

Implementation of Holocaust pensions law 'highly erratic'

TOM TUGEND, THE JERUSALEM POST

Sep. 8, 2004

In 1942, while living in the Radom ghetto in central Poland, Saul Friedman applied for work and for the next two years cleaned a building and labored in a peat bog for the German army.

He earned no money, but received something much more valuable, extra food rations. When the ghetto was finally liquidated in 1944, he was sent to an Auschwitz satellite camp, then to Mauthausen, and after liberation came to the US.

Friedman, 85, and thousands of other survivors in the US, Israel, and elsewhere, are now entangled in a bureaucratic wrangle over a recent German law meant to benefit a little-known class of survivors.

The so-called ZRBG law, the German acronym for Payment of Pensions from Employment in a Ghetto, was established two years ago to give German Social Security benefits to those who worked voluntarily, or "at will," in the ghettos of Eastern Europe.

Though the law is well meant and the benefits are significant, in practice eligible applicants are facing long delays, a high rejection rate, and a bureaucratic process described as "highly erratic." Mark Rothman, Holocaust services advocate for the free Bet Tzedek legal services in Los Angeles, reports that of 135 applicants, 13 have waited for more than a year for an initial response, 47 have been waiting between six months and a year, and all but five of the remainder have received rejections.

An 80 percent rejection rate has also been reported from New York and Florida.

Following protests by the Claims Conference (Conference on Jewish Material Claims against Germany), Bet Tzedek, and a group of US Congress members from Los Angeles, German authorities have launched an investigation to determine whether the ghetto pensions law is being interpreted too narrowly and restrictively.

"This law was meant to be generous, but if the investigation shows that there has been a hiccup in the implementation, we will take corrective measures," said Michael Wolff, the German consul for legal affairs in Los Angeles.

Wolff noted that there appeared to be some confusion by a number of applicants between compensation for forced or slave labor, which is handled under a different law and by a different ministry, and for voluntary "at will" ghetto labor, which is administered by the Social Security departments of the individual German states.

Gideon Taylor, executive vice president of the Claims Conference, said he had encountered two basic difficulties with the ZRBG law, one in the way it is administered, and the other in the way it was written.

An example of the former is the Saul Friedman case. While his application was turned down, that of his wife Bella, who worked as a seamstress for the Germans in the same ghetto and at the same time as her husband, was approved.

She has received an \$18,000 back payment and now gets a monthly \$250 check from the German Social Security system.

An example of some of the law's provisions criticized by Taylor, Rothman, and US Rep. Henry Waxman (D-California) is that only workers who were over 14 years old at the time are eligible for ghetto pensions.

Under that restriction, the application of Helen Korb was turned down. As an eight-year-old in the ghetto of Mir (now in Belarus), Korb worked alongside her mother cleaning and doing laundry at a German garrison.

"When I was in the ghetto, they wouldn't let me be a child, and now they say I can't get a pension because I was a child," Korb said bitterly.

The ghetto pension law is the latest chapter in the history of Nazi era-reparations, but it's not the end of the story.

"We are always looking for more liberal interpretations of existing laws," said Taylor, "and we are now receiving the first allocations from Germany for home care for elderly survivors."

In another Holocaust-related development, three Los Angeles area survivors suffered a legal setback in their suit against an international commission dealing with wartime insurance claims.

In their suit, the survivors accused the International Commission on Holocaust Era Insurance Claims (ICHEIC) of, in effect, serving as a front for Italian insurance company Assicurazioni Generali to lower or deny claims by survivors or their heirs.

The suit was first filed almost a year ago in Los Angeles Superior Court under California's unfair business practices statute. At ICHEIC's request, the case was transferred to a federal court, because of claimed foreign policy aspects.

A federal judge sent the suit back to Superior Court, where Judge William Highberger ruled last week that the state had no jurisdiction in the case.

Attorney William Shernoff, representing survivors Dr. Jack Brauns, Manny Steinberg, and Roman Rakover, complained that he was caught in a Catch-22 dilemma between federal and state courts and said he would take the case to the California Court of Appeals or state Supreme Court.

New York attorney Constantinos Panagopoulos, representing ICHEIC, applauded Highberger's decision, saying that it validated his argument and that because of international political implications, the case was a matter for the executive, rather than judicial, branch of the government.

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