICHEIC has spent more than \$40m on administration—\$30,000 a month is paid in salary to ICHEIC's administrator Laurence Eagleburger. It is no secret that the financing for the commission comes from the very insurers who denied Holocaust claims originally. In the words of Federal district Judge Michael Mukasey, the commission is, "in a sense the company store."

In arguments presented to the Supreme Court it was reported that of the 77,000 claims submitted to ICHEIC, less than 1% of the claims had an offer of payment.

As a result, there is once again an effort to turn to the American Courts. William Shernoff, a Californian lawyer, represents 19 clients in Holocaust era cases against the Italian insurance company Generali. Since Generali is an Italian company, it is exempt from the German Foundation Settlement and is not covered by the Clinton administration agreements. Shernoff says that offers have been made, but only for a fraction of the policies' worth.