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Senate

NEVER FORGET: REPARATIONS FOR HOLOCAUST SURVIVORS

Mr. MOYNIHAN. Mr. President, the German government has long recognized its moral obligation to assist the survivors of the Holocaust. The landmark reparations agreements of the early 1950s between the West German government and Jewish groups were predicated on this simple premise. Yet, as years go by, it has become increasingly apparent that a large number of survivors, particularly those living in Eastern and Central Europe, were excluded from these agreements and are now being denied assistance on the flimsiest of technical grounds. As a result, in July Senators Graham, Hatch and Dodd joined me in introducing S. Con. Res. 39. I am pleased that the Senate will take up this important issue today.

The need for such legislation was reinforced only last week. On November 5, Judge Heinz Sonnenberger in Germany upheld just one of twenty-two claims made by a

group of Jewish women seeking payment for their work as slave laborers at Auschwitz. The other claims were dismissed by the judge on the grounds that the women had already received compensation under Germany's Federal Compensation Law. This decision represents the German government's intractable attitude toward survivors of Nazi slave labor; however, it also presents a small window of hope for the survivors of slave labor who until now have been denied compensation by the German government.

The German government has continually dealt with the survivors of Nazi persecution in a heartless, bureaucratic manner, basing its decisions on technical questions and eschewing a moral obligation to aide all survivors regardless of past compensation, current financial status, or amount of pain suffered. This practice stands in sharp contrast to the

generous disability pensions paid by the German government to former members of the Waffen-SS and their families. Until last year, when the German Supreme Court ruled that cases of compensation for slave labor could be taken up by the German courts, survivors of slave labor had been told that they should address their claims to the companies that used slave labor and not to the German government. Often companies had already paid a lump sum towards compensation and refused to hear further claims, while other companies, which had never paid claims, refused to pay them altogether. After fifty years of avoidance, it is time for the German government to take the opportunity this ruling provides and address the issue of compensation to slave laborers head on.

Judge Sonnenberger's ruling is the first time that a German court has awarded compensation to a survivor of slave labor to be paid by the German government. The possibility that this ruling is a precedent may be a bright spot in this otherwise regrettable decision. Perhaps other survivors of slave labor, who have never received compensation from the German

government, will be emboldened by this ruling and bring their own cases forward. This progress is tempered by the rejection of the other twenty-one claims. In this regard, Judge Sonnenberger's decision carries on the German government's practice of overlooking humanitarian considerations when judging compensation claims made by the survivors of Nazi persecution.

In order to encourage a change in the German government's position, Senate Concurrent Resolution 39 urges the German government to expand and simplify its reparations system, to provide reparations to survivors in Eastern and Central Europe, and to set up a fund to help cover the medical expenses of Holocaust survivors. Although half a century has passed since the end of World War II, it is important to remember how many chapters opened by the devastating war remain unfinished. I hope this action will help bring the issue of reparations for survivors of Nazi persecution to the fore, and encourage the German government to make appropriate changes so that the elderly survivors of the Holocaust receive appropriate reparations.



Calendar No. 138105TH CONGRESS
1ST SESSION**S. CON. RES. 39**

Expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

IN THE SENATE OF THE UNITED STATES

JULY 15, 1997

Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. HATCH, Mr. DODD, Mr. D'AMATO, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

JULY 30, 1997

Reported by Mr. HELMS, without amendment

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

Whereas the annihilation of 6,000,000 European Jews during the Holocaust and the murder of millions of others by the Nazi German state constitutes one of the most tragic episodes in the history of man's inhumanity to man;

Whereas there are more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world;

Whereas aging Holocaust survivors throughout the world are still suffering from permanent injuries suffered at the hands of the Nazis, and many are unable to afford critically needed medical care;

Whereas, while the German Government has attempted to address the needs of Holocaust survivors, many are excluded from reparations because of onerous eligibility requirements imposed by the German Government;

Whereas the German Government often rejects Holocaust survivors' claims on the grounds that the survivor did not present the claim correctly or in a timely manner, that the survivor cannot demonstrate to the Government's satisfaction that a particular illness or medical condition is the direct consequence of persecution in a Nazi-created ghetto or concentration camp, or that the survivor is not considered sufficiently destitute;

Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other formerly Communist countries in Eastern and Central Europe have never received reparations from Germany and a smaller number has received a token amount;

Whereas, after more than 50 years, hundreds of thousands of Holocaust survivors continue to be denied justice and compensation from the German Government;

Whereas the German Government pays generous disability pensions to veterans of the Nazi armed forces, including non-German veterans of the Waffen-SS;

Whereas in 1996 the German Government paid \$7,700,000,000 in such pensions to 1,100,000 veterans, including 3,000 veterans and their dependents now living in the United States;

Whereas such pensions are a veteran's benefit provided over and above the full health coverage that all German citizens, including veterans of the Waffen-SS, receive from their government; and

Whereas it is abhorrent that Holocaust survivors should live out their remaining years in conditions worse than those enjoyed by the surviving former Nazis who persecuted them: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That it is the sense of Congress that—*

3 (1) the German Government should expand and
4 simplify its system of reparations so that all Holo-
5 caust survivors can receive reparations, regardless of
6 their nationality, length or place of internment, or
7 current financial situation;

8 (2) the German Government should provide
9 reparations to Holocaust survivors in the former So-
10 viet Union and other former Communist countries in
11 Eastern and Central Europe;

12 (3) the German Government should fulfill its
13 responsibilities to victims of the Holocaust and im-
14 mediately set up a comprehensive medical fund to
15 cover the medical expenses of all Holocaust survivors
16 worldwide; and

1 (4) the German Government should help restore
2 the dignity of Holocaust survivors by paying them
3 sufficient reparations to ensure that no Holocaust
4 survivor be forced by poverty to live in conditions
5 worse than those generally enjoyed by the surviving
6 former Nazis who persecuted them.