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6. Status of Equipment: the camera of the MFA&A Officer, this headquarters, which was delivered to Colonel Henry C. Newton of Supreme Headquarters to be repaired has not been returned.

7. Field records or other records completed: None.

For the Commanding General:

OSCAR L. SCARBOROUGH,
Captain P.A.
Actg. Asst. Adj. Gen.

HQ NINTH U. S. ARMY

23 Jan 45

SUBJECT: MFA&A Semi-monthly Report. 18-31 Dec 44.

1. Personnel. The following officer is on DS at this headquarters as MFA&A officer in the Government Affairs Division, G-5 Section, Walter J. Huchthausen, Captain, AC, O-910847. Enlisted men of the division having other duties assist.

2. Operations.

a. Twenty (20) monuments and cultural institutions in Belgium, listed on the official list (marked OL) and in the Army Service Forces Manual 361-17, 13 May 44 (marked ASF), were visited. Details of war history and conditions are noted below.

b. Thirteen monuments and cultural institutions in The Netherlands, listed on the Official List and the ASF Manual 357-17, 13 May 44, were visited. Details of war history and conditions are noted below.

c. One monument in Germany (not listed) was visited, and details of war history and conditions are noted below.

d. A list, Archival Repositories in the Rheinprovinz, Preussen, Germany, was compiled and is being considered by AC of S, G-5 for distribution to corps, divisions and detachments. This list includes a total of fifty three municipal, town, church, family, private, Economic (1), and Party (1) archival repositories in forty-three cities.

e. The term "(active)" marked in the upper right hand corner of an inclosure, indicates that the monument or institution described needs further attention. The term "(passive)" indicates investigation of that monument is complete unless new war conditions occur.

3. Information. At a conference on 27 and 31 Dec 44 with Capts. Walker Hancock and Everett Lesley (First Army MFA&A Officers), two portfolios of letters, clippings, pamphlets, etc on the subjects 'museums' and 'archives' were received for examination. Among these papers was found a mimeographed booklet marked 'confidential' (Vertraulich) containing a summary report on policies and actions of the Gruppe Archivwesen in the military administration of France, 40-44. This paper reveals clearly German objectives regarding archives in France, what specific archives they considered theirs, methods used by this military group in their systematic search, and exactly where these archives were to have been stored. Five copies were made of this booklet and are inclosed. Extracts from remaining material are being made on German personnel, collections and depositories for forwarding in later report. (The pamphlet has been forwarded separately to the War Office and War Department. MCR).

4. Equipment and Supplies. The MFA&A officer does not have transportation for his own continuous use. Each prospective trip requires separate request for transportation.

5. Statement.

a. (1) Monuments officers would be aided substantially in their efforts at exercising preservative control of historic buildings and their contents should the officers receive periodic listings of buildings which are assigned to troop units, or are on the list to be assigned to be assigned. Where troops are already in place, early action by Monuments officers can save many objects of value.

(2) The castle, Deutschordens Kommande, Siersdorf, subject of inclosure is only one of many cases where early action could have saved much of value that is gradually being damaged, destroyed or stolen.

b. (1) It has been determined that no U S Army organization has been given the responsibility for making and retaining inventories of personal property in buildings requisitioned. As it now stands, the responsibility for taking inventory of

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By	TJ NARA Date: 7/20/99

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C O N F I D E N T I A L

objects remaining in assigned buildings rests with the branch of the local municipal government (in Belgium, the Bureau of Requisition). Some objects are invariably damaged, destroyed or stolen, thereby causing conditions under which unwarranted and exorbitant claims can effectively be made by owners against the U S Army. Illustrations of this problem are the cases of the Chateau des Vieux-joncs, and the Chateau de Betho.

c. Solutions for these problems are now being considered.

6. Remarks. Copies of inclosures indicating possible damage by any U. S. personnel have been transmitted to the Army Judge Advocate.

For the Commanding General:

OSCAR L SCARBOROUGH

Capt., FA, Act Asst Adj Gen.

Snur/18-31 Dec 44

FIELD RECORD MFA&A

Insp: Walter J Huchthausen, Capt, AG.

(active)

Belgium. Limburg. Rijkhoven (7 km NE of Tongres) 3K4351). Chateau des Vieux-joncs (ASF). Medieval castle; with four towers, moat, chapel, extensive accessory buildings; brick; excellent example of Teutonic Hall architecture. Insp: 19-21-31 Dec 44. Owner: M. Roelants-du-Vivier, living in part of central chateau, consulted 19 Dec 44.

1. Condition of Building: General: the buildings show complete neglect. Apparently no repairs have been made for many years. This condition is particularly true of the grounds and of the chapel (good Baroque facade). Exposure to weather: chapel roof cover is partly gone. Most roofs need some repair. Structure: chapel needs strengthening; in places walls are cracking and (in arcade) seriously falling away; otherwise fair. Walls: Some surface deterioration and chipping. Windows: in general intact. Fire Hazard: as each occupied room has a stove with pipes extending thru windows and walls a real fire hazard exists. War protection: non. Emergency Repairs: None.

2. War History. At the beginning of the war a German tank unit (1000 men) occupied the chateau for approx. 10 days, at which time they destroyed most of the furniture and carried away bathroom equipment. German troops again occupied the chateau during their recent retreat. In 1939 chateau was occupied by Belgian troops for 7 months and caused much damage (quote: family). Since Allied liberation, successive units of American troops, thru the Town Major, Tongres, have occupied all the buildings of the chateau with the exception of the chapel and family living quarters. Present occupying unit: 1375th Eng Petroleum Co., Com Z, MDECO, personnel, approx. 230, Capt A.P. Jumper Commanding, some damage was done by Allied Aircraft in strafing operations during recent German occupation.

3. Occupational Damage. The following evidence of damage was noted and such damage claimed by the owner to have been caused by U.S. troops who are occupying or have occupied the chateau: hearth of museum fireplace broken completely thru floor, which is partly burned; ornamental (carved) stones in gallery (now kitchen) chipped and stained with grease; parquette floors badly damaged from chopping wood; door fixtures replaced by nails and doors split; shelving nailed crudely against painted panelling and fireplace of Louis XIV room; 17 cent. painted shutter panel sawed off to make room for stovepipe. In general, large nails were used freely and without consideration.

4. Problem. The owner is positively opposed to American troop occupation and is making an effort to have the chateau listed officially as off limits to troops. His entire family, especially the son who is an MG Officer (Br), oppose his wishes. Except for several rooms in the central chateau the interiors are not of pronounced value. The exterior and ensemble are an exceptional example of local medieval Teutonic Hall architecture which should be preserved.

5. Action taken by Det D6D1 (Tongres). No previous action was taken. However, to discuss the problem a conference was arranged and attended by the following persons on 19 Dec 44: M. Hubert Verwilghen, governor of Limburg (from Hasselt); M. Raymond Pelgrims de Bigard, president de l'Association Les Demeures Historique de Belgique; M. Jean Willemaers, regional architect (Tongres) and architect for this chateau; Major Baille-Reynolds, monuments officer for the Belgium Mission; M. Roelants du Vivier, owner and resident of chateau; Capt Walter J Huchthausen, MFA&A officer, Ninth US Army.

6. Action Recommended (Spec O). (1) No change in status of chateau, as principal historic value is found in exterior ensemble. (2) Commander of occupying unit put Lou XIV room, Duke of Cumberland room and adjacent rooms off limits, but allowing the last two rooms to be used by the officers. (3) Under supervision of M Jean Willemaers, a Det officer, the owner, and an occupying officer, all mobile objects of art be stored in the Louis XIV room and inventory thereof sent to Spec O thru the Det. (4) Commander of occupying unit make public to his men a list of rules of conduct, and to establish an effective fire control system. (5) A certified statement

C O N F I D E N T I A L

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(Annex II)

S E C R E T

Copy No. 25
14 September 1944

DRAFT DIRECTIVE
TO THE

(US) (UK) (USSR) COMMANDER-IN-CHIEF

CONTROL OF WORKS OF ART AND MONUMENTS

1. This directive is issued to you as Commander-in-Chief of the (US) (UK) (USSR) forces of occupation. Identical directives are being issued simultaneously to the Commanders-in-Chief of the Forces of occupation of the other two Allies. The three Allied Commanders-in-Chief, acting jointly, constitute the Supreme Authority.

2. Reference is made to the appropriate parts of the "Unconditional Surrender of Germany", attached as Annex 'A', and to the appropriate parts of the General Orders, attached as Annex 'B'. You will enforce and implement in your zone of occupation and sphere of responsibility the pertinent surrender terms and orders, particularly those referred to above, in accordance with the policies and instructions set forth below.

3. In this directive, the phrase "works of art and other cultural materials" covers all objects or materials of artistic, historic, scientific or other cultural importance or value. The phrase includes archives, records or documents of historic or cultural importance and scientific exhibits, specimens or equipment of a research or educational character or pertaining to cultural history, so far as such archives and scientific materials are not covered by the directive on "Securing and Examining Information and Archives".

4. The Supreme Authority will control and direct the conservation and disposition of works of art and other cultural materials. In particular, it will hold available for restitution those which have been looted from the Governments or nationals of the several United Nations and those in German public or private collections which might be used for restitution in kind.

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By: *JD* NARA Date: *5/19/99*

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S E C R E T

5. The Supreme Authority is authorized to demand transfer of purported titles, and assignment of all rights, to looted works of art and other cultural materials, owned or controlled by German nationals or their agents, which have been deposited or concealed anywhere in the world. Reference is made in this connection to the appropriate portions of the directive on property control.

6. The Supreme Authority will make available to the zone commanders recognized and competent experts from any of the several United Nations for the purpose of assisting in the identification and conservation of works of art and other cultural materials.

7. The Supreme Authority will be guided in matters covered in this directive by any appropriate international organization or agreement to which the three Allied Governments subscribe.

8. You will, within your zone and sphere, take all practicable measures to locate and, at your discretion, seize or otherwise secure works of art and other cultural materials. You will report to the Supreme Authority, for disposition by it, all works of art and other cultural materials so located, seized or secured by you, stating their location and general nature.

9. You will, in your zone and sphere, take all practicable measures to protect and conserve works of art and other cultural materials from loss, removal, concealment, damage or deterioration. You will be responsible in your zone for the proper warehousing and care of such objects. To assist you in accomplishing these objectives, you are authorized to employ reliable and qualified German personnel.

10. You will, in your zone, forbid the sale, transfer or export of works of art and other cultural materials except as may be directed by the Supreme Authority.

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11. You will, within your zone and sphere, take all practicable measures to seize or otherwise secure records and other information concerning works of art and other cultural materials which have been looted from Governments or nationals of the several United Nations. You will report to the Supreme Authority the location and general nature of all records and other information so seized or secured by you. Reference is made in this connection to the appropriate portions of the directive on "Securing and Examining Information and Archives".

12. You are authorized to detain for questioning any persons in your zone known to have, or suspected of having, information which will assist in locating works of art and other cultural materials. You will report to the Supreme Authority the names of any persons so detained who are known to have been, or suspected of having been, concerned in the looting of works of art and other cultural materials.

13. You will permit any representative of either of the other two principal Allied Governments accredited therefor by the appropriate Allied Commander-in-Chief, or any representative of any United Nation accredited therefor by the Supreme Authority, to have access to works of art and other cultural materials in your zone and sphere. You will furnish such accredited representatives with appropriate assistance in their examination of works of art and other cultural materials.

14. You will, through the Supreme Authority, call upon recognized and competent experts from any of the several United Nations to assist in the identification and conservation of works of art and other cultural materials in your zone and sphere.

15. You will, in your zone and sphere, take all practicable measures for the care, maintenance and operations of monuments and of buildings or institutions devoted to public worship, education or the arts and sciences. You will take all

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By: J. NARA Date: 1/19/99

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practicable measures to protect such monuments and other buildings from acts of damage or disrespect and from further deterioration due to war damage. Reference is made in this connection to the appropriate portions of the directive on property control.

c/

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Authority: *WJ/SJL/CS*
By: *J* NARA Date: *11/19/99*

S E C R E T

ANNEX 'A'

"UNCONDITIONAL SURRENDER OF GERMANY"

ARTICLE 8: The German authorities will prevent the destruction, removal, concealment, transfer or scuttling of, or damage to, all military, naval, air, shipping, port, industrial and other like property and facilities and all records and archives, wherever they may be situated, except as may be directed by the Allied Representatives.

c/

ANNEX 'A'

S E C R E T

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Date: 6/18/99

S E C R E T

ANNEX 'B'

GENERAL ORDER NO. 1

MILITARY AND NAVAL

ARTICLE NO. 10: Information and Inspection

- 14a. Without prejudice to any specific obligations contained in provisions of other orders or instruments, the German authorities and any other person in a position to do so will furnish or cause to be furnished all such information and documents of every kind, public and private, as the Allied Representatives require.
- b. There shall be no destruction, removal, concealment, suppression or alteration of any documents, or of any records that may be required by the Allied Representatives. They shall be kept intact in their present locations until further directions are given.
- c. The German authorities will provide the Allied Representatives with access to any building, establishment, property or area for the purpose of safeguarding, inspecting, copying or obtaining any of the documents or information which they require. The German authorities will give all necessary facilities and assistance for this purpose, including the services of archivists and other specialist staff.

GENERAL ORDER NO. 2

POLITICAL

ARTICLE NO. 9: Cultural Agencies

- 19. All educational institutions and cultural agencies will be subject to the general supervision of the Allied Representatives.

GENERAL ORDER NO. 3

ECONOMIC

ARTICLE NO. 4: Restitution, reparation, currencies and relief

- 8a. The German authorities will carry out, for the benefit of the United Nations, such measures of restitution, reinstatement, restoration, reparation, reconstruction, relief and rehabilitation as the Allied Representatives may prescribe. For these

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 By: *JD* NARA Date: *5/2/92*

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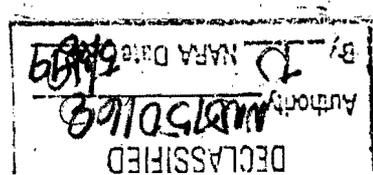
purposes, the German authorities will effect or procure the surrender or transfer of such property, assets, rights, titles and interests, effect such deliveries and carry out such repair, building, and construction work, whether in Germany or elsewhere, and will provide such transport, plant, equipment and materials of all kinds, labor, personnel and specialist and other services, for use in Germany or elsewhere, as the Allied Representatives may direct.

- b. The German authorities also will comply with all such directions as the Allied Representatives may give relating to property, assets, rights, titles and interests in Germany belonging or having at any time since the 1st January 1935, belonged to any of the United Nations or their nationals. The German authorities will be responsible for safeguarding, maintaining and preventing the dissipation of all such property, assets, rights, titles and interests, and will for this purpose continue to administer the same pending directions from the Allied Representatives.
- c. For the purpose of the preceding paragraph, the German authorities will afford all information and facilities required for tracing any property, assets, rights, titles or interests.

c/
ANNEX 'B'

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S E C R E T

(Annex I)

MONUMENTS AND FINE ARTS
(Germany)

1. It is the basic policy of the Supreme Commander to take all practicable measures to facilitate the eventual restitution of works of art and objects of scientific or historical importance which may have been looted from Allied Governments or Nationals.

2. You will, therefore, take the necessary steps to enforce regulations forbidding the sale, movement, concealment or destruction of any work of art or object of scientific or historical importance.

3. It is also the policy of the Supreme Commander to avoid as far as military necessity will permit, damage to all structures, objects or documents of cultural, artistic, archaeological or historical value; and to assist wherever practicable in securing them from deterioration consequent upon the process of war.

4. You will, therefore, take such steps as are consistent with military necessity to ensure that no unnecessary or wanton damage is done to such structures or monuments. You will make such regulations as you think fit to ensure that full respect is paid to them by the troops under your command.

5. You will, in consequence, take steps to ensure that no building listed in the Official Civil Affairs List of Monuments will be used for military purposes without your explicit permission or that of the Commander to whom you delegate the power to give such permission.

6. You will further authorize Commanders, at their discretion, to close any of these buildings and put them out-of-bounds to troops.

7. You will ensure that the prevention of looting, wanton damage and sacrilege of buildings by troops, is the responsibility of all commanders and you will insure that the seriousness of offences of this kind is explained to all Allied personnel.

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BY: J. W. M. / 10/10/09

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Sec'y. Joint U. S. Advisers

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E. A. C. (44)31

1657-17
Copy No. 17

November, 1944.

EUROPEAN ADVISORY COMMISSION.

U.S. Draft Directive on Control of Works of Art and
Monuments.

Memorandum by the United States Representative.

I submit, for the consideration of the European Advisory Commission,
the United States Draft Directive on "Control of Works of Art and Monuments".

J.G.W.

LANCASTER HOUSE,
LONDON, S.W.1.

23rd November, 1944.

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By IE NARA Date 11/8

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ATTACH TO DRAFT DIRECTIVE NO. 2.

TOP SECRETCONTROL OF WORKS OF ART AND MONUMENTS.Revised
JCS 1067Appendix "A"
Par. 9

Subject to the provisions of paragraph 11 and to the extent that military interests are not prejudiced, freedom of speech and press, and of religious worship, will be permitted. Consistent with military necessity, all religious institutions will be respected. All efforts will be made to preserve historical archives, classical monuments and works of art, except that all archives, monuments and museums of Nazi inception, or which are devoted to the perpetuation of German militarism shall be appropriately dealt with, seized or closed and their properties held pending further instructions. . . .

Appendix "C"
Par. 4

You should take measures to prevent transfers of title of real and personal property intended to defeat, evade or avoid the orders, proclamations or decrees of the military government or the decision of the courts established by it.

Appendix "C"
Par. 5

Substantial amounts of private and public property of various categories have been seized, looted or otherwise improperly acquired by various Nazi officials and others. While it is contemplated that a suitable commission will ultimately deal with this problem you should take such steps as may be practicable to collect any available information as to property of this kind and to preserve any such property found in the area under your control.

Appendix "C"
Par. 6

a. All property in the German territory belonging to any country with which any of the United Nations are, or have been at war may be controlled, subject to such use thereof as you may direct.

b. Your responsibility for the property of the United Nations, other than U.K., U.S., and U.S.S.R., and their nationals, in areas occupied by Allied forces shall be the same as for the property of U.K., U.S., and U.S.S.R., and their nationals, except where a distinction is expressly provided by treaty or agreement. Within such limits as are imposed by the military situation you should take all reasonable steps necessary to preserve and protect such property.

TOP SECRET

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CLASSIFICATION CHANGED
TO <u>Restricted</u>
In accordance with
provisions of AR 380-5
by authority of the OMBUS,
AG 380.1, 9 May 46
By <u>L. H. K. [unclear]</u>
Date <u>22 Apr 47</u>

SECRETDRAFT DIRECTIVE NO. 2.CONTROL OF WORKS OF ART AND MONUMENTS.

1. This directive is issued to you as Commander-in-Chief of the U.S. (U.K.) (U.S.S.R.) forces of occupation. Identical directives are being issued simultaneously to the Commanders-in-Chief of the forces of occupation of the other two Allies. In this directive, the phrase "Control Council" refers to the three Allied Commanders-in-Chief acting jointly. The words "you" or "you in your zone" refer to each of the Commanders-in-Chief as zone commander and, where applicable, to the Inter-Allied Governing Authority (Komendatura) in the "Greater Berlin" area.

2. Reference is made to the pertinent provisions of the "Unconditional Surrender of Germany"^{1*} and to the pertinent provisions of the General Order^{2**}. You will enforce and implement in your zone of occupation the surrender terms and general orders as they relate to the control of works of art and monuments, in accordance with the policies and instructions hereinafter set forth.

3. In this directive, the phrase "works of art and other cultural materials" covers all objects or materials of artistic, historic, scientific or other cultural importance or value. The phrase includes archives, records or documents of historic or cultural importance and scientific exhibits, specimens or equipment of a research or educational character or pertaining to cultural history, so far as such archives and scientific materials are not covered by the directive on "Securing and Examining Information and Archives".

4. The Control Council will establish policies covering the conservation and disposition of works of art and other cultural materials. In particular, it will hold available for restitution those which have been looted from the Governments or nationals of the several United Nations and Associated States and those in German public or private collections which might be used for restitution in kind.

5. The Control Council is authorized to demand transfer of purported titles, and assignment of all rights, to looted works of art and other cultural materials, owned or controlled by German nationals or their agents, which have been deposited or concealed anywhere in the world. Reference is made in this connection to the appropriate portions of the directive on "Property Control".

6. The Control Council will make available to the zone commanders recognised and competent experts from any of the several United Nations and Associated States for the purpose of assisting in the identification and conservation of works of art and other cultural materials.

7. The Control Council will be guided in matters covered in this directive by any appropriate international organisation or agreement to which the three Allied Governments subscribe.

*Including Article 8.

**Including new sub-paragraph following 15(a); paragraph 17; new paragraph preceding 35(a); paragraphs 37 and 38.

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8. You will, in your zone, take all practicable measures to locate and, at your discretion, seize or otherwise secure works of art and other cultural materials. You will report to the Control Council, for disposition by it, all works of art and other cultural materials so located, seized or secured by you, stating their location and general nature.

9. You will take all practicable measures to protect and conserve works of art and other cultural materials from loss, removal, concealment, damage or deterioration. You will be responsible in your zone for the proper warehousing and care of such objects. To assist you in accomplishing these objectives, you are authorized to employ reliable and qualified German personnel.

10. You will forbid the sale, transfer or export of works of art and other cultural materials except as may be directed by the Control Council.

11. You will take all practicable measures to seize or otherwise secure records and other information concerning works of art and other cultural materials which have been looted from Governments or nationals of the several United Nations and Associated States. You will report to the Control Council the location and general nature of all records and other information so seized or secured by you. Reference is made in this connection to the appropriate portions of the directive on "Securing and Examining Information and Archives".

12. You are authorized to detain for questioning any persons in your zone known to have, or suspected of having, information which will assist in locating works of art and other cultural materials. You will report to the Control Council the names of any persons so detained who are known to have been, or suspected of having been, concerned in the looting of works of art and other cultural materials.

13. You will permit any representative of either of the other two principal Allied Governments appointed therefor by the appropriate Allied Commander-in-Chief, or any representative of any of the several United Nations and Associated States authorized therefor by the Control Council, to have access to works of art and other cultural materials in your zone. You will furnish such accredited representatives with appropriate assistance in their examination of works of art and other cultural materials.

14. You will, through the Control Council, call upon recognized and competent experts from any of the several United Nations and Associated States to assist in the identification and conservation of works of art and other cultural materials in your zone.

15. You will, in your zone, seize and close all archives, monuments and museums which are of Nazi inception or devoted to the perpetuation of German militarism and hold their properties pending further instructions. You will take all practicable measures for the care, maintenance and operation of other monuments, and of buildings or institutions devoted to public worship, education or the arts and sciences. You will take all practicable measures to protect such monuments and other buildings from acts of damage or disrespect and from further deterioration due to war damage. Reference is made in this connection to the appropriate portions of the directive on "Property Control".

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 By SR NARA Date 10-21-99

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HEADQUARTERS
 UNITED STATES FORCES IN AUSTRIA
 APO 777, U. S. ARMY

27 July 1945

MILITARY GOVERNMENT INSTRUCTIONS)

NUMBER 3)

REMOVAL OF ART OBJECTS, ARCHIVES & RECORDS,
 AND OTHER CULTURAL MATERIALS FROM AUSTRIA

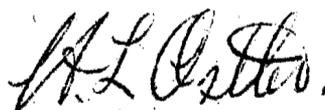
1. Effective immediately, no object of art, collection of archives or records, or other cultural material, will be removed from Austrian territory occupied by United States Forces without the express authority in each case of this headquarters.

2. All requests for authority to remove objects of art, collections of archives or records, or other cultural materials from Austrian territory occupied by U.S. Forces will be made in writing, describing in detail the nature of the materials it is desired to remove, location, agency, or individual having custody of the materials, place to which it is desired to remove the materials, reason for the proposed removal and name of responsible person or agency at the new location.

3. All requests for removal will be submitted to the Commanding General, USFA.

4. All collections found in process of removal without proper authority will be seized and placed in custody of the nearest Military Government Property Control Officer, with a brief report in writing of the circumstances. Property Control Officers will forward such reports through military government channels to this headquarters.

BY COMMAND OF GENERAL CLARK:



H. L. OSTLER
 Colonel, AGD
 Adjutant General

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Authority: NND775057
BY: SA [illegible] DATE: 10-18-89

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HEADQUARTERS
THIRD UNITED STATES ARMY
G-5 Section

Y.M.
RDR/ECR/cm

AG 007-GNMCU-E

APC 403
24 September 1945

SUBJECT: Unauthorized Removal of Archives

TO : Herrn Dr. Ignaz Hösl, Director, Staatliche Archive
Bayerns, Munich, Himbelsstrasse 1a

Your attention is directed to orders of Military Govern-
ment which forbid the moving of cultural objects without spe-
cific authorization of headquarters Third U.S. Army in each
case. The term "cultural objects" includes archives.

For the Assistant Chief of Staff, G-5:

110930

HEADQUARTERS
THIRD UNITED STATES ARMY
G-5 Section

EDR/ECR/aw
APO 403

AG 007-09800-2

26 September 1945

SUBJECT: Repositories of Archives

TO : Ordinariat of the Archbishop of Munich and Freising,
Munich, Hochstr. 7

1. Reference your request of 1 Sept 45 concerning storage of documents in religious institutions.

2. An attempt is being made to find a suitable repository for archives in or near the ruinous city of Munich.

3. Your attention is drawn to Military Law 52 and 53, and to the law which prohibits the moving of archives and other cultural objects without authority from this headquarters in each instance. Persons in charge of buildings where archives are stored will be held accountable for the preservation of the archives.

4. Where a rearrangement of the archives within a building would cause no injury to the archives this may be done under the supervision of a competent archivist or librarian.

5. Cases where the presence of archives is interfering with actual church services should be reported individually to this office. Action will be taken as soon as possible.

For the Assistant Chief of Staff, G-5:

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By SZ NARA Date 10-11-99

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By: SA [Name] Date: 6-11-99

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Entry Adella Hall
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OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
APO 403

13-007-EMIGU-0

6 November 1945

Subject: Unauthorized removal of archives

To: Director, Bavarian State Archives, Dr. Ignaz Hoel, Munich, Gimbelstr. 1a

1. Instances have been reported to this office of unauthorized removal of archives by personnel employed in Bavaria under your direction.

2. Such removal is a violation of the laws of Military Government.

3. You are held responsible to instruct all persons who have anything to do with archives that they will not remove archives from one place to another without written permission from this office. Other military government detachments or personnel are not authorized to grant this permission.

For the Director:

JACOB W. ELVY
Lt. Col., USA
Reparation, Deliveries and Acquisition
Branch Chief

Telephone: Lucky Rear 3430
Munich 30054

ORGANIZED ROBBERY OF ART MONUMENTS IN THE UNITED STATES
Commission in order "to prevent art monuments from demoli-
tion by war".

When we reported some time ago that an American delega-
tion was about to go to Italy under the guidance of a Jewish
art dealer in order to kidnap the local art monuments, we ap-
parently did the United States some injustice. By that time
we were not aware of what Roosevelt was going to do for the
preservation of the European art monuments. As a matter of
fact, he has now appointed the director of the Metropolitan,
Henry Taylor, as chief of the American Commission with the
task of preventing artistically and historically important monu-
ments etc., from demolition by war.

Mr. Taylor himself has given his opinion about this task
and his future work, mentioning that there have already been
made more than 150 maps in the United States which alone should
inform the American Fifth Army, which is at Salerno, about
"objects to safeguard". Besides this, an Army order had been
issued, strictly prohibiting the soldiers to buy objects of
any kind of artistic value as souvenirs or to accept them as
a present. The thoughtfulness of the United States concerning
the Italian art monuments, according to these reports, can
therefore, scarcely be surpassed.

Well, the American Center of propaganda which informed
the world about the big news of Mr. Taylor's appointment, must
have considered us Europeans as pretty silly idiots. They
even imposed upon us to accept an explanation of Taylor's so-
called to which his commission also could have the task of
recompensating alleged German encroachments upon foreign art-
property! It has long been known to the world that the Ger-
man soldiers do not pillage or destroy works of art in Anglo-
American fashion, but that, on the contrary, they are used
to rescue works of art from destruction, staking their lives
in order to preserve them for their owners. What is now hap-
pening in the United States, is organized robbery of art. The
Commission of Pirates which has already been sent to Italy,
apparently is not yet enough. Now, one is organizing the map-
tor in still greater scale under the guidance of Mr. Taylor.
He painstakingly prepares on maps beforehand, those places
where looting seems worthwhile. Also here one meets on the
same platform the allied Bolsheviks, who, even in the Spanish
Civil War used to loot and pilfer all art objects which they
were able to lay their hands on.

Thereby, the United States is solely interested in these
art objects from the money value they represent. Only recently
was it that an English newspaper carried the dear Cousin

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across the ocean that he would lack any understanding of art whatsoever. The paper complained about the purchases of Americans at English jewellers who only reluctantly would sell their stuff to the North Americans--because these jewellers, according to the new statesman, are just as little willing as other connoisseurs to sell beautiful things to clients who do not appreciate them. "They have no taste at all", said one of the salesmen and added they would buy those things only in order to resell them again in the United States. These Americans now want to play the role of rescuer and guardian of European Art, while in reality they are only concerned with the purpose of ransacking Italy, occupied by them, to the best of their ability and once again offer an opportunity for business to the Art-Jew. This pillaging of art goes very well together with the other American methods of slave-driving which North Africa already experienced and with which also now South Italy is going to get acquainted--thanks to the treachery of the Badoglio-clique.

*German
Propaganda*

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WEEKLY INTELLIGENCE REPORT

NO. 54

24 May 1947

Office of the Director of Intelligence

Par 17. Soviet Legalism - a Peculiar Sophistry

An attorney in Potsdam (Soviet Zone) addressed a letter to the Minister of Justice requesting an opinion from the Legal Advisor to Soviet Military Administration as to the basis for permanent expropriations, sequestrations and requisitions. He called attention to the articles of the Hague Convention 1907 which forbids pillaging and requires that a receipt be given for property requisitioned etc.

The Soviet Legal Advisor replied that the attorney had made a correct survey of the Hague Convention, but the Soviet Military Government takes the view that due regard must be given to the devastation committed in Russia by German troops as well as the law. Legally, the SMA is of the opinion that there is no occupation as regard Germany, but rather "Debellatio" which is occupation plus destruction as a means of reprisals. The SMA is of the opinion that expropriation, requisitions and even pillaging is legal turn over and not an encroachment on private property rights. Thus even if a member of the Soviet Occupying Forces disposes of these items by sale or gift, the receiver has acquired valid property. Therefore, within the frame work of this debellatio view, the Hague Convention provisions on booty are not applicable. (COMNAV 217-S-47-, 20 May 1947)

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HEADQUARTERS
 U.S. FORCES, EUROPEAN THEATER
 Office of Military Government (U.S. Zone)
 Economics Division
 Restitution Control Branch
 Monuments, Fine Arts and Archives Section

(Main) APO 757
 20 November 1945

MEMORANDUM TO: Colonel John Allen, Chief, Restitution Control Branch, Office of Military Government for Germany (U.S.)

SUBJECT : Monuments, Fine Arts and Archives Organization and Personnel Requirements.

1. Policy:

a. "To protect, preserve and control all cultural buildings and cultural objects and to secure them, wherever practicable, from further deterioration as a result of war and the military occupation." Reference: "Administration of Military Government in the U.S. Zone in Germany", July 1945, Section XVIII, Part 1, paragraph 1 a.

b. "To control cultural objects in Germany, whether publicly or privately owned, and to hold them available for such restitution or replacement in kind of looted cultural objects as may be agreed upon by the Allied Governments." Reference: as above, paragraph 1 b.

c. "It is recommended that the works of art in class "C" be removed to the US as rapidly as arrangements can be effected and distributed among the museums in the U.S. properly equipped to handle these works of Art." Reference: 1st indorsement, Headquarters, U.S. Group Control Council, dated 29 September, to letter, this headquarters, subject: Formulation of Policy, dated 18 September 1945.

2. Estimate of the Situation:

Since the beginning of August, restitution has had a high priority and has of necessity considerably interfered with the original basic mission of Monuments, Fine Arts and Archives promulgated in paragraph 1.a. Furthermore, the recent implementation of paragraph 1.c. has further interfered with the same

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objectives. Consequently, the reactivation of German Monuments, Fine Arts and Archives organizations, particularly in Bavaria, has lagged far behind other military government functions. The result now facing this function, from a military government point of view, points urgently to additional American effort needed to provide smoothly working German agencies before they can reasonably carry on the work unaided. Failure of military government to face this situation squarely may well open the United States to severe censure by world opinion in not saving from complete deterioration objects and structures which are not merely the cultural heritage of Germany but also of the world.

3. Problems:

a. All German art collections in repositories are suspected of containing looted material until they have been personally inspected and screened by U.S. Monuments, Fine Arts and Archives personnel.

b. All looted materials, unless situated in quantity in mines such as Hellbrunn and Wechendorf, must be removed under personal Monuments, Fine Arts and Archives supervision, from the repositories in which they were found, to central Collecting Points. The residue in such evacuated repositories is only then ready for custody transfer to civilian agencies.

c. The handling of fine looted materials or of nationally important German collections is the personal responsibility of technically qualified Monuments, Fine Arts and Archives personnel, and can in no case be delegated to untrained U.S. or German personnel. Trained de-nasified personnel in sufficient numbers to shoulder the problem is very scarce.

4. Consequences of Problems:

Until all repositories are screened for looted Monuments, Fine Arts and Archives personnel must continue to operate in the field and in Collecting Points as at present. It is estimated this will continue well beyond 30 June 1946.

5. Present Organization:

The existing Monuments, Fine Arts and Archives organization is shown on attached enclosure No. 1, with an indication of present personnel distribution. It will be noted that the work at Darmstadt will be completed by 1 February 1946; that at Kassel by 1 March 1946.

6. Personnel Problems:

As the result of the present implementation of the policy of removal of class "C" works of art to the United States, at least 90% of the present experienced Monuments, Fine Arts and Archives

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FACTS BEARING ON THE PROBLEM.

1. The basic authority for the control of property in Germany is contained in JCS 1067/6 (Paragraph 43.e) which directs that the Zone Commander "impound or block" all gold, silver, currencies, securities, accounts in financial institutions, credits, valuable papers and all other assets falling within certain specified categories, as more fully set forth in Tab "D". They include the properties of the following persons and organizations: The German Reich and its political subdivisions, agencies or instrumentalities, including utilities and public corporations; governments, nationals or residents of other nations at war with any of the United Nations after 1 September 1939; the Nazi Party and its affiliated organizations, its officials, leading members and supporters; all organizations and clubs prohibited by Military Government; absentee owners of non-German nationality, including United Nations and neutral governments and Germans outside of Germany; institutions dedicated to public worship, charity, education or the arts and sciences used by the Nazi Party to further its interests or to cloak its activities; and persons in the mandatory arrest category. The Zone Commander is also required to block all property which has been the subject of transfer under duress or wrongful acts of confiscation, disposition or spoliation and works of art or cultural material of value or importance, regardless of its ownership. He is directed to take such action as will insure that such assets are dealt with only as permitted under licenses or other instructions which he may issue. He is authorized to permit the use of such property under surveillance.

2. As the U.S. Army entered Germany Military Government Law No. 52 was issued. The provisions of this law are substantially the same as the provisions of JCS 1067/6. It declares subject to seizure of possession or title, direction, management, supervision or otherwise all categories of property enumerated in JCS 1067/6. Responsibility for the enforcement of the law was placed upon persons having custody or control of the property. With certain exceptions all persons were prohibited from

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making transfers of such property. Transfers made in violation of the law are rendered void. Law No. 52 does not require Military Government to take control over the property. It simply establishes the right of Military Government to do so. Although this law has not been adopted by the Control Council, comparable legislation exists in the other zones of occupation.

3. The only law which requires that control be established over any of such property is Control Council Law No. 2, which provides that all real estate, equipment, funds, accounts, records and other property of organizations abolished by that law "are confiscated", confiscation to be carried out by Military Commanders. General directives concerning the distribution of the properties are to be given by Control Council. The Control Council has taken no action to date. Military Government has established procedures to take control over the property mentioned in Law No. 2. This is being accomplished in the manner set forth in Title 17 of the Military Government Regulations - U.S. Zone. Law No. 2 is similar in terms to the provisions of JCS 1267/6 (Paragraph 6.d) which directs that all property owned or controlled by the Nazi Party, its formations, affiliated associations and supervised organizations be taken under Military Government control "pending a decision by the Control Council or higher authority as to its ultimate disposition."

4. A complete statement of the authorities which place responsibilities on Military Government and restrictions on the use of certain categories of property in Germany is set forth as Tab "D".

5. The term "Property Control" has acquired a special meaning in Military Government. It denotes the establishment and maintenance of control in and over specified categories of property of persons and organizations described and defined in Military Government Law No. 52 and the organizations set forth in the appendix to Control Council Law No. 2. The control exercised in a given case may vary from use, possession, custody, occupancy, protection, maintenance, conservation or supervision. Upon the promulgation of Military Government Law No. 52, property owned by the categories of individuals specified in the Law was automatically "blocked"

Tab "B"

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R E S T R I C T E D

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by operation of the law. Thereafter, Property Control Branch took certain of these properties under control in accordance with other Military Government directives. Properties taken under control as noted above may be operated through duly appointed custodians. The type of control imposed, whether by means of the blocking provisions of the law or by taking control of properties, is within the discretion of Military Government according to the nature and circumstances in each case. Consistent with the doctrine of primary concern the function has not in all cases been a responsibility of the Property Control Branch of the Finance Division or of Property Control officers in the field. Thus, the Property Control function does not apply to the operation of P.T. & T. and Reichsbahn facilities, the operation of docks by the Navy, the use of buildings by U.S. agencies or personnel for offices and billets. The control over foreign exchange assets as described in Military Government Law No. 53 and the blocking of all assets owned by those set forth in Law No. 52 which have not been taken over by Property Control is a responsibility of the Foreign Exchange and Blocking Control Branch of the Finance Division. This does not mean that these properties are excluded from U.S. control. It merely means that operational control of certain types of properties has been delegated for administrative reasons to the agency within the service having primary concern. This study is concerned with the ultimate disposition of all categories of property, regardless of the agency responsible for operational control. The study is also concerned with the interim custody and ultimate disposition of a third category of property, i.e., the German assets of I. G. Farben. Under Control Council Law No. 9, title to these properties is vested in the Control Council.

6. In the U.S. Zone, Property Control officers have established and maintained control over physical property having a value in excess of three billion Reichsmarks. These do not include the many installations which are being used by the occupation forces. In addition, cash in the amount of approximately eighty-nine million Reichsmarks has been taken under control. In addition, a huge total of properties, both real and

Tab "B"

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personal, which have not been taken into control by the Property Control Branch, are held in a blocked status under the provisions of Military Government Law No. 52 and administered by the Foreign Exchange and Blocking Control Branch. The reports of the Military Governor on Finance and Property Control show a substantial and steady monthly increase in all categories of property. Tab "E" contains a statement which in part reflects the source, nature and established value of the property. Figures are not available for other zones. The properties include industrial plants, housing projects, bank accounts, gold bullion, jewels, paintings, insurance companies, radio stations, newspapers, publishing houses and the income derived from the operation of some of these units. In addition, there are foreign exchange assets which have been taken under control pursuant to Military Government Law No. 53. These are impounded in the Reichsbank Branches throughout the U.S. Zone. While some of them may constitute external assets, many will not.

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BOX 81

7. Investigations within the headquarters clearly indicate that although there has been a steady increase in the properties over which control has been established either through the blocking provisions of Law No. 52 or by taking specific properties under control by Property Control officers, properties which have been taken under control constitute only a small percentage of those required to be under control under Title 17 of the Military Government Regulations. Reich and Nazi properties were so extensive that it has not been possible for Military Government to establish control over them with the available personnel. This condition will not improve unless new techniques of control are developed.

8. Under present regulations established by this headquarters Military Government is not authorized to release any property from control except on account of reparations and restitution, for use by the occupying powers or by order of higher authority under limited licensing provisions. There is no U.S. policy or Control Council policy with regard to the ultimate disposition of such property except that any action with respect to N.S.D.A.P. property or with respect to Farben property must have Control Council agreement (Control Council Laws No. 2 and No. 9).

Tab "B"

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There is no Control Council limitation with respect to the ultimate disposition of Reich-owned property or with respect to the property of individuals. No policy has been established by this headquarters with regard to any of these matters. The purpose of this paper is to develop such a policy.

9. JCS 1067/6 (Paragraph 48.e) directs the Zone Commander to institute measures for the prompt restitution of blocked property "which has been the subject of transfer under duress or wrongful acts of confiscation, disposition or spoliation, whether pursuant to legislation or by procedure purporting to follow forms of law or otherwise." No similar provision appears in the Potsdam Protocol.

10. It is the policy of the occupation to maintain controls necessary for effectuation of the purposes of the occupation and at the same time to place responsibility upon the German people and approved German agencies and institutions to the extent possible.

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ENTRY 1

MILITARY GOVERNMENT - GERMANY
UNITED STATES AREA OF CONTROL

Law NO. 19

DISPOSING OF PROPERTIES IN THE UNITED STATES ZONE OF
OCCUPATION AND THE UNITED STATES SECTOR OF BERLIN
HAVING BELONGED TO THE FORMER GERMAN REICH AND TO THE FORMER GERMAN
STATES, LAENDER OR PROVINCES (INCLUDING THE STATE OF PRUSSIA)

Whereas it is desired to clarify title to property located in the United States Zone and the United States Sector of Berlin which, on 8 May 1945, belonged to the German Reich or to any of the German states, Laender or Provinces (including the State of Prussia); and

Whereas it is deemed expedient to provide for the disposition of such property.

IT IS HEREBY ORDERED AS FOLLOWS:

ARTICLE I

1. All property in the United States Zone of Germany and, subject to the provisions contained in Article XIV, paragraph 18 hereof, all property in the United States Sector of Berlin, which on 8 May 1945 was owned directly or indirectly by the German Reich or any of the German states, Laender or Provinces (including the State of Prussia), the disposition of which has not heretofore been authorized, or provided for pursuant to Military Government legislation, is hereby seized. All rights, interest and title in and to such property are vested in the Military Government for Germany (US) and are herewith disposed of as provided by this Law.

ARTICLE II

2. The Minister President (in Bremen the President of the Senate; in Berlin the Oberbuergermeister), or such other official as may be designated by him, is hereby designated and authorized to effect necessary transfers of title pursuant to the provisions of Article IV, paragraphs 4 and 5; Article V, paragraphs 7 and 8; Article VI, paragraph 10; and Article VII, paragraph 11.

ARTICLE VI

10. Title to property located on the effective date of this Law in the United States Zone of Germany and in the United States Sector of Berlin, consisting of works of art, cultural objects, statues, and appurtenances of museums, having belonged on 8 May 1945 to the German Reich or to any of the German states, Laender or Provinces (including the State of Prussia), whose territories lie principally outside the specified area, is hereby vested in the Land where such property is located (or in the City of Berlin, if located in the United States Sector of

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Berlin), as trustee, in trust for the German State, referred to in Article IV, paragraph 4 hereof, and shall, after the formation of such German State, and upon the order of Military Government, be transferred by the agents designated in Article II hereof to such State. Until the time of such transfer, present arrangements will be continued or such other arrangements will be made for the care and custody of such property as may be deemed suitable by the appropriate authorities.

ARTICLE XII

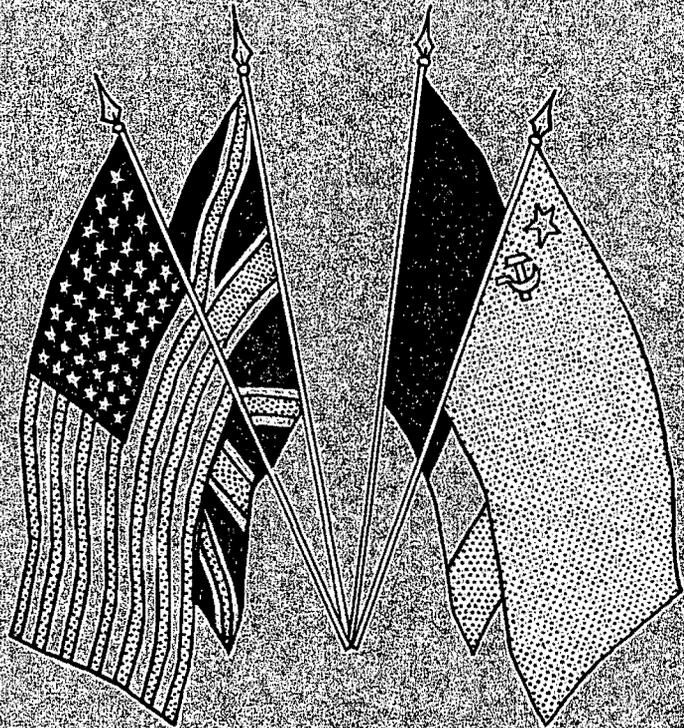
16. The "specified area", as referred to in this Law, shall mean the Laender Bavaria, Bremen, Hesse, Wuerttember/Baden, and the United States Sector of Berlin. Upon the enactment by the respective Military Governments of legislation which is determined by the Military Government for German (US) to be similar to this Law, the specified area shall include Niedersachsen, Nordrhein/Westphalen, Schleswig-Holstein, Hansestadt Hamburg, Baden, Wuerttemberg/Hohenzollern, Rheinland/Pfalz, and the British and French Sectors of Berlin, in all cases as constituted on 1 September 1948.

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ALLIED COMMISSION FOR AUSTRIA



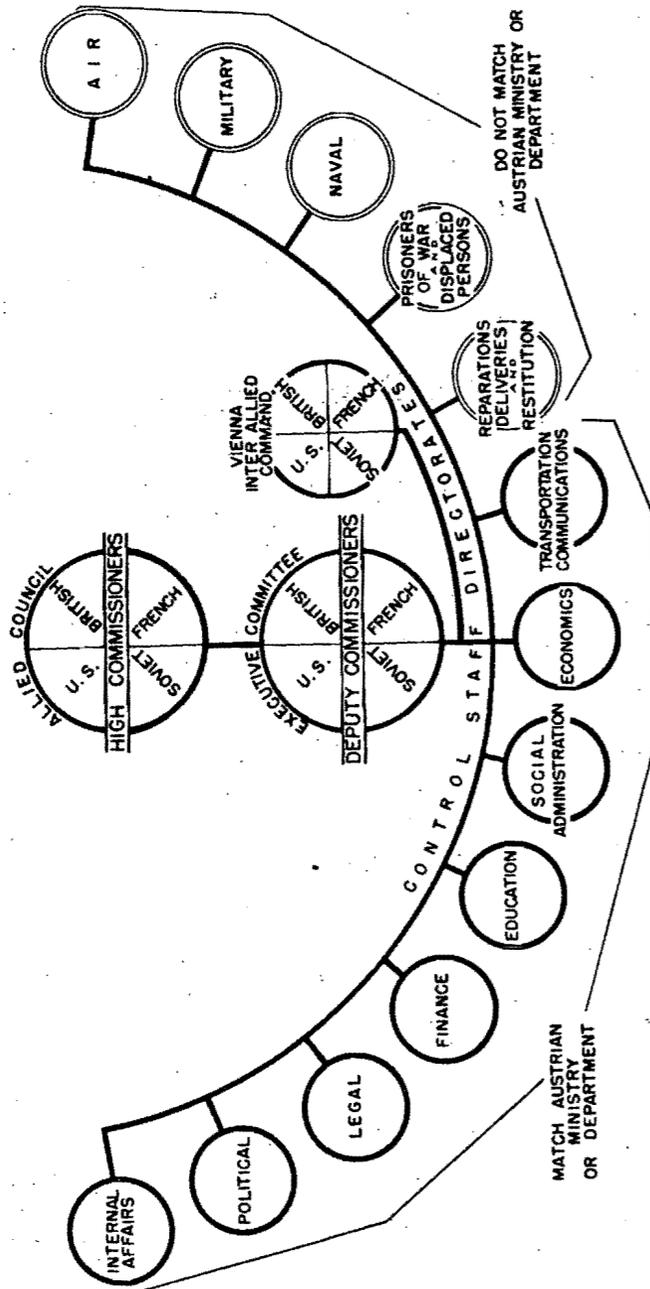
A HANDBOOK

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ORGANIZATION CHART
ALLIED COMMISSION FOR AUSTRIA



1. THE STRUCTURE OF THE ALLIED COMMISSION FOR AUSTRIA.

The Allied Commission for Austria consists of the following bodies:

- (a) The Allied Council.
- (b) The Executive Committee.
- (c) The Allied Secretariat.
- (d) The Directorates.
- (e) The Sub-Committees and Working Parties.
- (f) The Vienna Inter-Allied Command.
- (g) The Vienna Inter-Allied Command Sub-Committees.

The broad functions and responsibilities of the above bodies can be briefly stated as follows:

(a) THE ALLIED COUNCIL is the supreme body, composed of the four High Commissioners, and has the right of vetoing or altering decisions or actions of any of the lower bodies (and also of the Austrian Government and its subordinate agencies). Reference to be made to Article 1 of the Control Agreement, which reads as follows: Article 1 (a). The Austrian Government and all subordinate authorities shall carry out such directions as they may receive from the Allied Commission.

(b) THE EXECUTIVE COMMITTEE is composed of the four Deputy High Commissioners, and, as the name implies, is the executive agency of the Allied Council. The responsibilities of the Committee are generally stated in Articles 10 (b), (c) and (d) of the Control Agreement; namely, to act on behalf of the Allied Council in matters delegated to it by the Council, to ensure that the decisions of the Allied Council and its own decisions are carried out, and to ensure the activities of the staffs of the Allied Commission.

(c) THE ALLIED SECRETARIAT constitutes the one fixed, continuing staff of the Allied Commission. Its four national components are housed in the Allied Commission Building and work closely together in preparation of documents, the reconciliation of texts, and the various other administrative matters for which it is responsible. Its main functions are as follows:

- (1) The preparation of agenda and papers in the English, French and Russian languages for submission to the Executive Committee or the Allied Council.
- (2) The reconciliation and issuance of official minutes of Executive Committee and Allied Council meetings.
- (3) The receipt of all communications addressed to the Allied Commission and their transmittal to the bodies concerned.

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By SR NARA DATE 11-29-99

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File Handbook on Austrian Commission

Box 1

(4) The transmittal to the Austrian Government, or other bodies, of decisions taken by the Executive Committee or the Allied Council.

(d) THE DIRECTORATES are the main technical agencies of the Commission, responsible for ensuring the carrying out of Allied Commission policies in their particular fields of endeavor, for maintaining the appropriate liaison with the corresponding ministries or departments of the Austrian Government, and for reporting on specific matters to the Executive Committee as required. The Directorates are organized in accordance with Article 11 and Annex I of the Control Agreement.

(e) THE SUB-COMMITTEES AND WORKING PARTIES are composed of technical experts in specific fields where detailed work is still required. Most of them are responsible to a particular Directorate for carrying out such detailed work, study and research as is required by that Directorate. A schedule of the sub-committees and working parties still in existence is shown in Annex "A", although it should be noted that in fact the majority of these agencies operate on an ad hoc basis, meeting only at such time as there is a specific item of business to discuss. It should also be noted that the Quadripartite Signals Committee, although officially listed as a sub-committee, has, in fact, always operated as a Directorate, with the right to report directly to the Executive Committee. On some matters, the Allied Censorship Technical Committee has also reported directly to the Executive Committee, although, in general, it can be considered as being responsible to the Political Directorate.

(f) THE VIENNA INTER-ALLIED COMMAND is composed of the four commanders of the troops of the different Elements in Vienna and is the instrument of the Allied Commission for matters concerning Vienna as a whole. As established in Article 13 of the Control Agreement, the Vienna Inter-Allied Command has the same relationship to the municipal administration of Vienna as the Allied Commission has to the Austrian Government.

(g) THE VIENNA INTER-ALLIED COMMAND SUB-COMMITTEES are technical agencies responsible for ensuring the carrying out of the policies of the Allied Commission in their particular fields of endeavor, insofar as the City of Vienna is concerned. Their relationship to the Vienna Inter-Allied Command is similar to that of the relationship of the Directorates to the Executive Committee.

2. THE CONTROL AGREEMENT OF 28 JUNE 1946.

The Control Agreement constitutes the main document on which the operations of the Allied Commission are based, although many important decisions on specific subjects (Political Parties, Demilitarization, the Austrian Press, et al) were taken by the Allied Council prior to the conclusion of the Agreement, and are still in effect. As stated in its preamble, the Agreement was concluded in accordance with the Moscow Declaration of

1 November 1943, and in implementation of Article 14 of the European Advisory Commission Agreement of 4 July 1945. Its 14 Articles, some of which will subsequently be referred to more specifically, establish the authority and composition of the Allied Commission, its relationship to the Austrian Government, the restrictions on the authority of the latter, the primary tasks of the Allied Commission, the matters in which it may act directly, and various technical and administrative provisions.

3. BASIC PROCEDURAL PRINCIPLES.

(a) THE PRINCIPLE OF UNANIMITY. Article 12 of the Control Agreement states that "the decisions of the Allied Council, Executive Committee and other constituted bodies of the Allied Commission shall be unanimous." This principle gives any one Element of the Commission, of course, the right of absolute veto over any proposed action with the exception of legislative measures and international agreements as outlined in Article 6 (a) of the Control Agreement.

(b) THE PRINCIPLES OF PRESENTATION OF SUBJECTS. On 9 August 1946, the Allied Council approved the following procedure for the preparation of the agenda for Allied Council meetings:

"1. The draft agenda for Allied Council Meetings will as hitherto be drawn up by the Presiding Element and approved at the Executive Committee's preceding meeting.

"2. As is normal practice, after approval by the Chairman, the agenda will be sent out sixty hours previous to the meeting.

At the commencement of each Executive Committee or Allied Council Meeting the Agenda will be examined.

"3. Members of the Allied Council and of the Executive Committee may request that any question be placed on the Agenda.

Should such a question be submitted to the Chairman before the Agenda has been sent out, it will be included on the Agenda as a separate item. If, however, the question be submitted only after the Agenda has been sent out and received by the other Elements, it will be included under the heading of 'Any Other Business.

"4. Representatives may bring up any question under 'Any Other Business.'

Subject matter, in writing where possible, should be sent out to other Members either before the Meeting, or, if this is impracticable, during the course of the Meeting.

"5. Any Member not wishing to take part in the discussion on an item shall make a statement to this effect when the item is reached on the Agenda. This objection will be recorded in the minutes."

The principle that any one Element may raise any question at any level of the Allied Commission has always been maintained, together with the corollary principle that any Member could also refuse to take part in the discussion on any particular item.

It is interesting to note that while an item may be included on an agenda or discussed in a meeting at the request of any one Member, it

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By **SR** NARA Date **11-2-99**

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Box 1

CONTROL AGREEMENT FOR AUSTRIA

28 June 1946.

ARTICLE 1.

The authority of the Austrian Government shall extend fully throughout Austria, subject only to the following reservations:

- (a) The Austrian Government and all subordinate Austrian authorities shall carry out such directions as they may receive from the Allied Commission,
- (b) In regard to the matters specified in Article 5 below neither the Austrian Government nor any subordinate Austrian authority shall take action without the prior written consent of the Allied Commission.

ARTICLE 2.

- (a) The Allied organization in Austria shall consist of
 - I. an Allied Council, consisting of four High Commissioners, one appointed by each of the Four Powers;
 - II. an Executive Committee, consisting of one high-ranking representative of each of the High Commissioners;
 - III. Staffs appointed respectively by the Four Powers, the whole organization being known as the Allied Commission for Austria.
- (b) I. The authority of the Allied Commission in matters affecting Austria as a whole shall be exercised by the Allied Council or the Executive Committee or the Staffs appointed by the Four Powers when acting jointly.
 - II. The High Commissioners shall within their respective zones ensure the execution of the decisions of the Allied Commission and supervise the execution of the directions of the central Austrian authorities.
 - III. The High Commissioners shall also ensure within their respective zones that the actions of the Austrian provincial authorities deriving from their autonomous functions do not conflict with the policy of the Allied Commission.
- (c) The Allied Commission shall act only through the Austrian Government or other appropriate Austrian authorities except:
 - I. to maintain law and order if the Austrian authorities are unable to do so;
 - II. if the Austrian Government or other appropriate Austrian authorities do not carry out directions received from the Allied Commission;
 - III. where, in the case of any of the subjects detailed in Article 5 below the Allied Commission acts directly.
- (d) In the absence of action by the Allied Council, the four several High Commissioners may act independently in their respective zones in any matter covered by subparagraphs I and II of paragraph c of this

Article and by Article 5, and in any matter in respect of which power is conferred on them by the agreement to be made under Article 8, a, of this agreement.

- (e) Forces of occupation furnished by the Four Powers will be stationed in the respective zones of occupation in Austria and Vienna as defined in the Agreement on Zones of Occupation in Austria and the administration of the City of Vienna, signed in the European Advisory Commission on 9th July, 1945. Decisions of the Allied Council which require implementation by the forces of occupation will be implemented by the latter in accordance with instruction from their respective High Commissioners.

ARTICLE 3.

The primary tasks of the Allied Commission for Austria shall be:

- (a) To ensure the enforcement in Austria of the provisions of the Declaration on the Defeat of Germany signed at Berlin on 5th June, 1945.
- (b) To complete the separation of Austria from Germany, and to maintain the independent existence and integrity of the Austrian State, and pending the final definition of its frontiers to ensure respect for them as they were on 31st December, 1937.
- (c) To assist the Austrian Government to recreate a sound and democratic national life based on an efficient administration, stable economic and financial conditions and respect for law and order;
- (d) To assist the freely elected Government of Austria to assume as quickly as possible full control of the affairs of state in Austria;
- (e) To ensure the institution of a progressive long-term educational program designed to eradicate all traces of Nazi ideology and to instil into Austrian youth democratic principles.

ARTICLE 4.

- (a) In order to facilitate the full exercise of the Austrian Government's authority equally in all zones and to promote the economic unity of Austria, the Allied Council will from the date of signature of this Agreement ensure the removal of all remaining restrictions on the movement within Austria of persons, goods, or other traffic, except such as may be specifically prescribed by the Allied Council or required in frontier areas for the maintenance of effective control of international movements. The zonal boundaries will then have no other effect than as boundaries of the spheres of authority and responsibility of the respective High Commissioners and the location of occupation troops.
- (b) The Austrian Government may organize a customs and frontier administration, and the Allied Commission will take steps as soon as practicable to transfer to it customs and travel control functions concerning Austria which do not interfere with the military needs of the occupation forces.

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ARTICLE 5.

The following are the matters in regard to which the Allied Commission may act directly as provided in Article 2, c, III, above:

I. Demilitarization and disarmament (military, economic, industrial, technical and scientific).

II. The protection and security of the Allied forces in Austria, and the fulfilment of their military needs in accordance with the Agreement to be negotiated under Article 8, a.

III. The protection, care and restitution of property belonging to the Governments of any of the United Nations or their nationals.

IV. The disposal of German property in accordance with the existing agreements between the Allies.

V. The care and evacuation of, and exercise of judicial authority over prisoners of war and displaced persons.

VI. The control of travel into and out of Austria until Austrian travel controls can be established.

VII. a) The tracing, arrest and handing-over of any person wanted by one of the Four Powers or by the International Court for War Crimes and Crimes against Humanity.

(b) The tracing, arrest and handing-over of any person wanted by other United Nations for the crimes specified in the preceding paragraph and included in the lists of the United Nations Commission for War Crimes.

The Austrian Government will remain competent to try any other person accused of such crimes and coming within its jurisdiction, subject to the Allied Council's right of control over prosecution and punishment for such crimes.

ARTICLE 6.

(a) All legislative measures, as defined by the Allied Council, and international agreements which the Austrian Government wishes to make, except agreements with one of the 4 Powers, shall, before they take effect or are published in the State Gazette, be submitted by the Austrian Government to the Allied Council. In the case of constitutional laws, the written approval of the Allied Council is required, before any such law may be published and put into effect. In the case of all other legislative measures and international agreements, it may be assumed that the Allied Council has given its approval if within thirty-one days of the time of receipt by the Allied Commission it has not informed the Austrian Government that it objects to a legislative measure or an international agreement. Such legislative measure or international agreement may then be published and put into effect. The Austrian Government will inform the Allied Council of all international agreements entered into with one or more of the 4 Powers.

(b) The Allied Council may at any time inform the Austrian Government or the appropriate Austrian authority of its disapproval of any of the Legislative measures or administrative actions of the Government or of such authority, and may direct that the action in question shall be cancelled or amended.

ARTICLE 7.

The Austrian Government is free to establish diplomatic and consular relations with the Governments of the United Nations. The establishment of diplomatic and consular relations with other Governments shall be subject to the prior approval of the Allied Council. Diplomatic Missions in Vienna shall have the right to communicate directly with the Allied Council. Military Missions accredited to the Allied Council shall be withdrawn as soon as their respective Governments establish diplomatic relations with the Austrian Government, and in any case within two months of the signature of this agreement.

ARTICLE 8.

- (a) A further agreement between the Four Powers shall be drawn up and communicated to the Austrian Government as soon as possible, and within three months of this day's date defining the immunities of the members of the Allied Commission and of the forces in Austria of the Four Powers and the rights they shall enjoy to ensure their security and protection and the fulfilment of their military needs.
- (b) Pending the conclusion of the further agreement required by Article 8, a, the existing rights and immunities of members of the Allied Commission and of the forces in Austria of the Four Powers, deriving either from the Declaration on the Defeat of Germany or from the powers of a Commander-in-Chief in the field, shall remain unimpaired.

ARTICLE 9.

- (a) Members of the Allied Council, the Executive Committee and other staffs appointed by each of the Four Powers as part of the Allied Commission may be either civilian or military.
- (b) Each of the Four Powers may appoint as its High Commissioner either the Commander-in-Chief of its forces in Austria or its diplomatic or political representative in Austria or such other official as it may care to nominate.
- (c) Each High Commissioner may appoint a deputy to act for him in his absence.
- (d) A High Commissioner may be assisted in the Allied Council by a political adviser and/or a military adviser who may be respectively the diplomatic or political representative of his Government in Vienna or the Commander-in-Chief of the forces in Austria of his Government.
- (e) The Allied Council shall meet at least twice in each month or at the request of any member.

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ARTICLE 10.

- (a) Members of the Executive Committee, shall, when necessary, attend meetings of the Allied Council;
- (b) The Executive Committee shall act on behalf of the Allied Council in matters delegated to it by the Council;
- (c) The Executive Committee shall ensure that the decisions of the Allied Council and its own decisions are carried out;
- (d) The Executive Committee shall ensure the activities of the Staffs of the Allied Commission.

ARTICLE 11.

- (a) The staffs of the Allied Commission in Vienna shall be organized in Divisions matching one or more of the Austrian Ministries or Departments with the addition of certain Divisions not corresponding to any Austrian Ministry or Department. The List of Divisions is given in Annex I to this Agreement; this organization may be changed at any time by the Allied Council;
- (b) The Divisions shall maintain contact with the appropriate Departments of the Austrian Government and shall take such action and issue such directions as are within the policy approved by the Allied Council or the Executive Committee;
- (c) The Divisions shall report as necessary to the Executive Committee;
- (d) At the Head of each Division there shall be four Directors, one from each of the Four Powers, to be collectively known as the Directorate of that Division. Directors of Divisions or their representatives may attend meetings of the Allied Council or of the Executive Committee in which matters affecting the work of their Divisions are being discussed. The four officials acting as the head of each Division may appoint such temporary sub-committees as they deem desirable.

ARTICLE 12.

The decisions of the Allied Council, Executive Committee and other constituted bodies of the Allied Commission shall be unanimous.
The Chairmanship of the Allied Council, Executive Committee and Directorates shall be held in rotation.

ARTICLE 13.

The existing Inter-Allied Command in Vienna, formerly known as the Kommandatur shall continue to act as the instrument of the Allied Commission for affairs concerning Vienna as a whole until its functions in connection with civil administration can be handed over to the Vienna Municipality. These will be handed over progressively and as rapidly as possible. The form of supervision which will then be applied will be decided by the Allied Council. Meanwhile the Vienna Inter-Allied Command shall have the same relation to the Municipal Administration of Vienna as the Allied Commission has to the Austrian Government.

ARTICLE 14.

The present Agreement shall come into operation as from this day's date and shall remain in force until it is revised or abrogated by agreement between the Four Powers. On the coming into effect of the present Agreement the Agreement signed in the European Advisory Commission on 4th July, 1945, shall be abrogated. The Four Powers shall consult together not more than six months from this day's date with a view to its revision.

In witness whereof the present Agreement has been signed on behalf of each of the Four Powers by its High Commissioner in Austria.

Done this twenty-eighth day of June 1946 at Vienna in quadruplicate in English, in French and in Russian each text being equally authentic. A translation into German shall be agreed between the four High Commissioners and communicated by them as soon as possible to the Austrian Government.

For the Government
of the United Kingdom
Lieutenant-General
J. S. STEELE

For the Government
of the United States of America
General
Mark W. CLARK

For the Government
of the Union of Soviet Socialist
Republics
Colonel-General
L. V. KOURASOV

For the Government
of the French Republic
Général de Corps d'Armée
M. E. BÉTHOUART

ANNEX I.

TO THE AGREEMENT ON THE MACHINERY OF CONTROL IN AUSTRIA.

- List of the Divisions of the Allied Commission (See Article 11, a).
(a) Divisions each matching one or more Ministries or Departments of the Austrian Government:

DIVISION	AUSTRIAN DEPARTMENTS
1. Internal Affairs	{ Interior. Chancery (except Foreign Department).
2. Political	Chancery (Foreign Department).
3. Legal	Law and Justice.
4. Finance	Finance.
5. Education	Public Education and Religious Affairs.

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- 6. Social Administration Social Administration.
 - Economic Planning and Property Control.
 - 7. Economic Commerce and Reconstruction.
 - Food.
 - Agriculture and Forestry.
 - Electrification and Power.
 - 8. Transport and Communications Transportation.
- (b) Divisions not matching any Austrian Ministry or Department:
- 9. Reparations, Deliveries and Restitution.
 - 10. Prisoners of War and Displaced Persons.
 - 11. Naval.
 - 12. Military.
 - 13. Air.

MOSCOW DECLARATION ON AUSTRIA.

The Governments of the United Kingdom, the Soviet Union and the United States of America are agreed that Austria, the first free country to fall a victim to Hitlerite aggression, shall be liberated from German domination.

They regard the annexation imposed on Austria by Germany on 15 March 1938 as null and void. They consider themselves as in no way bound by any changes effected in Austria since that date. They declare that they wish to see re-established a free and independent Austria and thereby to open the way for the Austrian people themselves, as well as those neighboring States which will be faced with similar problems, to find that political and economic security which is the only basis for lasting peace.

Austria is reminded, however, that she has a responsibility, which she cannot evade, for participation in the war at the side of Hitlerite Germany, and that in the final settlement account will inevitably be taken of her own contribution to her liberation.

Published 1 November 1943.

LONDON DECLARATION.

The Union of South Africa, the United States of America, Australia, Belgium, Canada, China, the Czechoslovak Republic, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, Greece, India, Luxemburg, the Netherlands, New Zealand, Norway, Poland, Yugoslavia and the French National Committee: Hereby issue a formal warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practiced by the Governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled. Accordingly the Governments making this declaration and the French National Committee reserve all their rights to declare invalid any transfer of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the governments with which they are at war or which belong or have belonged to persons, including juridical persons, resident in such territories. This warning applies whether such transfers or dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected. The Governments making this declaration and the French National Committee solemnly record their solidarity in this matter.

Published 5 January 1943.

POTSDAM DECLARATION.

(As applicable to Austria.)

Para III — REPARATIONS FROM GERMANY.

1. Reparation claims of the U. S. S. R. shall be met by removals from the Zone of Germany occupied by the U. S. S. R. and from appropriate German external assets.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western zones and from appropriate German external assets.

9. The Governments of the U. K. and U. S. A. renounce all claims in respect of reparations to shares of German enterprises which are located in the Eastern zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and EASTERN AUSTRIA.

Para VIII — AUSTRIA.

It was agreed that reparations should not be exacted from Austria.

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- (d) *Deutschgläubige Gemcinschaft* (German Religious Fellowship);
- (e) *Gemeinschaft Deutsche Volksreligion* (Fellowship of German Folk Religion);
- (f) *Bund für Deutsche Gotterkenntnis* (Alliance for German God-knowledge);
- (g) *Reichsring für Gottgläubige Deutsche* (Association of German Theists);
- (h) *Kampfring Deutscher Glaube* (Militant Association for German Faith);
- (k) any other organization, association, group or movement which seeks to propagate Nazi or pan-German doctrines under the guise of religion or makes adherence to any political, social or economic system, belief or practice a condition of membership in such group.

The groups listed are all pro-Nazi and are dangerous. Military government officers will inspect the budgets of civil authorities to see that these organizations are not receiving financial assistance.

CHAPTER 14

MONUMENTS, FINE ARTS AND ARCHIVES

- 1. This chapter is divided into two sections, as follows:—
 Monuments and fine arts ... paragraphs 2—30
 Archives ... paragraphs 31—49

MONUMENTS AND FINE ARTS

2. Austria is rich in material evidences of cultural and artistic achievements. Museums, libraries, monuments, abbeys, churches, public and private buildings of architectural or historical interest are to be found throughout the land. Their preservation and protection is an important aim of the United Nations and an important responsibility of military government.

Ownership

3. Monuments, museums and other buildings and collections of cultural importance are variously owned, maintained and staffed by the *Reich* (former Austrian national property), by the *Gaue*, by cities and towns, by ecclesiastical bodies, by universities and schools, by corporate bodies, by the Nazi party, and by private individuals.

Administration

4. Governmental monuments, museums, galleries and libraries are controlled by the particular ministry concerned. In the *Gaue* the provincial museums (*Landesmuseen*) are administered by a department of the *Reichsstatthalter's* office, and town museums by the municipality. Other bodies are directly responsible for their own institutions subject to any overriding ministerial authority. The Nazi Party exercises its control over cultural institutions just as much as over other activities.

5. A Care of Monuments Service (*Denkmalpflege*) is responsible throughout Austria for the protection and preservation of buildings, sites and collections scheduled as of national importance, whether publicly or privately owned.

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Each *Gau* has its own *Denkmalpflege* organization under the *Reichsstatthalter*, with a *Landeskonservator* at the head of it in the capital of the *Gau*, who is represented by a *Konservator* in each *Kreis*, and by *Korrespondenten* in the towns and larger villages. The *Institut für Denkmalpflege* in Vienna, under the *Reich* Ministry of Education, acts as a coordinating and advisory body. The *Denkmalpflege* organization is concerned with the supervision of repairs to scheduled monuments, permission for alterations in or near them, control of the sale or export of scheduled works of art, the collection of records and photographs of monuments, and the organization of archaeological excavations. The *Landeskonservator* is a civil servant and an art historian; he has expert advisers such as architects and archaeologists, but the execution of any works is done by the appropriate works department of the local authorities. He maintains records of the scheduled monuments in his particular *Gau*. *Konservatoren* and *Korrespondenten* are honorary officials selected for their local knowledge and influence, and are drawn largely from the local clergy, teachers, officials, etc.

Estimate of the situation

6. Reliable information about the present condition of monuments, fine arts and archives in Austria cannot be obtained. The physical condition of monuments has probably deteriorated as a result of war.

7. Damage to buildings, breakdown of police control, and the absence of proper custodians will expose monuments and other buildings and sites of cultural importance and their contents to risks of theft, loss, or damage from fire, weather, and other causes.

8. The most valuable contents of churches, museums, and other buildings of cultural importance and archives will in many cases have been removed for safety to deposits. Those that have remained in place may have been protected by sand-bagging or stored in bombproof shelters. Valuable objects in private possession are less likely to have been adequately protected and may be more exposed to theft, loss or damage.

9. Some art treasures have been removed from Austria by the Nazis and taken to Germany. At the same time, objects looted from other subjugated territories have been taken to Austria for storage or distribution. Many looted objects have passed into the possession of Nazi officials.

10. Extremely valuable deposits of works of art may therefore be expected to exist in any part of Austria, many in

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remote places. Owing to the destruction and dislocation of administrative control resulting from warfare these deposits will be exposed to theft and damage from fire and weather.

11. Attempts will undoubtedly be made by officials or private owners to conceal, remove, disguise, or destroy works of art or other cultural materials, or to sell them improperly, or to destroy, conceal or tamper with archives. In particular it may be expected that attempts will be made to smuggle such works of art and cultural material across the frontier both into and out of Austria.

Policy

12. It is the policy of the military government to protect and preserve, in so far as military necessity permits, structures, objects and sites of cultural, artistic, religious, archaeological, or historical value. The "Official Lists of Protected Monuments and Archives of Austria," schedule the buildings that are exempt from military use, and contain the orders of the responsible commander concerning them.

13. It is the policy of military government to facilitate the restitution of works of art or other cultural materials which have been looted from subjugated countries.

14. It is the policy of military government to maintain or re-establish the civilian authorities responsible for monuments and fine arts in Austria and to eliminate Nazis and ardent Nazi sympathizers from these offices. Such authorities will be required by ordinance to continue in the discharge of their responsibility for the custody and preservation of monuments and movable works of art under their care and for the preservation and maintenance of records relating to them.

15. *Legislation.*—The legislation regulating ownership, protection and sale of monuments, upkeep and repair, action in case of damage, and such matters as undertaking excavations, ownership of archaeological discoveries, sale, transfer and export of works of art, and the legislation concerning ownership, preservation, accessibility, sale and administration of archives will remain in force unless specifically repealed.

Instructions to military government officers

16. *Organization and plans.*—Military government officers are responsible for carrying out the above policies. Monuments, Fine Arts and Archives specialist officers will be included in the headquarters staffs of military government, whose

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particular duty it will be to ensure that the policy defined in paras 12, 13, and 14 above is being observed, and to advise and assist in all matters concerning monuments, fine arts and archives.

17. "Official Lists of Protected Monuments," exempt from military use, issued by higher headquarters, will be furnished to military commanders. Military government officers will obtain a copy of the appropriate list before they report for duty in any area.

18. More detailed lists of monuments and other buildings of cultural importance and lists of personnel will be made available to military government officers on request to the chief military government officer.

19. *Practical responsibilities.*—Military government officers will make every effort possible to ensure that no building on the official list is used for military purposes in contravention of the orders therein contained. If the use of such building is nevertheless continued, they will forward a report to that effect to the central military government through the senior military government officer. If use is authorized by the officer having power to do so, military government officers will make the best arrangements practicable with the commanding officer of the occupying troops for the security of the building and the safety of its contents.

20. Military government officers will report to the senior military government officer as early as possible on the condition of the monuments, objects of art, etc., in the official list. Where these are extensively damaged the cause will be stated.

21. Where serious damage has been suffered by a monument or building on the official list or one which may be designated by one of the Monuments, Fine Arts and Archives specialist officers, military government officers will see to it that wherever possible fallen masonry and rubble is left undisturbed and will prevent as far as possible the pulling down of any part of such damaged monument. When absolutely necessary to clear it, rubble will be removed and deposited within the structure from which it came; no architectural elements of any kind will be removed.

22. Where repair is urgent to avoid risk of further damage, theft or loss, military government officers will initiate the minimum first aid repairs necessary for protection and preservation. Before extensive repairs are undertaken the advice of Monuments, Fine Arts and Archives specialist officers should be requested from military government headquarters. Whether

undertaken by military or civil authorities repairs should be carried out only by skilled labour and under expert supervision.

23. Military government officers will arrange with military government Public Safety officers for the protection of listed monuments and their contents against fire and theft.

24. Military government officers will seize and secure all catalogues, inventories, lists of acquisitions and other records relating to the contents and collections of the institutions set out in the official list.

25. Military government officers will make every effort to locate deposits not on the official list where works of art or other cultural materials have been stored. They will take immediate steps to protect them against theft or damage and will forward as soon as possible a full report on them to the senior military government officer or the nearest Monuments, Fine Arts and Archives specialist officer.

26. Military government officers will until further notice close all galleries, museums and repositories of works of art, unless their contents have previously been evacuated. They will immediately take steps to secure by guards all larger accumulations of art objects from illegal removal and will arrange regular inspections of them to ensure that they are not exposed to injury from fire, weather, damp, etc.

27. When a military government officer considers it necessary to move a work of art for the sake of its proper preservation, he will do so at his discretion and send a full report of his action through the usual channels to military government headquarters.

28. Ordinances will be published making it a criminal offence to destroy, damage, conceal, transfer, sell, acquire, receive, lease or export any works of art or other cultural materials. (See Ordinance 551 at Annex 35N). Military government officers will take appropriate measures in conjunction with military government Public Safety officers to see that these ordinances are enforced. Particular attention should be paid to the prevention of smuggling across the frontier into and out of Austria.

29. Military government officers will refer all questions of the retention, dismissal or engagement of all personnel of institutions or organizations concerned with monuments, fine arts and archives to the senior military government officer, who will consult Monuments, Fine Arts and Archives specialist officers and Public Safety officers in arriving at a decision.

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Such retention, dismissal or engagement, and payment of such personnel, will be carried out under instructions issued by higher military government authority.

30. Military government officers will request the Provost Marshal/the local troop commander, to post "Out of Bounds/Off Limits" notices for troops, on monuments, buildings and sites, or notices warning Allied personnel to respect monuments, buildings or sites on the official list; notices may also be posted on monuments in the official list to state that they may not be used for military purposes without explicit authorization. Notices closing a building to the civilian public may be posted on the authority of a commanding officer or officer commanding military government team.

ARCHIVES

31. Every military government activity in Austria will entail the use of Austrian public documents, business papers, files and records of every kind, official and unofficial. Military, political, administrative, business, historical and cultural interests will be equally concerned with them. The preservation of such records and files is of the utmost importance for the successful operation of military government and the subsequent formation of a central Austrian administration, followed by an Austrian government.

Definition

32. Archives are documents of a particular variety. They comprise all parchments, books, papers, files, indices, etc., whether written or printed, and all annexures to them, which have been accumulated in the course of the transaction of affairs of any kind (public or private, military or civil, secular or ecclesiastical) in any period up to the present day and have been preserved for reference in their own offices of origin or in special repositories. They thus include both documents of current usefulness and those that are mainly historical in interest.

33. Archives may thus cover almost any material evidence, including (besides written papers) printed books, newspapers, and other printed matter, index cards (including punched cards), maps, plans, drawings and photographic prints and negatives. They derive their archive character and their special value as evidence from the circumstances in which they have been accumulated and preserved.

Care and preservation

34. Archives may be of the greatest value in the location in which they were created. Therefore unless they are required for urgent military purposes or it is necessary for their safe preservation, no attempt should be made to remove them. Care should be used in the handling of archives in order to avoid disorganizing them and thus probably rendering them valueless. The loss or removal of a few sheets may often destroy the value of a whole series. Inventories, catalogues, indices, etc., should invariably be preserved with the records to which they relate.

Administration

35. An official archives service exists in Austria with considerable authority over all historical accumulations of archives whether publicly or privately owned. Each *Gau* maintains its own official archives (*Landesarchiv*), normally organized as a department of the *Reichsstatthalter's* office. At the head of the *Landesarchiv* is the *Landesarchivar*, who is a civil servant. He and his staff are professionally trained archivists whose training and appointment are officially supervised by a central authority.

Estimate of the situation

36. The situation will be similar to that described in paras 6-11 above. In view of the very large quantity of archives, ancient and modern, preserved in Austria, the task of protecting them and making them available for reference is one which can only be fulfilled by the active participation of every military government officer whatever his special function. Both its size and importance make this an object the attainment of which every military government officer should regard as one of his essential responsibilities.

Policy

37. It is the policy of military government in so far as military necessity permits, to preserve from dispersal, looting, damage or destruction all archives and records, and to prevent alteration, concealment or unauthorized removal of them.

38. Austrian authorities may be required to give any assistance that may be needed in connection with the discovery, custody, securing, preservation, disposal or exploitation of archives. Full responsibility for the preservation of archives in their possession, custody or control will be required of Austrian authorities. They will be required to ensure that no destruction, damage, alteration or concealment of such archives is allowed to take place.

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39. All steps will be taken as far as military necessity permits to avoid unnecessary damage being done to Austrian archives and records as a result of military occupation and to ensure that the importance of locating and preserving them is understood by all concerned. Where practicable, all buildings in which they are housed will be placed "Out of Bounds/Off Limits" to troops.

40. It is the policy of military government to maintain or re-establish the civilian authorities responsible for archives in Austria and to eliminate Nazis or ardent Nazi sympathizers therefrom.

Instructions to military government officers

41. *Organization and plans.*—Military government officers are responsible for carrying out the above policy. Headquarters staffs of military government will include Monuments, Fine Arts and Archives specialist officers whose particular duty it is to ensure that this policy is being put into effect and to advise and assist military government officers in doing so.

42. Official Lists of Protected Monuments and Archives of Austria will be issued by higher headquarters and will be furnished to military commanders. It will contain classified lists of archives and records, with their location, together with the orders of the responsible commander for the preservation of archives and instructions for the handling of them. Military government officers will obtain a copy of this list before they report for duty in any area.

43. So that archives may be used by all concerned to the maximum advantage, documents centres will be established to supervise the custody and administration of archives. Such documents centres will control and register any archives which it is found necessary to remove and will be the responsible authority for the system under which archives are exploited by all interested agencies.

44. *Practical responsibilities.*—Military government officers will report to the senior military government officer as early as possible on the condition of archives and records in the official list. Where these are damaged or disturbed, or loss or destruction has occurred, a report will be rendered immediately, which will include a statement of the cause.

45. The guarding of archives on the official list will be carried out in accordance with the instructions contained

therein. The buildings in which they are housed will be inspected for damage, fire and theft hazards, and made safe as quickly as possible.

46. An ordinance will be issued making it a criminal offence wilfully to destroy, remove, interfere with, or conceal any archives or records of any nature, public or private (see Ordinance 200 at Annex 33A). Military government officers will insure that this ordinance is observed, as set out in para 28 above.

47. Unless it is essential for their preservation, archives, whether damaged or intact, should not be moved or handled in any way, except under expert supervision. If this is impossible it is important that the documents should be moved and stored in the order in which they are found. Any such removal will be reported promptly by military government officers to the senior military government officer furnishing full information concerning the source of origin of the documents, their character and condition, and the locality to which they have been removed.

48. It is to be expected that in some cases archives and records will have been moved for safety from their original location to deposits. Military government officers will make every effort to locate such deposits and when found will take appropriate measures to protect them against theft, damage and fire. They will forward as soon as possible a full report on them to the senior military government officer or the nearest Monuments, Fine Arts and Archives specialist officer.

49. Use of archives and records will be subject to official control. Users will not be permitted to remove archives from the building in which they are housed. Any removal will be the subject of an official decision and will be carried out by officers especially appointed for the purpose.

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CHAPTER 15

FINANCE

GENERAL

1. This chapter is intended to provide military government officers with a brief account of the various parts of the Austrian financial machine with which they are likely to come into contact; to indicate the general policies of military government with regard to the Austrian financial system; and to give military government officers instructions for implementing those policies in so far as responsibility for doing so is placed upon military government officers. It is divided into the following sections:—

General	...	...	...	...	...	paras 1-7
Public finance	...	...	...	...	...	paras 8-36
Currency	...	...	...	...	...	paras 37-50
Banks	...	...	...	...	...	paras 51-67
Foreign exchange control	...	...	...	...	...	paras 68-74
Insurance	...	...	...	...	...	paras 75-81
Stock exchange and real estate dealings	...	...	...	...	...	paras 82-85
Financial intelligence	...	...	...	...	...	paras 86-92
Military government expenditure and accounting	...	...	...	...	...	paras 93-99

Policy

2. The general policy with regard to finance is to implement within the financial sphere the various objectives of military government as specified in Chapter 2, paragraph 14. To this end, military government financial policy will be:—

- (a) to utilize existing financial administrative machinery to the maximum extent that is practicable;
- (b) to allow that machinery to function in accordance with existing laws, regulations and practices except where these conflict with other aims of military government;
- (c) to eliminate from the financial administrative machinery all Germans, active Nazis and ardent sympathizers;

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(d) to prevent remittance to Germany of any revenues collected within the territory administered by the military government of Austria; to prevent control of any Austrian financial agency by any *Reich* agency operating from outside Austria and to prohibit at this stage the transfer of capital interest, or profits from Austria to the *Reich*.

3. Certain aspects of military government financial policy, as set out below, cannot be classified conveniently into the various functional sections which follow but are nevertheless relevant to the military government officers' activities.

4. *Inflation*.—The counter-inflationary controls already operating will be retained in accordance with the general arrangements for price control, wage control and rationing. If the controls have been relaxed they will be restored to their pre-relaxation status as far as possible. The long-range problem of combating inflation will be dealt with at a later stage, but certain initial measures consistent with the general plan will be undertaken as soon as circumstances permit.

5. *Moratorium*.—A general moratorium will be declared only if absolutely necessary. A limited moratorium may be required to prevent foreclosures of mortgages and the exercise of similar remedies by creditors against individuals and small businesses. No action will be taken to declare either a general or a limited moratorium except on instruction from higher authority.

Instructions to military government officers

6. Responsibility for exercising control over Austrian officials to ensure that they act in accordance with military government financial policy will rest primarily upon Financial officers. In each *Gau* there will be at least one Financial officer. These officers will serve as the staff of the senior military government officer on questions of finance. The detailed control of local government finance (*Gau, Kreis, Gemeinde, etc.*) is the function of local government control officers.

7. Certain specific responsibilities are placed upon military government officers and these are set out in subsequent sections of this Chapter. The following instructions are of general application:—

(a) military government officers will take action to prevent violation of any financial ordinance or other military government regulation and will report on such violation to the Financial officer;

- (b) military government officers will take any action required of them to give effect to the policy of de-Nazification set out in Chapter 5;
- (c) in certain cases responsibility for posting the ordinances and delivering instructions has been placed upon Financial officers but military government officers will be required to give any assistance which is necessary;
- (d) Financial officers are responsible for deciding financial questions and the military government officer will always refer such questions promptly to the Financial officer. Very few financial decisions are of extreme urgency. In the event of some crisis such as enemy or guerilla action, the military government officer will take such emergency steps as are essential and consistent with the military government financial policy. As soon as possible a written report will be made giving details of action taken.

PUBLIC FINANCE

National revenue

8. For purposes of national revenue, Austria is divided into four administrative areas (*Oberfinanzpräsidien*), each with a senior finance officer (*Oberfinanzpräsident*) at its head.

9. *Oberfinanzpräsidien* are composed approximately as follows:—

Vienna-Lower Austria ...	<i>Gaue</i> Vienna and Lower Austria
Graz ...	<i>Gaue</i> Styria and Carinthia
Innsbruck ...	<i>Gaue</i> Tirol-Vorarlberg and Salzburg
Upper Austria ...	<i>Gaue</i> Upper Austria

10. The actual task of national revenue collection is carried out by finance offices (*Finanzämter*) and customs offices (*Zollämter*). There is at least one *Finanzamt* at the seat of government of each *Stadtkreis* and *Landkreis*.

11. The most important national taxes are:—

- (a) income tax (*Einkommensteuer*);
- (b) corporation tax (*Körperschaftsteuer*);
- (c) property tax;
- (d) trade and industry taxes;
- (e) consumption taxes (beer, tobacco, salt, etc.).

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Local government revenue

12. The collection of municipal revenue is carried out partly by the *Finanzämter* and partly by *Steuerämter* (local authority tax offices). The *Steuerämter* are authorized to collect national taxes in certain areas where *Finanzämter* do not exist.

13. The chief local authority taxes are:—

- (a) real property tax (*Grundsteuer*);
- (b) real estate tax (*Grundsteuer* from *Grundstücke*);
- (c) business tax (*Gewerbesteuer*).

14. Other sources of local government revenues are substantial allocations of certain centrally collected taxes, certain registration fees (births, deaths, etc.), income and proceeds from public enterprises, and sales of public property.

"Reichsgau" and "Kreis" levies

15. The *Reichsgau* and the *Kreis* do not levy taxes themselves directly.

16. The *Reichsgau* in its capacity as a self-government imposes a levy (*Gauumlage*) on the *Kreise*.

17. The *Kreis* makes a similar levy (*Kreisumlage*) on the *Gemeinde*.

18. The *Gemeinde* raises the sum required from the sources mentioned in paragraph 13 above.

Budgets

19. There is at present no national budget for Austria. Expenditure in respect of Austria is included in the budget of the *Reich*.

20. Each level of local government prepares a budget.

21. In the case of a municipality, the budget forms part of the budget ordinance (*Haushaltssatzung*), which contains:—

- (a) the budget;
- (b) maximum tax rates;
- (c) maximum sum which may be borrowed to discharge operating expenses;
- (d) total amount of loans required to balance expenditures of the extra-ordinary budget.

Standard forms of budgets have been provided for the *Gemeinde*.

22. Officials concerned in the preparation and supervision of budget ordinances are as under:—

Unit of government	Budget prepared by	Budget supervised by
<i>Gemeinde</i>	<i>Bürgermeister</i>	<i>Landrat</i>
<i>Stadtkreis</i> of population less than 100,000	<i>Oberbürgermeister</i>	<i>Reichsstatthalter</i>
<i>Stadtkreis</i> of population more than 100,000	<i>Oberbürgermeister</i>	<i>Reich</i> Ministries of Interior and Finance
<i>Landkreis</i>	<i>Landrat</i>	<i>Reichsstatthalter</i>
<i>Gau</i>	<i>Reichsstatthalter</i>	<i>Reich</i> Ministries of Interior and Finance

Policy

23. The main objectives in the field of public finance are:—

- (a) the elimination at local and national level of prohibited expenditure (see Annex 12) and expenditure conflicting with military security;
- (b) the maintenance of existing tax laws, except dues paid to the Nazi bodies abolished under Ordinance No. 3, and discriminatory taxes referred to in Ordinance No. 4;
- (c) the prompt payment of taxes, customs duties and other income;
- (d) the satisfactory functioning of the existing machinery for the administration of revenues and expenditure;
- (e) supervision of budgets, expenditures and other financial actions of provincial and local governments;
- (f) careful control of governmental expenditure to avoid inflation and to ensure that money is spent with the greatest economy and efficiency, and to ensure the elimination of prohibited expenditures.

24. Control at present exercised by the *Reich* Ministry of Finance will cease immediately and be replaced by the Finance Division of the military government. It is intended to build up as soon as possible the central machinery of an indigenous Ministry of Finance and to arrange for all relevant material to

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be passed through indigenous channels to it. Until a Finance Ministry of an Austrian government is created the Finance Division of the Commission will act in lieu of such a ministry, using the newly created indigenous civil services for purposes of administration.

25. Representatives of military government Interior Division will take over the supervising functions indicated in paragraph 23 (e) above, which were previously exercised by the Reich Ministry of Interior.

Instructions to military government officers

26. Financial officers are responsible for ensuring that the administrative machinery for the collection of revenue be put into working order as soon as possible and for supervising, in collaboration with other specialist military government officers, the activities of indigenous authorities in the field of public finance. Military government officers will ensure that their activities in other fields are not such as to conflict with the policy set out in paragraphs 23 and 24 and will assist Financial officers by such information as bears on financial control and by continually representing to local authorities the need for control, economy and efficiency.

27. *Delivery of financial instructions to government officials.* Military government officers will ensure that financial instructions to State and local government officials (see Annex 12) are delivered to:—

- (a) officials employed in the national revenue system (*Oberfinanzpräsidien, Finanzämter, Hauptzollämter* and their subsidiaries), and in the spending agencies of the central government;
- (b) heads of local governments (*Gaue, Kreise* and *Gemeinden*).

28. Military government officers will report to higher authority instances which come to their notice of revenue collected and expenditure made contrary to these instructions and, until orders are received, will take such action as may be necessary to prevent further acts in contravention thereof.

29. *Expenditures of public funds.*—The control of expenditures is the function of the specialist officer concerned, e.g., Local Government Budget Control officer in respect of the indigenous Ministry of Interior, Transport officer in respect of the railways, Displaced Persons officer, Labour officer, etc., but the Financial officer is the staff officer who will assist them in supervision, and to co-ordinate for the senior

military government officer at *Gau* level before centralisation at ministry level is possible. The control of expenditure will be exercised by:—

- (a) close examination of all estimates and budgets to prevent extravagance and to ensure efficiency in working;
- (b) stringent comparison of estimates with expenditure and restriction of funds to estimates.

30. "Financial instructions to state and local government officials" (see Annex 12) contain the detailed instructions on this matter. These instructions are designed to ensure that necessary operations can continue during the initial period of dislocation and until the receipt of further instructions, but that money is economically spent. Subject to prohibited expenditure, where a local authority or agency of the central government has adequate resources the institutions provide that:—

- (a) where authority to incur expenditure is already vested in an official, he will effect disbursements in accordance with existing practices;
- (b) where additional authority to expend is required either for emergency or other purposes, where budgetary provision has not been made, the necessary authority will be obtained from the normal Austrian supervising or approving authority;
- (c) where approval of the normal supervising or approving authority is unobtainable owing to emergency conditions:—
 - (i) the local authority will make the necessary expenditure on its own responsibility subject to subsequent review by the normal supervising authority;
 - (ii) agencies of the central government will obtain approval by the highest available representative of the Financial Department of the indigenous central government, i.e., *Regierungsoberkasse* or *Finanzamt*;
- (d) if an officer of the Allied military authority directs that a specific expenditure be incurred, the responsible government officials will carry out such direction and account for the disbursement in accordance with existing practices.

31. Where, however, existing resources, including accruing revenues, are insufficient, the local authority will finance its approved expenditure through the Austrian banking system.

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or other normal channels. If these sources fail it will apply on Form MGB/4 (obtainable from the Financial officer) for a loan to be arranged by military government.

32. Similarly where an agency of central government has insufficient resources it will apply for additional credit facilities on Form MGB/5 (also obtainable from the Financial officer).

33. In cases of urgency a military government officer may assist a local authority to obtain a loan, or an agency of the central government to obtain local credit, reporting the facts as soon as possible to the Financial officer. A military government officer should also immediately advise the Financial officer if it is reported that insufficient currency is available to meet urgent needs.

34. As soon as possible, and by degrees, the relaxations given in paragraph 30 above will be withdrawn and the control will be centralised at Gau level. Instructions to effect such centralisation will be issued by the senior military government officer.

35. Relief and social service payments.—Relief and social service payments will continue to be made in accordance with approved scales and rules and will be financed through the normal channels and funds. Any rule discriminating on the grounds of race, national origin, religious or political belief, will be ignored.

36. Advances for the above purpose to the disbursing agencies concerned where existing resources and credits are insufficient will be treated as a matter of urgency, and military government officers should ensure that the Financial officer is advised immediately where resources are required.

CURRENCY

Survey

37. The pre-annexation Austrian currency was the Schilling, divided into 100 Groschen, and quoted on international exchanges at the beginning of 1938 at about 19 cents United States (1 = 26.5 Schillings). Shortly after German occupation the Schilling was abolished. German currency was substituted except for copper coins of 1 and 2 Groschen, which became equal in value to the German copper coins of 1 and 2 Pfennig respectively.

38. German currency now in circulation in Austria consists of Reichsmark and Rentenmark notes and coin (see Annex 13). German military currencies such as Reichskreditkassenscheine, which the German army has issued in invaded countries, are not legal tender in Austria.

39. Prior to German occupation, the Austrian National Bank (Österreichische Nationalbank) was the institution responsible for providing bulk quantities of Austrian currency. Since occupation this function has been taken over by the Deutsche Reichsbank through its Austrian branches which are controlled from the Reichsbank head office in Berlin.

Policy

40. Allied military Schillings will be proclaimed legal tender, and Allied military Schillings, Reichsmarks and Rentenmarks will be accepted without distinction until proclamation is made to the contrary. They will have a value in current transactions corresponding to the rates of exchange specified by ordinance of military government. German and Austrian coins will continue to be legal tender. Except as authorized by the military government, no persons shall enter into any transaction in which the consideration or any part thereof is payable in a currency other than marks or Schillings. Reichskreditkassenscheine and other German military currency and coin will not be legal tender.

41. Allied military Schillings for use in Austria will be supplied solely by the Currency Branch of the Finance Division. (See Annex 14.) Allied military Schillings will be issued by the Allied forces for troop pay and all direct expenditure.

42. In due course all Reichsmark and Rentenmark currency in Austria will be withdrawn from circulation and Schilling currency issued in its place. Until such time as this conversion takes place Allied military Schilling currency will not be used for purposes other than those defined in paragraph 41 above, unless owing to a shortage of Reichsmark currency it is found necessary in the interests of military government to provide Allied military Schillings to the banking system.

43. Wherever possible the facilities of the authorized banking agency (see paragraph 57) will be utilised by the Currency Branch of Finance Division for the receipt and distribution of Schilling funds. All such funds will be kept entirely separate from the Reichsmark currency in the possession of the authorized banking agency.

44. Use may also be made by the Currency Branch of the facilities of other approved banks. In all such cases the Schillings lodged will be stored and accounted for entirely separately from the bank's own stock of Reichsmark currency.

45. Reichsmarks and Reichsmark bank accounts will be used by the military government wherever possible. The use

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of military *Schillings* by the Services will be restricted to troops' pay and that direct expenditure which is of such nature that the use of *Reichsmark* bank accounts is precluded.

46. U.S. coin and non-yellow seal U.S. dollar notes, regular British pound notes and coin, and regular Russian notes or coin are not legal tender, and may not be acquired or otherwise dealt in except under such conditions as may be specifically authorized by military government. The Financial officers and paymasters of the armed forces may, however, accept non-yellow seal dollar notes, regular pound notes, and regular Russian currency notes from U.S., British, and Russian military or other authorized person for conversion into *Mark* or *Schilling* currency at the decreed rates of exchange, after satisfying themselves as to the legitimacy of the source of such notes.

47. The rate of exchange will be established by ordinance at *Marks* to the U.S. dollar; *Marks* to the pound sterling; *Marks* to the Russian rouble; *Schillings* to the U.S. dollar; *Schillings* to the pound sterling; and *Schillings* to the Russian rouble. Transactions at any other rates are illegal and prohibited to all persons including Allied military and civilian personnel.

48. If it is found necessary to use U.S. yellow seal dollars, British Military Administration (B.M.A.) notes, or U.S. or British coin, specific instructions will be issued by the military government in regard thereto.

Instructions to military government officers

49. Military government officers will make sure that Ordinance No. 500 establishing the military government currency as legal tender is duly posted and obeyed. They will report to the nearest Financial officer any violation of it.

50. Financial officers are responsible for reporting as to the availability of currency in their areas; of the acceptance of military currency and the existence or non-existence of any divergence from the legal value of military currency as established by military government. Military officers will assist Financial officers by reporting to them any information on these subjects which will come to them in the course of their duties, and by taking such action as Financial officers may require.

BANKS

Survey

51. The German annexation of Austria caused widespread changes in the ownership and managing personnel of Austrian

banks but was not followed by important changes in the structure and basic characteristics of Austrian banking, nor by the destruction of the separate (Austrian) corporate identity of the more important banks.

52. These basic characteristics were:—

- (a) government ownership of a large interest in the banks, and therefore government control of management through the power to select directors and managers;
- (b) in the case of the commercial banks, a high degree of concentration of control by way of Viennese institutions' ownership of controlling interests in the Austrian provincial banks;
- (c) the importance of savings banks which, from the standpoint of deposits and total assets, are by far the most important among Austrian financial institutions;
- (d) the extensive use of cashless transfer systems (*Giroverkehr*) which largely replace the cheque system as known in other countries;
- (e) the close relation with all branches of industry.

53. After annexation, the German system of banking regulations and supervision was extended to Austria. Thereafter also the Austrian banks invested heavily in *Reich* government securities.

54. Austrian banking can be divided roughly into the following groups:—

- (a) Central Bank. (Prior to the annexation in 1938, the Austrian National Bank acted as bank of issue and central bank. After 1938, the head office in Vienna of the Austrian National Bank, and its branches at Linz, Graz, Salzburg, Innsbruck, Klagenfurt, Bregenz and Eisenstadt, were converted into branches or agencies of the German *Reichsbank*);
- (b) Commercial banks (the large banks in Vienna—*Creditanstalt-Bankverein*, *Länderbank Wien*, *Hypothek und Credit-Institut in Wien*—and their numerous branches); the provincial banks (in most of which the *Creditanstalt-Bankverein* had a controlling interest), and the private banking firms;
- (c) Savings banks (*Sparkassen*), with their clearing centres (as in Vienna and Graz);
- (d) Credit co-operatives (*Kreditgenossenschaften*), both rural and urban;
- (e) mortgage banks (*Hypothekbank*).

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55. All post offices handle savings accounts, money orders and travellers' cheques, as well as current accounts on which *Giro* payments are made (see paragraph 52 (d)).

Policy

56. It is the policy of military government:—

- (a) to remove all Germans, active Nazis and ardent Nazi sympathizers;
- (b) to eliminate Austrian branches of German banks—the *Bank der Deutschen Arbeit* will be closed forthwith;
- (c) to eliminate the German *Reichsbank*;
- (d) otherwise to preserve the existing banking structure of Austria so far as may be practicable and to establish it on a purely Austrian basis;
- (e) to limit the granting of credit by financial institutions to borrowers whose activities are essential to the objects of military government.

57. An authorized banking agency will be established under the direction and control of the military government and will:—

- (a) act as banker to the armed forces and to the military government;
- (b) pending the establishment of an Austrian Central Bank, exercise central banking functions within the occupied territory of Austria, under the direction of the military government.

58. The authorized banking agency will normally take over the assets and liabilities of the former Austrian branches of the *Reichsbank*, and will normally take over the premises and approved personnel of these branches as they come under control of the military commander. The Vienna office will, in due course, be the head office of the authorized banking agency. Other approved banking offices may be used if for any reason the former *Reichsbank* offices are not available.

59. Each branch of the authorized banking agency, as soon as it is established, will become the banking control centre within the *Gau* or such other territory as may be designated by the military government, performing such central banking functions (under the direction of Financial officers) as the circumstances warrant.

60. On entry into Austria all banks will be closed by proclamation.

61. Where banks are short of currency such resources as are available will be reserved for the purposes of those activities considered most essential to the objectives of military government.

62. Subject to further action by the military government, existing legal provisions and regulations for the control and supervision of banks will remain in force, except that any matters calling for reference to the *Reichsbank* or to any agencies or departments situated outside the territory under military government control will be referred to the authorized banking agency.

63. The general policy of military government is not to supplement banks' cash resources by the supply of Allied military *Schillings*, but where a failure to make such provision would seriously prejudice the aims of military government, the controller of finance and accounts (Chief Financial Officer) may give authority for an advance of Allied military *Schilling* funds through the authorized banking agency.

64. *Financing of private enterprises.*—Private enterprises whose activities are essential to military government and which require finance will obtain it through their normal channels. If such enterprises are unable to raise the required finance from such sources the military government may require appropriate Austrian banking institutions to make the necessary funds available. Only when this is impossible will military government Financial officers arrange for Allied military *Schillings* to be made available, and then in the minimum quantities required to achieve the immediate purpose.

65. *Post offices.*—On entry into Austria all post offices will be closed by proclamation, and will re-open only on the orders of military government. Any question of policy which may arise will be discussed between Finance Division and Post Office Branch, and arrangements made for transmitting to post offices any instructions which may be necessary.

Instructions to military government officers

66. Financial officers are responsible for supervising the banks and ensuring their compliance with the policy and instructions of military government. In the initial stages they will be required to report:—

- (a) whether the banks are open or closed;
- (b) whether banks are adequately staffed with approved personnel;

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- (c) whether bank officials recommend that banks remain closed or be re-opened;
- (d) whether there appears to be public confidence in the banks;
- (e) whether the supply of *Reichsmark* currency appears adequate for the conduct of banking business.

67. Military government officers will:—

- (a) be guided by the above information if, owing to extreme emergency and the impossibility of making contact with the Financial officer at the requisite time, it is essential to take immediate action in regard to a bank (this should occur only as the result of enemy action);
- (b) report to the Financial officer any information which comes to their ears regarding the personnel of the bank or the transactions being undertaken.

FOREIGN EXCHANGE CONTROL

Survey

68. Austria has been subject to the German system for control of all transactions involving foreign exchange. The export of capital and currency has been prohibited; the proceeds in foreign exchange, of goods delivered and services rendered to non-residents, and all gold, securities and claims in foreign currency held by Germans, have had to be declared or tendered to the *Reichsbank*. Imports of goods into Germany and the use of services involving outlays of foreign exchange have been subject to rigid controls exercised by the *Reichsbank*, the *Reich* Ministry of Economics, or bodies operating under the latter's authority.

Policy

69. The general objectives of the military government foreign exchange control ordinances are:—

- (a) to freeze the position as at first occupation;
- (b) to collect immediately those assets specified in Ordinance No. 501 which can quickly be converted into cash in foreign countries, and thereby to prevent their removal from the occupied territory;
- (c) to obtain full information by registration of all other assets and liabilities which can be collected or require payment abroad.

70. When this has been accomplished the military government will control the expenditure of funds so acquired so that the country's exchange resources are utilized in accordance with the policy of military government.

71. The system of control as already in force will continue to operate except as required to be modified by the terms of Ordinance 501.

72. It is the intention of the military government to effect supervision and administration through the intermediary of the authorized banking agency, through whom they will deal with any applications or enquiries in connection with foreign exchange matters.

Instructions to military government officers

73. Military government officers will post Foreign Exchange Control Ordinance (No. 501) in all places necessary to ensure full knowledge thereof on the part of the public and will report that this has been done.

74. Normally, military government Financial officers will deal with matters connected with foreign exchange control, but military government officers remain responsible for reporting any violations of the ordinance which come to their notice.

INSURANCE

Survey

75. *Private Insurance*.—The German system of insurance supervision, involving reference to the German *Reichsaufsichtsamt für Versicherung*, an agency of the German Ministry of Economics, was applied to all private insurance companies in Austria.

76. Even prior to the annexation a very large part of the Austrian insurance system was under the control of foreign capital; British, Swedish, Swiss, Italian and German. An important part of the insurance business was in the hands of companies owned by provincial and municipal governments and by mutual associations. German control by the acquisition of share capital was substituted for all foreign interests other than Italian. Those German-controlled companies kept their separate identity but extended their activities throughout Eastern Europe. After 1938 the whole of the Austrian insurance system was forced into using the German organization, known as the Munich pool for re-insurance of those risks for which this facility was needed.

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77. Like the banks, Austrian insurance companies are heavy investors in German government paper.

78. Insurance offices operating in Austria are for convenience classified according to the domicile of their head office. There are therefore:—

- (a) Austrian offices;
- (b) branch offices of foreign insurance companies;
- (c) branch offices of German insurance companies.

79. Hitherto, all insurance offices in Austria have been under the supervision of the branch in Vienna of the German *Reichsaufsichtsamt für Versicherung*.

Policy

80. The policy of military government is:—

- (a) on entry into Austria, to close by proclamation all insurance offices. These will re-open only on the orders of the military government;
- (b) to close the Vienna branch of the *Reichsaufsichtsamt für Versicherung* forthwith and to substitute an indigenous authority under the supervision of military government to carry out its functions;
- (c) to suspend the trading function of all German offices until they are finally liquidated and to eliminate all German influence in insurance in Austria;
- (d) otherwise to maintain the existing structure and functioning of insurance within Austria;
- (e) to provide, as soon as possible, facilities for handling re-insurance business;
- (f) to continue social insurance subject to the terms of the proclamation and the orders of military government.

Instructions to military government officers

81. Financial officers are responsible as staff officers of the senior military government officers for implementing the policy set out above, but other military government officers will maintain contact with Financial officers, and render such assistance as they can.

STOCK EXCHANGE AND REAL ESTATE DEALINGS

Survey

82. The only stock exchange is that of Vienna, and its activities have been severely limited by government regulation. Since 1938, stock and commodity exchanges have been under the *Reich* Ministry of Economics.

Policy

83. The stock exchange will be closed.

84. All dealings in securities and real estate will be prohibited, except under licence.

Instructions to military government officers

85. Military government officers will ensure that Ordinance No. 551 is duly posted. (See also Chapter 16, paragraph 4.)

FINANCIAL INTELLIGENCE

Survey

86. Financial and economic information pertaining to a particular *Gau* is available in the statistical office of the *Gau*. This office is a part of the central administration (*Zentralverwaltung*), which is under the immediate direction of the *Regierungspräsident*.

87. In the government organization of *Gau Wien* a division of statistics (*Abteilung für Statistik*) collects information on all seven of the *Gaue* in Austria.

88. Another source of overall statistical information for Austria is the research institute, the *Wiener Institut für Wirtschafts- und Konjunkturforschung*.

89. There are also statistical offices in the larger municipalities.

Policy

90. Financial officers are responsible for making detailed financial reports including statistical information available from the sources mentioned above. Financial officers will, however, depend upon the military government officer for certain types of local information.

Instructions to military government officers

91. Military government officers will be responsible for reporting to Financial officers all information available from local resources where such information has some bearing on the financial situation, currency exchange control, price level, hoarding of goods.

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PROCEEDINGS

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92. The following are mentioned as examples of the type of information which may be useful:—

- (a) local gossip regarding the confidence in the currency and in financial institutions;
- (b) local gossip about financial transactions of private individuals or sudden changes to affluence of individuals which may be due to smuggling of currency;
- (c) questions from local individuals about the possibility of new financial measures;
- (d) black market activity;
- (e) evidence of active trade in jewellery and other articles of high value;
- (f) evidence of movement of *Reichsmark* and *Schilling* currency across the border.

MILITARY GOVERNMENT EXPENDITURE AND ACCOUNTING

Policy

93. Complete and accurate records and accounts of all receipts and disbursements of military government funds will be maintained for ultimate inter-governmental settlement.

94. The Controller of Finance and Accounts (CFA) will be responsible for:—

- (a) establishing an accounting procedure for all sections handling military government funds;
- (b) auditing military government accounts and records of all sections, in so far as military government funds are concerned;
- (c) coordinating, analysing and consolidating the accounts and records of military government funds for the purpose of forwarding reports to higher authority.

95. Expenditure of Allied military currency will be kept as low as possible. Military government requirements will be obtained from normal military sources whenever this is possible.

96. Military government officers will handle military government funds only in the official and appointed capacities listed below:—

- (a) *Sub-Accountant (SA)*—military government officer who is entrusted with the receipt, custody and disbursement of funds for military government account.

Such designation will be through appointment, and such appointment or responsibility may not be transferred by the SA so appointed;

- (b) *Collector of Revenue (C of R)*—military government officer designated to receive a specific type of collection (such as fines, motor vehicle permit fees, etc.) for account of military government. Cs of R are required to turn over in full at regular intervals to a sub-accountant all sums collected. The funds received will not under any circumstances be used for disbursements;
- (c) *Imprest Holder (IH)*—military government officer who is entrusted with a fixed sum of money to make relatively small recurring payments for a stated and specific purpose. An IH accounts for such expenditures to a SA at regular intervals. Upon receipt of properly executed receipt vouchers, the SA will replenish by cash the total amount of the receipt vouchers. The amount of the original imprest will always be represented by cash or receipted vouchers. IHs, as such, will not effect collections;
- (d) military government officers coming into possession of military government funds will turn them over to the nearest SA along with complete information in writing concerning the transaction.

Instructions for handling military government funds

97. Complete and detailed information on procedure to be followed by SAs, Cs of R, and IHs is set forth in "Cash Accounting Instructions for military government Austria" and "Supply Accounting Instructions for military government Austria."

Expenditure of military government funds

98. Military government officers may expend military government funds only when their requirements cannot be supplied or furnished through normal military sources. Such requirements are:—

- (a) printing and stationery, provided that every possible effort has been made to obtain supplies through army sources;
- (b) witness fees and expenses;

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(c) any further expenditures that headquarters may authorize, such as loans to Austrian authorities or enterprises, purchase of supplies for export or for civilian distribution in Austria, etc.

99. *Prohibited expenditures of military government funds.*—
Military government funds will not be expended for:—

- (a) purposes normally chargeable to the account of the several services and branches of the Army. Such purposes are:—
- (i) pay of army personnel;
 - (ii) billeting of military government or military personnel;
 - (iii) personal rations and fuel for military government or military personnel;
- (b) personal travelling expenses when not on duty;
- (c) expenses for personal use or need;
- (d) payment for requisitioned property;
- (e) claims for damages made against the armed forces or military government.

CHAPTER 16

PROPERTY CONTROL

Survey and estimate of the situation

1. The comparable indigenous authority to Property Control Branch is the office of the *Reichskommissar für die Behandlung feindlichen Vermögens*, which exercises control through administrators appointed by the *Oberlandesgericht*. This control is however centralized in Berlin and extends only to properties of enemies of the *Reich*, i.e., United Nations property. Since this organization is a wartime creation, it is reasonable to presume that the appointments to it have been allotted to "reliable" Nazis, and that few of its officials will therefore be acceptable to military government. There is in addition the *Liegenschaften* of the *Oberfinanzpräsidium* which administers State real property. The extent to which Property Control Branch will be able to operate through existing agencies will therefore be extremely limited.

Policy

2. The policy of Property Control is to establish control over the property specified in Article I of Ordinance No. 551:—
- (a) to avoid conditions which would adversely affect military operations;
 - (b) to protect such property rights and interests;
 - (c) to eliminate all Nazi control of property in Austria;
 - (d) to end German control of property in Austria;
 - (e) as far as it is compatible with the above objectives, to facilitate such property being employed for the benefit of Austrian economy.

Instructions to military government officers

3. *Definition.*—For the purposes of these instructions, the term "property" is used to cover all property—real, personal and mixed, and all legal and equitable rights in or claimed to such property, whether present or future, including, but not limited to, land and buildings, money, stocks, shares,

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securities, patent rights, copyrights, or other evidences of ownership, and bonds, bank balances, claims, obligations and other evidences of indebtedness, and works of art and other cultural materials.

4. *General plan.*—Military government officers will post Ordinance No. 551, defining property control, the categories of property subject to control, the powers and authorities of military government with respect thereto; and setting forth that existing persons in control of such property will continue to hold the same and be responsible for protecting and operating it.

5. It will be seen from a study of the ordinance that immediately it has been promulgated a certain measure of control of property will have been established, as the owners or holders of the property referred to are prohibited from disposing of it and are charged with preserving it under penalty. A certain number of transactions contravening this ordinance is inevitable, particularly in the case of personal property in possession, but short of taking custody of all property at once Property Control cannot prevent this. Initially, therefore, the Property Control Branch must concentrate on giving as much physical protection to property as possible and on laying a network of responsibility for property with such officials, existing custodians, and other persons or institutions as are acceptable for that purpose.

6. *Organization of property control.*—Control of property by military government will be organized by specialist Property Control officers who will be assigned areas, the extent of which will depend upon the number available.

7. Whether Property Control officers will be able to exercise all necessary preliminary property control functions as the occupation progresses will depend on the territory, the military situation, and the number of officers available. If the situation is such that they cannot do so, certain of the duties of Property Control officers will be undertaken by other military government officers. In the latter case the Property Control officer on the lowest echelon available will be responsible for coordinating the work of military government officers and for advising them.

Property subject to control

8. Military government officers will be concerned with various types of property to the extent indicated in paras 9—19.

9. *Property owned by United Nations governments or nationals thereof.*—Custodians will probably be found in possession who were appointed under the German legislation concerning enemy property. Such custodians may be allowed to continue to act if acceptable, but are subject to removal if unacceptable to the military government. Full investigation should be made at the earliest possible moment to determine the efficiency and reliability of such custodians. Permissible business enterprises will be permitted to operate.

10. *Property of the NSDAP, its officials and active supporters.*—Military government officers will take into custody at once all important property of the Nazi Party and its affiliated and supervised organizations and in particular headquarters and archives. Other Nazi property will be taken under control as soon as possible. Military government officers will also take into control all property of persons who, by reason of their being active Nazis or ardent sympathizers, have been imprisoned or detained or, for that reason, have been dismissed or suspended from office.

11. *Property owned by persons in Germany and German persons in countries other than Austria, including companies, partnerships and other organizations.*—Military government officers will take under control this property, the direction of which will be effectively severed from Germany, but as far as it is compatible with that object, permissible business activities required for the maintenance of Austrian economy will be allowed to continue.

12. *All property in Austria of the German Reich, of all political units of the Reich, and of agencies and instrumentalities thereof.*—Military government officers will take under control this property unless they are specifically instructed to the contrary herein or by subsequent orders.

13. The existing administration, and individuals whose continued employment therein is approved, should be:—

- (a) prohibited from accepting or acting on directions received from Germany or reporting to Germany without specific authority from military government. This prohibition should not apply to prevent officials from acting on instructions already received from Germany relating to the proper arrangement of property in so far as they are not inconsistent with the severance of relations with Germany;
- (b) required to continue the management of the property in the interests of Austria;

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PROPERTY

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(c) prohibited from parting with, or disposing of any state or municipal, property, etc., or subjecting it to any assignment, pledge, mortgage or lien, without authority from military government. Any dealings purporting to do any of these things are invalid.

14. The collection of munitions and war material will not be the function of Property Control Branch.

15. Ships and loaded cargoes, railroads, and other inland transportation facilities and postal services, will not be controlled by military government officers as a function of Property Control.

16. *Property of residents, nationals and governments of countries other than Germany and Austria, still at war with any of the United Nations, and of areas occupied by such countries.*—Lists will be supplied of:—

- (a) those countries still actively at war with the United Nations;
- (b) those countries which, while still in a state of war, have accepted terms of surrender.

All property in this category will be taken into control, subject to any further instructions which may be issued.

17. *Property of absent owners other than German.*—This may be property owned by either Austrians or neutrals. It will be taken into custody only if the owner is unable to exercise control either personally or through a representative, and only then if it is of sufficient importance and value as to warrant protection.

18. *Property obtained through duress or wrongful acts of dispossession or spoliation.*—Instructions will be given which of such properties is to be taken under control. In cases of *prima facie* loot from outside Austria such property will, however, be taken into control at once and held pending further investigation.

19. *Property of municipalities and institutions dedicated to public worship, charity, science, art, etc.*—Specific instructions will be given as to which, if any, of such properties is to be taken under control, except that action may be taken by military government officers if necessary to prevent disorder, or if otherwise imperative in the interests of military government.

20. *Priorities.*—In taking control of any property, priority will be given first to such property as is necessary for the military effort or is essential to the economy of the occupied territory,

or may be used in a manner prejudicial to the United Nations; second, to property owned by United Nations governments or nationals, and third, to important property owned or controlled by the *NSDAP*, its formations and affiliated and supervised associations.

Method of establishing control

21. Control of property will be effected in two stages. At Stage I military government officers will:—

- (a) post Ordinance 551;
- (b) arrange for protection of property;
- (c) deliver letters of instructions to financial institutions;
- (d) affix notices of control on property.

At Stage II military government officers will:—

- (e) appoint administrators for properties in order of priorities and importance;
- (f) make detailed inspections and investigations of business enterprises;
- (g) supervise administrators;
- (h) complete records and returns.

22. *Lists.*—Military government officers will be furnished with "black" lists of:—

- (a) persons and organizations whose property will be taken under control;
- (b) specific property to be taken under control.

"White" lists of reliable and indigenous personnel who may be used as custodians will also be furnished. These lists will almost certainly be very incomplete.

Protection of property

23. Whenever possible, protection of property will be achieved by posting a notice on the property or serving a notice on the holder, ordering that the property will be preserved and protected by the holder or other person having custody or control of it.

24. Whenever a property is producing income or for any other reason requires management, an administrator will be appointed and made responsible for protection and management thereof.

25. Whenever sufficient protection cannot be obtained by the above methods, civilian guards or caretakers will be detailed

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to protect property. When available, suitable local personnel will be used for this purpose; if this is not possible application will be made to the military government Public Safety officer, and if assistance cannot be obtained from that source, a request will be made through the proper channels to the appropriate military commander. Similarly, application should be made to the appropriate military commander should force be required to take possession of any property, or exclude any person from it, and sufficient assistance cannot be obtained from the military government Public Safety officer.

Property control functions of military government officers

26. Every effort will be made to restrict to a minimum the property control function which military government officers are required to undertake.

27. Where no specialist Property Control officer is available, military government officers will carry out the Property Control activities prescribed in Stage I (see para 21) and for this purpose will be supplied with the following forms:—

(a) Notice of Control (Form MG/APC/1—see Annex 15).—This form is affixed to property taken into control and is the official notice to all concerned that the property is under control of military government. Whenever possible the notice will be affixed to premises in the presence of the owner or occupier who will also be informed verbally that the property has been taken into control.

(b) Property Control Direction No. 1 (Form MG/PC/D1—see Annex 16).—This form will be delivered to the most responsible available official or employee of any business enterprise taken into control. It sets out the responsibility and duties of those persons who are available to carry on the business, pending the formal appointment of an administrator.

28. Where no specialist Property Control officer is available and the executive of the business enterprise has been removed or is otherwise precluded from continuing the management of the enterprise, it may be necessary for the military government officer to nominate the most reliable and capable available indigenous officer or employee to undertake the duties of management. This will not be a formal appointment of an administrator but merely an interim measure to enable the business to be carried on pending such appointment by the

specialist Property Control officer. In such cases it may also be necessary for the military government officer to authorize the release of funds from the bank account of the enterprise, but such release will be limited to the amount required to meet essential immediate payments, e.g., wages.

29. Military government officers will not take money, bank or other balances into their personal custody nor will they receive income from or make payments in respect of property. They will not undertake direct management of any business and only in the circumstances set out in para 28 above will they exercise control through indigenous personnel. All money or other movable property coming into their possession will be deposited in a bank or with other reliable custodians in the name of the owner, and blocked.

30. Military government officers will maintain a record of all Property Control functions undertaken by them, and in particular:—

- (a) a list of the properties taken into control;
- (b) a record of any funds or other property coming into their possession and which has been deposited in a bank in accordance with para 29 above;
- (c) a list of all business enterprises in respect of which it has been necessary to make temporary arrangements for management.

These records will be handed over to the specialist Property Control officer at the first opportunity, who will take the necessary steps to complete the establishment of control and will prepare such returns and reports as are necessary.

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AUSTRIA
MILITARY GOVERNMENT

Ordinance No. 551
PROPERTY CONTROL

It is ordered that in the areas occupied by United States Forces :

ARTICLE I

Control of Property

1. All property in the occupied territory owned or in any way controlled at the date of this Ordinance by any of the following is subject to seizure or control on behalf of the Military Government :—

- (a) The Government of the German Reich or any person in Germany;
- (b) Governments or residents of any country at war with any of the United Nations since 1st September, 1939, except persons who were Austrian nationals before 13th March, 1938, and who are resident in the occupied territory at the date of this Ordinance, and the children of such persons, born since 13th March, 1938;
- (c) The NSDAP, its formations and affiliated and supervised organizations, or any agency thereof, or officials or members of any of them; any organization; club or other association dissolved or declared illegal by the Military Government;
- (d) Persons held in imprisonment or any type of custody by the Military Government;
- (e) Absent owners;
- (f) Governments, nationals or residents of any of the United Nations;
- (g) Such other persons as may be specified by the Military Government by Ordinance, Notice or order.

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OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Economics Division
Restitution Branch
— APO 742

ED 007 (RES/MFAA)

31 December 1946

SUBJECT: Purchase of Works of Art by American Personnel

VAR
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- TO : Restitution Branch
Economics Division
Office of Military Government for Bavaria
APO 170, U. S. Army
Attn: MFA&A Section
- Restitution Branch
Economics Division
Office of Military Government for Hesse
APO 633, U. S. Army
Attn: MFA&A Section
- Restitution Branch
Economics Division
Office of Military Government for
Wuerttemberg-Baden
APO 194, U. S. Army
Attn: MFA&A Section
- Education and Religion Branch
Civil Government Division
Office of Military Government for
Bremen Enclave (U.S.)
APO 751, U. S. Army
- Monuments, Fine Arts and Archives Section
Office of Military Government for Berlin Sector
APO 755, U. S. Army

The question as to the legality of the purchases of works of art by American personnel was presented to the Legal Division, OMGUS, and their opinion is cited below for your information and guidance:

"It is the opinion of this division that American personnel in the theater may purchase works of art from

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Purchase of Works of Art by American Personnel
ED 007 (RHS/MFAA), CMGUS, 31 December 1946

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'Tangible personal property which is not rationed may be purchased at prevailing legal prices for the personal use of the individual or for use as gifts or souvenirs, provided such purchases are not made for investment, resale or otherwise for profit

FOR THE CHIEF, RESTITUTION BRANCH:

Telephone BERLIN 42255

RICHARD F. HOWARD
Chief, MFAAA Section

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UJ HSL/ST

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Economics Division
Restitution Branch
APO 742

ED 007 (RES/MFAA)

31 December 1946

SUBJECT: Purchase of Works of Art by American Personnel

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Restitution Branch
Economics Division
Office of Military Government for Bavaria
APO 170, U. S. Army
Attn: MFA&A Section

Restitution Branch
Economics Division
Office of Military Government for Hesse
APO 633, U. S. Army
Attn: MFA&A Section

Restitution Branch
Economics Division
Office of Military Government for
Wuerttemberg-Baden
APO 154, U. S. Army
Attn: MFA&A Section

Education and Religion Branch
Civil Government Division
Office of Military Government for
Bremen Enclave (U.S.)
APO 751, U. S. Army

Monuments, Fine Arts and Archives Section
Office of Military Government for Berlin Sector
APO 755, U. S. Army

The question as to the legality of the purchases of works of art by American personnel was presented to the Legal Division, OMSGUS, and their opinion is cited below for your information and guidance:

"It is the opinion of this division that American personnel in the theater may purchase works of art from

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Purchase of Works of Art by American Personnel
ED 007 (RHS/MFAA), CMGUS, 31 December 1946

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'Tangible personal property which is not rationed may be purchased at prevailing legal prices for the personal use of the individual or for use as gifts or souvenirs, provided such purchases are not made for investment, resale or otherwise for profit'

FOR THE CHIEF, RESTITUTION BRANCH:

Telephone BERLIN 42255

RICHARD F. HOWARD
Chief, MFAAA Section

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RG	<u>331</u>
Entry	<u>SHAEP, 6-5</u> ^{entry} <u>54</u>
File	<u>Numeric Subject</u> <u>Operations File</u>
Box	<u>219</u>

R E S T R I C T E DTAB 'C'

HEADQUARTERS
EUROPEAN THEATER OF OPERATIONS
UNITED STATES ARMY

5633/ 80

APO 887

12 September 1944

AG 400.13 OpGA

SUBJECT: Permissive Purchases in the Paris Area.

TO : Commanding Generals:
 U.S. Strategic Air Forces in Europe
 Each Army Group
 Communications Zone
 Each Army
 XVIII Corps (Airborne)
 European Division, Air Transport Command
 United Kingdom Base, Communications Zone
 Ground Force Replacement System
 Section Commanders, Communications Zone
 Commanding Officers:
 European Civil Affairs Division
 Military Intelligence Service
 Commandant, American School Center
 Headquarters Commandant

1. The Supreme Commander, Allied Expeditionary Force, has delegated to the Commanding General, Communications Zone, the authority to determine the extent of permitted purchases in the Paris area, as agreed with French authorities.

2. Arrangements have been made with the French authorities to permit individual members of US Forces to purchase certain items. The general categories of articles and services which may be purchased by individual members of US Forces in the Paris area are:

Pads; writing paper; envelopes; post cards.

Perfumes; rouge; face powders.

Scarves, rayon, silk and rayon, and silk.

Lighters, pipes, pipe stands; cigarette holders; ash trays, tobacco jars, wood and other materials; tobacco pouches.

Candy boxes, metal and glass; decorated shells and similar souvenirs; bookstands in wood or metal; cocktail glasses.

Leather pocketbooks; billfolds; wallets; purses, etc.

Imitation jewelry such as: Brooches; bracelets; earrings, etc.

Books; plans and guides; maps etc.

Tooth brushes; nail brushes; clothes brushes; hair brushes; shoe brushes; in Nylon or bristle.

Fine wines; beers, liquors and soft drinks.

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RG 331
Entry SHAEF, G-5 54
File Numeric Subject
Operations File
Box 219

R E S T R I C T E D

5633/ 81

Laundry; dry cleaning; hair dressing.

The purchase of any articles or services not listed above is strictly prohibited. The purchase of food in restaurants (excluding nightclubs) is strictly within the terms of this prohibition.

3. The enforcement of this prohibition is assigned, under the supervision of the Commanding General, Communications Zone, to the Commanding General, Seine Section, Communications Zone, who is authorized to take appropriate disciplinary action in the case of violation.

4. The Commanding General, Seine Section, Communications Zone, will issue lists of individual items together with official retail prices. These lists will be made available to all troops stationed in the Paris area and to all military personnel visiting Paris for duty or on leave, pass or furlough.

5. Charges by French vendors in excess of maximum prices will be reported to the Commanding General, Seine Section, Communications Zone.

6. Personnel granted permission to visit the Paris area on leave or furlough may be instructed to obtain a copy of the official list which will be available at Headquarters, Seine Section, Communications Zone, or at all leave and furlough facilities established in Paris by the American Red Cross.

By command of General EISENHOWER:

/s/ R. B. Lovett

R. B. LOVETT
Brigadier General, USA
Adjutant General

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**ARTICLE II
Prohibited Transactions**

2. Except as hereinafter provided no person shall, unless authorized by or on behalf of the Military Government, be in any way concerned whether as principal or agent in any transaction involving:—

- (a) Any property owned or controlled by any person specified in paragraph 1 hereof;
- (b) Any property owned or controlled by any local authority or institution dedicated to public worship, charity, education or the arts and sciences;
- (c) Any securities or any real estate;
- (d) Any work of art or other cultural materials.

**ARTICLE III
Responsibility for Property**

3. All persons concerned in the custody or control of any property referred to in paragraphs 1 and 2 shall, subject to any general or special directions of the Military Government, preserve, hold and maintain it in good condition and will likewise preserve, hold and maintain all benefits and incomes accruing from it and all documents, accounts and records relating to it.

4. No person shall cause or permit any act or omission whereby any damage or diminution in value or concealment or alteration of such property might result or whereby the assets or the financial position of any business dealing with such property might be substantially reduced or imperilled.

**ARTICLE IV
Use of Property and Continuation of Business**

5. Unless otherwise directed by the Military Government property referred to in paragraph 1 and 2(a) shall

continue to be used for its normal purpose and persons carrying on business in the occupied territory under the control of any person specified in paragraph 1 shall be at liberty to continue the normal conduct of such business, provided that no person shall in respect of such property or business accept instructions from, or deliver it or any documents relating to it to any person outside Austria.

6. Leases of real estate, except in respect of real estate which is property referred to in paragraph 1, for terms of one year or less are hereby authorized.

**ARTICLE V
Transactions Avoided**

7. Any prohibited transaction or any transfer or contract or other arrangement made with intent to defeat or evade the provisions of this Ordinance shall be null and void.

**ARTICLE VI
Suspension of Existing Law**

8. Any provision of any law, decree or regulation inconsistent with the provisions of this Ordinance or providing for the seizure, confiscation or forced purchase of property specified in this Ordinance is, so far as concerns the occupied territory, suspended.

**ARTICLE VII
Stay of Proceedings**

9. All proceedings pending in any court in the occupied territory at the date of this Ordinance which concern any property specified in paragraph 1 (f) shall be stayed pending further order of the Military Government.

10. All existing executory contracts providing for transactions prohibited by this Ordinance are hereby suspended pending authorization by the Military Government.

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HEADQUARTERS VIENNA AREA COMMAND
APO 58 US ARMY

CIRCULAR
NUMBER 5

2 October 1946

PURCHASING AND CONTRACTING INSTRUCTIONS

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Memorandum, this Headquarters, subject: "Purchasing Procedure" dated 13 April 1946, is hereby rescinded and the following substituted therefor.

I. REQUISITIONS

When a requisition is submitted to the Vienna Area Command Engineer Supply Officer, Quartermaster, or other service, for materials and/or supplies he will, if the materials and/or supplies listed are not available, certify to this effect with the certificate "NOT AVAILABLE THROUGH MILITARY CHANNELS". (See EXHIBIT "A")

II. PURCHASE ORDERS

If, after a requisition has been submitted and it is marked "NOT AVAILABLE THROUGH MILITARY CHANNELS", it is desired to purchase the materials and/or supplies listed, a Purchase Order must be submitted to the Purchasing and Contracting Officer of the supply service concerned with this requisition attached. The Purchase Order may be submitted with the requisition if there is reason to believe the materials and/or supplies requisitioned are not available.

III. PURCHASES

1. No purchase will be made without the prior approval of the Purchasing and Contracting Officer, or without this requisition attached to the Purchase Order, certifying that the materials and/or supplies listed are not available through military channels and signed by the Supply Officer of the service concerned.

à conto bezahlt am:

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Cir # 5, Hq VIC, 2 Oct 46, Cont'd

a. Reference to letter, Headquarters, USFA, 15 May 1946, AG 400.13 PAGDS, Subject: "Purchasing and Contracting Procedure" par. 4 is quoted.

"Unpaid invoices referred to this Headquarters for payment which have not been approved prior to contraction by a Purchasing and Contracting Officer will be returned to the unit or organization concerned to be paid by the individual responsible for contracting the bill." These invoices will be returned through channels.

b. Requests will be submitted in quadruplicate and must show the following: - (See EXHIBIT "B")

1. Article (Note 1)
2. Quantity (Note 2)
3. Vendor and complete address (Note 3)
4. Approximate price (Note 4)
5. Requests written in German must be translated.

IV. FISCAL OFFICER

If approved by the Purchasing and Contracting Officer (Note 5, EXHIBIT "B") the Purchase Order will then be processed by the Fiscal Officer, who will certify the availability of funds and obligate these funds for the purchase of materials and/or supplies listed. (See Note 6, EXHIBIT "B")

V. VENDOR

After approval has been obtained from the Purchasing and Contracting Officer and funds have been obligated by the Fiscal Officer, (Section) the Unit Supply Officer, or individual, will present one copy of the approved Purchase Order to the vendor for purchase.

VI. BILLS FOR PAYMENT

1. Bills will be submitted in quintuplicate with the approved Purchase Order attached. The name of the firm, or firms, must appear on each copy of the bill, and each copy will have these typed and signed (in ink) certificates, with his, or her, official designation typed or stamped beneath the signature. (See EXHIBIT "C")

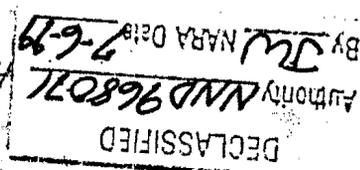
a. By the vendor:

"This account is correct and just and payment has not been received."

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ir #5, Hq VAC, 2 Oct 46, Cont'd

b. By the requisitioning Officer:

"Procurement of items billed was made according to law,
charges are correct and all items have been received."

VII. NOTICE

Unit and organization commanders are directed to insure that all
personnel in their command concerned with local procurement have read and
are thoroughly familiar with this procedure.

BY ORDER OF COLONEL BURRILL:

Telephone VIENNA A-29390

D. R. Hutchinson
D. R. HUTCHINSON
Colonel, A.G.D.
Adjutant General

à conto bezahlt am:

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Lot 620
Box 18

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BY JWC NARA Date 7-6-99

HEADQUARTERS ZONE COMMAND AUSTRIA
Property Control and Restitution Section
APO 541, US Army

RECEIVED PC&R
Time
Date JUL 30 1947
No. 9

GMMW
File: 110/

VRK/pei
28 Jul 1947

MEMORANDUM

SUBJECT: Report of Property Control and Restitution Section

1. Work Completed

a. The new and detailed inventory of Villa Guth, formerly Villa "Padua", a protected monument, has been completed and Dr. Bagier, tenant of Villa Guth, was appointed custodian.

b. Four small tapestries, valued 200,000 dollars, property of the Kunsthistorisches Museum, Vienna, have been picked up from Klessheim castle and sent to Vienna by mail courier for final identification. The Nazi Government required these tapestries for decoration purposes at Schloss Klessheim in 1938. Their return was urgently requested by the Austrian Government for checking and repair.

2. Work in Progress

a. A Czech restitution claim for about 150 kg crude morphin, carried away by the Germans from the Slovenske Alkaloidy Chemical Works Ltd has been received here. Investigation made by Field Survey Team Liaz showed that 125 kg have been brought to the Lunatic Asylum at Neuhofen/Krema. Further investigation for the remaining morphin is under way. This is the same claim that was previously reported on July 1st.

b. A list of 80 church bells claimed by the archbishop of Salzburg has been received by this office. This is a supplemental list and contains a better description of the bells than the original list received from the archbishop on 18 April 1947. The original list was forwarded to Vienna for restitution on 23 April. These bells have been removed from various churches in Land Salzburg and from Nonnberg Abbey, Salzburg, during the war and are supposedly stored at Hamburg, Germany.

c. After the effected release of six cases of aluminum tubes to the Greek firm Vanaris, two other Greek firms, Gavrilogen & Co. and Pantasides, Saloniki, submitted applications for release of 23 boxes of aluminum tubes, total weight 2.5 tons, stored at the "Intercontinentale" ware-

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house, Salzburg-Marglan. The shipment of the tubes for which above firms submitted proof of ownership was delayed in 1944 due to the war. A release note authorizing the transfer to the rightful owner will be issued by this office.

3. Projected Work

a. The Austrian Land Government Salzburg requested this office to investigate at the Metal Foundry Ing. Behensky, Salzburg, as it appears that the machines of said firm have not yet been registered. Some machine tools are allegedly CEM.

b. Arrangements will be made with all Foreign Missions concerned that restitution of art objects, stored at Alt Aunsee Mine, will be made directly from there. Art objects of doubtful or unknown origin will remain stored under Austrian custody.

4. Special Items

a. RDER Division, R&R Branch, received several complaints from Foreign Restitution Missions to the effect that released motor vehicles are being stripped of essential parts by the Austrian user prior to restitution. In order to stop this practice a complete description of the motor vehicle, including number, markings and condition of the tires, battery number and other essential parts, will be made at the time the claimed property is taken into custodianship. Furthermore the custodians will be warned that they are held strictly responsible to the stipulations enumerated in the custodianship papers.

b. Dr. Luithlen, curator of the Lauffen Mine, reported to this office on 24 July 1947, that the search for seven paintings of the Kunsthistorisches Museum which started in summer 1947 will be resumed by the Austrian Government in a most intense way. The paintings which disappeared from Lauffen Mine in summer 1945 included one RUMBRANDT and one VAN DYCK. Since the mine has been cleared of all art objects in April 1947, the outcome of the new investigation might be more successful.

c. Inventories of all public donations and purchases of the museums and art galleries in the American occupied

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Hqs Zone Command Austria, Memorandum, dated 28 July 1947

Zone of Austria have been received upon request to facilitate search for missing paintings. Inventory of the Municipal Museum at Salzburg revealed that this museum alone has acquired more than 150 items, comprising paintings, furniture, applied arts and china, mostly originating from Austrian private collections such as Rothschild, Gutmann, Bondy and Fuerst. Purchases made at that time even from public art institutes such as the Reich Chamber of Artists etc. were likely to consist of Jewish confiscated property.

Telephone:
SALZBURG 4370, 4037

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Serial # 154-4

HEADQUARTERS
DETACHMENT EIG2 COMPANY G
2D ECA REGIMENT

SR/r1

APO 658
26 July 1945

(MPAAA)

SUBJECT: Authorization to Return Portion of Law Library
to German Custody.

TO : Commanding General, Seventh United States Army,
APO 758, US Army.
(Attention: A. C. of S, G -5, M.P.A. & A.).

1. A portion of the Law Library of the Philipps Universität, Marburg, predominantly the section of International Law, is housed in the main University building which is occupied by troops of the 376th Reinforcement Company, 72nd Reinforcement Bn., 3rd Reinforcement Depot. On inspection, conducted 21 July 1945, the room containing the books was found in considerable disorder, the contents scattered about and partially damaged or destroyed. The room was not posted "Off Limits" and no protection provided.

2. The following action has been taken by this headquarters:

a) The Co of the 376th Reinf. Co., Capt. Heber T. Stewart, was notified that the damage inflicted on the books and the failure to protect them were in direct violation of the directives from higher headquarters. He was directed to post the room "Off Limits", to close it off from the rest of the structure, and to leave it in its present condition. A farther inspection, 26 July 1945, revealed compliance with these instructions.

b) Arrangements have been made, through Prof. Dr. Rudolf Reinhardt, Rector of the University and Prof. Dr. Walter Schätzle, Librarian, and Capt. Stewart, to permit access to the building to Herr Ullrichs, Law Librarian, and his assistants for the purpose of restoring those books and documents which can be salvaged to order and of segregating those which require repair and rebinding. This work will commence 27 July 1945.

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Entry Ard Hall Coll
Box 151

3. Authorization is requested to return the entire portion of the Law Library described in par. 1 above to the custody of the University upon the execution of a "Receipt for Works of Art, Antiquities or Objects of Cultural Value" .

For the Commanding Officer:

PAUL W PRIEBB
CAPTAIN AGO
ADMINISTRATIVE O

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By 32 NARA Date 8/5/97	Box 151

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(copy /sg)

(Translation by Liaison & Protocol Section, OMBUS, G-1524)

C o p y

Main Archives for Official Documents (Hauptarchiv für Behördenakten)
formerly Prussian Secret State Archives (Preussisches Geheimes Staatsarchiv)
H.A.I. 142/47

Berlin-Dahlem, 28 Jan 1947
Phone: 76 2073/74

Confidential

To Magistrat of Greater Berlin
Department of Popular Education
- Library Branch -
Attn: Mr. Fauth
B e r l i n W 8
Mauerstr. 59

The following is an extract from the notes and oral reports of a staff member Mr. Johannes Grandinger, who returned on the 25th of this month via Schoenebeck from a 16-day stay at Stassfurt.

1. Evacuation Point Stassfurt. The new cold wave as well as technical difficulties delayed the transfer of the archives from the Belepach-Shaft to the hall at the shaft head, and it will probably not be completed before the beginning of next month. From the gallery entrances to the hall at the shaft head everything is littered with papers, individual letters, files soiled beyond recognition, stepped-upon and torn-up documents, remnants of seals, empty folders, portfolios and copy books, twine and packing material. The personnel of the Kaliwerk Stassfurt and the workers hired to remove the documents walk carelessly over this conglomerate. The papers still piled up at the shaft head and in front of the hall or fully exposed to the effects of the weather.

The document mountain in the hall at the shaft head has crumbled at the edges and collapsed partly in the center, as a result of constant searching and reshifting of individual layers. A mess of single papers, detached documents, broken boxes, and the remnants of all kinds of documents lie on the document mountain or litter the floor around it.

Under these circumstances it is absolutely impossible to estimate what is missing, or in any way to establish these losses. But already today it can be said without the slightest exaggeration that the damage so far is extraordinarily great and that the total losses are quite extensive.

The records and books in the shaft and the high value which they possess are the talk of the town in Stassfurt. Priceless documents from the archives disappear constantly. A commission of Russian physicians visited the Belepach-Shaft a short time ago and one of the members simply took the extremely valuable literary legacy of Voltaire with him. Until recently a large box containing the correspondence of Frederick the Great was stored in full view in the hall at the shaft head; now only parts of this box are left, its entire contents is missing and only a soiled sheet with a poem by Frederick II, in his own handwriting, lies next to it. Unauthorized parties continually pilfer bundles and boxes for parchment documents. In many instances old seals with their cords are removed from the documents and in the streets one can see Russian soldiers wearing seals around their necks. The workers employed

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on this job have removed whole bundles of the more recent files from the hall at the shaft head, taking them out during their breaks or at the end of their shifts, in order to use them as fuel. A check of the number of bundles belonging to the different sections and making up the various document groups is absolutely impossible.

However, our staff members were able to participate with some success in the work of sorting these papers. The 19 points or "headings" in accordance with which the archive materials are to be sorted, would be applied in absolutely arbitrary fashion, were it not for Mr. Grandinger's objections which are occasionally considered. With regard to the heading "files of the Prussian officials" (point II), for instance, the intentions are to extract repository 92, containing the extremely important and valuable legacies, in its entirety and to make it ready for shipment into the unknown. Among the contents of section 34, regarding Kleve - Mark-Ravensberg, the interpreter in charge found a paper entitled "files regarding the complaint of the Court of Saxony against the Lippstadt Gazette" and thereupon maintained that this material obviously consists of the correspondence of princes and kings, which in accordance with point 12 belongs to the material which must be separated and shipped; therefore, the entire Kleve - Mark-Ravensberg material would have to be readied for shipment. Our staff member had great difficulty to talk the interpreter out of this new discovery.

Our staff member Mr. Grandinger was successful insofar as he was able to establish good relations with most of the male and female workers at present employed in Staasfurt and thus in a sense unobtrusively assumed the overall supervision. For the time being this will prevent losses and damages on a large scale, but it will not curtail the continued loss of individual files and the steadily increasing damage to and deterioration of the documents.

2. Saline Schoensbeck/Elbe. The transfer of the files from the Graf-Moltke-Shaft to the warehouse of the firm O. Wanckel at Schoensbeck has been completed.

(Dr. Wandl)
The material piled up in the warehouse is perhaps in an even worse condition than that in Staasfurt. As already observed by the undersigned during his visit on 15 Dec 1946 simply everything at Schoensbeck is messed up since from the very beginning no sequence or system was followed and the entire internal order of the document groups was thus torn apart. Everywhere are stray files, single pages torn out of files, folders, damaged file cases, parts of the highly valued archives of the Johanniter Order which have suffered severely, etc. The document piles are constantly collapsing in one place or another, for the heaps are much too high and not expertly piled up. In the attempt to restore some sort of order additional bundles are torn open and conditions are only getting more chaotic. Even Major Suschkoff (NKWD Magdeburg) who was recently in Schoensbeck noticed this situation and remarked that some more order would have to be achieved and that additional workers - supposedly 10 - were to be employed for this purpose. Naturally, these people will unknowingly only increase the disorder by bundling all kinds of entirely unrelated documents together, as instructions and experience are lacking.

Here, too, individual papers as well as entire packages and bundles disappear constantly. The total number of the documents stored there has certainly already been reduced by 50 to 60%. All files that had been stored in packing cases or closed cardboard boxes were pulled out and most of them carelessly mixed up with the remaining documents or strewn on the ground. Besides, the roof of the warehouse is leaking and snow enters in different places.

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In Schoenebeck they are also using the entirely inadequate and misleading 19 headings and are now employing a staff of 5 interpreters. These interpreters complain that they cannot cope with this task. After working for many weeks they checked through only 900 individual volumes of records, out of a total quantity of about 85,000 packages, and have provisionally numbered these 900 and registered them in Russian in a ledger following entirely inadequate methods. Searching for the archives of the Prussian Ministry for the Interior, from which material regarding the revolutionary labor movement was to be obtained for the Karl-Marx-Institute in Moscow, the interpreters jointly with the conscripted workers looked through all the files and finally proclaimed that the archives of the Ministry for the Interior had disappeared. This provoked a sensation and quite understandably also caused strong distrust of the Main Archives in Berlin and led to serious doubts regarding the accuracy of their informations. Finally, our staff member arrived on the scene and pointed out that they were searching in vain for the marking "Ministry of the Interior", because these files had been labeled "Section 77"; thereupon they searched again and convinced themselves that the bundles for which they had been looking actually existed under this designation. Naturally, these documents were already in complete disorder and had been seriously damaged.

The situation in Schoenebeck is more difficult because the local Soviet authorities principally refuse admission to the Wanckel warehouse to anyone, except the interpreters and the conscripted workers employed there. Only by disregarding regulations and by devious routes is it possible for us to enter the warehouse and to get in touch with the interpreters and workers there. But Schoenebeck is the place where it is absolutely essential that our experts should lend a hand, because otherwise the chaos and the damage will be even greater and more disastrous than in Stassfurt.

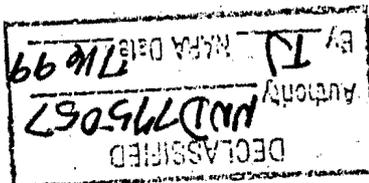
This destruction of extremely valuable cultural materials at Stassfurt and Schoenebeck must be stopped before it is too late. It is emphasized again that the material has already suffered severely and will be unuseable for years to come, also for Russian scientific purposes. Even the most industrious and outstanding Russian historian would not know what to do with this mass of parchment and paper gathered together without any rhyme or reason. Probably any Russian layman would realize this, too, if the matter was factually presented to him. This, however, is only possible if the Main Archives for Official Documents are in a position to establish direct contact with the central SMA at Karlshorst, particularly to talk directly with General Malkoff. So far our efforts in this direction have failed we expect very little of an intervention by the Germany Academy of the Sciences, which during the last meeting showed great reserve toward the urgent request submitted by the Main Archives.

We regret that we have to close this report again with the urgent request that steps be undertaken to prepare the way for direct negotiations of the Main Archives with Karlshorst and General Malkoff in particular. We request further that our staff members at Schoenebeck and Stassfurt be furnished as soon as practicable with regular identification cards bearing the signature and seal of the Russian Central Kommandatura in Berlin, as required by the competent authorities at Magdeburg and Halle and at Schoenebeck and Stassfurt. Without such identification cards the occupation authorities consider our associates only as tolerated stand-byes and as such their influence is extremely limited and in doubt.

Request

/s/ Dr. Wandland

Box 129
Entry
RG 260



110991

R E S T R I C T E D

Copy/rr

MEMORANDUM

17 March 1947

SUBJECT: Right of Occupying Power to Remove Indigenous Archives, Records and Documents.

TO : Restitution Branch, Economics Division

1. Reference is made to your carrier sheet of 15 January 1947, in which you ask whether any one of the four occupying powers can legally remove from Germany indigenous archives, records, miscellaneous documents, or collections of documents, created by public institutions such as states, counties, or cities, or by semi-public institutions such as churches, or by private groups such as former sovereign families, and to your earlier carrier sheet in which you raise the general question of the relationship of the Potsdam Agreement to the Hague Convention of 1907.

2. We understand that your request does not relate specifically to any one of the occupying powers, and we shall not in this reply, therefore, consider enactments of the Zonal authorities. The question, rather, is whether, in view of the principles of international law controlling quadripartite occupation of Germany, any one of the Zonal authorities may unilaterally confiscate and remove from Germany works of literature of the type referred to. The precise question is a narrow one, but the principles involved go to the very basis of the authority, powers, and limitations of Zone Commanders within their respective areas of control, and we have, therefore, felt obliged to submit an extensive treatment of the problem.

3. Each Zone Commander derives his initial authority from his own Government, and at all times and in every capacity in which he acts within Germany, whether as Military Governor of his Zone or as a member of the Control Council, he acts as the representative of his Government, derives policy by which he shall be guided from his Government, and is answerable for all that he does to his Government. Each Zone Commander is, therefore, in the absence of express instructions to the contrary, bound, in his representative capacity, to recognize, effectuate, and respect the international conventions and agreements to which his country is signatory insofar as such conventions and agreements are applicable to his representative responsibilities in Germany.

4. On the 5th day of June 1945 the representatives of the United States, Great Britain, the Soviet Union, and France, "acting by authority of their respective Governments and in the interests of the United Nations" declared:

"The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom,

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and the Provisional Government of the French Republic, hereby assume authority with respect to Germany, including all the powers possessed by the German Government, the High Command, and any State, municipal or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany.

"The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the provisional Government of the French Republic, will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German Territory".

On the same day, the Governments of the Four Powers published a statement constituting the four Zone Commanders the Control Council for the exercise of supreme authority within Germany. This statement provided in part:

"In the period when Germany is carrying out the basic requirements of unconditional surrender, supreme authority in Germany will be exercised, on instructions from their Governments, by the British, United States, Soviet, and French Commanders-in-Chief, each in his own Zone of Occupation, and also jointly, in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council. Each Commander-in-Chief will be assisted by a Political Adviser.

"2. The Control Council, whose decisions shall be unanimous, will ensure appropriate uniformity of action by the Commanders-in-Chief in their respective Zones of occupation and will reach agreed decisions on the chief questions affecting Germany as a whole".

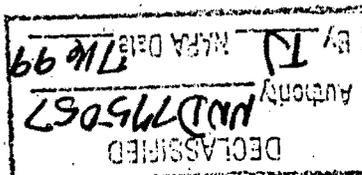
5. On the 2nd day of August 1945, three of the four occupying powers, the United States, Great Britain, and the Soviet Union, entered into a tripartite agreement at Potsdam covering the political and economic principles of a coordinated Allied policy toward defeated Germany during the period of Allied control. Although France did not adhere formally to this agreement, France has for the most part adhered in fact to the principles therein set forth. The Potsdam Agreement is in any event binding upon the three signatories, and may also be binding upon France to the extent that her representative on the Control Council, or The French Government itself, has accepted and acted under and in accordance with its provisions without reservation.

6. In addition to these basic agreements relating to the present occupation of Germany, the occupying powers have, in the past, entered into or adhered to certain international conventions which may be applic-

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able to the administration of Germany in this interim period before the reconstitution of a new sovereign State by treaty or agreed declaration of the victors in this war. Among these are the Hague Conventions of 1907. Particularly pertinent to this discussion is Convention IV, Respecting the Laws and Customs of War on Land, and the Regulations annexed thereto. This Convention was signed and ratified without reservations, by the United States, Great Britain, and France. It was signed and ratified by Russia, subject to reservations not consequential to this discussion.¹ The Zone Commanders, as representatives of signatories to Hague Convention IV, are required to recognize and comply with the provisions of that Convention and the Regulations annexed thereto insofar as they are applicable to the interim occupation of Germany.

I. Control Council Legislation

7. Control Council Proclamation No. 2, Section XII, provides that "the German authorities and any other person in a position to do so will furnish or cause to be furnished all such information and documents of every kind, public and private, as the Allied Representatives may require; and further provides that "the German authorities will give all necessary facilities and assistance for this purpose. . .". This proclamation is sufficient authority for the Allied Representatives, acting together as the Control Council, and possibly also acting individually as Zone Commanders to demand archives required by them from the German authorities and to compel compliance with such orders by the German authorities. But the Proclamation does not define the type of archives which the "Allied Representatives may properly require".

8. By Order No. 4, of 13 May 1946, the Control Council ordered all works of literature, the contents of which include Nazi propoganda, Nazi "racial" theories, incl tentents to aggression, and propoganda against the United Nations, or which contribute to military training and education or to the maintenance and development of war potential, to be surrendered to the Allied authorities by (a) owners of circulating libraries, bookshops, bookstores, and publishing houses, and (b) former state and municipal libraries, directors of universities and heads or directors of other higher educational establishments and secondary schools, all institutions for scientific research, presidents of academies, all scientific and technical societies and associations, and directors of elementary and partial secondary schools and gymnasia.

¹ The Union of Soviet Socialist Republics has recognized Hague Convention IV as binding international law by its reliance upon that Convention in the trial of major German war criminals before the International Military Tribunal at Nurnberg.

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III. The Hague Convention

12. Article 56 of the Regulations Respecting the Laws and Customs of War on Land, annexed to the Hague Convention (IV) of 1907, provides that "the property of municipalities, that of institutions dedicated to religion, charity, and education, the arts and sciences, even when State property, shall be treated as private property", and expressly forbids all seizure or destruction of, or wilful damage to, institutions of this character, historic monuments, and works of art and science. Article 46 provides that family honor and rights must be respected and that private property cannot be confiscated. If literally applicable to the present occupation of Germany, these Articles would clearly prohibit the seizure, confiscation, and removal of most of the works of literature referred to in your carrier sheet of 13 January 1947.

13. There are certain well-recognized exceptions to these Articles, derived from the requirements of military operations. Thus, belligerent forces may seize property for food and lodging where there is not time for ordinary requisitions and such necessities cannot otherwise be procured. Lanterpacht, Oppenheim's International Law, Sixth Edition, Vol. II, page 313. And in spite of the prohibition against confiscation of scientific property, a belligerent may seize such scientific documents from State archives as are of importance to him in connection with the war. Ibid., page 310. But seizure of the works of literature now in question could serve no military purpose whatsoever, and the confiscation thereof would not fall within any of the recognized exceptions to the rules.

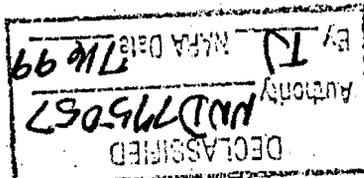
14. It remains to be decided to what extent the cited Articles from the Regulations are applicable to the present occupation of Germany. These articles are set out in Section III of the Regulations, entitled "On Military Authority over the Territory of the Hostile State". The provisions of Section III relate specifically to occupations which have the legal character of precariousness, and these provisions must, therefore, be observed during the period of hostilities. This does not mean that hostilities must be in effect within the country concerned; it is enough that there is, in the words of the International Military Tribunal "an army in the field attempting to restore the occupied countries to their true owners". Hyde says: "The most common form of belligerent occupation is that stage of military operations which is instituted by one invading force in any part of an enemy's territory, when that force has overcome unsuccessful resistance and established its own military authority therein. It is to this general situation that the Regulations (Articles XLII-LVI) annexed to the Hague Convention of 1907 Respecting the Laws and Customs of War on Land are addressed." Hyde, International Law, Second Edition, Vol. III, pages 1877-1878.

²Opinion of the International Military Tribunal, 30 September-1 October 1946, Official Transcript, page 16926.

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15. On the other hand, it is perfectly clear that the provisions of Section III do not apply to a subjugated nation. Article 55 of this Section, for example, provides that "the occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile state, and situated in the occupied country", but it has consistently been held that a victorious nation may annex the territory of the vanquished nation, and thereby effect its absolute subjugation. Lauterpacht, *op. cit.*, page 467. The Supreme Court of the United States has held that the territory of the defeated nation may be disposed of irrespective of treaty or other agreements with it. V. S. Lyon, et al. v. Hockabee, 83 U. S. 414, 434.

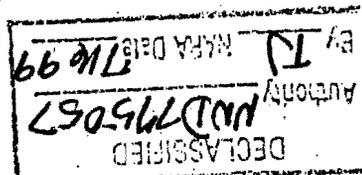
16. The present occupation of Germany is not an occupation during a period of hostilities. The period of hostilities in this war ended in fact by the Acts of Military Surrender, signed at Rheims on 7 May 1945 by Jodl, and at Berlin on 8 May 1945 by Friedeberg, Keitel, and Stumpf on behalf of the German High Command. The period of hostilities, for the United States, ended in law by the Presidential proclamation of 30 December 1945. The cessation of hostilities was based not upon an armistice agreement, but upon the complete defeat of the German armies coupled with their absolute and unconditional surrender. The first paragraph of the Declaration of 5 June 1945 Regarding the Defeat of Germany states: "The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally, and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious Powers. The unconditional surrender of Germany has there by been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her." But the Declaration of 5 June 1945, above cited, contains the further statement that the assumption of complete governmental authority in Germany "does not effect the annexation of Germany"; and, apart from special sessions of territory, it is clear that there is no present intention on the part of the victorious nations to retain political sovereignty over Germany.³ Germany has been defeated and subjugated, but is not to be annexed or obliterated.

³On the basis of this reasoning, the Obergericht of the State of Zurich, held, in an opinion published in the 1946 Swiss Law Journal, page 88 ff., that the international agreement on laws of civil procedure of 17 July 1905, to which Germany and Switzerland were signatories, is still effective. The court distinguished between two stages of conquest: military occupation and annexation. It held that during the period of military occupation the treaties concluded by the occupied State remain in force, and that such treaties cease to exist only after annexation. It concluded that the present occupation of Germany is not equivalent to annexation, because in addition to complete conquest, or debellatio, an expressed

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This is not to say that following unconditional surrender of the German armed forces, the victorious powers might not have partitioned Germany, or may not yet have the right as victors to destroy Germany as a sovereign State; but some legal effects undoubtedly flow from the present agreement that Germany as a whole is not to be annexed and is to regain its political sovereignty.

17. The situation in Germany today under quadripartite occupation is comparable in some respects to the situation in Cuba under United States occupation after the war with Spain. In both cases the occupying powers exercised supreme and unqualified authority over the occupied country, and in both cases the intention not to annex was declared. The Treaty of Paris of 10 December 1898 (proclaimed 11 April 1899) terminating war between the United States and Spain, and ceding Cuba to the United States, provided that the United States, "will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property". In Neely v. Henkel (1901) 180 U. S. 109, 21 S. Ct. 302, 306, the Supreme Court of the United States expressed the obligations of the United States toward Cuba during the period of occupation in these words:

"It is true that as between Spain and the United States - indeed, as between the United States and all foreign nations - Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was to be treated as if it were conquered territory. But as between the United States and Cuba that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs, and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action".

18. Under this state of the law, and in view of the joint declarations of the victorious nations hereinabove mentioned, it is our opinion that, the period of hostilities having ended, the provisions of Section III of the Regulations Respecting the Laws and Customs of War on Land annexed to the 1907 Hague Convention IV, do not literally apply to the present occupation of Germany. But many of the provisions of Section III are merely

intention to annex the territory of the conquered nation is required to accomplish a legal annexation. Since the present powers in occupation of Germany have expressed no such intention, the court reasoned that the present status is only that of military occupation (even if the period of debellatio has been entered). The fact that the occupying powers have permitted the reestablishment of German governments, in the opinion of the court demonstrates that, apart from annexation, the occupying powers do not intend to retain absolute political sovereignty over Germany.

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expressive of principles bearing upon the relationships between victor and vanquished nations which have more general applicability, deriving their authority from the unwritten laws and customs of war and relations between civilized international communities. Thus, in considering these very regulations, the International Military Tribunal held⁴ that "by 1939 these rules laid down in the Convention were recognized by all civilized nations, and were regarded as being declaratory of the laws and customs of war . . ." And the source of the regulations was stated by the signatories to Convention IV in these words: "The inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and from the dictates of the public conscience" (underscoring supplied). The question therefore arises whether an occupying power may remove indigenous public, semi-public, and private archives, after termination of hostilities, where such archives are held in an undeclared trust for the occupied country and its inhabitants, the terms of which trust are to be found in the usages established among civilized peoples, the laws of humanity, and the dictates of public conscience; and the answer to this question calls for a consideration of the nature and functions of archives and of the extent of the demands which an occupying power can rightfully make upon them.

19. Archives are, by their nature, indigenous in origin and usefulness. Their removal makes them practically useless for the purpose for which they were created and preserved. Those which have only historic interest are heirlooms, which civilized peoples recognize as rightfully belonging to the inhabitants inheriting them. They frequently are known throughout the world as belonging to the tradition of a nation, a locality within a nation, or even a single family. To destroy the traditional and sentimental value attached to them by reason of their historic location, be forcibly removing them to another country, would shock the public conscience of the world unless there were compelling reasons of public interest in the removal, such as those recognized and declared by the four occupying powers in connection with the disposal of Nazi and militaristic literature discussed above.

20. We think that Articles 46 and 47, and particularly Article 36, of the Regulations annexed to Convention IV are expressive of general principles of international law which would make a removal of archives from Germany by one of the occupying powers a prima facie violation of international law, placing the burden upon the removing power to establish by clear and convincing reasons that an overriding public interest exists in each case. With respect to the specific documents which gave rise to the instant inquiry, such requisite public interest might be established in the removal of the Polish and Lithuanian papers, particularly if they originated in Poland and Lithuania and had been brought to Germany in recent years. Even in this case, where the documents were legitimately acquired in the first instance, adequate compensation should be paid

⁴ Opinion of the International Military Tribunal, op. cit., page 16926.

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to the owners. With respect to the other documents it would appear highly improbable that any one of the occupying powers could make an adequate showing of the public interest. The principle of law is equally applicable to each case, depending upon its facts, -- the removal of archives from Germany by any one of the occupying powers is a violation of international law unless the removing power established an overriding public interest in such removal which is acceptable to the public conscience.

21. You have invited our attention to our opinion of 14 February 1946 to the Restitution Branch on the subject: "Works of Art as War Booty", in which we based our conclusion that works of art do not come within the terms "war booty" and "trophies of war", on Article 56 of the Regulations. It does not appear from that opinion whether the works of art were seized during the period of hostilities or after the surrender of Germany. "War booty" and "trophies of war" are terms applicable only to situations existing during hostilities. In any event, we would conclude, consistently with this opinion, that if works of art were to be confiscated in Germany after surrender, such confiscation would have to be based upon proof by the confiscating power that a public interest is served by the removal which would constitute justification in the public conscience. We think, with respect to works of art, as with respect to archives, that seizure without compensation could be justified only where the works of art had in the first instance been acquired in or removed from another country by force or duress.

22. The terms "public interests" and "public conscience" are necessarily broad and almost incapable of legal definition, but they have general acceptance in the mores which are common to all civilized peoples. The taking of life, liberty or property of a person only by process of law is a principle fundamental to Anglo-American concepts of justice and which has been recognized by all four occupying powers in Control Council Proclamation No. 3. The seizure and removal of private property, whether archives, works of art, or other property, would not be tolerated in any civilized community except where based upon an expressed declaration of public interest or necessity. With respect to removal of such property from Germany, the justification, therefore, should be sought in agreed statements of policy by the four occupying powers for Germany as a whole or in the declared policy of the occupying power which intends to remove the property. With the possible exception of the Polish and Lithuanian archives, above mentioned, we cannot, from the limited descriptions of the contents given, comprehend how seizure of any of them could serve any agreed policy of the four occupying powers for Germany as a whole, or the declared policy of any one of the occupying powers, and we conclude that there has been to date no showing of such paramount public interest in the removal of the subject archives which would override the prohibition against such removals derived from the

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fundamental principles of international law hereinabove referred to. We do not wish to imply that such public interest may not exist or may not ultimately be expressed. Archives and works of art might be declared legitimate objects of seizure for reparations. But in the absence of a declaration of paramount public interest in the removal of such property we can conclude only that the unilateral expropriation of the same by any one of the occupying powers at this time would constitute a breach of international law.

JOHN M. RAYMOND
Colonel GSC
Associate Director

Telephone 42361
2107 Air Bldg

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MEMORANDUM

17 March 1947

SUBJECT: Right of Occupying Power to Remove Indigenous Archives, Records and Documents.

TO : Restitution Branch, Economics Division

1. Reference is made to your carrier sheet of 15 January 1947, in which you ask whether any one of the four occupying powers can legally remove from Germany indigenous archives, records, miscellaneous documents, or collections of documents, created by public institutions such as states, counties, or cities, or by semi-public institutions such as churches, or by private groups such as former sovereign families, and to your earlier carrier sheet in which you raise the general question of the relationship of the Potsdam Agreement to the Hague Convention of 1907.

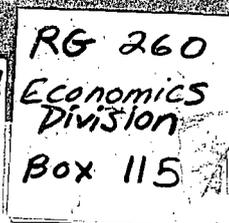
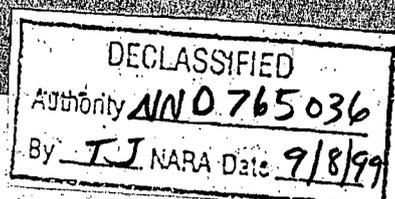
2. We understand that your request does not relate specifically to any one of the occupying powers, and we shall not in this reply, therefore, consider enactments of the Zonal authorities. The question, rather, is whether, in view of the principles of international law controlling quadripartite occupation of Germany, any one of the Zonal authorities may unilaterally confiscate and remove from Germany works of literature of the type referred to. The precise question is a narrow one, but the principles involved go to the very basis of the authority, powers, and limitations of Zone Commanders within their respective areas of control, and we have, therefore, felt obliged to submit an extensive treatment of the problem.

3. Each Zone Commander derives his initial authority from his own Government, and at all times and in every capacity in which he acts within Germany, whether as Military Governor of his Zone or as a member of the Control Council, he acts as the representative of his Government, derives policy by which he shall be guided from his Government, and is answerable for all that he does to his Government. Each Zone Commander is, therefore, in the absence of express instructions to the contrary, bound, in his representative capacity, to recognize, effectuate, and respect the international conventions and agreements to which his country is signatory insofar as such conventions and agreements are applicable to his representative responsibilities in Germany.

4. On the 5th day of June 1945 the representatives of the United States, Great Britain, the Soviet Union, and France, acting by authority of their respective Governments and in the interests of the United Nations, declared:

"The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, hereby assume authority with respect to Germany, including all the powers possessed by the German Government, the High Command, and any State, municipal or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany.

"The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German Territory."



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On the same day, the Governments of the Four Powers published a statement constituting the four Zone Commanders the Control Council for the exercise of supreme authority within Germany. This statement provided in part:

"In the period when Germany is carrying out the basic requirements of unconditional surrender, supreme authority in Germany will be exercised, on instructions from their Governments, by the British, United States, Soviet, and French Commanders-in-Chief, each in his own Zone of Occupation, and also jointly, in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council. Each Commander-in-Chief will be assisted by a Political Advisor.

"2. The Control Council, whose decisions shall be unanimous, will ensure appropriate uniformity of action by the Commanders-in-Chief in their respective zones of occupation and will reach agreed decisions on the chief questions affecting Germany as a whole."

5. On the 2nd day of August 1945, three of the four occupying powers, the United States, Great Britain, and the Soviet Union, entered into a tripartite agreement at Potsdam covering the political and economic principles of a coordinated Allied policy toward defeated Germany during the period of Allied control. Although France did not adhere formally to this agreement, France has for the most part adhered in fact to the principles therein set forth. The Potsdam Agreement is in any event binding upon the three signatories, and may also be binding upon France to the extent that her representative on the Control Council, or the French Government itself, has accepted and acted under and in accordance with its provisions without reservation.

6. In addition to these basic agreements relating to the present occupation of Germany, the occupying powers have, in the past, entered into or adhered to certain international conventions which may be applicable to the administration of Germany in this interim period before the reconstitution of a new sovereign State by treaty or agreed declaration of the victors in this war. Among these are the Hague Conventions of 1907. Particularly pertinent to this discussion is Convention IV, Respecting the Laws and Customs of War on Land, and the Regulations annexed thereto. This Convention was signed and ratified without reservations, by the United States, Great Britain, and France. It was signed and ratified by Russia, subject to reservations not consequential to this discussion. The Zone Commanders, as representatives of signatories to Hague Convention IV, are required to recognize and comply with the provisions of that Convention and the Regulations annexed thereto insofar as they are applicable to the interim occupation of Germany.

I. Control Council Legislation

7. Control Council Proclamation No. 2, section XII, provides that "the German authorities and any other person in a position to do so will furnish or cause to be furnished all such information and documents of

The Union of Soviet Socialist Republics has recognized Hague Convention IV as binding international law by its reliance upon that Convention in the trial of major German war criminals before the International Military Tribunal at Nurnberg.

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every kind, public and private, as the Allied Representatives may require, and further provides that "the German authorities will give all necessary facilities and assistance for this purpose . . .". This proclamation is sufficient authority for the Allied Representatives, acting together as the Control Council, and possibly also acting individually as Zone Commanders, to demand archives required by them from the German authorities and to compel compliance with such orders by the German authorities. But the Proclamation does not define the type of archives which the "Allied Representatives may properly require".

8. By Order No. 4, of 13 May 1946, the Control Council ordered all works of literature, the contents of which include Nazi propaganda, Nazi "racial" theories, incitements to aggression, and propaganda against the United Nations, or which contribute to military training and education or to the maintenance and development of war potential, to be surrendered to the Allied authorities by (a) owners of circulating libraries, bookshops, bookstores, and publishing houses, and (b) former state and municipal libraries, directors of universities and heads or directors of other higher educational establishments and secondary schools, all institutions for scientific research, presidents of academies, all scientific and technical societies and associations, and directors of elementary and partial secondary schools and gymnasia.

9. The specific documents, subject of the present inquiry, relate to historical periods long antedating current history and could not contain propaganda for National Socialism or propaganda against the United Nations. From the brief descriptions given, such documents could scarcely contribute to military training or education or to the maintenance or development of war potential. It would appear, therefore, that the documents are not subject to confiscation under Control Council Order No. 4. On the other hand no legislation of the Control Council expressly prohibits the removal of such documents by unilateral action of any Zone Commander.

III. The Potsdam Agreement

10. The basic document establishing policy for the quadripartite occupation of Germany is the Potsdam Agreement, of 2 August 1945, which sets forth in Part III, section A, paragraph 3, the purposes of the occupation of Germany by which the Control Council and the respective Zone Commanders shall be guided, including (1) the complete disarmament and demilitarization of Germany, and the elimination of control of all German industry that could be used for military production, (2) the conviction of the German people that they have suffered total military defeat and cannot escape responsibility for what they have brought upon themselves, (3) the destruction of the National Socialist Party and its affiliated and supervised organizations, and (4) the preparation for the eventual reconstruction of German political life on a democratic basis. For the most part, these objectives have been implemented by specific action of the Control Council. Now the Control Council has acted on matters affecting Germany as a whole, Zone Commanders may not properly permit deviations therefrom in their respective Zones. But, as we have seen, the Control Council has not legislated on the general subject of confiscation or removals of works of literature.

11. It is true that the Potsdam Agreement lays down the political and economic principles to be followed and applied during the period of Allied Control. Unilateral action by any one Zone Commander in seizing, confiscating and removing materials from Germany, other than as reparations or restitution, in such quantity and of such value as to adversely affect the economy of Germany as a whole, would be contrary to the economic principles laid down in the Potsdam Agreement. In the instant case, however, no such values appear to be involved, and we conclude, therefore, that removal of subject literary works does not

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violate the terms of the Potsdam Agreement. This, then, brings us to the consideration of the question suggested by your carrier sheet of 19 July 1946, namely, whether Hague Convention IV of 1907, and the Regulations annexed thereto, constitute any limitation upon the authority of Zone Commanders to obtain their respective Zones of Occupation.

III. The Hague Convention

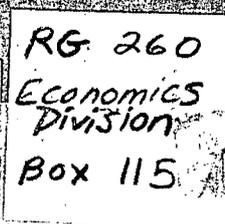
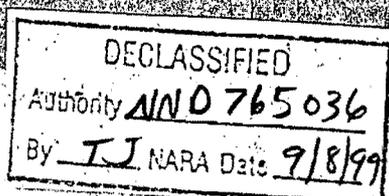
12. Article 56 of the Regulations Respecting the Laws and Customs of War on Land, annexed to the Hague Convention (IV) of 1907, provides that "the property of municipalities, that of institutions dedicated to religion, charity, and education, the arts and sciences, even that of State property, shall be treated as private property," and expressly forbids "all seizure or destruction of, or wilful damage to, institutions of this character, historic monuments, and works of art and science." Article 46 provides that family honor and rights must be respected and that private property cannot be confiscated. If literally applicable to the present occupation of Germany, these Articles would clearly prohibit the seizure, confiscation, and removal of most of the works of literature referred to in your carrier sheet of 15 January 1947.

13. There are certain well-recognized exceptions to these Articles, derived from the requirements of military operations. Thus, belligerent forces may seize property for food and lodging where there is not time for ordinary acquisitions and such necessities cannot otherwise be procured. Lauterpacht, Oppenheim's International Law, Sixth Edition, Vol. I, Part II, page 313. And in spite of the prohibition against confiscation of scientific property, a belligerent may seize such scientific documents from private archives as are of importance to him in connection with the war. Ibid., page 310. But seizure of the works of literature, now in question could serve no military purpose whatsoever, and the confiscation thereof would not fall within any of the recognized exceptions to the rules.

14. It remains to be decided to what extent the cited Articles from the Regulations are applicable to the present occupation of Germany. These Articles are set out in Section III of the Regulations, entitled "On Military Authority over the Territory of the Hostile State." The provisions of Section III relate specifically to occupations which have the legal character of precariousness, and these provisions must, therefore, be observed during the period of hostilities. This does not mean that hostilities must be in effect within the country concerned; it is enough that there is, in the words of the International Military Tribunal, "a war in the field attempting to restore the occupied countries to their true owners". Heald says: "The most common form of belligerent occupation is that stage of military operations which is instituted by one belligerent force in part of an enemy's territory, when that force has overcome a successful resistance and established its own military authority there-in. It is to this general situation that the Regulations (Articles 46-56) annexed to the Hague Convention of 1907 Respecting the Laws and Customs of War on Land are addressed." Wyco, International Law, Second Edition, Vol. III, pages 1877-1878.

15. On the other hand, it is perfectly clear that the provisions of Section III do not apply to a subjugated nation. Article 55 of this section, for example, provides that "the occupying State shall be

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79 Division of the International Military Tribunal, 30 September-1 October 1946, Official Transcript, page 16926.



regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile state, and situated in the occupied country", but it has consistently been held that a victorious nation may annex the territory of the vanquished nation, and thereby effect its absolute subjugation. Lauterpacht, op. cit., page 467. The Supreme Court of the United States has held that the territory of the defeated nation may be disposed of irrespective of treaty or other agreements with it. U. S. Lyon, et al. v. Huckabee, 83 U. S. 414, 431.

16. The present occupation of Germany is not an occupation during a period of hostilities. The period of hostilities in this war ended in fact by the Acts of Military Surrender, signed at Rheims on 7 May 1945 by Jodl, and at Berlin on 8 May 1945 by Friedeburg, Keitel, and Stumpf on behalf of the German High Command. The period of hostilities, for the United States, ended in law by the Presidential proclamation of 30 December 1946. The cessation of hostilities was based not upon an armistice agreement, but upon the complete defeat of the German armies, coupled with their absolute and unconditional surrender. The first paragraph of the Declaration of 5 June 1945 Regarding the Defeat of Germany states: "The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally, and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious Powers. The unconditional surrender of Germany has thereby been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her." But the Declaration of 5 June 1945, supra cited, contains the further statement that the assumption of complete governmental authority in Germany "does not effect the annexation of Germany"; and, apart from special sessions of territory, it is clear that there is no present intention on the part of the victorious nations to retain political sovereignty over Germany.³ Germany has been defeated and subjugated, but is not to be annexed or obliterated. This is not to say that following unconditional surrender of the German armed forces, the victorious powers might not have partitioned Germany, or may not yet have the right as victors to destroy Germany as a sovereign state; but some legal effects undoubtedly flow from the present agreement that Germany as a whole is not to be annexed and is to regain its political sovereignty.

17. The situation in Germany today under quadripartite occupation is comparable in some respects to the situation in Cuba under United States occupation after the war with Spain. In both cases the occupying powers exercised supreme and unqualified authority over the occupied country, and in both cases the intention not to annex was declared. The Treaty of Paris of 10 December 1898 (proclaimed 11 April 1899) terminating war between the United States and Spain, and ceding Cuba to the United States, provided that the United States, "until, so long as such

³On the basis of this reasoning, the Obergericht of the State of Zurich, held, in an opinion published in the 1946 Swiss Law Journal, page 38 ff., that the international agreement on laws of civil procedure of 17 July 1905, to which Germany and Switzerland were signatories, is still effective. The court distinguished between two stages of conquest: military occupation and annexation. It held that during the period of military occupation the treaties concluded by the occupied state remain in force, and that such treaties cease to exist only after annexation. It concluded that the present occupation of Germany is not equivalent to annexation, because in addition to complete conquest, or debellatio, an expressed intention to annex the territory of the conquered nation is required to accomplish a legal annexation. Since the present powers in occupation of Germany have expressed no such intention, the court reasoned that the present status is only that of military occupation (even in the

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occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property". In Neely v. Henkel (1901) 130 U. S. 109, 21 S. Ct. 302, 306, the Supreme Court of the United States expressed the obligations of the United States toward Cuba during the period of occupation in these words:

"It is true that as between Spain and the United States - indeed, as between the United States and all foreign nations - Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was to be treated as if it were conquered territory. But as between the United States and Cuba that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs, and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action."

18. Under this state of the law, and in view of the joint declarations of the victorious nations hereinabove mentioned, it is our opinion that, the period of hostilities having ended, the provisions of Section III of the Regulations Respecting the Laws and Customs of War on Land annexed to the 1907 Hague Convention IV, do not literally apply to the present occupation of Germany. But many of the provisions of Section III are merely expressive of principles bearing upon the relationships between victor and vanquished nations which have more general applicability, deriving their authority from the unwritten laws and customs of war and relations between civilized international communities. Thus, in considering these very regulations, the International Military Tribunal held⁴ that "by 1939 these rules laid down in the Convention were recognized by all civilized nations, and were regarded as being declaratory of the laws and customs of war. . .". And the source of the regulations was stated by the signatories to Convention IV in these words: "The inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and from the dictates of the public conscience" (underscoring supplied). The question therefore arises whether an occupying power may remove indigenous public, semi-public, and private archives, after termination of hostilities, where such archives are held in an undeclared trust for the occupied country and its inhabitants, the terms of which trust are to be found in the usages established among civilized peoples, the laws of humanity, and the dictates of public conscience; and the answer to this question calls for a consideration of the nature and functions of archives and of the extent of the demands which an occupying power can rightfully make upon them.

19. Archives are, by their nature, indigenous in origin and usefulness. Their removal makes them practically useless for the purpose for which they were created and preserved. Those which have only historic interest are heirlooms, which civilized peoples recognize as rightfully belonging to the inhabitants inheriting them. They frequently are known throughout the world as belonging to the tradition of a nation, a locality within a nation, or even a single family. To destroy the traditional and sentimental value attached to them by reason of their historic location, by forcibly removing them to another country, would shock the public conscience of the world unless there were compelling reasons of public interest in the removal, such as those recognized and declared by the four

period of debellatio has been entered). The effect that the occupying powers have permitted the reestablishment of German governments, in the opinion of the court demonstrates that, apart from annexation, the occupying powers do not intend to retain absolute political sovereignty over Germany.

⁴Opinion of the International Military Tribunal, op. cit., page 16926.

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occupying powers in connection with the disposal of Nazi and militaristic literature discussed above.

20. We think that Articles 46 and 47, and particularly Article 56, of the Regulations annexed to Convention IV are expressive of general principles of international law which would make a removal of archives from Germany by one of the occupying powers a prima facie violation of international law, placing the burden upon the removing power to establish by clear and convincing reasons that an overriding public interest exists in each case. With respect to the specific documents which gave rise to the instant inquiry, such requisite public interest might be established in the removal of the Polish and Lithuanian papers, particularly if they originated in Poland and Lithuania and had been brought to Germany in recent years. Even in this case, where the documents were legitimately acquired in the first instance, adequate compensation should be paid to the owners. With respect to the other documents it would appear highly improbable that any one of the occupying powers could make an adequate showing of the public interest. The principle of law is equally applicable to each case, depending upon its facts, — the removal of archives from Germany by any one of the occupying powers is a violation of international law unless the removing power establishes an overriding public interest in such removal which is acceptable to the public conscience.

21. You have invited our attention to our opinion of 14 February 1946 to the Restitution Branch on the subject: "Works of Art as War Booty", in which we based our conclusion that works of art do not come within the terms "war booty" and "trophies of war", on Article 56 of the Regulations. It does not appear from that opinion whether the works of art were seized during the period of hostilities or after the surrender of Germany. "War booty" and "trophies of war" are terms applicable only to situations existing during hostilities. In any event, we would conclude, consistently with this opinion, that if works of art were to be confiscated in Germany after surrender, such confiscation would have to be based upon proof by the confiscating power that a public interest is served by the removal which would constitute justification in the public conscience. We think, with respect to works of art, as with respect to archives, that seizure without compensation could be justified only where the works of art had in the first instance been acquired in or removed from another country by force or duress.

22. The terms "public interests" and "public conscience" are necessarily broad and almost incapable of legal definition, but they have general acceptance in the mores which are common to all civilized peoples. The taking of life, liberty or property of a person only by process of law is a principle fundamental to Anglo-American concepts of justice and which has been recognized by all four occupying powers in Control Council Proclamation No. 3. The seizure and removal of private property, whether archives, works of art, or other property, would not be tolerated in any civilized community except where based upon an expressed declaration of public interest or necessity. With respect to removal of such property from Germany, the justification, therefore, should be sought in agreed statements of policy by the four occupying powers for Germany as a whole or in the declared policy of the occupying power which intends to remove the property. With the possible exception of the Polish and Lithuanian archives, above mentioned, we cannot, from the limited description of the contents given, comprehend how seizure of any of them could serve any agreed policy of the four occupying powers for Germany as a whole, or the declared policy of any one of the occupying powers, and we conclude that there has been to date no showing of such paramount public interest in the removal of the subject archives which would override the prohibition against such removals derived from the

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fundamental principles of international law hereinabove referred to, we do not wish to imply that such public interest may not exist or may not ultimately be expressed. Archives and works of art might be declared legitimate objects of seizure for reparations. But in the absence of a declaration of paramount public interest in the removal of such property, we can conclude only that the unilateral expropriation of the same by any one of the occupying powers at this time would constitute a breach of international law.

//s/John M. Raymond
JOHN M. RAYMOND
Colonel GSC
Associate Director

Telephone 42361
2107 Main Bldg.

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FA On in the field
Report Feb 45

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C-5 Internal Affairs Branch
Monuments, Fine Arts and Archives

Rec'd 4/6
Lt. Hathaway
SHAEP/C-5/I.A./751/1

MEAA (US)
PG-757 (Main)
31 March 1945
F33
COPY NO 11
Date 4 Apr
SHAEP
MEAA
(Capt. Hathaway)

SUBJECT: Report on Monuments, Fine Arts and Archives for Month of Feb 1945.

TO : Assistant Chief of Staff, C-5.

1. MEAA Section, C-5 SHAEP.

In the month of February the last of the special measures made necessary by the billeting problem as it had developed during the winter, especially in Belgium, were completed by the issue through C-2 and AG of special lists of chateaux in Belgium and The Netherlands for the use of Town Majors. These lists, which embodied the suggestions of the governments of the countries in question did not forbid the use of the buildings listed for military purposes but required special precautions to be taken by officers concerned with requisitioning.

Intelligence work proceeded and the final batch of files from Miss. Conenker were brought out from Paris and microfilmed for exploitation in London. Captain Ross took the microfilm to London and arranged for the special printing of the film in view of the amount of material relating to acquisitions by Rhineland Museums which it contained. It was agreed that Captain Kavli, MEAA Officer with the SHAEP Mission (Norwa) should visit SHAEP on the suggestion of the Head of the Mission. Lt. Col. Ward-Perkins, Deputy Director, MEAA Sub-Commission AGC, paid a visit to SHAEP; information was exchanged and common problems were discussed.

2. ARCHIVES.

The list of Archives Western Germany, completed printing during February and distribution was begun. The special instructions on the use and treatment of Archives by Military Government were also issued.

In agreement with C-2, a letter was issued to Army Groups requiring the appointment of Documents Liaison Officers by certain larger Military Government Formations. These officers are to work with E-2 Documents centers to hold a watching brief for Military Government interests. Arrangements were made with C-2 for holding a course at Supreme Headquarters for the instruction of these officers.

The report of the "Activity of German Archivists in France 1940-44", discovered by the Monuments Officer of the 14th US Army was translated and distributed. A copy of the German text was handed personally by the MEAA Officer at the SHAEP Mission (France) to the Minister of Education.

3. PERSONNEL.

The only important personnel changes during the month were the transference of Captain Malarge to SHAEP Main from the SHAEP Mission (Netherlands), and the arrival of Captain Willmot at HQ, 2nd British Army, where he is to succeed S/Ldr. Dixon-Spain, now due for discharge.

4. INTELLIGENCE.

An important development in the period covered by the field Reports annexed, is the large increase in the volume of Intelligence reaching Supreme Headquarters on all aspects of the location and administration of movable works of art in Germany. This is due in part to the greater efficiency of the French Commission which is now beginning to supply information in considerable quantities though of variable quality and relevance, and in part to information uncovered by the officers in the field, notably at Metz, Luxembourg and Aachen. Undoubtedly with the uncovering of the Rhineland, this kind of information will increase both in quantity and importance. In this connection the complaint made in report of

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Twelfth Army Group as to shortage of photographic paper should be borne in mind as the shortage is general and affects the microfilming of documents as well as the photography in the field.

5. CHARACTER OF MFA&A WORK IN GERMANY.

A very full report from Ninth US Army gives a good general view of the situation in Aachen as it has developed and supplements the report of First Army on this area, already sent forward. The Aachen area reports are of particular interest as this is the only part of Germany which has been under Military Government for a considerable time; there has been some sort of revival of the life of the town and German monuments and Museum officials have become available for employment, and longer term tendencies can be observed. The difference between the MFA&A tasks in Allied and enemy territory comes out very clearly in the Aachen area. Allowing for all the important differences, a picture more like that of the Italian reports is presented. This is largely because the Monuments Officer in Germany has a more direct responsibility for initiating action for the preservation of buildings and works of art than he had in France or Belgium.

6. DANGER FROM ALLIED TROOPS.

In the report of Ninth US Army of 28 Feb., the incident of the disappearance of objects stored in the gatehouse at Schloss Rimburg may be symptomatic of a development which promises to be most serious for MFA&A in Germany. Undoubtedly, the Allied troops, both US and British, have far less regard for property in Germany than they have hitherto displayed in Allied territory. In view of the enemy policy of dispersal of art objects for safekeeping against air attack, the danger to art objects of wanton damage or pilfering by Allied troops has become a major consideration. This is fundamentally a problem of military discipline, and strong representations have been made on this question to the appropriate military authorities by MFA&A Officers at all levels.

7. CONTENTS OF DUTCH CHURCHES.

The scheme outlined in previous reports from Second British Army for the concentration of the works of art from Dutch churches in the Meas valley, has progressed but not as quickly as could be wished. By the time that the agreement of the various Dutch authorities, central and local, had been obtained, the military situation just prior to the Feb offensive, made transport difficult to obtain from military sources. However, a beginning has been made and the Dutch authorities appear inclined to press on with the scheme as circumstances permit.

8. FIND BY THIRD US ARMY.

The discovery of mid-16th century wall paintings in the church of Mont St. Martin (Meurthe-et-Moselle) by the officer attached to Third US Army is of interest. The officer had adequate photographs made by US Signal Corps and in conjunction with the authorities at the Mouve arranged for the presence of an expert to be sent to take over the care and further uncovering of the paintings.

Geoffrey Webb
GEOFFREY WEBB,
Lt. Colonel,
Adviser, MFA&A.

DISTRIBUTION:

2-Secretaries, Combined Chiefs of Staff.	
5-War Office (For CA 20(b))	
5-War Dept (For the Roberts Commission).	
4-21 Army Group, Rear CA	
5-12 Army Group C-5	1-SHAF C-5 Inf. Br, Historical Sec.
3-6 Army Group C-5	3- " " War Diary.
3-HQ, Com Zone	1- " " Central Registry
2-US Group CG for MFA&A	1- " " MFA&A
2-BR Element CG for MFA&A	
1-SHAF Mission (France) C-5	
1- " " (Belgium) C-5	
1- " " (Netherlands) C-5	
1- " " (Norway) C-5	
1- " " (Denmark) C-5.	

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(7) Dr. Heise, young (33) director of the Tübing Museum, arhive anti-Nazi with influence and knowledge about the art world.

(8) The following persons were actively anti-Nazi, and are able to give added information about key persons and art disposition in general.

- (a) Prof. Otto Barning, Neckarsteinach L50/R79.
- (b) Herr Buschdons, Berlin-Ilmersdorf, Brandenburgaschestr. 16, has much information on modern religious art.
- (c) Herr Dresler, Krefeld-oppum, Kuhlshütte (street) ceramic artist.
- (d) Frau Dr. Eichholz, Berlin S 35, Potsdamerstr. 56, knows about hidden caches.
- (e) Prof Ludwig Gies, Berlin-Zehlendorf, Itzweg, 31.
- (f) Dr. Stefan Hirtzel, Berlin-Zehlendorf, "Heimat" 49, modern Swiss architect, Editor of "Die Form", and who was active anti-Nazi.
- (g) Felix Kreusett, Osnabruck, architect and Denkmalpfleger for Westfalen.
- (h) Prof. Linde, Dresden, Sedanstrasse; sculptor.

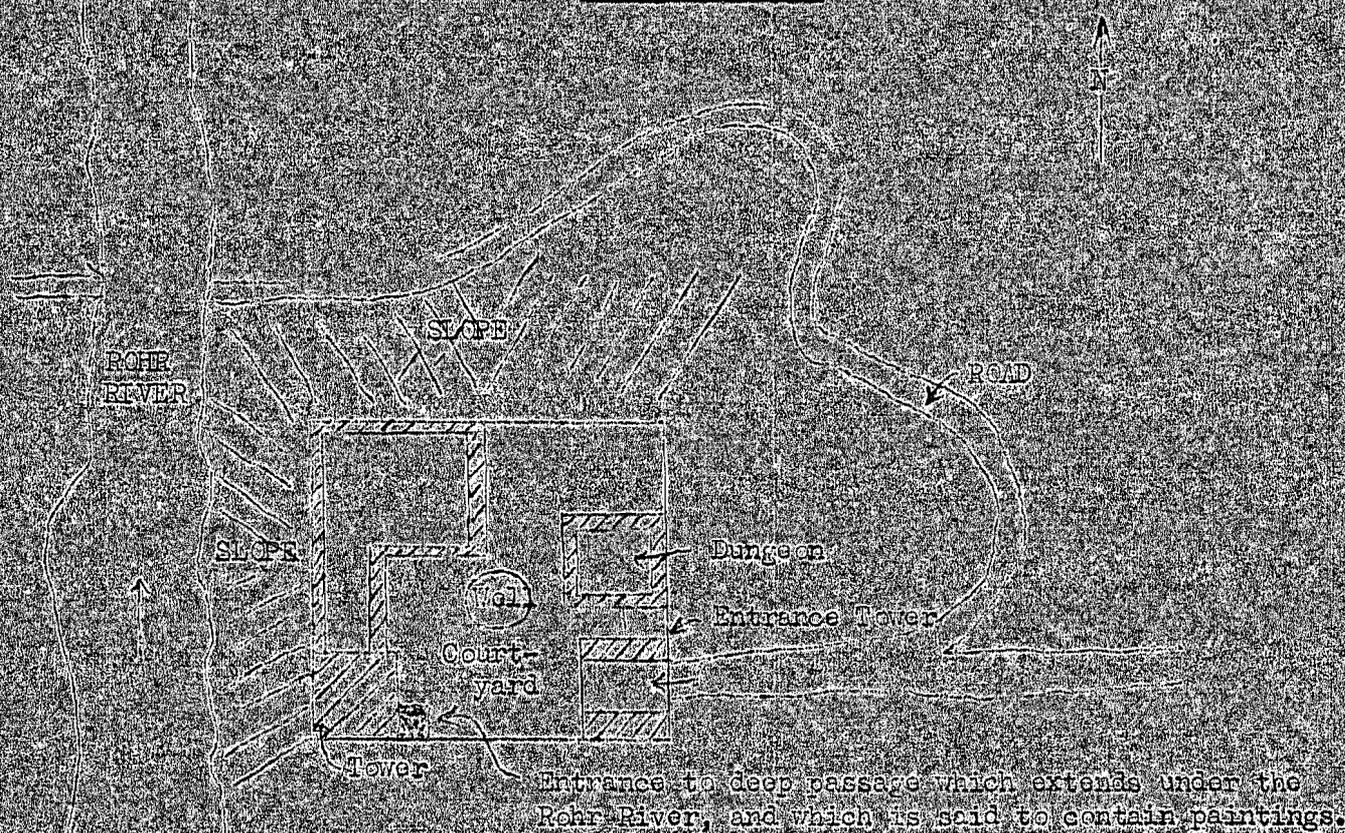
(9) Dr. Theo Wildeman and Dr. Wally Weyres are two important assistants to Graf Wolf MULLER-ROTH, Bachstrasse, 9, Bonn.

c. Collected material.

(1) After extraction of some information, several brochures found in Aachen containing records, letters, and clippings dealing with art were loaned to SWART (Osam) for microfilming.

(2) Dusseldorf, Das Landeshaus is the Archivierungsstelle for the Rheinprovinz.

NEDEGGEN CASTLE



MFA&A - Field Record.

Insp: Walter J. Huchthausen, Capt., AC.

Ger/Rh Pwz/ Aachen

(Active)

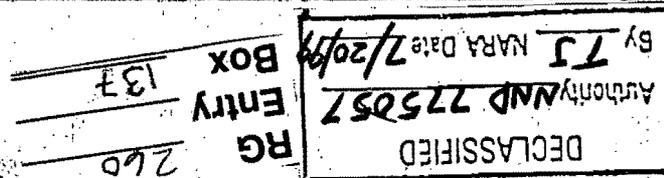
II. 4. The following numbered items and their places of deposition were found marked in the catalogue named in Gemalde-Katalog, Städtisches Suermond-Museum, Aachen, Wilhelmstrasse, 18: (Ed. 1932).

a. Deposited in Bad Wildungen, 152/498 (25 km SW of Kassel), address: Adolf-Hitler-Strasse, 69; custodian Felix Busch; also a "Bunker":

Items No.: 1, 2, 5, 6, 7, 29, 32, 55, 66, 117, 152, 153, 159, 165, 172, 178, 215, 221, 224, 271, 272, 275, 278, 316, 319, 346, 347, 349, 397, 475, 476, 484, 514, 526, 537, 554, 555, 556, 567, 568, 569, 570, 571, 572, 573.

b. Deposited in the Albrechtsburg in Meissen, 152/F09:

Items No: 3, 8, 9, 12, 13a, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 50, 51, 52, 54, 61, 62, 70, 71, 72, 73, 74, 75, 77, 78, 80, 82, 83, 84, 85, 86, 87a, 87b, 88, 89, 90, 91, 92a, 92b, 93, 95, 96, 98, 99, 101, 107, 109, 113, 114, 116a, 118, 119, 120, 121, 122, 123, 124, 125, 127, 130, 132, 134, 135, 137, 138, 139, 141, 146, 147, 149, 151, 155, 156, 157, 158, 161, 163, 164, 167, 168, 170, 171, 173, 174, 175, 176a, 176b, 177, 179,



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 542, 544, 545, 546, 547, 551, 552, 558, 559, 561, 562, 563, 585, 566, 571, 576.

c. Art objects taken from Leissen to Siegen, K51/G25.

Items No: 4, 10, 11, 28, 48, 49, 56, 57a, 57b1, 57b2, 58, 59, 63, 64, 65, 67, 68, 69,
 76, 97, 100, 102, 103, 104, 105, 106, 108, 110, 111, 112, 126, 128, 129, 131, 133, 140, 143, 144, 148a,
 148b, 148c, 148d, 148e, 154, 166, 169, 180, 181, 182, 185, 198, 202, 232, 234, 245, 252, 261, 270,
 283, 290, 296, 297, 298, 302, 312, 315, (left wing only) 315a, 317, 318, 320, 326, 327, 373, 379,
 380, 382, 383, 384, 393, 403, 404, 405, 406, 410, 438, 442, 446, 447, 449, 450, 463, 470, 471, 472,
 483, 487, 490, 496, 497, 506, 525, 530, 548, 550, 553, 560, 575.

MFAA - Field Record

Belgium and The Netherlands

Remarks: Walter J. Huchthausen, Capt., A.C.

(Active)

II. 5. Remarks.

a. Reference is made to par 5, a and b, basic letter, Semi monthly report Dec 18 - 31, 44, this headquarters, subject, MFAA;

b. Regarding par 5, a, above, subject: availability of lists of buildings assigned to troops, it was found that a consolidated list of buildings assigned by Town Majors and MC Dets, or requisitioned directly by occupying units, is not being kept by the Real Estate branch of the Engineers, this headquarters. This office, simply exercises supervisory control over Town Majors. Each Town Major, however, has a record of buildings assigned by his office and a list of buildings earmarked for assignment. This list does not include buildings requisitioned directly, as in combat areas, or thru some other source, such as LG Det or local Burgemeister. In view of the fact that only a small percentage of buildings assigned or used by troops is of significant value, it was decided with full agreement of Town Majors, that MFAA Officers use their files for checking them against a consolidated monuments list. Periodic checking with Town Major's lists will provide information early enough to allow inspection of certain buildings and their contents before or immediately after occupation. Safeguard action can then be effected immediately thru Corps by detachments. It is felt also that there is much to be gained from personal contacts with Town Majors.

c. Regarding par b, b, above, subject: making and retaining inventories of movable art objects in requisitioned buildings. Reference is made to:

- (1) SOP No 10 B, Headquarters TFO, USA, dated 5 Oct 44, subject: "Field Procurement by U.S. Forces in Belgium".
- (2) memorandum No. 108, this headquarters, dated 9 Nov 44, subject: "Procedure for Acquisition of Real Estate".

d. (1) Art objects, in particular paintings, are frequently open to malicious looting or depredation, thereby subjecting the U.S. Forces to accusations of vandalism, warranted or unwarranted. It is felt that such objects of significant value should not remain exposed and unregistered in buildings used by troops particularly in non-combat areas.

(2) Reference a, par 3 states in Par IV, b, (1), d, that an "inventory of the premises (état de lieu) will be prepared by the Belgian authorities responsible for procuring the lands or buildings for the U.S. Forces." The municipal Bureau of Requisition (Bel), and a similar office in The Netherlands, is the specific office detailed to make this inventory, but investigation indicates that such an inventory is frequently not made nor forwarded to the U.S. Forces. Reference b, par 3, states in par 7, d, that in order to protect the U.S. Government against improper claims, a survey of premises acquired will be made upon entry into possession, and a similar survey will be made when premises are vacated.

Reference b, par 3 states in par 2a, that requisitioned Real Estate "will include personal property taken and used in connection with the real property on which such personal property is located."

(3) The Real Estate Branch, Engineers, this headquarters has no inventor records of objects left in requisitioned buildings. Statements received by Town Majors are generally very brief, though legally binding statements which do not include listing of objects. In the cases of the chateau, Incol 4 and 5 of the semi-monthly report, par 1, no inventories exist. This condition was found to be generally true. One notable exception is the case of Castle Dyzen. It is felt that violations resulting from successive arrivals in and out of units are not negligible.

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(4) Under circumstances of war one can understand the impracticability of making a complete marching in and marching out inventory by tactical units. In view of the fact that buildings and movable objects deserving particular protection are a minimum, it is planned to exercise control thru Corps and detachment command channels. Plans are already in progress listing, describing, and pinpointing on maps sites buildings and collections falling into a selected category. This information is being submitted to Corps with notes and check lists for use in briefing detachment, division G-5, and combat teams.

c. (1) References:

- (a) par 3d and 4, Ltr AG 007 GpGH, 14 Nov 44, Hq ETOUSA, subj: "Use of Buildings, their contents and other Property by Military Personnel";
- (b) par 1 and 4, b, Memorandum No. 130, this headquarters, 21 Nov 44, subj: Taking Property in Occupied Territories;
- (c) par 6, b, Memorandum No. 108, this headquarters, 9 Nov 44, subj: Procedure for Acquisition of Real Estate;
- (d) par 1, 3, d and 4, Memorandum No. 177, this headquarters, 20 Dec 44, subj: Buildings on Official List of Protected Monuments in Belgium and The Netherlands.

(2) Regarding subject: Misuse of historic buildings and their contents by troops and pursuant to above directives, it was decided to transmit to the Judge Advocate, this headquarters, copies of MPA Field reports on cases indicating possible wanton damage to historic buildings and/or their contents by any U.S. Army Personnel.

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NINTH U.S. ARMY

SUBJECT: Monuments, Fine Arts and Archives, Report 1 - 28 Feb 45.

1. General. The attached inclosures, one thru five, are a report on the field activities of the Monuments, Fine Arts and Archives officer, this headquarters, for the month of February 1945.

2. Operations. Report on inspection of historic monuments, archives, findings, collection of information and publications on hand as given in the following inclosures:

Incl 1. Historic Monuments.a. The Motherlands.

- (1) Born, castle.
- (2) Holtum, castle (Wolfrath)
- (3) Limbricht, castle.
- (4) Obbicht, castle.
- (5) Sittard, Gothic church,
Baroque church.

b. Germany.

- (1) Gangelb, gateway and church.
- (2) Rimburg, castle.
- (3) Breidell, castle.
- (4) Tulp, castle.
- (5) Zweibruggen, castle.
- (6) Jülich, cavalery, town hall, church.

Incl 2. Archives.a. Historic.

- (1) Jülich.
- (2) Rimburg.
- (3) Holtum (Neth)

b. Active.

- (1) Jülich.

Incl 3. Finds, Depositions and Collections.

- a. Birva register, diocese of Nancy, France.
- b. Religious articles, Hambeck, Germany.
- c. Church property deposited in Gangelb.

Incl 4. Information.

- a. List of thirty probable art depositories in Germany, extracted from German reports.
- b. List of ten probable art depositories in Germany, received from other German records.
- c. List of information received from German persons.
- d. Mount St. Pieter Depository.

Incl 5. Inventory of Published Material.

List of published material received from higher headquarters U.S. Army on the subject: Monuments, Fine Arts and Archives.

3. Remarks.

a. The three Corps were provided with posters, marked maps, and lists for places to be posted off limits to troops, and places to be maintained in good condition, if requisitioned. These lists were also given to the Engineers Section, this headquarters, for distribution to Town Majors.

b. Posters, subject: "Off Limits, Religious Articles, to be removed only under direction of a chaplain or military government", were given wide distribution.

c. The following were received:

- (1) One (1) camera, PH 321, 35 mm. Stock No. 8 A 424 (Tr).
- (2) Fifty-one (51) rolls of film, 35 mm, 36 exp. tropical pack.
- (3) Captain William C. Bryant, this headquarters, received the Eastman Kodak camera, 35 mm., which had previously been assigned to him.

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ANNEXURE IV
HEADQUARTERS FIFTEENTH US ARMY
APO 408

17 March 1945.

MONUMENTS, FINE ARTS AND ARCHIVES SEMI-MONTHLY REPORT, AREA OF FIFTEENTH US
ARMY PERIOD 2-15 MARCH 1945 INCLUSIVE

(Monuments marked with an asterisk (*) are on the SIAEF "Official List of
Protected Monuments, Belgium).

1. Personnel

a. Capt Everett P. Lesley, Jr., O-158107, OMC, was assigned this headquarters per par 8, SO 51, Hq ECAD, 26 February 1945.

b. Transfer to this headquarters for duty in G-5 section of Sgt Maurice Kurtz, ASN 32060742, G-5 Section, Hq ADSEC Com Z, was requested 25 February 1945. Sgt Kurtz was declared not available.

c. (1) Transfer to this headquarters in grade of T Sgt of M. Sgt Stewart Preston, ASN 32080009, CIC, Hq Twelfth Army Group, was requested 9 March 1945. Concurrence was received 13 March 1945.

(2) T Sgt Preston voluntarily requested demotion to permit assignment to this headquarters for duty with the Monuments, Fine Arts and Archives Specialist Officer. Background: AB degree in Fine Arts from Yale University; graduate work at Harvard, Columbia, and New York Universities; active duty AUS since 1941. Fluent French, good German.

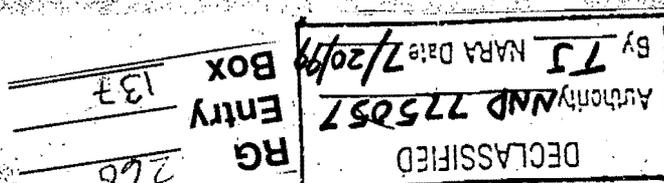
2. Operations

a. CELES (P/0685)

- (1) Chateau de Noisy.
- (2) Date Inspected: 9 March 1945
- (3) Condition of Area: Excellent. No damage
- (4) Condition of Building: Good. Many windows broken by blast. Interior scarred by previous occupancies.
- (5) Contents: Some furniture: unimportant.
- (6) Military Use: occupied by part of Forward Echelon, this headquarters. There is absolutely no ground whatever for the inclusion of this building on any list, other than out of possible consideration for the political influence of the owner. The building is 19th century Gothic revival, of no antiquarian interest, and suitable for any use, military or civilian, only if open bivouac is the alternative.
- (7) War Damage: see par (4) above.
- (8) War Protection: military guard maintained by occupying troops.

b. REUX (P/1308)

- (1) Chateau de Reux.
- (2) Date inspected: 5 March 1945.
- (3) Conditions of Area: Excellent.
- (4) Condition of Building: Excellent. Intact and undamaged.
- (5) Contents: 17th and 18th Century furniture; medieval and Renaissance Flemish paintings and sculpture; tapestries; all of good quality
- (6) Military Use:
 - (a) Chateau was requisitioned for use as AAA Radar School and Brigade Headquarters by this headquarters 4 March 1945.
 - (b) The following recommendations were forwarded to the AAA Officer, this headquarters, 6 March 1945.
 1. All small movable pieces of sculpture to be placed in curbs or in a single room and locked.
 2. No installations requiring nailing or likely to constitute a fire hazard (wires, telephones, or other electrical equipment) to be placed on or near walls or tapestries.
 3. Oudenarde tapestries in dining room and salon to be left in place but secured by order against handling.
 4. Large panelled study, containing several good specimens of painting and sculpture, to be restricted in use at all times to officers of higher grades. Precautions against sudden over-heating to be taken.



5. Chapel to be locked and placed off-limits.
6. Furniture upholstered in tapestry or worn brocade to be covered with clean cloth during use.
- (c) Since the building is completely furnished, making storage impracticable, occupation was permitted on condition that the above-cited recommendations to be carried out.
- (7) Persons interviewed: Lt Col K.F. Cordrey.
- (8) War Damage: None.
- (9) War Protection: Chateau is mentioned as a quasi-protected monument, in letter, AG 386 GINDE, 1 March, 1945, Hq Fifteenth US Army, Sub: "Protection of Historic/Artistic Buildings and Monuments".

3. Supply. Excellent. Undersigned has been assigned one (1) 1/2 ton truck, 4x4, Jeep, for personal use.

4. Remarks:

a. Recent experience in the problem of obtaining billeting facilities in territory subject to a separate command has emphasized the need for a single unified MFA&A authority for the military use of artistic/historic monuments.

b. In distributing through command channels its letter, Sub: "Protection of Historic/Artistic Monuments" (007.E) of 4 February 1944, and attached form, the First United States Army initiated a means by which any building or monument worthy of safeguard could be made inaccessible to troops. This letter was urgently needed at the time in order to control a situation that was rapidly becoming critical. It is gratifying that this expedient has met the approval of SNAEF, and similar action by other commands is recommended.

c. However, even if an identical authority were granted by each separate Army Command in the European Theater of Operations, this would still not impose an overall limitation extending beyond the boundaries of separate commands. Were the authority granted by an Army Group, conflicts between different Army Groups, or Combat and Communications Zone, would still exist. Rapid changes of command area would, in any case, make such unit guarantees invalid.

d. Thus the only remaining alternative is for SNAEF to issue, for all MFA&A Specialist Officers, a command letter and form similar to that employed by the First United States Army. Individual fluctuations of taste and judgment among the officers concerned would not be sufficiently radical to impair its value. Re-publication and distribution of lists will be operationally impractical in Germany, where, it is anticipated, the greatest problem will be the chance discovery of depositories in unknown locations which are not at present covered by any of the official directives.

EVERETT P. LESLEY, JR.
Captain, QMC

Monuments, Fine Arts and Archives Spec. Officer.

5 April 1945.

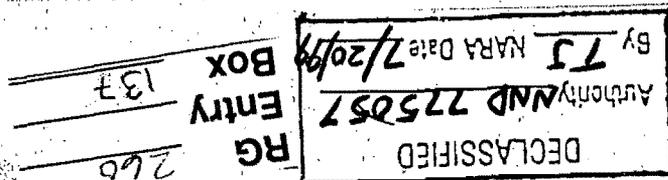
MONUMENTS, FINE ARTS, AND ARCHIVES SEMI-MONTHLY REPORT, AREA OF
FIFTEENTH US ARMY PERIOD 16 March - 4 April INCLUSIVE.

(Monuments marked with an asterisk (*) are on the SNAEF "Official List of Protected Monuments, Belgium).)

1. Personnel:

a. Though concurrence in the transfer of T/Sgt Stewart Proster was received at this headquarters 15 March 1945, the transfer has not been affected to date.

2. Information: No change



3. Operations:

a. ANNEVOIE-ROUILLEON (O/9493).

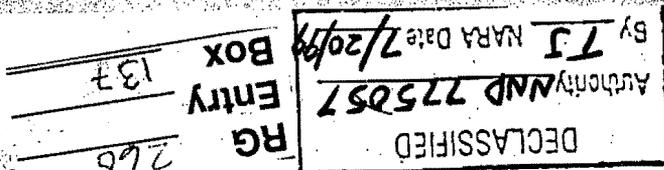
- (1) Chateau d'Annevoie.
- (2) Date Inspected: 20 March 1945.
- (3) Condition of Area: Excellent. No damage.
- (4) Condition of Building: Excellent. Buildings well maintained by present occupant; grounds somewhat weedy. Gateway and out-buildings facing highway externally somewhat dilapidated due to impossibility of obtaining materials for repair, but structure not in danger.
- (5) Contents: Furniture, paintings, engravings, bibelots and mementoes of the owner.
- (6) Military Use:
 - (a) Occasionally occupied by German officer 1940-44.
 - (b) Occupied with the permission of the owner by members of an MP Unit, December 44 - January 45.
- (7) Person(s) Interviewed: Wife of Owner: Mme Pierre de Montbellier d'Annevoie.
- (8) War Damage: None.

b. BLOUL (O/9196).

- (1) Chateau de Bioul (Property of Baron Vaxilaire, 9 Avenue de l'Astronomie, Brussels).
- (2) Date Inspected: 20 March 1945.
- (3) Condition of Area: Excellent. No damage.
- (4) Condition of Building: Fair, External structure has suffered no damage, but interior and furnishings badly scarred and knocked about (see Military Use below).
Windows broken.
- (5) Contents: Furniture (of no great importance), sculpture and a few paintings. Two fine Chandeliers in morning room.
- (6) Military Use:
 - (a) Occupied six (6) times in the last seven (7) months four (4) times by American troops and two (2) times by British.
 1. September 1944: Occupied three (3) days by unidentified troops of the Ninth US Army.
 2. September 1944: Occupied three (3) weeks by 6th Bakery Company, of the Ninth US Army.
 3. October 1944 to first week of November 1944: Occupied by a Signal Company of the Ninth US Army.
 4. December 1944 to Christmas: Occupied by Ordnance Repair Company, command unidentified (American).
 5. 27 December 1944 - 8 January 1945: Occupied by British Forces of the Royal Artillery.
 6. 11 January - 20 Mar 45: Occupied by troops of R.
 - (b) Caretaker testified that of all these occupations the last two were the worst. Furniture stored and placed "Out of bounds" at beginning of occupation had been broken into and wither damaged or disarranged. The interior when inspected was outrageously dirty; evident no attempt at policing the premises had been carried out for days; dirty dishes, uneaten food, and litter were scattered through the building and interior courtyard. The moat had evidently been used as the principal garbage pit. Many chairs, tables, and a large billiard table were broken and left in disorder. Stone balustrad and well-head broken by trucks.
- (7) War Damage: see above.
- (8) War Protection: undersigned communicated his findings to 1st Lt Daniel J. Kern, FA, DSEC WFA&S Specialist Officer, who subsequently put the Chateau "Off Limits" to all military personnel and will report on further action taken.

c. CIERGNON (P/1278).

- (1) *Chateau Royal.
- (2) Date Inspected: 23 March 1945.
- (3) Condition of Area: Excellent. No damage.



- (4) Condition of Building: Excellent. No Damage.
- (5) Contents: Paintings, furniture and personalia of the royal family. Intact and undamaged.
- (6) Military Use:
 (a) Occupied by German officers for a short time in 1940.
 (b) Occupied by American troops for short period in December, 1944.
- (7) Person(s) Interviewed: Caretaker.
- (8) War Damage: None.
- (9) War Protection:
 (a) Belgian military guard in residence.
 (b) Property posted with ADSEC MFA&I sign authenticated by 1st Lt Daniel Kern. ADSEC, MFA&I Specialist Office
- d. LAVAUX-STEBANNE (P/1172)
- (1) Chateau de Lavaux.
- (2) Date Inspected: 23 March 1945.
- (3) Condition of Area: Excellent. No Damage.
- (4) Condition of Building: good.
 (a) Restored through the agency of the "Socieres Historiques de Belgique", the exterior was repaired and tightened up to 1940.
 (b) The interior, also restored in dubious architectural taste and evidently with materials of mediocre quality, shows the effect of lack of continuous upkeep: plaster cracked and broken, counterfeit marble fireplaces and wainscoting warping, exposing masonry.
 (c) Some windows broken.
- (5) Contents: Interior unfurnished.
- (6) Military Use: None at present. Occupied for short period in December, 1944, by US artillery troops. No damage.
- (7) Person(s) Interviewed: Caretaker in residence.
- (8) War Damage: None.
- e. MAREDSOUS (O/8993).
- (1) *Abbey of Maredsous.
- (2) Date inspected: 21 March 1945.
- (3) Condition of Area: Excellent. No Damage.
- (4) Condition of Building: Excellent. No Damage.
- (5) Contents: Abbey consists of a very large complex, including the church proper. There are a school, farm buildings, a monastery (1 mile SW of the Abbey), and other ancillary buildings. Only the church, refectory, and school buildings were inspected. All furnishings intact and undamaged.
- (6) Military use:
 (a) Part of the Abbey proper was occupied early in March by troops of the 42d Signal Construction Battalion, Fifteenth US Army. A motor pool had been set up in the atrium and some school facilities (baths) were being used by troops. They were withdrawn by order of the Deputy Chief of Staff, this headquarters.
 (b) Subsequently, a letter from the Adjutant, 42nd Signal Construction, to the Judge Advocate General, this headquarters, requested legal opinion as to whether parts of the Abbey might be used for recreational purposes (films) which, because of troop concentration, would render the building a legitimate military target. This letter was eventually referred to G-5, where the provisions of the SHARP "official list of Protected Monuments, Belgium", were pointed out for inclusion in the answering endorsement.
 (c) On 21 March 45 undersigned interviewed the Frater Secretarius, who was most anxious to make available to troops whatever facilities of the Abbey would contribute to their well-being.
 (d) 26 March 1945 permission to use the following facilities was granted by command letter to the 42nd Signal Construction Battalion, with the reservation that written permission of the Brothers be first obtained.

By	TJ	NARA Date	7/29/79
Authority	NND 775057		
DECLASSIFIED			
RG	260	Entry	137
Box			

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
Economics Division
APO 407

AG-007-MGBER/B

4 February 1947

SUBJECT: Furniture Missing from the Deutsches Museum, Munich

TO : Office of Military Government for Germany (US),
APO 742, U.S. Army (ATTN: Monuments, Fine Arts and
Archives Section, Restitution Branch, Economics
Division)

1. Inclosed is a list of items missing from the Deutsches Museum in Munich following the removal of most of the UNRRA activities during the week of Jan 12 - 19, 1947, and later.

2. Relations between the civilian administration of the building (a protected monument) and UNRRA have never been cordial. Occupancy of the library wing of the building complex by DP's was undertaken in the Summer of 1945.

3. Frequent attempts to make an inventory of the furniture in the parts occupied by UNRRA were unsuccessful. The matter was taken up personally with one of the responsible directors, a Mrs. Kurtz, who finally agreed to making an inventory of the museum property and sending a copy to OMGB. The inventory never arrived.

4. Examination of furniture stored at the Funk Kaserne, Munich, official depot for UNRRA-owned property removed from the Museum by UNRRA, failed to reveal any museum property. The civilian administration of the museum states that some removals took place at night, and that during the day DP guards prevented museum personnel from approaching near to the area where trucks were effecting the evacuation. Inasmuch as no American guards were employed and the DP or UNRRA guards prevented the museum personnel from checking the departing trucks, responsibility for loss of objects from the UNRRA occupied wing must rest squarely upon UNRRA.

5. The value of the missing property is not great, and at least some of the UNRRA officials concerned made some attempt to prevent looting. (One naively admitted that he had not taken some cases from the building and had forced the leaving of other museum property behind because he "knew how much you could get away with" and realized that someone would probably come looking for missing objects). The fact remains, however, that in this

DISPATCHED MESSAGE CENTER
DATE - 7 Febr. 1946
HQ 3 D MIL GOVT RES 409 170

- 1 -

73403
11/12/00

198

111020
DECLASSIFIED
Authority: 73403
By: [Signature]
REPRODUCED AT THE NATIONAL ARCHIVES

Ltr. to OMGUS, Econ Div. Rest. Br. MFA&A Section, subject:
"Furniture Missing from the Deutsches Museum, Munich,
dated 4 February 47, (continued):

in other cases that have come to the attention of this headquar-
ters, where items have "disappeared" during American or allied
occupancy, the disappearance can rightly be considered nothing
else but looting.

For the Chief, Restitution Branch:



EDWIN C RAE
Chief, Monuments, Fine Arts
and Archives Section
Restitution Branch

1 Incl:
Inventory list

Telephone: Munich Military 3430
Munich Civil 30054

DECLASSIFIED
Authority <u>NND775057</u>
By <u>SR</u> NARA Date <u>8-23-99</u>

RG	<u>260</u>
Entry	<u>Ardelia Hall</u>
File	<u>Collection</u>
Box	<u>267</u>

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
Economics Division
APO 170

W
ECR/mw

AG-007-MGBER/B

6 January 1947

SUBJECT: Requisitioning of Antique Furniture

TO : Office of Military Government for Germany (US),
APO 742, U.S. Army (ATTN: Monuments, Fine Arts and
Archives Section, Restitution Branch, Economics
Division)

1. This headquarters has recently received several complaints from civilians concerning the requisitioning of antique furniture for use by constabulary units, other troops, and military communities. This antique furniture is sometimes of the nature of heirlooms and often constitutes a considerable part of the civilian's estate.

2. Some of these requisitions are entirely illegal and are violations of current directives, (Inclosures 1 and 2). It is probable that only a small fraction of such illegal seizures ever come to the attention of this or other headquarters which feel it incumbent upon them to take action.

3. Where the requisition is covered by the proper G G forms, values assigned are likely to be too low. Many military government officials, much less German civilians, are unaware of the possibility of procedure for filing claims in such cases.

4. It is considered the duty of Military Government to protect bona fide antique furniture under the provisions of Military Government Regulations Title 18.

5. This headquarters does not have the number of personnel needed to investigate each such case. Moreover, prevention rather than prosecution is the only satisfactory solution. Request USFET be asked to dispatch a letter or order which will stop such illegal acts such as that for which the inclosure gives prima facie evidence.

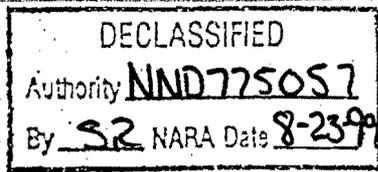
For the Chief, Restitution Branch:

EDWIN C RAE
Chief, Monuments, Fine Arts
and Archives Section
Restitution Branch

2 Incls:
Incl 1 - Copy of Receipt
Incl 2 - Copy of list of furniture
Telephone: Munich Military 3430

see file
111022

M.F.A. + A. Files



RG	<u>260</u>
Entry	<u>Ardelia Hall</u>
File	<u>Collection</u>
Box	<u>267</u>

C O P Y

Anlage zum Receipt vom 11. Oktober 1946.

Hier nähere Beschreibung der weggenommenen Möbel

("C" Troop Eight Constabulary SQDN. APO 225 Zwiesel/Bayer.Wald.)

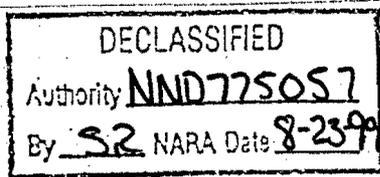
1	Teppich modern blau-braun mit roten Rosen	360 x 280	
1	Teppich modern gelblich mit Rosen	350 x 250	
4	Bettvorleger		
1	8 eckiger Tisch mit Löwen		<u>Renaissance</u>
1	Stuhl Kirschholz mit Lyra, gelbliches Polster		<u>Biedermeier</u>
1	Stuhl rotes Polster		<u>Louis XVI</u>
1	Tisch Kirschholz rund 3 Füße m. Schwarzfüßenden		<u>Biedermeier</u>
2	Stühle " m. schwarz. Holz verz. gelbl. Polster		?
2	Stühle " rotes Samtpolster		<u>Biedermeier</u>
2	Stühle " m. schwarz. Holz verz., gestreiftes rotes Samtpolster		<u>Biedermeier</u>
1	Stuhl Brokatpolster		<u>Louis XVI</u>
1	Stuhl " rotgeblühtes Samtpolster		<u>Biedermeier</u>
1	Stuhl " m. schwarz. Holz verziert, blaues Brokatpolster		<u>Biedermeier</u>
1	Stuhl " Taftpolster, weiss-schwarz gestreift m. roten Blumen		?
1	Stuhl "(dunkel) mit Lyra, rotes Baumwollbrokatpolster		<u>Biederm.</u>
1	Stuhl " moosgrünes Samtpolster, auch Rücklehne gepolster		<u>1840</u>
1	Stuhl " m. schwarz. Holz verz., weiss-gelbl. Cretonnepolster		?
1	Schreibtisch Kirsch		modern
1	Sofa himbeerroter Damast		<u>1860</u>
1	Tisch Kirsch 4 eckig		<u>1860</u>
1	Sofa mit moosgrünem Samt		<u>1840</u>
1	Nachttisch (unter Klapptüre, oben Schiebetüre)		<u>Frühbiedermeier</u>

Nach dem Receipt wurden nur 14 Stühle weggenommen, nach dem Aufladen konnte die tatsächliche Anzahl nicht mehr festgestellt werden.

Hippolyt Frhr. Poschinger
Frauenau.

M.F.A. + A.-Figs

111023



RG	260
Entry	Ardelia Hall
File	Collection
Box	267

C O P Y

"C" TROOP
EIGHT CONSTABULARY SQDN
APO 225 US Army

SUBJECT: Receipt for Furniture.

11 October 1946.

1. one rug 360 cm by 280 cm
2. one rug 350 cm by 250 cm
3. four throw rugs
4. one eight cornered table, with lions heads on legs
5. two chairs soft bottom
6. one round table- cherry wood
7. 12 soft bottom chairs
8. one writing table
9. one lounge
10. one lounge
11. one radio stand
12. one plain table.

This furniture taken for "C" Troops troop dayroom and will be returned.

Signed (furniture owner)

Hippolyt Frhr. Foschinger

signed

ALBERT G LOWRIE

2nd Lt. Inf.

Ex. Off. "C" TRp.

M.F.A. + A. Files

007
LKB/ET
+
461

Inquiry Concerning Disposition of Nazi Books
ED 007 (RNS/MPAA), OEG/Hesse, 14 December 1946

ED 007 (RNS/MPAA) 1st Ind.

Restitution Branch, Economics Division, Office of Military Government for Germany (U.S.), APO 742, U. S. Army,
12 March 1947

TO: Restitution Branch, Economics Division, Office of Military Government for Hesse, APO 633, U. S. Army

Attn: MPAA Section

It appears that the request to have pertinent Nazi literature included in the reference library of a German court can be granted. Inasmuch as the opinion of the Legal Division, OMGUS, outlines procedures to be followed, pertinent paragraphs are quoted herewith:

"2. It is our opinion that, under existing Allied Control Authority decisions and implementing Military Government instructions, a Landgericht may be permitted to incorporate literature of Nazi origin in its reference library, and that Germans may be permitted to have access to such materials for purposes of research and scholarship.

3. This conclusion is based upon the following authorities:

a. Control Council Order No. 4, 'Confiscation of Literature and Material of Nazi and Militarist Nature', dated 13 May 1946, which provides for the destruction by Military Zone Commanders of all Nazi and Militaristic publications and materials specified in the order;

b. Amendment to Control Council Order No. 4, dated 10 August 1946, which provides that 'in the interests of research and scholarship . . . a limited number of these documents may be preserved and used by German scholars and other German persons . . .'; and

c. Letter, OMGUS, dated 10 September 1946, subject: 'Instructions for Disposal of Confiscated Literature and Material of a Nazi and Militarist Nature'.

300

DMC FILES - Major Born - Rest Brn MPAA Section

DECLASSIFIED
Authority AND 765036
By TJ NARA Date 9/8/99

RG 260
Economics
Division
Box 115

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Inquiry Concerning Disposition of Nazi Books
ED 007 (RES/MFA&A), OMG/Hesse, 14 December 1946

AG 007 (CS), which provides that German agencies, including but not limited to courts, may apply in writing to the appropriate Land Military Government through local Military Government channels for the retention of Nazi literature and publications necessary for their functions.

4. The laws and instructions relating to the retention of Nazi and Militarist literature or materials do not prescribe specific standards or criteria upon which to determine precisely whether certain of these materials are to be included within the exemptions from destruction. The only guide or test would seem to be whether such retention is required 'in the interests of research and scholarship'. This is a matter to be decided in each case by the appropriate Land Military Government Office, which is obviously given wide discretion limited only by the broad objectives sought to be achieved under the exception to the general rule requiring the destruction of such materials.

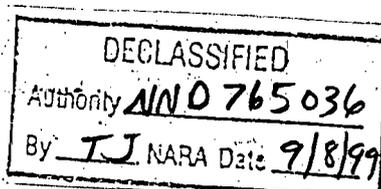
5. In view of the requirement set out in the Amendment to Control Council Order No. 4 that Zone Commanders inform each other through Control Council channels concerning the number and titles of such documents, the place where they are preserved, and the purposes for which they are being used, a careful record should be made of any documents so released to German courts."

FOR THE CHIEF, RESTITUTION BRANCH:

4 Incls: n/c
Telephone BERLIN 43194

RICHARD F. HOWARD
Chief, MFA&A Section

3



RG 260
Economics
Division
Box 115

REPRODUCED AT THE NATIONAL ARCHIVES

111026

DECLASSIFIED
 Authority NND775057
 By S2 NARA Date 8-23-99

RG 260
 Entry Ardelia Hall
 File Collection
 Box 265

167

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
 Monuments, Fine Arts and Archives Section
 Office for North Bavaria Nürnberg Germany
 Krelingstrasse 50

1 October 1947

SUBJECT: Art Objects Loaned to Military Establishments
 TO : Erik Berger, 19 Spessartstrasse, Würzburg

1. I have made enquiries concerning Capt. Price and Lt. John M. Field. Neither of these officers are known at the addresses you gave me. The Town Major in Munich has no knowledge about the paintings of Lt. Field, except that he was formerly Town Major of Würzburg and then transferred from there to some other unknown place. No information could be obtained on Capt. Price in Regensburg.

2. You are requested that you obtain information in Würzburg on the present station of Lt. Field and Capt. Price. There must be some record in Würzburg as to where these two officers have been transferred. In case you cannot find out the present residence of these officers, will you let me know the exact extent and source of your previous information, whether you heard from any of the officers after they left Würzburg, and what is the origin of your information, that the paintings signed for by Lt. Field were given to the Town Major in Munich-Bogenhausen.

ANDRE KORMENDI
 MFA/A Officer
 North Bavaria

111027

DECLASSIFIED

Authority NND775057By S2 NARA Date 8-23-99

RG

260Entry Ardelia HallFile Collection

Box

265

Würzburg, 31 Oct 47

TO: Military Government for Bavaria
Monuments, Fine Arts & Archives
N u e r n b e r g

SUBJECT: Art Objects Loaned to Military Establishments

1. The Director of Military Government for Bavaria, Regierungsbezirk Würzburg, 3rd Mil. Govt. Reg. Co. "A" was contacted and your letter of Oct 1 shown to him. It was suggested that MFA&A should contact the Adjutant General in Washington D.C. who has all records and home addresses of departed officers and men. There are no records left of the old Detachment E-203 of which Lt. Field and Capt. Price were members.
2. I have seen with my own eyes the rug and one of the paintings loaned to the Town Mayor in Würzburg in the house of the Town Mayor in Munich where I went to inquire about Lt. Field. The successor of Lt. Field informed me after my inquiry that the items in question were brought to Munich.

Erik Berger

Erik Berger

DECLASSIFIED
 Authority NND775057
 By SR NARA Date 8-23-99

RG 260
 Entry Ardelia Hall
 File Collection
 Box 265

INTEROFFICE COMMUNICATION

12 November 1947

SUBJECT: Objects Loaned to US Military Establishments
 FROM : MFA/A Office for North Bavaria, Nürnberg
 TO : OMGB MFA/A Section, APO 407, US Army

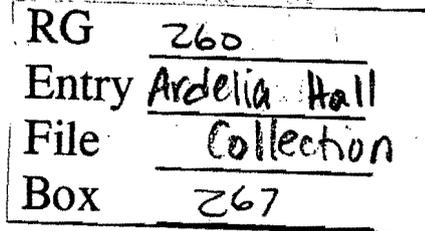
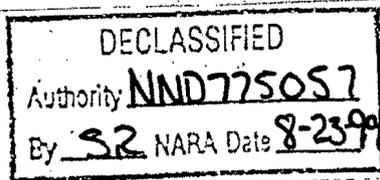
1. Reference is made to our letter dated 16 September 1947, subject as above.

2. I have been advised verbally at the time that Mr. Breitenbach was not able to locate Lt. Field and Capt. Price, and it was suggested that I enquire in Würzburg to obtain further details on the transfer of these officers. Company "A" 3rd Mil Govt Detachment Regierungsbezirk Würzburg informed me that there are no records left of the old Detachment E202, of which Lt. Field and Capt. Price were members, and suggested that we contact the Adjutant General in Washington D.C., who has all the records and home addresses of redeployed officers.

3. Concerning par 2 of my previous letter, Erik Berger stated that he saw with his own eyes the rug and one of the paintings in the house of the Town Major in Munich when he went to see him enquiring about Lt. Field, and that he was informed at that time that the material was brought to Munich from Würzburg.

4. It is suggested that enquiries should be made through the Adjutant General concerning Capt. Price and Lt. Field, and that the Town Major of Munich should be contacted concerning Berger's statement referred to in par 3.

ANDRE KORMENDI
 MFA/A Officer
 North Bavaria



EW

INTEROFFICE COMMUNICATION

30 October 1947

SUBJECT: Directives of Requisitioning of Valuable Furnishings for US Billets

FROM : MFA/A Office for North Bavaria, Nürnberg

TO : OMGB MFA/A Section, APO 407, US Army, Attn.: Mr. Clem

1. Attached copies of Messages SC-28112 and SC-17943.
2. The following further references on same subject are quoted for your information:

a. Hqs 3rd US Army Circular No. AG 400.312 - GNMCO-3 dated 19 April 1946, subject "Furnishings for Military Dependent Communities", Par 2C:

"The Germans whose houses or apartments are acquired for United States dependents will be permitted under all circumstances to remove such items of their furnishings as are necessary for health and well being prior to acquisition. In addition, they will be permitted to remove items of unusual sentimental or intrinsic value whose present price is greatly in excess of purchase price. Community commanders will exercise generosity and fair play in determining this question. In no case will the maximum or minimum be insisted upon where it will cause undue hardship or dissatisfaction."

b. USFET Circular No. 135, dated 24 September 1946, subject "Accounting for Furniture and Household Furnishings as Post, Camp and Station Property", Par 4b:

"The policy with respect to the requisitioning of items of sentimental value and of valuable paintings, valuable rugs, valuable vases, and similar luxury items of great material value, is as follows:

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111030

DECLASSIFIED
 Authority NND775057
 By S2 NARA Date 8-23-99

RG 260
 Entry Ardelia Hall
 File Collection
 Box 267

(1) Items of this category which are now requisitioned and which are not necessary to the furnishing of the quarters concerned, will be returned to the owner in accordance with the provisions of paragraph 18, USFET-SOP 75, Part I, if the owner is available and desires to remove them.

(2) Such items will not be requisitioned in the future without the specific approval of this headquarters."

c. EUCOM-SOP 37 dated 11 June 1947, subject "Procedure of Acquisition of Real Estate in Occupied, Liberated and Allied Countries", Par 8c:

"It is emphasized that luxury items, antiques, objets d'art and property which has a value far in excess of its utilitarian worth will not be requisitioned. It is further emphasized that householders will be permitted to retain minimum essential items of household equipment when their premises are requisitioned. Furnishings of buildings from which the furnishings will not be removed (hotels, hospitals, upper bracket dwellings) need not be acquired in fee."

Andre Kormendi
 ANDRE KORMENDI
 MFA/A Officer
 North Bavaria

DECLASSIFIED
 Authority NND775057
 By 32 NARA Date 8-23-99

RG 260
 Entry Ardelia Hall
 File Collection
 Box 267

C O P Y

DBAC V DHAA
 QVR 1

NR 364/24 R

FROM OMGUS 241919B APRIL 1946

TO (1) OMG FOR BAVARIA
 (2) OMG FOR WUERTTEMBERG BADEN
 (3) OMG FOR GREATER HESSE
 (4) OMG FOR BERLIN DISTRICT
 INFO (5) USAFE
 (6) CONTINENTAL BASE SECTION
 (7) US THIRD ARMY
 (8) EUROPEAN AIR TRANSPORT COMMAND.

U N C L A S S I F I E D
 CC - 3685 BT

THE FOLLOWING UNCLE SUGAR FOX EASY TAPE CABLE CMA REFERENCE NUMBER
 SUGAR CHARLIE ONE SEVEN NINE FOUR THREE CMA IS REPEATED FOR YOUR
 INFORMATION CLN QUOTE REFERENCE SUGAR CHARLIE TWO EIGHT ONE ONT TWO
 DATED TWO SEVEN MARCH PERTAINING TO PROCUREMENT OF HOUSEHOLD FURNISH-
 INGS FROM REQUISITIONED GERMAN PROPERTY PD PARA FLAGRANT VIOLATIONS
 OF THE PROCEDURES SET

THE PROCEDURES AS SET FORTH REFERENCE CABLE HAVE COME TO THE ATTEN-
 TION OF THIS HEADQUARTERS PD REFERENCE CABLE STATES SPECIALLY THAT
 THE PROCEDURES SET FORTH THEREIN PERTAIN ONLY TO MILITARY COMMUNITIES
 AND FURTHER TO HOUSES WHICH HAVE BEEN OR ARE BEING REQUISITIONED FOR
 USE BY THE UNCLE SUGAR ARMY PD IT WAS FURTHER DIRECTED THAT QUOTE
 MAXIMUM CARE AND DISCRETION SHOULD BE EXERCISED BY PROCURING PERSONNEL
 SO THAT UNJUST HARDSHIP IS NOT CREATED BY ACQUIRING ITEMS OF SENTI-
 MENTAL OR INTRINSIC VALUE GREATLY IN EXCESS OF PURCHASE PRICE PD IN
 ADDITION CMA WHEN PROPERTY IS NEWLY REQUISITIONED FOR COMMUNITIES CMA
 OWNERS WILL BE PERMITTED TO REMOVE MINIMUM ESSENTIAL HOUSEHOLD FUR-
 NISHING NECESSARY FOR THEIR HEALTH AND WELL BEING UNQUOTE PD PARA

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- 2 -

NO AUTHORITY EXISTS FOR THE REQUISITION OF FURNITURE IN HOUSES WHICH IN THEMSELVES HAVE NOT BEEN REQUISITIONED PD SHORTAGES IN FURNITURE REQUIRED WILL BE MADE UP BY REQUISITIONS THROUGH QUARTERMASTER CHANNELS PD MILITARY GOVERNMENT IS PROVIDING HOUSEHOLD FURNITURE TO THE QUARTERMASTER THROUGH A MAJOR PROCUREMENT PROGRAM NOW UNDER WAY PD SHORTAGES IN AUTHORIZED ALLOWANCES MUST BE EXPECTED AND ACCEPTED UNTIL SUCH TIME AS THIS PROGRAM IS WELL UNDER WAY PD PARA IT IS REITERATED THAT THERE HAS NEVER BEEN ANY AUTHORIZATION FOR THE REQUISITION OF COSTLY RUGS CMA PIANOS CMA WORKS OF ART CMA ETC PD CMA WHICH ARE NOT IN HOUSES BEING REQUISITIONED PD WHERE THIS HAS BEEN DONE CMA THESE ITEMS WILL BE RETURNED TO THEIR OWNERS PD IN CASES WHERE VALUABLE FURNISHINGS OR WORKS OF ART ARE LOCATED IN A HOUSE THAT HAS BEEN REQUISITIONED CMA THESE ARTICLES MAY BE RETAINED IF NOT DESIRED BY THE OWNER CMA BUT MUST EXXMX NOT BE MOVED TO ANY OTHER HOUSE PD PARA POSITIVE ACTION WILL BE TAKEN TO INSURE THAT THE SPIRIT OF REFERENCE CABLE IS FULLY COMPLIED WITH PD UNQUOTE PARA PAPER OMGUS SIGNED CLAY UNPAREN IT IS THE DUTY OF THE OFFICES OF MILITARY GOVERNMENT TO INSURE THAT REQUISITIONING BY DULY AUTHORIZED PURCHASING AND CONTRACTING OFFICERS COMPLY WITH ESTABLISHED REGULATIONS PD

BT 24191 B POKED 24112 B

DBAC RD

.....APR24/1340 TJ

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C o p y

DPAA V DAAA NR 58/28

FROM US FORCES EUROPEAN THEATER
 TO OFFICE OF MILGOVT FOR BAVARIA
 BT

270900 A

SC-28112

U N C L A S S I F I E D

UNCLASSIFIED PROCUREMENT OF HOUSEHOLD FURNISHINGS FROM REQUISITIONED GERMAN PROPERTY IS SUBJECT PD PARA CRITICAL SHORT SUPPLY OF HOUSEHOLD FURNISHINGS REQUIRED FOR MILITARY COMMUNITIES NECESSITATES THE MOVEMENT OF THESE ITEMS BETWEEN AND TO BUILDINGS TO CONSTITUTE THESE COMMUNITIES PD PARA TO AUTHORIZE SUCH MOVEMENT CMA PROHIBITED BY EUROPEAN THEATER OF OPERATIONS DASH STANDING OPERATIONS PROCEDURE NUMBER THREE SEVEN CAN TITLE OF HOUSEHOLD FURNISHINGS CONTAINED IN REQUISITIONED PROPERTY MUST BE VESTED IN THE UNITED STATES PD ACQUISITION OF TITLE WILL ALSO MINIMIZE POTENTIAL BASIS FOR CLAIM AGAINST THE UNITED STATES PD PARA IT IS EMPHACIZED THAT THE FOREGOING APPLIES TO MILITARY COMMUNITIES ONLY PD MAXIMUM CARE AND DISCRETION SHOULD BE EXERCISED BY PROCURING PERSONNEL SO THAT UNJUST HARSHNESS IS NOT GREATER BY ACQUIRING ITEMS OF SENTIMENTAL OR INTRINSIC VALUE GREATLY IN EXCESS OF PURCHASE PRICE PD IN ADDITION CMA WHEN PROPERTY IS NEWLY REQUISITIONED FOR COMMUNITIES CMA OWNERS WILL BE PERMITTED TO REMOVE MINIMUM ESSENTIAL HOUSEHOLD FURNISHINGS NECESSARY FOR THEIR HEALTH AND WELL BEING PRIOR TO ACQUISITION PD PARA ACCORDINGLY CMA NECESSARY ACTION WILL BE TAKEN TO PROCURE ON REQUISITION RECEIPT SIX GR CMA AS LIMITED ABOVE CMA ALL REMOVABLE HOUSEHOLD FURNISHINGS CONTAINED IN REQUISITIONED PROPERTY TO BE UTILIZED FOR COMMUNITIES PD PARA SINCE COMMUNITY COMMANDERS WILL BE REQUIRED TO ESTABLISH ACCOUNTABILITY

111034

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 Authority NND775057
 By S2 NARA Date 8-23-99

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- 2 -

RECORDS AND ISSUE POST CMA CAMP AND STATION PROPERTY ON MEMORANDUM RECEIPT TO MILITARY UNITS AND DEPENDENTS CMA PROCUREMENT RECORD WILL BE RETAINED IN A MANNER WHICH WILL FACILITATE AND INSURE THE ESTABLISHMENT OF SUCH ACCOUNTABILITY PD PARA TO EFFECT SUBJECT PROCUREMENT AS DESCRIBED IN US FORCES EUROPEAN THEATER STANDING OPERATIONS PROCEDURE NUMBER SEVEN FIVE DATED TWO ONE MARCH FOUR SIX CMA PART ONE CMA SUBJECT COLON MCA MONETARY LIMITATIONS CONTAINED THEREIN ARE WAIVED PD REQUISITION RECEIPTS FORWARDED WILL QUOTE THIS CABLE AS AUTHORITY FOR EXCEEDING LIMITATIONS PD PARA FORMS SIX OR ISSUED WILL BE PLAINLY MARKED QUOTE ACQUISITION OF HOUSEHOLD FURNISHINGS CONTAINED IN REQUISITIONED PROPERTY UNQUOTE PD APPROPRIATE OFFICES OF MILITARY GOVERNMENT CMA IN THESE CASES CMA WILL ISSUE INSTRUCTIONS TO BURGERMASTERS TO REDUCE RENTAL PAYMENTS CORRESPONDINGLY PD PARA FURNISHINGS SO ACQUIRED WILL CONSTITUTE A SUBSTANTIAL PORTION OF TOTAL COMMUNITY REQUIREMENTS FOR THESE ITEMS PD THE BALANCE IS PRESENTLY BEING PROCURED BY THE THEATER CHIEF QUARTERMASTER PD TO PROVIDE SUPPLY AGENCIES ITEMS REQUIRED CMA A SELECTED ITEMS REPORT OF FURNISHINGS AVAILABLE LOCALLY WILL BE SUBMITTED IN ACCORDANCE WITH INSTRUCTIONS TO ISSUE PD SIGNED MCWANNY CITE ETGDS

27 March 1946.

111035

DECLASSIFIED

Authority ND 750140By [Signature] NARA Date 8/29/97RG 226Entry 39Box 1*By Committee*CONFIDENTIAL

To: R&A European Outpost Chiefs

23 July 1945

From: Sherman Kent

Subject: Use of pouch facilities for transmitting personal letters.

I have discussed this matter with Commander Morgan, who is Chief of the CB Branch and who naturally knows his way through censorship. He cleared the note below but urged that I send it only to the various R&A chiefs in the field, because he thought that wider distribution might encourage too much use of the pouch facilities for transmitting personal letters.

Upon occasion in the past outpost personnel have disturbed us by pouching us personal letters of foreign nationals to addressees living in the United States, and asking us to forward them. Our concern arose from the improprieties of using the pouch for personal mail and the appearance, at least, of evading censorship. Because the problem seemed to be almost exclusively that of the Europe-Africa Division, we never got the Branch warmed up sufficiently to give us a ruling. At last I think we can set a line. Here it is:

1. The pouch is NOT for casual personal mail and should never be so employed.
2. Pouch facilities may be considered however one of the means by which we can recompense foreign nationals to whom we are indebted for information, services, etc., and whom we do not choose to recompense otherwise. Even in such cases pouch facilities must be sparingly extended.
3. Upon receipt of personal mail, we will route it to the addressee through the Office of Censorship--which to date has raised no objection. Correspondents at your end should be informed that their letters are subject to censorship.

Sherman Kent
Chief, Europe-Africa Division

CONFIDENTIAL

111036

DECLASSIFIED

Authority 775057By TJ NARA Date 12/30/99

RG 260

Entry Records of the Property DivisionFile General Records of the DIRECTOR W/L SDBox 1C O P Y

The American Express Co., Inc.
2 Onkel-Tom-Strasse
Berlin-Zehlendorf

Gentlemen:

The Property Division, Office of Military Government for Germany (US) has referred to this office an inquiry made by your company on 27 April 1948 concerning shipments of personal property from Berlin to the United States. During the course of the inquiry your representative stated that the American Express Company, Inc. was specifically concerned with a quantity of jewelry which had been brought to you by the German custodian or trustee for shipment to the owner, now an American citizen, resident in the United States.

Upon being informed that at the present time Military Government regulations do not permit the export of personal property, pending the establishment of a policy which is now under consideration, your representative stated that the American Express Co., Inc. had already handled a number of such shipments.

It is requested that you supply this office with complete details concerning shipments of personal property made by you to former residents of Germany now living outside the boundaries of Germany.

Very truly yours,

Telephone BERLIN 43797

JACK BENNETT
Finance Adviser to
The Military Governor

111037

AG 000.4
17 JUL 1945
17 JUL 1945
17 JUL 1945

DRAFT

HEADQUARTERS 12TH ARMY GROUP
APO 655

000.4 (0-5-RDR)

11 July 1945

SUBJECT: Unauthorized Moving of Works of Art.

TO : Commanding General, Third US Army, Rear, APO 403.
Commanding General, Seventh US Army, APO 758.

1. Reports have reached this headquarters of the moving of works of art by Military Government officers assigned to local detachments without the authorization or knowledge of the Monuments Specialist officer at the appropriate army headquarters.

2. The unauthorized moving of works of art prevents the keeping of adequate records of art treasures in the US Zone of Occupation and will thus delay any machinery that may be set up for the eventual restitution of looted objects.

3. Such moving of works of art may well prove detrimental to the objects since many officers assigned to the MFAanda function by local detachment commanding officers lack the specialist knowledge required for the handling of such objects.

4. Reference is made, in this connection, to Part III, paragraph 1194 of the "Handbook for Military Government in Germany" which indicates the necessity for the advice of a Monuments, Fine Arts and Archives officer when objects are to be moved. Such an officer, designated as a "Monuments Specialist Officer", is one whose qualifications are such that his assignment to the MFAanda function has been approved by the MFAanda Branch of US Group Control Council.

5. It is requested that the necessary steps be taken to prevent unauthorized moving of works of art.

BY COMMAND OF GENERAL BRADLEY:

/s/
/t/ Lt SOKOLOVER
Captain AGD
Ass't Adj. Gen.

AG 000.4 CA

1st Ind

JJR/ab

HEADQUARTERS SEVENTH ARMY, APO 758, U S Army, 24 July 1945

TO: See Distribution.

1. For your information and compliance.

2. The location of all moveable works of art, archives and other cultural materials, not in their pre-war locations, espe-

Box 172
Entry
RG 260

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MKS 7-20-99

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000.4 (G-2-HDR)

HEADQUARTERS

DRAFT

B/L 000.4 (G-5-HDR) 12th A Gp CG's, 3d and 7th A 11 Jul 45
United Moving of Works of Art.

ially those confiscated by the Nazis or looted by the Germans or their allies from territories occupied by them, is a primary concern of Military Government. All chance finds and repositories should be reported as soon as they are discovered.

5. Specific location, state of security, names of allied and German personnel responsible for security and pertinent details are required.

BY COMMAND OF LIEUTENANT GENERAL HAINSLIP:

DISTRIBUTION	
FIB2	25
EIG2	50
EIG3	50
R202	10
G-5, 7th A	25
AG Records	2

Box 172
Entry -
RG 260

DECLASSIFIED
Authority 775 057
E7/MKS WARA Date 7-20-99

111039

DECLASSIFIED
 Authority NND 775057
 By SR NARA Date 8-23-99

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 Entry Ardelia Hall
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 Box 267

HEADQUARTERS 12TH ARMY GROUP
 APO 655

VI-C

000.4 (G-5-RDR)

11 Jul 1945

SUBJECT: Unauthorized Moving of Works of Arts:

TO : Commanding General, Third US Army, Rear, APO 403.
 Commanding General, Seventh US Army, APO 758.

1. Reports have reached this headquarters of the moving of works of art by Military Government officers assigned to local detachments without the authorization or knowledge of the Monuments Specialist officer at the appropriate army headquarters.

2. The unauthorized moving of works of art prevents the keeping of adequate records of art treasures in the US Zone of Occupation and will thus delay any machinery that may be set up for the eventual restitution of looted objects.

3. Such moving of works of art may well prove detrimental to the objects since many officers assigned to the MFA&A function by local detachment commanding officers lack the specialist knowledge required for the handling of such objects.

4. Reference is made, in this connection, to Part III, paragraph 1194 of the "Handbook for Military Government in Germany" which indicates the necessity for the advice of a Monuments, Fine Arts and Archives officer when objects are to be moved. Such an officer, designated as a "Monuments Specialist Officer", is one whose qualifications are such that his assignment to the MFA&A function has been approved by the MFA&A section of Supreme Headquarters, AEF or of Headquarters, US Forces, European Theater or by the MFA&A Branch of US Group Control Council.

5. It is requested that the necessary steps be taken to prevent unauthorized moving of works of art.

BY COMMAND OF GENERAL BRADLEY:

s/ L. Sokolower
 t/ L. SOKOLOWER
 Captain AGD
 Ass't Adj. Gen.

REPRODUCED: Hq Third US Army, 23 July 1945.

AG 007-GNMCU 1st Ind.

(11 Jul 45)

HEADQUARTERS THIRD U.S. ARMY, APO 403, U.S. Army, 23 July 1945.

TO: See Distribution.

For your information and compliance.

BY COMMAND OF GENERAL PATTON:

R. W. Hartman
 R. W. HARTMAN,
 Lt. Col., A.G.D.,
 Asst. Adj. Gen.

DISTRIBUTION:

- ✓ 300 - MG Det. ELF3 (For Distr. to Det's)
- 12 - XXII Corps (For Distr. to Prov. Det's 1 to 12)
- 20 - 220 F.A. Group
- 2 - 38 AAA Brigade
- 2 - 3rd ECAR
- 1 - 2nd Sec. Service Platoon
- 5 - Each Corps
- 5 - Each Division
- 100 - G-5 Third U.S. Army

111040

GENERAL

1. An area rich in monuments, roughly the triangle CIEVE - VENIG - XANTEN, was exposed for examination. At the beginning of the month it was a First Cdn Army area and MFA&A Officer, Second Army, went to CIEVE to assist Major Ronald Balfour from 28 February to 3 March and 6 to 8 March. Major Balfour was killed on 10 March.

In response to a request from First Cdn Army he again went to CIEVE from 21 to 23 Mar to assist Major Balfour's successor, Captain F. Harbord.

2. Major Balfour had already forwarded a preliminary report, since amplified by Capt. Harbord.

3. The following notes are submitted as addenda to their Reports and contain additional information though doubtless some redundant matter. The area in question has now reverted to Second Army.

4. The MFA&A Officer moved on 10 March from Balingum into Germany, establishing an office at WAIPECK (E 9623).

5. A reported deposit of works of art at WISSEL (E 0054) was investigated with MFA&A Adviser, S. A. F., and found fruitless.

6. It is reported that the owner of KASTEEL GEIJSTEREN (E 8320) Baron de Welchs de Wenne, has now free access to the ruined castle and found his pictures in the cellar and warm-air trunking beneath the debris.

7. Attention is invited to the following list of deposits of works of art.

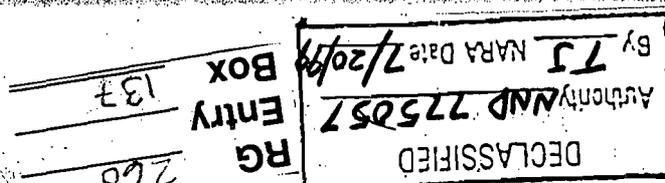
It is recommended that artists and archivists should be returned to their own towns as early as possible for the purpose of salvaging objects and fragments from ruined monuments, and to look after existing deposits of works of art.

For note of such at present confined in the Refugee Centre at REDBURG see para 14.

REPOSITORIES.

8. Limited deposits of works of art have been formed or found during the month by MFA&A Officers, First Cdn Army and Second Armies during the month. It is recommended that the appropriate Mil Gov detachments be instructed to maintain notices and periodically inspect and report on the condition of the deposits. They are summarized to emphasize their importance and existing lack of adequate protection.

- (a) XANTEN (E 1141) Church of St Victor
 - (i) Behind chief altar in the Church.
 - (ii) Objects against wall in South Aisle.
 - (iii) Two easternmost rooms, ground floor, North range of cloister building.
 - (iv) Ground level tunnel in East range of cloister building.
 - (v) Brick enclosure West end of cellar, North range of cloister building.
- (b) WEVELAER (E 9733)
 - Deposit with Erich Bensch, Kaplan, Wettenerstr bei Dyx.
- (c) CIEVE (E 8955)
 - (i) Room in monastery
 - (ii) North Porch of Stiftkirche
 - (iii) North Chapel of Stiftkirche.
- (d) GRIDERN (E 0326))
 - Deposit at the monastery (on the Isseum road).



(e) CAICAR (E 0050) Church of S. Nicolas).

- (i) Behind chief altar.
- (ii) Behind altar in North aisle.
- (iii) Deposit in ground floor of Tower.
- (iv) Stadtarchiv, Hanselaar Str.

(f) KRANEN-BURG

- (i) Behind chief altar in the church.
- (ii) Stadtarchiv.
- (iii) Priest's House (near Church).

PERSONNEL

9. A conference with TA&A Officer, Ninth US Army, was held at Maastricht on 5 March 1945.

10. Lt. Col. Geoffrey Webb, TA&A Adviser, STAFF, came to WAIRECY on 15 Mar; Cleve and Wessel were visited on the 16th and the deposit in the Monastery at Cleve inspected.

POLICY

11. The following order was issued by Second Army on 15 March:-
"A16. Confidential. Churches, Cathedrals, Shrines, or other houses of worship will not repeat not be used for secular purposes except for temporary shelter in emergency for wounded persons, or by local arrangement for religious services for creed or faith to which they have been consecrated. Ensure instrs issued accordingly to all units."

12. An ARO, No. 331, was issued on 7 March 45, and attention is directed to this in Second Army Military Government Policy Instruction, No. 101 dated 22 March 45. This ARO states the reasons for regulations for the preservation of monuments, etc in Germany; orders all measures consistent with military necessity to be taken to safeguard them and prevent their deterioration; orders Military Commanders to ensure the buildings on the official Military Government List are not used for military purposes except in cases of operational necessity; that they are closed and put out of bounds to all troops; and take all practicable steps to prevent looting or sacrilege, etc. It orders finds of caches to be reported to the nearest Mil Gov Det and the building to be posted Out of Bounds; forbids the sale or purchase of works of Art in GFR ANY and orders the reasons for the preservation of monuments, etc, in Germany to be explained to all ranks.

INSPECTIONS

13. The following monuments were inspected on dates bracketted. MRs apply to North West Europe 1:250,000 CGS 4042 Sheets 2a and 3a and 3.

(a) CLEVE (E 8055) (28 Feb., 6, 7, and 15 March 45).

- 1) Stifftkirche. Mid-fourteenth Century building, extended, restored and largely rebuilt through succeeding centuries. A brick building of six Nave bays, twin West towers, three choir bays and apse, North and South choir and nave aisles, North and South porched entrances, chapels off the North choir aisle and modern sacristies off the South choir aisle.

CLEVE was bombed from the air in Oct 44 and again heavily on 7/8 Feb 45; the latter was an eliminating operation.

The building is shattered. The whole of the West end including the two towers is razed to within a few feet of ground level.

The North nave arcade is intact, and the South nave arcade whole, but with multiple fractures. Approximately 50% of the choir bays and apse is demolished.

Furnishings, including the 18 cent, benching, are destroyed. The vault of the North Porch is intact but the traceried window over and doorway are destroyed.

The vaulting and roofs of choir and apse are destroyed, and also of the nave except the beams and principals, which remain in position. The chanels of the North choir-aisle remain with two tombs protected by boarded enclosures filled with sand. These tombs, one of Count Adolph I and his wife, appear to be safe. This chapel is protected by built up windows and arch between the two chanels. The metal plates from the tomb in the adjoining chapel were removed prior to the destruction of the church, and are reported to be at REDBURG (E 0353).

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Box	
Authority	NWD 775057
By	TJ NARA Date 7/20/79
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ANNEX
OFFICE OF MILITARY GOVERNMENT
FOR GREATER HESSE

MG/MFA&A/3/P

FWB/rmh

APO 633
Wiesbaden
4 February 1947

SUBJECT: Status of Collecting Point Report
TO : Director
●MG for Greater Hesse
APO 633, U.S. Army
ATTN: MFA & A Section

1. Administration:

a. Wiesbaden, Landesmuseum (corner Kaiserstrasse
and Rheinstrasse).

b. Personnel

(1) U.S.

FRANCIS W. BILODEAU, Civilian.

Nr. Bilodeau was notified on 14 January 47
by the Civilian Personnel Section this HQ
that the position of Director of the Collec-
ting Point had been declared surplus as of
1 Jan 1947.

(2) Liaison

Marcellus B. Keezer, Dutch Civilian,
Netherlands Art representative.

(3) US Military Guards (enlisted) 8

(4) German:

a. Employed by Military Government:

Herr Joseph Kohlmaier, Building Super-
intendent and Personnel Manager
till 18 January 1947

Frau Renate Hobirk, Secretary.

Frl. Dr. Ilse Brandis, Technical
Assistant.

Frl. Eva-Maria Czako, Photographer

2 assistant photographers

Receptionist

1 Clerk, 1 Typist

1 Engineer, 1 assistant Engineer

1 Carpenter

1 Electrician

5 skilled workmen

1 night watchman

1 cleaning woman



1

RG 260
Box 128 Ardella Hall Collection

111042A

b. Employed by German agencies:

- Dr. Ernst Holzinger, Director of Museums for Land Greater Hesse. Part time.
- Dr. Kurt Schwarzweller, assistant to Dr. Holzinger, Part time.
- Herr Helmut Tomaschek, Restorer, part time.
- Dr. Clemens Weiler, Director, Wiesbaden, Gemalde Galerie and Exhibition Manager.
- Frau Asta Schutze, assistant to Dr. Weiler.
- 2 Museum attendants.
- 2 cleaning women.
- 4 exhibition personnel (ticket sellers, cloak-room attendants)
- 4 German police.

c. Building

(1) Security.

a. Military.

It is the opinion of the Director of the Collecting Point that no security worth mentioning has been provided by the Military Guard during the month of January but that, to the contrary, the conduct of the guard has been so prejudicial to the security of the Collecting Point that the several recommendations (see below i.g. Recommendations) listed in this report should be given prompt consideration. Some of the reasons for these recommendations are:

1. Without any advance notice the number of guards is frequently changed from three to one man. Shortage of guard personnel is the reason given.
2. Time and time again fires have been started by the guards during the night in the immediate vicinity of the buildings, contrary to orders.
3. The undersigned has upon several occasions been obliged to have guards removed from their posts because of total incapacity to perform their most elementary duties.
4. Several times guards have left their posts unattended.
5. Guards have been found drunk on duty.
6. Guards have had their German girl friends in the building absolutely contrary to orders and instructions.
7. Guards have been uncivil and rude to German civilian employees and have treated them in a rough and insulting manner.
8. Guards have allowed unauthorized persons to enter the Collecting Point.
9. Guards have torn down and destroyed notices and posters at the entrance to the building.
10. Guards have defaced the walls of the reception and waiting room with obscene pictures and words.

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Entry
BOX 128

DECLASSIFIED
Authority
MDD795067
7/16/99

111043

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
 APO 170
 Monuments, Fine Arts, and Archives
 MONTHLY BAND SUMMARY REPORT

June, 1946

1. Statistical Summary

a. Personnel

(1) United States personnel on duty for more than 20 days 7

(a) Assigned, attaches, or on TDY as of 30 June 1946 9

Capt Edwin C Rae, Chief of Section
 Mr. Harold J Clem, Executive (on furlough to
 Mr. Edgar Breitenbach, South Bavaria US)
 Mr. Frederick R. Pleasants, Munich Collecting
 2nd Lt David M Wilkes Point
 Sgt Wolfgang Maehler, Specialist Assistant
 T/5 Ole C Risom
 Pfc Daniel M Knight, Administrative Assistant
 (TDY to US)
 1st Lt Walter W Horn, Investigator on TDY
 from OMGUS

(2) Allied representatives 7

Capt Hubert De Brye (French)
 Capt Rose Valland (French)
 Capt Eric Winkler (Czechoslovakian)
 Mr. Renee De Beaufort (Dutch)
 Lt. Col. N.P. Novik (Russian)
 Mr. A.A. Luzhanin-Karachay (Russian)
 Lt N.G. Selutin (Russian)

(3) German personnel employed directly by or for MFA&A activities 225

(4) Landesamt für Denkmalpflege 23

(a) Officials 12
 (b) Employees 8
 (c) Workers 1
 (d) Volunteers 2

(5) Verwaltung der Staatlichen Schlösser, Gärten und Seen 263

(6) Staatsgemaltesammlungen (Officials and Employees) 48

(7) National Museum 46

(a) Officials 36
 (b) Employees 2
 (c) Workers 8

(8) Staatliche Graphische Sammlungen (Officials and Employees) 7

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 AUTHORITY: 100D775067
 BY: T/MSRA Date: 7/16/99

111044

(9) Antikensammlungen	6
(10) Wissenschaftliche Sammlungen	132
(a) Officials	35
(b) Employees	23
(c) Workers	74
(11) Staatliche Archive	26
(12) Staatsbibliothek	66
(13) Germanisches National Museum, Nürnberg .	55
(a) Officials	33
(b) Employees	4
(c) Workers	18
(14) Mainfränkisches Museum, Würzburg	2
(15) Franconian Museum for Natural History ...	2
(16) Städtische Galerie München	10
(17) Clara Ziegler Theater Museum	1
b. Monuments inspected	86
c. Repositories inspected	101
d. Repositories evacuated completely	10
e. Collections inspected	3
f. Restitution (number of objects returned to claimant nation)	
(1) France	823
(2) Netherlands	359
(3) Austria (USFA)	153

2. Activities Summary

a. The chief activities during the month were the inspection of repositories in Regierungsbezirk Mainfranken and the continuing flow of cultural objects from repositories in South Bavaria to better, centralized repositories, to the original institutions, and the collecting point in Munich.

b. The survey of repositories in Mainfranken was virtually completed by the end of the month and has been finished at the time of writing. The thorough and painstaking search by Sergeant Maehler in each Landkreis revealed 16 repositories hitherto unreported. Therefore, the total number of repositories created in this Regierungsbezirk as a result of the war is 89, of which 28 have already been evacuated.

c. Two visits to Nürnberg revealed that the conditions in Regierungsbezirk Ober- und Mittelfranken are becoming progressively worse in the absence of a person for the position in Northern Bavaria. Only the activities of the Germanic National Museum in Nürnberg present a picture of a cultural agency making sound progress in the whole Regierungsbezirk.

3. No important documents were received during the month.

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AUTHORITY
DDI 775067
BY T/ MRA D/ 17/ 99

111045

4. a. Brigadier General Mullen, Colonel Dalferes, Colonel McGiffert, and others of the General's staff visited the Collecting Point in Munich 26 June. A special exhibition had been arranged for the visitors.

b. On 29 June a few American newspaper editors and others in their party visited the Munich Collecting Point in the company of the Public Relations Officer for OMG Bavaria.

5. Miscellaneous

a. The organizational chart for MFA&A functions is shown in appendix A. During the month the MFA&A office was given up at Regensburg and Regierungsbezirk Niederbayern-Oberpfalz was separated into its component parts. The area of South Bavaria therefore includes Schwaben, Oberbayern, the ancient area of Niederbayern and, in addition, the Landkreise of Regensburg, Roding, and Cham. The area of North Bavaria, to be covered from Nurnberg, includes Mainfranken, Ober-und Mittelfranken, and the Oberpfalz region omitting Landkreise Regensburg, Roding, and Cham. In both areas a drive of at least three hours is necessary in order to reach some of the more distant parts.

b. Redeployment, leave to the United States, and other factors left this function fewer man-hours of work which could be expected from American personnel than ever before since the organization of the function on a state-wide basis. The accomplishment of even routine matters is becoming difficult. Continued failure to fill the positions of Investigator and North Bavaria Specialist will increase the difficulty of achievement in those fields once they are filled.

c. Reports. (1) This headquarters is in accord with the suggestions made in the monthly report from Land Greater Hesse for May in so far as a rearrangement of materials and minor changes in the four reports required from the Lander each month seem advisable. The lucid and simple forms given in Title 18, Military Government Regulations, now appear to have too much of the combat phase about them, and, as suggested by Greater Hesse, were certainly planned with a larger number of operational MFA&A personnel in mind than present Tables of Organization permit.

(2) To make the basis of the reports purely a matter of the different subjects treated would, however, fail to take into consideration the kaleidoscopic character of operations and presume a degree of specialization impossible at this time.

(3) Conditions in the three Lander have become increasingly different rather than more similar in the past six months. The Land Summary Report must, therefore, differ much between the Lander. It is suggested that higher headquarters indicate what material they desire in this report but leave considerable latitude to the Lander as regards what else shall be incorporated.

(4) It is proposed to make the Consolidated Field Report a matter of monuments only. In Land Bavaria two of the most active and self-sufficient of the cultural agencies furnish the bulk of the material for this report. The Administrative and Internal Affairs parts of this report should, in opinion of this office, be incorporated in the Land Summary Report.

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(5) The Status of Cultural Objects Report serves the valuable purpose of indicating the condition and location of cultural objects in the Land, and thus indicates the extent to which emergency conditions are being cleared up. It is proposed, however, that any collection which is in situ be considered as an institution and be included among the other institutions mentioned in the Land Summary Report.

d. The status of cultural institutions in Bavaria (appendix B) was made partly as a result of various suggestions from archives specialists at OMGUS. The consideration of cultural materials from the point of view of the institutions concerned is hardly less significant than a consideration of repositories.

e. The protection of cultural monuments becomes increasingly difficult. Failure of anything to come from the reported offer of the Swedish government to assist by furnishing wood has discouraged those who had high hopes of help from this source. In addition, intact cultural buildings and repositories now face new dangers in the clamor for living quarters caused by the influx of tens of thousands of refugees, so-called displaced persons, and natives displaced from their houses to make room for US dependents.

f. An effort to cooperate in this critical need of housing is being made by this function by evacuating repositories, wherever possible, from ordinary buildings into protected structures, and by designating certain places as central repositories. This work is, of course, sadly impeded by lack of transportation; the cultural agencies, largely inoperative as institutions, can nearly always furnish adequate numbers of supervisory personnel.

g. Exhibitions and historic showplaces

- (1) Munich: Staatsgemaldehymmlungen.
"Bayerische Gemälde des 15. und 16. Jahrhunderts"
Attendance for June 5507
- (2) Munich: National Museum
"Bavarian Rococo" (closed 30 June)
"Old Bavarian Towns"
Attendance, 27 May to 26 June 3290
- (3) Munich: Kultusministerium
(Show of objects made by applicants, most of them unsuccessful, for positions teaching art in the academics)
- (4) Munich: Günther Franke
Works of Max Beckmann (opened 21 June)
- (5) Munich: Miscellaneous
"Schwabinger Kleine"
Theodore Fischer
- (6) Herrenchiemsee:
"Kunstaussstellung auf der Fraueninsel"
- (7) Munich: Bavaria Monument.....(SV)..... 8664
- (8) Herrenchiemsee: Palace (SV)10149

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- (9) Linderhof Palace (SV) 5974
- (10) Neuschwanstein Castle (SV) 9370
- (11) Landshut: Burg Trausnitz ..(SV)..... 4484

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6. Report of the Bayerisches Landesamt für Denkmalpflege

a. In executing the necessary work of conserving and restoring monuments of artistic or historic importance, this office is still handicapped by the scarceness of materials. Furthermore, there is a lack of skilled workers who, apart from thorough professional instruction, need some artistic feeling. Skilled and highly qualified men frequently cannot be employed because of their former party membership.

b. The achievement of research and study as regards farm buildings in order to arrive at a basis for a local style for use in reconstruction and new building projects has been discussed with representatives of the Regierungspräsident of Schwaben. It is also intended to carry on similar research and study amongst farm buildings in other areas.

c. Recently it has been reported for the first time that members of the U.S. Army have broken open cases containing the famous finds at Tattislingen dating from the time of migration of the nations. The theft took place in April or May, 1945. Valuable gold and silver objects have vanished.

d. The checking and arranging of the prehistoric maps and the card index has been continued. The addition of facts about the location of ancient fortified towns and castles in Upper Bavaria is a contribution of real value to the "Deutsche Heimatkarte". This map now is in process of being compiled, points out all the historic and artistic monuments and other such locations of interest in Germany. The office of the Landesamt at Würzburg is engaged in making a new card index of all places where prehistoric objects have been discovered. The work on the Landkreise of Kissingen, Königshofen, Marktheidenfeld, Mellrichstadt, Miltenberg, Neustadt a.S., Oberruburg and Ochsenfurt has been finished.

e. Because of the occupation of a great number of houses especially at Harlaching, by the Office of Military Government for Bavaria, valuable art objects and furniture have, after examination by the Landesamt für Denkmalpflege, been insured against damages.

f. The repositories at Inzell, Reichenhall and Maria Eck have been completely dissolved. Objects which were not delivered to their owners were taken to Wasserburg. The depot at Sonthofen was inspected. A metal altar from the 17th century from the church of St. Margarete, München-Sandling, has been seriously damaged by incendiary bombs.

g. Several large paintings belonging to the Church of the Holy Cross (Protestant), to the funerary church of St. Michael, and to the Board of Trade, Munich, have been placed on stretching frames.

h. Photographic material, architectural plans, and notes for preparing an inventory of the areas of Dinkelsbühl, Neuburg a.S., Donau, Dillingen, Munsiedel, Regnitz, and Honburg have been gathered together. Photos have been taken of the former government buildings in Munich, of the Maximilianstrasse and the excavations in the cathedral. We beg to repeat our request for photographic material as otherwise we will have to suspend our photographic work if supplies are not forthcoming soon.

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- i. The cataloguing of the library and orderly arrangement of the photographic archives and collections continue.
- j. Lectures on the theory of painting have been resumed. More lectures on graphic techniques are to be given. On 4 June, the Director, Prof. Dr. Lill, gave a lecture in the Volkshochschule at Augsburg: "On Augsburg's Cultural Buildings, Their Destruction and Their Reconstruction".
- k. Publications: Ritz, Joseph Maria, "Alte Bonaite Bauernmöbel", Munich: Dr. Rinn-Verlag, 1946.

7. Report of the Bayerische Verwaltung der Staatlichen Schlösser, Gärten und Seen.

(This agency continues reconstruction on a modest scale in several locations. Plans have been made to use some of the buildings for cultural activities, notably music and plays. The "Freunde der Residenz" society has scheduled thirteen such performances in the Nymphenburg palaces and grounds for July.)

8. Report of the Direktion der Bayerischen Staatssammlungen.

a. Report on inspections of repositories and subsidiary galleries:

(1) In June the depot of Neu-Schwanstein was nearly completely evacuated. The total evacuation will be finished very soon. The works of art have been carried to the Central Collecting Point in Munich.

(2) In Munich, C.C.P. the assortment of the works of art from private owners is to be continued.

b. Remarks:

(1) The pictures of the subsidiary gallery at Füssen, now stored at Neu-Schwanstein, will next be carried to Konstanz/Allgäu for an exhibition; this exhibition being finished they will be taken to Füssen for good.

(2) On July 3, 1946, in some of the rooms of the "Haus der Kunst" an international exhibition of books (children's books and children's drawings) will be inaugurated; Military Government (Publication Section) having asked for these rooms for their exhibition, they have been submitted by the Direction of the Bavarian State Galleries for the exhibition until July 31.

(3) For enlargement of the exhibition of Bavarian State Paintings in the "Haus der Kunst" 8 more rooms have been allotted to the Direction of the Bavarian State Galleries. The restoration of these rooms will begin within the following weeks. The Masterpieces of the Netherland and Italian Schools are supposed to be exhibited in these new rooms. We refer to our report on the inspection of the 8 rooms in the "Haus der Kunst" from June 22, 1946 (nr. 706).

(4) The exhibition "Bayerische Gemälde des 15. und 16. Jahrhunderts" in the "Haus der Kunst" at Munich continues.

(5) In the exhibition in the "Haus der Kunst" small changes have been necessary; the pictures taken away

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for restoration have been replaced by the Wottenhauser Altar by Martin Schöckhofer and the Cross Altar by Burgkmair.

(6) The air conditioning in the "Haus der Kunst" has come now to a lasting, regular and satisfying temperature.

(7) In June, four pictures of those which had formerly been lent by the Bavarian State Galleries have been discovered. On the occasion of our researches in Munich, three pictures seemed to have been lost at the "Reichsfinanzhof"; they have been delivered now to the Central Collecting Point, Munich, by private persons.

According to a phone call from the 2d Constabulary Brigade, Sear Kaserno, Munich, the fourth picture has been stored there and will be carried to our office at Leopoldstrasse 3.

(8) The criminal police is in touch with us constantly. In three cases we were asked to judge discovered works of art; none of them were State property.

9. Report of the Bayerisches National Museum

a. Exhibitions. The exhibition "Bavarian Rococo" and "Old Bavarian Towns" were visited by 3,290 visitors from 27 May to 26 June 1946.

The lectures by the officials of the museum on Sundays were continued and were very well attended. Besides these, Prof. Abel, Prof. Esterer and Prof. Dr. Krauss lectured for students of the Technische Hochschule, Munich, Dr. Elson for members of the university extension, Munich, and Dr. Lenz for the Arbeitsausschuss für Berufsjournalisten Bayerns (Committee for Journalists of Bavaria).

The exhibition "Bavarian Rococo" was open for the last time on Sunday 30 June. The exhibition "Old Bavarian Towns" will be open until further notice. A new exhibition, "Hans Leinberger, Bavarian Sculpture Drawings and Prints of the Early 16th Century", will be inaugurated in the Studiengebäude on July 13, 1946.

b. Reconstruction of the Museum. The work in the east wing of the museum building was continued, but with too few workmen and materials. In the ground floor, windows and doors were repaired. In the first floor, five rooms for storage of objects of art were finished. Library and offices were put to use. The arrangement of the books will presumably be finished in July.

The rebuilding of the "Neue Sammlung" under the architect Roth was continued. But because of lack of materials and workmen the rooms cannot be ready for use until the 1st of July. The work presumably will last also during the month of July. By order of the Kultusminister, the entrance hall and the rooms 1 - 4 of the ground floor will be repaired under the supervision of architect Roth and with his workmen. In these rooms the mediaeval monumental sculpture will be exhibited. Through these rooms the connection with the exhibition rooms is obtained.

The removing of the rubbish from the courts was continued.

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c. Conservation. For the new exhibition "Hans Leinberger. Bavarian Sculpture, Drawings and Prints of the Early 16th Century", several figures of the museum as well as loans from the cathedral were restored in the workshops. This work was partly very troublesome, but appears to be successful.

d. Repositories and Transports. With the removal of 3,000 books back to the museum from the repository Pfaffenhofen (B.A. Pfaffenhofen) on June 18, this repository now is empty.

On June 4, books, scientific materials, and collections of photos of the former Arnoemuseum were transferred from Karpfing (B.A. Landshut) to Munich.

The repositories of the Bavarian National Museum are at present:

Bruckberg (B.A. Freising): Furniture
Inkofen (B.A. Freising), Isarogg (B.A. Freising),
Karpfing (B.A. Landshut), Frauonau (B.A. Freyung):
Objects of the former Arnoemuseum

Dr. Lenz inspected the repositories Karpfing and Isarogg on June 6, 1946, and found everything intact.

10. Report of the Staatliche Graphische Sammlung.

a. Number of Officials and Employees: 7

Prof. Seyler, Director
Dr. Baummeister
Dr. Muchall-Viebrock } Collecting Point
Hertzsch
Wissmayer
Frl. Gröninger
Dr. Ogner, Volontär
Dr. Wehrauch

b. Different rooms in the Nationalmuseum, placed at our disposal, but occupied hitherto by the Collection of Antiquities, have been evacuated; consequently, the architectural modifications, corresponding to the necessities of the Graphical Collection, are in progress: two walls have been removed; an other one has been erected.

c. We continue to put in order and to arrange our library. The new "Sach-Katalog", set up by Dr. Wegner, is progressing.

d. Frl. Gröninger, our secretary, after being rehabilitated, has entered her duties.

e. The public begins to make use of the collection, although it is not yet organized again. A lecture on the different graphical techniques has been given to a circle of young Museum Volunteers.

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11. Report of Germanisches Museum and Art Galleries in Nuremberg.

a. Movement of Collections.

- (1) Castle Liehrheim near Nordlingen, a repository of the Town of Nuremberg, was wholly evacuated on 29 May 46.
- (2) On 6 June 46 Speinshart Monastery, Ik. Eschenbach/Obrf., another repository of the Town of Nuremberg, was cleared entirely and its contents were returned to Nuremberg. With these movements the most important objects of the municipal galleries are again located in Nuremberg.

b. Building Repairs and Changes.

- (1) The first floor of the gallery building of the Germanic National Museum is being rebuilt. After protracted preparations, the erection of the concrete beam, 37m long and 1.50m high, has finally begun. This beam, which is supposed to carry the south wall of the rooms in the middle of the upper floor, had to be replaced on account of its being heavily damaged. The vaults above the staircase in the hall of the museum are finished.
- (2) The upper hall of the south-west wing (formerly hall of rustic costumes) has been cleared of debris and is now available as a storage room for folkloric collections.
- (3) The Carthusian Church is being cleared of debris and preparations are being made for repairing the demolished choir.
- (4) One room of the Rolandshof building has been repaired for the storage of the valuable prehistorical collections of the Naturhistorische Gesellschaft. The collection will be a permanent loan of this society to the Germanic National Museum, according to a report of a meeting of its members. Herewith the Germanic National Museum received an extraordinarily interesting and thoroughly compiled prehistoric collection. The museum collections were decimated by being plundered while they were in a repository at the Plessenburg. For the present, this prehistoric collection will be arranged for study purposes; later, as soon as possible, it will be shown in an exhibition.
- (5) The famous relief by Adam Kraft, located at the Nürnberger Stadtwagen, was cleared of debris and brought to the Germanic National Museum on 17 June 46.
- (6) The re-arranging of the library is under way and shelves for books are being ordered.
- (7) The Germanic National Museum was not successful in getting glass for the reconstruction of the Frankonian Gallery, the opening of the exhibition of modern Frankonian art is therefore delayed. The skylight must now be covered with sheet metal and artificial light must be installed in the rooms.

c. Administration.

- (1) The meeting of the administrative council of the Germanic National Museum took place on 22 May 46. It included important talks about the reconstruction of the museum. Since the conference could not come to a conclusion, a second meeting was arranged for 17 July 46.
- (2) Dr. Ernst Günther Troche, Director of the Germanic National Museum, has been re-elected by the members of the administrative council for another three years.

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d. Miscellaneous. The newspaper Stars and Stripes some time ago requisitioned art objects in Castle Scherzenbruck, property of the Nürnberg patrician family von Retz. Until the present time, only a small number of the objects have been returned to the rightful owners. It is to be hoped that the missing objects will soon be returned because of their high value to the cultural history of Nürnberg.

12. Report of the Municipal Art Collections.

a. The building of the Municipal Gallery was provided with a new framework so that the little ceremony usual at the termination of such operations could take place on June 4th. In the meantime the roof was covered up and the middle part of the Lenbach Villa was provided with a new framework. Operations were started in the Gallery building to draw together the ceiling with Heracelite-plates. The heavy rain-falls caused new damages in the hitherto uncovered parts of the building. The scarcity of unskilled workers results in a very slow progress of operations. The artists who were party members, have proved disappointing, as only three from among 85 who were informed by letter reported to work. Those three too have demonstrated in the meantime by their absence from work that they are not really willing to work.

b. Following a conference with the direction of the Bayerischen Kunstgewerbevereins (Bavarian Union of Applied Art) and Min. Rat Döberl, letters were directed to a number of shops in the most frequented streets of our town because they have trash from sale. Success from this action can hardly be expected.

c. Two sessions of the managing board of the Kulturbaufonds, presided over by the Chief Mayor Dr. Scharnaack, took place. A committee was formed consisting of Bau-director Leitenstorfer, Mrs. Müller, town councillor Edgar Hanfstaengl and Dr. Humann to select pictures to be reproduced as post cards. Paintings in water colours of Daurat Dr. Büttner and painter Reitz were selected.

d. Presided over by Prof. Hans Ludwig Held, several sessions were held to deal with preparatory work for the international exhibition "The Book for the Youth" which was suggested by the American Government. The works have progressed so far that the exhibition can be opened on July 3rd in the "Haus der Kunst". Old German and foreign books will be shown in this exhibition.

e. Visits to the studios of the painters Triller, Adolf Hartmann, Miss Herrlon, Mrs. Grossmann, Walter Becker at Tutzing were made.

f. Shops dealing with objects of art were made to present their qualifications to Mr. Gmeinder and Mrs. Esterer.

g. Conference took place with the representatives of the firm Awa on various artistic and pedagogic publishing matters.

The following exhibitions were visited: the exhibition of Munich artists in the building of the Ministry for Education and Pership, the export show in the "Haus der Kunst", the "Schwabinger Kleine", Max Bockmann at Gunther Franko's, Theodor Fischer foundation at Munich-Bain.

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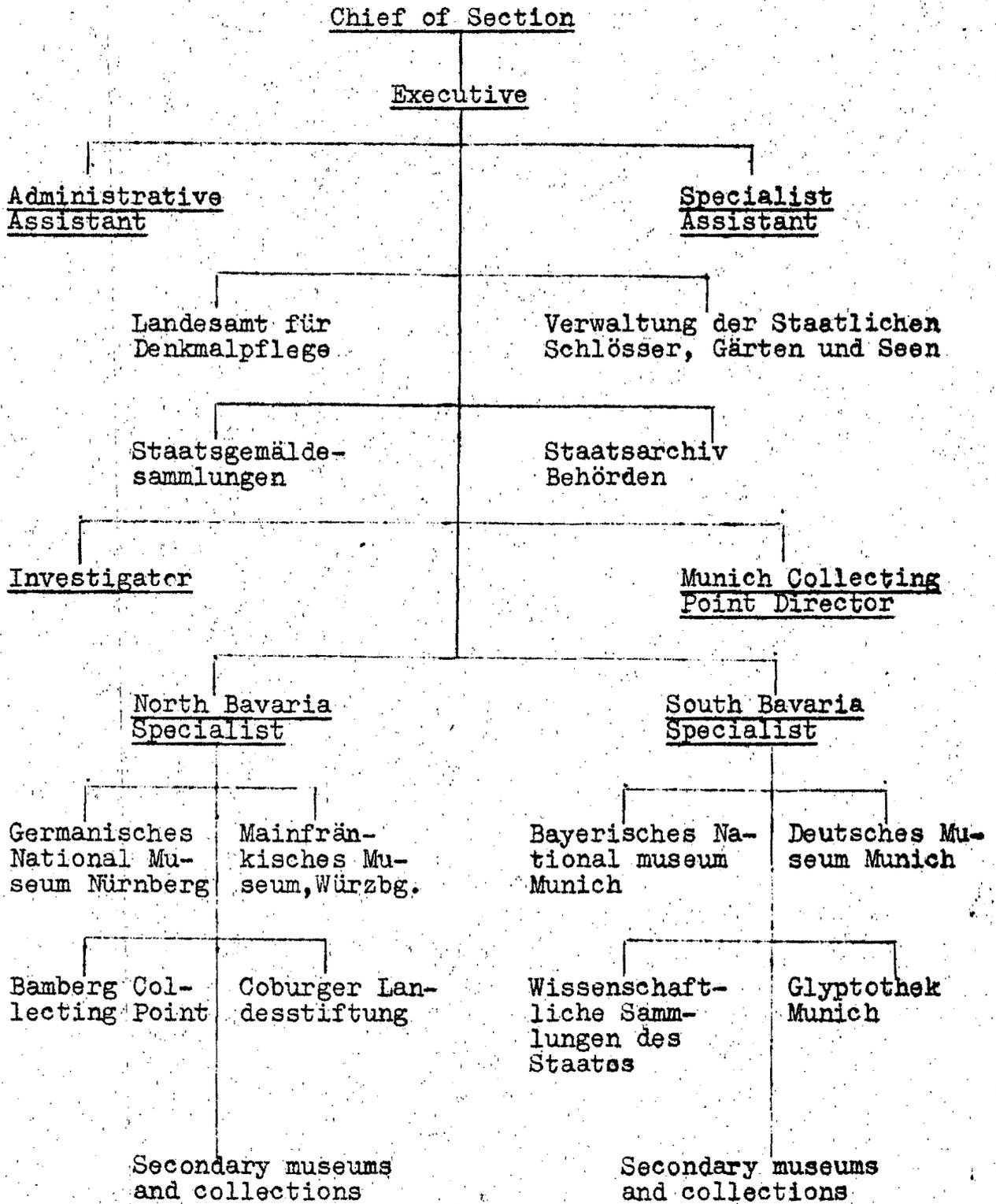
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APP. 5

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
APO 170
Monuments, Fine Arts and Archives Section

ORGANIZATIONAL CHART

1 June 1946



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C O P Y

REPUBLIK ÖSTERREICH
BUNDESMINISTERIUM
FÜR VERMÖGENSSICHERUNG
UND WIRTSCHAFTSPLANUNG

Federal Ministry for Property
Control and Economic Planning

Dr. Jurna
Referat HP.

To:
Mr. Walker M. Treece
Chief of Property Control Branch,
RD&R Division,

V i e n n a IX
Allianz Building

Dear Sir,

It has repeatedly occurred that members of the U.S. Occupation Forces individually disposed of former German Army property (CEM) to Austrian civilians. In view of the controversy of the ownership in these cases the goods have been seized by this Ministry and brought under sequestration until ultimate clarification of the ownership issue. It is understood that under U.S. policy individual members of the U.S. Forces are not authorized to sell goods considered as CEM. It would be greatly appreciated if this Ministry could be informed of the U.S. position as to whether such sales have to be considered as rightfully concluded and therefore valid, and whether the purchaser becomes the rightful owner.

Looking forward to your information I have the honour to be

Yours sincerely

/S/ Dr. Jurna

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P.C. File

AS/pb

17 September 1947

File: FC 17

Federal Ministry for Property
Control and Economic Planning
Division XV.,
Vienna I.,
Hofburg, Amalienstrasse

ATTENTION: Dr. Jurna, Referat H.P.

Dear Sir:

Your communication of 8 September 1947, sets forth general information on sales of former German Army property to Austrian civilians.

In order to evaluate the alleged transactions, it would be necessary that you furnish this Headquarters with concrete data on the reported sales so that action may be taken by the proper agencies of this Headquarters.

This Headquarters would appreciate specific information in this matter at the earliest possible date.

Very truly yours,

JAMES A GARRISON
Chief, RDER Division

Telephone: VIENNA B-48422

Susp.
~~17 Oct.~~

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HEADQUARTERS
UNITED STATES FORCES IN AUSTRIA
USACA SECTION
Reparations, Deliveries and Restitution Division
Property Control Branch
APO 777, U. S. Army

RDR

JRL/mkh

File: PC/55

19 June 1946

SUBJECT: Lease, Rental and/or Sale of Property subject to
Reparations or Restitution

TO: Military Government Section
Vienna Area Command G-5
Property Control Sub-Section
APO 58, U. S. Army

1. The proper channels for effecting the Lease, Rental and/or Sale of Property subject to Reparations or Restitution should be observed. For the information of all concerned those channels are as follows:

(a) The Commerce and Industry Sections of Military Government acting on applications which have been duly approved by both the Austrian Federal Government and the Austrian Land Government, should make the initial decision on the necessity for release of certain property and should pass its recommendation on through channels to:

(b) Economics Division, USACA Section, this Headquarters. Economics will send its recommendations to:

(c) Reparations and Restitution Branch, R.D. & R. Division, USACA Section, this Headquarters, which will in turn forward its recommendations to:

(d) Property Control Branch, R.D. & R. Division which will inform the Property Control Officers in Linz, Salzburg and Vienna as to its recommendations concerning the release of the Property.

(e) Property Control Officers Linz, Salzburg and Vienna will take all necessary action to effect the Lease, Rental and/or Sale of the Property if such procedure has been recommended.

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LTR USFA, RD&R Div, USACA SECTION, Prop Cont Br. subj:
"Lease, Rental and/or Sale of Property subject to
Reparations or Restitution". dtd 19 June 1946

2. In no case will the Property Control Officers,
Linz, Salzburg and Vienna effect a release of Property
subject to Reparations or Restitution without a recommend-
ation from this office.

FOR THE DIVISION CHIEF:

John T. Kontz JTR
JOHN T. KONTZ
Major, AC
Chief, Property Control Br

Distribution

- 1 - VAC - PCO
- 1 - Linz - PCO
- 1 - Salzburg - PCO
- 1 - OCMGO - Zone Command
- 1 - RD&R Branch RD&R
- 1 - Commerce & Industry USACA
- 1 - File

Telephone
A-23041

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By JW NARA Date 11-23

RG 338 *Records of
Secretly Classified
General*
Entry USFET SGS
File 123/2 *Correspondence*
Box 13

*201 Hilldring
201 enclosure*

10 (Main) APO 757
September 1945

Dear John:

As you know, Mr. McCloy has suggested the possibility of using valuables found by our Armies in Buchenwald and similar encampments in Germany to establish some sort of a charitable foundation. I believe that the funds obtained by the United States Government under the Boxer Rebellion Settlement were so used and that this case has been mentioned as a possible precedent.

We are currently initiating action to have these captured materials appraised. In order that we may give full consideration to Mr. McCloy's suggestion I would very much appreciate it if you could obtain for this Headquarters the basic facts concerning the Foundation established with the Boxer Rebellion funds, including, if possible, copies of the basic documents used in its establishment.

Sincerely

C. L. ADCOCK
Brigadier General, GSC
Assistant Chief of Staff, G-5

Major General John Hilldring
Civil Affairs Division
War Department
Washington, D. C.

15 Hilldring

*tab A to (68)
see chart sheet to (68)*

(69)

R6 239
Box 17

March 7, 1946

Dear Professor Sachs:

We are writing you for your advice on the feasibility of a plan which has been under discussion with the Government Affairs Section of the Civil Affairs Division.

Persons holding cultural objects discovered by such authorities as Customs, art dealers, museums, libraries, etc., to have recently entered the Country as souvenirs but found to be of unusual cultural value and therefore subject to return to the country of origin, will deliver the objects of their own volition to the nearest museum capable of packing. Upon receipt and packing of the object, the museum will notify the War Department, Civil Affairs Division, in Washington, and through the Adjutant General's Office, orders will be issued for the local Service Command to pick up the object at the museum and ship it through Quartermaster. This is essentially the plan as worked out for the successful return of the Greek Vase from Würzburg, packed by the Art Institute of Chicago.

The War Department has indicated it would fulfill its part in this plan providing the mechanics can be arranged for the packing and payment for same by agencies other than the War Department. Since it is likely that no one museum will be called upon for an undue share in this scheme, do you feel that it will be in order for the Commission, through the American Association of Museums, to request that museums undertake the nominal cost of packing and consider it part of their contribution to the preservation of art in Europe and the Orient? This idea has been informally discussed with Mr. Coleman and he has indicated that he would be most willing to give front-page space in the Museum News to the announcement. Supplementary publicity could be circulated by means of mimeographed announcements and newspapers.

With sincere thanks for your reaction to this idea.

Sincerely yours,

Lament Moore
Assistant Secretary

Professor Paul J. Sachs
Fogg Art Museum
Harvard University
Cambridge 38, Massachusetts

111061

R6 239

Box 17

COPY

March 7, 1946

Dear Mr. Taylor:

We are writing you for your comment on a plan which has been under discussion with the Government Affairs Section of the Civil Affairs Division.

We are receiving continued reports from Customs, art dealers, museums, and libraries that cultural objects bearing identification as to source in Europe and stated by the possessors to have been found at specific locales are being offered for evaluation and sale, having been brought into the Country when their present possessors returned as members of the Armed Forces. Under the overall policy for protection of cultural objects of unusual value, established at the beginning of operations in Europe and the Far East, such objects are eligible for return to the country of origin as examples of restitution. In most cases, when individuals realize the importance of their holdings, they are willing to cooperate in the restitution of such material. It is, therefore, suggested that such objects be delivered to the nearest museum capable of packing same for shipment to the country of origin.

Upon receipt and packing of the object, the museum will notify the War Department, Civil Affairs Division, in Washington, and through the Adjutant General's Office, orders will be issued for the local Service Command to pick up the object at the museum and ship it through Quartermaster. This is essentially the plan as worked out for the successful return of the Greek Vase from Würzburg, packed by the Art Institute of Chicago.

The War Department has indicated it would be interested in this plan providing the mechanics can be arranged for the packing and payment for same by agencies other than the War Department. We are suggesting, therefore, that since no one museum will be called upon for an undue share in this scheme, they might consider the nominal cost of packing as part of their contribution to the preservation of art in Europe and the Orient. This idea has been informally discussed with Mr. Coleman, Secretary of the American Association of Museums and editor of the museum house organ, *The Museum News*. He has expressed willingness to publish this plan in the paper. Supplementary publicity could be circulated by means of mimeographed announcements and newspaper articles to inform libraries, universities and dealers.

Sincerely yours,

Lamont Moore
Assistant Secretary

Mr. Francis H. Taylor
Director
Metropolitan Museum of Art
New York, New York

111062

R6 239

Box 17

MEMORANDUM

TO: Mr. Huntington Cairns
Secretary, Roberts Commission

FROM: Mr. Lamont Moore
Assistant Secretary, Roberts Commission

SUBJECT: RETURN OF ISOLATED G I IMPORTS TO THE COUNTRIES OF ORIGIN

Several conferences in recent days with Captain Hevenor of the Government Affairs Section of the Civil Affairs Division, War Department, indicate that they are in sympathy with our plan for returning works of art brought in by home-coming members of the Armed Forces. I have not received official confirmation from them that the War Department will agree to take responsibility for shipment once each article has been packed, but they have indicated they would be amenable to this idea if the mechanics could be arranged for packing and payment for same by agencies other than the War Department.

A conference with Mr. Charles Sawyer confirmed my idea that the museums in the U.S. might be interested in cooperating with this plan. I telephoned Mr. Coleman and outlined the following scheme:

Persons holding cultural objects discovered by such authorities as Customs, art dealers, museums, libraries, etc, to have recently entered the Country as souvenirs but found to be of unusual cultural value and therefore subject to return to the country of origin, will deliver the objects of their own volition to the nearest museum capable of packing. Upon receipt and packing of the object, the museum will notify the War Department, Civil Affairs Division, in Washington, and through the Adjutant General's Office, orders will be issued for the local Service Command to pick up the object at the museum and ship it through Quartermaster.

Since it is assumed that no one museum will be called upon for an undue share in this scheme, it is considered that most museums would undertake the nominal cost of packing and consider it as part of their contribution to the preservation of art in Europe and the Orient. In my opinion, if the museums will undertake this expense, the War Department will assume the responsibility for shipment. It was Mr. Coleman's suggestion that a communication to all museums be addressed in the form of an announcement to be published on the front page of the Museum News. Can the Roberts Commission request the museums to assume this responsibility?

March 1, 1946

Lur

111063

R6239

Box 17

November 19, 1945

Dear Mr. Johnson:

In further reference to our discussion last week on the importations of works of art into this country by former and present members of the armed forces, Huntington Cairns has requested me to forward to you the excerpts from the current Military Government regulations regarding exporting of works of art from Germany. These have been furnished us by the Civil Affairs Division of the War Department and their records do not show any amendment or exception to them.

We are also enclosing for your information certain sections from the Hague Convention of 1907, which we understand are currently being applied in the prosecution of war criminals in Germany. Articles 46, 47 and 56 all seem to have general application to the problem.

Very sincerely,

Charles H. Sawyer
Assistant Secretary

Mr. W. R. Johnson
Commissioner of Customs
Bureau of Customs
Treasury Department
Wilkins Building
Washington, D. C.

2 encls.

111064

R/6 239

Box 17

MILITARY GOVERNMENT REGULATIONS REGARDING EXPORTING OF WORKS OF ART FROM GERMANY

Military Government Law #52 as amended, 14 July, 1945, concerning the blocking and control of property.

ARTICLE 11 - PROHIBITED TRANSACTIONS

Section 3. Except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in, sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody, or control of any property:-

- (d) Which is a work of art or cultural material of value or importance, regardless of the ownership or control thereof.

Military Government instruction to Theater Commander.

MONUMENTS, FINE ARTS AND ARCHIVES SECTION XVIII

Part 5.1 You will freeze and control all cultural objects in your District. In particular you will: (a) Prohibit the sale, purchase, export or other transfer of ownership or title to any cultural object by civil or military personnel of Germany, U.S., or any other nationality, except under such procedure as may later be established by this Headquarters. -- 19 July, 1945.

(The above Directive implements a previous SHAEF Directive: AG 014.1-1 (Germany) GAP - AGM, dated 21 November, 1944, subject: "PROHIBITION OF SALE AND EXPORT OF WORKS OF ART IN GERMANY").

Circular 31, War Department, Washington, 26 January, 1945.

SECTION 4 - BAGGAGE. Incorporates paragraph 8 of the Treasury Department regulations described in F.D. 51072 requiring the filling out of Form FFC 169 in Section B. "The importation of these articles by military personnel, as well as civilians, is prohibited without the license referred to in paragraph 8 & above."

111065

R6239
Box 17

Excerpts from the Hague Convention.

Article 23 - g. "In addition to the prohibitions provided by special Conventions, it is especially forbidden -
.....(g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;"

Article 25. "The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited."

Article 27. "In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand."

Article 28. "The pillage of a town or place, even when taken by assault, is prohibited."

Article 46. "Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected."

Article 47. "Pillage is formally forbidden."

Article 53. "An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and, generally all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made."

111066

Rb 239
Box 17

Article 56.

"The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings."

111067

DECLASSIFIED
Authority <u>NND775057</u>
By <u>S2</u> NARA Date <u>8-23-99</u>

RG	<u>260</u>
Entry	<u>Ardelia Hall</u>
File	<u>Collection</u>
Box	<u>267</u>

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
APO 170
Economics Division

SMC
ECR/cm

AG - 007/MGBER/B

10 November 1946

SUBJECT : Plan for Recovery of Stolen Art Objects

TO : Minister President of Bavaria, Munich, 7 Prinzregentenstr., ATTN : Ministry of Education and Religious Affairs and Ministry of Finance (Verwaltung der Staatlichen Schlösser, Gärten und Seen)

1. It is requested that this headquarters be provided with a comprehensive list of all objects of cultural value which have been stolen or looted in Bavaria since the entry of occupation forces.

2. To aid this headquarters in compiling such a list it is requested that you complete under pertinent headings (as indicated in inclosure 1) a property card for each such cultural object allegedly looted or stolen from your Land. Under "History and Ownership" should be included, if known, the name of the person or organization suspected of looting, the name of the place from which the objects was moved, the date of looting and other information considered helpful in effecting recovery of the object.

3. It is requested that those cards be submitted in triplicate to the Office of Military Government for Bavaria, ATTN: Monuments, Fine Arts and Archives Section weekly as they are completed by your office.

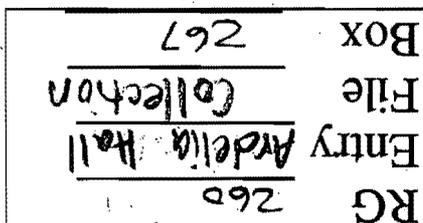
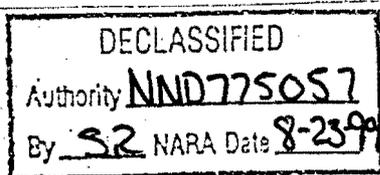
For the Director :

S.Y. McGIFFERT
Colonel, FA
Chief, Economics Division

1 Incl:
Incl. 1- Sample
of Property Card

MEAD FILES

111068



Plan for Recovery of Stolen Art Objects
ED 007 (RES/MFAA), OMGUS, 8 August 1946

2. To aid this Section in compiling the recommended list, it is requested that you complete, under pertinent headings (as indicated in Inclosure), a Property Card-Art for each such cultural object allegedly stolen or looted from your Land or District by "United States troops or agencies". Under History And Ownership should be included, if known, the name of the person or organization suspected of looting, the name of the place from which the object was removed, the date of looting, and other information considered helpful in effecting recovery of the object.

3. It is further requested that you submit, under separate communication, your recommendations as to how this program can be amplified and made more effective.

FOR THE DIVISION DIRECTOR:

1 Incl: Property
Card Art

Telephone BERLIN 42531


JOHN H. ALLEN
Colonel GSC
Chief, Restitution Branch

R6 239

Box 17

April 19, 1946

Dear Mr. Taylor:

You will be interested to know that progress is being made towards a settlement on the return of works of art brought into this Country by returning members of the Armed Forces.

The War Department agrees that the responsibility is one for it to assume. At this particular time, the details of delivery to the local Service Commands and packing in the Quartermaster Sections are being worked out. Possibly, local experts will be called in to give their advice on special handling of particular objects. In any event, it seems likely that museums will not be called upon to assume responsibility, as recommended in your letter of March 18th.

We shall inform you of the final outcome when a definite plan emerges.

Sincerely yours,

Lamont Moore
Assistant Secretary

Mr. Francis Henry Taylor
Director
Metropolitan Museum of Art
Fifth Avenue at 82nd Street
New York, New York

111070

R6 239
Box 17

March 13, 1946

Dear Captain Hevener:

Attached, herewith, is pertinent copy taken from the letter which you and I discussed recently. This outlines the plan for restitution of cultural objects brought into this Country by members of the Armed Forces. As I indicated to you, we have asked members of the Commission to comment on this procedure and expect to receive answers from them within a short time. The material of this letter embodies the ideas which you and I developed in conference.

We are enclosing a copy of The Museum News.

Sincerely yours,

Lament Meere
Assistant Secretary

Captain H. P. Hevener
Government Branch
Civil Affairs Division
War Department
Washington 25, D. C.

2 Encl.

111071

OFFICE OF ECONOMIC AFFAIRS
CULTURAL PROPERTY BRANCH
COLLECTING POINT, MUNICH
10 Arcisstrasse

Munich, Germany
August 23, 1951

Prof. Dr. George N. Shuster,
Land Commissioner for Bavaria,
Munich, 28 Ludwigstrasse.

Dear Dr. Shuster:

I arrived in Munich in December 1950 as a member of the staff of Property Division, Office of Economic Affairs, HICOG. My superior officer was Mr. William C. Daniels, Chief, Property Division, until the Property Division closed on June 30, 1951. My mission was to complete the work of the Central Collecting Point and specifically to identify the residue of works of art which had been shipped from Austrian repositories to Munich in 1945/46. I was further charged to effect a shipment of unidentified works of art from this complex back to Austria. The Austrians were promised this residue in 1947 by an agreement between OMGUS and Austria. This agreement has been repeatedly reiterated in State Department cables as a basic US policy. The Austrians have become impatient for this return and their representations in Washington resulted in my appointment to effect it.

While any comment on the rights and wrongs of this agreement may seem superfluous, it is worth noting that the works of art in the "Austrian complex" were paid for by the Reichskasse (over signature of Treasurer Lowmeyer), and that a percentage of these taxes was of course contributed (after the Anschluss) by Austria. Therefore the Austrians deserve a proportion of the original collections in addition to what has already been restituted to Austria as acquired by confiscation and forced sale.

I have assumed that you as the Land Commissioner for Bavaria had been informed of this mission. My predecessor, Mr. Theodore Heinrich, Director, Central Collecting Point, Wiesbaden, was in Munich at monthly intervals since the

Retained Copy

RG	260
Entry	OMGUS - <i>Ardelia Hall</i>
File	<i>Collection</i>
Box	270

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Authority <i>NND 775057</i>
By <i>TJ</i> NARA Date <i>9/29/99</i>

summer of 1950 to oversee the work of the newly revived Munich Collecting Point. I also assumed official notification had been made from Frankfurt to Munich. Nothing was ever said to me about informing the Land Commissioner for Bavaria, either by Mr. Heinrich or Mr. Daniels. I freely acknowledge, however, that I should have taken the initiative myself, and deeply regret not having done so.

In previous years the Collecting Point had been directly under the Land Commissioner for Bavaria, and there are at present members of the Land Commissioner's staff who have knowledge of Collecting Point affairs over a period of years. This is pointed out not to cast blame on any one, but only to indicate why I was dumbfounded to learn that you had not been informed.

Prior to my arrival, it was estimated that only 20 % of the 4600 objects remaining from the so-called Austrian complex could be identified as to ownership and therefore that the remaining 80 % would be shipped to U.S. authorities in Austria in accordance with the OMGUS / USFA agreement cited above. In the nearly 9 months that I have been in Munich, my staff and I have worked hard to identify as much property as possible so that nothing should leave Germany which might justifiably be retained as identified German property. As a result of our work, 78 %, or over 3600 items have been identified, rather than the 20 % previously estimated. Inasmuch as all my directives have been confidential and furthermore the Austrians clearly have been expecting a larger share of the residue of unidentified works of art, I have kept this operation as confidential as I could in a building occupied by ten institutes.

In 1948 a large portion of the works of art maintained in the Collecting Point were turned over to the Minister President of Bavaria as Treuhänder. The letter of turnover from Mr. Murray D. van Wagoner to the Bavarian Minister President Dr. Hans Ehard, dated 3 August 1948, set certain conditions to this turnover. One of these stated that prior "agreements" would apply. The OMGUS / USFA agreement applied and does apply here but as this was a classified document, it could not be stated.

As long ago as January 30, 1951, and as a result of fears privately expressed to me by the Germans here that they might be called upon to execute a shipment of residual items to Austria, I wrote Dr. Eberhard Hanfstaengl, Generaldirektor

- 2 -

RG	260
Entry	OMGUS-Hall <i>Ardelia</i>
File	<i>Collection</i>
Box	270

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By <i>TV</i> NARA Date <i>2/29/99</i>

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of the Bayerische Staatsgemäldesammlungen, who directly represents the Bavarian Minister President as Treuhänder, that "with respect to U.S. policy concerning Linz items which cannot be identified, I have received verbal assurance in Frankfurt (Property Division, HICOG) that any disposition of such objects which may be made to Austria will be made on U.S. responsibility. In other words, the Treuhandschaft will not be asked to execute any such order in its own name. I also have informal assurances, and I believe reliable ones, that any such return of works to Austria will be made to the US authorities in Austria for disposition, and not to the Austrian government itself". This informal memorandum seemed to satisfy at least the fears held by the informed Germans in this building, as nothing further was said to me until this summer.

On July 12, 1951 I wrote a confidential memorandum to Dr. Hanfstaengl. This memorandum informed him of my intention to call for the unidentified residue of the so-called Austrian complex for shipment to Austria. I also gave him a time-table leading up to a projected departure of the shipment about the end of August. There was no acknowledgement of my memorandum except verbally about August 8. On August 17, when the packers arrived, Dr. Hanfstaengl told me verbally that he felt he should be authorized by the Minister President to make the turnover to me inasmuch as this was not a normal restitution case. I informed him that the operation came under the terms of the original 1948 turnover to the Minister President.

The first newspaper publicity of this affair occurred about two weeks ago. A representative (I believe the Chief) of your Public Relations Office telephoned me. Without violating security I was able to convey to him that a shipment was in fact planned but not scheduled for departure till the end of the month. I agreed to say nothing whatever to the German Press and to let the Public Relations Office handle the affair. As there were no new developments from the Public Relations Office, the work of the Collecting Point proceeded according to schedule. After your Press Conference the "Süddeutsche Zeitung" quoted you as saying that you denied the shipment, but the "Neue Zeitung" in a fuller account made no such assertion and said that you were asking Mr. McCloy for further information. I regret that I did not come to see you then, but I supposed that you would call for me if you wished to see me.

- 3 -

RG	260
Entry	OMGUS- ^{Ardelia} Hall
File	Collection
Box	270

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By TV NARA Date 9/29/99

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On August 21, 1951 I personally called on Dr. Augustus Hill concerning difficulties in the final turnover of the CCP Building to the Germans. Then I called on Mr. Aniel, Chief of your Public Relations Office, to whom I gave a complete history of the whole Austrian affair so that your office would have the correct information.

Concerning the letter which you told me reached the desk of the Minister President, I can report as follows: I have looked through the files of every letter I have written and can only conclude that the letter you mentioned was my confidential memorandum to Dr. Hanfstaengl of July 12, 1951 which, of course, he was at liberty to forward to his superior officer, the Minister President. The words "Office of Economic Affairs" are always typed on my letters above the engraved letters on the official stationery and I am wondering if this has not been confused with the addressee. I believe I have only written one letter to the Office of Economic Affairs by title and this letter to Mr. Frank Miller, Deputy Chief, OEA, dated August 10, 1951 made no mention whatever of the Austrian affair. Up to June 1951 when Property Division closed, I wrote Monthly Progress Reports to my superior, Mr. Daniels. None of these, whether in original or in copy, was ever made available to any German. I have also asked my secretary, if I ever wrote a letter concerning the Austrian affair to the Office of Economic Affairs and she agrees with me that no such letter was ever written. I can only conclude, therefore, that the letter concerned is my memorandum to Dr. Hanfstaengl of 12 July 1951.

May I repeat my very great regret to have been a cause of embarrassment to you.

Sincerely,

S. LANE FAISON, JR.
HICOG, PROP. DIV. OEA
COLLECTING POINT MUNICH

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File	Collection
Box	270

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111075

2
OCT 23 1945 (1)

HEADQUARTERS
MILITARY GOVERNMENT Detachment EIB
LAND SALZBURG AUSTRIA

EDUCATION RELIGION FINE ARTS
AND MONUMENTS OFFICE

19 October 1945

SUBJECT: REPORT ON DEPOSITS OF WORKS OF ART
LAND SALZBURG
TO: CHIEF MFA BRANCH (Attention Lt Col
Ernest T. De Wald)

Attached hereto is the list of deposits of works of art in the Land Salzburg. These deposits include both the Austrian art, evacuated from museums in this area and also the deposits of stolen art, moved into this area during German occupation. The list is prepared in three sections:

1. Art deposits now in existence,
2. Art deposits in the process of being moved to a central repository,
3. Art deposits which have been moved to a central repository and released to Property Control.

George A. Selke

GEORGE A. SELKE
Major AUS,
Acting Head

RG 260
USACA Records
Reparations &
Restitution
Branch
Box: 160

DECLASSIFIED
Authority: 110785010
By: SR NARA Date: 9-14-99

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111076

OCT 23 1945 (11)

PRESENT ART DEPOSITS

1. Salzburg Museum Collections stored at Faistenau
2. Schloss Sieghartstein, contains several Austrian collections and one from Nurnberg
3. Monatschlossl at Hellbrunn
4. Schloss Anif
- ✓ 5. Hallein Warehouse
6. St. Jakob am Thurn
7. Schloss Leopoldskron near Salzburg
8. Frohnfeste Thalgau, 15 km N.W. of Salzburg
9. Schloss Söllheim, 3 km north and 1 km west of Highway 31
10. Henndorf, 15 km north on highway 31
11. Hinterstoesser at Mattsee
12. Blühnbach
13. Dürnberg (Stallera)
14. Faistenau
15. Glanegg
16. St. Georgen near Oberndorf
17. Schloss Urstein

*Lehling Dichtenberg
189 cases books from Herziana
offering public collections*

ART DEPOSITS IN THE PROCESS OF BEING MOVED
TO CENTRAL REPOSITORY

- ✓ 1. ✓ Polish Art Collections Schloss Fischhorn
- ✓ 2. ✓ Herziana Library in the Salt Mines of Hallein

ART DEPOSITS ALREADY MOVED TO CENTRAL REPOSITORY

1. Schloss Hellbrunn, movement completed 22 September 1945. The art collections returned to Salzburg Museum. Books and journals removed to Salzburg Museum Warehouse.
2. Landesgalerie Collection was returned to Salzburg Warehouse, 19 September 1945.
- ✓ 3. Villa Welz Collection in St. Gilgen was returned to Museum site in Salzburg, 10 September 1945.

RG 260
USACA Records
Reparations &
Restitution
Branch
Box 160

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6

R E S T R I C T E D

16 April 1946

ALCO/P(46)54

ALLIED COMMISSION FOR AUSTRIA

ALLIED COUNCIL

UNITED STATES POLICY IN AUSTRIA

Note by the Allied Secretariat

The US Element presents the attached statement of United States Policy in Austria, and proposed resolution, for consideration under Any Other Business at the Allied Council meeting on 25 April.

R E S T R I C T E D

111078

RG	84
Entry	2071 POLAD/USCOA
File	Papers of the Allied Council
Box	1

DECLASSIFIED
Authority NND 852529
By SR NARA Date 11-2-99

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RESTRICTED

16 April 1946

ALCO/R(46)54

ALLIED COMMISSION FOR AUSTRIA

ALLIED COUNCIL

UNITED STATES POLICY IN AUSTRIA

I Status of Austria.

Austria is regarded by the United States as a country liberated from forcible domination by Nazi Germany. In the words of the Moscow Declaration, the United States regards Austria as "the first free country to fall a victim to Hitlerite aggression," now "liberated from German domination." It regards "the annexation imposed on Austria by Germany in March 1938 as null and void" and considers itself "as in no way bound by any changes effected in Austria since that date." It wishes "to see reestablished a free and independent Austria and thereby to open the way for the Austrian people themselves as well as those neighboring states faced with similar problems to find that political and economic security which is the only basis for lasting peace." Therefore, although Austria cannot evade "a responsibility for participation in the war at the side of Hitlerite Germany," the final settlement should take "account of her own contribution to her liberation," and at no time should the conditions imposed on Austria be such as to prejudice her progress toward freedom and independence.

The United States thus considers that Austria should be treated as a liberated area, as provided in Resolution No. 74 adopted by the Council of UNRRA in August 1945 in London.

Further, the United States considers that the Allied Commission for Austria has brought about the political, legal, and economic separation of Austria from Germany.

II Major Objectives.

The major objectives of United States policy in Austria are as follows:

1. The establishment of a free and independent Austria, and to this end
 - (a) the promotion of democratic self-government,
 - (b) the elimination from Austrian life of all remaining Nazi influences, and
 - (c) the rehabilitation of the Austrian economy and its maintenance on a sound self-supporting basis, capable of independent existence within the framework of general European economic reconstruction;
2. Friendly and cooperative relations between Austria and other peaceful nations, including particularly its near neighbors.

- 1 -

RESTRICTED

RG 84
Entry 2071
File Papers of the Allied Council
Box 1

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Authority NND 852529
By SR NARA Date 11-2-99
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III. Particular Measures.

The United States favors the following measures to implement its policy in Austria and to achieve the major objectives outlined above:

1. The Allied Commission should turn over to the Austrian Government the administration of Austrian affairs in all fields except where the Austrian Government is unable to act.
2. The Allied Commission should request the Austrian Government to give prompt consideration to the proposals regarding de-Nazification recently drawn up by representatives of the three Austrian political parties, to secure the enactment of a law (subject to Allied Commission review) incorporating in general the substance of these proposals, and thereafter to administer and enforce the law energetically.
3. The occupying powers should permit Austria to develop its own political and economic structures, provided that they are based upon democratic foundations.
4. A new agreement on control machinery, now under discussion, should be completed in the Allied Commission, submitted to the four Governments, and put into effect without delay, as contemplated by Article 14 of the EAC Control Machinery Agreement.
5. The members of the Allied Council, through appropriate representations to their respective Governments, should endeavor to facilitate the earliest possible conclusion of a treaty between Austria and the four occupying powers, providing for the reinstatement of an independent and democratic Austria, and facilitating its admission into the UNO.
6. The size of the occupation forces stationed in Austria should be rapidly reduced to the minimum necessary to assure the performance of the following functions, assuming full use of the Austrian constabulary:
 - (a) patrolling frontiers to prevent unauthorized movements,
 - (b) guarding Austrians held under arrest for reasons of security or de-Nazification,
 - (c) protecting relief and rehabilitation supplies,
 - (d) insuring the maintenance of law and order, and
 - (e) handling matters of direct concern to the occupying powers, such as displaced persons and prisoners-of-war.
7. An appropriate agency of the Allied Commission should enter into a full discussion without delay of disputed cases which have arisen under the Potsdam Agreement (which provided that no reparations should be exacted from Austria, that Allied claims to German reparations would be satisfied in part from

RESTRICTED

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RG	84
Entry	2071
File	POLAD/ USCOA Papers of the Allied Council
Box	1

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By SR NARA Date 11-2-99
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appropriate external German assets, and that the signatories renounced all claims to German assets located in certain areas of Austria). No assets in Austria which the Government or nationals of Germany acquired through looting or forced transfer in the sense of the London Declaration of January, 1943, should be claimed as German external assets under the Potsdam Agreement.

8. The occupying powers should facilitate and assist in the providing of immediate relief for Austria. In particular,
- (a) All possible support and assistance should be given to the UNRRA program, and all of the occupying powers should carry out fully the terms of all UNRRA Council resolutions and recommendations. Production in Austria of foodstuffs, fuel, and other supplies included in the UNRRA program, and all agricultural land in Austria, should be made available for the Austrian economy, in order to minimize the importation of supplies by UNRRA or the occupying powers.
 - (b) The occupying powers should then treat Austria as an economic unit and facilitate trade between and within the existing zones of occupation and unified control over Austria's international frontiers.
 - (c) Each of the occupying powers should strive to turn over to UNRRA stocks of imported foodstuffs sufficient to maintain in its zone of occupation for at least sixty days a ration scale based on 1,200 calories per day for the normal consumer.
 - (d) With regard to solid fuel and petroleum products, each of the occupying powers should turn over to UNRRA, against payment in schillings, all present stocks (other than imported stocks essential for military purposes), and all future production, under its control in Austria, to the extent necessary to provide UNRRA with supplies of fuel and petroleum products which UNRRA determines to be essential for the Austrian economy.
 - (e) All practicable assistance should be given to the Austrian Government and UNRRA in obtaining imports of essential relief and rehabilitation supplies, including among others coal from Poland.
9. The occupying powers should facilitate and assist the healthy development of the Austrian economy. In particular,
- (a) The occupying powers should facilitate the rehabilitation and economic development of agriculture, industry, and transport in Austria and the economic use of Austrian resources.
 - (b) The Allied Commission should facilitate trade between Austria and other countries, including particularly neighboring countries, on a non-discriminatory, non-quota, low-tariff basis.
 - (c) The Austrian Government should be assisted in obtaining necessary foreign credits.

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appropriate external German assets, and that the signatories renounced all claims to German assets located in certain areas of Austria). No assets in Austria which the Government or nationals of Germany acquired through looting or forced transfer in the sense of the London Declaration of January, 1943, should be claimed as German external assets under the Potsdam Agreement.

8. The occupying powers should facilitate and assist in the providing of immediate relief for Austria. In particular,
- (a) All possible support and assistance should be given to the UNRRA program, and all of the occupying powers should carry out fully the terms of all UNRRA Council resolutions and recommendations. Production in Austria of foodstuffs, fuel, and other supplies included in the UNRRA program, and all agricultural land in Austria, should be made available for the Austrian economy, in order to minimize the importation of supplies by UNRRA or the occupying powers.
 - (b) The occupying powers should then treat Austria as an economic unit and facilitate trade between and within the existing zones of occupation and unified control over Austria's international frontiers.
 - (c) Each of the occupying powers should strive to turn over to UNRRA stocks of imported foodstuffs sufficient to maintain in its zone of occupation for at least sixty days a ration scale based on 1,200 calories per day for the normal consumer.
 - (d) With regard to solid fuel and petroleum products, each of the occupying powers should turn over to UNRRA, against payment in schillings, all present stocks (other than imported stocks essential for military purposes), and all future production, under its control in Austria, to the extent necessary to provide UNRRA with supplies of fuel and petroleum products which UNRRA determines to be essential for the Austrian economy.
 - (e) All practicable assistance should be given to the Austrian Government and UNRRA in obtaining imports of essential relief and rehabilitation supplies, including among others coal from Poland.
9. The occupying powers should facilitate and assist the healthy development of the Austrian economy. In particular,
- (a) The occupying powers should facilitate the rehabilitation and economic development of agriculture, industry, and transport in Austria and the economic use of Austrian resources.
 - (b) The Allied Commission should facilitate trade between Austria and other countries, including particularly neighboring countries, on a non-discriminatory, non-quota, low-tariff basis.
 - (c) The Austrian Government should be assisted in obtaining necessary foreign credits.

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OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Legal Division
APO 742

MEMORANDUM

9 May 1947

SUBJECT: Works of Art as External Assets of Germany
TO : Economics Division, Restitution Branch

1. Reference is made to your carrier sheet dated 28 April 1947, subject as above. Reference is made also to an opinion addressed to you on 14 February 1946 by the Legal Division, subject: "Works of Art as War Booty" and to our later opinion to you dated 17 March 1947, subject: "Rights of Occupying Powers to Remove Indigenous Archives, Records and Documents".

2. From your carrier sheet it appears that "Caritas", a painting owned by the Staedtische Galerie of Frankfurt am Main and on loan to the German Embassy, in London, has been disposed of by the British Government as an external asset of Germany under the provisions of paragraph A, Article 8, Part I of the Final Act of the Paris Conference on Reparation, dated 21 December 1945, and you have requested an opinion as to the status of other such paintings which were thought to be protected from seizure by Article 56 of the Regulations Respecting the Laws and Customs of War on Land, annexed to the Hague Convention (IV) of 1907.

3. In our opinion of 14 February 1946, it was held that works of art, regardless of where seized, in enemy territory, and whether publicly or privately owned, would not be "war booty" or "trophies of war" and that their seizure during the period of hostilities would be in contravention of the provisions of Article 56 of the Regulations.

4. Our opinion of 17 March 1947, while dealing primarily with archives, records, and documents (rather than works of art), holds that Section III of the Hague Convention, "On Military Authority over the Territory of the Hostile State" (of which Article 56 is a part) does not strictly apply to the question of the independent removal of indigenous archives, records, and documents from Germany by one of the Zone Commanders from his Zone, due to the subjugation of Germany resulting from her unconditional surrender (as differentiated from an occupation during the period of hostilities). It holds, however, "that Articles 46 and 47, and particularly Article 56, of the Regulations are expressive of general principles of

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7. Part I, Article 6, paragraph A of the Final Act of the Paris Conference on Reparation provides that each signatory Government shall "hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets . . ." There is no definition of "German external assets" in the Act, and in the absence of any limitation we are constrained to conclude that the expression covers all property, including personal property of German municipalities and public museums. We conclude that the seizure and sale of the painting by the British Government was legal.

8. Since we are asked to state our opinion generally on this subject, we further advise that seizure and sale of German works of art outside of Germany by powers entitled to dispose of German external assets under the Final Act of the Paris Conference on Reparation is legal under Part I, Article 6, paragraph A thereof, the provisions of Article 56 of the Regulations annexed to Hague Convention IV of 1907 notwithstanding.

Telephone 45043

/s/ John M. Raymond
Col. GSC
Associate Director

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ED/007 (EES/NEA) 2405
Lucas Akliros

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1. Reference is made to your memoranda of 1 February and 25 March 1947.

2. Investigations in Berlin, however, reveal nothing derogatory regarding Lucas Akliros. Evidence, in fact, tends to substantiate the truth of Akliros' statements of the manner in which he acquired the paintings.

3. Although Akliros appears to have made statements the truth of which can be doubted, and his association with Hofer is not in his favor, WPA Section considers that evidence is lacking that paintings are internal or external loot in accordance with present definitions, or were illegally removed from Germany.

4. Certain inconsistencies would appear in Akliros' story as outlined in the letter from the American Embassy, Athens 3 October 1945. Akliros stated that during a period when he moved from Berlin to Prague, from Prague to Berlin, from Berlin to Russia, and from Russia to Greece "he carried the 15 rolled canvases with him". However, nine (9) of the "canvases" are described as "painted on wood", and one other was probably a wood panel.

5. Akliros further states that "he managed to save the 15 paintings in his shop" which was destroyed by bombing in 1943 but two (2) of the paintings are described as having been bought in 1944 in Prague. If Akliros were a German national these two (2) paintings would be subject to restitution to the Government of Czechoslovakia in accordance with par. 18-106 Title 18, Revised, WGR which states: "Identifiable looted works of art and cultural materials will be restituted to the governments of the countries from which they were taken. 'Loot' refers to objects which have been the subject of an act of dispossession by the enemy and which were in existence and located in the occupied territory and removed by the Germans subsequent to the date of commencement of the German occupation of that territory."

6. It is suggested that the State Department may think it advisable to circularize museums, etc., in the United States, as is being done in the case of art objects reported removed by American troops.

7. Inclosures to your memorandum of 1 February are returned as requested. Any further information concerning the paintings in question which may be received by this office will be forwarded to you.

FOR THE DIVISION DIRECTOR:

Incls: a/s
Tel. 42531
Rm 1049 Econ Bldg

JOHN H. ALLEN
Colonel GSC
Chief, Restitution Branch

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DMC Files
Capt. Regan
WPA&A Sect.
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"1. Reparation claims of the U.S.S.R. shall be met by removals from the zone of Germany occupied by the U.S.S.R. and from appropriate German external assets.

"2. The U.S.S.R. undertakes to settle the reparation claims of Poland from its own share of reparations.

"3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the western zones and from appropriate German external assets."

5. Paragraph 4 provides:

"In addition to the reparations to be taken by the U.S.S.R. from its own zone of occupation, the U.S.S.R. shall receive additionally from the western zones": 25% usable industrial capital equipment unnecessary for German peace economy, 15% in exchange for certain commodities, and 10% without payment.

The remainder of paragraph 4 and paragraphs 5, 6 and 7 specify terms and conditions under which removal and delivery of such equipment shall take place. It is believed that in any sound interpretation, this 25% bonus does not apply to Austria or German external assets located in Austria. Up to this point there had been no mention of Austria in the Declaration. The zones under discussion in the preceding paragraphs are specifically the zones of occupation in Germany, and the immediately preceding paragraph draws a distinction between "the western zones" and "appropriate German external assets". It will therefore be assumed for the rest of this study that the 25% bonus does not apply to anything located in Austria, even though German-owned.

6. Article IV, paragraph 8 provides:

"The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located in the western zones of occupation in Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below."

Article IV, paragraph 9, provides:

"The Governments of the United Kingdom and the United States of America renounce their claims in respect of reparations to shares of German enterprises which are located in the eastern zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and Eastern Austria."

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7. The effect of these paragraphs is to limit the application of the principle of reparation as applied to Austria to German foreign assets in Austria, and further, to divide Austria geographically on an undefined basis and limit Russian reparation claims against Austria to German foreign assets in eastern Austria. Conversely, reparation claims of the United States and Great Britain are limited to German foreign assets located in Austria, but outside of eastern Austria. There is apparently no such geographical limitation on claims of other United Nations.

8. The foregoing constitute the only references to Austrian reparations in the entire declaration and since they are couched in negative language, - restrictions and limitations, any positive policy must be arrived at by way of deduction and interpretation. This is rendered difficult of definition and still more difficult of application because of the vague and loose language in which the instrument is couched. Until certain fundamental questions of policy have been settled on a governmental level so as to clarify the meaning or at least the U.S. position, it is impossible to issue specific implementing instructions.

9. Previous instructions from the War Department (JCS 1369 series, paragraphs 39 and 55) cover only the earlier phases of MG and have properly left open questions of both reparation and restitution until a definitive policy has been developed and are limited to a general directive to implement whatever policy is later formulated, with an interim directive to cooperate with the Control Council in Germany and that in the meantime: (paragraph 39)

- "a. no removals should be permitted on reparation account; and
- b. restitution to other countries should be confined to identifiable looted works of art, books, archives and other cultural property."

A further provision in paragraph 55 directed that property taken from Austrians under duress or wrongful acts of confiscation, disposition or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise "should be restored as promptly as possible, subject to appropriate safeguards to prevent the cloaking of Nazi, German or militaristic influence."

10. Among the points requiring clarification are the following:

- a. What is the boundary of eastern Austria? Is Vienna included in eastern Austria? What is the situation with respect to the zones in Vienna?

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- b. What is meant by appropriate German external assets (Article VIII, paragraphs 1 and 3), and German foreign assets (Article VIII, paragraphs 8 and 9)?

Do the words "foreign" or "external" refer to location of securities or location of the properties represented by them?

It is assumed the terms "foreign assets" and "external assets" are used interchangeably and that the use of the two phrases is mere loose draftsmanship and lack of coordination.

It is not necessary to consider the term "shares of German enterprises" which is used only in connection with enterprises or shares located in western or eastern Germany.

It is understood, however, that the purpose of including the words "shares of German enterprises" was to prevent Russian penetration into Western Zones through means of corporate holdings.

- c. Will the United States and Great Britain exact reparation claims from German external assets in Austria?
- d. What are the rights of France and other Allied Nations respecting reparation claims against German foreign assets in Austria?
- e. At Potsdam, did the United States and Great Britain merely renounce their own claims to German foreign assets in eastern Austria or did they in addition acknowledge Soviet claims to them?
- f. Does ostensible German ownership acquired after the Anschluss render property in Austria subject to reparations?
- g. Are Allied reparation claims in Austria limited to:
- (1) Properties acquired by German government agencies or German nationals before the Anschluss?
 - (2) Properties acquired by such agencies after the Anschluss from German nationals?
 - (3) Properties acquired by them after the Anschluss where acquisitions involved no duress.
- h. In the case of corporations or associations involving German and other ownership, is the test of ownership 51 per cent of capital interest?
- i. Are private Allied interests in Austria, if confiscated or appropriated by the Germans after the Anschluss, subject to restoration or are they only a basis for a reparation claim?

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1. The answers to many of the foregoing questions, particularly insofar the American view is concerned, are contained in SECSTATE Cable 316 to AUSPOLAD, 29 November 1945, a copy of which is attached as Annex "A". In general this cable proposed:

(1) The basis for Allied reparations claims against Austria must be established from the Potsdam Protocol "as defined and amplified by relevant parts of other agreements....which concern Austria".

(2) German assets appropriate for reparation should be defined in reference to the "Allied aim to re-establish a free and independent Austria and to insure its political and economic security".

(a) Removals "must be related to a higher standard of post-war welfare within Austria than Germany" and "Should leave capacity and conditions....capable....of yielding in the immediate post-war years a standard of living at least equal to the Austrian standard of 1938".

(b) The forced transfer clause should be applied "to transfers from Austrian, Allied, and neutral ownership to German ownership after March 15, 1938".

(c) Determination of the amount and character of the removals "should be the function of the occupying authorities jointly".

(3) Determination of German ownership must be based on the Moscow Declaration. The U.N. Declaration on forced transfer of property "is applicable to transfers of property from Allied or Austrian ownership to German ownership after 15 March 1938". Such property should "revert to Allied or Austrian ownership and not be subject to reparation claims by the occupying authority". Compensation received from Germans to be returned to a fund available "for the most part in settlement of Austrian claims against Germany".

(4) Allied, neutral, and Austrian property includes movable and immovable property owned by governments or nationals individually, or through partnerships, associations or corporations, directly "or through intermediate corporations, including German corporations". Similarly, German foreign assets include properties owned by German government or nationals individually or through partnerships, associations, or corporations, directly or through intermediate corporations.

(5) (a) Reparation claims should be limited to assets physically located within the respective zones of occupation of the Russians on the one hand, and the Western powers on the other hand.

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Eastern Austria is defined as "The Russian Zone of occupation in Eastern Austria, including the Russian zone of Vienna". (Inferentially excluding the U.S., French, British, and International Zones in Vienna); The German interest in any physical property is determined by the extent to which the German government owned stocks or held an equity interest in the property which holds the physical property.

(b) German owned banks, insurance companies, and similar financial institutions can not be treated on a zonal basis. "A large part of such assets constitutes security against liabilities held by nationals in Austria, Allied or Neutral nations "such assets are therefore not available for reparations". It is the U.S. view that "German claims and non-physical assets of this type be transferred to the Austrian government to be applied towards claims against the German government, or German companies or individuals". "Reparations....should not be such as to effect substitution of Allied or German penetration" of Austria.

(6) A board should be established within the Allied Commission Austria to determine:

- (a) Physical property located in Austria by zones owned by the:
 - (i) German nationals or the German government.
 - (ii) Nationals or corporations of the United Nations.
- (b) The appropriateness for reparations purposes of such assets as are deemed to be German.
- (c) Decision as to "disposition of German property and claims not subject to reparation".

The Board is also charged in paragraph 3 with establishing the element of duress in cases of alleged forced transfer.

(7) Following types of disposition may be chosen (presumably by the board):

- (a) Removal of physical property, completely German owned, subject to compensation for Austria, Allied, or Neutral claims against such property.
 - (b) Retention in Austria "with the claimant power assuming for itself or its nationals German interest in such property".
- Where German interest is substantial, removal might be effected if desired and Allied, Austrian, or Neutral interest exercised through agreed compensation or by continuing minority

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interest as agreed.

Foreign property not physically restored would remain part of Austrian economic resources; profits to be subject to the same foreign exchange restrictions as applied to any other property owned in whole or part by foreign interests.

(c) Substantial interest defined as ownership of 50% or more. Other interests include not only minority ownership and equity, but legitimate claims in the forms of mortgages, loans, or other liens.

State Department would prefer this matter be dealt with in the Allied Council.

12. The note was sent to the Governments of Great Britain, France, and USSR. British comments on the note were transmitted through Ambassador Winant and SECSTATE 7 January 1946, copy attached as Annex "B". The British comments are mainly technical and procedural, but they would prefer that in the case of corporations, reparations should be effected through transfer of shares rather than distribution of physical assets based on location. Their position is predicated on the theory that German ownership of shares did not give the share-holder immediate right to possession of physical assets.

Copies of the note were also transmitted by General CLARK, to General McCREERY, General BETHOUART, and Marshal KONEV. He requested that the matter be discussed at the Allied Council meeting 10 January 1946. However, Marshal KONEV refused to discuss the subject, and said: "...

Further attempts to elicit any discussion of the questions involved have met with no greater success either at the Council, Executive Committee, or division levels.

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Mr. Nikolai Gubenko

DEPUTY CHAIRMAN, COMMITTEE ON CULTURE, STATE DUMA
RUSSIA

Break-out Session on Nazi-Confiscated Art Issues: Government Restitution Policies: Postwar to Present

Ladies and gentlemen,

Each one of us, who participates in this conference, bears a great responsibility because it touches interests of two sides: of victims and their executioners, the good and evil. We cannot permit any ambiguity, any streamlining. //

The organizers of the conference asked me to clarify certain details of the Law "On cultural Treasures Transferred to the Union of Soviet Socialist Republics as a result of the World War II and Located on the Territory of the Russian Federation" adopted by the Russian parliament. During the procedure of drafting the law (and it took three years), the Law was attacked by mass-media, government officials and public figures of Germany. I cannot, but admire the unanimity with which certain European countries supported Germany in its negative reaction to the Law.

This reminds me the unanimity of certain countries on the eve of the World War II. It is known, that one of the main objectives of this war, criminal from the point of view of the international law, was the genocide against the Slavic, as well as Jewish races. "One of the main assignments, said Hitler, is to halt the growth of the Slavic race. I have the right to dispose of millions from the sub-race, who are multiplying like worms." Fieldmarshal Reichenau, in an order to the Nazi army wrote: "The principal objective of the campaign against the Jewish-Bolshevik system is the outright destruction of its power and influence of European culture. No historic or art treasures of the East have any significance." "An outrage and tyranny will be on extremely fitting form of government for the people of the USSR," - seconded him reichsleiter Rosenberg, the one who headed the Department, which robbed our museums, libraries and churches. The "Ost" plan emphasized: "The matter not only deals with the destruction of government. More important, is the destruction of Russians as nation."

*Did he
write beginning
& end of
speech?*

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27 million killed, of them - 2 million Jewish compatriots; 1710 (Seventeen hundred and ten) fully or partly destroyed cities, 70000 (seventy thousand) villages, 1670 (sixteen hundred and seventy) ruined churches and mosques, 532 synagogues, 237 chapels, 427 destroyed or looted museums, nearly 200 (two hundred) million destroyed and stolen books, more than 600,000 (six hundred thousand) lost cultural works. This is the amount of the USSR's losses in the World War II. At the Nuremberg Process the Soviet Union offered 39 volumes of documentary evidence of the destruction and looting of its cultural property. What other country could provide such evidence?!

And in the context of the problem we envisage here, a discriminative approach towards peoples of the USSR-victims of the Nazis is not permissible, because the Soviet Union suffered the most.

Russia has a normal right to compensation. But because the mass media is attacking our international rights with regards to our Law I would like to present to you the arguments of Parliament of the Russian Federation.

Fascist Germany and its partners in crime can console themselves in the hope that the international rights lag behind the moral principles of humanity; that the criminal actions which took place 53 years ago will no longer be considered criminal from the legal point of view. I reject this assumption.

The law is based on the international legal principles and other acts, specified in article 2 of the Law. Among the conference materials is the English translation made by US experts.

All these international legal acts are maintained for all aspects on transferred cultural treasures, retain their validity for property relations developed in response to these documents. The property rights of Russia including the right to transferred cultural values acquired as compensation for caused damaged emerge just from these documents.

The grounds for this statement are in the peace treaties with former enemy states signed in 1947. For instance, the Paragraph one (1) of Clause 79 (seventy nine) of the peace treaty with Italy that is identical in relevant aspects to similar treaties with Bulgaria, Hungary and Romania states: "Every Allied power shall possess the right to take, retain, abolish or initiate any other action in respect of property, rights and interests in a whole that for a day of entry into force of the present treaty shall be located at its territory and belong to Italy or Italian citizens, and also use this property or its gain for the purposes this power considers as desirable."

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It follows that the instruction of the Allied powers concerning property of former enemy states and their citizens found at their territory was the term of the peace treaty. This standard does not contain any exception concerning cultural values.

The fact of refusal of former enemy states of any claims towards Allied powers confirms this conclusion.

For example, item 1 of article 76 of the Peace Agreement with Italy, identical to the corresponding articles of the Peace Agreements with Bulgaria, Hungary and Finland, states (I quote): "On behalf of the Italian Government and the Italian citizens, Italy gives up all claims of all natures to the Allied and United Powers, which were associated directly with the war afforded by measures taken in the result of the War in Europe after the first September 1939."

I can remind you of one more document adopted by the Control Council in April 1947. The document "Quadrilateral Procedure of Restitution," stipulated: "If the restitution of the object itself is impossible, the right of the exacting side to restitution is satisfied by compensation from German property with articles equivalent value." It is clearly obvious, that in these cases the substituted object became the property of the exacting side. The same condition was applied to the Peace Agreement signed in 1947 with the axis countries. next-in-kind

Item 9 of article 75 of the Peace Agreement with Italy (as well as the Peace Agreements with Bulgaria and other satellite countries) envisages: "If in individual cases, it is impossible for Italy to restitute cultural objects - taken by the Italian army from the territory of a United Nation - which have artistic, historical and archaeological value, then Italy must compensate that United Nation with similar objects with approximately equivalent values."

Therefore, according to the abovementioned acts, the Soviet Union had the right to confiscate and own the cultural treasures of former hostile states.

At the same time the former hostile countries confirmed their denial of claims of all nature, including those dealing with assets, to the Allied Powers and the United Nations.

One of the opponents of the Law Mr. Kurt Zir from the Zurich University ironically noted, that "Russia discovered new sources of international public law." It is not astonishing, that Russia "discovered" the documents of the Control Council in Germany and the Peace Agreement of 1947, signed by the governments of many countries, but it is really astonishing, that these acts are still ignored by many opponents of the Russian Law, who in their critical remarks first of all cite the

declarations, conventions of UNESCO and other acts of international law of the 50's - 70's being fully aware that no legal document is retroactive.

Furthermore, you know that not every Allied Power and states of the anti-Hitler coalition had rights for restitution. In the resolutions of the Control Council from the 17th of April 1946 it was clearly indicated: "The right for restitution is granted only to the states, which were completely or partially occupied." For example, the United States of America has no right to claim any restitution, because its territory was not occupied. Much less Germany has no right to claim restitution, because it carries the biggest responsibility for waging the cruelest war in the history of mankind.

The discussion about the legitimate nature of the acts of the Control Council possessing absolute legal and executive power at the territory of Germany can be considered groundless. Their competence and efficiency were confirmed in the Joint Declaration by the governments of the German Democratic Republic and Federal Republic of Germany, addressed on the 12th of September 1990 to the ministers of international affairs of the USSR, Great Britain, USA and France. This Declaration states: "The measures on withdrawal of assets, adopted on the basis of the rights and supremacy of the occupational authorities (in 1945-1949) are irreversible. The German government, considering the historic development, takes this into evidence and will not publish the regulatory acts, which may contradict the above cited part of the Joint Declaration."

For lack of time, I will briefly touch upon some principles of the Law, in order to fulfill the recommendations of our conference. Although, when put into practice, these recommendations do not possess any measures of enforcement. The process of restitution of the cultural treasures is, to a greater extent, a problem of bilateral relations, where the main source of jurisdiction and the only act to become law is the treaty, the agreement between the countries.

Article 8 of the Law clearly defined the transferred cultural values, which is not included in the definition of the property of the Russian State and can be conveyed to the other countries and individuals.

Firstly, these are cultural values, with regard to which the interested state will provide evidence that it demanded its restitution before expiration of the terms, determined by the Peace Agreements with Bulgaria, Hungary, Italy, Romania, Finland. The council of ministers of the USSR determined the term in the Soviet zone of occupation in Germany - the 1st of February 1950.

Second, cultural values, which belonged to religious organizations and private charity organizations, which did not serve the interests of Nazism.

Third, cultural treasures, which belonged to the individuals, deprived of these assets because of their active fight with Nazism. In this includes those who were involved in national defense from occupation and those who were taken for their race, religion and national origin. *victims' assets*

In accordance with recommendations of the Council of Europe, cultural treasures, representing family relics, may be given to the representatives of the families, that owned them.

Taking into account the legal character of the retrieval of cultural treasures in 1945-1949, which took place only at the government level of the interested countries, the law maintains the established rules. The law states: "Claims on transferred cultural treasures... can be made by the government of the state, who makes a claim of these treasures, strictly to the government of the Russian Federation; claims of individuals and legal entities, municipal organs, social and other organizations and corporations will not be accepted."

And finally, the German side consistently proclaims that they have none of our treasures on their territory. Nevertheless, in 1990 the weekly magazine "Zeit" wrote: "The Russians were robbed twice, first by fascist Germany and then by their allies. 80% fell to Americans. The English, French and Russians were satisfied with 20%." The relations between USA and Russia are too delicate now that I would not like to elaborate on this subject for the lack of time. I admit that "Zeit" has dispersed this information with the purpose that search of Russian values shall be directed on the wrong track.

It is hard to imagine that Germans did not know the location of the transferred Russian cultural treasures or even the direction they traveled with respect to its territory.

I won't be amazed, if cultural treasures of the victims of the Holocaust are hidden in the same "coves," as the cultural treasures removed from the Soviet Union.

In June of 1945 the prominent representatives of scientific and cultural communities of our country - actor Mihoels, writers Bergemson, Sutskover, the academicians Obnorskii, Lebedev, Shishmarev, professors Greenberg and Feter - turned to Stalin with the following letter: "Dear Joseph Vissarionovich! The Germans have destroyed all the Jewish book depositories on all territories, which they temporarily occupied. They carried away manuscripts that were centuries old, antiquity works, and rare books of great value. The basis for further study of Jewish culture in

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the USSR is seriously damaged. We believe that in conjunction with the decisions of the Crimean Conference that ordered the Germans to compensate by nature all the distraction they inflicted. Germany firstly should be obliged to return to the USSR all that was stolen and taken to Germany; Secondly, to remove the monuments of Hebrew culture stored in book archives of Berlin, Munich, Frankfurt, and Leipzig and transferred them to the corresponding libraries and museums of the USSR."

Hundreds of thousands of similar letters came from the Ukrainians, Russians, Tartars and representatives of hundreds of other nationalities which were victims of Hitler's genocide.

One year ago, when our Law was not yet adopted, Russian mass media conducted a research of public opinion. The result was unanimous. 86% supported the Law. And it is natural, because the language of this Law is the language of justice.

Those who perished are gone. In the same Jews there are Russians, French, a lot of other nationalities all together. They are my father, Ukrainian, who went to the front when I was yet in mother's belly. They are my mother, Russian, who has been hanged by Germans in Odessa because she hid Jews, when I was eleven months old. They are dead victims. We must think about today's people. It will be a shame to divide into "ours" and "aliens" those victims who survived. We must unite all efforts aimed at just compensation for every victim of the tragedy regardless of nationality.

OFFICE OF MILITARY
GOVERNMENT FOR GERMANY
(U. S.)

Military Government Regulations

Title 18

Monuments, Fine Arts and
Archives

Change No. 1 (Supersedes Title 18)
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