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Survivors Struggle for Pensions;

A couple who labored under the Nazis in a Polish ghetto during the Holocaust call the process of applying for restitution grueling.

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Saul and Bella Friedman struggled for years over whether to seek restitution, or what they considered "blood money," for their labor in a Polish ghetto during the Holocaust.

Rising health costs and dwindling funds, however, prompted the Westwood couple to apply for relief using a 2002 German law intended to provide pensions to survivors who performed "voluntary" labor in Nazi-formed ghettos during World War II.

"I didn't want their money," said Saul Friedman, 85. "I thought, 'How can they pay me for the work I did and for five years I didn't feel like a person?' Now I need it."

The Friedmans said they endured a grueling application process, rife with confusion, lengthy delays and the anguish of having to recount a dark period in their lives.

Saul Friedman's pension application and subsequent appeal were turned down. His work in a Radom ghetto cleaning homes and office buildings wasn't sufficiently documented, German authorities said.

In contrast, Bella Friedman's application was approved. In June, she received the first payment for her work as a seamstress.

Their story reflects the difficulties applicants have faced since the German law -- known by its acronym, ZRBG -- was enacted two years ago.

"It's way too hard to get it, too hard to understand it and too hard to apply for it," said Mark Rothman, who offers free pension assistance at Bet Tzedek Legal Services.

The legislation attempts to repay survivors who, for personal reasons, may not have applied for previous restitution programs but who qualify for the pension, said Michael Wolff, the German consul for legal affairs in Los Angeles.

The law was based on a 1997 court decision that required Germany to pay a Polish ghetto survivor a pension from its Social Security system.

The Nazis began forming ghettos in 1939 by forcing Jews into bordered sections of cities and coercing them to work.

To qualify for a pension, applicants must prove they "voluntarily" worked in a ghetto occupied by or incorporated by the Third Reich and received some form of compensation. Like the Friedmans, many were paid in food rations rather than cash.

Survivors like the Friedmans, overwhelmed by the complexity of the pension program, have steadily passed through Rothman's office.

"It's complicated, so it's very good that we have someone in his position to help us," said Saul Friedman. "He's trying his best, but this pension, it's like the lottery: Some win and others don't win."

Rothman routinely makes house calls to elderly applicants, helping them decipher the paperwork and drafting their statements for appeals.

In addition to helping Holocaust survivors, Bet Tzedek provides a range of legal services to seniors, low-income and disabled people throughout Los Angeles County. The 30-year-old nonprofit group, located in the Fairfax district, is funded primarily by grants and private donations.

Rothman noticed that, as his client base increased, the rejection letters mounted with little or no explanation from Germany about the basis for the denials.

Of his nearly 150 clients who have applied for pension benefits, Rothman said, just eight have been approved.

The problem, survivors and Holocaust advocates say, is that the German government has not clearly

defined what it considers to be "voluntary" labor or adequate compensation.

The pension program's criteria, they add, fail to consider the oppressive conditions of the ghettos.

The lack of clarity has made it difficult for agencies like Bet Tzedek to advise clients or determine whether a survivor is initially eligible to apply.

"It's always trial and error," said Volker Schmidt, a Los Angeles attorney who volunteers at Bet Tzedek. "It's like throwing stuff at the wall -- some stick and some don't."

Saul Friedman's case didn't stick.

In August 2003, he turned to Bet Tzedek to guide him through the application process.

Rothman worked with Friedman to recount the details necessary for the appeal: how many weeks and months Friedman labored and how many extra potatoes he received.

"How can you remember what happened in 1944, what you did day by day?" Friedman asked.

In 1941, Nazi soldiers took Friedman, his parents and three siblings from their Radom home and herded them into the city's ghetto. His parents were later sent to death camps, and his younger brother and sister were sent to other ghettos. Friedman and his older brother lived with several families in a one-room apartment.

The soldiers regularly assigned work in the ghetto to Friedman and thousands of other Jews. As they labored, soldiers sometimes stood guard with rifles in hand, he recalled.

Friedman, then 22, was assigned to clean the homes and office buildings of German officers. He worked 10 hours a day, washing floors, painting walls and dusting windows.

Every few months, the Nazis would line up people from the ghetto and deport thousands to their deaths, said Friedman, who saw the Radom ghetto shrink from 30,000 to 2,000.

Though he was not paid, he was given scraps from soldiers' meals. He recalled constant hunger pains, shivering in the cold and, at night, dreaming whether death could be much worse.

Friedman, who labored in the ghetto from 1941 to 1943, feels his work should be compensated. Voluntary labor didn't exist in the ghetto, he said, and Jews who refused to work starved.

"We didn't have choices," Friedman said. "We worked, or we were beaten, some killed."

His wife's pension will help the couple get by, he said.

The couple met in New York after the war; they have been married for nearly 57 years.

After mailing her initial application in April, Bella, 79, was asked to provide additional documentation. At 16, she worked as a seamstress in the Radom ghetto.

Eventually, Bella and Saul were each moved to other Polish ghettos before being sent to Auschwitz. From there, Saul went to the Mauthausen concentration camp in Austria and Bella to Bergen-Belsen in Germany. Allied forces liberated both camps in 1945.

It is still unclear why Bella Friedman's pension application was approved and her husband's was rejected. She recently received a back payment of \$18,000, and gets an additional \$230 monthly.

Pressures from Bet Tzedek, the Conference on Jewish Material Claims Against Germany, and several members of Congress have pushed German authorities to examine whether the pension law is too restrictive.

"It's unfortunately a very imperfect, bureaucratic process that we are working to fix," Wolff said.

Friedman's last option is to file a court appeal in Germany, but he can't afford it.

"You're angry, but you have no power to do anything," he said. "So I have to let it go the way it is, but the grudge will never go away."

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