

Assembly Joint Resolution No. 61

RESOLUTION CHAPTER 196

Assembly Joint Resolution No. 61—Relative to Holocaust insurance claims.

[Filed with Secretary of State September 18, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 61, Koretz. Holocaust insurance claims.

This measure would urge the International Commission on Holocaust Era Insurance Claims (ICHEIC), the National Association of Insurance Commissioners, and the Department of Insurance to take immediate action to encourage insurers to comply with the ICHEIC claims process, and would urge ICHEIC insurers to continue to fund the ICHEIC operation. This measure would also urge the ICHEIC to advocate more forcefully for claimants, and to do everything it can to require ICHEIC insurers, the German Insurance Association, and the German Foundation to comply with the ICHEIC claims process.

WHEREAS, Sixty years have passed since the horrific events of the Holocaust, during which the Nazis murdered six million Jews and five million other people; and

WHEREAS, During the Second World War, many Jewish families in Europe purchased life insurance policies as financial protection for loved ones who would survive the war; and

WHEREAS, After the Nazis came to power, they systematically confiscated the assets and insurance policy documents of Jews and other victims, and did not issue death certificates for the countless Jews and untold others murdered in concentration camps; and

WHEREAS, After the war, many insurers refused to pay on valid policies because survivors did not have adequate documentation; thus the victims of the Holocaust and their heirs have been unable to collect the proceeds from life insurance policies, which they are rightfully owed; and

WHEREAS, Insurance company records may be the only proof of insurance held by Holocaust survivors or their heirs, and in some instances, recollections of the very existence of insurance policies may have perished along with Holocaust victims; and

WHEREAS, In 1998, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was created to facilitate the expeditious processing of unpaid insurance policies issued to Holocaust victims; and



WHEREAS, ICHEIC launched its claims process in February 2000; and

WHEREAS, As of May 31, 2002, ICHEIC has received over 85,000 claims from all over the world, of which more than 2,357 were from California; and

WHEREAS, Only 1,370 claimants worldwide have received offers from ICHEIC insurers, and most of the 85,000 victims are still waiting; and

WHEREAS, California enacted the Holocaust Victims Insurance Relief Act in 1999, requiring insurers to provide data to the Department of Insurance by April 10, 2000, regarding all policies they or an affiliated company wrote in Europe between 1920 and 1945; and

WHEREAS, Approximately five California insurers have provided documents in full compliance with the statute and approximately 100 have refused to comply; and

WHEREAS, As of March 2000, four separate lawsuits have been filed by California insurers in an attempt to block the implementation of the 1999 Holocaust Victims Insurance Relief Act, alleging that the statute is unconstitutional; and

WHEREAS, In February 2001, the Federal Court of Appeals denied some of the insurers' constitutional challenges, but allowed an injunction to stand which enjoined the requirement that California insurers submit information about policies sold in Europe between 1920 and 1945; and

WHEREAS, On July 15, 2002, the Ninth United States Circuit Court of Appeals ruled that the 1999 Holocaust Victims Insurance Relief Act is constitutional, and while subsequent appeals by insurers have resulted in the injunction remaining in place, once the injunction is lifted, the state will be able to require insurers to release detailed information about policies they sold in Europe between 1920 and 1945; and

WHEREAS, The deliberate delay on the part of these insurers may result in a generation of Holocaust victims dying before their claims are rightfully paid; and

WHEREAS, It would be an unconscionable act of inhumanity to allow survivors of the Holocaust to be victimized once again by allowing these insurance claims to go unpaid; and

WHEREAS, We can no longer idly stand by while justice is being denied for these vulnerable elderly victims; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby urges the International Commission on Holocaust Era Insurance Claims, the National Association of Insurance Commissioners, and the Department of Insurance to take immediate action to encourage insurers to fully



comply with the ICHEIC claims process for Holocaust era insurance claims; and be it further

Resolved, That the Legislature of the State of California urges the ICHEIC insurers to continue to fund the ongoing ICHEIC operation for an adequate time period; and be it further

Resolved, That the Legislature of the State of California urges the ICHEIC to advocate more forcefully for claimants; and be it further

Resolved, That the Legislature of the State of California urges the ICHEIC to do everything it can to require the ICHEIC insurers, the German Insurance Association, and the German Foundation to comply with the ICHEIC claims process; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

