

December 10, 1947

Unione Delle Comunita Israelitiche Italiane
Roma
Lungotevere Sanzio N.9 (Italy)

Dear Friends:

I am in receipt of your letter of November 28, 1947, concerning recovery of the library looted by the Nazis. The reason for suspension of the restitution of the books by the allied command in Germany is obvious, since the restitution law has not yet been promulgated. We expect the Jewish Restitution Commission to be recognized by the authorities in the course of this month, when it will be empowered to handle also all Jewish cultural property found in Germany. The Commission will therefore be in a position to return the books to you without delay.

The Commission promised to settle your case immediately after its recognition, and a copy of your letter is now in their possession. As you probably know, the Commission was organized by the World Jewish Congress and other organizations, and we have our representatives thereon. I will let you know in due time about further developments in this matter.

With kind regards, I am,

Sincerely yours,

Rabbi Dr. S. Federbush
Dept. of Culture & Education.

SF:RK

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WORLD JEWISH CONGRESS
55 New Cavendish Street
London, W.1.

December 29th 1948

Dr. R. S. Marcus
World Jewish Congress
1834 Broadway
New York.

Dear Bob,

GREEK HEIRLESS PROPERTY

I am obliged for your letter of December 13 of which you sent copies to Dr. Barou and Dr. Petegorsky.

I enclose copy of a letter I have today written to Dr. Robinson. The suggestion to assign part of the heirless property assets for the benefit of non-Jewish victims of the war involves, as I say in my letter to Dr. Robinson, a matter of principle of considerable importance, and I would not like to put this suggestion forward to the Greek Jewish community without our being very sure that this is a proper course of action for us to suggest. I should be very glad if the New York Executive would discuss this and let me have their views. I propose to follow the same course here.

I share your view that the Politis claim was not the real reason for not implementing the Law No. 845. Nevertheless, the excuse was effective enough hitherto in barring the execution of the Law. Of course the claim should be settled because it appears to be a valid claim which is being established by the Courts in Palestine. You might ask Dr. Goldman to invite Mr. Shertok to decide upon settling this claim.

You will see my comments on Mr. Fischer's mission to Athens, but I do not agree that this is putting the matter completely in the hands of the Joint. Whatever may be said of Mr. Fischer, with whom I have only the slightest acquaintance, I am given to understand that Dr. Schwartz is a man whose word can be relied upon. He promised that nothing of a political character would be done without reference to and consultation with the World Jewish Congress. I should like to believe that he will abide by this promise. I shall consider your suggestion about Cahn-Debre or Riegner.

There was, of course, an error in the note of my conversation with Tsaldaris. I meant to say that it was the "first country" which had a Law on heirless property. But just by way of a friendly retort, you omitted to mention that Hungary also has enacted such a Law. But please don't take this too much to heart.

With kind regards,
Yours sincerely,

A. L. Easterman.

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copy

28th December 1948

Dr. N. Robinson
World Jewish Congress
1834 Broadway
New York.

Dear Dr. Robinson,

GREEK HEIRLESS PROPERTY

I do not think I have acknowledged your letter of December 13 for which I thank you.

I note your comments about Mr. Fischer from which I gather that you do not altogether approve of the arrangement made with Dr. Schwarz of the J.D.C. and which Dr. Goldman approved when I communicated it to him in Paris. It is interesting to note that when we disapprove of arrangements made with the J.D.C. and similar bodies in New York you always insist that there is no alternative. Now, when we take this position on this side it is you who disapprove. As a scientist you will appreciate that it is difficult to be in more than one place at a time and consequently that while the General Assembly was in progress in Paris I could obviously not be in Athens. If Mr. Fischer was under instruction to go to Athens to deal with this vexed question there was nothing any of us could do to stop him, and therefore it seemed to me that the best way to prevent the J.D.C. handling the matter alone, was to make the arrangement with Dr. Schwarz of which I have informed you. If Mr. Fischer does not carry out the arrangement it will be unfortunate.

You will also bear in mind that all along the Greek Jewish community has been in closest consultation with the J.D.C. and in fact seems to have regarded the J.D.C. as its principal advisor. This is borne out by the fact that Mr. Ben Rubi, on behalf of the Greek Jewish community, has been in closest consultation with the J.D.C. in Paris during the recent months. I addressed Mr. Ben Rubi at great length in criticism of the multiplicity of advisors chosen by the Greek Jews and of the difficulty which this creates for us all. We have to take the situation as it is and do what we can to fit the Congress into the picture.

I note your suggestion that the Greek Jewish community should offer a grant, as part of the heirless Jewish properties, to other war victims. This involves an important question of principle which requires very careful consideration, and I would be obliged if you will let me know whether this proposal has been under discussion by your colleagues in New York, and if so, what is their view of it.

I do not know to what memorandum of Mr. Ben Rubi you refer in the last paragraph of your letter. In case this has gone astray so far as we are concerned here, would you be good enough to send me a copy by return air mail. At the same time if you have prepared the document suggested in this paragraph I should be glad to see a draft of it. I am inclined to agree with you that we should now submit to the Greek Government a really well documented memorandum

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on the whole subject. How this would fit in, however, with the Greek Jewish community's relation with the J.D.C. I do not know. But we would certainly have to consider the J.D.C.'s part in this affair in relation to such a document.

You might have a word with Dr. Goldman on the subject of the Politis claim and see whether he can do anything to get this troublesome matter out of the way.

I wish I could get away to pay another visit to Athens, but in the present state of our work I do not see how this is possible in anything like the near future.

To keep the matter in order I am writing to Dr. Schwarz to ask him to let me know what Mr. Fischer is doing in Athens.

With kind regards,

Yours sincerely,

A.L. EASTERMAN.

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March 15, 1950

REPORT ON WJC ACTIVITIES
Since January 1, 1949.

A. GOVERNATION OF INTERNATIONAL LAW

Comments on the Preliminary Report of the Secretariat of the U.N. prepared for the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, which deals with the organization of studies to determine the main types of discrimination which threaten the exercise of fundamental freedoms, etc., were submitted by the Department to the U.N. Division of Human Rights.

The International Law Commission of the U.N. was requested to begin the formulation of the principles of international law deriving from the Charter of the Nuremberg Tribunal and its judgments as well as from the subsequent judgments pronounced by the Military Tribunal in Nuremberg. The document submitted called attention to the relevant resolutions of the General Assembly which requires the Commission to give priority to this matter.

A memorandum was submitted to the Chairman of the Human Rights Commission setting forth proposals to remedy serious deficiencies in the draft Government on Human Rights. The memorandum pointed out that while the Government set forth a limited number of basic rights, it completely ignored social rights, such as the right to work, etc; furthermore, that certain rights such as freedom of religion and conscience as well as the deprivation of life or liberty without due process of law and the prohibition of retroactive criminal laws should never be abrogated, even in times of emergency.

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A memorandum was submitted to the Secretary General for circulation among the members of the Sub-Commission on Freedom of Information and of the Press of the Human Rights Commission, containing a proposal for a world-wide U.N. survey of newspapers and publications spreading racial and religious hatred. All U.N. member states would be invited, under the procedure suggested, to report to the Sub-Commission at regular intervals the name and place of publications or papers containing hate propaganda and other pertinent information. The aid of specialized agencies and NGOs would be enlisted to provide the data. It was also suggested that the U.N. Secretariat prepare a study on the most effective way of combatting the publication of hate propaganda.

X A Memorandum dealing with the implementation of the Covenant on Human Rights was submitted to the Human Rights Commission. Among others, it suggested that domestic as well as international bodies be set up to handle implementation, such as special Human Rights Courts on the domestic scene and an international committee of judges on the international scene. It was recommended that the international body be entitled to receive petitions; and that organizations with consultative status receive official recognition, both on the domestic and the international scene within the framework of the implementation procedures.

X A note was submitted to the Human Rights Commission in support of the French proposals dealing with the right of petition. Attention was called to the resurgence of racialism in central Europe and arguments against the inclusion in the Covenant of a clause assuring the right of petition were refuted.

A memorandum on the right and procedure of petitions was submitted to the Secretary General. The memorandum made two main points: that the right of petition has long been recognized in the national law of almost all U.N. member states as a basic human right, and secondly, that the right of petition was already inherent in the U.N. Charter, namely, in Arts. 55(c), 56 and 87. As for the implementation of the right of petition, it was suggested that the Secretary General be authorized to examine petitions and submit those which he considers urgent to a body entitled to deal with them; also that petitions submitted by U.N. member states, specialized agencies or NGO International Organizations with consultative status be automatically considered as urgent.

Dr. Perle addressed the U.N. Commission on Human Rights on the question of petitions. A resolution which affirmed the "importance and urgency of the question of the right of individuals, groups and organizations to petition in the case of violation of human rights" and which requested the Secretary General to prepare a study on the question, was adopted.

X A memorandum was submitted to the Ad Hoc Committee on the Preparation of a Convention on the Declaration of Death of Missing Persons. The memorandum dealt with certain legal and technical problems connected with such a Declaration, including constitutional questions in countries whose governments are based on the federal system. The memorandum emphasized the urgency of having a Convention adopted as soon as possible and indicated techniques for overcoming the legal difficulties involved.

A number of amendments to the Red Cross Convention were formulated for the consideration of the international conference held in Geneva April 21, 1949.

The changes proposed would compel the detaining or occupying powers to allow the representatives of bodies other than the International Red Cross to visit the detainees; would add a provision whereby stateless persons are treated like non-enemy aliens, and entitle the International Red Cross to assume the functions of the protecting power with regard to such stateless persons; would make sure that detainees receive individual relief supplies sent to them with no danger that technicalities may interfere, as they did in the last war; and finally, would ensure that the delegates of the International Red Cross will enjoy the same prerogatives as the representatives of the protecting powers, without making their status dependent on the good will of the occupying power.

In a letter to the New York Times, the scope and importance of the Declaration on Human Rights adopted by the U.N. General Assembly was thoroughly analyzed. A similar analysis was made of the Genocide Convention in a study written by Dr. Robinson. It deals with the preparation of the Convention, contains a commentary on the preamble and the various articles and explains the reason for the present wording of the Convention, the meaning of the clauses and the scope of their application. A circular letter was sent to affiliates in the countries which are members of the U.N. urging them to prevail upon their governments to ratify the Genocide Convention.

X The Director of the Institute of Jewish Affairs, Dr. N. Robinson, published an exhaustive study on the Convention on the Prevention and Punishment of the Crime of Genocide, the most comprehensive yet published on the subject and based on the discussions of the draft by the bodies of the U.N., the work done by the Secretariat and the rules of general international law. Acknowledgments and statements that this paper represented a valuable contribution were

receiver, inter alia, from the delegations of the U.S., Canada, Greece, Norway, and Yugoslavia, as well as from various colleges and institutes.

Dr. Marcus, in a letter to the Editor of the New York Times, took issue with the opposition of the American Bar Association to ratification of the Genocide Convention by the U.S. Shewing that the contention of an international tribunal superseding American courts and endangering the self-governing power of American states was erroneous, Dr. Marcus urged an early ratification by the U.S. Senate which would set a favourable precedent for other signers of the Genocide Convention.

A memorandum dealing with the proposed Convention on Missing Persons was submitted on November 21st by Dr. Marcus to the Chairman of the Sixth Committee of the U.N. General Assembly, strongly urging the conclusion of such a convention.

On January 17, the World Jewish Congress submitted a memorandum to the United Nations Secretary General concerning the prevention of discrimination and the protection of minorities with the request to have it circulated among the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities assembled in its Third Session.

Following this submission, Dr. Perlsweig, on January 24, made an oral statement on behalf of the Congress before the Sub-Commission and stated that the time had come for an attempt to revive, generalise and strengthen the concept of international concern for the security and rights of minorities.

On January 24, the World Jewish Congress submitted a memorandum to the Ad Hoc Committee on Statelessness and Related Matters with the request that it be circulated among the members of the Committee which was set up to

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draft a Convention concerning the protection of refugees and stateless persons and the elimination of statelessness.

A paper prepared by Dr. Robinson entitled "the Attitude of the American Bar Association towards the Genocide Convention" and dealing with the arguments against ratification of the Genocide Convention advanced by the American Bar Association was distributed to English-speaking countries outside of the United States. This paper is a reply to a report of the "Special Committee on Peace and Law through the U.N. of the A.B.A." which cited passages from an earlier publication of the Institute of Jewish Affairs and took issue with the World Jewish Congress support of the Genocide Convention.

In an interview with the Assistant-Chief of the Division of Protective Services of the Department of State, the question of the signing by the U.S. of the Geneva Convention relative to the "Protection of Civilian Persons in Time of War" was taken up.

Cooperation of the WJC in the work of the non-governmental organizations:

(1) At a meeting of the Committee of U.N. Consultants on Human Rights, Dr. Parlsweig delivered a report on the Human Rights aspects of decisions taken in the Italian Colonies Sub-Commission and formulated a statement for circulation among all consultants.

(11) At a conference of non-governmental organizations on January 21st and 22nd, Dr. Parlsweig, in the general discussion, made a plea for the development and improvement of the facilities extended by the ECOSOC to the NGOs which was endorsed by the meeting.

(iii) For the first time affiliates of the WJC, in their capacity as branches of an international organization with consultative status, were admitted to regional conferences of NGOs called by the U.N. Information Department. This was the case in Montevideo and in Santiago de Chile where the respective Congress affiliates could actively participate in the negotiations of this regional conference.

International Cultural Co-operation

The WJC was represented at a meeting of the Committee on Educational Reconstruction of the United States National Commission for UNESCO. It became apparent that UNESCO goes further than any other specialized agency of the United Nations in actual work in Germany and that much valuable material was being sent to that country through some of the voluntary organizations cooperating with UNESCO.

The WJC also was represented at the meeting of the Committee of Experts under the auspices of UNESCO held in Paris from December 5 - 7. A resolution moved by the representative of the WJC protested against the numerus clausus facing Jewish women students in many educational institutions in several countries and asking for a radical change of such situation was unanimously adopted.

Dr. Steinberg represented the WJC at the annual conference of TIGER held in Paris on January 11 and 12. Dr. Steinberg is also one of the three members of Ticer's Fact-Finding Committee which submitted a report which was unanimously adopted. The collaboration of NGOs with consultative status was put on a permanent basis. Dr. Steinberg was re-elected to the Standing Committee of TIGER for the fourth time in succession.

The constituent meeting of the executive body of the WJC Advisory Council on Textbooks was held in London with the attendance of Dr. A. Cohen, president of the Board of Deputies, the famous Jewish historian Dr. Cecil Roth and other prominent scholars.

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B. RESTITUTION AND INDEMNIFICATION

Interventions were made with the State Department and the Swiss Legation in Washington to exempt properties belonging to Jewish residents in Germany from seizure and liquidation. The State Department was also requested to use its good offices with the Swiss authorities to make available Jewish heirless property for purposes of Jewish rehabilitation.

At the request of the Greek Jewish community, representations were made with the State Department to induce the Tripartite Gold Commission to assent to the Greek claim for the return of gold valued at \$700,000 seized from Jews under the German occupation. The claim is now being considered by the Commission.

A request for further extension of the deadline to file claims under its restitution law was made to the Polish Government through its Embassy in Washington. The request was based, inter alia, on the failure to provide adequate facilities for DPs to file such claims under provisions exempting them from the payment of any fees. This exemption had originally been granted at the request of the WJC.

An intervention was made with the Brazilian Embassy in Washington and the State Department to accelerate enactment of the law dealing with German property in Brazil which would exempt Jewish property from seizure.

The WJC, together with other Jewish agencies, intervened with General Clay for an extension of the deadline for filing claims under the U.S. Zonal Restitution Law. The General Claims Law drafted by the Laendererrat and since approved by John J. McCloy, U.S. High Commissioner designated for Germany, was discussed with McCloy and Secretary Acheson.

The possibility of effecting a change in the restitution law of the French Zone so as to assign Jewish heirless property for Jewish purposes was dealt with in Washington.

The French Ambassador in Washington was requested to intercede with his government in order to have the French High Commissioner for the Saar withhold approval of a law adopted by the Saar legislative assembly which would have the effect of nullifying restitution for Jews.

A memorandum dealing with a number of property problems in the U.S. Zone of Germany was prepared by the WJC and discussed with the American High Commissioner.

Together with other Jewish organizations, we intervened with General Hayes, substituting for General Clay, requesting that approval of the first ordinance on the equalization of burden be withheld until its provisions were changed so as to exempt all persecutees from the tax. The matter was also discussed with the State Department.

As a member of the Executive Board of the JRSO, the WJC actively participated in the formulation of several suggestions adopted by the Board relating to the activities of the JRSO concerning heirless property, assistance to claimants in restitution and compensation cases and the relationship between the JRSO and individual claimants of the same property.

The Unione of Jewish Communities approached the Italian Government at the suggestion of the Department requesting that Jewish property in Tunisia be excluded from confiscation under the Italian-French agreement.

The implementation of restitution legislation and the problem of heirless property in Austria was discussed with competent officials in Washington. A memorandum on these matters is to be submitted to the U.S. Department of State.

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The Unione of Jewish Communities in Rome, acting upon our request, has intervened with the Italian authorities to grant the status of U.N. nationals to German and Austrian Jews as relates to compensation for losses incurred in Italy.

After receiving the news that the Swiss Government has agreed to turn over to Poland funds placed in Swiss banks by Polish Jews who died heirless during World War Two, a discussion was held in Washington with the Head of the Division of Western German Affairs of the State Department, with a view to a possible American intervention in this matter. This interview, in which Dr. Robinson participated, resulted in representations by the American Minister and by the IRO in Berne.

Dr. Bienenfeld stayed in Vienna from November 29 to December 12 in order to prevent amendments to the Austrian Restitution legislation which would have disastrous effects on thousands of claims of Jews. He also took up the problem of a Jewish Rehabilitation Fund v. the General Fund. According to the Austrian Press, not excluding the Nazi-minded papers, Dr. Bienenfeld's mission was successful.

During their visit to Sweden, Lady Reading and Dr. Bienenfeld discussed in detail the problem of Jewish heirless deposits in Sweden with the Minister of Justice.

Publications:

- (i) Dr. Robinson published a 60-page study on Restitution Legislation in Germany. This was followed by a supplement by the same author.
- (ii) Dr. Robinson also issued a paper on the restitution legislation and restoration laws in Austria which also covers compensation and re-instatement

September 22, 1950

To: Dr. Marcus
cc. Dr. Goldmann, Dr. Goldstein, Dr. Steinberg

From: Dr. Wolf Blattberg

Activities of the New York Office of the Cultural Department

In the first period of its existence, the work of this office was based mainly on cultural relief, i.e., sending books and school supplies to European and other countries. In the last year the cultural relief work was limited, and the activities of this office were directed toward the carrying out of those provisions of the Montreux cultural resolution which did not require special expenditures, the implementation of directives of the Director of the Department, and some independent projects.

The continuation of the cultural relief work, though on a reduced scale, was necessitated by two factors: (1) the needs of the various communities and the urgent demand of some of our offices and affiliates to meet these wants; and (2) our cooperation with the U.S. National Commission for UNESCO, which expects all of the voluntary member organizations to engage in cultural relief.

Book Supply Service

The country that benefitted most from these supplies was France. The books were sent there at the request of our French Section, which deemed it essential to distribute books among the principal cultural institutions in need of them, and among the many local branches of the World Jewish Congress established by the Section. The books shipped from here were, according to reports of the French Section, allocated to numerous schools, libraries, and other cultural institutions both in Paris and in the provinces. Numerous letters of appreciation which have been received from these institutions testify to the value of our book shipments and the good use made of them. The French Section has requested further shipments, which are now in preparation.

Minor shipments were also made to North African countries (Tunisia, Algeria), to Italy, and to some Far Eastern communities.

The sending of book supplies is made possible through the cooperation of Jewish schools, libraries, and cultural organizations in the United States.

Distribution of books to Latin America through the JCR

According to an agreement with the JCR (Jewish Cultural Reconstruction, Inc.), this office serves as the distributing agency for Latin America. On the basis of this agreement, I contacted all our affiliates in Latin America with a view to

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determining the needs of the respective countries and arranging the distribution. Books and ceremonial objects are delivered to the central Jewish organization in each community which this office or our respective affiliate has recommended.

In accordance with suggestions made by this office to the JCR, shipments have been made to the following countries:

Argentina	5,000 books
Mexico	800 "
Chile	1,000 "
Ecuador	225 "
Uruguay	800 "
Costa Rica	440 "

Shipments for Brazil, Colombia, Venezuela, and Curacao are ready in the warehouse of the JCR at Wiesbaden or are already under way.

All these shipments were carried out as a result of the efforts and vigilance of this office. The recipients in Latin America are well aware that they are receiving the books solely because of our intercession.

Cooperation with UNESCO and other organizations

In the United States, the work of UNESCO is concentrated mainly on cultural relief. The U.S. National Commission for UNESCO acts through its Committee on Educational Reconstruction, which is the coordinating body of all voluntary organizations cooperating with the National Commission. It is understood that each member organization will undertake some categories of UNESCO reconstruction projects.

The World Jewish Congress is one of these voluntary organizations. The Committee on Educational Reconstruction issues annual reports on the work done by the American voluntary organizations in the field of educational reconstruction in European and other countries in need of assistance. Listed in these reports, among the participants, is the World Jewish Congress, as well as the contributions made by its Cultural Department in the field of educational reconstruction.

This office also cooperates with the American Council on Education and its Commission on the Occupied Areas, in whose meetings I have been participating.

Cultural Bulletin

In cooperation with the Institute of Jewish Affairs, the Department has for the past few months issued a Bulletin on Cultural Affairs.

The purpose of the Bulletin is to give as full an account as possible of the main movements, trends, problems, and developments in Jewish cultural life throughout the world. The issuance of such a bulletin was prompted by the fact that there is widespread interest in all developments in Jewish cultural life, and that no bulletin or periodical of this type was in existence.

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It is the aim of this office to secure authentic and comprehensive news for the Bulletin, and information is received either from our affiliate or from some reliable person in each community.

The reaction to the Cultural Bulletin has in general been very favorable. Articles and news items in the Bulletin are being reprinted in the Jewish press of Latin America and other countries, as well as in the Anglo-Jewish press of the United States.

Select List of Jewish Books

The Select List of Jewish Books Published in the United States is being issued at the express wish of individuals and organizations in Latin America and other countries. It is done in response to an increased demand for information about the recent publications of Jewish interest in this country, which, apart from Israel, is the main center of Jewish book publication. A list of this sort is being issued by this office only, and is no duplication of work.

Essay Contest on Contemporary Jewish Affairs

The Montreux resolution called, inter alia, for the establishment of prizes for scholarly and literary achievements in order to stimulate research into, and increase knowledge of, Jewish life.

By way of implementation of this resolution, this office has announced the "Jay Joshua Marcus Memorial Contest" for original essays in any field of modern Jewish history or current Jewish affairs, in memory of Jay Joshua Marcus. The announcement of the contest appeared in the Jewish press the world over. It is also known to colleges and cultural institutions in the United States and abroad.

Although the closing date is still far ahead, a few essays have already been received.

Hebrew work

This office is in charge of all the Hebrew work of the American Branch of the World Jewish Congress, such as correspondence with Israel, translations, etc.

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**Committee
for Recovery of
Jewish Cultural Property
of the
Department of Culture and Education
WORLD JEWISH CONGRESS**



ISSUED BY

**The Department of Culture and Education
WORLD JEWISH CONGRESS**

1834 Broadway

New York 23, N. Y.

Telephone: Circle 6-1900

Department of Culture and Education
WORLD JEWISH CONGRESS

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Members of the Committee

WORLD JEWISH CONGRESS

Dr. Stephen S. Wise, *President*

Dr. Nahum Goldmann, *Chairman, Executive Committee*

Dr. A. Leon Kubowitzki, *Secretary-General*

Dr. Simon Federbusch, *Chairman of the Committee*

PALESTINE

David Remez, *Chairman*, Dr. Jechezkiel Kaufman, *Head of the Cultural Department*, VAAD LEUMI.

Dr. J. L. Magnes, HEBREW UNIVERSITY.

U. S. A.

Henry Monsky, Louis Lipsky, Dr. I. Goldstein, *Co-Chairmen*, AMERICAN CONFERENCE.

Rabbi Irving Miller, *Chairman, Executive Committee*, AMERICAN JEWISH CONGRESS.

Dr. Salo W. Baron, COLUMBIA UNIVERSITY.

POLAND

Dr. E. Sommerstein, *Chairman*, CENTRAL JEWISH COMMITTEE IN POLAND.

Rabbi Dr. David Kahane.

CZECHOSLOVAKIA

Ing. Arnost Frischer, *Chairman, Council of Jewish Communities in Czechia and Moravia*.

Dr. Aladar Deutsch, *Chief Rabbi*, PRAHA.

Dr. Armin Frieder, BRATISLAVA; Arnost Klein, NOVE ZAMKY.

SWITZERLAND

Saly Braunschweig, *President*, UNION OF JEWISH COMMUNITIES.

Rabbi S. Brom, *President*, and Dr. L. Rothschild, *Secretary*, UNION OF SWISS RABBIS.

ITALY

Dr. David Prato, *Chief Rabbi*.

YUGOSLAVIA

Dr. Isaac Alcalay, *Chief Rabbi*.

THE Germans systematically destroyed and plundered Jewish libraries, museums and archives, the whole intellectual and artistic heritage of our people accumulated during the centuries.

One of the main tasks facing us now is the restitution of the historically valuable books, documents, art and religious objects, thus preserving all these treasures for the future cultural life of the Jewish people.

For this purpose, the Committee for Recovery of Jewish Property has been established. Its aims are:

To make representations to government authorities in this country and abroad in order to get their assistance in the recovery of this cultural property.

To send a group of scholars and experts to Germany to trace and survey the places where the cultural treasures are located and to do salvage work on the spot.

To restore the salvaged treasures to the Jewish communities which are their rightful owners. In cases where the owner is not traceable, the recovered property is to be turned over to the Hebrew University in Jerusalem as the trustee of the Jewish people.

REPORT ON THE ACTIVITIES OF THE DEPARTMENT OF CULTURE
AND EDUCATION OF THE WORLD JEWISH CONGRESS

The aim of the Department of Culture and Education is to extend spiritual guidance and assistance to Jewish communities throughout the world which are in need of it. To implement this program, activities in the following fields were undertaken by the Department of Culture and Education:-

BOOK SUPPLY SERVICE

225,000 books shipped to Jewish communities overseas.

The book drive in the United States for the liberated countries in Europe and elsewhere has yielded to date about 250,000 volumes of which 225,000 have already been shipped overseas. National organizations, local communities, branches of the American Jewish Congress, congregations and private individuals participated in this collection.

Among the organizations which took part in our book drive were the Mizrachi Organization of America, the National Jewish Workers Alliance, the Rabbinical Assembly of America, the Histadruth Ivrit of America, the Free Sons of Israel, Association for Jewish Education in America, the Jewish Educational Committee in New York, the National Women's American Ort, YKUF, the Habonim Labor Zionist Youth Organizations in U.S.A. and Canada, and student organizations in various American universities and colleges.

Within the framework of the book drive the following shipments were made to date by the Department of Culture and Education to the various countries abroad:

Austria	6,000	books
Belgium	6,500	
Czechoslovakia	5,000	
England (for Chalutzim groups)	3,000	
France	38,000	
Germany	48,000	
Holland	4,000	
Hungary	9,000	
Italy	15,000	
Poland	8,000	
Rumania	10,500	
Russia	2,500	
Yugoslavia	3,000	

In addition, 50,000 Prayer Books were printed by the W.J.C. Swedish Section and distributed to the European countries.

The British Section conducted a similar drive in Great Britain which yielded about 15,000 volumes.

Shipments were also made to Sephardic Jewish communities in North Africa and to scattered Jewish colonies and remote countries in order to foster their

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Jewish life and to help them maintain ties with the outside Jewish world. Among these remote colonies is India, whose Jewish communities we supply regularly with prayer books, textbooks, Jewish songs, calendars, and all kinds of literature which may enlighten them on Jewish life in the past and present. The same applies to the small communities in Japan whom we supply with similar material. Considerable shipments are also being made to the various refugee groups in Shanghai.

Small remote Jewish communities in the Western Hemisphere also benefit from our book supplies. To this category belong San Domingo and British and Dutch West Indies.

We have received numerous letters of appreciation and thanks for our shipments, which testify to the great help thus rendered by us in the field of cultural and religious rehabilitation of the devastated Jewish communities.

For the sake of religious rehabilitation of the devastated Jewish communities, a collection of Torah scrolls had also been proclaimed.

To date scrolls were shipped to the following countries:

France	34
Holland	6
Yugoslavia	6

II. SCHOOL ADOPTION PLAN

The aim of the School Adoption Plan initiated by the Department of Culture and Education of the World Jewish Congress is to have each needy Jewish school in Europe adopted by a Jewish school in the United States with a view to aiding the former by the supply of textbooks, a school library and equipment; by sending gifts to the children on various occasions, and to encourage an exchange of correspondence between the children of both schools.

The School Adoption Plan has met with a good deal of enthusiasm in the Jewish Education circles in Europe and has aroused keen interest among the schools in the United States.

To date schools in the following countries were adopted by corresponding American Jewish schools:

France	35	schools with 1806 children
Belgium	8	" " 941 "
Luxemburg	2	" " 120 "
Switzerland	5	" for refugee children
Hungary	21	" with 3299 children
Italy	15	" and children's homes with 1325 children
Finland	1	school with 75 children
Pöland	15	schools with 1275 children

The Commission for International Cultural Reconstruction in Washington, D. C. awards Certificates of Merit to schools that have assisted needy schools in Europe. The Jewish schools in U.S.A. are eligible for these certificates, and 13 of those which cooperated most with us in our School Adoption Plan were awarded such certificates at the close of the last school year.

III. RECOVERY OF JEWISH CULTURAL PROPERTY

Valuable books, documents, arts and religious articles looted by the Germans from Jewish libraries, museums and archives are now stored in Germany in the custody of American Military authorities, and in Czechoslovakia.

Since the summer of 1945, when the cultural treasures accumulated by the Germans were found, every effort was made by us to recover and restore them to the Jewish people. For this purpose the Committee for Recovery of Jewish Cultural Property, sponsored by the Department of Culture and Education of the World Jewish Congress, was established. This Committee comprises representatives of the following countries:

U.S.A.	Sweden
Palestine	Finland
Poland	Switzerland
Czechoslovakia	Italy
France	Roumania
England	Yugoslavia

The most prominent representatives of Jewish life in the above-mentioned countries are members of the said Committee.

We have submitted memoranda to the U.S. Department of State and intervened with the State Department on problems pertaining to recovery.

In our memoranda we suggested the establishment of a trusteeship to be in charge of the transfer and final disposition of all Hebraica and Judaica, and all other Jewish, religious and cultural objects in the American zone. We also suggested that in the final disposition primary consideration be given to the Hebrew University in Jerusalem.

At our conferences with the State Department the matter of establishing a trusteeship was fully discussed. Representatives of the State Department urged that the Corporation should not be merely an American body, but should represent the Jewish communities abroad. Dr. Federbush explained that the World Jewish Congress representing Jewish communities in 57 countries, was going to be a member of the Corporation, which would thus bear an international character. This view was accepted by the State Department.

At a conference which representatives of the World Jewish Congress and the Commission for European Jewish Cultural Reconstruction had with General Lucius Clay, Chief of the American Military Government in Germany, during his stay in New York, they submitted to him their views on the recovery of Jewish cultural property, and the necessity for establishing a representative Jewish trusteeship for this purpose. General Clay fully endorsed the plan of the said trusteeship and pledged the support of the Military Government to the work of the delegation of experts which is to proceed to Germany on behalf of the trusteeship.

As a result of negotiations between our representatives and the Department of State in Washington and the Office of Military Government in Germany, as well as with Jewish organizations, a membership corporation pursuant to the law of the State of New York, under the name of the Jewish Cultural Reconstruction Inc. was formed. The object of the Corporation is to locate, identify, salvage,

catalogue and determine the disposition of Jewish books and manuscripts and, generally Jewish religious and cultural objects looted by the Germans, and to prosecute claims for the recovery of these objects.

The scope of activities of the Jewish Cultural Reconstruction Inc. was clearly determined during the foregoing negotiations. On behalf of the Corporation, a delegation of experts will leave shortly for Germany in order to do all the necessary salvage work on the spot.

In Czechoslovakia large collections of books stored by the Nazis in Theresienstadt and elsewhere, were transferred to Prague. Delegates of the Hebrew University in Jerusalem entered into negotiations with the Czechoslovakian Government with a view to turning over these heirless cultural treasures to the Hebrew University. We strongly appealed to the Union of Jewish Communities in Bohemia and Moravia to support these claims of the Hebrew University.

After protracted negotiations and after overcoming numerous difficulties, the Czechoslovakian Government finally agreed to turn over the books to the Hebrew University and a special delegation is expected to take possession of the books before long.

IV. CULTURAL DELEGATION TO THE D.P. CAMPS IN GERMANY

In order to bring comfort to the Jews in the D.P. Camps in Germany and to raise their morale, a cultural delegation was sent there on behalf of the World Jewish Congress. The delegation consisting of M. Leivick, Prof. Israel Efros, and Emma Schaver, visited 16 camps in the Munich area in the course of their six weeks' stay in Germany and spoke to more than 30,000 Jews. In all the camps they visited mass meetings, lectures and seminars (with the participation of the Audience) were arranged and wherever they went they were received with spontaneous enthusiasm.

According to reports from the Central Committee in Munich, the members of our cultural delegation carried out their mission with great success. They inspired the inmates of the D.P. Camps and thus made a valuable contribution to the rehabilitation of these distressed people.

After their return to New York our delegates held a press conference at which about 70 members of the Yiddish and Hebrew press were present. A mass meeting under the chairmanship of Dr. Stephen S. Wise was held, at which Mr. Leivick and Prof. Efros gave a report on what they had seen and done in the D.P. Camps.

Mr. Leivick and Prof. Efros published in the Yiddish and Hebrew press a series of articles on their impressions and experiences in the D.P. Camps. They also published books on the same subject, Mr. Leivick under the name of "MIT DER SHEERITH HAPLEITA", and Prof. Efros under the title "HAIMLOSE YIDN"

V. UNESCO

We have been in constant contact and close cooperation with the United Nations Educational, Scientific and Cultural Organization from its inception. Through the British Section we were represented on the Consultative Committee, which was established with a view to advising UNESCO and UNRRA on the steps to be taken in the field of cultural relief and rehabilitation.

Through the British Section of the World Jewish Congress we submitted to the Preparatory Commission of UNESCO a statement on the cultural and educational work done by the Department of Culture and Education of the World Jewish Congress.

Questionnaires were sent out by the Department to our constituencies in the devastated countries of Europe regarding the damage done to cultural establishments and the needs for the immediate cultural rehabilitation. On the basis of these inquiries, we submitted an up-to-date report on the immediate Jewish needs in the field of cultural reconstruction to UNESCO headquarters in Paris.

Our London representative participated in the conference of UNESCO, held in Paris in December 1946. The only other Jewish organization which was represented at this conference was the World Union of Jewish Students.

At the invitation of the UNESCO Secretariat, our London representatives participated in the first conference of International Voluntary Organizations held in Paris in February 1947, as delegates of the World Jewish Congress. Our delegates submitted to the conference a draft resolution urging UNESCO to give its full support and assistance to the surviving Jewish communities in Europe in their struggle for cultural and educational rehabilitation. This resolution was embodied in the minutes of the conference.

Delegates of other Jewish organizations present at the Conference agreed to the suggestion to include the World Jewish Congress as representative of Jewish interests in the Council of Voluntary Agencies to be established at UNESCO.

The second conference of international non-governmental organizations which took place in Paris in May, 1947, was also attended by World Jewish Congress delegates.

The World Jewish Congress is the only Jewish organization represented on the Interim-Committee of Experts at UNESCO. Our delegate attended both its meetings held thus far and suggested several practical proposals in the field of cultural and educational reconstruction and rehabilitation in the war-torn countries of Europe.

A representative of the World Jewish Congress participated in the National Conference of UNESCO held in Philadelphia in March 1947. At this conference Dr. Bernard Drzewski, Director of the Reconstruction and Rehabilitation Section of UNESCO, informed our delegate about the progress of the work of this Section and assured him that there would be no discrimination in the allocations made through the services of UNESCO, and particularly that a sizeable number of Jewish students and graduates will benefit from the scholarships secured through the services of UNESCO.

The Department of Culture and Education has received an invitation from UNESCO to participate in the exhibition which is to be held in November in Mexico City, at the time of the second session of the Assembly of UNESCO. The purpose of the exhibition is to demonstrate the work done by voluntary agencies in the field of cultural and educational reconstruction in Europe. The Department has accepted this invitation and has already dispatched a bulky shipment containing eight panels on cultural relief and rehabilitation, copies of publications pertaining to cultural activities, as well as certain publications by the Child Care Division, the Committee for Overseas Relief Supplies, and the American

Jewish Congress, photos depicting World Jewish Congress book shipments, the presentation of Torah scrolls, and World Jewish Congress cultural delegation to the DP camps in Germany, as well as an outline of the activities and achievements of World Jewish Congress Department of Culture & Education, complete with pictures.

VI. ORTHODOX CHILDREN'S HOMES

The Child Care Division of the World Jewish Congress has established 11 Children's Homes in the following European countries: France, Czechoslovakia, Hungary and Italy. Through its Foster Parents Plan the Child Care Division is maintaining children, mostly orphans in private homes.

An agreement has been reached between the Child Care Division of the World Jewish Congress and the Department of Culture and Education on the one hand, and the Mizrahi Organization of America on the other hand, which provides that Orthodox Jewish children's homes and orphanages in various European countries are to be subsidized by the World Jewish Congress. As a result of their agreement, Orthodox Jewish children's homes in France, Belgium, Switzerland, Czechoslovakia, Hungary, Poland, Italy and Sweden received assistance from the World Jewish Congress.

A committee whose object is to rescue Jewish children in Poland who are still in non-Jewish homes and to support orthodox children's homes, was formed. This committee is acting within the framework of the World Jewish Congress Child Care Division. It is at present interested in the Orthodox children's homes of Zabrze, Poland, in which children - former inmates of concentration camps - are cared for. The Committee has already transferred amounts of money with a view to rescuing Jewish children from non-Jewish homes.

VII. THE WORLD UNION OF JEWISH STUDENTS

The World Union of Jewish Students was reorganized after World War II, through the initiative and support of the World Jewish Congress. The World Union of Jewish Students is cooperating with other international student organizations, and defending the rights and interests of Jewish students whenever they are threatened. The Union is engaged in relief and social and cultural activities.

The Department of Culture and Education is in constant cooperation with the World Union of Jewish Students in Paris, which comprises Jewish student organizations in almost all European countries, in Palestine, and in several countries of the Western hemisphere.

The Department is making continuous efforts to bring about the affiliation of other Jewish student organizations in the Americas, and thus strengthening the ties between Jewish student bodies in the Western hemisphere and the World Union in Paris.

The Department is cooperating with the World Union in its effort to gain admission for Jewish students from Europe to some universities in the United States. The World Union is affiliated with the World Jewish Congress.

VIII. LATIN AMERICA

The need of planned and systematic work on the part of the World Jewish Congress in the field of culture and education in Latin-American countries was frequently emphasized by representatives of the Jewish communities there. This demand was voiced incessantly since the Atlantic City conference of the World

Jewish Congress. To promote cultural activities in the Latin-American countries, it is necessary to implement in the nearest future the following projects:-

- (1) To initiate and subsidize a seminary for the training of Jewish teachers in one of the Latin-American countries.
- (2) To facilitate the establishment of a new publishing company for Spanish-Jewish textbooks, and subsidize such companies as are already in existence.
- (3) To appoint an organizer and supervisor of the Jewish educational institutions there, who will also be in charge of organizing cultural clubs and associations for the youth and students, and will assist the Jewish communities in working out elaborate cultural programs for adults.

These requirements were embodied in the resolutions of the Latin-American conference of the World Jewish Congress held in Montevideo in June, 1947. The conference resolved that work in the field of culture and education should be one of the principal activities of the World Jewish Congress in the Latin American countries.

Two regional conferences, one in La Paz and the other in Lima, took place in May and June this year, with the participation of Dr. Simon Federbush. At these conferences the requirements and needs of the respective communities were discussed, and a program for the advancement of cultural and educational work was outlined. It is planned to convene similar regional conferences in all Latin-American countries.

During his stay in Bolivia Dr. Federbush visited the school in La Paz, examined its curriculum, and conferred with the school committee and teaching staff.

Dr. Federbush also suggested that facilities be expanded so as to accommodate all Jewish children of La Paz at the school, which now has an enrollment of 70.

Dr. Federbush also visited the school in Lima which has an attendance of 150 children. Here, too, he had several meetings with the school committee about the expansion of Jewish instruction and about the enlargement of the school, so as to afford Jewish education to all the 300 children of school age in the community.

The basic problem in the field of education is to have a Jewish school established in every community of the Latin-American countries with sizeable populations.

The upbuilding of the Jewish schools in Latin America is very much hampered by the lack of qualified Hebrew teachers. This problem has become more serious during the last few years because there is also a shortage of Hebrew teachers in the United States. After much effort we succeeded in approving a group of qualified teachers willing to go to South America in order to do pioneer work in the education of Jewish youth.

Of the teachers recommended by us thus far, one was sent to Bogota, Colombia. We also approved a teacher for Cali (Colombia) who was engaged by Mr. Borgenicht

of that community.

However, the urgent problem of the shortage of Hebrew teachers in Latin-America can be solved only by the expansion of the existing teachers seminary, or by the establishment of a new seminary.

One of the most important tasks in the field of education and culture is to organize the Jewish youth in the Latin-American countries. The first steps in this direction were taken by us among the Jewish university students. We tried to impress upon the students the desirability of affiliating their organizations with the World Union of Jewish Students, with headquarters in Paris. As a result of our undertaking, the "Avukah" organization of Jewish students in Mexico as well as the student organizations in Brazil and Colombia joined the ranks of the World Union. The "Avukah" in Mexico is undertaking steps to secure admission to the universities of Mexico for a number of Jewish students from Europe.

We are also giving guidance and assistance in organizing the Jewish youth in general in the Latin-American countries. We are supplying the groups interested with specific literature and instructions on the ways and means of organizing youth circles, clubs, courses and the like.

In order to offer Latin-American communities an opportunity to invite orators and educators, as well as other Jewish leaders able to make a real contribution in the field of culture and education, a speakers' bureau has been included in the activities of our department. We have succeeded in enlisting a group of outstanding educators, cultural workers and men of letters who are willing to proceed to Latin-American countries for this purpose.

In order that regular community life may be established throughout the countries of Latin-America, it is necessary that all places with a substantial Jewish population have Rabbis. To carry out this objective, we have secured the cooperation of several Rabbis who are willing to go to Latin-America to assume the positions of the spiritual leaders. We sent out a list of these prospective candidates to various Latin-American countries.

A few students from Latin-American countries are now studying at the Yeshivah University of New York. Dr. Federbush has recommended two additional students from Lima, who applied for admission to the same Yeshivah during his stay there. Should these students return to South America upon their graduation, they would be of great help in promoting Jewish spiritual life there.

While in Bolivia, Dr. Federbush was invited to dedicate the first synagogue of Bolivian Jewry in Cochabamba. The celebration was very impressive and contributed considerably toward stimulating traditional consciousness.

We provided small Jewish communities in South America with Hebrew and Yiddish literature and textbooks for the children in the schools. These books were greatly appreciated and were of substantial help in the conduct of cultural activities of these remote communities. Any community in need of any kind of literature may obtain it by applying to the Department of Culture and Education. One Sefer Torah was sent by us to Medellin and another through our services to Cali (both in Colombia).

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SELECTED ACKNOWLEDGEMENTS OF BOOK CONSIGNMENTS
SHIPPED BY THE DEPARTMENT OF CULTURE AND EDUCATION
OF THE WORLD JEWISH CONGRESS.

- BELGIUM - Chaplain Joseph Miller in his letter of May 23, 1946, writes:
"I have received 14 more cases of books from you, making a total of 22 to date."
- CZECHOSLOVAKIA - Karel Hudec, Czechoslovak Consul General of New York, in his letter of March 23, 1946, writes the following:
"In the name of our Jewish citizens I wish to express my thanks for the five cases of school books your department has transmitted to our offices through the intermediary of our Dr. Wachsman. It is indeed gratifying to be able to lend a hand and help restore spiritual light among the oppressed."
- Ditto - The Council of Jewish Communities in Bohemia, Moravia and Silesia, Praha, in its letter of June 4, 1946, writes:
"Many thanks for your letter dated May 14th and for your kind gift of 100 pairs of Tefilin."
- ENGLAND - The Jewish Committee for Relief Abroad, London, in its letter of 12.19.46, writes:
"Please accept our grateful thanks on behalf of the DPs to whom your books will prove invaluable."
- Ditto - The Movement of Religious Pioneers for Palestine, Executive Office for Great Britain and Ireland, London, in its letter of November 6, 1946, writes:
"This is to acknowledge receipt of the books of which you advised us in your last letter. We are very grateful for these books."
- FRANCE - The World Jewish Congress Paris Office, in its letter of May 8, 1946, acknowledges receipt of 18,000 books.
- Ditto - Rabbi Kapel, Chairman of the Jewish Youth Movements in France, Paris, in his letter of October, 1946, addressed to the WJC Paris Office, writes:
"I should like to act as a spokesman for the Jewish Youth Movements of France to thank the World Jewish Congress for the shipment of text books addressed to the Aumonerie. These books will enable the Jewish children to study Hebrew and Judaism and at the same time facilitate the task of the teachers and educators who are devoted to the education of the young generation.
I should be grateful if you would be kind enough to convey my thanks and the expression of my sincerest gratitude to the main office of the World Jewish Congress. It is a constructive task that the Congress has accomplished here and French Jewry can and must be thankful for it. All the books will be distributed equally among the different institutions."
- GERMANY - Chaplain Irving Ganz, in 21 letters of various dates, acknowledges receipt of about 200 cases and cartons of books which he turned over to the Cultural Department of the Central Committee.
- Ditto - Chaplain Mayer Abramowitz, in his letter of October 9, 1946, writes:
"I wish to acknowledge with gratitude the receipt of the two cases of books which your office sent me. They were already distributed to the

GERMANY - (continued)

schools and libraries of the DP camps."

In his letter of January 28, 1947, he writes:

"I wish to acknowledge with a profound gratitude the receipt of the 100 copies of the Artzenu. At the same time I wish to acknowledge the receipt of several cases of other books which I received from your organization in the past time. I am very grateful for the interest which your department is showing in our work. Believe me, Sir, the present situation of the DP world makes the Department of Culture and Education a primary function in the reconstruction of the life of the Sheerit Hapleita."

In his letter of April 21, 1947, he writes:

"I wish to acknowledge with thanks the receipt of the two cases of books which I received last week. Thank you again."

Chaplain Gerald Selbst, in his letter of October 22nd, 1946, writes:

"I wish to acknowledge the receipt of 4 cases of books. They are of great value in our educational and cultural work."

In his letter of November 26, 1946, he writes:

"I wish to acknowledge the receipt of three cases of books from the World Jewish Congress. The books are distributed to the organized youth groups where they may be put to the most use."

Chaplain Benjamin Krasnow, in his letter of May 23, 1947, writes:

"I want to acknowledge receipt of your recent shipment of canned food, reading and study material. You may be assured that those who will receive them in the distribution will be very grateful for your gift."

In his letter of June 2nd, 1947, he writes:

"In the course of the last few days I have received from your office cases of books and food... The largest amount goes to the D.P. camp at Bergen Belsen, the Emigration Staging Area of Bremen, the needy among the Jewish Community of the city, and the rest to other people as I see fit from time to time."

Chaplain Seymour Stern, in his letter of October 14, 1946, writes:

"This is to acknowledge receipt of the books you sent, 8 cases more. Most of the books are given to the newly established library at Bergen-Belsen camp."

In his letter of June 26, 1946, he writes:

"I have your letter of April 14, and four cases of books. These books were sent to Bergen-Belsen and to the Emigrant Staging Area in Bremen."

In his letter of August 20, 1946, he writes:

"This is to inform you that we have received four cases of books from you. I note that a nice selection of Yiddish books is included. I will turn the books over to camp Bergen-Belsen."

The Central Committee of the Liberated Jews in the American Occupied Zone, Munich, acknowledges receipt of 5 cartons of books on March 29, 1946, 5 cartons on April 31, 1946, 4 cartons on the 10th June, 1946, 4 cartons on July 11, 1946, 8 cartons on July 24, & 5 cartons on July 21st, 1946.

Mrs. Beatrice M. Cuntz, in her letter of December 6, 1946, writes:

"I wish to thank you, in the name of the Culture Department, for your generosity. You will be pleased to know that they look forward to receiving these books, as I believe your organization is the only one that provides them with cultural material."

In her letter of December 23, 1946, Mrs. Cuntz writes:

"This is to acknowledge receipt of six cases during the past week."

The "Mizrachi" Organization in Munchen, in its letter of November 1946, writes:

"This is to acknowledge receipt of the books you sent. We wish to express our

GERMANY - (continued)

gratitude for your shipment, and would ask you to continue sending us books."

The Committee for Liberated Jews, Zeilsheim, writes:

"The books you sent us for our camp we received. Thank you very much for them."

GREECE - The Central Board of the Jewish Communities of Greece, Athens, in its letter of June 2nd, 1947, acknowledges receipt of 2 cartons of books. In its letter of June 24, 1947, the Committee writes:

"We acknowledge receipt of 3 cartons of books, containing a Jewish encyclopedia and books on Jewish history and literature."

HOLLAND - The Official Dutch Relief Agency in its letter of February 15, 1946, writes:

"It is our thankful task to report to you the arrival of the gift consisting of 3 cases of Jewish religious literature, that your organization has been so kind to put at the disposal of the Netherlands Jewish population. We feel consequently obliged to thank you by this letter most cordially for the wonderful assistance your committee, as a part of the American population, is giving us, and the enormous work you have been doing to collect this literature and to forward it to Holland. Thanking you very much in the name of the Jewish people."

HUNGARY - The World Jewish Congress Budapest Office, in its letter of May 9, 1947, writes:

"We are glad to advise you that the shipment of 19 cases of books mentioned in your letter of December 18 and January 10 last has arrived. We heartily thank you for the work of collecting and dispatching the books which we are confident of going to make the most valuable use of in the cultural field."

ITALY - The UNIONE Delle Comunita Israelitiche Italiane, in its letter of April 10, 1946, writes:

"We beg to inform you that the American Relief for Italy in Rome has announced to us the arrival of the 40 cases containing the books as per your letter of January 21st. On our request these books were delivered to Prof. David Prato, Chief Rabbi. He is greatly thankful to you for the books in Hebrew language, as they are very much needed in the library of the Rabbinical College, the entire library having been carried away in the persecutorial time by the Nazis."

In its letter dated May 4, 1947, the Unione writes:

"This is to acknowledge with sincere thanks the safe receipt of your shipment of 15 cases of religious books. The 10 cases earmarked by you for the Organization of Jewish Refugees in Italy have been turned over to the latter. The contents of the remaining 5 cases have been incorporated into the library of the Italian Rabbinical College."

Ditto - The Cultural Department of the Refugee Organization in Italy, in its letter of May 15, 1946, writes:

"We acknowledge receipt of the Yiddish books we received from Chief Rabbi Prato six weeks ago, and thank you heartily for your fine gift."

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ITALY -(continued)

In its letter of December 11, 1946, the Organization writes:

"We wish to acknowledge with many thanks receipt of the books you sent us according to your letter of December 3rd."

In its letter of December 6, 1946, the Organization writes:

"We acknowledge receipt of the 10 cases of books which you sent^{us} on February 23rd, 1947, c/o the Union of Jewish Communities in Italy."

LUXEMBOURG - The Jewish Community, in its letter of November 20, 1945, writes:

"We hereby acknowledge the receipt of 100 prayer and school-books. On behalf of our Jewish Community we thank you very much for this most useful gift."

POLAND - The "POALE ZION" Party in Warsaw, in its letter of March 28, 1947, writes:

"First of all please accept our heartiest thanks for remembering us and for sending the books. There can be no better gift for our organizations."

RUMANIA - The World Jewish Congress Office acknowledges receipt of 20 cases of books, to be distributed among organizations and institutions.

RUSSIA - The New York Committee, Russian War Relief Inc., on April 26, 1946, acknowledges receipt of 19 cartons of books, and on May 1st, 1946, of 24 cartons.

SWEDEN - The Poale Zion Central Committee for Sweden, in its letter (undated) writes:

"We acknowledge receipt of your letter and the books you sent. In the name of numerous Jewish readers we thank you heartily. Your books are a source of comfort for the homeless, desperate Jewish refugees."

Ditto - Winnykamien, in his letter of May 29, 1947, writes:

"In the name of 48 ill refugees, hospitalized in the Ahlefors T.B. Hospital, I thank you heartily for the Yiddish books you sent. I cannot express the joy you bring us with your books."

Ditto - The Chalutzim Group, in a letter signed by Traube on Oct. 13, 1946, says:

"Yesterday I got the books you sent. May I express here my personal and my comrades heartiest thanks for them. We are very glad to have anew the possibility of reading a book in the Yiddish language. The books are indeed very useful and interesting."

YUGOSLAVIA - The American Committee for Yugoslav Relief (New York), in its letter of April 26, 1946, writes:

"We are very grateful to you for the 12 cases of books and religious articles which we have received."

MOROCCO - S.D. Levy, President, Magen David Organization, of Casablanca, in his letter of October 26, 1945, writes:

"I have just received a number of Hebrew books which you kindly sent to me, and which I have allocated for our Magen David School. They are sure to be of great use to us and I thank you heartily for sending them."

MOROCCO - (continued)

Moche Haim Ben Malca, of the Rabbinical Seminary of Tangier, in his letter of April, 1947, writes:

"I have received the 4 cartons of books for which I thank you, and I hope that you will continue your shipments."

JAPAN -

Chaplain Samuel Zaitchik, of the Far Eastern Command, USA), in his letter of January 2, 1947, writes:

"I should like to acknowledge receipt of the literature and text-books of your shipment of 11 December, 1946. It is a most welcome supplement to the meager supplies of Yiddish literature that reach us in this far corner of the world. In behalf of the men whom I serve, I wish to thank you and your organization."

WB, RK

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WJC E9

January 12, 1949

To: Dr. Marcus
From: W. Blattberg

Report on Meeting of Jewish Cultural Reconstruction, Inc., which took place
on January 11, 1949.

The meeting considered recommendations submitted by the Advisory Committee regarding the allocation of the property stored at the Offenbach depot. The priority of the Jewish National and University Library was approved. Communities in Western Germany shall receive allocations consisting primarily of German Judaica. Allocations to institutions in other countries shall be determined on the basis of a questionnaire. Outside of the United States, negotiations should be conducted with the central Jewish organizations.

As to procedure, it was agreed that each beneficiary institution shall place at the disposal of the J.C.R. duplicates of publications in its library, shall furnish the J.C.R. with an itemized receipt listing authors and short titles, and finally that no material received from the JCR may be sold or otherwise disposed of.

Dr. Starr, as well as Dr. Bernard Heller, who was appointed Field Director, will leave shortly for Germany in order to take over, in accordance with the advice of the State Department to OMGUS, the books of the Offenbach depot which originated in Germany. It is believed that of the estimated 350,000 volumes at the depot, about 300,000 are of German origin.

The Hebrew University appointed as its representative in Offenbach Dr. Shunami, author of "Bibliography of Jewish Bibliographies."

The \$21,000 budget of the J.C.R. for the period January 1 to July 1, 1949, has already been approved by the Jewish Agency and the J.D.C.

The suggestion of the Hebrew University to appoint Prof. Gershon Sholem as Vice-President of the J.C.R. in place of the late Dr. Magnes was approved, and Prof. Sholem was so appointed.

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WJC E9

January 13, 1949

To: The Members of the Executive Committee

From: Dr. W. Blattberg

Report on Recent Activities
of the
Department of Culture and Education

1. UNESCO

The Cultural Resolution adopted at the Second Session of the World Jewish Congress called, among other things, for cooperation with UNESCO with a view to removing discrimination from schools and to revising textbooks which have discriminatory tendencies. Accordingly, at the last session of TICER (Temporary International Council for Educational Reconstruction) held in Paris in September, 1948, a representative of the World Jewish Congress submitted a resolution requesting that members of TICER give their support to the Congress or any other TICER organization in preparing a survey on discrimination in schools and the closely allied problem of textbook revision. This resolution was unanimously adopted, and the member organizations were requested to report to TICER the results of their inquiries.

During the past weeks I have taken steps toward the implementation of this resolution in the United States. I contacted the CIER (Commission for International Educational Reconstruction) in Washington, which heartily approved, and is requesting the various organizations associated with it to put into effect, the substance of the resolution. The text of the resolution itself was included in the December issue of the CIER Bulletin.

I further got in touch with the National Commission of UNESCO at the State Department, which has turned over the resolution to its panels on textbooks and on social tensions. I am following up this matter with the National Commission in order that the question may be put on the agenda for their next conference, to be held in Cleveland in March.

Our relations with the U.S. National Commission should be fostered and close cooperation established with regard to all aspects of UNESCO work.

We will have to submit to the next TICER meeting, scheduled for some time in April or May, the results of our findings in the various countries. As far as the United States is concerned, I am in contact with the various Jewish and non-Jewish organizations with regard to collecting data on textbooks used in this country, and to

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WJC E9

the necessity of their revision. On the basis of the data so collected, I am preparing a survey on this subject. As to discrimination in the schools, the CLSA (Commission on Law and Social Action) of the AJC agreed, at my request, to prepare for us a comprehensive study on the matter.

As for Latin America, I have prepared a questionnaire on both matters, which has already been sent out.

2. Recovery of Jewish Cultural Property

The whole idea of the recovery of Jewish cultural treasures looted by the Germans originated with the Department of Culture and Education, at whose initiative the Committee for Recovery of Jewish Cultural Property was established as early as the summer of 1945. Subsequently we had to cooperate with other organizations working in this field, and to establish jointly with them the Jewish Cultural Reconstruction, Inc. (JCR), of which Dr. Federbush is Vice-President. From the very beginning we advocated in the JCR, as against contrary views of important organizations, that in the distribution of the cultural treasures, priority should be given to the Jewish National and University Library in Jerusalem. Due primarily to our insistence and vigilance, this principle was finally adopted by the Allocation Committee of the JCR. It was also decided to invite two delegates of the University to Offenbach to select the books most useful for their library.

We have to continue our efforts in the JCR in order that the distribution of books may be carried out according to the principles agreed upon. In fact, the distribution will take effect soon, since the State Department has already advised OMGUS that the cultural property definitely identified as originating in Germany may be turned over outright to the JCR, while property from outside Germany may be placed in its custody. Of the estimated total of 350,000 books at Offenbach, about 300,000 are of German origin. The \$21,000 budget of the JCR for the period January 1 to July 1, 1949, has already been approved.

3. School Adoption Plan

The aim of the School Adoption Plan, initiated by the Department of Culture and Education, is to have each needy Jewish school in Europe adopted by a Jewish school in the United States, with a view to aiding the former by supplying textbooks and school equipment. The Plan has met with great approval in Jewish educational circles in Europe, and has aroused keen interest among the Jewish schools of this country. In previous years the School Adoption Plan was participated in mainly by Jewish schools in New York City. In the current school year, it is being extended to Jewish schools throughout the United States. Appeals for participation have been sent to all Bureaus of Jewish Education in the country. Thus far we have received favorable replies from the Bureaus in Chicago, Cleveland, Miami, St. Paul, and Syracuse. In the schools affiliated with the above Bureaus the project has already been started, and the Bureaus have been supplied by us with the addresses of our offices in various European countries, as well as of our affiliates in North Africa, to which the supplies are to be shipped.

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4. World Union of Jewish Students

To strengthen the World Union of Jewish Students in its activities was one of the basic points of the program of the Department. In 1945, 1946, and to a lesser extent also in 1947, subsidies were granted to the Union. In 1948 our work was limited to the supplying of college textbooks and scientific material. In addition, the Department made efforts to bring about closer relations between Jewish student bodies in this country and the World Union. Also at our initiative, delegates of American Jewish student organizations were sent to Europe in order to acquaint themselves with the work of the World Union.

This work is being continued in the current school year. I submitted to the leaders of the National Headquarters of the B'nai B'rith Hillel Foundation in New York a plan for cooperation with, and assistance to, the Union by the Jewish student organizations throughout the country affiliated with Hillel. This plan provides for some financial support, shipment of books and scientific equipment, and measures for closer cooperation between the Hillel headquarters in America and the World Union. The plan was in general approved by Hillel.

I am now in contact with representatives of Jewish student organizations not affiliated with Hillel in regard to their cooperation with the World Union.

5. Book Supply Service

The Book Supply Service was one of the most successful activities of the Department. During the past three years, we succeeded in shipping abroad about 275,000 books, which were distributed in all the European countries, in the DP camps of Germany, Austria, and Italy, in North Africa and the Far East, and also in some countries of Latin America.

Our Book Supply Service, as hundreds of letters of appreciation testify, was a significant contribution toward the cultural rehabilitation of the shattered Jewish communities, particularly in Europe.

Now this Service is in process of liquidation and our warehouse is going to be closed by the end of this month. However, we shall be able to continue supplying books on a limited scale. This will be made possible through contributions of new books by publishers who have cooperated with us heretofore, through book collection by cultural organizations and institutions, as well as by chapters of the American Jewish Congress which are interested in the continuance of the Book Supply Service and are willing to make direct shipments to the places indicated by us. In this way we shall be in a position to meet in part the still urgent need for books overseas.

6. Latin America

Our cultural work in Latin America is now restricted to supplying books to the smaller communities, sending materials for youth circles, and recommending teachers.

Obviously, the scope of our cultural activities in Latin America must be considerably enlarged. On the basis of our previous experience with Latin America, and taking into account the most urgent needs as presented to us by people on the spot as well as by our own delegates, I submit the following suggestions.

(a) Youth Activities. One of our most important tasks is to bring the Jewish youth of Latin America closer to Jewish life and tradition. For this purpose we should undertake the following:

1. Issue on behalf of the World Jewish Congress at least two textbooks -- one for the Hebrew language and one for Jewish history. The textbooks must, of course, be Ivrieth b'Ivrieth and should be destined primarily for Latin America, but may be used advantageously in other countries as well. I am in contact with several Hebrew publishers here in regard to the publication of such textbooks, and have offers for quite good books on reasonable terms.

2. Issue a series of pamphlets dealing with Jewish history and literature and on Jewish holidays. The pamphlets should be in Spanish and Yiddish, and so composed as to constitute a unit. I am preparing a list of such pamphlets with detailed suggestions as to their content.

3. Distribute special school equipment such as Hebrew films, Hebrew records, pictures, and the like. Material of this type is being produced in the U.S. now and is not yet in use in the Latin American countries. Some films of the Hebrew Arts Foundation are of considerable educational value and can be used to good advantage for young people with some knowledge of Hebrew. The other materials mentioned are of great help to beginners in the study of Hebrew.

All of the above projects can be implemented very soon after their approval by you and after the allocation of the rather modest budget.

(b) Cultural Envoy. I regard the dispatching of a cultural expert of high standing to Latin America as an essential condition for carrying out an effective and systematic cultural program there. Two years ago we considered sending Prof. Scharfstein. I think we should try to get him, or another man of his caliber, for such a mission. A proper cultural envoy can do much constructive work on the spot, particularly by giving guidance and advice to the teachers, suggesting improvements in the curriculum and methods of instruction, etc.

(c) Teachers' Seminary. The basic educational problem in Latin America is the lack of qualified teachers. The need for teachers cannot be met in the United States, where there is also a shortage of Hebrew teachers. Even in cases where we have recommended teachers, they have encountered difficulties because of specific conditions attached, such as, for instance, a knowledge of the Spanish language. The only solution, therefore, is the establishment, with the assistance of the World Jewish Congress, of a Hebrew Teachers' Seminary, or at least the enlargement of the one already existing in Buenos Aires.

To: Dr. Goldmann,
Dr. Steinberg
Dr. Marcus

From: Dr. Blattberg

R E P O R T

on the

ACTIVITIES OF THE DEPARTMENT OF CULTURE AND EDUCATION, NEW YORK

(March to August 1, 1949)

The reorganization and centralization of the principal cultural work in London resulted in considerable changes in the activities of the New York office of the Department. The task of the New York office was first to carry out in the Americas the policies and program as laid down by the Director of the Department. With regard to activities originating here, it was the task of this office to concentrate as much as possible on work in Latin America on the one hand, and on the other, to continue the shipment of supplies to European and other countries in need of them.

Execution of Program and Policies of the Director of the Department.

I was concerned with making known here the wide range of the Department's cooperation with UNESCO and the great esteem enjoyed by the WJC at UNESCO's headquarters in Paris. I also brought to the attention of the U.S. National Commission for UNESCO the scope of our collaboration with this international body. I placed particular emphasis on our inquiry into discrimination in schools and the allied problem of textbook revision, conducted by the Department in accordance with the TICER Resolution of September, 1948. At my request, the CLSA (Commission for Law and Social Action) of the American Jewish Congress has prepared a survey on racial and religious inequality in education in the USA. As to the textbooks in this country, I have sent to London material compiled by the American Council on Education, and am myself compiling additional data on the subject. Questionnaires on this topic were sent out to all our affiliates in the Latin American countries and from almost all of them, answers have been received. As soon as all the material is available, it will be transmitted to London.

The competition on the Jewish history textbook, announced by the WJC, has received good publicity in the USA as well as in the Latin American countries. I saw to it, with the cooperation of our Public Relations Department, that proper space was given to this matter in the Yiddish, Hebrew, and Anglo-Jewish press. I also popularized the contest among the principal Jewish cultural and educational organizations. In general, the project is well known here, and requests for more details are still coming

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in and are being properly answered.

At the Conference of the ISS (International Student Service) at Aurora, N.Y. that I attended on behalf of the WJC, I had the opportunity of explaining our work, with particular reference to our cooperation with UNESCO.

Latin America

The need of planned and systematic work on the part of the WJC in the field of culture and education in Latin America is generally recognized, and does not require any further elaboration. This work is necessitated by our desire to help Jewish communities, and by the obvious fact that it is the best way to promote the interests and prestige of the Congress in South America. Accordingly, I worked out a modest program for cultural work in Latin America that would not entail large expenditures. This program provided for the publication of two textbooks (on the Hebrew language and Jewish history), for the issuance of a Spanish edition of Hadoar Lanoar, and for supplying some cultural equipment such as Hebrew films, records, etc. This project will be implemented as soon as proper funds are available. In the meantime, I concentrated on such cultural services as involved very small or no expense.

It was necessary to give special consideration to the problems and needs of the Jewish youth in Latin America. I established close contact with the major Jewish youth organizations with a view to helping them out in their organizational and educational activities. These youth groups are supplied by us with instructions on how to conduct youth groups, circles, clubs, etc. Proper literature, mostly Judaica, that may be useful in their day-to-day work, is also being sent to them. These supplies are generally appreciated, and require further expansion.

Contact with university youth is also maintained, and the necessity of affiliation with the World Union of Jewish Students stressed. At my request, Dr. Winterstein is now entering into conversations with the leaders of Jewish student groups in Brazil with a view to consolidating their organization and to bringing about their affiliation with the Union. Dr. Federbush initiated the same work during his recent stay in Colombia.

The lack of Hebrew teachers is obviously one of the most burning problems. In this country some improvement has been noticeable of late, and a lessening of the teacher shortage, but not to such an extent as to have candidates available for Latin America. Nevertheless it was possible to recommend qualified candidates, among them one for Bogota, Colombia, the other for Lima, Peru.

However, in order to meet the great demand for teachers in Latin America, it is not enough to rely on casual candidates: it is necessary to have a steady supply from which teachers can be drawn. This can be achieved only by the expansion of the existing teachers' seminary, or by the establishment of a new seminary.

To do real work on the spot, it would be necessary to send a special cultural envoy to Latin America, who would spend a considerable time there.

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As long as this is not done, I am requesting all our delegates who go to Latin American countries to give as much attention as possible to cultural matters. In this respect, Dr. Federbush is particularly helpful. During his recent stay in Venezuela, he inspected the schools, addressed a special meeting on Jewish education, and conferred with the School Committee about the curriculum. He did similar work in Colombia.

The small and remote communities in South America are in a particularly bad position. There are almost no cultural activities there; even our envoys come there very rarely. The only way that we are able to help them is by supplying them with books for youths and adults. This is being done by us quite regularly.

Supplies to Europe and other Countries

The closing of the warehouses put an end to large-scale shipments of books and other supplies. Nevertheless, with the assistance of some organizations, and particularly by means of the School Adoption Plan, it was possible to maintain the flow of supplies to a limited extent. In the period under review about 2,800 books were shipped to the following countries:

France	1,600
Italy	200
Vienna	400
Hungary	150
Latin American countries	250
Remote communities - India, Eritrea and others	200
	<u>2,800</u>

Part of the shipment of the books sent to France was destined for North Africa. Aside from the books, there were sent through the School Adoption Plan considerable school supplies such as writing material, toys, games, etc. These supplies insufficient though they are to meet fully the urgent needs of the communities abroad, are generally much appreciated. In France, particularly, the books are of great help to the schools and institutions to which they are turned over by our Paris office.

In the report of our Paris office on the distribution of the supplies, it is pointed out that the WJC is now the only organization in France engaged in this work. Numerous letters of thanks and appreciation were received by us recently from various schools and other cultural institutions.

As to the small and remote communities, it was mainly the Organization Department which called our attention to their cultural and educational needs.

Recovery of Jewish Cultural Property

With regard to the recovery of books and other cultural treasures, we have from the very beginning pursued a consistent policy. The main features of this policy are to give priority to Israel, and with regard to

other countries see to it that the books and other objects be distributed there in consultation and cooperation with the local representative Jewish bodies. This policy was followed up by us in the said period at the meetings of the JCR. We vigorously opposed at these meetings any attempt to break the principle of giving preference to Israeli institutions only. Recent proposals to divert to other countries stocks of valuable books to which the University and National Library in Jerusalem laid claims, were defeated at JCR thanks to the firm stand of the representatives of the Hebrew university and of the WJC. Professor Gershon Sholem, who was here for a few weeks and participated at a meeting of the JCR, repeatedly acknowledged the importance of the assistance given to the cause of the University Library by the WJC.

The Ministry of Religious Affairs in Israel, has been in contact with us for the last few months and requested us to plead at the JCR for the transfer of the rescued Torah scrolls from Germany to Israel, for distribution to the newly established congregations. We took up this matter at the JCR and a favourable decision in accordance with our suggestions was reached there. Apart from scrolls, there will also be sent ceremonial objects for distribution.

As the books distributed in Western European and other countries, our principle that the local Jewish communities should have a say in the distribution was accepted. Accordingly, all central Jewish organizations in Western European countries were consulted and the books were turned over to them for distribution to the proper cultural institutions. In France, where no central Jewish body exists, a special committee has been established on which the WJC is represented.

At the request of Dr. Hellman, we defended the right of some cultural institutions in Buenos Aires, which in his opinion should get a fair share of books to be distributed in the Western Hemisphere. We have submitted the names of these institutions to the JCR, and we shall see to it that they get a fair deal.

World Union of Jewish Students

The Department of Culture and Education has made continual efforts to bring about the affiliation of Jewish student organizations in the Americas with the World Union in Paris. For the past 3 years, we have been in constant touch with the main student organization in the USA, namely, the Hillel Foundation, with a view to its cooperation with the World Union and tried by various means to induce it to affiliate with the Union. During the past few months, I myself conferred with the leaders of Hillel about this matter. I even worked out with them a plan of cooperation with and assistance to the World Union. But our goal always was affiliation, which finally took place in April, 1949. To what extent this affiliation may be ascribed to the constant efforts and pressure on our part, it is not for us to say. Anyhow, it is a great achievement and an important milestone on the road to the unification of the Jewish student organizations. We are continuing our efforts toward this end in the Latin American countries.

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November 14, 1949

To: Dr. Goldmann, Dr. Steinberg, Dr. Marcus

From: Dr. Blattberg

PRESENT ACTIVITIES OF THE DEPARTMENT OF CULTURE AND EDUCATION

The activities of the New York office of the Cultural Department are centered on three main fields: cultural work in Latin America, the supplying of books and educational material to European and other countries in need of them, and cooperation with UNESCO and other international organizations active in cultural and educational work.

A. LATIN AMERICA

Distribution to Latin American countries of Books and Art and Ceremonial Objects from Germany

The JCR (Jewish Cultural Reconstruction, Inc.) has stored in this city about 70,000 volumes of books, as well as about 3,500 art and ceremonial objects, recovered from Germany, for distribution in this country and in other countries of the Western Hemisphere. Approximately half of these books and objects are destined for distribution to Latin American countries.

The JCR, which has no direct contact with Latin America, has agreed that the Department of Culture and Education of the World Jewish Congress should serve as the agency in the distribution work. Accordingly, I have contacted all our affiliates in Latin America with a view to determining the needs of the respective countries and arranging the distribution. The books and objects will be delivered to the central Jewish organization in each community.

The response of our affiliates and the central organizations thus far has been very favorable, and even enthusiastic. They are very eager to have the books and cultural objects to enlarge their existing libraries or to open new libraries in places where there are none at present. They feel that such libraries will give a great impulse to their cultural life. They are well aware, also, that these books, apart from their cultural importance, have a high sentimental value as they constitute the heritage of the once great Jewish communities of Europe.

Here are a few excerpts from letters I have received in this matter:

World Jewish Congress office, Mexico

October 26, 1949

"After I talked with the people of the Central Committee, it was decided at a meeting of their Cultural Commission to establish a library with the books

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from Europe as a nucleus. Your suggestion to send part of the salvaged books from Europe gave impetus to this decision... Thus the decision of the World Jewish Congress to send the recovered books constitutes a double merit: the fact that you will send us the books, and the fact that through this the World Jewish Congress will initiate the establishment of a library... As to the art objects, the Central Committee is also ready to establish a museum with these objects as the nucleus."

Union Israelita, Caracas

October 24, 1949

"In the name of the Union Israelita de Caracas, we express to you our most hearty thanks for your letter and for your offer to enlarge our library with books recovered from the Nazis. Our library belongs to the whole Jewish community of Caracas, and is open to everybody whether he is a member or not. We shall be very grateful to you if, through your efforts, our library will be enlarged to the benefit of the Jewish community."

World Jewish Congress office, Montevideo

October 19, 1949

"As to the possibility of getting part of the books brought over from Germany, it is undoubtedly of extreme importance for our community to get a share. For the time being, there is no central library here, but one will be opened in the near future. The Jewish community is taking the initial step of collecting all the existing books from the smaller libraries in the city and establishing a central library in the building of the Jewish Community and under its sponsorship. Our effort will have the absolute support of the entire community. For the World Jewish Congress, this would be a great achievement, and one which the community here would well appreciate. We therefore ask you to request a proper share of the books for us."

Circulo Israelita, La Paz, Bolivia

November 1, 1949

"Your letter reached us just at the right moment, as we are about to re-organize our library in connection with the erection of the new building of the Circulo Israelita. It is needless to stress the great importance we attach to receiving those particular books, which were used by our brothers and sisters in Europe. After receiving your letter, we decided to organize an exhibition of your books which will symbolize the continuity of Jewish cultural life."

In Brazil, Dr. Winterstein is forming a special committee representing all major Jewish communities, for the distribution of the books and art objects.

It is highly important to implement this project fully. Our initiative will help establish valuable libraries in almost all Jewish communities in Latin America, and will thus strengthen their cultural life in general. We should avail ourselves of this opportunity to the greatest possible extent.

With regard to other activities in Latin America, special consideration is given to the problems and needs of Jewish youth. Close contact with the major Jewish youth organizations in many Latin American countries is steadily maintained. These groups receive regularly proper literature and instructions on how to conduct their organizational and educational activities.

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The Cultural Department is continuing its efforts to get more student organizations in Latin America to affiliate with the World Union of Jewish Students. At the request of the Department, Dr. Winterstein is now pursuing these endeavors in Brazil.

The Department is also exploring possibilities for Latin American students to study in colleges and universities in this country. A list of scholarships available in the United States for students from Latin America is being prepared by the Department.

Since there has recently been a certain lessening of the Hebrew teacher shortage in this country, it is now possible for the Cultural Department to recommend teachers to communities in need of them, and such recommendations have been made for several countries in Latin America.

B. SHIPMENT OF CULTURAL SUPPLIES ABROAD

School Adoption Plan

Our School Adoption Plan has been for the last few years a valuable instrument for supplying needy Jewish schools in Europe, North Africa, and remote Jewish communities in various parts of the world, with textbooks and school equipment from schools in the United States.

About two hundred schools participated in this project last year, and the books and supplies collected by the Jewish schools in the United States proved to be of extraordinary help in maintaining a regular Jewish curriculum in the schools abroad which are dependent on outside assistance. This year, as in previous years, I directed appeals to the Boards of Jewish Education in this country, and also to the principal schools in this city, for participation in the project.

The School Adoption Plan is usually implemented in the schools here during the winter and spring. However, I have received replies from some Boards and many schools indicating that collections are being made, and shipments already started. This matter has to be continuously followed up in order that it be brought to a successful conclusion. Thus it will be possible to secure the cooperation of about two hundred schools already included in this scheme, and of many new ones as well.

Apart from its material success, the project has a great educational value, as it establishes contact between Jewish youth in this country and abroad.

Book Supply Service

Because of urgent appeals for supplies which continue to come from our offices and affiliates in Europe and elsewhere, the Department of Culture and Education considers it necessary to maintain the Book Supply Service, although on a moderate scale. Through the cooperation and assistance of institutions such as the Public Library in New York, the Histadruth Ivrit of America, and some chapters of the American Jewish Congress, as well as individual donors, it is

possible to maintain the flow of supplies of books to those countries which are most urgently in need of them. In the months of June-October, about 3,500 volumes were shipped in this way. Before the end of this month, I am scheduled to go to Boston to organize on the spot the Book Supply Service, the School Adoption Plan, and other cultural services. It is quite feasible to expand these cultural projects and implement them in all the larger communities with the assistance of the local American Jewish Congress chapters.

The bulk of the books so collected go to France, where they are distributed by our Paris office to various organizations and cultural institutions there. The distribution of these books constitutes an important activity of our Paris office. According to the latest report I have received from the latter, the books sent recently by the Cultural Department were distributed to Jewish schools in France, the main cultural organizations and libraries, and the WJC districts being established in various parts of the country, as well as to the Jewish communities of Tunisia, Morocco, and others.

In the reports of our Paris office, it is pointed out that the World Jewish Congress is now the only organization in France engaged in this work. Numerous letters of thanks and appreciation have been received by us from various cultural institutions in France which are recipients of books. Besides France, which is the main beneficiary, books are being shipped mostly to small and remote communities in the Western Hemisphere (San Domingo, Trinidad, Barbados, Ecuador, etc.), North Africa (Tunisia, Algeria, Eritrea, etc.), and the Far East (India, etc.).

C. COOPERATION WITH UNESCO AND OTHER INTERNATIONAL ORGANIZATIONS

I am in steady contact with the U.S. National Commission for UNESCO, and particularly with its Reconstruction Section, headed by Dr. George Shuster. I have been participating in all meetings of the Section, at which plans for a unified program for all voluntary organizations cooperating with the Reconstruction Section are taken up. All data pertaining to the World Jewish Congress' work in the field of cultural and educational reconstruction are regularly submitted by me to the Section. At its meetings, I have been stressing the need for a just and equal distribution, in the beneficiary countries, of the goods and services offered by the U.S. National Commission and the cooperating agencies.

I have also been in regular contact with the International Student Service, particularly with its relief arm, the World Student Service Fund, which is conducting in this country relief work for student organizations abroad. This past summer, I participated in the annual conference of the International Student Service, held in Aurora, New York, at which I had the opportunity to raise some relief problems confronting Jewish student organizations.

The American Council on Education, with which the Cultural Department of the Congress is collaborating, will hold shortly, with the cooperation of the State Department, a conference on the Occupied Countries, at which recent developments and current problems in the field of culture and education in the occupied coun-

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tries will be discussed, and the opinions of non-governmental agencies aired. I expect to participate at this conference, and to submit our views on the vital problem of U.S. and UNESCO cultural activities in the occupied countries, particularly in Germany.

The matter of investigating discrimination in schools and derogatory remarks in textbooks is being supervised by the Director of the Cultural Department in London, and carried on under the sponsorship of a special Advisory Committee.

I have been collecting considerable material on this subject from various Latin American countries. This material is still coming in, and may prove very useful to the Advisory Committee. I have been acquainting the U.S. National Commission for UNESCO and other American organizations active in culture and education with the results of our investigations. I have also kept the National Commission fully informed on the activities of the World Jewish Congress representatives at UNESCO headquarters in Paris, at the meetings of TICER, and at the annual conferences of UNESCO.

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✓ + Gross Pollak
Schindler

November 8, 1955

Miss Lilith Lehner
Secretary to Mr. Benjamin Ferencz
United Restitution Organization
Friedrichstrasse 29
Frankfurt/Main, Germany

Dear Miss Lehner:

Thanks much for your letter of November 3rd with reference to the Schindler case. I look forward to a report from Dr. May on this matter.

May I bother you with another inquiry. The American Jewish Congress representative in Los Angeles, California, has written the World Jewish Congress asking it to secure information on the indemnification claims of

Theresie Gross - No 79518/VII/21161
Emanuel Pollak - No 78713/VII/30453
Elisabeth Pollak
(deceased) No 78716/VII/30457

These three cases are now pending with the Bayerisches Landesentschadigungsamt, Munich 2, Arrisstrasse 11.

I would appreciate any information you can give me on these claims and, if possible, some indication as to when they will be paid.

Sincerely,

Abraham S. Hyman
Administrative Director

ASH:st

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WSC H341

CENTRAL OFFICE
UNITED RESTITUTION ORGANIZATION (URO)

FRIEDRICHSTRASSE 29 · FRANKFURT / MAIN

PHONE: FRANKFURT 70831

CABLE: RESTITUTION FRANKFURT

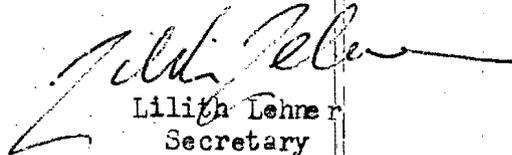
3rd November 1955
M

Mr. Abraham S. Hyman
World Jewish Congress
15 East 84th Street
New York 28, N.Y.

Dear Mr. Hyman:

Thank you for your letter of October 31 addressed to Mr. Ferencz and regarding the claim of Mr. Oscar Schindler in Argentina now apparently pending in our office in Munich. Since Mr. Ferencz is presently in the States I am passing your letter on to Dr. Kurt May who is dealing with these matters during Mr. Ferencz's absence.

Sincerely yours,



Lilith Lehner
Secretary

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WJC #341

Schindler

J + Turkow

October 31, 1955

Mr. Benjamin B. Ferencz
Central Office URO
Friedrichstrasse 29
Frankfurt/Main, Germany

Dear Ben:

A Mr. Oscar Schindler, who may be known to you for his rescue work in Poland and who now lives in Argentina, filed an indemnification claim which is apparently pending in the URO Office in Munich. For some reason or other, Mr. Schindler feels that this claim is not receiving its proper attention. Mr. Turkow, our representative in Buenos Aires, has written me about it. Can you give me a report on this matter? I am informed that on October 14th the JDC office in Buenos Aires wrote your Dr. H. Wolf and likewise expressed its interest in having Mr. Schindler's case processed as quickly as possible.

Be well. With kindest regards, I am

Sincerely,

ASH:st

Abraham S. Hyman

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WJC H341

October 31, 1955

Mr. Benjamin B. Perenes
Central Office URO
Friedrichstrasse 29
Frankfurt/Main, Germany

Dear Ben:

A Mr. Oscar Schindler, who may be known to you for his rescue work in Poland and who now lives in Argentina, filed an indemnification claim which is apparently pending in the URO Office in Munich. For some reason or other, Mr. Schindler feels that this claim is not receiving its proper attention. Mr. Turkow, our representative in Buenos Aires, has written me about it. Can you give me a report on this matter? I am informed that on October 14th the JDC office in Buenos Aires wrote your Dr. H. Wolf and likewise expressed its interest in having Mr. Schindler's case processed as quickly as possible.

Be well. With kindest regards, I am

Sincerely,

ASH:st

Abraham S. Hyman

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WJC H341

אידישער וועלט קאנגרעס
World Jewish Congress

CONGRESO JUDIO MUNDIAL

הקונגרס היהודי העולמי
Congrès Juif Mondial

NEW YORK 28, N.Y.
15 East 84th Street

LONDON W 1
55 N. Cavendish St.

TEL AVIV
Montefiore Street 24

JERUSALEM
1 Ben Yehuda Street

ALGIERS
1 rue Mahon

GENEVA
37 Quai Wilson

MELBOURNE CI
826 Collins Street

MEXICO CITY
Calle de Cuba 81

MONTEVIDEO
Calle Florida 1418

MONTREAL
493 Sherbrooke St.

PARIS VIII
78 Av. des Ch. Elysees

RIO DE JANEIRO
Caixa Postal 2344

ROMA
ingotevere Sanzio 9

SANTIAGO
rapaca 868

STOCKHOLM
Grev Magnigatan 11

Oficina Sudamericana:
CORRIENTES 1979
T. E. 47-2817
Dir. Telog ~~XXXXXXXXXXXX~~ worldgress/

Buenos Aires, October 26, 1955

Mr. Abraham S. Hyman
Administrative Director
World Jewish Congress
NEW YORK

Dear Mr. Hyman:

Mr. Oscar Schindler, whose activity in saving Jews in Poland's labour camps is well known to you from letters I've sent to you opportunely -in connection with the Kastner case- visited our office.

Mr. Schindler is -since two years- engaged in a struggle with URO in order to get indemnification, without having accomplished till now any favourable result.

On October 14th, the JDC office in Buenos Aires sent a letter to Dr. H. Wolf, the Munich Director of URO, in connection with this matter

Now Mr. Schindler is asking -through my intermediate- WJC's cooperation before the URO office, as to have moving the proceedings relationed with his indemnification request.

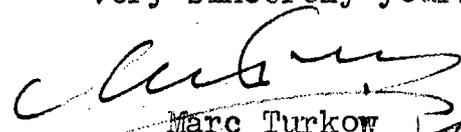
He is asking us to interest Dr. Nahum Goldmann in his problem, since he's sure that a "good word" on part of Dr. Goldmann will solve the problem.

It goes without saying that Mr. Oscar Schindler -due to his merit in saving Jewish lives during the war- deserves all the possible support, and that is why I address to you, asking your intervention in his behalf.

I'll be very thankful to you if you communicate me the result of this request.

With my warmest regards, I remain,

very sincerely yours,


Marc Turkow

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WJC #341

Letter of Municipal Council of Regensburg (Oct. 31, 1955) to URO Munich, in response to a letter we don't have, saying that Schindler is not entitled to his claim, as long as he does not have a new certificate as an expellee; the old certificate as refugee is not sufficient. They ask URO Munich to apply for a new certificate to the Regierungspräsident (representative of government) in Cologne. Schindler's claim will be decided on after presentation of the certificate.

Letter URO Munich to URO Frankfurt. URO Munich takes care of Sch's case. They sent him copy of the letter from Regensburg and will send him forms to fill out with the view to obtain a certificate as expellee.

Indirect correspondence

CENTRAL OFFICE
UNITED RESTITUTION ORGANIZATION (URO)

FRIEDRICHSTRASSE 29 · FRANKFURT / MAIN

PHONE: FRANKFURT 70831

CABLE: RESTITUTION FRANKFURT

November 17, 1955 M/G

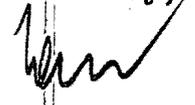
Mr. Abraham S. Hyman
World Jewish Congress
15 East 84th Street
New York 28, N.Y.

Dear Mr. Hyman:

I refer to your letter of October 31, 1955, addressed to Mr. Ferencz, and regarding Mr. Oscar Schindler, Buenos Aires.

Enclosed please find photostatic copy of letter dated 31-10-1955 of the Stadtrat Regensburg, Ausgleichsamt (another photostatic copy of which has in the meantime been received by Mr. Schindler). From the also enclosed letter of URO Munich you will note that the case is in preparation. URO is handling only indemnification cases. Mr. Schindler, however, has apparently only claim for the so-called "Lastenausgleich" (Equalization of Burdens). Even though URO does not represent such Equalization of Burdens cases we shall, of course, be glad to help Mr. Schindler by giving him legal advice.

Yours sincerely,



K. M a y

Enclosures: a/s

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WJC H341

An: URO - Frankfurt
Z.Hd. v. Herrn Dr. Kurt May
Von: URO - München
Betr.: Uns. Z. : 67 054 - R/Dö
Entschädigungssache Oscar
Schindler, Buenos Aires.

Sehr geehrter Herr Dr. May!

In Beantwortung Ihres Schreibens vom 8. 11. 55 erlauben wir uns, mitzuteilen, dass Herr Schindler nur Ansprüche nach dem Lastenausgleichsgesetz erhoben hat.

Am 18. Oktober erhielten wir von OFICINA LATINAMERICANA DEL JOINT, aus Buenos Aires die von Herrn Schindler zusätzlich ausgefüllten Anträge, die wir sofort dem Ausgleichsamt Regensburg, zuständigkeithalber weitergeleitet haben.

Darauf erhielten wir vom Ausgleichsamt ein Schreiben vom 31. 10. 55, das wir in Foto-Kopie hier beifügen.

Eine weitere Foto-Kopie dieses Schreibens wurde von uns sofort nach Eingang nach Buenos Aires abgesandt, mit der Bitte, Herrn Schindler zu veranlassen, einen neuen Vertriebenenausweis in Köln zu beantragen.

Wir werden uns in den nächsten Tagen beim hiesigen Flüchtlingsamt Formulare zur Beantragung von Vertriebenenausweisen beschaffen, und diese dann nach

--2

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Buenos Aires absenden, damit Herr Schindler genau weiss, was für Fragen er zu beantworten hat, und was für Nachweise seinem Antrag nach Köln beigelegt werden müssen.

UNITED RESTITUION ORGANIZATION

Dr. Wolf

STADTRAT REGENSBURG

-Ausgleichsamt -

Dez. IV b GA. 44/VI Nr. V 15591

UNITED-RESTITUTION-ORGANIZATION			
Regensburg, den 1. DEZEMBER 1955			
An das 265756 * -3 NOV 1955			
United Restitution		Office	

Office

M ü n c h e n

Schützenstr. 8/II

Betreff: Feststellung von Vertreibungsschäden; hier: Antrag des Oscar Schindler, wohnhaft in Argentinien.

Bezug: Ihr Schreiben vom 20.10.55
Ihr Akt.Z.: 67 054 R/Ar.

In Ihrem Schreiben vom 20.10.55 bringen Sie, auf Grund eines etwas unfreundlichen Schreibens des Herrn Schindler zum Ausdruck, daß Ihnen die Antragsberechtigung Ihres Klienten außer Zweifel zu stehen scheint. Ihre Vermutung entspricht jedoch nicht der Tatsache.

Gem. § 3 Abs. 2 FG kann ein Vertreibungsschaden nur von einem Vertriebenen geltend gemacht werden. Der Nachweis, daß der Antragsteller Oskar Schindler Vertriebener nach dem neuen Bundesvertriebenenengesetz ist, wurde noch nicht erbracht. Der Antragsteller müßte dazu im Besitz des neuen Bundesvertriebenenausweises sein. Auf Grund des alten Flüchtlingsausweises kann die Flüchtlingseigenschaft nicht mehr bestätigt werden.

Wie uns das Flüchtlingsamt Regensburg mitteilt, können Ausweise an Vertriebene und Flüchtlinge, die ihren Wohnsitz im Ausland haben, nur durch den Reg. Präsidenten in Köln ausgestellt werden. Dieser wurde hierzu durch die Landesregierung Nordrhein-Westfalen ermächtigt.

Sie werden daher gebeten, die Beantragung des neuen Vertriebenenausweises durch Herrn Schindler in die Wege zu leiten.

Die Bearbeitung des eingereichten Feststellungsantrages muß bis zur Vorlage des neuen Ausweises zurückgestellt werden.

Im Auftrag:

(Preis)

Stadtoberamtmann

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CEREMONIAL OBJECTS TO LATIN-AMERICA.

The Jewish Cultural Reconstruction Inc. is now shipping ceremonial and art objects, which were rescued in Germany, to various Latin-American countries.

The bulk of the objects is in silver and of very valuable religious and artistic nature.

For the time being shipments to Argentina, Mexico, and Peru are in process. Shipments to other countries will follow.

All these shipments are being arranged with the cooperation and through the services of the Department of Culture and Education of the WJC in New York.

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WJC H391

Current Information
on Restitution and Related Subjects

published by

THE WORLD JEWISH CONGRESS
Office of Indemnification

Note: The information contained herein is not intended for public dissemination or reprint.

#6

New York, September, 1948

GREAT BRITAIN

(1) Release of property of victims of racial persecution

German, Rumanian, Hungarian and Bulgarian nationals who have left or intend to leave their country and were victims of racial persecution may apply for the release of their funds held in Great Britain. The prescribed conditions are as follows:

(a) The applicant must be one who was deprived of liberty pursuant to laws or regulations discriminating against racial or religious groups and did not enjoy at any time between September 1, 1939 and the abrogation of the discriminatory legislation full rights of citizenship under the laws of his home country.

(b) He was not disloyal to the Allied cause.

(c) His case merits favorable consideration. (This presumably means that his funds were created through import of capital into Great Britain.)

In case of heirs and legatees applying for the release, a release may be made if the deceased person satisfied the aforementioned conditions, if he was dead before the relevant armistice, and if the applicant resides or intends to reside outside the enemy country.

Applications should be filed with the Board of Trade not later than on June 1, 1949.

(2) Claims of British citizens to properties located in present-day Soviet Russia

According to information received from the Foreign Office in London, consideration is being given by that Office to the general question of British claims in respect to property located in regions ceded by Poland and Rumania to the Soviet Union. However, no reliable forecast can be made either of the terms or of the date of any settlement which may be reached.

WJC CBO 116340

FRANCE

(1) Repayment of amounts levied on the property of spolies

Law #48-978 of June 16, 1948, provides in Art. 44ff that the French Treasury will repay amounts levied on the proceeds of alienation or other assets of persons who were despoiled in the application of laws, decrees, orders or decisions of the "so-called French Government" (the Vichy Government.) Excepted are amounts levied to pay debts, costs, and such remunerations as are to be borne by the spolies, in accordance with the decree of April 21, 1945. Interest equal to that paid by the Caisse des dépôts et consignations is remunerated.

The exact modes and time of payment will be fixed by a decree of the Minister of Finance to be published by September 17, 1948. The above law refers not only to sums levied on Jewish property which was subject to sequestration and similar acts after the German-French armistice, but also to the 1 billion francs levy imposed upon the Jews of France during the German occupation.

(2) Court practice

- (a) Decision of the Cour d'Appel de Paris (First Chamber), April 10, 1948, re Vve Jean Sauphar vs. Vve Lucien Sauphar

The court stated in this decision that the law of April 30, 1946, relating to the declaration of death of missing persons, creates a presumption of death in regard to Jews who were deported from France by the Germans and have not since reappeared in the place of their permanent residence. This presumption may be disproved only by proofs to the contrary or by presumptions of greater force.

- (b) Cour d'Appel de Paris (Sixth Chamber.) Decision of July 23, 1948 re Epoux Buisson vs Vve Moses et Fédération Mutualiste de la Seine

In the absence of an established date of the presumptive death of a deportee, the day of the deportation from the Camp Drancy must be considered as the day of death.

- (c) Cour d'Appel de Colmar (First Chamber.) Decision of July 21, 1948 re Lennhof vs. Brach

Jews of former German nationality who became stateless due to discriminatory German legislation did not reacquire their German nationality by virtue of the abrogation of this legislation by the Control Council. Such Jews may benefit from the decree on the reinstatement in premises. Even if the claimant had reacquired his German citizenship he could still benefit from the law because he himself was the victim of Nazi persecution.

POLAND

(1) Deadline for restitution

The deadline for submitting petitions to recover property in Poland which became abandoned expires on December 31, 1948. These petitions must be addressed to the County Court in Poland in whose jurisdiction the property is located. They may be submitted through the Legal Department of the Consulate General of Poland in New York, 149-151 East 67th St. on Thursdays and Fridays between 10 A.M. and 12 noon.

(2) Restoration of vacant lots in Warsaw

According to a decision of the competent authorities, owners of plots of land in the City of Warsaw must file an application for the return of these properties with the City Administration not later than on October 15, 1948. An extract from the register of deeds proving ownership has to be attached to the application and a fee of 3,000 zlotys (\$7.50) paid.

(3) Payment of state fees by DP's

The ruling of the Ministry of Foreign Affairs setting forth the details of the exemption of DP's from state fees in connection with filing of restitution claims (Current Information #5) was published in #8 of the Bulletin of the Ministry of Foreign Affairs of August 15, under #64.

AUSTRIA

(1) Extension of the deadline for filing applications to revive rights which came under the Statute of Limitations (see Current Information, # 1)

The deadline was extended until June 30, 1949.

(2) Extension of the deadline under the Fourth Restitution Law (Information Sheet, Series F, # 1)

The deadline was extended until December 31, 1948

(3) Status of the bill of the Fifth Restitution Law (see Current Information, # 3)

The bill was submitted in May, 1948, to the Austrian Parliament, which transmitted it to its Property Security Commission. The Commission created a special committee to consider the bill, but - due to the recess of the Parliament - the bill did not come up for consideration either in the full House nor even in the Commission.

It is expected that the bill will be considered when Parliament reconvenes.

WJC C/30 116342

(4) Statistics on claims under the Austrian Restitution laws

As of June 30, 1948, the following number of claims have been filed, acted upon, or are under consideration.

	First Restitution Law	Second Restituion Law	Third Rest. Law
Number of claims filed	6426	559	13,395
Claims renounced	283	19	1,228
Decided favorably	2535	133	1,629
Denied	573	65	828
Settled out of court	-	-	1,237
Still under consideration	3035	342	8,473

RUMANIA

1. Masterless properties

Law-Decree #113, published in the Official Gazette, No. 148, of June 30, 1948, transfers properties of Jews, victims of racial or religious persecution who died without leaving heirs, to the Union of Jewish Communities. The proceeds are to be used for the relief of needy Jews.

The law defines as Jewish all property which on June 28, 1940 or thereafter was owned by a Jew or was subject to anti-Jewish laws. It voids any alienation of such property which may have taken place and decrees the obligation of all possessors of such property to declare them, within 15 days from the publication of the law, to the competent court.

The Union of Jewish communities is authorized to take property falling under this law into provisional administration before final decision about it is made. Final transfer of the property to the Union is made upon decision of the president of the court, in whose jurisdiction the possessor resides. Appeal from the decision of the president to a forum of judges of the same court is permitted.

(Continued on page 7)

HUNGARY

Registration of property situated in Czechoslovakia

Decree # 6.620-1948, promulgated on June 10, 1948, orders all

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Hungarian nationals and all Hungarian legal persons to report all their property, rights, and interests situated in Czechoslovakia. This obligation applies to all assets, even if they were nationalized, confiscated, sequestered, or subjected to similar measures; it is also incumbent on persons who were deprived of their property because of racial or political persecution.

The declaration had to be made to the Ministry of Finance within 30 days from the effective day of the decree.

GERMANY

1. U.S. ZONE

(a) Restitution to foreign countries (international restitution)

As of June 30, 1948, a total of 19,913 claims for restitution of non-cultural properties have been received in the U. S. Zone. Of this total, 6,728 have been rejected or dropped, 5,194 have been granted, and 7,991 remain undecided. The value of the satisfied claims amounts to 269,557,669 marks of 1938 value. Among the most valuable objects returned during the second quarter of 1948 were 9,108 carats of diamonds restored to Holland; they were valued at \$1,250,000.

April 30 was the deadline for the submission of all claims with the exception of those relating to securities and cultural objects.

(b) Status of the Offenbach Depot

The Offenbach Archival Depot, the sole collecting point in the U. S. Zone for Jewish religious and unsorted library material, has since its activation received 3,172,822 items and released 2,404,530 items for restoration to the rightful owners in Germany and in countries overrun by the Nazis.

(c) Reparation deliveries

As of the end of June, a total of 140,529 tons has been shipped from the U. S. Zone to all recipients; they were valued at 138,998,496 marks (at 1938 replacement costs, taking into account normal depreciation and war damage).

Kd) Payment from frozen accounts to relatives

General License #7 pursuant to Military Government Law #53 permits the withdrawal from accounts in financial institutions, owned by natural persons residing in a United Nation or neutral country, and frozen in accordance with Military Government Law #52, for the purpose of payment to relatives residing in the U. S. or British Zone of Germany, provided the total amount withdrawn does not exceed 100 RM per month to any one relative and 300 RM to all relatives. Relatives within the meaning of this General

License are grandparents and grandparents-in-law, parents or parents-in-law, brothers and sisters, brothers-in-law and sisters-in-law, husband or wife, children, stepchildren and grandchildren, uncles and aunts, nephews and nieces.

(e) Appointment of a successor organization to masterless and unclaimed Jewish properties

Regulation #3 issued pursuant to Military Government Law #59 (Restitution Law) which became effective on June 23, appointed the Jewish Restitution Successor Organization (JRSO), a charitable organization incorporated under the laws of the State of New York, as successor organization to Jewish property.

The Regulation contains definitions of Jewish property, rights, and interests (private and organizational) and describes the status and powers of the JRSO.

JRSO is to establish (with the approval of OMGUS) before 31 December, 1948, one or more legal entities under German law, having the status of charitable organizations, to hold real property, as well as all other property for which no export license was obtained.

(f) Indemnification law

The Legal and Financial Committee of the Laenderrat discussed the draft of this law on August 26 and revised the former bill, adopting a part of the suggestions of the World Jewish Congress.

The draft will now go to the Directorate of the Laenderrat for approval.

2. FRENCH ZONE

The French military governor enacted on June 29, 1948, Decree #164 concerning the indemnification of victims of Nazism. Persons who after January 30, 1933 suffered damage on religious, racial and political grounds are to be compensated by virtue of this legislation.

Damage, in the meaning of this decree, is loss of property, rights, bank accounts, life, limb, and health, as well as losses through discriminatory levies. Excluded is war damage, loss of income, and moral injury. Compensation for bodily damage should be paid to residents of the Land, regardless of where damage occurred, and to persons residing outside the Land if they were residents of the Land at the time the damage occurred; material damage is to be compensated by the Land where the damage occurred; Only the persons who suffered the damage, their spouses, descendants, parents and their descendants are entitled to benefit from this law.

Each Land will determine by means of special legislation the portion of the losses to be remunerated. A special office will be created to deal with compensation; the funds will be provided from

the income of despoiled properties (in accordance with Decree #120), and the proceeds of masterless and Nazi properties. The request for indemnification are to be submitted to the Property Control; decisions will be made upon approval of the Ministry of Finance. Commissions are to be established in every district to review the decisions concerning compensation. They will consist of three members, one of them a victim of Nazism.

3. BRITISH ZONE

Early in September a conference on the restitution law was held in London. According to available information, a general presumption of duress similar to the one set forth in the U. S. Zonal law will be introduced in the decree.

(Continued from page 4)

2. Restitution of premises

Law #5, published in the Official Gazette, No. 96, of April 23, 1948, regarding the relations between landlords and tenants, contains certain restitutive provisions. Art. 27 of this law provides that tenants who were forced to abandon their apartments on account of racial persecution may apply, within 60 days from the effective day of the law, for reinstatement in their premises. The present tenants may be dislodged even if they are employees or pensioners.

4496-10/8/48-250-NR:lk
POL-3962 (Lgl-41)

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WJC C130

Current Information
on Restitution and Related Subjects

published by

THE WORLD JEWISH CONGRESS
Office of Indemnification

Note: The information contained herein is not intended for public dissemination or reprint

#5

New York, June, 1948.

I. GERMANY

A. United States Zone

General Damage Law

On April 30, 1948, the Laenderrat discussed a draft of a general damage law to cover losses not coming under Military Government Law No. 59.

The damage to be repaired consists of damage to life, limb, health, freedom, property, and economic pursuits. The responsibility for the reparation of damage devolves upon the person who caused the loss. The Land compensates the loss if the damaged person resided there on January 1, 1945, or was sent thereto as a refugee on a later date; if he was an inmate of a DP camp in the US zone on January 1, 1947 and integrated himself into the economy of the Land within three months from the effective day of the law; if he emigrated or died before January 1, 1947, but resided in the Land at the start of the persecution. However, these provisions, which could benefit also absentees, seem to be cancelled by the procedural regulations which stipulate that claims (or applications) for indemnification must be filed with the court (or the Indemnification Agency) having jurisdiction over the place of the residence of the claimant (or applicant) on January 1, 1948.

The draft contains detailed provisions relating to the reparation of the various kinds of damage and provides for priorities in favor of persons who suffered loss of health and of the successors to those who lost their lives.

Property losses include discriminatory levies, but not the Reichsfluchtsteuer. Losses in economic pursuits refer to officials, free professions, and persons who suffered damage under anti-Jewish economic legislation

B. Russian Zone

Restitution of Organizational Property

Order No. 82 of the Supreme Chief of the Soviet Military Government in Germany, dated April 29, 1948, provides that properties confiscated by the Nazis from democratic organizations are to be returned to the parties, labor unions, cooperatives, and other democratic organizations to which they belonged, provided they are permitted to function in the Soviet Zone. If the organization does not exist any more, the property is to be assigned to another organization pursuing the same aims as the old one. Confiscated property, which was used for welfare, church or humanitarian purposes, is to be restored to the former owner if the organizations is permitted to function in the Soviet zone.

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Assets which are not restored in accordance with the above rules become the property of the nation.

C. British Zone

In May, 1948, the British military authorities in Germany prepared a draft of an Ordinance on the Restitution of Property to Victims of Nazi Oppression. This draft was communicated to the Jewish organizations in London, among them the British Section of the World Jewish Congress, which were invited to discuss the draft with representatives of the Foreign Office.

The contents of the draft will be discussed in a later issue of these sheets.

D. Saar

According to information received from the Direction Sarre of the French Foreign Office, Ordinance No. 120 relating to the restitution of property in the French Zone of Germany is also valid in the Saar territory.

II. AUSTRIA

A. Restitution of Premises

The Austrian Government recently adopted a new draft of a law on restitution of premises and industrial and garden plots. The draft is in general almost the same as the earlier drafts, with the exception of a few amendments concerning the present holders of premises who may be evicted. If the former holder, authorized to file a claim, does not submit it within the prescribed time, the claim may be filed by the respective community.

B. Statistics concerning the Number of Claims

As of April 30, 1948, the following number of claims had been submitted, decided, or not yet taken into consideration:

	First Resti- tution Law	Second Resti- tution Law	Third Resti- tution Law
Total of Claims:	5,792	402	11,854
Retracted:	113	16	618
Decided in favor of the claimant:	2,049	78	1,137
Denied:	489	53	579
Under considera- tion:	1,438	112	-
Not yet taken into consideration:	1,709	129	8,339

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	First Resti- tution Law	Second Resti- tution Law	Third Resti- tution Law
Ceded:	-	-	324
Settled	-	-	857
Appeals to the Ministry:	201	11	-

III. ITALY

Restitution of Property belonging to Allied Nationals which was Sequestered or Placed under Control of Italian Authorities during the War.

According to the Peace Treaty with Italy, if such property has not yet been returned to the owner, application for return must be made before September 15, 1948. If an applicant is able to prove that he could not file it in time, it may be accepted thereafter.

Applications should be prepared in the form of an affidavit in duplicate. The application must contain proof of allied nationality, description, and location of property, and if known, date and place of sequestration.

Applications are to be made to the Ufficio Beni Alleati e Nemici in Rome. They may be transmitted through the diplomatic representation of the Allied nation.

The manner in which claims for loss of or damage to property sustained by Allied nationals during the war are to be filed will be announced later.

IV. HUNGARY

A. Filing of Claims by Allied Nationals (Decree No. 3.520/1948.Korm)

Claims of Allied nationals under Art. 26 of the Peace Treaty must be filed on or before September 15, 1948, with the Reparations Office (Budapest, Rumbach, Sebestyen u.12). If the claimant is prevented from filing the claim in time or has learned the facts of the case after September 15, it must be deposited within six months from the day on which the facts became known or the obstacle ceased to exist.

The application has to be made in quadruplicate preferably in Hungarian; English, French, and Russian are permissible. The petition must contain all data necessary to prove the claim, the amount of damage, the nationality of the claimant, and be accompanied by documentary proofs.

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B. Abandoned Property

Act No. XXVIII, dated May 21, 1948, settles anew the problem of what property is held to be abandoned and escheats to the State free of charge.

C. Confiscation of Property Belonging to Non-Returnees

According to Act No. XXVI, dated May 14, 1948, the Government is authorized to annul the citizenship of persons living abroad who refuse to return to Hungary within a specified time. The property of such persons must be confiscated.

V. POLAND

A. State Fees for Claims under the Restitution Law filed by DPs

Most of the claims filed until now by Jewish DPs have been returned to the claimant for lack of payment of court fees. To alleviate this situation the World Jewish Congress on December 30, 1947 submitted to the Polish Government a request to exempt DPs from all State fees connected with claims under the Restitution Law.

On May 29, 1948, the Congress was advised that the Polish authorities had taken a favorable decision in this matter and that an appropriate ruling would be published in the official bulletin of the Ministry of Foreign Affairs.

B. List of Jewish Lawyers in Poland

Warszawa

- | | |
|----------------------------|---------------------------------|
| 1. Bialostocki Stanislaw | ul. Lwowska 9 |
| 2. Brojdes Michal | " Pulawska 28/48 |
| 3. Dyjonikiewicz Kazimierz | " Marszalkowska 46 |
| 4. Erlich Norbert | " Poznanska 14 |
| 5. Gutmacher Ludwik | " Wilenska 19 |
| 6. Haftka Pawel | " Poznanska 14 |
| 7. Jaszunski Grzegorz | " Al. Jerozolimskie 121/40 |
| 8. Judkowski Jerzy | " Zielna 45/9 |
| 9. Kirszenberg Szymon | " Mala 11/10 |
| 10. Kisiel Stefan | " Targowa 15 |
| 11. Kobryner Boleslaw | " Poznanska 16 |
| 12. Kowalski Piotr | " Lwowska 9 |
| 13. Kranc Jerzy | " Pierackiego 13 |
| 14. Marcinkiewicz Boleslaw | " Stalowa 15/28 |
| 15. Maslanko Miecyslaw | " Krakowskie Przedmiescie 16/18 |
| 16. Nutman Izaak | " Brukowa 30 |
| 17. Olomucki Aleksander | " Wilenska 15 |
| 18. Stok Marek | " Wilenska 19 |
| 19. Wilner Edmund | " Marszalkowska 46 |
| 20. Winawer Wladyslaw | " Hoza 1/3 |

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Czwstochowa

1. Bojm Leon
2. Bratman Efraim
3. Hassenfeld Dorota
4. Hassenfeld Marian
5. Krauskopf Eliaszy
6. Kohan Jerszy
7. Praport Zygmunt

- ul. Focha 17/3
" Daszynskiego 12
" N. M. Panny 28
" N. M. Panny 28
" N. M. Panny 40
" N. M. Panny 30
" N. M. Panny 40

Lodz

1. Ajzner Kalman
2. Cederbaum Rubin
3. Fenigstein Ludwik
4. Frenkiel Wilhelm
5. Gold Samuel
6. Grynberg Jakub
7. Halpern J.
8. Hersberg Fiszal
9. Lindmer Rafal
10. Nejter Izak
11. Rejder Dawid
12. Rogozinski Szymon
13. Schos Dawid
14. Zmigrod Samuel

- ul. Poludniowa 23/41
" Zachodnia 68/39
" Narutowicza 47/31
" Jaracza 30
" Sienkiewicza 26/8
" Kilinskiego 82/7
" Poludniowa 5/29
" Srodmiejaska 32/17
" Narutowicza 54/6
" Zeromskiego 29/23
" Gdanska 31/2
" Piotrkowska 33
" Piotrkowska 117/39
" Lipowa 26/12

Krakow

1. Bauminger Zobel
2. Beikman Alfred
3. Birbaum Dawid
4. Blech Jakub
5. Gewurz Leon
6. Horowitz Izydor
7. Issler Jakub
8. Karpf Maurycy
9. Kraus Izak
10. Kupferberg Bruno
11. Lillenthal Zygmunt
12. Littman Marek
13. Rakower Jehuda
14. Reichman Henryk
15. Scharf Samuel
16. Schland Dawid
17. Thaler Abraham
18. Winer Maurycy
19. Zaborski Juliusz

- ul. Sobieckiego 6/11
" Garncarska 2/7
" Dietla 1/6
" Urzednicza 29/2
" Sw. Gertrudy 18
" Krowoderska 4
" Krzyza 1/7

" Wislna 5/2
" Krupnicza 3
" Batorego 17
" Sarego 38
" Slowackiego 1
" Długa 38
" Sw. Gertrudy 7/7
" Urzednicza 17
" Sebastiana 26
" Długa 80
" Kremerowska 12

Gorlice

1. Tannenbaum Chiel

Przemysl

1. Haupt Dawid
2. Freier Oskar
3. Weidman Efroim

- ul. Dworskiego 13
" Snigurskiego 9

116351

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Rzeszow

- | | |
|---------------------|-------------------|
| 1. Hoplen Feliks | ul. Mickiewicza 2 |
| 2. Reich Mojzesz | " Asnyka 10 |
| 3. Heinberg Emanuel | " Matejki 10 |

Tarnow

- | | |
|------------------------|--------------------|
| 1. Kohn Marek | ul. Goldhamera 1 |
| 2. Salomon Naftali | " Rogojewskiego 16 |
| 3. Lewinger Aleksander | " Slowackiego 6 |

Chelm

- | | |
|---------------------|--------------------|
| 1. Goldner Hersz | ul. Pierackiego 16 |
| 2. Giwerc Dawid | " Lubelska 56 |
| 3. Herszdorfer Leon | " Pierackiego 10 |

Kalisz

1. Zylber Leon

Bydgoszcz

1. Lipkind Dawid ul. 1-go Maja 52/3

Wroclaw

- | | |
|---------------------|---------------------|
| 1. Chil Samuel | ul. Olesnicka 11 |
| 2. Beer Elias | " Grunwaldzka 40/14 |
| 3. Frenkel Jozef | " Kluczbarska 4/5 |
| 4. Ferber Anatol | " Lokietka 5 |
| 5. Horowitz Izaak | " Brzeska 31 |
| 6. Plockier Izrael | " Lelewla 6 |
| 7. Rozenfeld Izrael | " Pradzynskiego 4 |
| 8. Weiss Schmiel | " Zeromskiego 79 |

Zlotoria

1. Margulies Samuel
2. Grossfeld Abraham

Dzierzoniow

- | | |
|------------------|---------------------|
| 1. Horn Karol | ul. Daszynskiego 44 |
| 2. Muhlberg Leib | " Daszynskiego 45 |

Zagorze

1. Beisman Jozef ul. Ogrodowa 5

Legnica

- | | |
|---------------------|-----------------|
| 1. Margulies Simche | ul. Drukarska 5 |
| 2. Rothstein David | " Drukarska 14 |

Walbrzych

1. Liber Izrael
2. Temkin Natan Stalina 55

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VI. UNITED STATES

Masterless and Unclaimed Property Vested in the Government

On May 27, 1948, a bill (S.2764) was introduced in the Senate, whereby property of persecutees may be returned to a successor organization if no claim is filed by the owner or his heirs within the period prescribed by law. Return may also be made before the expiration of this date if it is probable that the owner is dead and is survived by no person eligible to claim the property under Public Law No. 671.

VII. SWITZERLAND

Missing Persons

On November 14, 1947, the Amtsgericht Luzern-Stadt made a decision whereby persons who perished abroad may be declared legally dead in Switzerland if they possess property there. According to the wording of Swiss law, such a declaration of death would not be permissible.

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Current Information
on Restitution and Related Subjects

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#4

New York, May, 1948

I. RUMANIA

Masterless Jewish Property in Northern Transylvania

Jews from Northern Transylvania were considered by Rumanian legislation as absentees, since at the time of the Armistice they either were on Hungarian territory or had been deported thence to other places outside Rumania. Their property was, therefore, blocked and vested in the Administration and Custody Office of Enemy Property set up in accordance with Law #91, dated Feb. 10, 1945. The property was later transferred to the administration of the Democratic Jewish Committee. To permit deblocking of such property, a number of laws was enacted, among them Law #333, dated Oct. 13, 1947. This law provides for a speedy decision on requests for deblocking property of Hungarian or Rumanian citizens, who on or after Sept. 12, 1944 (date of the Rumanian armistice) resided in an enemy-held territory; they are held to prove only their nationality and title to the property.

The disposition of heirless property has not yet been decided upon. As a preliminary step, Law #50, dated Feb. 27, 1948, was passed to provide for the exclusion of the right of succession in favor of distant relatives. Under this law, all persons who died after June 21, 1941, during deportation, evacuation, while performing forced labor or in similar exceptional circumstances, are considered to have deceased on May 9, 1945. In cases where there are no proofs of the exact date of the death of relatives of the owners of property, the property passes to the living relatives of the deceased by annulling the rights which these deceased relatives would have under the general laws of the country.

II. TRIESTE

Masterless Jewish Property

On January 27, 1948, the Director General of the Civil Affairs Division of the part of the Free Territory of Trieste administered by the British-United States Forces, promulgated

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Order #133, concerning the property of Jews who died after September 8, 1943, as a result of racial persecution, without leaving heirs.

Under this Order, property of such Jews, which would escheat to the State under the general laws of Italy, is to be transferred to the Jewish Community in Trieste. The Community accepts full responsibility for the hereditary debts or legacies, in accordance with the provisions of the Civil Code. Excluded from this transfer are properties of Jews who had officially left the Jewish Community.

Applications for transfer must be made within one year from the effective date of the Order or from the declaration of the presumed death of the Jew concerned, if this declaration is issued after the date of the Order.

III. ITALY

(1) Movables of German and Austrian Jews lost in Italy

Owners of movables deriving from Germany and Austria and lost in Italian ports are entitled to restitution or compensation from the Italian Government, if they were seized by the Germans through the action of Italian authorities. If the properties were seized directly by the Germans, no compensation is being paid.

Some of the movables seized by the Germans were found among the war booty; it is administered by a governmental agency called ARAR.

(2) Decision of the Italian Supreme Court re Ercole Levi, dated Oct. 10, 1947

The decision is of general importance because it deals with the responsibility of a bank for the seizure of Jewish bank deposits by German SS.

The Supreme Court declared that the request to hand over Jewish bank deposits made by armed police was not a lawful act of the occupying authority. According to the customs of war, a general measure of confiscation would have been necessary; this case was, therefore, an act of criminal private violence and the bank is responsible for the loss suffered by owners of such deposits.

IV. FRANCE

Court practice (a selection of decisions made public during 1948)

(1) Decisions of the Cour de Cassation (Civ. Sect.) of Dec. 16, 1947 rebus de Roock and Chamanski

In the absence of other motives justifying the sale of a property by a Jew, the sale has to be regarded as having been made under duress. German legislation enabling the appointment of administrators for Jewish enterprises is to be considered as duress in the sense of the restitution law.

(2) Decision of the Conseil d'Etat, Jan. 3, 1947 re Société d'Alimentation Gaspé and others

Under existing legislation only persons whose property was placed under provisional administration or sequestration of the Administration of Domains are entitled to claim from the State the reparation of losses suffered as a result of the appointment of a provisional administrator, or of bad management by this administrator.

Art. 133 of the law of Dec. 31, 1945, provides only for the repayment by the State of certain expenses in favor of persons whose property was placed under the afore-mentioned administration.

(3) Decisions of the Cour d'Appel de Paris (Third Chamber) of Nov. 10, 1947 re Chérier and of Jan. 2, 1948 re Volterra

In case of resale of a spoliated property the seller must furnish formal proof of resale, otherwise the first and the subsequent acquirers have either to restore the property or to repay its present value.

(4) Decision of the Cour d'Appel de Paris (Third Chamber) of Dec. 16, 1947 re Schlem and others

Shareholders of a stock company dissolved during the war on the basis of racial laws may apply for the establishment of the nullity of the dissolution and of the acts of disposition done in consequence thereof.

(5) Decision of the Cour d'Appel de Paris (Third Chamber) of Jan. 2, 1948 re Vve Bernard

A bank, which acquired Jewish stocks directly from a provisional administrator and sold them later on the stock exchange without indicating the seller, cannot be considered as having acted in good faith. The bank is bound either to replace the stocks by equivalent shares or to repay to the spoliated person their present value.

(6) Decision of the Cour d'Appel de Paris (Third Chamber) of Jan. 10, 1946 re Thibault

An acquirer of a thriving and well-stocked enterprise, who restored it with almost no customers and merchandise and without sufficient funds to reestablish it, cannot be considered as having managed it properly and has to compensate the losses suffered through his bad management.

(7) Decision of the Cour d'Appel de Paris (First Chamber)
of Jan. 21, 1948, re Soc. concessionnaire des immeubles de
la Pépinière

The French State cannot claim judicial immunity if it voided, with the consent of an administrator appointed to manage a Jewish enterprise, a concession for the benefit of this private enterprise. The fact that it was agreed to approve the voidance by law does not change anything in the problem of jurisdiction: the judge has to decide whether such a law could survive the fate of the racial and anti-Semitic legislation of which the law would be the application.

(8) Decision of the Cour d'Appel de Paris (Sixth Chamber),
Jan. 30, 1948, re Lambert

According to this decision, American citizens enjoy, on the basis of Art. 26 and 28 of the new French Constitution and Art. 7 of the Franco-American Convention of Feb. 23, 1853, the same rights as Frenchmen in regard to movable and immovable property and the right of succession. Therefore, United States citizens are to be regarded as assimilated to Frenchmen in the enjoyment of civil rights. They are, consequently, not subject to the French law of May 7, 1946, which does not permit the execution of judicial decisions ordering the reinstatement of foreigners in premises, in the application of the French ordinance of Nov. 14, 1944, until a proper apartment is provided for the evicted person.

(9) Decision of the Cour d'Appel de Paris (Third Chamber),
Jan. 30, 1948, re Frixon

If the procedure of bankruptcy is annulled, all acts of disposition accomplished by the receiver are void, including the renouncement of premises and the sale of movables. Persons who in such cases acquired movables from the receiver have to restore them to the owner or pay indemnity.

V. GERMANY

(1) United States Zone

Number and value of "duress" property in the United States
Zone

On December 31, 1947, there was a total of 23,796 "duress" properties under control valued at 1,128 million mark. This total was subdivided as follows:

(a)	8397	properties	valued	at	340	million	mark	in	
(b)	8980	"	"	"	256	"	"	"	Bavaria
(c)	4911	"	"	"	413	"	"	"	Hesse
									Wuerttem-
(d)	140	"	"	"	17	"	"	"	berg-Baden
									Bremen

(e) 1418 properties valued at 103 million mark in the U.S. Sector of Berlin

(2) Berlin

On December 18, 1947, the Allied Kommandantura issued an order to the Mayor of Berlin, the President of the Kammergericht and the Deputy Attorney-General of the Kammergericht directing them to annul sentences, decisions or decrees passed by German courts between Jan. 30, 1933 and May 9, 1945, if it is established that they were based on political, racial, or religious grounds.

The annulling is done by a court decision. Competence is vested in the Chamber of the Amtsgericht of the residence of the petitioner. If the sentence, decision, or decree to be annulled was pronounced outside Berlin, but within the four zones, the Amtsgericht in Berlin must examine the case, if it considers that it has enough information to examine such a case; otherwise the petition must be forwarded to the competent court of the zone having the necessary information. Persons residing outside Berlin may file a petition with any Amtsgericht in Berlin if the sentence to be annulled was passed by any court in Berlin. A petition may be submitted by the person sentenced, his guardian and, in case of the death of the sentenced person, by anyone able to prove an interest therein, or by the public prosecutor.

Appeals from the decisions of the Amtsgericht are permissible in accordance with the general procedural rules valid in Berlin.

The public prosecutor is charged with taking the necessary measures to insure that appropriate notations about the annulment be entered in proper documents.

The annulling of a sentence may serve as a basis for a civil suit, but reimbursement for material losses from municipal funds are at present not yet permitted.

Court costs are charged if a final negative decision is reached.

VI. AUSTRIA

Claims filed under the restitution laws

Following are given the numbers and the fate of claims (or applications) filed under the three restitution laws:

	First Rest. Law	2nd Rest. Law	3rd Rest. Law
Total number of claims	5533	367	10,820
Number of retracted claims	102	116358 ¹⁴	539

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	First Rest. Law	2nd Rest. Law	#rd Rest. Law
Number of favorable decisions	1854	72	905
Number of negative decisions	444	42	481
Number of claims still under consideration	1410	115	7976
Number of claims not yet taken up for consideration	1723	124	
Number of amicable settlements	-	-	644
Number of ceded cases	-	-	275

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#3

New York, March, 1948

I. GERMANY

A. United States Zone

1. Hessen. The Minister President issued two implementary regulations in accordance with Art. 92 of the American Military Law #59:

- (a) On December 4, 1947, he designated the State Office for Property Control and Restitution and the Offices for Property Control and Restitution as restitution agencies (the bodies which deal with the claims, before they can be referred to court).
- (b) On December 15, 1947, he authorized the Minister of Justice to issue all legal and administrative decrees necessary for the implementation of the law.

2. Bavaria. The Minister President designated Section III of the Landesamt fuer Vermoegensverwaltung und Wiedergutmachung and of its local branches as restitution agencies. A board of amicable agreement is set up in every branch, consisting of the president (a person qualified as judge) designated by the Ministry of Justice, a representative of the Commissioner for racial, religious and political persecutees and a representative of the local branch of Section III of the Landesamt. At the request of the Commissioner or the Chief of the Landesamt the "large" board of amicable agreement may take the place of the local board. The "large" board consists of the president - a judge designated by the Ministry of Justice and four assessors, two of them appointed by the Commissioner and two by the President of the Landesamt.

B. British Zone

On December 15, 1947, the Minister of the Interior of the Land Nord-Rhein-Westfalen issued a decree interpreting the British General Order #10 (See Current Information #2). This decree states that the Order applies to all kind of property of which the owner was deprived between January 30, 1933, and May 8, 1945 on grounds of race, nationality (in the sense of group member-

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ship), religion, or political opinion, regardless of the way in which the Entziehung took place. The decree makes it perfectly clear that the Order also applies to "legal" transactions which resulted in the loss of property.

C. Russian Zone

1. Draft of a restitution law in the Russian Zone

A draft of a law concerning "Die Betreuung der Verfolgten des Naziregimes und die Vorbereitung fuer Wiedergutmachung" is reported to have been prepared.

The draft consists of two sets of measures:

- (a) Betterment of the health of the persecutees and their material lot. The draft provides i.a. for reparation of injury to the body; assistance in obtaining work; vocational training; privileges in obtaining apartments, furniture, furnishings, clothing, etc.; tax reductions and higher rations.
- (b) Restitution of spoliated property.

Both kinds of measures are contemplated only in favor of residents of Germany. Thus legal owners of spoliated properties situated in the Russian Zone who live outside Germany would not benefit by the law. They would be barred from claiming their possessions by any other procedure and the properties would be assigned to a special reparation fund. The fund could be used i.a. to pay compensation in cases where restitution is impossible.

The draft contains a number of provisions corresponding to those of the restitution law of the U.S. Zone, among them the presumption of duress, presumption of death, compensation for damage in case of bad faith, a cost-free procedure, exemption from inheritance taxes. The procedure is, however, a purely administrative one; a restitution commission would decide all claims, and no appeal from its decisions would be permitted. The government or the parliament of the Land alone would be authorized to amend the decisions in restitution cases.

2. Land Sachsen

On Oct. 21, 1946, the Administration of Justice sent to all courts keeping the records of deeds (Amtsgerichte) and to notaries Circular #352 relative to safeguarding the return of property of which the owner was deprived on political, religious or racial grounds. The Circular orders the courts and notaries to refuse assistance in the authentication of deeds through which such property is transferred by the present holder to third persons.

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II. AUSTRIA

1. Extension of the deadline for filing claims under the First, Second, and Third Restitution Laws

An ordinance of the Federal Ministry of Property Control and Economic Planning, filed with the Allied Council on Jan. 19, 1948, would extend the deadline for all three laws to December 31, 1948.

The ordinance should have become effective on Feb. 20, 1948, unless vetoed by the Allied Council. No notice of a veto has reached this Office at this writing.

2. Statistics of claims

As of December 31, 1947, the total number of petitions or claims filed under the three restitution laws was as follows:

- (a) 4703 petitions were filed under the First Restitution Law. Of this number, 1402 motions were granted and 387 refused; 90 were withdrawn, 1236 dealt with, and 1588 had not yet been considered.
- (b) 185 petitions were filed under the Second Restitution Law, of which 32 were granted and 26 refused.
- (c) 7050 claims were filed under the Third Restitution Law, of which 313 were granted, 274 refused, 259 withdrawn, and 134 transferred. 476 were under consideration and 5365 had not yet been taken under consideration. A total of 529 cases were settled out of court.

3. Fifth Restitution Law (Restitution of premises or leases)

Several drafts of this law relating to restitution of premises and leases of industrial and garden lots have been prepared. The latest draft stipulates that restitution is possible only if the lessee was subjected to political persecution by the Nazis and the present holder of the lease is either the direct successor of the "damaged" lessee including his parents, children and spouse who obtained the object from him or participated in the deprivation of the use of the right by the legal lessee. Restitution is not possible if the lease was terminated independently of the accession to power of the Nazis or if the object was wholly sublet. Only the former lessee is unconditionally authorized to claim restitution; his spouse, children, parents, and sisters and brothers are permitted to do so only if they lived in the same apartment with him at the time of the accession of the Nazis to power or afterwards, or they need the industrial premise or lot for their vocation or participated at the time of deprivation in the use of the garden plot. The claimant must either be resident in Austria or prove his intention to return there.

4. Sixth Restitution Law (Claims of private employees)

There is still no ready draft.

5. Seventh Restitution Law (Legal Persons)

A draft of a law concerning restitution to legal persons who lost this capacity under the Nazis was prepared some time ago. The draft provided for the filing of claims by participants (Anteilsberechtigten) in such concerns. The draft was, however, dropped and a new one is in preparation.

III. HUNGARY

On January 20, 1948, the Prime Minister issued Decree #1,800/1946 Korn concerning the liquidation of the Abandoned Property Bureau which until that time had administered abandoned Jewish property. The decree provides that the activity of the Bureau must be terminated within 90 days and a report is to be made to the Prime Minister concerning the properties which are to be turned over to the Jewish Rehabilitation Fund.

Current Information
on Restitution and Related Subjects

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24, 1952*

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#1

New York, November, 1947

I. AUSTRIA

1. Restitution Commissions

The Restitution Commissions to deal with claims filed under the Third Restitution Law consist of;

- (a) The Supreme Restitution Commission; Chairman, Dr. Heinrich Klang.
- (b) Four Appellate Restitution Commissions, one in each of the following cities: Vienna, Graz, Linz and Innsbruck.
- (c) Eight Local Restitution Commissions, at the Circuit Courts (Landgerichte) of Vienna, Graz, Klagenfurt, Linz, Salzburg, Linz-Nord, Innsbruck, and Feldkirch.

The Local Restitution Commission at the Circuit Court of Vienna has jurisdiction over Vienna, Lower Austria, and the Burgenland.

2. Contents of a claim under the Third Restitution Law

According to authoritative opinion, the claims should contain:

- (a) A statement that the claimant is Jewish (was registered as member of an Austrian Jewish Community), or member of any other persecuted group.
- (b) A statement that the property belonged to the claimant or his predecessor in right.
- (c) A description of the property (type, address, and, if known, the land register number).
- (d) In case of the death of the owner, a death certificate or a declaration of death by the proper court.

3. Amendment of the Third Restitution Law

Paragraphs 16, 18 and 21 relating to the appointment of judges and the time limit set for appeals were amended through law of June 18, 1947 (published on August 21, 1947).

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4. Extension of the Deadline under the First Restitution Law

The deadline was extended by decree of the Ministry of Economic Security of July 9, 1947 (published on September 1) until March 30, 1948.

5. Enactments on Matters related to Indemnification

Recently the following laws were enacted:

(a) Law of July 4, 1947 (published on August 21) concerning the reinstatement of damaged employees (Wiedereinstellungsgesetz).

The law is applicable to persons residing in Austria who were in employment after March 4, 1933 and were dismissed, on political or racial grounds, before the liberation.

(b) Law of July 7, 1947 (published on September 1) concerning the care of victims of the struggle for a free democratic Austria and of victims of political persecution (Opferfuersorgegesetz).

The law applies to persons who in consequence of the fight for a free Austria were killed, died of wounds or ailments, suffered bodily injuries or were under arrest for at least six months or a year (victims of the fight for Austria); those who on political, racial, religious or nationality grounds, lost their life, suffered bodily injuries, were deprived of their liberty for at least three months, were robbed of at least one half of their income for at least 3 and a half years, or had to interrupt their studies for the same period (victims of political persecution).

(c) Law of July 2, 1947 (published on September 5) concerning the admissibility of filing claims relating to rights which came under the statute of limitations.

The law grants i.a. to claimants who, subsequent to Feb. 12, 1934, were restricted on political grounds, in the exercise of their judicial rights, the right to file a petition, provided the right to do so expired after Feb. 12, 1934 and the petition is filed before June 30, 1948.

II. GERMANY

1. Restitution Laws in the U.S. Zone

The law becomes effective on November 10, 1947. Implementary regulations concerning the assignment of organizations to take over masterless and unclaimed properties are to be promulgated soon.

The main features of the law will be given in a special information sheet.

2. Registration of Property in the British Zone

General Order #10, which went into effect on Oct. 20, 1947, deals with identifiable property which, during the period from Jan. 30, 1933 and May 8, 1945, was confiscated or alienated or whose administration was lost on grounds of race, nationality, religion or political creed. It is irrelevant whether the confiscation, seizure, alienation or other form of wrongful deprivation took place on the basis of law, in a purportedly legal procedure or otherwise. The Order is valid in the whole British

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Zone, including Hamburg

All persons who, since Jan. 30, 1933, have possessed, administered or controlled such property have to register it with the Chief of the County or the Mayor of the place of their residence within six months. The same obligation is incumbent on all persons having knowledge of the transfer of properties falling under this Order.

Persons who lost such property may register their claim to restitution not later than on Dec. 31, 1948. Claims not registered within this time limit will not be recognized. All such claims have to be registered with the

Zentralamt fuer Vermoegensverwaltung (Britische Zone)
Bad Nenndorf
Land Niedersachsen.

Persons living outside Germany may obtain the form from:

- (1) The Foreign Office (German Section) - - - - - in Great Britain
- (2) Office of the British High Commissioner - - - - - in the British Commonwealth
- (3) Office of the Government - - - - - in British dependencies
- (4) British Consulates - - - - - in foreign countries

3. Registration of Claims in the French Zone

According to Order #24 of the Administrateur General, all persons who suffered loss of property, rights and interest on the basis of discriminatory measures instituted in Germany after Jan. 30, 1933 (including Judenvermoegensabgabe and Reichsfluchtsteuer) may register their claims with the Badische Landesamt fuer kontrollierte Vermoegen, and its county offices. No special forms are necessary. Duplicates are advisable.

4. Draft of an Indemnification Law in Berlin

A special committee in Berlin has prepared a draft of a law concerning the indemnification of losses in health, education, property, suffered on political, racial, religious, or general grounds.

5. Draft of a General Damage Law in Bavaria

The draft of the Bavarian Ministry of Justice, prepared on Sept. 2, 1946, was considered in the meeting of the Ausschuss fuer die Ausarbeitung des Wiedergutmachungsgesetzes on July 30, 1947.

The draft deals with claims against;

(a) public bodies ("oeffentliche Hand") resulting from loss of life; heavy losses in health and property in consequence of deprivation of freedom; fines and monetary costs in consequence of penal decisions; discriminatory taxes; deprivation of property, professions, vocations, insurance. A special fund consisting of property belonging to the Reich, the Nazi party and its affiliates, and of confiscated assets is to be created for the purposes of indemnification by the State.

(b) Social insurance bodies.

(c) Private persons responsible for losses.

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6. Draft of a Law on Urgent Compensation for Political Arrest (for the U.S. Zone)

This draft aims at the compensation of persons who on Jan. 1, 1947, were residing in a Land or have since been sent there as refugees, and who because of their race, religion, political creed, general opinion or otherwise, contrary to human rights had been detained under arrest for more than six months. Included among these persons are deportees of United Nations and persons assimilated to them. Special provision is to be made for those in camps under military supervision.

Movables and immovables belonging to former concentration camps are to be transferred to a trust company for the purpose of providing employment for former persecutees.

III. Greece

On October 15, 1947, the Minister of Finance issued a decree appointing the Central Board of Jewish Communities in Greece as the temporary administrator of heirless Jewish property which, according to law 846/1946 is to be used for the relief and rehabilitation of Jews of Greece.

The Central Board will administer these properties under the supervision of the Central Service for the Administration of Jewish Property and the Advisory Committee appointed on the basis of Decision #788/1945.

IV. FRANCE

A. Extension of the Deadline to File Claims under the Decree of April 21, 1945

By virtue of Law #471091, June 19, 1947, the deadline for filing such claims was extended up to December 1, 1947. Furthermore, this decree provides for the possibility of annulling bankruptcy and judicial liquidation decisions in the same way as was established for restitution claims.

Law #471090, June 19, 1947 amends Section 11 of the decree of April 21, 1945 in certain respects.

B. Certificates of Death for Foreigners

By a decision of the Tribunal Civil de la Seine, on April 25, 1947, a former Austrian Jew who had been interned at Drancy and thence deported to Germany, was declared legally dead. The court based its decision on the Ordinance of October 30, 1945, which amended Section 88 Paragraph 5 of the Civil Code, and on the contention that the place whence the last news about a vanished person came determines the jurisdiction of the court. This decision will make it possible to obtain a declaration of death for all Jews who were deported from French assembly centers to extermination camps and were not heard of since. The registers of these assembly centers are for the most part available.

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INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

1950

No. 1

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
1834 Broadway
New York 23, New York

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I. GERMANY

A. United States Zone

1. Progress in processing restitution claims

Until the deadline for filing claims, i.e., until Dec. 31, 1948, a total of 52,866 petitions were filed by individuals and 163,218 by the Jewish Restitution Successor Organization (JRSO). About 3,000 additional claims were filed for the JRSO by Public Prosecutors. In view of the circumstance that the JRSO had to file its claims before it became known whether an individual claimant had submitted an application, a large number of its claims are duplications. It is estimated that the total of active claims (individual and JRSO) amounts to about 100,000.

According to the law, all claims were to be filed with the Central Filing Agency in Bad Nauheim. By the middle of August, 1949, the Central Filing Agency had processed 213,000 petitions and transmitted them to the Land Central Offices for Restitution, which are the central German offices established in each of the Laender. These central offices supervise the activities of the Restitution Agencies, the lower restitution authorities established by the law. There are 5 such Agencies in Bavaria, 10 in Hesse, 4 in Wuerttemberg-Baden, and 1 in Bremen.

By Aug. 31, 1949, the Central Offices for Restitution had transmitted to the Restitution Agencies a total of 46,135 petitions covering 50,767 restitution cases, i.e., somewhat over 20 per cent of those received from the Central Filing Agency. The Restitution Agencies on their part were able to dispose of a very small number of the petitions received: up to the end of August, 1949, all Restitution Agencies finally disposed of 3,417 cases by dismissal, withdrawal, or amicable settlement, and forwarded 1,827 cases to the Restitution Chambers for adjudication. Thus from November, 1947 through August, 1949, the Restitution Agencies processed only 5,244 cases, i.e., somewhat over 5 per cent of all active claims. In August, 1949, the Agencies processed 927 cases.

There are 5 Restitution Chambers in Bavaria, 4 in Hesse, 4 in Wuerttemberg-Baden, and 1 in Bremen. From November, 1947 through August, 1949, all these Chambers disposed of a total of 406 cases of which only 272 were finally decided. During the month of August all Restitution Chambers disposed finally of 49 cases, and forwarded 31 cases to the Courts of Appeals and two to the Board of Review. Thus the total output of the Restitution Chambers for August, 1949, amounted to 82 cases.

There is one Court of Appeals each in Hesse, Bavaria and Bremen, and two in Wuerttemberg-Baden. By the end of August, 1949, they had disposed of 49 cases, of which 13 were final (the others being subject to decision by the Board of Review). During August, 1949, the Courts of Appeals disposed of 13 cases, of which 3 were finally settled.

As of August 31, 1949, the Board of Review had received 24 cases. Six were rejected and 1 withdrawn. Not a single decision was rendered by the Board of Review up to that date.

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The last available figures are for Nov. 30, 1949. The number of cases finally settled, adjudicated, or otherwise disposed of are:

a. Restitution Agencies.....	6,037
b. Restitution Chambers.....	540
c. Oberlandesgerichte.....	34
d. Board of Review.....	14

Recently a speed-up procedure was introduced which is expected to expedite the processing of the claims.

2. Amendment of Art. 69 of the Restitution Law (Board of Review), Dec. 26, 1949, effective Jan. 1, 1950

United States High Commissioner for Germany Law No. 3, Amendment No. 3 to Law No. 59, changed Art. 69 of the restitution law by providing that the United States Courts of the Allied High Commission for Germany¹⁾ shall have jurisdiction to review any decision on any claim for restitution under the law and to take any action which they shall deem to be necessary or proper in respect thereof.

Regulation No. 7 under M. G. Law No. 59 amended regulation No. 4 which established the Board of Review. Under this regulation, the powers of the Board of Review were transferred to the "Court of Restitution Appeals of the United States Courts of the Allied High Commission for Germany." The court is to consist of no less than three members designated by the Judicial Council of the United States Courts of the Allied High Commission for Germany.

The jurisdiction of the Court of Restitution Appeals is given:

(a) to a party aggrieved by a decision of the Civil Division of the Oberlandesgericht. The petition may be based on violation of the law only.

(b) to a party aggrieved by a decision of the Restitution Chambers. The petition may be based only upon these grounds: that the findings of facts upon which the decisions are based are not supported by substantial evidence; that there was an abuse of discretion, or that there was prejudice on the part of the Chamber.

The Court of Appeals may refuse reviews at its discretion. It may stay execution of decisions of German courts and reverse or modify, in whole or in part, their judgments or remand the case or any part of it to the German courts whose decision was appealed from.

1)

The former Military Government Courts are now known as "United States Courts of the Allied High Commission for Germany" (see Law No. 1 of the United States High Commissioner for Germany, Dec. 28, 1949).

The decisions of the Court of Appeals are published in English and German. They are binding upon all German courts insofar as they involve an interpretation of the law.

Petitions for review of decisions made by an Oberlandesgericht are to be filed within one month (or three months if the party resides abroad) from the date of service of the decision. Petitions concerning decisions of Restitution Chambers cannot be filed before the expiration of the time limit for appeals to the Oberlandesgericht; if such an appeal has been taken, the petition for review cannot be filed until a decision by the Oberlandesgericht is rendered.

The High Commissioner may request advisory opinions from the Court of Restitution Appeals.

3. Implementation of the General Claims Law

- (a) Second Bavarian Regulation concerning the Organization of Reparation, Nov. 22, 1949 (Gesetz- und Verordnungsblatt, Nov. 29, 1949)

By this regulation the Bayerisches Landesamt fuer Wiedergutmachung (which was established under the restitution law) became the Bayerisches Landesentschaedigungsamt. The Landesentschaedigungsamt was proclaimed as the general filing agency (allgemeine Anmeldebehoerde) under the law; it is charged with the implementation of the law, except where competence is vested in the courts and other authorities.

A special board (Beirat) is attached to the Landesentschaedigungsamt; it must be consulted on questions of principle involved in the implementation of the law.

A representative of the Ministry of Finance is attached to the Landesentschaedigungsamt; he represents the interests of the Land.

- (b) Statement of the Bavarian Landesentschaedigungsamt, Dec. 28, 1949

All applications from abroad are to be sent to the Auslandskartell des Bayerischen Landesentschaedigungsamtes, Muenchen, Arcisstrasse II. In accordance with a decision of all four Laender of the U.S. Zone petitions from abroad destined for Hesse, Wuerttemberg-Baden, and Bremen are to be registered in Munich; they will thereupon be transmitted to the various Laender for decision. This regulation was adopted in order to achieve uniform action on petitions emanating from abroad.

- (c) Meeting of the inter-ministerial working group of officials charged with the implementation of restitution and compensation (Interministerielle Arbeitsgemeinschaft der Sachbearbeiter fuer Wiedergutmachungs- und Entschaeidigungsfragen) in the U.S., British and French Zones, Dec. 29, 1949

The group dealt with a number of questions involved in the

implementation of existing compensation legislation, i.a., the date of residence required for eligibility (Stichtag) under the laws in the various countries, the applicability of these laws to the Shanghai ghetto and internment in Hungary, Rumania, and Yugoslavia, control of affidavits, deductible payments.

The majority did not agree to recognize the Shanghai ghetto as political arrest within the meaning of the law. Internment in Hungary posterior to March 23, 1944, is considered as Gestapoarrest; in other cases, proof must be furnished that the arrest was due to German action. In regard of Rumania a distinction is to be made between "old" Rumania (where no ghettos or concentration camps on the German model existed) and Transylvania. In Yugoslavia, only persons arrested on racial, religious, or political grounds are eligible under the law; those arrested for military reasons are excluded.

Jews who had to wear the Jewish Star and were subject to forced labor by the Gestapo or its subsidiary bodies are considered eligible for compensation for deprivation of liberty.

All children, regardless of age, who were under "political arrest" within the meaning of the General Claims Law of the U.S. Zone, are eligible for compensation.

The meeting declared that no extension of the cut-off period for the U.S. Zone is contemplated. However, absentees (i.e., persons residing abroad) are to be given an opportunity to register their claims in Munich by submission of lists; thereafter the lists are to be distributed among the Laender; applications on the prescribed forms are to be submitted at the earliest possible time.

Payment of the first part of compensation is to be made to the persecutees themselves; each of the Laender may decide whether they would establish an obligation to pay into accounts at banks and savings institutions. In Bavaria powers of attorney to receive the first installment of DM 500 are recognized only if given to relatives of the first degree of the persecutee and authenticated by police, a notary or the IRO.

(d) Circular letter No. 400/50 of the Bavarian Land Reparation Office, Feb. 2, 1950

A meeting took place on Feb. 2, 1950, under the chairmanship of Dr. Ringelman, Ministerial Director of the Ministry of Finance. The decisions reached were as follows:

(a) Global applications from abroad, filed without compliance with the required formalities, are to be considered as made in time if they arrive before March 31, 1950.

"Global applications" are those filed by organizations, lawyers, and private individuals. The first and second name of the applicant, his present residence, and place of injury must be given. Applications on the forms required and all necessary proofs are to be submitted by Sept. 30, 1950.

(bb) As far as the application of the law to persecutees who emigrated or died before Jan. 1, 1947 is concerned, it was agreed either to issue a correction (Druckfehlerberichtigung) or to include these persons within the law on the basis of Art. 50 by a Land ordinance.

(cc) All applications from abroad should be registered in Munich. However, it suffices if the application was received before the cut-off period at the filing agency of the competent Land. ¹⁾

(dd) Pensions of applicants residing abroad cannot be paid until the question of transfer is settled.

(e) Implementary provisions in Wuerttemberg-Baden

(1) The government of the Land has appropriated DM 300,000 to pay compensation to persons not falling under the General Claims Law, among them to orphans under 16 years of age, aged Jews who have already consumed their claims, etc. (Circular E 15).

(2) Internment in a number of French concentration camps, such as Drancy, Gurs, and 18 others is recognized as political arrest within the meaning of the law (Circular E 11).

(3) Payment of indemnity under the General Claims Law to persons residing outside Germany is impossible. However, in certain cases payment to absentees is permissible within the Land, viz:

Payments in favor of children and relatives studying in Germany,

Payments to indigent relatives residing in Germany, old servants, etc.

Payments to effect repair of buildings situated in Germany.

The first two kinds of payments may be made, without license, in the amount of DM 200 monthly to one and of DM 300 to several persons; higher amounts require a license. A license is required in all instances of repairs. Licenses are granted by the Landes-zentralbank in Stuttgart, which announced that they would ordinarily be granted.

It is specifically pointed out that persons entitled to compensation for deprivation of liberty, who were in process of emigration on the effective date of the law, may receive such indemnity regardless of the general provision which would defer such payments to 1951/52 (Circular E/10).

1)

The Laender of Hesse and Wuerttemberg-Baden have not yet consented thereto.

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B. British Zone

Implementary regulation under the Restitution Law

General License No. 15 issued pursuant to Military Government Law No. 52, also known as General License No. 9 issued pursuant to Military Government Law No. 53, August 20, 1949

This license authorizes all transactions relative to claims for restitution, within the scope of Law No. 59. The conditions are that the transactions be necessary and incidental to the filing, prosecution, renunciation, settlement, or final adjudication of or defense against the claim, and that the claim be filed by a persecutee, his heirs or other successors in right (except assignees).

The license does not authorize the debiting of accounts blocked under Law No. 52, except if the account is owned by a party to restitution proceedings; nor does it permit the transfer or assignment of title to property situated outside Germany or the removal of property from the British Zone without authorization.

C. French Zone

The Loyal Restitution Organization (Vereinigung fuer Loyale Restitution).

On Sept. 3, 1949, an organization was created at Baden-Baden under the name of Vereinigung fuer Loyale Restitution. On Oct. 17 the final Constituent Assembly took place. The avowed aim of the organization is to achieve "just and loyal restitution" by influencing the legislative and administrative authorities and assisting its members in individual cases.

Dr. Wirth has agreed to head the organization.

D. Records of the Deutsche Golddiskontbank (DEGO)

The Office of the U.S. Commissioner for Germany has transferred the custody of certain records of this bank to the Berliner Zentralbank. The transfer was made under the express condition that the Berliner Zentralbank would undertake to reply to correspondence received from parties having a legitimate interest in these records. Among those covered are persons and organizations having accounts at the DEGO, and persecutees seeking information in support of restitution claims.

The custodian of the DEGO reports that the records transmitted contain information on the following subjects only:

- a. Reichsmark amounts received by the bank for the permission to remove household goods.
- b. Conversion of such Reichsmark amounts into foreign currency abroad.

The address of the Berliner Zentralbank is

Bismarkstrasse 48-52
Berlin-Charlottenburg

II. AUSTRIA

A. Progress in processing restitution claims

Up to 31 Dec. 1949, a total of 10,128 applications were filed under the First Restitution Law. Of this number, 429 were withdrawn or transferred, 5929 were granted, 805 were denied, 2,275 were pending, and 690 had not yet been considered.

Up to the same date, a total of 1,019 applications were filed under the Second Restitution Law. Of this number, 46 were withdrawn or transferred, 352 were granted, 160 were denied, 355 were pending and 106 had not yet been acted upon.

On 31 Dec. 1949, the total of appeals to the Ministry of Property Control and Economic Planning under the two first restitution laws amounted to 506. Of this number, 127 were granted and 252 were denied.

The total of claims under the Third Restitution Law filed up to 31 Dec. 1949 amounted to 29,343. Of this number, 2,846 were withdrawn, 1,065 were transferred, 6,877 were granted, 5,109 were settled, 2,739 were denied, and 10,707 were pending. At the same time, 4,256 cases of compromises, renuncements, and acknowledgments were filed under the law with the district administration.

B. Extension of cut-off periods

- (a) Order of the Ministry of Justice, Nov. 17, 1949, concerning the extension of the deadline under the Fourth Restitution Law (BGBl, Dec. 31, 1949).

The cut-off period under this law was extended until Dec. 31, 1950.

- (b) Order of the Ministry of Property Control and Economic Planning, Nov. 24, 1949, concerning the extension of the deadline under the First, Second and Third Restitution Laws (BGBl, Dec. 31, 1949)

The cut-off period under these three laws was extended until March 31, 1950.

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III. FRANCE

According to figures published by official French sources, there are in the Department of the Seine alone about 3,000 heirless Jewish properties. They belonged to deported and totally extinguished Jewish families.

A bill is in preparation concerning the disposal of these assets.

6316-2/13/50-375-NR:1s
IJA-9198

116376

INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

1950

No. 2

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
1834 Broadway
New York 23, New York
(April 1950)

116377

WJC C181

I. GERMANY

A. Restitution

a. United States Zone

1. Amendment No. 4 to the Restitution Law (Official Gazette of the Allied High Commissioner for Germany, No. 10 - Feb. 17, 1950)

By this amendment a new article (58(A)) was introduced in the law providing for the procedure to be followed in the future by petitioners or other persons. The law requires them now to address all such correspondence, except that provided in Art. 58(3) concerning additional information, to the respective Restitution Agency, indicating its relationship to a duly filed petition. If nevertheless the Central Filing Agency receives such a communication indicating a relationship to a filed petition it will forward it to the competent Restitution Agency. However, if the Central Filing Agency receives after Feb. 28, 1950, any correspondence not indicating on its face a clear relationship to a filed petition, it is to forward it to the Bavarian Landesentschaedigungsamt if the communication is relevant to a claim under the General Claims Law; otherwise, it is retained by the Agency at the disposal of the correspondent.

2. Progress of restitution claims

As of Jan. 31, 1950, the total of restitution claims available for processing at Restitution Agencies was 57,611. This number represents about one half of all the claims because the heirless claims were at that time still on their way to the Restitution Agencies.

Of this number, 20778 (or 36.1 per cent) were available for disposition, while in 8,358 cases (or 14.5 per cent), a final disposition had already been made in the Restitution Agencies, by way of amicable settlement (4,074 or 7.1 per cent), final decision (437 or 0.7 per cent), final dismissal (863 or 1.5 per cent) or withdrawal (2,982 or 5.2 per cent). A total of 3,375 claims (5.9 per cent of the grand total) was forwarded to the Restitution Chambers, so that the number of cases disposed of by the Restitution Agencies amounted to 11,731 or 20.4 per cent of the grand total.

The number of cases available for adjudication at the Restitution Chambers on Jan. 31, 1950 was 3,485. Final disposition was made by the Chambers in 746 cases (or 21.4 per cent); 307 cases (or 8.8 per cent of the total) were forwarded to the Oberlandesgerichte and 35 (1.0 per cent) to the Board of Appeals. Thus the number of cases dealt with by the Restitution Chambers was 1,088 or 31.2 per cent of the total available for adjudication.

Only 302 cases were available at that date for adjudication at the Oberlandesgerichte. 43 were finally adjudicated, 58 were remanded to the Restitution Chambers for new adjudication, and 70 were sent to the Board of Appeals. The total number of cases

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adjudicated was thus 171 or 56.6 per cent of those available for adjudication.

The Board of Review had at that time 105 cases for adjudication. Of this number 14 were reviewed by final decision. Not a single case was remanded to either a Oberlandesgericht or a Restitution Chamber.

b. British Zone

Amendments of the Restitution Law (Official Gazette of the Allied High Commission for Germany, No. 10 - Feb. 17, 1950)

(1) Ordinance No. 205, effective Dec. 31, 1949

The ordinance amended Art. 7 of the law dealing with claims of dissolved associations and partnerships. The new text provides, i.a., that claims for restitution of property (other than property vested in any of the special commissions established by the Military Government) formerly belonging to dissolved corporations or partnerships devoted to relief or religious or charitable or humanitarian purposes, or belonging to trade unions and similar organizations, cannot be filed except by a successor organization. The competent Restitution Chamber will determine which particular organization shall be considered as successor.

The ordinance also contains a supplement to Art. 44 (concerning measures of securing the property) providing that this Article shall be additional to and not in substitution for or derogation of the provisions of General Order No. 10. An amendment to Art. 49 (relating to remedies other than those provided in the law) provides for the competence of the Commissions referred to above.

(2) Regulation No. 3 (pursuant to Art. 48 of the law), effective Dec. 31, 1949

This regulation provides for the extension of the time limit for filing petitions until June 30, 1950. Petitions erroneously submitted pursuant to the U.S. or French zonal laws shall be considered to have been filed in time if they are certified by the U.S. or French authorities as having been received by them before June 30, 1950.

B. Compensation

United States Zone

1. Extension of deadline

On Feb. 24, 1950, Dr. Auerbach urged, in his capacity as Chairman of the Koordinierungsbuero der Interministeriellen Arbeitsgemeinschaft fuer Wiedergutmachungs- und Entschaedigungsfragen in der Bundesrepublik Deutschland, that the Governments of the four

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Laender consent to extend the time of filing claims until September 30, 1950, the extension to be based on Art. 40 of the law, which states that the extension of the deadline provided for in the law may be extended by agreement with the respondent.

On March 8, 1950, Dr. Auerbach reported in his circular letter No. 417/50 that the Bavarian Landesentschaedigungsamt might grant extension to claimants residing abroad until June 30, 1950. Within this time a "formlose" application must be filed by letter or postal card, giving the full name, date and place of birth, and the present residence of the applicant, and the kind of damage suffered. A full application on the prescribed form must be received by the competent authority on or before Sept. 30, 1950.

By virtue of his authority, Dr. Auerbach granted to the recipients of his circular letter the right to accept until June 30, 1950 "formlose" applications from persons represented by the recipient organizations.

The circular letter states, furthermore, that an agreement has been reached whereby applications received in Bavaria are considered to have been received in time even if they relate to the Laender Bremen, Wuerttemberg-Baden, and Hessen.

It suffices if an application is filed before June 30, 1950, for one kind of damage; the proofs for other kinds of losses may thereafter be submitted until Sept. 30, 1950.

The above is based on the discussion at the meeting of representatives of the four Laender of the U.S. Zone held on March 8, 1950 in Munich. Dr. Auerbach claims that this was agreed upon by the representatives of Bavaria, Wuerttemberg-Baden, and Bremen, while the representative of Hessen made a reservation requiring the consent of the Hessen Cabinet.

2. Progress of filing and adjudicating claims in Bavaria

As of Feb. 20, 1950, the total number of applications received in the Bavarian Landesentschaedigungsamt amounted to 32,730, of which 13,450 were statistically checked and 5,238 were transmitted to appropriate authorities for action. Of the 32,730 applications, 7,127 were from the Central Committee of Liberated Jews, 104 were from outside Bavaria, 2,479 from abroad, and 1,665 were "formlose" (not on forms) applications from abroad.

Of the 13,450 statistically checked applications, 749 were filed by emigrants and new citizens, and 4,593 by DP's.

A breakdown of the applications filed according to the kind of damage shows that there were 12,017 applications concerning deprivation of liberty (among them 3,449 filed through the Central Committee), 3,352 applications for damage to health, 3,945 concerning loss of vocation, 2,572 relating to loss of property, 1,211 1) referring to loss of annuities, and 689 dealing with loss of life.

1) The total of 23,186 is larger than the number of statistically checked applications because some applicants have more than one claim

Altogether, claims were filed (among the statistically checked applications) for 367,736 months of deprivation of liberty. The claims for loss of health amounted to 15,556,578 DM, those for loss of property to 14,428,891 DM, and those for damages to vocations to 19,219,670 DM.

3. Implementation of the law in Hessen

Regulation of Feb. 27, 1950 concerning the competence and procedure in matters of the General Claims Law - Third Implementary Regulation effective April 1, 1950 (Gesetz- und Verordnungsblatt No. 7, 1950)

This Regulation establishes the authorities provided for in the law and appoints, i.a., the Minister of the Interior as the general filing authority, the highest Land authority, and the Reparation authority. The filing agencies established under earlier regulations are authorized to accept applications.

The Reparation Chambers provided for in the law are established at Landgerichte, such Chambers to have jurisdiction over the territory of one or several Landgerichte. They consist of a chairman, a judge, and two assessors, who must possess the qualification of a judge or of a higher official.

The Regulation establishes rules for the local competence of the administrative authorities and the Reparation Chambers, in accordance with the present or former domicile or residence of the applicant.

The procedure established in the Regulation provides for obligatory application to the general filing agency. The filing agency transmits the application to the competent administrative authority, if the claim is directed against the Land, and to the Reparation Chamber in all other cases. The applicant should use the prescribed form in duplicate; evidence should be submitted in an authenticated copy. An application is considered to have been filed in time if filed before March 31, 1950 with a filing agency or, in case it was registered before Jan. 1, 1949 by mistake as a restitution claim, if reported to the general filing agency before Sept. 30, 1950.

If the applicant has no residence in Germany and has not appointed a person to accept documents the competent authorities may require the appointment of such a person and, if no appointment is made in proper time, nominate one on their own. Detailed provisions are made for the processing of applications before the administrative authorities and the courts, as well as for reconsideration of final decisions.

Costs are decided upon by the courts at their discretion. Court costs depend on the court instance and are fixed in accordance with the law on this subject. Lawyers' fees are fixed on the basis of the general rules with certain specific deviations.

4. Implementation of the law in Wuerttemberg-Baden

Circular letters E/16, dated Jan. 9, and E/18, dated March 2, 1950, deal with compensation for loss of income. Compensation is to be based on net income. Lump sums are permitted when no sufficient evidence of the loss is available. This sum is generally supposed to amount to 200 RM a month for men, and to 150 RM a month for women.

II. AUSTRIA

Restitution

1. Progress of restitution claims

As of Feb. 28, 1950, the total number of applications filed under the First Restitution Law amounted to 10,507, of which 6,228 were granted, 834 denied, and 437 withdrawn. 2,303 were in process of consideration and 705 had not yet reached this stage.

On the same date a total of 1,070 applications were filed under the Second Restitution Law. Of this number, 370 were granted, 167 denied, and 47 withdrawn. 370 applications were under consideration and 116 had not yet reached this stage.

The number of claims under the Third Restitution Law amounted to 30,310, of which 7,545 were granted and 2,882 denied. 3,051 claim were withdrawn, 1,127 transferred, and 5,595 settled. A total of 10,110 had not yet been acted upon.

2. Amendment of the Reinstatement Law (BGBl, 1950, Enactment No. 15

The amendment referred to Art. 8(3) of the law dealing with the dismissal (notice) of reinstated employees.

The deadline for filing claims under the law has been extended until Dec. 31, 1950, for persons who settled in Austria, or returned thereto from war captivity, after Sept. 30, 1949.

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IJA-10013

116382

WJC C131

INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

1950

No. 3

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
1834 Broadway
New York 23, New York
(July 1950)

116383

WJC C131

I. GERMANY

A. Restitution

1. United States Zone

a. Rules of the Proceedings before the Board of Review (issued by the Board)

The rules describe the required contents of the appeal, the conditions under which new evidence will be considered by the Board, the way in which the documents are sent to the parties, the manner in which documentation to the Board is to be submitted, representation before the Board (the Board admits as counsel lawyers admitted to the bar in Germany or in any other country or such lawyers as were admitted there but lost their privilege through persecution).

No fees are levied by the Board. It may assess costs on the parties at its discretion.

b. Amendment No. 5 to MG Law No. 59 (Restitution Law). (Official Gazette of the High Commission, No. 13)

By this amendment Art.67, par.2 of the Restitution Law was modified so as to grant the Restitution Chamber the power of dealing with the claims in accordance with rules of the Civil Procedure providing for preliminary action by one judge.

c. Amicable Settlements

According to a report by the U.S. High Commission's Property Division, some 15000 cases were disposed of under the law. About 77 per cent have been settled within the agencies without resort to the courts. Some of them involve considerable amounts. Among the latter is the case of the Hertie-GmbH (formerly Tietz) which had a number of department stores valued at 40 million DM, with main offices in Berlin, Munich, and Stuttgart. The Magnesit-AG in Munich-Starnberg which controls the Austrian Magnesitworks and the German Heraklitworks is another instance. The Zellulosenpapierfabrik Okriftel (Hessen), valued at 7 million DM; the firm of Schade und Fuellgrabe with 148 food stores all over Western Germany valued at nearly 2 million DM; the Deutsche Tafelglas AG in Fuerth, valued at 16 million DM (one of the largest glass works in Western Germany); 51 per cent of the capital stock of the Merkur A.G. in Nuremberg, valued at 8 million DM and in control of 6 large department stores in the U.S. Zone were also restituted to the original owners.

2. BRITISH ZONE

a. Regulation No.2 to MG Law No.59 (Restitution Law), March 27, 1950. (Official Gazette of the High Commission, No.13)

This regulation establishes minute rules for the jurisdiction of the Restitution Agencies. As a rule, that Agency is competent in whose district the property is situated or, if its present location is unknown, where it was last situated. If an interest in a corporation is reclaimed (whether evidenced in a document or not), the claim is to be filed in the place of the registered office or principal seat of the corporation (if situated in the British Zone) or of the defendant (if the registered office is situated outside Western Germany). If the property is a right or

a claim not evidenced in a document, the Restitution Agency is competent in whose district the possessor of the right has his residence; if the right was secured by the property, the place of the location of the security or its most valuable part is decisive.

The above rules are also applicable for proceedings concerning repayment of the value of confiscated property, delivery of a substitute in case of fundamental changes in the reclaimed property, and the surrender of compensation and profits. Jurisdiction for claims concerning additional payments is vested in the Agency in whose district the respondent resides. Several claims connected in law or in fact may be, upon request of the claimant or an agreement of the Agencies concerned, be adjudicated together.

The regulation deals also with costs. Restitution authorities may impose on a party the costs of the proceedings which are due to an unjustified petition, defense, appeal, or objection of which the party was aware.

b. Regulation No.4 under MG Law No.59, March 27, 1950 (Official Gazette of the Allied Commission No.13)

This regulation deals with properties of Jews which were forfeited to the Reich under the XI Decree to the Reich Citizenship Law. It grants the Central Filing Agency the right to issue an order for restitution without transmitting the case to a Restitution Agency if the claimant proves to the satisfaction of the Central Filing Agency that his name is still recorded in the Land Register. If the petition is filed by an heir or assignee, he must prove his title to the property as heir or otherwise.

From the date of the Restitution Order, the entry in the Register shall be deemed to be correct and always having been correct.

c. Sixth Implemetary Decree to the Restitution Law

This decree establishes a Board of Review (analogous to the one in the U.S. Zone), consisting of one member of the highest court of the Control Commission (president) and two other persons nominated by the Legal Adviser of the High Commissioner.

All petitions for review are to be submitted to the Secretary in the Rathaus of Herford. Appeals from decisions of Restitution Chambers must be presented within one month after the end of the term of appeal from such a decision to the higher German court; appeals from decisions of the Oberlandesgerichte are to be filed within three months following the date of decision.

The petition is to be based on a violation of the law or a gross miscarriage of justice (grober Fehlsppruch). The Board may either approve (wholly or partially) the decision or amend or reverse it and remand it to the court. It may hear witnesses, require the production of documents, and impose fines.

The decisions of the Board are binding upon all German courts. Hearings before the Board are to be held upon request of a party.

3. SOVIET ZONE

According to a publication of the U.S. High Commission dated March 1950, the situation regarding restitution in that part of Germany is as follows:

It does not appear that the procedure set forth in the Thuringian law was adopted throughout the Zone. This conclusion is reached because a judgment rendered by a "Kammergericht" (location unknown) on 29 November 1946 made no reference to postwar legislation but decreed restitution on the basis of Section 123 of the German Civil Code (BGB). This section provides for the annulment of contracts entered into under duress. The court held that the position of the Jews in Germany during the Nazi period was such that they were subject to "collective coercion" (kollektive Drohung). The court termed the Nazi ordinance of December 3, 1938, dealing with Jewish property as an affront to the good sense of German law and added that it was the duty of German courts to remove Nazi principles from German legislation even though in some instances this had retroactive effect. The 1946 decision concerned real estate owned by a German of Jewish extraction who apparently had fled to Chile during the Hitler period. It is not clear whether the plaintiff had returned to Germany or was still a resident of Chile.

The importance attached to the 1946 decision is indicated by the fact that it was reproduced in Neue Justiz (NJ 47, page 130), an official publication of the Administration of Justice for the Soviet Zone (Deutsche Justiz Verwaltung). The commentator termed the judgment a "basic decision" and it was cited by the Oberlandesgericht at Halle (Saxony/Anhalt) on September 15, 1948, in annulling a contract for the sale of real estate made by a German of Jewish extraction after November 3, 1938. Reference was made to BGB Section 123, and the court said such contracts could be annulled on the ground of collective duress. This judgment was also cited with approval in Neue Justiz (NJ 49, 116).

These decisions and the Thuringian statute indicate that there is at least a legal basis for internal restitution in the Soviet Zone. It also appears, however, that there are very few cases where restitution has actually been made. There is reliable information that the Jewish communities in East Germany have not yet regained their former property, although they are reportedly provided with synagogues in the larger cities. There are no reported instances of restitution in the Soviet Sector of Berlin. Notably, the Jewish Community of Berlin has not regained its property in the Soviet Sector.

B. Compensation

1. United States Zone

a. Bavaria

(aa) Second Implementary Regulation to the General Claims Law, May 17, 1950
(Bayerisches Gesetz-und Verordnungsblatt, June 17, 1950)

This regulation deals with compensation for losses to life, limb, and health.

The regulation spells out the detailed requirements for annuities to be paid to survivors of persecutees who were killed or driven to death through acts of the German or Nazi authorities or their affiliates.

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WJC C137

A persecutee is presumed to have been killed or to have been driven to his death if he died during or in direct sequence of deportation or political arrest.

Annuities are paid beginning May 1, 1949, in accordance with the provisions of the casualty insurance for officials. The annuitants receive amounts computed in accordance with Par. 2 of the regulation and dependent on the relationship to the killed person and the social position of the recipient.

Compensation for loss of limb or health is paid if the loss was the result of mistreatment, deprivation of food, forced labor at dangerous work, medical experiments, forced marches, etc. The extent of the injury and the relation between it and the persecution must be established by an official medical certificate. If the injury occurred during deportation or political arrest, it is presumed to be due to persecution.

The compensation consists of medical assistance. If the working capacity decreased at least 30 per cent, the persecutee is entitled to an annuity. It is computed on the basis of comparison with the income of an official in a comparable situation. It depends on the percentage of loss of working capacity and the social position of the recipient.

On April 15, 1950, the Bavarian Landesentschaedigungsamt issued a clarifying statement (Erlaeuterung) to this Regulation.

(bb) Statistics of Claims

As of June 29, 1950, the total of petitions filed with the authorities is 135,425. Of this total 10,416 were submitted through the Central Committee, 29,471 came from abroad, and 57,400 were "formless" applications.

Of the above number 70,783 were registered, 25,373 were statistically analyzed, and 11,544 were transmitted for consideration.

In 6,396 cases a decision was rendered; 5,265 cases were definitively decided.

b. Wuerttemberg-Baden

(aa) Statistics of Claims

Up to March 31, 1950, a total of about 30,300 applications under the General Claims Law were received, 17,000 in Stuttgart and 13,300 in Karlsruhe.

In the norther part about 2,000 decisions and in the southern part 1,150 decisions were made up to March 31, 1950.

Up to March 31, 1950, a total of DM 10,700,000 were paid out for compensation, 6 million in the northern part and 4.7 million in the southern part. Of these sums 2.7 and 1.1 million DM, respectively, were paid as compensation for deprivation of liberty.

(bb) Circular Order E/21 concerning damage caused through dismissal from school.

(cc) Circular Order E/22 recognizing the right of minor children to request compensation under the General Claims Law.

(dd) Circular Order E/31, June 21, 1950

The order declares that the provision of Art. 15 (4) of the General Claims Law which excluded emigrants from compensation for deprivation of liberty is unjust. There is no reason why a person who was, before his emigration, under political arrest should be denied compensation.

Since the General Claims Law cannot be amended except by a federal law, the Ministry of Justice decided to grant compensation out of funds other than those appropriated for the implementation of the Law, whenever the denial of compensation would represent an unjustified hardship. This is especially the case when the persecutee needs the amount to^{re} establish himself economically abroad. The amount to be allocated may be fixed up to the total sum provided by the Law.

c. Hessen

(aa) Statistics of Claims

As of April 30, 1950, the total of petitions filed with the Registration and Preliminary Checking Agencies amounted to 24,498; of this number 5,136 were transmitted to the Central Registration Agency. The number of petitions registered directly with the Central Registration Agency was 7,450, and that of "formless" applications (i.e., not filed on forms) 15,200.

Only 3,300 petitions have been statistically studied. 1,155 were filed by DP's, 1,599 by permanent residents, and 398 by emigrants.

The value of these petitions amounted to 70,876,520 DM; of this total, 31,105,436 were asked for damage to limb and health, and 11,540,400 for deprivation of liberty.

(bb) Fifth Implementary Regulation to the General Claims Law, May 10, 1950
(Gesetz - und Verordnungsblatt, June 13, 1950)

This regulation deals with compensation for loss of life. Compensation is fixed on the basis of a table containing average amounts of annuities paid to the survivors of the various categories of officials. The minimum annuity for widows is 125 DM per month. Reductions up to 30 per cent of the original amounts are permitted.

2. BRITISH ZONE

Land Niedersachsen

Implementary Regulation to the Law of Sept. 22, 1948, concerning Special Assistance

The regulation describes in detail the conditions for granting loans to persecutees.

3. FRENCH ZONE

a. Abrogation of MG Ordinance No. 164.

On April 15, 1950, the French High Commissioner adopted Ordinance No. 245 abrogating Ordinance No. 164 concerning indemnification to victims of Nazism.

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(b) Baden

Law of January 10, 1950, concerning the Compensation of Victims of National Socialism (The law has not yet been approved by the French.)

The law, consisting of nine sections and 86 articles states as its basic motive the desire to repair as far as possible the damage done by the Nazi terror, to restrict its continued consequences, and to create for the victims an adequate basis of existence.

The law next deals with the right to reparation, equality before the law, conversion (10:2) of monetary claims antedating June 21, 1948 (reconversion date), successors to extinguished juridical persons and other associations, cession of claims and tax exemption of compensation received.

The law establishes the principle of the responsibility of the Land for the damage but does not preclude claims against private persons or bodies directly responsible for the loss. The responsibility of the Land covers all losses, including loss of life, limb and health, illegal prosecution and deprivation of liberty, damage to property, possession and rights, loss of deposits, stocks and bonds, loss of profession, levies, etc.

Those eligible are persons who were resident in Baden on Jan. 1, 1947, or who, as emigrants, took up residence there before Oct. 1, 1949; persons recognized as refugees after Jan. 1, 1947, and those who on Jan. 1, 1947, resided abroad but suffered losses in Baden. Baden is responsible for all losses sustained in real estate located within its boundaries.

The law establishes detailed rules for compensation for loss of life, limb, and health, deprivation of liberty, and damage to profession. In all other instances the principle of the reestablishment of the former position is to be applied. Except when specifically provided otherwise, compensation is made at the discretion of the authorities.

As in similar instances, the law establishes several categories of claims to be compensated within different periods. It also provides detailed rules for the processing of the claims.

Besides questions of compensation, the law deals with adoption, reestablishment of lost inheritance rights, reestablishment of firms and names, and reestablishment of the right to civil suits.

C. Recognition of Persecutees

1. BERLIN (WEST)

Law of March 20, 1950 concerning the Recognition of political, racial or religious Persecutees (Verordnungsblatt fuer Gross Berlin, 1950, No. 20)

The law describes the categories of persons whom the municipal authorities are to recognize as persecutees. There are several categories. The first includes all persons who participated in the fight against Nazism or opposed it on political, racial, religious, or ethical grounds and consequently were deprived of liberty for at least six months. The second embraces persons who systematically opposed Nazism and, although they were not deprived of liberty, suffered considerable health or other damage. The third group comprises persons who emigrated after

Jan. 30, 1933, in order to escape arrest, their own or that of their spouse or children. The fourth consists of Jews within the meaning of the Nuremberg laws provided they lived at least six months illegally in order to evade arrest or deportation on racial grounds, or were deprived of liberty for at least six months on racial grounds, or were assigned to specially hard labor and in consequence suffered considerable bodily or other injury, or had to wear the Jewish Star. The last categories relate to "mischlinge" and "versippte" (provided they were arrested or lived illegally), spouses of Jews (in Category Four) or of persecutees (in Category One) who remained with their Jewish spouses until the end of the persecution, and all persons who were sterilized on political or racial grounds.

The law also defines the categories of survivors (Hinterbliebene) and enumerates the persons excluded from recognition as persecutees (for instance, former members of NSDAP).

A pre-condition for recognition is domicile in Gross-Berlin.

2. RUSSIAN ZONE

Regulation concerning the recognition of persecutees of the Nazi regime, Feb. 10, 1950 (Gesetz-Blatt der Deutschen Demokratischen Republik, 1950, No. 14).

This regulation establishes 18 categories of persons recognized as Nazi persecutees. Among them are (in addition to active opponents of the Nazi regime who were deprived of liberty or suffered bodily injury or fought in Spain) Jews who were arrested on racial grounds or had to emigrate or had to live illegally in order to evade deportation; "mischlinge" and "versippte" who were deprived of liberty or were sent to forced labor; former bearers of the "Jewish Star," non-Jewish spouses of Jews who clung to them; Jews who lived in "privileged marriages" but had to carry the first name of "Israel" or "Sarah" or were subjected to forced labor; sterilized persons.

The regulation also contains a description of survivors and of persons excluded from recognition as persecutees.

D. General Provisions

UNITED STATES ZONE

General License No. 10 (amended)

General License No. 10, issued pursuant to MG Law No. 52, was amended to authorize transactions not only under the restitution but also the General Claims Law. Effective date: May 18, 1950.

The License authorized retroactively the execution and delivery of waivers of claims for restitution made between May 8, 1945 and Dec. 31, 1948, as well as amicable settlements, or adjudication of claims for restitution executed during the same period. This authorization does not affect Berlin. Also authorized are payments in DM to representatives of claimants for representation.

The License authorizes all transactions within Germany in connection with claims for compensation filed under General Claims Law, provided they are necessary or incidental to the filing, prosecution, defense, waiver, settlement or final adjudication of the claim.

The License does not authorize the debit of blocked accounts other than those belonging to parties to restitution proceedings, the transfer or assignment of property located outside Germany, or the export of property from the Zone.

E. Reparations

According to a final accounting by the Inter-Allied Reparation Agency (Brussels), the total of German reparations received on the basis of the Paris Agreement (i.e., not including USSR) amounts to \$517,000,000 in 1938 value. The present value is about twice as large.

The above total consists of \$293,000,000 in German foreign assets; \$146,800,000 in industrial equipment; \$43,200,000 in merchant ships; \$1,500,000 in USSR compensation deliveries; \$14,700,000 in captured German supplies. The remainder of \$17,000,000 consists of the value of the Saar economy incorporated into France.

As of May 24, 1950, the allocations made by the Agency were as follows: U.S.A., \$132,832,000; Belgium, \$16,958,000; Denmark, \$19,943,000; France, \$72,401,000; Great Britain, \$91,034,000; Greece, \$12,548,000; Norway, \$12,175,000; Netherlands, \$44,360,000; Czechoslovakia, \$12,113,000; and Yugoslavia, \$34,251,000.

II. AUSTRIA Restitution

A. Processing of Restitution Claims in Austria

a. First Restitution Law

As of May 31, 1950, the total of claims filed under this law amounted to 10,797. Of this number, 6,876 were granted, 865 denied, 473 were withdrawn or transferred, 2,134 were pending and 449 not yet considered.

b. Second Restitution Law

As of May 31, 1950, the total of claims filed under this law amounted to 1105. Of this number, 400 were granted, 180 denied, 49 were withdrawn or transferred, 382 were pending and 94 not yet considered.

c. Third Restitution Law

As of May 31, 1950, the total of claims filed under this law was 25,695. Of this number, 4,506 were granted, 5,779 settled, 2,061 denied, 3,254 withdrawn and 1157 transferred. 8938 claims were pending.

A total of 5824 compromises, renuncements and acknowledgments under this law were filed with the competent authorities.

B. Extension of Deadlines

The deadline for all three restitution laws has been extended until June 30, 1950, according to a decree of the Ministry of Finance dated February 21, 1950 (Bundesgesetzblatt March 29, 1950.)

It is reported that the deadline will be extended until December 31, 1951.

INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

December 1950

No. 4

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
15 East 84th Street
New York 28, New York

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I. GERMANY

A. COMPENSATION

1. WESTERN GERMANY

During July-September, 1950, the Allied High Commission annulled the following provisions concerning compensation adopted by the Laender:

(a) Art. 2 (1) of the Hesse fifth ordinance to the General Claims Law (on compensation for damage to life and limb);

(b) Art.4 (2) and Art.17(1) of the Bavarian Second Regulation under the General Claims Law;

(c) Art.4 and 5 of the Schleswig-Holstein ordinance implementing the law on pensions to victims of Nazism and their survivors;

(d) Art.4(2) and Art.14 (1) of the Bremen Second Implementing Ordinance under the General Claims Law.

(e) Art.3 and part of Art.8 of the 6th Hesse ordinance implementing the General Claims Law.

The Hesse and Bremen regulations sought to discriminate against persons residing abroad: payments to them were to be made dependent on a special license by the Hesse Ministry and the Bremen Senators respectively.

B. RESTITUTION

International Trust Corporation G.m.b.H., Hamburg

Five West German banks have established this corporation whose purpose it is to assist Jews in administering and transferring the assets they regain or acquire in consequence of restitution or compensation. The five banks concerned are: Brinkman, Wirtz & Co. in Hamburg, Burkhard & Co. of Essen, Salomon Oppenheimer Jr. & Co of Cologne, George Hanck & Son of Frankfurt, and Heinrich Kirchholtes & Co. of Frankfurt. The banks acted in cooperation with the American Joint Distribution Committee and the Jewish Agency for Palestine.

2. UNITED STATES ZONE

A. COMPENSATION

a) Progress of claims as of August 31, 1950

According to a report by the U.S. High Commissioner, the total number of claims received under the General Claims Law up to August 31, 1950 amounted to 223,384. Of this number 144,714 were filed in Bavaria, 40,000 in Hesse, 30,285 in Wuerttemberg-Baden, and 8,385 in Bremen. It was estimated that the grand total of claims to be filed under the law would amount in all four Laender to 256,700.

As of the same date, the total number of claims adjudicated or settled amounted in the Zone to 18,503, most of them for deprivation of liberty. Only 1,504 had reached the Restitution Chambers, of which 349 cases were finally decided. Only 70 cases were transmitted on appeal to the Oberlandesgerichte; of this number decision was rendered in 43 cases.

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The aggregate payments made under the Law (in addition to 42,229,862 marks paid under the interim legislation in the years 1946-1949) amounted to 57,783,363 DM. Of this amount, Bavaria paid 31,110,888 DM, Hesse 13,565,796 DM, Wuerttemberg-Baden 12,123,396 DM and Bremen 983,283 DM. Of the total, 23,289,913 DM represented payments on liquidated claims, the rest was advance payments on claims not yet definitely settled or adjudicated.

For the fiscal year 1950/51 Hesse provided a total of 21,900,000 DM, Wuerttemberg-Baden 36,510,040 DM, and Bremen 4,300,000 DM to pay for compensation.

As of August 31, 1950, payments under the law were limited to cases of deprivation of liberty, except in Wuerttemberg-Baden, where compensation was also paid for loss of life and personal injury and - on a provisional basis - for loss of economic advancement. Ordinarily, only one half of the compensation due for deprivation of liberty is paid; in Wuerttemberg-Baden full indemnification is made if the claimant is over 60 years of age. In certain hardship cases this Land grants payment for loss of liberty to absentees.¹⁾ The total of such claims was 175 and the sum paid, 751,027 DM. No other claims of absentees appear to have been settled, on the assumption that since payments cannot be made otherwise than in blocked accounts the delay in settling their claims is justified.

At present all the authorities dealing with compensation exist in every one of the four Laender, viz., filing agencies (Anmeldebehoerden), reviewing authorities (Fachbehoerden) and settlement authorities (Guetebehoerden). In Bavaria, Hesse and Wuerttemberg-Baden special Reparation Chambers have been established to deal with compensation matters; in Bremen the Restitution Chamber deals also with compensation cases. The civil divisions of the Oberlandesgerichte act as courts of appeal in such cases.

b) Implementary regulations

The Laender are continuing to adopt implementary regulations under the General Claims Law.²⁾ Among these the following may be listed:

(aa) First Implementary Decree by Bremen, dated June 23, 1950, and published in the Official Journal, 1950, p.58.

(bb) The Second Implementary Decree by Bremen, dated June 23, 1950 and published in the Official Journal, 1950, p.59.

(cc) Third Implementary Decree by Bremen dated June 23 and published in the Official Journal, p.62.

This decree deals with the authorities called upon to implement the law and the procedure to be followed by them.

(dd) The decree concerning the reparation of losses to limb and health in Hesse July 19, 1950, published in the Official Journal, No.27.

1) See Information on Restitution and Related Matters, No.3, p.5.

2) See also p.1 above (Western Germany. Compensation).

c) Bavaria

(aa) Progress of claims in Bavaria as of October 15, 1950

A total of 157,514 applications (exclusive of duplications) were received in Bavaria, with 110,238 of them already registered but only 27,107 statistically analyzed. A total of 19,265 applications were referred to the competent bodies for consideration; of this number, 18,558 were claims for loss of liberty, 158 for loss of life, and 549 for loss of health. 7,700 applications were finally decided, 4,935 of them filed by Jewish DPs and 222 coming from abroad. The Commission had under consideration 10,121 applications, of which 6,471 were claims by emigrants, DPs and racial persecutees.

The 27,107 statistically analyzed applications (some of them for several kinds of damage) comprised 25,143 claims for deprivation of liberty, 5,800 for loss of health, 5,288 for loss of economic advancement, and 4,175 for damage to property.

The claims of the statistically analyzed applications for deprivation of liberty amounted to about 125 million DM, for loss of health to over 23 million DM, for damage to property to over 24 million DM, for loss of economic positions to over 33 million DM.

(bb) Law of October 19, 1950 concerning recognition as racial, religious or political persecutee

The law defines as racial, religious, or political persecutees all persons who were persecuted by the Nazi regime on account of their religious or political beliefs or their race and as a result thereof suffered damage.

Damage is especially present when the person was deprived of his liberty, was dismissed from office or position, suffered other loss in regard to property or health, or was forced to emigrate because of a threat to his life or property.

Damages receive from the Landesentschädigungsamt, on application, a certificate officially establishing their status as persecutee. All applications must be filed on or before March 31, 1951; returnees must file within six months from their return.

(cc) General Claims Law supplemented

On November 8, 1950, the Bavarian Diet adopted a law supplementing the General Claims Law. According to this law, persecutees who on January 1, 1947, were in emigration but had their last German residence in Bavaria, are paid compensation for deprivation of liberty within the limits of available funds.

If a persecutee dies after the effective date of the General Claims Law but before his rights to compensation for deprivation of liberty are established, his relatives, whom he supported, are entitled to receive the compensation.

The law came into effect on November 1, 1950.

A. RESTITUTION

(a) Progress of claims

According to a HICOG press release dated October 27, 1950, the total amount of property returned up to that date under the restitution law was valued at over 450 million DM. Of this total, property worth 212 million DM went to nationals

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and residents of the United States; 87 million DM worth of assets was restored to nationals and residents of Germany (including religious groups, political parties, trade unions, and similar organizations); while Israeli claimants received property with an estimated value of 18 million IM.

Of the 450 million DM restored, real estate accounted for 216 million DM and the money payments (mainly in lieu of restitution) for 103 million DM.

According to the release, over 20,0000 claims or approximately one third of all applications filed by individuals were finally disposed of, most of them on the basis of amicable settlements.

(b) Amendment No.7 to Military Government Law No.59

This amendment cuts down the maximum permitted period of "staying" the proceedings from 6 to 3 months, by amending Art.63 (3) and 67 (2b) of the law.

3. FRENCH ZONE

A. COMPENSATION

a) General Claims Laws

All three Laender of the French Zone now carry General Claims Laws on their statute books. The law in Rheinland-Pfalz (which was printed in Compensation Legislation in Germany, pp.32ff) was promulgated on May 30,1950. In Wuerttemberg-Hohenzollern a law was promulgated on May 21, 1950, and in Baden on May 31, 1950.

All three laws are uniform in their structure and general provisions. However, the laws in Wuerttemberg-Hohenzollern and Baden differ from that in Rheinland-Pfalz in some details: the determining date for residence (Stichtag) is January 1, 1947; in Baden, moreover, persons who returned from emigration before October 1,1949, are also eligible to compensation. For persons who on the determining date lived outside Germany, the additional condition for eligibility in Baden is that the loss occurred there, while in Wuerttemberg-Hohenzollern (as in Rheinland-Pfalz) the damage must actually have lived in the Land.

According to an implementary decree of the State Ministry of Wuerttemberg-Hohenzollern, dated July 25,1950, the following Offices of Reparation (where the applications are to be filed) were created:

Balingen, for the districts of Balingen and Hechingen;
Biberach, for the districts of Biberach and Ehingen;
Naogld, for the districts of Calw, Fredenstadt, and Horb;
Reutlingen, for the districts of Reutlingen and Muensingen;
Rottweil, for the districts of Rottweil and Tuttlingen;
Sigmaringen for the districts of Sigmaringen and Saulgau;
The branch office at Tuebingen of the Arbeitsamt Reutlingen, for the district of Tuebingen.
of
Ravensburg, for the districts/Ravensburg, Tettnang, and Wangen

b) Reparation of losses in public office in Wuerttemberg-Hohenzollern

On February 14, 1950, the Land of Wuerttemberg-Hohenzollern adopted a law concerning the reparation of National Socialist wrong in public offices and published it the same day in the Regierungsblatt, No. 22.

Eligible under the law are officials of the Reich, the Laender, local communities and their associations, and institutions of public law, as well as employees and workers of such administrations or enterprises, provided they were wronged while in service in the Land or were employed in the Land after May 8, 1945. Officials and employees of the Railroads and Posts are excluded from the provisions of the law

Reparation consists in reinstatement or, if this is impossible, in payment of annuities, and in compensation for loss of office. The latter cannot exceed 10,000 DM in any one case.

Applications must be filed, within one year from the effective date of the law, with the authority where the official or employee was working.

B. RESTITUTION

a) Establishment of a Supreme Court for Restitution Matters

As in the American and British Zones, an Allied Court of Restitution Appeals was established in the French Zone by virtue of Ordinance No. 252, dated September 8, 1950.

The court consists of 5 judges, of whom the president and two associate judges are to be members of the French judiciary and two German professional judges. All judges are appointed by the French High Commissioner; the German judges are nominated for appointment by the Ministers of Justice of the Laender.

Appeals may be taken to the Court from final decisions of the Oberlandesgericht, decisions by the Restitution Chambers, and decisions by French courts of the High Commission in a restitution matter.

A petition for review is permissible regardless of the value involved. It may also be based on a violation of the rules of venue. Appeals may also be taken from decisions which are not at present subject to appeal; the time limit begins with the effective date of the Ordinance.

The ordinance requires the applicant to be represented by an attorney admitted to plead before an Oberlandesgericht of the French Zone or by an authorized agent admitted by the Supreme Court.

By an order of the High Commissioner the Court was established in Rastatt.

3. BRITISH ZONE

A. RESTITUTION

Regulation No. 7 in pursuance of Military Government Law No. 59

Under this regulation, which became effective on August 1, 1950, the Jewish Trust Corporation for Germany, incorporated in England, was designated as Successor Organization. The Trust Corporation was granted all the privileges, including those relating to taxes, which organizations serving the common good (Gemeinneutzige Zwecke) enjoy under German law.

The Trust Corporation was authorized to file claims for heirless and unclaimed property formerly belonging to Jewish individuals and organizations. This must be done within 18 months from the effective date of the Regulation.

The property received by the Corporation is to be used in accordance with its Articles of Association and Memorandum.

The regulations envisage the possibility of disputes between this Trust Corporation and the General Trust Corporation (for other than Jewish property). In such instances an arbitral procedure is provided for; if arbitrators are not named, the dispute may be referred to the Board of Review for final decision.

4. WEST BERLIN

A. COMPENSATION

General Claims Law

On October 26, 1950, the City Council of Berlin approved a bill for a General Claims Law which is still awaiting approval by the Allies.

The Bill largely patterned after the law in the United States Zone, provides for compensation by Berlin to four categories of beneficiaries:

(a) Persecutees who had their legal residence in West Berlin on January 1, 1947, including persons from other parts of Western Germany or from East Berlin, who settled in West Berlin before the effective date of the law;

(b) Persecutees who between January 1, 1947 and December 31, 1949, settled in Berlin as refugees from regions east of the Oder-Neisse line or as expellees from the Eastern States;

(c) Persecutees who before January 1, 1947, died, emigrated, or were deported or expelled but had their last German residence in Berlin;

(d) Owners of real estate (for damage thereto) located in Berlin regardless of their residence.

Thus the Bill does not provide compensation to inmates of DP camps.

Excluded from compensation are former members of the NSDAP and its affiliated organizations; supporters and profiteers of Nazis; persons who assisted in the persecution of the categories of persons to benefit under the law; supporters of a totalitarian system fighting against democracy.

The Bill provides compensation for loss of life, limb, health, liberty and property; damage to economic advancement; loss of office and salaried occupation, free professions, industrial and commercial occupation; lost annuities and insurances. It also provides for repayment of special taxes and fines.

Claims in money due before June 21, 1948, (date of issue of new currency) are to be repaid in the ratio of 10:2 in DM.

Compensation for loss of liberty is 5 DM per day. Indemnification for loss of property (including special taxes and fines) cannot exceed 40,000 DM in any one case. Repayment of Reichfluchtsteuer of over 50,000 DM may be restricted in amount and distributed over a period of time; special taxes of over 5,000 DM may be repaid in installments or in debentures.

Indemnification for loss of profession and trade is restricted to loans, licenses, and compensation for the pecuniary losses not to exceed 15,000 DM in any one case.

The losses are divided into three classes (more or less along the lines of the U.S. Zonal Law)

Applications must be filed within one year from the effective date of the law except in cases of force majeure. The application is decided upon by the Magistrat. If it denies it or does not make a decision within a year, the case may be brought before the settlement authority (Gueterbehoerden). If no settlement is reached a claim may be filed with the Landgericht and, on appeal with the Kammergericht.

B. RESTITUTION

Order BK/O (50) 87 of the Berlin Kommandantura, dated October 10, 1950 (Verordnungsblatt fuer Berlin, November 4, 1950) concerning Jewish property confiscated by the Reich in accordance with the Eleventh Decree

This Order grants the Central Filing Agency (Zentralanmeldeamt) the right to restore, with the consent of the occupation authority of the Sector concerned, properties which come under the Eleventh Decree,³⁾ without referring it to the Restitution Office (Wiedergutmachungsamt), if the owner proves that his property was confiscated by the Reich and his name still appears in the registers of deeds, other registers, or in official books. The same applies to heirs or other successors in right of the owner, if they can prove their title to property to the satisfaction of the Central Filing Agency. The Order refers mainly to real estate, mortgages, movables, and bank accounts but may also be applied to other assets. A condition for return is that the application is restricted to restitution of the property and no claim is made for the restoration of usufructs or other rights which accrued during the time of alienation. Restoration is not made if, before the decision is approved a protest is lodged against restitution.

The Mayor of Berlin is ordered to return to the Trustee of the Military Governments all applications for such property which were transmitted to the Restitution Agency.

An approved decision made in accordance with this Order is valid proof of ownership.

II. AUSTRIA

A. RESTITUTION

a) Draft of a law concerning restitution of premises (Eighth Restitution Law)

The eighth draft of such a law was prepared for submission to the Parliament. However, the Bill has not yet been referred to a Committee, which may mean that it will not be discussed during the present session of the Parliament.

According to the Bill, a deprivation of rental rights is present if the damaged tenant was subjected to political persecution by Nazis, and the present tenant contributed to the deprivation of the right, or he was the first tenant after the ejection

3)

Decree under the Reich Citizenship Law which provided for the escheat of all property owned by absentee Jews.

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of the damagee and obtained the premises within three months therefrom, or the rental rights comprise a part of an alienated property. However, restitution cannot be claimed if the first successor was on March 13, 1938, an Austrian citizen or resident and proves that he was forced for personal or economic reason to take over the rental contract. Force is especially assumed if the lessee had to renounce his former premises by official order or advise of the employer. No deprivation is present if the rental rights would also have expired in the absence of Nazism, or if the major part of the property was sublet at the time of deprivation of the premises. Furthermore, restitution cannot be granted if the present lessee comes under the Law of Welfare (Opferfuersorgegesetz).

The bill creates a refutable presumption of contribution (to deprivation) for cases where the lessee acquired the premises between March 13, 1938 and December 31, 1944; parents, children, and spouses of a "contributor" or "first acquirer" are treated in the same way as the "contributor" or "first acquirer" himself.

Only residents of Austria or persons who prove their intention to return there-to are eligible to claim restitution. In addition to the owner, his spouse, children, parents, brothers, and sisters may claim restitution, provided they lived with him in the same apartment or if they need the industrial or commercial premises to exercise their profession.

If the premises were not reclaimed in time and the present lessee contributed to the deprivation, the community may apply for eviction if the premises are required to supply apartments to former evictees who did not regain their premises, persons who gave up their apartments under the law, and persons coming under the Welfare Law.

b) Processing of Restitution Claims in Austria

(aa) First Restitution Law

As of October 31, 1950, the total of claims filed under this law amounted to 11,049. Of this number 7,471 were granted, 931 denied, 503 were withdrawn or transferred, 1,783 were pending and 361 not yet considered.

(bb) Second Restitution Law

As of October 31, 1950, the total of claims filed under this law amounted to 1,148. Of this number, 458 were granted, 204 denied, 60 were withdrawn or transferred, 355 were pending and 71 not yet considered.

(cc) Third Restitution Law

As of October 31, 1950, the total of claims filed under this law was 26,780. Of this number, 5,124 were granted, 6,574 settled, 2,232 denied, 3,620 withdrawn and 1,203 transferred. 8,027 claims were pending.

A total of 7,138 compromises, renuncements and acknowledgments under this law were filed with the competent authorities.

c) Extension of deadlines

The decree concerning extension of the cut-off period for filing claims under the three restitution laws until December 31, 1951, was published in the Bundesgesetzblatt of June 29, 1950.

INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

1951

No. 1

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
15 East 84th Street
New York 28, New York

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I. GERMANY

A. RESTITUTION

1. WESTERN GERMANY

Regulation No.4 under MG Law No.53 and Ordinance No.235 of the French High Commission (control of foreign exchange) and Regulation No.5 under MG Law No.52 (control of property), Feb.14,1951.

Under these regulations all transactions in connection with restitution and compensation claims under existing legislation, are authorized provided the transactions are necessary to the filing, prosecution, defense, settlement, or final adjudication of the claims; the claim is filed by a persecutee or his heir or legatee or by a successor organization; it was not assigned; all payable sums are paid into a blocked account and, in case of amicable settlements, they are recorded by the Restitution Agencies.

Payments of fees and expenses to representatives of a party to the proceedings from the blocked account are permitted. The Bank Deutscher Laender may authorize settlements not covered by these regulations.

The regulations do not authorize the debting of a blocked account (except when it is in the name of a party to the proceedings), the transfer of title to properties or to foreign exchange located outside Western Germany or West Berlin, the transfer of restitutable property to others than the claimant, or the export of property from the Federal Republic.

2. UNITED STATES ZONE

(a) Progress of Restitution

As of Feb.28,1951, a total of 50,511 petitions by individuals and 47,752 by the JRSO had been transmitted by the Central Filing Agency to the Restitution Agencies, making a total of 98,263 petitions. As of that date, 27,421 petitions (18,109 individual and 9,312 JRSO) had been finally settled, adjudicated or otherwise disposed of by the Restitution Agencies; 3,076 (2,808 individual and 188 JRSO) by the Restitution Chambers; 172 (170 individual and 2 JRSO) by the Oberlandesgerichte, and 89 (all individual) by the U.S.Court of Restitution Appeals. This makes a total of 30,758 (21,256 individual and 9,502 JRSO) petitions finally disposed of, with 67,505 (29,255 individual and 38,250 JRSO) petitions still awaiting disposition.

The number of petitions is not identical with that of cases, some of the petitions covering several cases. The total of cases available for adjudication amounted to 114,109 (66,000 individual and 48,019 JRSO), of which 37,936 (28,232 individual and 9,704 JRSO) were finally disposed of with 76,083 (37,768 individual and 38,315 JRSO) cases left for disposal. Of the 37,936 cases disposed of, 16,134 (13,412 individual and 2,722 JRSO) were amicably settled, 2,320 (2,252 individual and 68 JRSO) granted by decision. The rest were either dismissed or withdrawn. (16,528 cases).

The total value of property, restituted in the U.S. Zone as of Feb.28, 1951 amounted to 549,234,114 DM (538,304,228 DM worth of individual property and 10,929,886 DM of JRSO property). The largest item consisted of real estate valued at

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251,115,728 DM; next came cash payments, totaling 139,570,180 DM. The value of restituted business enterprises amounted to 75,545,919 DM; that of shares, participations and securities to 59,155,186 DM. Interests in real estate represented 6,222,393 DM. The value of art objects, religious objects and valuables amounted to 5,116,405 DM and that of household goods, machinery, insurance policies etc., to 12,508,303 DM. It is worth noting that the number of restituted businesses was 253 only, while that of real estate amounted to 9,944.

The distribution of the total of restituted property according to the nationality or residence of the claimant was as follows: United States, 249,022,687 DM, or almost one half of the total; Germany, 97,334,250 DM; Great Britain, 48,794,954 DM; Switzerland, 26,962,908 DM; Israel, 22,175,584 DM.

(b) Regulation No.10 and MG Law No.59, Feb.19,1951

The regulation deals with the right of the justices and judges of the Court of Restitution Appeals to punish persons guilty of contempt of court.

(c) Amendment No.1 to General License No.1 issued under MG Law No. 52, January 17, 1951

Under this amendment, no payment, transfer or withdrawal of funds derived from properties blocked under Law No.52, which is subject to a petition for restitution, is permitted except with the consent of the claimant. If, however, only a portion of the property is subject to a petition for restitution, payment, transfer or withdrawal of funds derived from the non-restitutable property may be made in accordance with the license.

(d) Amendment No.8 to MG Law No.59, November 1,1950

This amendment authorizes the tax-and cost-free assignment of claims by successor organizations or the transfer of properties and funds recovered by such organizations, provided the assignment or transfer is made to persons whose right under the law the organization acquired (i.e., those who did not file a claim within the deadline) or to their heirs.

(e) Amendment No.9 to MG Law No.59

Under this amendment, court fees for proceedings before Restitution Chambers and the Oberlandesgerichte are to be assessed in accordance with the provisions applicable in matters of non-contentious litigation.

Parties represented by a member of a non-German bar or a former member of a German bar disbarred on grounds of persecution may claim from the opponent the same fees as if they were represented by a member of the German bar. However, no advance payment of costs may be demanded from the claimant. Court fees may not be assessed against claimants unless a final court decision has established liability for such fees.

This amendment relates only to such proceedings before a court as started after the effective day of the law.

3. BRITISH ZONE

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(a) Regulation No.12 in pursuance of Art.27 of MG Law No.59, March 19,1951

This regulation deals with the way in which net profits from the restituted

property are to be calculated. The calculation is based on the larger of the two amounts: the actually derived gross profits and those which could have been derived if the property had been managed prudently. Deductible from this amount are the taxes and a reasonable amount for interest on the purchase price and for management (ordinarily not to exceed 50 per cent of the gross profits).

(b) Regulation No.13 amending Regulation No.6 (Board of Review), effective January 1, 1951

The regulation provides for a lapse of three months since the service of the decision of the Oberlandesgerichte, in case of an appeal to the Board of Review. The time provided for may be extended by the Board.

(c) Regulation No.3 (amended) in pursuance of Art.48 of MG Law No.59, March 12,1951

This regulation provides that a petition for restitution shall be deemed to have been submitted in time if it was received by the Central Filing Agency on or before June 30,1950; if the petition was erroneously submitted in the United States or French zones and was received there on or before June 30, 1950; if it was erroneously submitted to the Central Filing Agency in Berlin, the Claims Commission in the British Sector of Berlin (established under Directive No.50-Nazi Property) or the General Organizations Claims Commission in Celle, or the Trade Unions Claims Commission in Duesseldorf and was received there on or before June 30,1950. If a petition filed in accordance with the last part of the previous sentence has already been rejected, it may be filed again with the Central Filing Agency in Bad Neundorf on or before July 1, 1951.

(d) Regulation No.8 under MG Law No.59, effective November 15,1950

Under this regulation a General Trust Corporation was established to claim heirless and unclaimed property other than that belonging to Jewish individuals and organizations.

The Corporation consists of trustees. There is also an advisory council consisting of representatives of the churches, trade unions, etc.

Property received by the Trust Corporation is to be invested in securities (except when the assets are secure and produce income). The capital and the income thereof is to be used for succor to victims of Nazi tyranny or the dependents of dead victims regardless of their residence within or outside Germany, their rehabilitation, to provide funds for the education of the issue or dependents of such victims, and assistance, toward their emigration.

(e) Regulation No.11 (amending Regulations No.7 and 8)

Claims by the Trust Corporation (for non-Jewish assets) may be filed within 18 months of the effective date of this regulation. However, claims for foreign currency or gold securities issued outside Germany must be filed on or before December 31, 1951.

The regulation deals further with the composition of the Trust Corporation and its action to obtain heirless property.

(f) Regulation 10 and MG Law 59, March 2, 1951

This regulation contains definitions of a "Jewish individual" and "Jewish organization" (for the purpose of the Jewish Trust Corporation) and rules governing

the delimitation of the rights of the Jewish Trust Corporation and of the General Trust Corporation.

According to this regulation a "Jewish individual" is a person who before Jan. 30, 1933, belonged to the Community of the Jewish Faith or between that day and May 8, 1945, was subjected to persecution or discrimination because he was considered a Jew. Excluded are persons who formally seceded from the Community of Jewish Faith before Jan. 30, 1933 or persons who at any time between that date and May 8, 1945 formally belonged to a non-Jewish faith unless they formally re-entered the Community of Jewish Faith and persons who were not of Jewish descent.

Jewish organizations are: congregations and such organizations as were created for purposes of Jewish worship, were under the administration of or maintained by a Jewish congregation, Jewishness was a condition for adherence thereto, they were established by Jewish individuals or organizations for specific Jewish purposes, or were dissolved under circumstances indicating that this was due to the Jewishness of its membership.

The Jewish Trust Corporation is entitled to claim the property of dissolved "Jewish organizations." The General Trust Corporation may claim property of organizations which were dissolved because they were established or administered by persons who were partly or wholly of Jewish descent but are not considered "Jewish individuals" under this regulation, or whose members or beneficiaries consisted entirely or predominantly of persons of Jewish descent but who are not regarded as "Jewish individuals" under this regulation.

4. WEST BERLIN

(a) Progress of Restitution

As of Feb. 28, 1951, the Custodian of the Allied Powers had received a total of 96,427 claims. Of this total 86,052 were forwarded to the Restitution Agencies, which settled 10,235 of them. The Restitution Chambers had received a total of 1,660 claims, of which they settled 441. The Restitution Senate had received 85 claims and settled 16.

349 claims were forwarded to Restitution Agencies outside Berlin and 250 were returned by the Restitution Agencies to the Custodian. The latter settled 56 cases.

(b) Regulation BK/O (50)102 amending Art. 7 and 8 of the Restitution Decree, Dec. 5, 1950, effective July 26, 1949

This regulation amended Art. 7 to provide that if a legal person, a non-incorporated association, or a partnership was dissolved or forced to dissolve, the claim may be filed by every partner, or member or by a trust corporation appointed by the occupying power of the sector; trust corporations or successor organizations admitted in the respective zone may be admitted in the sector. Such a petition is considered as having been filed in the name of all the partners, associates, or members. The petition may be withdrawn and a settlement made only with the consent of the competent restitution agency.

If the property belonged to a legal person, a non-incorporated association established for philanthropic, religious, or humanitarian purposes; a labor organization, a consumer association, a political party or another democratic organization

which was dissolved, the claim for restitution may be filed by an organization which succeeded any of the foregoing. The decision as to eligibility is made by the Restitution Chamber. The petition cannot be withdrawn nor can an amicable settlement be made except with the consent of the restitution agency. The occupying power of the sector may assign the exclusive right of claim to such properties to the trust corporation or successor organization established for heirless property.

II. AUSTRIA

Progress of Restitution Claims as of January 31, 1951

(a) First Restitution Law - The total number of petitions filed amounted to 11,165. Of this number 7,743 petitions were granted and 960 denied. 1,683 cases were pending and 266 not yet considered. 513 were withdrawn.

(b) Second Restitution Law - A total of 1,170 petitions were filed. Of this number 482 were granted and 219 denied. 335 cases were pending and 44 not yet considered. 70 petitions were withdrawn.

(c) Third Restitution Law - A total of 27,295 claims were filed with the Restitution Commissions. Of this number 5,584 were granted, 7,081 settled, 2,337 denied, 3,950 withdrawn, and 1,235 transferred. 7,108 cases were pending before the restitution commissions.

A total of 6,558 cases were filed with the superior restitution commissions. Of this number, 4,077 were granted, 692 settled, 1,286 denied, 105 were transferred and 124 withdrawn. 274 cases were pending before the superior restitution commissions.

The Supreme Restitution Commission received a total of 1,293 cases of which 910 were granted, 252 settled, and 68 denied. 63 cases were pending.

I. GERMANY

B. COMPENSATION

1. WESTERN GERMANY

Law of April 5, 1951 Concerning Compensation of Employees in Public Services who Suffered Damage under the Nazi Regime

This law is applicable only to officials whose residence is in Germany. It will be valid in Berlin if the City adopts the same legislation.

The law compensates officials and career soldiers for the following damage: termination of employment on the basis of a criminal decision, dismissal without or with decreased allowances, pensioning off or removal from active service, transfer to a lower-paid office, denial of promotion. Employees and workers are compensated for the premature termination of employment or non-transfer to the status of an official.

Excluded from the benefits of the law are members of the Nazi Party and persons who assisted Nazism.

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Implementary regulations under the law are to be issued on or before June 30, 1951.

2. UNITED STATES ZONE

Bavaria

Law of November 27, 1950 Supplementing the General Claims Law (Gesetz-und Verordnungsblatt, p.245)

The law provides for the payment of compensation for deprivation of liberty, within the limits of existing funds, to persecutees who emigrated before January 1, 1947, and had their last German residence or habitual residence in Bavaria. The respective provisions of the General Claims Law are applicable.

If a persecutee died after April 1, 1949 but before his claim for deprivation of liberty was decided upon, the compensation must be fixed for the benefit of his survivors.

3. FRENCH ZONE

(1) Land Rheinland-Pfalz - The deadline for filing claims under the local General Claims Law was extended for six months. It will thus expire on November 29, 1951.

(2) Baden - Law Concerning the Indemnification of the Nazi Wrong committed against Employees of Public Services, September 30, 1950 (Regierungsblatt, December 2, 1950)

The law deals with the wrong done to employees in the public service on the basis of Nazi persecution and suppression acts due to the political attitude, race, religion or ethical views of the employee. Excluded are persons unworthy of indemnification in accordance with the General Claims Law.

Eligible are employees and workers in (direct or indirect) service of the Reich, Laender, local communities and their associations, corporations of public law and those assimilated to them, social insurance institutions. A condition for indemnification is employment or residence, either at the start of persecution or at the time of the filing of the claim, within the boundaries of Baden. Certain other officials and employees are assimilated to them.

The one responsible for indemnification is the employer. Special provisions exist for cases of employment with the Reich, a non-existing Land, and bodies whose seat is outside the Land.

The law contains detailed provisions for the indemnification of the wrong done to officials (dismissal, premature pensioning off, withdrawal of pensions, etc.) and the remedies to be applied (reinstatement, compensation, annuities, pensions to survivors). The same provisions are applicable to employees and workers.

Petitions for indemnification are to be filed within one year from the effective date of the Law (Dec. 2, 1950) with the office responsible for indemnification.

4. OST- BERLIN

Regulation of Jan. 22, 1951, concerning the legal status of recognized victims of the Nazi Regime - The main provision of this regulation relates to the amounts of annuities to be paid to persecutees. It stipulates that persecutees who before the start of persecution earned over 4,500 DM per year may receive annuities up to 400 DM monthly. Under the previous regulation, all persons who could not prove that they had earned in the last 12 months over 3,000 DM were paid the flat rate of 250 DM monthly.

INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

1951

No. 2

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
15 East 84th Street
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I. GERMANY

A. RESTITUTION

1. U. S. ZONE

a. Progress of disposing of claims

As of June 30, 1951, 50,580 individual petitions had been received by the various restitution agencies from the Central Filing Agency (to which all petitions were addressed) since the day the restitution came into force (Nov. 10, 1947). As of June 30, 1951, 25,431 had been finally disposed of, and 25,149 were pending in the Restitution Agencies, Restitution Chambers, the Oberlandesgerichte, and the Court of Restitution Appeals. In addition 50,548 petitions of the Jewish Restitution Successor Organization (JRSO) had been received, of which 26,030 had been finally disposed of and 24,518 were pending.

The number of cases is higher than that of petitions, as a petition may refer to more than one case. Thus the total number of individual cases still awaiting decision as of June 30, 1951, was 33,261 and that of the JRSO, 24,570.

Since the total number of individual cases on hand as of June 1, 1951, was 34,313, 1,636 individual cases were finally disposed of during the month, to wit: 1,199 by Restitution Agencies (mainly by settlement), 397 by Restitution Chambers, 20 by the Oberlandesgerichte, and 20 by the Court of Restitution Appeals. The number of JRSO cases finally disposed of during the same month was 817. Of the 34,456 individual cases finally decided upon between Nov. 10, 1947 and June 30, 1951, 16,325 were settled, 11,328 were withdrawn, 3,076 were granted by decision and 3,727 were dismissed.

The total value of the property restituted as of June 30, 1951, was given by HICOG as DM 641,416,796 (DM 604,517,708 to individuals and DM 36,899,088 to JRSO). Of this total DM 78,792,763 represented business enterprises; DM 280,223,599, real estate; DM 62,968,730, shares, participations,

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and securities; DM 192,711,839, were payments. The rest consisted of interests in real estate (DM 7,041,644), art objects and valuables (DM 5,478,404), household goods, machinery, insurance policies, etc. (DM 14,144,335).

The amount of DM 604,517,708 reported as restituted to individuals was distributed among persons who were nationals or residents of several scores of countries. First place was occupied by the United States, with DM 281,989,522; Germany came next with DM 105,636,160. Then followed United Kingdom, with DM 57,667,134; Switzerland, with DM 28,534,958; Israel with DM 26,135,382; Netherlands, with DM 16,812,326; Cuba, with DM 15,714,438; and France, with DM 10,948,773. Other countries received several million DM each, e.g. Argentine, Brazil, Australia, South Africa, Mexico, Uruguay, several hundred thousand (e.g. Bolivia, Egypt, Peru,) or several thousand DM each (Norway, Poland, Honduras, Jamaica). DM 7,821,423 went to claimants of more than one nationality.

b. Regulation No. 11 under MG Law 59.

This regulation deals with the rights of individuals who did not file a claim in time, but to whom the successor organization agreed to assign its claim concerning such property as the assignee could claim under the provisions of the restitution law. The regulation provides that the assignee must file a notice in writing with the competent restitution agency, whereupon he is substituted in all proceedings for the successor organization. The regulation also provides that the assignee is responsible for all taxes and levies as if he had never lost his claim to the property.

2. BRITISH ZONE

Ordinance No. 232 amending MG Law 59.

The ordinance extended the deadline to renounce on the right of claim from June 30, 1950 to Nov. 30, 1951.

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B. COMPENSATION

1. U. S. ZONE

a. Progress of claims under the General Claims Law

As of May 31, 1951, a total of 257,371 petitions had been received in the United States zone, 174,864 of them in Bavaria, 36,537 in Hesse, 34,237 in Wuerttemberg-Baden, and 11,733 in Bremen.

Of the 174,864 petitions received in Bavaria 72,715 were from claimants in Germany and 102,149 from claimants abroad. The ratio varied in the three other Laender: in Hesse, 29,960 claimants were in Germany and only 6,577 abroad; in Wuerttemberg-Baden, the figures were 24,966 and 9,271, respectively, and in Bremen 11,395 and 338, respectively.

Since a petition is generally expected to contain more than one claim (for instance, for deprivation of liberty and for loss of health or property, etc.), the number of claims is far in excess of petitions. There are no figures on the total of the claims filed; they are available only for claims settled and adjudicated. As of May 31, 1951, the total of claims disposed of was 47,752 (17,466 in Bavaria, 11,134 in Hesse, 16,250 in Wuerttemberg-Baden and 2,902 in Bremen). These figures reflect the slow progress in Bavaria as compared with the other three Laender: Bavaria accounts for some 68 per cent of the total number of petitions, but only for some 37 per cent of the claims disposed of.

As of May 31, 1951, the total of payments under the law amounted to DM 111,232,655 (DM 48,961,718 advance and DM 62,270,937 on settled or adjudicated claims). Of this total, Bavaria granted DM 45,197,417; Hesse DM 29,803,195; Wuerttemberg-Baden DM 28,576,234, and Bremen DM 7,655,809. Thus Bavaria accounted for a little over 40 per cent of the total.

The total sum of DM 111,232,655 is divided between claimants residing in

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Germany (DM 106,828,078) and those residing abroad (DM 4,404,577). It is noteworthy that Bavaria made no payments to persons residing abroad, and that of the DM 4,404,577 disbursed to claimants residing abroad, as much as DM 3,414,128 was paid by Wuerttemberg-Baden.

There is no breakdown of the advance payments as to the kind of loss. Of the DM 62,270,937 paid on settled and adjudicated claims the overwhelming part (DM 51,329,053) was paid for deprivation of liberty. The rest was divided between compensation for loss of life (DM 1,057,797), damage to limb and health (DM 1,315,501), damage to property (DM 3,776,285), damage to economic advancement (DM 4,464,717) and other payments (DM 327,584).

Of the DM 51,329,053 paid by the four Laender for deprivation of liberty, Bavaria accounted for DM 20,471,569 (no other payments made); Hesse, DM 10,510,471; Wuerttemberg-Baden, DM 14,846,578; and Bremen, DM 5,500,435.

The only payments for deprivation of property were made by Wuerttemberg-Baden (DM 3,776,285). The same is true of compensation for damage to economic advancement (DM 4,464,717). Compensation for loss of life was given by Hesse (DM 448,561) and Wuerttemberg-Baden (DM 570,630). Bremen paid the largest amount for damage to limb and health (DM 823,160).

b. Land Hessen

The Land Hessen recently issued an implementary order under the General Claims Law dealing with compensation of damage to former members of liberal professions. The order deals i.a. with the length of, and ceilings on, payments.

3. FRENCH ZONE

Land Rheinland-Pfalz

The General Claims Law of May 22, 1950, was amended in certain parts and republished in its new version of March 19, 1951 in the Gesetz- und Verordnungs-

Blatt, 1951, pp. 63ff.

Under the new version, the determining date (Stichtag) for residing in the Land or emigrating therefrom was moved backward from Jan. 1, 1948 to Jan. 1, 1947 (as in the U.S. zonal law). Amendments were made in regard to the eligibility of heirs of the persecutes, the definition of "refugee", eligibility for compensation of damage to limb or health. The new version permits compensation payment for deprivation of liberty to be inherited by children and spouses; authorizes such payments for children over 5 years, redefines the circle of persons eligible to obtain compensation for payment of discriminatory taxes. The amendment also provides for certain changes in the rank of payments (compensation for deprivation of liberty), extends the cut-off period for filing applications to 18 months after the effective day of the law, and introduces certain changes in the procedural provisions. Finally, the law permits compensation payments to persecutees and their survivors resident in the Land on the effective day of the law if they are not eligible in any other Land of Western Germany, even if they do not fall under the provisions of this law.

G. RELATED PROBLEMS

WESTERN GERMANY

1. Amendment of the Law on the Declaration of Death of Missing Persons

The law of July 4, 1939 (with the local amendments) was amended by the law of Jan. 15, 1951, valid in the whole territory of Western Germany. Under the amended law, special conditions were laid down for a declaration of death of persons missing as a result of the last war and its aftermath. The law provides that persons who became missing before July 1, 1948, as a result of the events or situations of the last war and have been missing since, under circumstances affording serious doubts about their continued existence, may be declared dead. However, if the missing person, due to captivity or a force

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directed against him, could not - at the time when he was still supposed to be alive - choose his residence, and has been missing since, under conditions which afford serious doubts about his continued existence, he can be declared dead only if five years have elapsed since the end of the year in which he was still alive. If the life of the missing person was at that time in danger, one year suffices.

Another innovation of the law is its application to foreigners. Non-Germans and non-stateless persons may be declared dead in Germany if, at the time when they were last heard of, they had their domicile or residence in Western Germany or were members of the German Wehrmacht, or if the applicant is the spouse, a descendant, or another of the relatives of the missing person in the law, and has his domicile or ordinary residence in Western Germany.

Usually, the date of death is, in case of persons who became missing during the war, Dec. 31, 1945. If the missing person survived this date, the date of death is the end of the third year (and in case of danger to life, the first year) following the year when the person was still known to be alive. If the applicant so requests, the specific date of death may be established on the basis of the ordinary provisions of the law.

The law also amended the local jurisdiction of the courts (Amtsgerichte): ordinarily the court of the last German domicile or ordinary residence of the missing person is competent. If such competence cannot be established, the court of the domicile or residence of the first applicant is competent. If no domicile or residence is available, the court in Berlin-Schoeneberg has jurisdiction.

2. Payment of the Equalization of Burden Tax by persecutees

Some time ago the Minister of Finance in Bonn advised the Ministers of Finance in the U. S. and British zones to grant delays for the payment of the

Equalization of Burden Tax to persecutees who have claims against a Land arising from the compensation laws such, for instance, as those concerning the anti-Jewish tax, compensation for deprivation of liberty, etc. Prerequisite for granting the delays was a final decision on compensation or a certificate that such a decision may be expected.

On June 4, 1951, the Minister of Finance gave his consent to granting delays also in cases where the persecutee has a claim, under the restitution law, against the German Reich for which no authority has so far assumed responsibility. The persecutee must prove the existence of such a claim either by virtue of a decision of a restitution agency or on the basis of available evidence. If the amount to be repaid is not known, the value in marks on the day of alienation is to be taken as representing the equivalent amount in DM, except for cases where the alienated object (for instance, a bank deposit) was devaluated.

Delays in payment of the tax are to be granted with 10 per cent of the claim.

3. Definition of "United Nations National"

Under the Currency Reconversion Law and the Immediate Aid Ordinance United Nations nationals enjoy a special status. Until recently, the circle of persons considered as "United Nations Nationals" was defined in the Currency Reconversion Law and the Annex thereto.

By Laws No. 54 and 55 of the Allied High Commission, this definition was revised with retroactive force to read as follows:

(1) In any legislation of the Occupation Authorities or of authorities to which they have succeeded, the expression "United Nations", in the absence of any indication to the contrary, shall mean:

(a) the nations listed in the Schedule of this Law, being nations which signed or adhered to the United

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Nations Declaration, dated 1 January 1942 or which by declaring war on Germany became associated with them in the war prior to 8 May 1945;

(b) any territorial entity which was administered or controlled by a nation included in paragraph (a) and was involved in the war against Germany by reason of the participation of such nation; and

(c) any nation which has become or becomes independent after 8 May 1945 and whose territory at that date formed part either of the territory of a nation included in paragraph (a) or of an entity included in paragraph (b).

2. The expression "United Nations Nationals" means:

(a) natural persons who at any time between 1 September 1939 and 27 June 1948 were nationals of or, if dual nationals, had a nationality of any of the United Nations, unless such dual nationals resided in Germany at any time between 1 September 1939 and 8 May 1945 and enjoyed full rights of German citizenship;

(b) corporations and associations which were in existence on 8 May 1945 under the laws of one of the United Nations and which are in existence on 27 June 1948 under the laws of one of the United Nations.

II. AUSTRIA

1. Progress of restitution as of June 30, 1951.

(a) First Restitution Law

The total number of applications filed amounted to 11,299 (27 in June); of this number, 543 were withdrawn, 8,022 were granted, 992 were denied, 1,602 are pending before the competent authorities, and 140 have not yet been considered.

Of the aforesaid 11,299 applications filed, 9,032 relate to Vienna and the rest to the province. Of the 8,022 applications granted, 6,586 refer to Vienna, as do 1,427 of the pending applications.

(b) Second Restitution Law

A total of 1,186 applications were filed. Of this number 76 were withdrawn, 508 granted, 245 denied, 346 are pending, and 11 have not yet been considered.

(c) Third Restitution Law

A total of 27,959 applications were filed with the Restitution Commissions, (including 138 in June). Of this number, 4,259 were withdrawn, 1,278 transferred, 6,079 granted, 7,850 settled, 2,562 denied, and 5,931 are pending. Of the total applications filed, 20,051 were lodged with the Vienna Commission; and of this number 4,259 were granted and 6,210 settled in Vienna. As of the same date, 7,170 applications were filed with the Superior Restitution Commissions (including 128 in June). Of this number, 134 were withdrawn, 116 transferred, 4,522 granted, 827 settled, 1,438 denied, and 136 are pending. Of the total applications filed, 5,062 were lodged with the Vienna Superior Commission.

The Supreme Restitution Commission received a total of 1,520 applications (41 in June). Of these, 36 were transferred, 1,075 granted, 254 settled, 108 denied, and 47 are pending.

(d) Compromises, renouncements, and acknowledgments

The total number of compromises, renouncements, and acknowledgments filed with the district authorities under the Third Restitution Law was 8,318, 4,784 of them in Vienna.

2. Second Restitution Claims Law

On July 11, 1951, the Austrian Parliament adopted a law concerning the assignment of claims for restitution of property belonging to legal entities which during the German occupation lost their status as legal entities and afterwards did not regain it, (sc. Second Restitution Claims Law).

Under this law, which is expected to come into force on August 21, 1951, a number of legal persons are authorized to claim the property of organizations which were dissolved by the Germans. Among these legal persons are the Federal Chamber of Industrial Economy, Chambers of Workers, Chambers of Agriculture, the local dioceses or the apostolic administration of the Catholic Church, the Evangelic Church (represented by the consistory), the dioceses and the Synodical

Council of the Greek-Oriental Church, and the Jewish Communities. The church bodies and the Jewish Communities are entitled to claim the property of dissolved organizations which performed services for religious, cultural, welfare organizations of the social aims of the church, of religious associations formed for such purposes, and of funds.

The Jewish Community nearest to the location of the dissolved legal person acquires the property on the condition that the competent Community, upon its formation, will succeed to it.

The restitute acquires all the rights of the former owner and is liable to creditors, as of the date of restitution, for obligations incumbent upon the restituted property, to the value thereof. A special provision is included in the law concerning claims deriving from service contracts with the dissolved organizations.

The law also provides for the case of assignment of restitutable property by one legal person to another and for the exemption of the legal proceedings and other action required under the law from costs, court fees, and other expenses.

INFORMATION ON
RESTITUTION AND RELATED SUBJECTS

1951

No.3

INSTITUTE OF JEWISH AFFAIRS
World Jewish Congress
15 East 84th Street
New York 28, New York
November, 1951

116419

WJC CBI

I. GERMANY

A. RESTITUTION

1. United States Zone

Progress of disposing of claims

As of October 30, 1951, 50,628 individual petitions had been received by the various restitution agencies from the Central Filing Agency (to which all petitions were addressed) since the day the restitution came into force (November 10, 1947). As of October 30, 1951, 29,505 had been finally disposed of, and 21,123 were pending in the Restitution Agencies, Restitution Chambers, the Oberlandesgerichte, and the Court of Restitution Appeals. In addition 52,125 petitions of the Jewish Restitution Successor Organization (JRSO) had been received, of which 28,841 had been finally disposed of and 23,284 were pending.

The number of cases is higher than that of petitions, as a petition may refer to more than one case. Thus the total number of individual cases still awaiting decision as of October 30, 1951, was 28,280 and that of the JRSO, 23,313.

Since the total number of individual cases on hand as of October 1, 1951, was 29,773, 1,493 individual cases were finally disposed of during the month, to wit: 1,043 by Restitution Agencies (mainly by settlement), 387 by Restitution Chambers, 25 by the Oberlandesgerichte, and 38 by the Court of Restitution Appeals. The number of JRSO cases finally disposed of during the same month was 653. Of the 40,676 individual cases finally decided upon between November 10, 1947 and October 30, 1951, 19,160 were amicably settled, 12,742 withdrawn, 4,192 were granted by decision and 4,582 were dismissed.

The total value of the property restituted as of October 30, 1951, was given by HICOG as DM 689,945,527 (DM 649,686,514 to individuals and DM 40,259,013 to JRSO). Of this total DM 80,564,496 represented business enterprises; DM 300,874,018 real estate; DM 64,352,553, shares, participations, and securities; DM 212,951,964, were payments. The rest consisted of interests in real estate (DM 8,047,067), art objects and valuables (DM 5,694,812), house-hold goods, machinery, insurance policies etc. (DM 17,460,617).

The amount of DM 649,686,514 reported as restituted to individuals was distributed among persons who were nationals or residents of several scores of countries. First place was occupied by the United States, with DM 300,519,856; Germany came next with DM 111,909,365. Then followed the United Kingdom, with DM 64,349,772; Switzerland with DM 30,953,566; Israel with DM 29,039,262; Netherlands, with DM 17,157,940; Cuba with DM 15,719,738; and France, with DM 11,953,468. Other countries received several million DM each, e.g. Argentina, Brazil, Australia, South Africa, Mexico, Uruguay, several hundred thousand (e.g. Bolivia, Egypt, Peru), or several thousand DM each (Norway, Poland, Honduras, Jamaica). DM 9,482,466 went to claimants of more than one nationality.

2. British Zone

White Paper on Restitution

The British Foreign Office recently published a White Paper on the report of the Committee appointed to enquire into the progress of restitution in the British

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Zone of Germany and the British Sector of Berlin.

According to the report, as of May 31, 1951, a total of 63,786 cases were transmitted to the Restitution Agencies, of which approximately 16,000 have finally been disposed of. The total number of cases is expected to increase up to 120,000 through claims by the successor organizations.

The total of claims in Western Berlin was about 93,000, of which less than 5 per cent have finally been disposed of.

The Enquiry Committee dealt with the causes of delay in disposing of claims in the British Zone and Western Berlin and made a number of recommendations which are divided into political (opposition to restitution), administrative (insufficiency of judges and a tendency to dispose of an insufficient number of cases, deficiencies in staff, prolonged adjournment of proceedings), and difficulties and uncertainties of the law (difficulties in proving the right to succession, conversion rate, responsibility of the Reich, undecided questions of principle, amicable settlements, etc). Recommendations were made to meet these difficulties as well as in regard to the contractual agreement to be concluded between the Allies and West Germany.

On October 12, 1951 the Parliamentary Under-Secretary of State advised the Chairman of the Committee of the action taken or contemplated as regards the above recommendations. Insofar as the administrative recommendations are concerned, the German authorities have been requested to take action required to give effect to them. Furthermore, certain amendments of the restitution law will be promulgated to deal with the adjudication of the right to succession, to ensure that effect is given to orders of the Restitution Authorities by German public authorities, to give retrospective effect to amicable settlements, and to reduce the time for filing appeals. In other instances (acceptance of liability by the Bonn Government for the Reich, bulk settlements, conversion rate, etc) favorable consideration has been provided.

3. French Zone

Amendment to the restitution ordinance

On September 29, 1951, the French High Commissioner enacted Ordinance No. 268 amending the restitution provisions in the French Zone (Ordinance No. 120, amended by Ordinances No. 156 and 186).

Ordinance No. 268 amended Article 6 of the original ordinance dealing with the consequences of action of administration by bona fide acquirers. Bona fide acquirers are persons who could not have knowledge of the spoliative nature of the initial act of alienation or can prove that they acted in the interests of the owner. Mala fide acquirers are required to give back the usufruct which they acquired during dispossession.

Furthermore, Ordinance No. 268 amended Article 9 to provide for the right either of successor organizations or, if they do not exist, of a common fund in every Land to claim properties, rights, and interests of natural and legal persons and organizations, including resitutable usufructs, whose lawful owners disappeared without leaving heirs or successors. The same applies to properties, rights, and interests whose lawful owners have not reclaimed them either in the contentious procedure before August 15, 1949, or by an amicable settlement concluded before May 1, 1952, and approved as provided in the ordinance. Successor organizations are appointed by the order of the High Commissioner.

Without prejudice to the rights of the successor organizations, legal persons and associations which are devoted to religious, humanitarian, and welfare aims, a syndicate, a cooperative, a political party or another body of a democratic character may be asked to be recognized as successor to one or more organizations which pursued analogous aims and were dissolved, dissolved themselves, or ceased to exist in consequence of persecutory measures. Such requests must be presented before May 1, 1952.

The limitations placed on heirs (i.e., the exclusion of heirs of more distant categories) were abolished. The new amendment provides, therefore, that legal and testamentary heirs who were barred from filing a petition under previous legislation may do so before February 1, 1953. The same deadline is set for claims by successor organizations. The amendment also establishes the procedural provisions under which the new claimants and successor organizations may intervene in pending cases.

The amendment further deals with the right of the legal owner to conclude an amicable settlement instead of filing a claim in the contentious procedure provided for in the Ordinance. Such settlements require for their validity the approval by the President of the competent court.

B. COMPENSATION

1. Western Germany

(a) Implementary decree to the law of May 11, 1951 concerning indemnification for National-Socialist wrongs done to employees in public services*

The Bundesanzeiger of November 3, 1951, carried the implementary decree to the sundry articles of the law. The decree contains a definition of the terms "public service" (Öffentlicher Dienst), "political opinion" and wrong done on the "basis of race." Condition for the application of the law is residence within Western Germany on May 23, 1949; the requirement of the law is fulfilled if the person moved to Western Germany before May 23, 1951, but the required license was granted later.

The ordinance also enumerates the registration bodies (Anmeldebehörden) and contains a number of other stipulations. The law is not yet applicable in favor of persons resident in West Berlin. Damagees whose residence was in West Berlin fall under the law only if they were still resident in Western Germany on May 23, 1949.

(b) Draft of a law to indemnify damagees formerly in public services now residing abroad.

On October 26, 1951, the West German cabinet prepared such a bill. It is based on the assimilation of damagees in or outside Germany. It also establishes the principle that neither residence abroad nor loss of German citizenship are grounds for immobilizing the payments. Damagees who emigrated or will emigrate after May 23, 1949, or return to Germany fall within the validity of the law for West German residents.

The bill does not require an investigation whether the damagee could be required to return; instead of reinstatement it accords the right to request annuities payable in Western Germany.

*)

See: Information on Restitution and Related Subjects, No.1, 1951

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All applications are to be filed within a year, with the competent West German representative.

2. United States Zone

Progress of claims under the General Claims Law

As of September 30, 1951, a total of 260,501 petitions had been received in the United States zone, 174,980 of them in Bavaria, 37,902 in Hesse, 35,772 in Wuerttemberg-Baden, and 11,847 in Bremen.

Of the 174,980 petitions received in Bavaria 72,778 were from claimants in Germany and 102,202 from claimants abroad. The ratio varied in the three other Laender: in Hesse, 31,067 claimants were in Germany and only 6,835 abroad; in Wuerttemberg-Baden, the figures were 26,116 and 9,656, respectively, and in Bremen 11,446 and 401 respectively.

Since a petition is generally expected to contain more than one claim (for instance, for deprivation of liberty and for loss of health or property, etc.), the number of claims is far in excess of petitions. There are no figures on the total of the claims filed; they are available only for claims settled and adjudicated. As of September 30, 1951, the total of claims disposed of was 55,868 (20,370 in Bavaria, 14,245 in Hesse, 17,180 in Wuerttemberg-Baden and 4,073 in Bremen). These figures reflect the slow progress in Bavaria as compared with the other three Laender: Bavaria accounts for some 67 per cent of the total number of petitions, but only for some 37 per cent of the claims disposed of.

As of September 30, 1951, the total of payments under the law amounted to DM 118,672,442 (DM 50,998,903 advance and DM 67,673,539 on settled or adjudicated claims). Of this total, Bavaria granted DM 47,281,640; Hesse DM 32,789,956; Wuerttemberg-Baden DM 30,598,138 and Bremen DM 8,002,678. Thus Bavaria accounted for about 40 per cent of the total.

The total sum of DM 118,672,442 is divided between claimants residing in Germany (DM 107,672,131) and those residing abroad (DM 6,362,905). It is noteworthy that Bavaria made no payments to persons residing abroad, and that of the DM 6,362,905 disbursed to claimants residing abroad, as much as DM 4,631,255 was paid by Wuerttemberg-Baden.

There is no breakdown of the advance payments as to the kind of loss. Of the DM 67,673,539 paid on settled and adjudicated claims the overwhelming part (DM 54,036,693) was paid for deprivation of liberty. The rest was divided between compensation for loss of life (DM 1,604,808), damage to limb and health (DM 1,696,354), damage to property (DM 4,768,168), damage to economic advancement (DM 5,154,179) and other payments (DM 413,337).

Of the DM 54,036,693 paid by the four Laender for deprivation of liberty, Bavaria accounted for DM 21,012,362 (no other payments made); Hesse, DM 12,533,045; Wuerttemberg-Baden, DM 14,976,171 and Bremen, DM 5,515,115.

The only payments for deprivation of property were made by Wuerttemberg-Baden (DM 4,760,407) and Hesse (DM 7,761). The same is true of compensation for damage to economic advancement (DM 5,112,526 and 41,653, respectively). Compensation for loss of life was given by Hesse (DM 770,447), Wuerttemberg-Baden (DM 750,062) and Bremen (DM 84,299). Bremen paid the largest amount for damage to limb and health (DM 946,460).

3. British Zone

Hamburg

A bill will be prepared soon for compensation of material damage done to racial, political, and religious persecutees of the Nazi regime.

4. West Berlin

Progress of claims

As of September 30, 1951 a total of 31,554 petitions had been received in the Western Sectors of Berlin: 25,986 from claimants in Germany and 5,568 from claimants abroad.

The total of claims disposed of was 984 (981 related to claimants in Germany and 3 to claimants outside Germany). Of this number 359 were decided in favor of the claimants, 621 were withdrawn or dismissed and 4 referred to other Laender.

As of September 30, 1951, the total of payments under the law amounted to DM 699,125 (DM 135,084 advance payments and 564,041 on settled or adjudicated claims). Claimants outside Germany were awarded a total of only DM 550.

Of the DM 564,041 paid on settled or adjudicated claims DM 534,846 was paid for deprivation of liberty.

II. AUSTRIA

1. Progress of restitution as of September 30, 1951

(a) First Restitution Law

The total number of applications filed amounted to 11,363 (17 in September); of this number 586 were withdrawn, 8,210 were granted, 1,030 were denied, 1,518 were pending before the competent authorities, and 19 have not yet been considered.

Of the aforesaid 11,363 applications filed, 9,087 relate to Vienna and the rest to the province. Of the 8,210 applications granted, 6,765 refer to Vienna, as do 1,387 of the pending applications.

(b) Second Restitution Law

A total of 1,205 applications were filed. Of this number 86 were withdrawn, 525 granted, 268 denied, 321 were pending, and 5 have not yet been considered.

(c) Third Restitution Law

A total of 28,307 applications were filed with the Restitution Commissions (including 103 in September). Of this number 4,361 were withdrawn, 1,296 transferred, 6,223 granted, 8,110 amicably settled, 2,607 denied, and 5,710 were pending. Of the total applications filed, 20,300 were lodged with the Vienna Commission; and of this number 4,372 were granted and 6,414 amicably settled in Vienna. As of the same date, 7,494 applications were filed with the Superior Restitution Commissions (including 77 in September). Of this number, 142 were withdrawn, 124 transferred, 4,705 granted, 874 amicably settled, 1,483 denied and 166 were pending. Of the total applications filed, 5,286 were lodged with the Vienna Superior Commission.

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The Supreme Restitution Commission received a total of 1,615 applications (32 in September). Of these 46 were transferred, 1,110 granted, 255 amicably settled, 119 denied, and 85 were pending.

(d) Compromises, renouncements, and acknowledgments

The total number of compromises, renouncements, and acknowledgments filed with the district authorities under the Third Restitution Law was 8,582, 4,931 of them in Vienna.

2. Extension of the deadline under the Seventh Restitution Law

By regulation of the Ministry for Social Affairs of August 4, 1951, the time to file claims under this law was generally extended until March 31, 1952. Damagees who return from captivity after December 31, 1951, are entitled to file a petition until December 31, 1953.

3. Extension of the deadline under the Third Restoration Law

By regulation of the Ministry of Social Affairs of August 4, 1951, the time to file claims under the Third Restoration Law was extended until March 31, 1952. Damagees who return from captivity after December 31, 1951, may file a petition until December 31, 1953.

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

3 East 54th Street

New York 22, N.Y.

* * * * *

ANNUAL REPORT

November 1, 1956 - October 31, 1957

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

OFFICERS - 1957

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Dr. Israel Goldstein

Vice Presidents

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Dr. Nahum Goldmann
Dr. Nehemiah Robinson
Mr. Hermann Simon
Mr. Edward M.M. Warburg

Chairman - Executive Committee

Mr. Monroe Goldwater

Co-Treasurers

Dr. Herman Gray
Mr. Shad Polier

Secretary

Mr. Saul Kagan

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

MEMBER ORGANIZATIONS

and

BOARD OF DIRECTORS

1957

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

ANNUAL REPORT

November 1, 1956 - October 31, 1957

I N T R O D U C T I O N

During the past year, a milestone was reached in the history of the JRSO: we passed the DM 100,000,000 mark in allocations for the benefit of Jewish victims of Nazi persecution. The JRSO received during the year sums in excess of DM 15,000,000, largely from bulk settlements. It continued to deal with a variety of residual problems arising from the disposition of more than 160,000 claims. The JRSO will concentrate all its efforts during the year ahead to achieve bulk settlements with the governments of Bavaria, Bremen and Hesse concerning indemnification claims for the destruction of Jewish communal and other public property. These claims represent that largest single asset of the JRSO for which no settlement has as yet been attained.

The JRSO will also have to make an all-out effort to obtain a settlement of JRSO claims for heirless property in the United States where no real progress has been made, due to the difficulties posed by the Office of Alien Property.

The report which follows describes briefly the accomplishments during the year, the status of major pending problems and the utilization of funds allocated by the JRSO.

Dr. Ernst Katzenstein continued as Director of the JRSO in the U. S. Zone of Germany and Dr. Hans Tuch as Director of the Berlin office.

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I. The Bulk Settlement of the Monetary Claims Against the Reich and the Federal Restitution Law. (Bundesrueckerstattungs-Gesetz).

On March 16, 1956, the three Successor Organizations have signed with the Federal Government of Germany an agreement for settlement of their Monetary Claims against the Deutsche Reich arising from the alienation of identifiable property like securities, bank accounts, jewels, furnishings, transportation goods and similar items which are no longer in existence. The sum of DM 75,000,000 provided for in the agreement has been paid to the Successor Organizations in three installments, the last one on April 1, 1957.

The Reichs Claims Settlement defined the maximum commitment of the Federal Government of Germany to the Successor Organizations as 10% of the total payments to be made to individual claimants or their successors in title pursuant to the Federal Restitution Law (BRueG.) The Federal Government limited its total obligation under the Law to DM 1.5 billion. The settlement provided, however, that after receipt of DM 75 million, the Successor Organizations will waive the right to receive additional payments if the sum of DM 1.5 billion is insufficient for such payments to the Successor Organizations after full settlement of, and payment of interest on, claims under the Law of individual claimants or their successors in title. In the event, however, that individual claimants do not use fully the **DM 1.5 billion**, the Successor Organizations would be entitled to a possible supplementary payment in addition to the DM 75 Million, commonly known as "Schattenquote".

The Agreement also entitled the parties to rescind it within one month from the day of the promulgation of the BRueG. The Federal Restitution Law went into effect on July 23, 1957 more than a year after the signing of the Bulk Settlement Agreement. The three Successor Organizations have carefully examined the question of revocation. Their main concern was that the final text of the BRueG differed from the draft attached to the Reichs Claims Bulk Settlement Agreement insofar as the question of collecting a supplementary payment (Schattenquote) became very uncertain. Nevertheless, the three Successor Organizations under date of August 13, 1957, have informed the Federal Government of Germany that they will not exercise their right to rescind the agreement, and the Federal Republic of Germany has informed the three Successor Organizations on August 20th that it also will not avail itself of the right of revocation.

The Successor Organizations will now have to implement the Reichs Claims Settlement Agreement by withdrawing tens of thousands of claims. This represents a cumbersome and complicated technical problem. Negotiations with the Laender are pending to find out whether a general withdrawal will be feasible or whether individual withdrawals of claims would be essential. The procedure by which the withdrawal will take place will be worked out in further negotiations with the Federal and the Laender Governments.

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II. The Berlin Bulk Settlement

The Berlin Bulk Settlement agreement has been concluded with the City of Berlin on December 21, 1955. In conformity with the original agreement and the supplementary agreement of May 15, 1956 the City of Berlin paid DM 10 million of which DM 1 million was made available for the needs of the Berlin Jewish community. The remaining DM 9 million were placed at the disposal of the Israel Purchasing Mission which has remitted to the Successor Organizations and/or their participating agencies 3 equal installments aggregating DM 6,750,000. The last installment of DM 2,250,000 is due on January 1, 1958.

The implementation of the Berlin Bulk Settlement agreement proved difficult from the very beginning. Although the supplementary agreement of May, 1956, settled a number of controversial issues, nonetheless, some difficulties still exist due to the attitude of the Berlin officials charged with the administration of the agreement. The officials refuse to refund to the Successor Organizations those sums which they have paid to the restitutors until May 15, 1956, in order to obtain restitution of properties which were subsequently turned over to Berlin under the Bulk Settlement. Another controversial point revolves around the question of the obligation of the Successor Organizations to compensate Berlin not only for interest on mortgages in arrears at January 1, 1956, but also for amortization payments on mortgages in arrears at that date. The Successor Organizations point out that the text of the agreement limits their obligation to compensation of interest payments in arrears only. At this point it is doubtful whether or not this controversy can be resolved without arbitration. The amounts involved in the dispute do not exceed DM 300,000. Necessary reserves have been set up for possible contingencies.

III. Maintenance of Jewish Cemeteries

A year ago, we reported that the Federal Minister of the Interior on behalf of the German Federal Government undertook, together with the Laender, to care for and maintain approximately 1700 abandoned Jewish cemeteries in the territory of the West German Republic. During the year 1957, the JRSO together with the other Successor Organizations and the Federal Government together with the Laender of the West German Republic have worked out the implementation of this undertaking. A Protocol signed by the interested parties contains the following essential provisions: the Federal Government of Germany together with the Laender will take permanent care of the Jewish cemeteries in the Federal Republic of Germany. This includes: preservation of the final rest of the dead and maintenance of the cemeteries in accordance with the landscape surrounding same; maintenance of a surrounding wall with gate and lock; regular maintenance of the roads and principal paths; regular cutting of the green and weeds. Individual care of the graves and tombstones will be left to the discretion of the next of kin.

IV. Disposition of Equity Claims by JRSO Offices

The activities of the JRSO regarding Equity claims were limited to the disposition of claims received by December 31, 1955. All cases received after that date are being handled by the Equity Hardship Fund in London (see below). Payments to BOE claimants by the Frankfurt and Berlin offices during the period from January 1st to December 31st, 1957 amounted to DM 458,167.

In the U.S. Zone of Germany, there were 217 cases pending at the

end of the last year, and 94 cases at July 31, 1957. Most of these claims are expected to be settled by the middle of 1958.

The situation in Berlin was more complicated. At the date of the last annual report, the number of pending cases was 302. It was reduced to 206 by July 31st. Of these claims, 64 concern pending litigation before the courts and 16 before the Indemnification Agencies. These cases will be disposed of as soon as restitution proceedings are settled. 126 cases forming the hard core are not yet finalized, due to the difficulties in obtaining proper certificates of inheritance, to differences with the City of Berlin regarding the question of whether or not the equity application is to be granted, or the necessity to complete investigations on the financial position of the applicants abroad.

V. The Equity Hardship Fund

This Fund, with a capital of DM 2 million, was established on July 26, 1956 in London for the purpose of assisting victims of Nazi persecution who had failed to lodge their restitution claims and did not approach the JRSO prior to December 31, 1955.

The Trustees are: The Honourable Sir Seymour Edward Karminski, Ingram J. Lindner, Q. C., The Hon. L.H.L. Cohen, Alfred Dresel and Frederick Alexander Mann.

It is the task of the Equity Hardship Fund to determine whether or not such persons would have qualified for equity payments under the Equity procedure of the Successor Organizations. JRSO's contribution of DM 925,000 to the Trust Fund and DM 115,625 towards the costs of Management has almost been paid in full. In accordance with clause 12 of the Trust Deed, the 30th of June 1957 was fixed as the deadline on which applications should have been received.

The first report published by the Equity Hardship Fund covering the period from the establishment of the Fund to the 31st July 1957 discloses that up to that date, 329 applications duly completed were entered in the Register of the Fund. By July 31, 1957, the examination of 108 cases had been completed, out of which 106 were admitted. In conformity with the power vested in the Fund, interim payments to admitted applicants were authorized according to the following scale:

- 35% of the admitted amount up to DM 5,000 -
- 25% of the admitted amount over DM 5,000 - up to DM 25,000 -
- 20% of the admitted amount over DM 25,000 -

The average amount of claims admitted so far is approximately DM 3,000, of which applicants will receive 70% of the proceeds or value of the asset.

It can already be foreseen that the Trust Fund will be more than sufficient to cover the total of all admitted claims.

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According to the data compiled at the office of the Equity Hardship Fund, it can be anticipated that the total of applications admitted by the Trustees will not be much in excess of 400. If the average amount of claims remains to be DM 3,000, total claims admitted would represent a value of DM 1,200,000. Since only 70% of this total would be ranking for payment (DM 840,000), the Trust Fund Capital, however, amounts to DM 2,000,000, an amount of DM 1,160,000 would remain available.

Certain suggestions have been advanced for the increase of the rate of payments by the Trust and authority for dealing with special hardship situations. The Successor Organizations will have to decide whether there should be a broadening of the scope of activities of the Trust beyond the provisions of the present Trust Deed.

VI. Current Operations of Offices in Germany

The JRSO offices in Frankfurt and Berlin continued to attend those operations which were mainly concerned with collection of individual accounts receivable from settlements and sales, administration of property on hand, carrying out of unsolved problems in connection with the Berlin Bulk Settlement, disposing of real property on hand, settling residual equity claims and fees, etc.

Collections from individual settlements in the U. S. Zone during the ten month period from January 1st to October 31st, 1957 amounted to DM 442,835 and proceeds from sale of properties to DM 485,626. In September 1957, JRSO reached an amicable settlement with the City of Frankfurt/Main regarding various pieces of real estate located in this City, by virtue of which the JRSO will receive approximately DM 630,000. There are still open accounting problems arising from bulk settlements with the Laender Wuerttemberg-Baden and Bavaria. An agreement was recently reached whereby Land Bavaria will make a final payment of DM 150,000 to set off the claims and counterclaims. Regarding Wuerttemberg-Baden, JRSO's books still show an account receivable of approximately DM 19,000.

Many of the 25 pieces of real estate which JRSO had on hand are unsalable with the exception of some real estate in Nuremberg for which sales negotiations are pending.

The work of the Frankfurt and Berlin offices was carried out with a staff which was appreciably reduced during the year 1957. The accounting system was reviewed and streamlined by our New York Comptroller to assure full and current data on JRSO's financial position at New York Headquarters.

MAJOR PROBLEMS STILL UNSETTLED

VII. Indemnification Claims Against The Laender

The JRSO is trying to reach global settlements with three Laender of the U. S. Zone of Germany for satisfaction of its indemnification claims for destroyed Jewish communal and organizational property. This

represents the major category of JRSO claims which still require settlement. The Federal Indemnification Law vested the Successor Organizations with the right to present indemnification claims on behalf of the destroyed Jewish communities of the U. S. Zone of Germany. The Law stipulates that compensation shall not exceed the amount of DM 75,000 for a single persecutee. If claims for compensation are submitted by the Successor Organizations, the maximum amount of DM 75,000 shall apply to the compensation to which such an organization is entitled instead of an individual persecutee.

It is estimated that indemnification claims filed by the JRSO with the Laender of Bavaria, Bremen and Hesse exceed the amount of DM 21,000,000. It should be borne in mind, however, that the negotiations of the JRSO with the Jewish communities aiming at an overall agreement envisage a 50/50 division of the final proceeds from such settlements with the Laender.

Thus far, little progress has been made, beyond preliminary discussions with Laender officials. The Successor Organizations have also encountered opposition in seeking separate compensation for each single object, which was damaged or destroyed such as: each Thora scroll, Menorah, candelabrum, chandelier or any other movable chattel. Certain Laender took the view that claims of the Successor Organizations should be limited to DM 75,000 for each complete building, i.e. a synagogue, including accessories, fixtures and appurtenances without regard to how precious each individual piece may have been. Difficult negotiations of this issue are still ahead.

As far as Land Wuerttemberg-Baden is concerned, JRSO assigned in 1951, the indemnification claims for damage to former communal and organizational property to the Land against payment of DM 1.5 million. The Jewish Community Associations of this area had come forward with a request to share with 50 per cent in the amount received by JRSO from Land Wuerttemberg-Baden. An agreement was reached last August whereby JRSO undertook to pay DM 568,125 as the share of communities in the payment for destruction of former communal property in that area. It was further agreed that this payment shall be deducted from the 50 per cent participation envisaged in the overall agreement between the JRSO and the State Associations of Jewish Communities in the Laender of the U. S. Zone of Germany.

VIII Overall Agreement With Jewish Communities in Germany

Further discussions were carried on during the year to bring about the final overall agreement between the Jewish communities of the American Zone and the JRSO. Not all of the Community Associations have as yet concurred in the basic outline of the proposed agreement. In substance, JRSO will be expected to turn over to a Fund, managed by independent trustees, DM 1.5 million and 50% of the proceeds from the settlement of indemnification claims for the destruction of communal property in the U. S. Zone to be utilized for the benefit of those communities.

It is to be expected that a final agreement between the JRSO and State Associations of Jewish Communities in the American Zone of

Germany will be signed soon. Reserves for JRSO's contingent liability to the Jewish Communities, as outlined above, have been provided. An agreement between the State Associations of Jewish Communities of the British Zone (Landesverband) and the Jewish Trust Corporation was formally ratified. Its implementation, however, is still under discussion.

IX. Ministerial Accounts

The so-called Ministerialkonten (Ministerial Accounts) refer to collective bank accounts and securities established by Ministries of the former Reich from confiscated Jewish assets, in many instances outside of Germany. The accounts are in Berlin and the JRSO, in its own name, as well as on behalf of the other Successor Organizations, has filed restitution claims for them. It is estimated that these special claims may relate to assets having a value of DM 7 million. The restitution claims of the Successor Organizations are being contested by the Federal Ministry of Finance on the ground that they are not in a position to identify the original owners of the assets. Attempts have been made to resolve this problem through negotiations with the Federal Ministry of Finance. The key officials adamantly oppose any settlement which would release even a part of these assets to the Successor Organizations.

It is clear that this matter will have to be taken up with the new Minister of Finance in order to overcome the opposition of the key officials. The Successor Organizations will attempt to persuade the Finance Minister that the German Government cannot take a position which will defeat the claims of the Successor Organizations by virtue of a technicality which is the consequence of the Nazi policy of extermination of the Jews. The Successor Organizations are interested in achieving an amicable settlement of this issue rather than protracted and difficult litigation.

X. Taxation Under Equalization of War Burdens Legislation (Hypothekengewinnabgabe)

The Equalization of Burdens Law (Lastenausgleichs-Gesetz) contains a proviso whereby real estate, located in Germany, is subjected to a property levy related to the value of mortgages resting upon the properties, on the date of the German currency conversion - (June 21, 1948). The goal of the Equalization of Burdens Law was to alleviate financial losses suffered from the war by mortgaging property owners who had benefited from the currency devaluation.

The JRSO protested immediately against taxation of properties which were recovered by the Successor Organizations. The protest was based on the argument that taxation under the Equalization of Burdens Law constitutes a special levy ("Sonderabgabe"), in the meaning of Art. VI, para.1, Section X of the Contractual Agreement (Ueberleitungsvertrag) and must not be imposed on Successor Organizations for heirless Jewish properties which are exempt from special taxation designed to deal with the consequences of Hitler's war. The Federal Finance Ministry had previously

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suggested to submit the matter for a ruling to the Federal Tax Court. In the meantime, three applications have been filed by Foreign and United Nations Nationals before the Arbitral Commission on Property, Rights and Interest in Germany, Koblenz.

The matter has a considerable impact on the finances of the JRSO and the other Successor Organizations. JRSO has put aside a reserve of DM 400,000 for this contingency. Exact lists of properties which may possibly be subject to this kind of taxation, with computations, are on file. Thus far, the JRSO has been granted a grace period for payments of mortgage tax under the Equalization of Burdens Law. In a very few cases, no stay of execution has been obtained. Total tax payments, however, did not exceed the amount of DM 1,700. The JRSO is continuing negotiations with the Federal Finance Ministry in cooperation with the other Successor Organizations to resolve this problem.

XI. Reichsvereinigung Securities

In accordance with an agreement signed in September 1954, between the City of Berlin and the JRSO, the former transferred to the latter the bank accounts and securities of the former Reichsvereinigung of Jews in Germany. These accounts originated from the fact that the Jewish communities, foundations and associations were compelled by the Third Reich to merge their holdings of bank accounts and securities in the Reichsvereinigung. Part of these accounts also came from individuals who had been transported to the so-called autonomous concentration camp of Theresienstadt after having transferred their bank accounts and securities by home-purchase-agreements (Heimein-Kaufsvertraege).

A bill was lately passed by the German Bundestag (War Damage Claims Law) permitting the Federal Government of Germany to take over all obligations of the issuing authorities in the Second and Third Reichs (Weimar Republic and Nazi Period). This bill entered into force on November 1, 1957. Although implementation is still lacking, the bill stipulates that the nominal value of the pre-war bonds is to be based on a conversion rate of Reichsmark 10 for one Deutsche Mark. Four per cent interest will be paid retroactive to April 1, 1955. The process of liquidation claims will take 27 years.

The JRSO is holding, in its name and on behalf of the other Successor Organizations, accounts and securities in a total value of RM 40 million which, after conversion and validation in accordance with the War Damage Claims Law (Kriegsfolgengesetz), will be worth upon

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maturity, DM 4 million, plus interest in arrears from 1 April 1955 payable over a period of 27 years. After full implementation of the War Damage Claims Law, the Successor Organizations have to decide the best method for liquidation of these holdings at the then prevailing market price, and in view of their delayed maturity.

XII. Jewish Heirless Property in the United States

The last report indicated that the only effective way for the expeditious disposition of JRSO's claims for Jewish heirless property vested by the Office of Alien Property (OAP) lies in a lump sum settlement. OAP insisted that such a settlement would require Congressional authorization. Two bills, H.R. 7830 and S. 1981, have been introduced in order to accomplish this objective. These bills provide for a lump sum settlement of all heirless claims on the basis of \$1 million, 10% of which is reserved for non-Jewish claims. Difficulties have been encountered with certain of the agencies within the Government in connection with the full endorsement of these bills. Efforts are currently pending to obtain the full support of these bills by the Attorney General.

As Congress reconvenes, it will be essential to urge early hearings by the appropriate Senate and House committees. The first six months of 1958 will be decisive in determining whether a lump sum settlement of these claims, and thus fulfillment of the objective approved by Congress, three years ago, will actually be attained.

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XIII. Allocation and Utilization of JRSO Funds

1. Schedule of Allocations

Since funds first became available for distribution, early in 1951, the JRSO has allocated or committed a total of DM 100 million (\$23,809,524). Beneficiaries of these allocations shared in this amount as follows:

	<u>Total Allocated</u>	<u>Against Which Paid During Re- porting Period</u>
Jewish Agency for Palestine	DM 62,477,500	DM 9,138,051.25
American Jewish Joint Distribution Committee	30,772,500	4,505,994.67
The Council for the Protection of the Rights and Interests of Jews from Germany	4,950,000	2,338,093.78
Religious Projects in Israel	1,800,000	452,601.12
	<u>DM 100,000,000</u>	<u>DM 16,434,740.82</u>

In addition to the basic commitment described above for distribution of DM 100 million, the JRSO approved in October 1953 and paid a special allocation of \$200,000 towards programs for the aged, carried on by Help and Reconstruction in New York City.

2. Utilization of Funds

The major beneficiaries of JRSO funds were the Jewish Agency for Palestine and the American Jewish Joint Distribution Committee as the principal organizations engaged in the relief, resettlement and rehanilitation of Jewish victims of Nazi persecution throughout the world. Last year's report of the JRSO contained a thorough review of the expenditures by the JAFP and the AJDC on behalf of Nazi victims for five years since the start of allocations by the JRSO. Their statements for the current year are appended to this report.

The Jewish Agency reports expenditures during the past year for the absorption of immigrants, housing of immigrants, youth immigration and agricultural settlements in the aggregate of \$74,545,000, which was in an appreciable measure, utilized for the reception and resettlement of Nazi victims.

The American Joint Distribution Committee spent during the year \$13,855,800 to carry out programs on behalf of victims of Nazi persecution.

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The JRSO continued to allocate funds for special projects for assistance to Nazi victims developed by agencies associated with the Council for the Protection of the Rights and Interests of Jews from Germany:

	<u>Total Allocated</u>	<u>Against Which Paid During Reporting Period</u>
a) United Help, Inc., New York	DM 1,858,038.00 (\$442,390.00)	DM 1,160,191.69
b) Irgun Olei Merkaz Europa, Tel-Aviv	348,666.67 (83,015.87)	206,121.50
c) The Leo Baeck Insti- tute of Jews from Germany	376,000.00 (89,523.81)	276,411.61
d) Council of Jews, London, for Admini- strative Expendi- tures	10,000.00 (2,380.95)	10,000.00
e) Asociacion de Bene- ficencia Israelita, Quito	12,600.00 (3,000.00)	12,600.00
		<u>DM 1,665,324.80</u>
a) <u>United Help, Inc.</u>		

The attached report received from United Help, Inc., covers the period from January 1, 1956 to September 30, 1957 and shows the following:

\$114,000 were spent for the special programs for ambulatory aged in New York City operated under the auspices of Selfhelp and Blue Card;

\$63,342.85 were spent for grants to individuals in and outside of Greater New York which were distributed through local welfare agencies;

\$69,510 were spent for the building programs of the Selfhelp Home in Chicago, the Jewish Family and Children's Service in Denver, the Jewish Vocational Service in Philadelphia; for the Jewish Vocational Service in St. Louis to assist in the establishment or expansion of their sheltered workshops for the benefit of older victims of Nazi persecution;

\$10,000 was paid towards a Nursery School Program of Help and Reconstruction; \$5,000 for a small revolving fund for needy Nazi victims awaiting settlement of their indemnification claims and \$45,000 for operating expenses.

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b) Irgun Olei Merkaz Europa (IOME)

The JRSO has turned over to IOME a total amount of \$83,015.87 for special one-time grants to needy victims of Nazi persecution living in Israel, as well as for a program for recurrent aid. The program is to assist 600 needy Nazi victims annually.

c) The Leo Baeck Institute, Jerusalem

Total JRSO payments towards the scientific and research work of this organization, including the year 1957, amounted to \$89,523.81.

The JRSO also continued to make allocations for religious projects in Israel. The following allocations have been made thus far:

	<u>DM</u>	<u>IL</u>	<u>Against Which Paid During Reporting Period</u> <u>DM</u>
a. <u>For the Benefit of Yeshivoth</u>			
i. Convalescent Home	200,000	85,714	-
ii. Building Loan Fund	429,333	184,000	166,833.00
iii. Fund for Provision of Gemoroth	140,000	60,000	23,333.33
iiii. Medical Aid Fund - (Mifaal Hatorah)	81,667	35,000	62,211.00
b. <u>Central Beth Jacob Teachers' Seminary</u>	210,000	90,000	-
c. <u>Rabbinical Research Projects</u>			
i. Mosad Harav Kook	23,333	10,000	16,333.33
ii. Talmudic Encyclopedia	70,000	30,000	52,500.00
d. <u>Special Synagogue Fund</u>	335,667	143,857	116,667.00
			<u>DM 437,877.66</u>

a. For the Benefit of Yeshivoth

i. Convalescent Home

This allocation was made for the construction of a new wing to the existing convalescent home to be erected in memory of the Frankfurter Religions Gesellschaft. Since an amount of IL 25,000 was made available on account of this allocation, no new funds were required or released.

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ii. Building Loan Fund

Fifty-five loans have been extended to Yeshivoth to complete building programs and major repairs. Outstanding loans at September 30, 1957 amounted to IL 167,937.

iii. Fund for Provision of Gemoroth

Yeshivah students are in dire need of Gemoroth. An allocation of IL 20,000 was made to secure the matrices of six treatises of the Talmud. An additional IL 40,000 was allocated for the establishment of a revolving fund to facilitate the provision of Talmudic texts printed from the above-mentioned matrices, as well as other texts. An amount of IL 10,000 has been spent for this allocation.

iiii. Medical Aid Fund (Mifaal Hatorah)

An allocation of IL 35,000 was granted to this organization which provides medical aid to Yeshivah students. This allocation is especially made for meeting the operating costs of the medical program, as well as for a contribution towards the purchase of a building for a dental clinic. An amount of IL 26,700 has been paid out thus far for the program of the Medical Aid Fund.

b. Central Beth Jacob Teachers' Seminary

Developments with regard to this project for the purchase of a building which would become a convalescent home for teachers and student-teachers of the Beth Jacob School System, are rather slow. No further funds were released since a sum of IL 25,000 was made available on account of this allocation.

c. Rabbinical Research Projects

i. Mosad Harav Kook

An allocation of IL 10,000 was granted to utilize the service of Nazi victim scholars in the project of re-editing and publishing the works of Maimonides. An amount of IL 7,000 has been turned over towards this project.

ii. Talmudic Encyclopedia

An amount of IL 30,000 was approved for this allocation which deals with the employment of Nazi victim scholars in the preparation and publication of additional volumes. The sum of IL 22,500 has been paid in order to facilitate the preparation of new volumes.

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d. Special Synagogue Fund

As previously reported, this fund was established by the Ministry of Religious Affairs of Israel and the JRSO in order to provide facilities for worship in Israel settlements. JRSO's agreed contribution of DM 335,667 (IL 143,857) has been remitted in full. As of October 31, 1957, IL 156,000 were given as loans to 42 synagogues. Loans in excess of this amount were applied for, especially since the increasing immigration from Eastern Europe. Amounts in excess of JRSO's contribution have been provided for by the Ministry of Religious Affairs for the same purpose.

In connection with all of these allocations, the JRSO Executive Committee has expressed its wish that wherever allocations are granted for the publication of volumes, building projects and other types of capital expenditures, an inscription or a plaque mention this fact.

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY
STATEMENT OF RESOURCES, LIABILITIES, AND DEFICIT

October 31, 1957

CURRENCY: DEUTSCHE MARKS
 (Subject to Audit)

RESOURCES

Cash on hand and in banks		5,832,680.26
<u>Accounts receivable</u>		
Due from Israel Purchasing Mission	2,250,000.00	
<u>Due on account of global settlement</u>		
Baden-Wuerttemberg	18,967.54	
Less reserve	18,967.54	---
Bavaria	212,859.10	
Less reserve	62,859.10	150,000.00
Berlin		127,303.01
<u>Due on account of individual settlements</u>		
Restitutors	209,120.32	
Less doubtful accounts	25,000.00	184,120.32
Purchasers	549,591.13	
Less doubtful accounts	50,000.00	499,591.13
Due from Board of Equity claimants		15,683.37
Due from Jewish Trust Corporation and French Branch - Current Account		67,678.57
Miscellaneous		17,919.55
		3,312,295.95
<u>Real estate on hand</u>	1,775,392.00	
Less reserve	1,343,012.00	432,380.00

Total Resources

9,577,356.21

LIABILITIES

<u>Allocations payable</u>		
Jewish Agency for Palestine	627,873.75	
American Jewish Joint Distribution Committee	309,251.25	
Council for the Protection of the Rights and Interests of Jews from Germany	2,341,487.47	
Religious projects in Israel	695,249.44	3,973,861.91
Due to Jewish Trust Corporation and French Branch (Berlin Bulk Settle- ment receipts)		1,147,500.00
Due to Equity Hardship Fund (for Capital and Management Fund)		260,156.24

ANNEX "A"
(continued)

LIABILITIES (continued)

Consideration Payable
Miscellaneous

103,440.10
52,270.62

RESERVES

Board of Equity Payments 1,984,700.00
Overall Agreement with
Jewish Communities 1,512,000.00

Guarantee for Repayment by
the Jewish Agency for
Palestine and the American
Joint Distribution Commit-
tee to Jewish Trust Corpora-
tion and JTC French Branch
of Share in DM 12,800,000

6,250,240.00

Reserve for Mortgage and
Amortization Expenses -
Berlin Bulk Settlement

200,000.00

Hypothekengewinnabgabe

400,000.00 10,346,940.00

TOTAL LIABILITIES

15,884,168.87

EXCESS OF LIABILITIES OVER RESOURCES

6,306,812.66 (A)

- (A) It is to be expected that the Jewish Agency for Palestine and the American Jewish Joint Distribution Committee will, on April 1st, 1958, make available to the Jewish Trust Corp. and the French Branch, the guaranteed amount of DM 6,250,240. This will reduce the above indicated deficit to DM 56,572.66.

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY
STATEMENT OF REVENUE and EXPENDITURES
FOR THE 10 MONTH PERIOD ENDED OCTOBER 31, 1957

CURRENCY: Deutsche Marks

REVENUE

Reichs Claims Settlement (Last Instalment)	12,792,500.00
Israel Purchasing Mission (Last Instalment)	2,205,000.00
Interest on Time-Deposits	216,630.73
Proceeds from Sale, and Interest on, Securities	254,413.45
Property Administration (Net)	22,195.98
Settlements	63,375.89
Sales	110,548.32
Board of Equity Fees	222,010.44
Other	1,813.14

TOTAL REVENUE

15,918,487.95

EXPENDITURES

Allocation for Participating Agencies	5,000,000.00
Provision for Payment in Connection with Overall Agreement with Jewish Communities	1,512,000.00
Allocation for Equity Hardship Fund-London	780,468.72
Allocation for Board of Equity Reserve	200,000.00
Provision for Doubtful Accounts	75,000.00
Expenses for Jewish Communities	26,662.36
Board of Equity Distributions	520,064.80
Consideration Payments	15,469.81
Expenses in Connection With Berlin Bulk Settlement	51,825.71
Mortgage Expenses	8,105.48
Other	4,394.29
Administration	160,739.71

TOTAL EXPENDITURES

8,354,730.88

EXCESS OF REVENUE OVER EXPENDITURES

7,563,757.07(A)

(A) - This amount was applied against a deficit of D.M. 13,994,729.47 at the beginning of the year 1957, leaving at October 31, 1957 an excess of liabilities over resources in the amount of D.M. 6,306,812.66, as indicated on ANNEX "B".

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ANNEX "C"

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
NEW YORK

STATEMENT OF RESOURCES, LIABILITY and GENERAL FUND
For the 10 Month Period Ended OCTOBER 31, 1957
CURRENCY: U. S. DOLLARS
(Subject to Audit)

RESOURCES

Cash in Bank	\$3,669.15
Sundry Advances (U.R.O; Cultural Recon- struction, Etc.)	10,394.73
Frankfurt - Control Account	<u>793,595.99</u>
<u>TOTAL RESOURCES</u>	\$901,259.87

LIABILITY

Due to Claims Conference	<u>1,958.32</u>
General Fund - January 1, 1957	899,301.55
Less Administration Expenses Jan.1st-Oct.31,1957	<u>23,585.56</u>
<u>GENERAL FUND - October 31, 1957</u>	<u>875,715.99</u>

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ANNEX "D"

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY and NEW YORK
GENERAL and ADMINISTRATION EXPENSES for
the Period January 1st to
October 31, 1957

SUBJECT TO AUDIT

	<u>DEUTSCHE</u> <u>MARKS</u>	<u>U.S.</u> <u>DOLLARS</u>
Salaries and Payroll Taxes	205,301.80	16,880.01
Telephone, Telegraph, Postage	12,364.54	160.19
Travel Expenses	11,862.23	934.78
Stationery, Printing, Office Supplies	6,712.15	- -
Rent and Household Expenses	3,554.33	- -
Employees' and Dependents' Transportation	3,113.00	- -
Motor Pool Expenses	3,029.43	33.60
Insurance	1,875.71	423.54
Miscellaneous	4,019.92	426.10
Professional Fees (legal and audit)	- -	1,625.00
Washington Office (Public Law 626)	- -	3,102.34
	<u>251,833.11</u>	
<u>Less</u> - Refund by Jewish Trust Corporation and French Branch towards Berlin Administration Expenses	<u>91,093.40</u>	
Total General and Administration Expenses	<u>160,739.71</u>	<u>23,585.56</u>

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ANNEX "E"

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY and NEW YORK
CONSOLIDATED STATEMENT of CASH RECEIPTS and DISBURSEMENTS
For the Year Ended DECEMBER 31, 1956
As Per Auditors' Report For The YEAR 1956
CURRENCY: U.S. DOLLARS

RECEIPTS

Proceeds From Conversion of Deutsche Marks 200,000; For Administration	\$47,675.00
Proceeds From Conversion of Deutsche Marks 300,000; For Remittance to United Help, Inc.	70,320.00
Collection of Advances	5,607.37
Various Receipts	<u>3,255.38</u>
<u>TOTAL RECEIPTS</u>	<u>\$126,857.75</u>

DISBURSEMENTS

Distribution of Funds to Help and Reconstruction, Inc.	\$200,000.00
Distribution of Funds to United Help, Inc. on Behalf of Council of Jews from Germany	70,800.00
Settlement of Special Claim	2,000.00
Administrative and General Expenses	64,135.22
Other	<u>4.18</u>
<u>TOTAL DISBURSEMENTS</u>	<u>336,939.40</u>
Excess of Disbursements Over Receipts	210,081.65
Cash Balance January 1, 1956	<u>235,155.70</u>
Cash Balance - December 31, 1956	<u>25,074.05</u>

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE YEAR ENDED DECEMBER 31, 1956
AS PER AUDITORS' REPORT FOR THE YEAR 1956
CURRENCY: DEUTSCHE MARKS

RECEIPTS

Settlements, sales and claims	32,057,030.75	
Refunds of loans and expenses	2,599,389.65	
Receipts for other organizations	<u>529,342.48</u>	
<u>Total Receipts</u>		35,185,762.88

DISBURSEMENTS

Distributions on account of allocations to participating agencies	25,496,146.00	
American Joint Distribution Committee, for Berlin Jewish Community	100,000.00	
Distribution out of global settlements to other than participating agencies	1,447,084.97	
Payments to Board of Equity applicants	1,128,762.80	
Consideration paid on acquisition of restituted property	229,315.80	
Expenses relating to property recovered	164,789.06	
German Jewish communities	67,071.00	
Disbursements to other organizations	974,760.97	
Loans and advances	921,062.89	
JRSO, New York, - for conversion	200,000.00	
Administration expenses	495,073.18	
Purchase of real estate - Berlin	<u>15,850.00</u>	
<u>Total Disbursements</u>		<u>31,239,916.67</u>
Excess of receipts over disbursements		3,945,846.21
Cash balance, January 1, 1956		<u>1,247,344.73</u>
Cash balance, December 31, 1956		<u><u>5,193,190.94</u></u>

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LOEB & TROPER
Certified Public Accountants
501 Fifth Avenue, New York

October 15, 1957

The American Jewish Joint Distribution Committee, Inc.,
3 East 54th Street
New York 22, N.Y.

In accordance with your request, we have examined the accompanying statement of expenditures on behalf of Nazi victims for the year 1956. Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

This statement has been prepared in most cases on the basis of actual expenditures on behalf of Nazi victims, but, in some instances (such as ORT, emigration, Malben, administration, etc.) by apportionment of part of the expenses to expenditures made on behalf of Nazi victims.

In our opinion, the accompanying statement (which is being submitted by you to the Jewish Restitution Successor Organization) presents fairly the expenditures made on behalf of Nazi victims during the year 1956.

MCT:rs.

Sgd. LOEB & TROPER
CERTIFIED PUBLIC ACCOUNTANTS

KESSELMAN & KESSELMAN
Accountants and Auditors

ANNEX "H"

(Practising in Israel since 1924)

Jerusalem
P.O.B. 314 Tel. 3326
16 King George St.

Tel-Aviv
P.O.B. 452 Tel. 4646
31 Lilienblum St.

Haifa
P.O.B. 1256 Tel. 2178
18 Bank St.

Beer Sheva
P.O.B. 8 Tel. 44
46 Hekhalutz St.

Jewish Restitution Successor Organization,
3 East 54th Street,
New York 22, N.Y.

Gentlemen,

By request of The Jewish Agency for Palestine, for whom we act as auditors,
we hereby certify the following:

The expenditure by The Jewish Agency for Palestine for immigrant absorption and settlement during the year from October 1, 1955 to September 30, 1956 was IL.111,817,500 (\$74,545,000), as follows:

Absorption of Immigrants	IL. 9,192,693	\$ 6,128,462
Housing of Immigrants	22,770,759	15,180,506
Youth Immigration	9,907,665	6,605,110
Agricultural Settlements	69,946,383	46,630,922
	IL. <u>111,817,500</u>	\$ <u>74,545,000</u>

The rate of exchange applied in converting into U.S. Dollars the expenditure made in Israeli Pounds was from October 1, 1955 to September 30, 1956 IL.1.500 per \$1.

The number of immigrants who arrived during the year from October 1, 1955 to September 30, 1956 was 50,706 of which 2,552 came from European countries in accordance with statistical information received from the Jewish Agency's Absorption Department.

We further confirm that the amounts received from I.R.S.O. during the year under review aggregate D.M. 14,575,825 as recorded in the accounts of The Jewish Agency for Palestine to September 30, 1956.

Yours faithfully,

(sgd.) Kesselman & Kesselman

KESSELMAN & KESSELMAN
Accountants and Auditors

Copy to The Jewish Agency for Palestine, Jerusalem.

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STATEMENT OF
 THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC.
 EXPENDITURES IN BEHALF OF NAZI VICTIMS
 FOR THE YEAR 1956

COUNTRIES	Total	General Relief	Ed. Cult. & Relig. Activ.	Medical Care	Child Care & Youth Aid	Care for Aged	Loan Kassar	ORT	Resettle-ment & Individ. Rehabil.	Emigra-tion	Other Welfare Activ.	Capital Invest-ments	Operating & Service Costs
Australia	\$ 118,300	\$ 33,300	\$ 700	\$ 1,900	\$ 21,800	\$ 8,500	\$ 9,000	\$ -	\$ 29,500	\$ -	\$ 6,300	\$ 2,300	\$ -
Austria	305,700	157,100	24,700	19,300	6,200	8,500	6,700	2,300	9,100	53,200	900	-	17,700
Austrian Emer. Prog. for Hung. Refugees	99,200	86,900	-	400	-	-	-	-	-	-	5,200	-	6,700
Belgium	576,800	205,900	10,900	26,100	74,700	7,800	15,000	15,900	-	57,900	19,800	140,000	2,800
Brazil	8,500	-	-	-	-	-	8,500	-	-	-	-	-	-
Denmark	5,400	-	-	-	-	-	-	-	-	-	-	5,400	-
Dominican Rep.	22,300	9,200	-	1,500	-	-	-	-	-	-	10,500	-	1,100
France	1,521,500	395,700	210,300	40,500	267,400	-	22,000	166,400	100	174,500	61,800	134,000	48,800
Germany	1,084,200	302,200	40,000	53,000	54,100	68,800	46,400	29,300	220,900	141,000	63,400	-	65,700
Greece	178,200	32,300	2,000	10,000	5,800	-	42,500	400	-	73,800	-	6,000	5,400
Haiti	3,600	1,900	-	500	-	-	-	-	-	-	100	-	1,100
Holland	67,000	7,900	-	-	6,600	-	-	-	-	15,700	-	36,800	-
Israel	4,537,200	-	307,800	2,273,800	-	1,692,600	-	263,000	-	-	-	-	27,700
Italy	677,500	305,200	29,400	72,700	12,500	14,500	55,000	59,400	10,000	75,500	15,600	-	600
Norway	37,300	17,500	7,500	-	-	-	-	-	-	-	-	11,700	2,100
Philippines	14,900	8,600	-	2,500	-	1,700	-	-	-	-	-	-	-
Portugal	19,600	8,900	3,700	6,800	-	-	-	-	-	-	200	-	-
Spain	38,500	13,100	2,000	8,100	-	-	-	-	-	-	-	12,000	3,300
Sweden	186,500	91,200	5,900	4,700	4,800	-	9,900	-	-	20,700	-	45,500	3,800
Switzerland	91,300	42,100	-	7,600	500	19,200	-	-	100	9,700	1,000	-	11,100
Uruguay	2,400	-	-	-	-	-	-	2,400	-	-	-	-	-
Yugoslavia	93,500	40,200	4,500	-	9,500	20,600	-	-	-	-	-	18,700	-
TOTAL COUNTRIES	\$ 9,689,400	\$1,764,200	\$649,400	\$2,529,400	\$463,900	\$1,842,200	\$215,000	\$539,100	\$269,700	\$ 622,000	\$184,800	\$412,400	\$197,300

THE JEWISH AGENCY

Activities in the year 1955-1956

During the fiscal year from October 1, 1955 to September 30, 1956, the Jewish Agency extended aid to 50,700 new immigrants--2,550 of them from countries of Europe--and continued its assistance to thousands of immigrants who had entered Israel in previous years.

The Jewish Agency received the sum of D.M. 14,575,825 (\$3,470,434) from the Jewish Restitution Successor Organization during 1955/56. Its total expenditures during this period were about IL. 181,500,000 (\$121,000,000) of which IL. 111,817,500 (\$74,545,000) or over 60% were devoted to the absorption and settlement of immigrants.

The absorption program of the Jewish Agency was based on a closely integrated program of "ship to settlement." All of the necessary preliminaries with regard to registration and placement were carried out on ships and planes enroute to Israel. Prior to their arrival in Israel, families were assigned places of settlement in accordance with their particular aptitudes and inclinations. As they disembarked, the new immigrants were able immediately to board trucks and buses which brought them to new homes in settlements and development areas all over the country where all preparations had already been made for their arrival.

For those families living in ma'barot (Temporary communities on the outskirts of large towns), the Jewish Agency provided special welfare programs. Youth training centers were established for ma'barot adolescents (14 to 17 years of age) where they were able to continue their general education, start learning a trade, engage in sports and recreational activities, and receive guidance in all kinds of individual problems from trained group leaders.

Among the other types of absorption activities were: medical insurance for all immigrants for a period of three to six months, maintenance of special camps for disabled persons and "hard core" cases, and allocations to needy families.

Particular emphasis was placed on the provision of adequate housing facilities for new immigrants in an attempt to eliminate, or at least to shorten, the interval of the transition stage of camps and temporary dwellings. The Jewish Agency provided permanent housing for 11,000 families and, despite the increasing numbers of immigrants, succeeded in reducing the camp population from 72,000 at the beginning of the period to 47,000 at the end of the period.

About IL 32,000,000 (\$21,308,000) was spent on programs for absorption and housing in the fiscal year 1955/56: IL.22,770,000 (\$15,180,000) on housing and IL.9,193,000 (\$6,128,000) on other activities.

Under its youth immigration program for the absorption of Immigrants' children between the ages of 10 and 14, 4,230 new wards were received in

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the year 1955/56, bringing the total number of children in youth immigration institutions as of September 30, 1956 to 11,330. Of these, over 2,000 were children who had come from Europe. In addition, there were some 1,700 children who had been born in Israel, of whom about half were children of persons who had emigrated from Europe. The children, housed in 248 institutional establishments, were provided with full maintenance and medical care, general education, training in agriculture and other vocations, and supervised social and recreational activities. In the year 1955/56, close to IL.10,000,000 (\$6,600,000) was spent on children in these institutions.

The largest single item of expenditures in the Jewish Agency's budget was the sum of IL.70,000,000 (\$46,600,000) spent on the settlement of immigrants in agriculture. The task of establishing new agricultural settlements is one requiring heavy outlay over a period of years. Of over 400 villages included in the budget of the Jewish Agency for the fiscal year 1955/56, 275, or about two-thirds had been established five years or more previously -- that is, in years of heavy European immigration

The Jewish Agency allocates about IL.25,000 (\$16,700) towards the establishment of each new farm holding. This sum represents about 70% of the total amount of investment required to establish a modern viable farm in Israel. In 1955/56 the Jewish Agency extended assistance to 31,000 farm families. This included outlays on water installations, housing, farm buildings, fruit groves, livestock, tools, electricity, roads, and working capital.

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UNITED HELP, INC.
1239 Broadway
New York 1, New York

Summary Statement

Income and Expenditures January 1, 1956 - September 30, 1957

Receipts:

11/30/56	JRSO	\$200,000.00	
2/16/56 & 12/12/56	"	168,340.00	
5/16/57	"	99,900.00	
7/23/57	"	<u>174,150.00</u>	\$642,390.00
	Treasury Bonds Interest		388.19
	Help & Reconstruction, Fund for Aged		1,235.56
1956, 1957	The Gustav Wurzweiler Foundation		50,000.00
	Sundry Donations		38.00
	Special Expense Fund		<u>120.00</u>
			\$694,171.75

Expenditures:

Selfhelp, New York - Program for Ambulatory Aged		69,000.00	
Blue Card, New York - Program for Ambulatory Aged		45,800.00	
Beth Abraham Home Contribution		200,000.00	
Help & Reconstruction - Nursery School Program		10,000.00	
American Federation of Jews from Central Europe (URO Loan)		5,000.00	
Individual Aid Grants			
Outside of Greater New York	44,032.50		
In Greater New York	<u>19,310.35</u>		
		63,342.85	
Projects			
Denver, JF&CS	1,500.00		
Cincinnati, JVS	1,200.00		
Chicago, Selfhelp Home	50,000.00		
Los Angeles, JCA	210.00		
Philadelphia, JVS	10,000.00		
St. Louis, JVS	<u>6,600.00</u>		
		69,510.00	
Operating Expenses United Help, Inc.		<u>44,999.07</u>	507,651.92
		Balance*	<u>\$186,519.83</u>

* Explanations in accompanying statement.

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UNITED HELP, INC.
1239 Broadway
New York 1, New York

Explanation to Financial Statement January 1, 1956 - September 30, 1957

The program and the operation of United Help are financed by JRSO and the Gustav Wurzweiler Foundation. Other sources of income are negligible.

During the period in question five payments were received from JRSO totaling \$642,390. This amount includes \$200,000 previously approved as contribution to the building program of the Beth Abraham Home in New York City but not paid out until 1956.

Most of the funds during this period were spent for the special programs for ambulatory aged in New York City operated under the auspices of Selfhelp and Blue Card and for grants to individuals in and outside of Greater New York which were distributed through local welfare agencies.

Of the moneys requested for projects all but three received their allocations. These allocations were made to the Selfhelp Home in Chicago for their building program and to the Jewish Family and Children's Service in Denver, the Jewish Vocational Service in Cincinnati, the Jewish Vocational Service in Philadelphia, and the Jewish Vocational Service in St. Louis to assist in the establishment or expansion of their sheltered workshops for the benefit of older victims of Nazi persecution.

The funds for three major projects are withheld until exact data of their cost and starting dates are available. The plans for the small group residence for aged Nazi victims in San Francisco for which an allocation up to \$45,000 was approved are now being worked out by a special committee. The delay was caused by difficulties in finding a suitable building as a result of which the Jewish Welfare Federation of San Francisco decided to erect a new building at considerably higher cost than originally projected. Capital expenses are expected to be in the neighborhood of \$90,000 exclusive of cost of land and equipment.

Seattle which is planning a small group residence for aged Nazi victims to be established in a converted dwelling at a projected cost of \$25,000, is now in the process of drawing up legal papers for a new corporation which will sponsor the project. As soon as the papers are ready it is planned to go ahead with the search for a suitable building.

Newark House, which in the meantime received an advance payment of \$10,000, has the completed architect's plans for the new floor and is in the process of receiving bids for the various contracts. The balance of \$76,000 due Newark House will be paid out before the end of this year.

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

* * * * *

R E P O R T

November 1, 1957 - October 31, 1959

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3 East 54th Street

New York 22, N.Y.

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

OFFICERS - 1958/59

President

Mr. Monroe Goldwater

Vice-Presidents

Mr. Jacob Blaustein
Dr. Nahum Goldmann
Dr. Nehemiah Robinson
Mr. Hermann Simon
Mr. Edward M. M. Warburg

Chairman - Executive Committee

Dr. Israel Goldstein

Co-Treasurers

Mr. David Glickman
Mr. Shad Polier

Secretary

Mr. Saul Kagan

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

MEMBER ORGANIZATIONS

and

BOARD OF DIRECTORS

1958/59

Agudas Israel World Organization

American Jewish Committee

Mr. Jacob Blaustein
Mr. David Glickman
Dr. Eugene Hevesi

American Joint Distribution Committee

Mr. Monroe Goldwater
Mr. Moses A. Leavitt
Mr. Edward M. M. Warburg

Anglo-Jewish Association

Prof. Norman Bentwich
Mr. Isaiah Berlin
Mr. Rowland Landman

Board of Deputies of British Jews

Mr. A. G. Brotman
Mr. Barnett Janner
Alderman A. Moss

Central British Fund

Sir Henry D'Avigdor Goldsmid
Mr. H. O. Joseph
Mr. Leonard G. Montefiore

Conseil Representatif des
Juifs de France

Mr. Saadiah Cherniak
Mr. Marcel Franco
Mr. Jacques M. Habib

Council of Jews from Germany

Dr. Kurt Alexander
Dr. Max Kreutzberger
Mr. Hermann Simon

Arbeitsgemeinschaft der Sueddeutschen
Landesverbaende Juedischer
Gemeinden

Dr. Max L. Cahn
Dr. Alfred Marx
Dr. Siegfried Neuland

Jewish Agency for Israel

Mr. Maurice M. Boukstein
Dr. Nahum Goldmann
Dr. Israel Goldstein

Jewish Cultural Reconstruction

Dr. Hannah Arendt
Prof. Salo Baron
Mr. David Rosenstein

World Jewish Congress

Dr. Maurice L. Perlzweig
Mr. Shad Polier
Dr. Nehemiah Robinson

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I N T R O D U C T I O N

The period under review was marked by the efforts of the JRSO to bring about settlements of major categories of claims which are still pending. Foremost among those are the indemnification claims arising from the destruction of Jewish communal and other public property. These claims represent the largest single asset of the JRSO for which a settlement has not yet been attained. The preparation and presentation of the claims is virtually completed. The negotiations with the State Government of Hesse have progressed to a point where an advance payment may be expected in the near future.

Negotiations with the German Federal Government for a settlement of claims for a sizeable volume of securities confiscated by the Reich have also made considerable progress. During the period under review, the legal issue which blocked a settlement was resolved in favor of the successor organizations.

After many years of intensive negotiations, the Overall Agreement between the JRSO and the Jewish Communities of Bavaria, Hesse and Wuerttemberg-Baden, the Central Council of Jews in Germany and the Central Welfare Agency was reached. The spirit of mutual understanding displayed by the leaders of the Jewish Communities in Germany augurs well for the continuation of close cooperation between the Jewish Communities in Germany and the JRSO.

The efforts of the JRSO to achieve a lump-sum settlement of JRSO claims for heirless property in the U.S. were marked by some success by virtue of the approval by the House Interstate and Foreign Commerce Committee of a bill authorizing such a settlement. The first six months of 1960 will be decisive in achieving the final settlement of these claims.

The Jewish Trust Corporation, the French Branch of the Jewish Trust Corporation and the JRSO cooperated most closely and cordially in the solution of the many complex issues which face the successor organizations in Germany in their endeavors to secure maximum recoveries for the benefit of surviving victims of Nazi persecution.

Dr. Ernst Katzenstein continued as Director of the JRSO in the U.S. Zone of Germany and Dr. Hans Tuch as Director of the Berlin Office. Mr. Seymour J. Rubin continued to act as Washington counsel of the JRSO with primary responsibility for the heirless property claims in the United States. Dr. Ernest H. Weismann continued to serve as Comptroller and Reports Officer of JRSO headquarters in New York and Dr. Frederick W. Elkan as Comptroller of the JRSO in Germany.

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I. Current Operations

During the period under review, the JRSO offices in Berlin and Frankfurt continued its regular activities of disposing of restituted properties and collecting funds due from past settlements. The financial statements appended to this report (Annexes "B" and "F") reflect the income and expenditures for the period January 1, 1957 - October 31, 1959.

Income from sales of restituted property and from collections of settlement amounts due from restitutors dropped from DM 1,373,310 in 1957 to DM 977,160 in 1958 and to DM 160,540 during the first ten months of 1959. Most of the amounts receivable were due in 1958. Thus, the considerable decrease of this particular source of income is an indication of the satisfactory collection of the amounts due from restitutors and buyers of restituted property.

1. Sales of properties on hand

The sale of property on hand is proceeding at a slow pace. The sales value of restituted property on hand, which was DM 655,366 on December 31, 1957 and DM 981,628 on December 31, 1958, was still DM 969,945 on October 31, 1959. This property recorded at tax values consists principally of real estate located in Berlin (about 20 apartment buildings). The political situation in this city has a considerable influence on the real estate market. Prices are depressed and prospective buyers hesitant. It should also be borne in mind that the properties still on hand are not easy to sell by virtue of the fact that they are mostly located in sections of the city which do not offer interesting opportunities for investment due to particular problems of rebuilding and reconstruction. Nevertheless, the JRSO office in Berlin is intensively searching for buyers and is observing the real estate market with keen interest. There are only a few real estate holdings in the American Zone of Germany, notably in Stuttgart and Nuremberg.

2. Income from global settlements

Income from global settlements came virtually to an end in the year 1957. In that year Land Berlin turned over to the JRSO the last installment due on account of the bulk settlement agreement concluded in December 1955. Unfortunately, some difficulties arose in the implementation of the Berlin bulk settlement. The successor organizations believed that they were entitled to certain refunds by Land Berlin for payments made to restitutors for properties taken over by Berlin which the representative of Berlin refused to recognize. On the other hand, Land Berlin contended that JRSO had placed incorrect values on certain pieces of property sold to Berlin and claimed damages resulting therefrom.

Recent discussion with the Berlin Senators of Finance and Interior led to an understanding by virtue of which Land Berlin will pay DM 50,000 in final settlement of all claims and counterclaims.

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3. Reichvereinigungs and other Securities

One of the main tasks to be performed by the Berlin Office is the administration and realization of securities known as Reichsvereinigungs-securities, and of such securities which formerly belonged to individuals, but became heirless and were restituted to the JRSO or to the Jewish Trust Corporation or the French Branch of the Jewish Trust Corporation on whose behalf the JRSO is acting in Berlin. The value of the Reichsvereinigungs-securities after conversion is estimated at approximately DM 4,000,000 and the holdings of individual securities at DM 200,000, all told.

The greater part of these securities consists of government bonds, treasury bills and certificates (Reichsanleihen and Reichsschatzanweisungen), as well as mortgage certificates (Pfandbriefe). The conversion and revalidation proceedings prescribed by the War Damage Claims Law (Kriegsfolgen-gesetz), passed by the German Federal Government on November 5, 1957, proved to be cumbersome and studded with difficulties and complications. It will take a long time until objections are overcome in cases where the right of the successor organizations to claim revalidation is not being recognized by the authorities and until the new securities are issued. In the meantime, JRSO Berlin is responsible for the administration of thousands of security accounts, including collection and recording of interest and dividends, preparation of individual applications for revalidation and conversion in conformity with the terms and conditions of the implementation decrees to the War Damage Law.

Upon termination of the conversion and revalidation proceedings, the JRSO and the other successor organizations will dispose of government securities which mature over a period of twenty-seven years. The successor organizations will then have to decide as to the best method of their realization.

4. Disposition of equity claims

a. JRSO Offices

The disposition of equity claims by the two JRSO offices in Germany still requires a good deal of attention and work. It should be remembered that the direct activities of JRSO regarding these claims are limited to those received not later than December 31, 1955. Payments to Board of Equity applicants came to DM 587,365 in 1957, DM 507,470 in 1958 and to DM 101,336 during the first nine months of 1959.

The statistics on disposition of equity cases show the following: In the U.S. Zone of Germany there were 94 cases pending on July 31, 1957 and 32 on September 30, 1959, a drop of 62 cases. In Berlin, there were 206 cases pending on July 31, 1957 and 149 on September 30, 1959, a reduction of 57 cases. Of those pending, 29 are still in litigation before the indemnification agencies, and 23 are before the court. The 149 cases pending in Berlin include 80 for which the JRSO acts as agent for the Jewish Trust Corporation.

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The windup of the equity activities of the JRSO, particularly in Berlin, is hampered by virtue of the difficulties which the applicants encounter in establishing their right of inheritance. In a number of instances protracted investigations to ascertain whether financial hardship is present must be undertaken. In other cases difficulties arose in connection with the JRSO obligation to obtain approval from Land Berlin as to whether the equity application should be granted.

b. The Equity Hardship Fund

Claimants who had failed to lodge timely restitution claims and did not approach the JRSO prior to December 31, 1955 were referred to the Equity Hardship Fund which was established by all three successor organizations on July 26, 1956 in London with a capital of DM 2,000,000. Initially, the Trustees undertook to deal with all claims lodged prior to June 30, 1957. This date was fixed as a deadline for such applications.

The Trust fulfilled its responsibilities in an outstanding manner. In their third annual report comprising the period ending July 31, 1959, the Trustees indicated that the objectives of the Trust-Deed of July 26, 1956 were achieved. All 622 claims notified to the Trust Fund before July 1, 1957 were adjudicated with one exception. 337 claims were granted, one is pending, and 284 were either refused, rejected, cancelled, withdrawn or abandoned. The applications granted represented awards aggregating DM 799,366 and originated at 58 per cent from the JRSO, 40 per cent from the Jewish Trust Corporation and 2 per cent from the French Branch.

271 claims reached the office of the Fund between June 30, 1957, the expiration date fixed by the Trust Deed, and December 31, 1958. Additional powers were vested in the Trust Fund by virtue of the Supplemental Trust Deed of July 27, 1959, which authorized the Trustees to deal with all claims filed before December 31, 1958 on the same terms as those stipulated in the original Trust Deed. Of the 271 late applications on hand on July 31, 1959, 46 were granted, 166 are pending and 59 were rejected or withdrawn. The 46 claims granted represent awards aggregating DM 124,120. Thirty per cent of these claims concern assets claimed by the JRSO and 70 per cent by the Jewish Trust Corporation.

The balance sheet of the Trust Fund as of July 31, 1959 discloses that the capital of the Fund will be adequate to meet all valid claims notified to the Fund between July 1, 1957 and December 31, 1958. No additional allocations of funds will be required. Any unused surplus will revert to the successor organizations.

5. Administration

During the period under review, the JRSO reduced significantly its administrative expenditures. These expenditures dropped from DM 335,583 for 1958 to DM 147,845 for the first ten months of 1959.

The staff of JRSO headquarters in Frankfurt consists of six full-time employees, one of whom is in an executive capacity, and two part-time employees, both on executive levels. The personnel roster of the Berlin Office serving all three successor organizations includes 17 employees, two of whom are in executive capacities. The work of the New York headquarters of the JRSO is carried on by three persons working on a part-time basis.

II. Major Pending Problems

1. Indemnification claims against the Laender for destruction of Jewish communal and organizational properties

During the past two years the JRSO has been trying to reach global settlements with three Laender of the U.S. Zone, Hesse, Bavaria and Bremen, for satisfaction of its indemnification claims for destroyed Jewish communal and organizational property. This represents the most important category of JRSO claims which still requires settlement.

The indemnification claims against Land Berlin and Land Wuerttemberg-Baden, the other two states where JRSO is functioning, were settled a number of years before. The claims against Bremen, the smallest city-state of Germany, were just settled and JRSO will receive DM 100,000. Therefore, the settlement of pending claims will depend upon the outcome of the negotiations with Bavaria and Hesse.

In accordance with the provisions of paragraph 142(2) of the Federal Indemnification Law, the claim to compensation may be asserted by the successor organizations established under restitution legislation as successors to the former Jewish communities of Germany. The Law stipulates that compensation shall not exceed the amount of DM 75,000 for each item of property for which a claim was filed. The Law furthermore provides that the maximum amount of DM 75,000 may be exceeded, insofar as this is necessary to fulfill the functions of the communities or their institutions, if they are in a position to prove that there are needs exceeding this limit. The amount exceeding the ceiling of DM 75,000 for each object is called "Ueberhang" (overhang), for which the Jewish communities may file claims in their own behalf. Jewish communities in Germany expect to receive payments for special needs in consideration of the fact that the value of the indemnification claims presented by the successor organizations exceeds the amounts to which the successor organizations are entitled to receive under the ceiling imposed by the Law. Consequently, the thorough preparation and documentation of the indemnification claims is of importance beyond the immediate goal of substantiating the claims of the JRSO itself.

The efforts of the JRSO to bring about settlements of indemnification claims have been greatly aided by the successful negotiations which the Jewish Trust Corporation (JTC) conducted with most of the states of the former British Zone. The JTC has already reached final settlements with two Laender of the British Zone, Lower Saxony and Hamburg. A global settlement was signed on November 17, 1959 also with the Land Northrhine-Westphalia which will come into effect when a parallel agreement between the Land and the Jewish communities on the "Ueberhang" has been signed. The global payment agreed upon in the Hamburg indemnification settlement amounted to DM 5 million, of which 2.6 million was treated as Ueberhang; the settlement amount with Lower Saxony was DM 9 million, of which DM 3,750,000 constituted the Ueberhang. On account of the Northrhine-Westphalia settlement the JTC received thus far DM 13 million.

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It should be noted in this connection that the proceeds from the settlements of indemnification claims in the former American and British Zones are being shared between the respective successor organizations and the Jewish communities on a fifty-fifty basis. The terms for the division and administration of these funds are set forth in the proposed agreement between JRSO and the State Associations of Jewish Communities in the American Zone described in another section of this report.

The Frankfurt Office of the JRSO is working intensively on the presentation of the claims. They are substantiated by information which JRSO obtained through questionnaires sent out to former community officials, through field investigations and a multitude of other sources of information. The JRSO has requested and received from the Ministry of Religious Affairs of the State of Israel information on the equipment and ritual objects required by each synagogue according to the size of its community: how many Torah scrolls were required, how many ritual objects can be presumed to have been present (eternal lamp, menoroth, havdalah objects, kiddush cups, etc.).

The calculation of the damage to buildings is made according to a very specified and exact method based on the area which had been built up; the total number of square meters is multiplied by a certain figure constituting the building cost per square meter.

The successor organizations encountered difficulties in obtaining compensation for each single object which was damaged or destroyed, such as a Torah scroll, menorah, candelabrum, chandelier or other moveable chattel. Certain Laender take the view that claims of the successor organizations should be limited to DM 75,000 for each complete building, i.e., a synagogue including accessories, fixtures and appurtenances, without regard to how precious each individual piece may have been. The JTC also had to struggle with the problem of what constitutes one single object. In arriving at the settlements mentioned above, the governments of the Laender in the former British Zone agreed to treat buildings and the most precious objects, like Torah scrolls, as separate items.

Another difficulty which the JTC had to overcome, and which looms as an obstacle in the negotiations with the Laender of the American Zone, is the problem of war damage. The Laender claim that the extent of war damage should be assessed in order to arrive at an equitable amount of indemnification, and take the view that compensation should be diminished wherever a certain damage to communal and organizational property would have been caused by the war in any case. The successor organizations and the Jewish communities reject this point of view.

The substantiation of JRSO's claims against Land Hesse has been completed and the Ministry of the Interior of this Land has begun to check JRSO's documentation. A preliminary survey of the claims submitted has proved satisfactory and induced the Ministry to recommend to the government that an advance of DM 15 million be paid on account of the ultimate settlement of these claims. It is expected that the objections which the Hesse Finance Ministry raised in this connection will be overcome soon. Whatever funds will be received from the Hesse Government have to be shared with the Jewish communities on an equal basis.

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The substantiation of claims against Land Bavaria is well advanced, although not yet fully completed. Negotiations with the Bavarian Ministry regarding the examination of JRSO claims have already begun. The Bavarian authorities recently informed JRSO that differences existed between the appraisals of the JRSO, the Jewish communities and the Building Department of the Bavarian Government, which should be settled in direct negotiations with the JRSO. The possibility of an advance payment was also raised. The Bavarian Government stated that it was eager to settle the whole complex soon.

2. Overall Agreement with the Jewish Communities
in the former U.S. Zone of Germany

After extended negotiations stretching over a number of years, agreement has been reached between the JRSO and the State Associations of the Jewish Communities in the American Zone of Germany. The Central Council of Jews in Germany (the Zentralsrat) participated and assisted in the negotiations. The Jewish Trust Corporation has already concluded an agreement with the Jewish Communities in the British Zone of Germany.

The highlights of the proposed agreement are as follows:

a. A Trust Fund is to be established which will apply its receipts for the benefit of the communal and welfare needs of the Jewish communities in the American Zone. The Board of the Trust Fund will be composed of eight members, of whom three are to be appointed by JRSO.

b. The JRSO undertakes to pay into the Trust Fund:

i. The sum of DM 1 million as an advance and not as an outright payment which shall be repayable only after the Trust Fund has received DM 4 million under the agreement, including the one million advanced by JRSO. Any payments made for the benefit of the communities from the anticipated advances from Bavaria and Hesse will reduce JRSO's commitment to the Trust Fund.

ii. Fifty per cent of the net value of each and every amount which JRSO will receive in settlement of indemnification claims for damages to synagogues and former communal property.

iii. DM 500,000 out of the JRSO portion of the settlement with the German Federal Republic of its monetary restitution claims against the Reich (Reichs Claims Settlement).

c. All prior agreements between the JRSO and individual communities for the distribution of proceeds from restitution and indemnification claims concerning former community property, however, should remain in full force, and should not be impaired by the proposed agreement. Consequently, in computing the 50 per cent to be turned over to the Trust Fund, JRSO will reduce the sum payable to the Fund by any amount provided therein for communities with which there were prior agreements.

d. The communities will be entitled to submit indemnification claims on their own behalf for so-called "Ueberhang" claims (over and above the DM 75,000 limit per object which can be claimed by JRSO for damage done to communal property).

e. The Jewish communities shall be responsible for the maintenance of these cemeteries which are still used for burial. The ownership of the closed cemeteries and synagogues still registered in the name of the JRSO shall be transferred into the ownership of the communities.

The ratification of the agreement by all organizations concerned is expected in the immediate future.

3. Ministerial Accounts

The various Ministerial Accounts are collective deposit accounts which originated from different categories of compulsory confiscatory measures. They contain securities transferred by Jewish owners who were forced to deliver them in exchange of Reich treasury bonds. Furthermore, these accounts include securities derived from payments of anti-Jewish levies and the forfeiture of Jewish assets on the basis of Nazi decrees. The Berlin Office of the JRSO, in its own name as well as on behalf of the other successor organizations, filed restitution claims for these accounts. It is estimated that the claims may involve assets having a value of DM 14 million.

During the past few years the successor organizations sought an amicable settlement of these claims with the German Federal Ministry of Finance. The Ministry contested the technical validity of the claims of the successor organizations by virtue of their inability to identify in each instance the original owners of the assets.

The Supreme Restitution Court in Berlin on January 12, 1959 resolved the technical legal issue in favor of the successor organizations. Thereupon, the representative of the Finance Ministry expressed his readiness to recommend a settlement by which the Ministerial Accounts would be released to the successor organizations. The proposal, which is presently before the various ministries concerned with this issue, calls for the turnover of the securities or their cash equivalent to the successor organizations, and the renunciation by the successor organizations of claims for accrued interest and dividends. The successor organizations would be freed from any claims by individuals as the German Government will deal with claims of individuals filed under the Allied Restitution laws and the Federal Restitution Law directly. Every effort is being made to expedite the decision of the German Government on the proposed settlement.

4. Taxation of real estate under Equalization-of-War-Burdens Legislation (Hypothekengewinnabgabe)

In 1952 the Equalization of Burdens Law (Lastenausgleichsgesetz, or the LAG) was enacted by the German Federal Government. This law provides for the alleviation of financial losses suffered as a result of the war. Funds for this purpose came in part from a special levy (Hypothekengewinnabgabe, or HGA), which amounts to nine-tenths of the nominal value of the mortgage on the date of the conversion of Reichsmark into Deutsche Mark.

The successor organizations have been exempt from the portion of the HGA which had become due during the period of their ownership, but the German authorities are trying to collect the HGA as from the date on which ownership passed to buyers of property restituted to the successor organi-

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zations. The taxation to which such property owners may be subjected has the effect of creating a liability on the successor organizations, since in all sales contracts they have undertaken to indemnify purchasers in case HGA is collected from them. JRSO has put aside a reserve of DM 420,000 for this contingency. Exact lists of properties, which may be subject to the HGA, are on file, with computations of possible taxes.

The successor organizations immediately protested against taxation of properties which were restituted to them, whether still held or sold. The protest was based on the argument that heirless Jewish properties are exempt, under Chapter III, Article 5, of the Contractual Agreement (Ueberleitungsvertrag), from special taxation designed to deal with the consequences of Nazi action and that, therefore, the special levy must not be imposed on the mortgaged properties restituted to them. The exemption of the successor organizations from taxation has always been recognized in the legislation existing before the Contractual Agreement went into force. During the negotiations of the Contractual Agreement, the principle to exempt successor organizations from taxation was never contested. Negotiations took place on the question as to whether the successor organizations should also be exempt from taxation to be imposed by the equalization of burdens legislation. This question was solved in the affirmative as shown by the wording of Article 5, which reads:

"The successor organizations shall also be exempt from any exceptional taxes, levies and imposts, the incidence of which is in fact upon capital assets, imposed in whole or in part for the specific purpose of meeting charges arising out of the war, or out of reparation or restitution to any of the United Nations."

The successor organizations oppose the imposition of the HGA levy on the ground that heirless or unclaimed Jewish property which had been confiscated by the Nazis should not be utilized to alleviate the consequences of the Hitler regime which is responsible for the death of millions of Jews. The imposition of the levy upon the property which the successor organizations sold has the same effect as outright taxation of the successor organizations by virtue of their obligation to indemnify the purchasers.

The Federal Ministry of Finance disagrees with this viewpoint, but has granted a grace period for payments of the HGA on real estate restituted to the successor organizations. In order to obtain a definite ruling on this problem, however, the successor organizations have been urging the Finance Ministry to submit the matter to a decision by the Federal Supreme Court of Finance. The Ministry has now agreed to ask for an expert opinion from the Supreme Finance Court. The successor organizations prepared a memorandum setting forth their views on this issue, which the Finance Ministry promised to incorporate in its brief to the Supreme Finance Court. The Finance Ministry has also promised that it will send to the successor organizations a copy of the draft of the brief for their comments. In spite of repeated urgent requests by the successor organizations, the Finance Ministry has not as yet submitted its brief to the Supreme Finance Court.

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The issue is also being tested in cases pending before the "Arbitral Commission on Property, Rights and Interests in Germany", which deals with problems relating to property interests of United Nations nationals. Should the Arbitral Commission decide that properties restituted to UN nationals should not be subjected to the equalization of burdens levy, then this issue would be automatically resolved for the successor organizations as well. A decision of the Arbitral Commission is not expected for a long time.

In the meantime, several actions have been brought by purchasers of JRSO property against the JRSO for payment of the HGA, which was registered on their property and payment of which was claimed by the tax authorities. In almost all cases the JRSO succeeded, with the help of the Federal Ministry of Finance, in obtaining a stay of execution.

Strenuous efforts to convince the Ministry of Finance that the successor organizations must remain completely exempt from the HGA, and not merely as long as they are in possession of the restituted property, are going on.

5. Jewish heirless property in the United States

One of the major problems still unsettled is to find an effective way for the expeditious disposition of JRSO claims for Jewish heirless property vested by the Office of Alien Property (OAP). Legislation is now pending in both houses of Congress relating to a bulk settlement of heirless property claims. The JRSO was not successful in obtaining passage of bulk settlement legislation in the 85th Congress.

JRSO's efforts proved to be more favorable in the 86th Congress. Intensive discussions were initiated with the Department of Justice and with the Bureau of the Budget, with a view toward obtaining a strong administration position in favor of bulk settlement legislation. The Director of the Office of Alien Property stated that he would in fact support such legislation, if the amount of the bulk settlement were reduced to \$500,000, the amount that his office regarded as fair. Since it appeared likely that the views of the Office of Alien Property would be accepted as those of the expert within the Administration and since prompt passage of the legislation seemed essential, this view was accepted and a bill, H.R. 6462, was introduced by Congressman Isidore Dollinger calling for a settlement on that basis.

Since independent legislation seemed unlikely in the Senate, an amendment to a bill dealing with other Trading With the Enemy Act matters was introduced in the Senate. As of the summer of 1959, therefore, two legislative items were pending, one being H.R. 6462 in the House of Representatives and the other being Section 12 of S. 672.

Hearings were held on H.R. 6462 and a favorable Subcommittee report was filed, which was approved by the full House Committee on Interstate and Foreign Commerce. However, the desire of some of the Congressmen for more complete discussion than was possible at the very end of the last session resulted in the bill being held over, to be reported out at the beginning of the second session of the present Congress, which opens in January 1960.

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On the Senate side, testimony in favor of Section 12 of S. 672 was given by Senator Javits, and there was some indication of a favorable attitude.

It appears likely that the House of Representatives will act first on the bulk settlement legislation, and that there is a substantial chance that it will be enacted. If the House acts favorably, the chances are also that the Senate will pass the legislation.

III. Allocation and Utilization of JRSO Funds

1. Schedule of allocations

Total allocations of funds available for distribution have now reached DM 103,000,000, of which DM 3,000,000 have been committed during the reporting period. The beneficiaries of JRSO funds share in this amount as follows:

	<u>Total Allocated</u>	<u>Paid during reporting period</u>
Jewish Agency for Israel	DM 64,186,000	DM 1,708,500
American Jewish Joint Distribution Committee	31,614,000	841,500
Council of Jews from Germany	5,280,000	2,085,001
Religious Projects in Israel	1,920,000	536,420
	<u>DM 103,000,000</u>	<u>DM 5,171,421</u>

In addition to the allocation of these funds, the JRSO approved and paid in October 1953 a special allocation of \$200,000 towards programs for the care of the aged administered by Help and Reconstruction in New York City.

2. Utilization of funds

A description of the utilization of funds by the beneficiaries of JRSO grants follows:

A. Jewish Agency for Israel

The major beneficiary of JRSO funds was the Jewish Agency for Israel, which is the foremost organization in that country responsible for the settlement and integration of immigrants. JRSO allocations go in contribution to the programs for the absorption and resettlement of Nazi victims in Israel. The audited statement of Jewish Agency expenditures for the period October 1, 1956 to September 30, 1959, covering agricultural settlement, absorption and housing of immigrants, and youth immigration shows outlays aggregating IL 391,204,592 (\$241,531,205). The JRSO contribution toward these programs was DM 10,846,551 (\$2,582,512). (See Annex "M")

Immigration to Israel reached 133,782 during the three-year period and some 54 per cent of the immigrants, principally Nazi victims, came from Europe. The absorption of the immigrants met with special difficulties in several respects. On the one hand, the immigrants included a large number of professional workers, and wherever possible, special consideration was extended to them in the form of loans, housing, Hebrew courses, etc., in

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order to facilitate their full integration into the country. On the other hand, the great majority of the new arrivals consisted of people with clerical or commercial skills, or without any vocation. These people have been directed to the development areas all over the country where they form a welcome reinforcement which help to consolidate the new settlements. At the same time the problem of regular employment, without which an economic and social consolidation is impossible, has still to find its final solution. In addition to the help extended to all new immigrants, many hard-core cases asked for and received special assistance.

The efforts to liquidate the maabarot (temporary primitive living quarters on the outskirts of large towns) and to provide adequate housing for all immigrants put a heavy financial burden on the Agency, which spent considerable sums for upkeep of camps, loans and other forms of help in connection with housing.

Notwithstanding the big progress in this field, there were still 2,167 families living in maabaroth and 17,056 families in other temporary structures on March 31, 1959. Through the Save for Immigrants Housing Scheme, in which the immigrant participates with sums from \$800 to \$2,000, the standard of housing for immigrants has improved.

The largest single item of the Agency's expenditures for immigration, absorption, housing and settlement is formed by the sum of IL 199,703,147 (\$122,639,056) spent on agricultural settlement. Since 1955, 58 new settlements have been established, making up a total of 480 settlements with a population of 130,000, which the Jewish Agency is taking care of at present. The diverse activities include consolidation of farms, especially in the Negev; accelerated development of low-income highland farming in Galilee and in Jerusalem and other areas; expansion of citrus growing; and intensive development of export crops such as cotton and peanuts. About 60 settlements with more than 5,000 farm units are at the moment in the last stage of consolidation and are approaching economic self-sufficiency.

Under the youth immigration program, thousands of immigrant children are accommodated each year at Youth Aliyah's places of absorption, i.e., 161 agricultural settlements, 39 agricultural schools, 31 educational institutions, and 17 institutions for special treatment. About 60 per cent of the pupils are 15-18 years of age, and about 40 per cent are younger children. They receive agricultural, vocational and general training. Currently, about 9 per cent of the wards are born in Israel and hail mainly from the slum areas and maabarot. At the beginning of 1959, about 13,000 children were undergoing training under the aegis of the youth immigration program. Since its inception, it has provided for about 90,000 pupils. Since April 1956 a sum of IL 33,885,328 (\$20,832,318) was spent for these purposes. Youth training centers also were established for maabarot adolescents (14-17 years of age). In the beginning of 1959, there were 20 centers in existence where about 1,550 adolescents were able to continue their general education and start learning a trade.

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B. American Jewish Joint Distribution Committee

JRSO allocations to the AJDC were applied toward world-wide programs for the relief, rehabilitation and resettlement of Nazi victims aided by the AJDC throughout the world. The audited statements of the expenditures of the AJDC on behalf of Nazi victims for the years 1957 and 1958 show an aggregate outlay of \$27,157,100. Over 140,000 Jewish victims of Nazi persecution in Israel, Europe and Australia, and in certain areas of South America and Asia were aided through AJDC grants.

Since the establishment of the State of Israel, AJDC has aided, through its Malben program, individuals who were too old, too ill, or too physically handicapped to care for themselves. During 1957 and 1958, 50 per cent of the 38,026 individuals who received aid through Malben institutions were Nazi victims. Expenditures on their behalf during this period came to \$9,266,400, of which \$3,464,900 was for medical care, \$4,507,400 for care of the aged, and \$369,400 for reconstruction activities. 8,050 persons were aided in 17 old-age homes, 785 in five homes for the infirm, 215 in a TB hospital, and 7,043 individuals benefited from reconstruction loans.

In Europe, the AJDC supported programs benefiting more than 120,000 Nazi victims. For the years 1957 and 1958, AJDC's expenditures on behalf of Nazi victims outside of Israel may be seen from the following table reflecting the main types of assistance:

	<u>1957</u>	<u>1958</u>
General relief	\$ 4,244,000	\$ 5,075,700
Emergency Relief for Hungarian Refugees	780,800	--
Medical Care	251,200	245,600
Child care and youth aid	485,200	666,100
Care for the aged	154,700	135,600
Loan Fund	166,700	287,400
Vocational training (ORT)	268,000	372,300
Resettlement and individual rehabilitation	114,700	120,700
Educational, cultural and religious activities	389,600	436,000
Capital investments	528,900	700,800
Other welfare activities	232,700	1,140,300
<u>Total Europe</u>	<u>\$ 7,616,500</u>	<u>\$ 9,180,500</u>

The detailed breakdown by country of operation and according to functions for the years 1957 and 1958 is appended to this report (Annexes "J" and "K").

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C. Council of Jews from Germany

Funds for special relief and rehabilitation programs maintained by organizations sponsored by the Council of Jews from Germany were granted to the following:

	<u>Total Committed</u>
(1) United Help, Inc., N.Y.	DM 3,715,382.31
(2) Irgun Olej Merkaz Europa, Tel Aviv	775,921.30
(3) The Leo Baeck Institute of Jews from Germany	947,450.00
(4) Council of Jews, London	10,000.00
(5) Asociacion de Beneficencia Israelita, Quito, Ecuador	12,652.89
	<u>DM 5,461,406.50</u>

The amounts in excess of the sum of DM 5,280,000 which has been formally allocated have been committed subject to the availability of additional funds for distribution to the beneficiary organizations of the JRSO.

(1) United Help, Inc.

The coordinating agency for special welfare programs for the benefit of Nazi victims in the United States submitted the attached report (Annex "L"), which covers the period October 1, 1957-September 30, 1959, and discloses expenditures for the following programs and projects:

(a) Greater New York

Old Age Homes:

Beth Abraham Home - Construction of New Wing	\$ 50,000	
Newark House - Construction of Infirmary	<u>120,000</u>	170,000

Ambulatory Care for Aged:

Self Help	197,833	
Blue Card	<u>68,200</u>	266,033

Child Care - Help &
Reconstruction, Inc.:

Nursery School Program	29,213	
Building Fund	<u>25,000</u>	54,213

Aid to Individuals -

<u>Relief for Emergency Cases:</u>		60,880
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Older Adult Program:

Sisterhood Congregation and Habonim	6,700	
YM and YWHA of Washington Heights and Inwood	<u>6,500</u>	<u>13,200</u>

<u>Total Greater New York</u>		<u>\$ 564,326</u>
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(b) Outside New York

Aid to Individuals: \$ 36,175

Old Age Home - Montefiore Home, Cleveland
Contribution to Day Care Center 10,000

Sheltered Workshops:

Boston - Purchase of Equipment
and furniture \$ 9,000

Denver - Jewish Family and
Children's Service -
Purchase and Construction of
Building and Lounge 20,000

Detroit - Towards Operating
Expenses 10,000

Kansas City - Jewish Vocational
Service -
Establishment of Workshop 7,500

Los Angeles - Jewish Club of 1933 -
for Land, Construction and
Equipment 20,000

Miami - Jewish Family Service -
Workshop - Expenditures in
Home for the Aged 15,000

Milwaukee - Jewish Welfare Fund -
Towards Vocational Services 5,000

Minneapolis - Jewish Family and
Children's Service -
Establishment and one-year's
operation 10,000

St. Paul - Jewish Vocational Service -
Expansion of Workshop 4,470 \$ 100,970

Older Adult Program:

Berkeley - Jewish Community Center -
Towards Purchase of Building 15,000

New Orleans - Jewish Federation and
Jewish Community Center -
Lounge, Furniture & Equipment 2,500

Oakland - Jewish Family Service 2,000

Tucson - Jewish Community Council 2,500

Washington - Jewish Community Center -
Refurnishing of Club Facilities 2,000 \$ 24,000

Total Outside New York \$ 171,145

Scholarship Fund for Needy Refugee
Students: 17,658

Operating Expenses - United Help, Inc. 68,858

TOTAL EXPENDITURES \$ 821,987

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The funds approved and allocated by the JRSO were paid out to the recipient organizations, with the exception of the grants to the Jewish welfare agencies in Boston, Chicago, San Francisco and Tucson, for which \$75,300 have been committed and will be paid out as soon as the projects are under way.

(2) Irgun Olej Merkaz Europa, Tel Aviv (IOME)

This organization is maintaining homes for the aged and conducting a cash relief program in Israel for the benefit of victims of Nazi persecution stemming from Central Europe who are not aided by Malben. The program consists of regular monthly grants, one-time grants and emergency grants. Beneficiaries of the program are for the greater part elderly persons. Over 69 per cent of the beneficiaries are more than 60 years old and 57 per cent fully disabled and unemployable. JRSO is supporting IOME's cash relief program. The most recent statistics show that 524 persons received regular monthly grants averaging IL 29.

(3) The Leo Baeck Institute of Jews from Germany, Jerusalem

The research and publication of studies on the history of the Jewish Communities in German-speaking lands, which were nearly destroyed by Nazi action, constitutes an important task in the rebuilding and rehabilitation of Jewish cultural life. This is the task of the Leo Baeck Institute with offices in Jerusalem, London and New York. The funds allocated by the JRSO were principally utilized for the work of the Institute in Israel, and the information which follows relates to the activities of the Leo Baeck Institute in Jerusalem only.

Some 33 refugee scholars, scientists and writers participated in the undertakings. The Institute in Jerusalem issues a "Bulletin" which contains scientific research studies in the field of the history of German Jews. Eight such bulletins came from the press. It is primarily occupied with the preparation of the second volume of the "Germania Judaica". The first volume, comprising the history of Jewish settlements in German-speaking lands until the year 1238, has been issued in two parts in 1917 and 1934. 654 articles, which will be incorporated in the second volume of the "Germania Judaica" are ready for print and 300 more articles are now being edited. This represents three-quarters of the entire material to be published. The second volume of the "Germania Judaica" will be ready for publication by the end of 1961, estimates indicate.

Eight studies relating to the economic, political and social history of German Jewry are currently under way and three studies have been published. One of the tasks of the Leo Baeck Institute also was the collection of memoirs which shed light on Jewish life in pre-Nazi Germany 145 such memoirs have been collected and represent important material for the research undertakings of the Institute.

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D. Religious Projects in Israel

JRSO continued to make funds available for religious organizations in Israel. Commitments which the JRSO has undertaken since its inception are set forth below:

(1) <u>Yeshivoth</u>			
Building Loan Fund	IL	300,000 (DM	699,000)
Convalescent Home		85,714 (	199,714)
Fund for Provision of Gemaroth		60,000 (	139,800)
Medical Aid Fund (Mifal Hatorah)		55,000 (	128,150)
(2) <u>Teachers' Seminaries and Religious Youth Education</u>			
Beit Pinchas Teachers' Seminary	IL	45,000 (DM	104,850)
Central Beth Jacob Teachers' Seminary		165,000 (	384,450)
Central Committee for Rest Centers for Religious Youth, Sde Chemed		60,000 (	139,800)
Maon Yeladim, Jerusalem		20,000 (	46,600)
(3) <u>Special Synagogue Fund</u>		178,157 (DM	415,106)
(4) <u>Religious Research Projects</u>			
Moreshet Sofrim		20,000 (DM	46,600)
Mossad Harav Kook		25,000 (	58,250)
Otzar Haposkim		10,000 (	23,300)
Supreme Religious Center "Hechal Shlomo"		10,000 (	23,300)
Talmudic Encyclopedia		30,000 (	69,900)
Torah Shelema Research Institute, Jerusalem		20,000 (	46,600)
	IL	1,083,871 (DM	2,525,420)

The amounts in excess of the sum of DM 1,920,000 which has been formally allocated have been committed subject to the availability of additional funds for distribution to the beneficiary organizations of the JRSO.

(1) Yeshivoth

Nearly half of all JRSO allocations for religious projects in Israel was devoted to the support of yeshivoth. The network of 103 yeshivoth in Israel constitutes a vital force in the furtherance of higher religious education and advanced rabbinical learning. A significant number of the students and members of the faculties are victims of Nazi persecution. The JRSO allocations for the needs of yeshivoth were intended to provide assistance of a lasting nature and to benefit all yeshivoth.

IL 300,000 were committed by the JRSO for the Building Loan Fund for yeshivoth designed to aid in the expansion and improvement of the facilities of the yeshivoth. A committee on which the three associations of yeshivoth are represented passes on the applications. The loans are granted on a medium-term, low-interest basis and their collection has proved successful. Seventy loans were pending at the end of September 1959.

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The need for study texts for use by the yeshivoh is so great that the JRSO made a one-time grant of IL 60,000 toward the acquisition of matrices of six treatises of the Talmud and for the establishment of a revolving fund to facilitate the provision of Talmudic texts at a discount. In this manner yeshivoh students are assured of a steady supply of essential texts at a minimal cost.

The yeshivoh students, faculties and their families are confronted with various health problems, which place an added burden upon the resources of the yeshivoh. The JRSO grant of IL 85,714 was instrumental in establishing a convalescent home in Nathanya, and grants totalling IL 55,000 were responsible for the establishment of a dental clinic and an eye clinic in Jerusalem for the students and faculties of the yeshivoh.

(2) Teachers' Seminaries and Religious Youth Education

IL 290,000 were allocated for capital projects by the JRSO for religious teachers' training seminaries and education of religious youth. The principal commitment in the amount of IL 165,000 was made to the Central Beth Jacob Teachers' Seminary, which is the foremost institution for the training of women as teachers in kindergartens and schools and as youth leaders. An allocation of IL 45,000 was earmarked for the Beit Pinchas Teachers' Seminary which was established for the training of yeshivoh students for the teaching profession.

The JRSO undertook commitments to aid in the expansion and improvement of facilities which will provide convalescent care for youth from religious educational institutions. IL 60,000 has been earmarked for a project in Sde Chemed sponsored by the Central Committee for Rest Centers for Religious Youth, and IL 20,000 for a project in Jerusalem sponsored by the Maon Yeladim.

(3) Special Synagogue Fund

In its effort to aid in the reconstruction of religious life which suffered from Nazi persecution, the JRSO contributed an aggregate amount of IL 178,157 for the Synagogue Building Fund designed to aid new settlements where Nazi victims reside in significant numbers. The Fund is directed by a committee on which the Chief Rabbinate, the Ministry of Religious Affairs, the Jewish Agency and other interested organizations participate. The Fund issues long-term loans for the creation or improvement of facilities for worship for new immigrants. The funds allocated by the JRSO benefited 79 new synagogues in Israel.

(4) Religious Research Projects

More than IL 100,000 were committed by the JRSO for the furtherance of rabbinical research through the preparation and publication of important works, the provision of adequate facilities for research and training of research workers. The leading religious research institutions in Israel benefited from these allocations. Nazi victim scholars and research workers participate in the implementation of these projects.

The JRSO allocated IL 25,000 to the Mossad Harav Kook, of which IL 10,000 went in contribution toward the preparation of the editing and publishing of the works of Maimonides and IL 15,000 for the establishment of an institute for the training of scholarly workers for research in Judaism. It is hoped that the institute will in time provide the essential replacements of religious scholars.

A JRSO grant of IL 30,000 was made for the preparation and publication of additional volumes of the Talmudic Encyclopedia, which is the outstanding Encyclopedia of Jewish Laws. A grant of IL 20,000 will aid in the provision of adequate research facilities for the Torah Shelema Research Institute in Jerusalem. This Institute is engaged in the preparation and publication of a complete edition of the literature on the Bible contained in the Talmud and Midrash and in many scripts and rare works.

An allocation of IL 10,000 was made by the JRSO for the preparation and publication of the sixth volume of the Otzar Haposkim, which is a compilation of Responsa and interpretation of the Code of Domestic Relations by a group of refugee rabbis in Israel.

The JRSO is aiding Moreshet Sofrim in the implementation of its project for the perpetuation of literary writings by outstanding rabbis and writers who perished during the Nazi regime. A commitment of IL 20,000 is expected to contribute toward the cost of research by Nazi victim scholars and the preparation and publication of a number of volumes in this series.

A grant of IL 10,000 to the Supreme Religious Center "Hechal Shlomo" will aid in the restoration, cataloguing and binding of thousands of volumes which were rescued from destruction in Europe and brought to Israel. The cataloguing and binding will be done by Nazi victims and the volumes will be placed in the Central Rabbinical Library of Hechal Shlomo.

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY
STATEMENT OF RESOURCES AND LIABILITIES

October 31, 1959

CURRENCY: DEUTSCHE MARKS
 (Subject to Audit)

RESOURCES

Cash on hand and in banks		2,054,227.35
<u>Accounts receivable</u>		
<u>On account of global settlements</u>		
Baden-Wuerttemberg	150,000.00	
Bavaria	4,586.50	
Berlin	66,005.00	
	<u>220,591.50</u>	
less reserve for adjustments	<u>216,004.00</u>	4,587.50
<u>Due from restitutors and purchasers</u>		
<u>of restituted property</u>		
Restitutors	48,326.43	
less reserve for doubtful accounts	<u>22,000.00</u>	26,326.43
Purchasers	229,475.35	
less reserve for doubtful accounts	<u>10,000.00</u>	219,475.35
<u>Due from Board of Equity claimants</u>		
(nominal value)		1,781.00
Jewish Trust Corporation, Ltd.		57,750.26
Jewish Trust Corporation--Franch Branch		10,616.69
JRSO, New York		93,415.22
Other		54,798.38
Real estate and other property	1,559,140.00	
less reserve for revaluation	<u>589,195.00</u>	969,945.00
Trust property--B'nai B'rith	639,800.00	
less reserve	<u>639,800.00</u>	---
	<u>Total Resources</u>	3,492,923.18

LIABILITIES AND RESERVES

<u>Allocations payable</u>		
Council of Jews from Germany	573,833.50	
Smaller organizations in Israel	<u>178,829.33</u>	752,662.83
<u>Accounts payable</u>		
Consideration upon acquisition of property	5,044.25	
Jewish community, Munich	19,948.05	
Association of Jewish communities		
Bavaria	3,732.36	
Accrued termination payable	14,954.64	
Withholding tax payable	1,848.00	
Other	<u>60,388.52</u>	105,915.82
	<u>Total Liabilities</u>	<u>858,578.65</u>

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<u>Reserves for future expenditures</u>		
Payments to Jewish communities in the American Zone	1,512,000.00	
Payments to Board of Equity claimants	971,700.00	
Payment of tax levied on gains arising from repayment of mortgages in devaluated currency (Hypothekengewinnabgabe)	420,000.00	
Payment of mortgage expenses in arrears in connection with Berlin global settlement	<u>35,000.00</u>	<u>2,938,700.00</u>
<u>Total Liabilities and Reserves</u>		<u>3,797,278.65</u>
<u>EXCESS OF LIABILITIES OVER RESOURCES--October 31, 1959</u>		<u>304,355.47</u>
<u>EXCESS OF RESOURCES OVER LIABILITIES--January 1, 1959</u>		1,727,171.93
less prior years' adjustments	30,572.48	
excess of expenditures over income for period January 1 to October 31, 1959 (ANNEX "B")	<u>2,025,478.76</u>	<u>2,056,051.24</u> (328,879.31)
less decrease in Jewish Trust Corporation and JTC French Branch assets eliminated		<u>24,523.84</u>
<u>EXCESS OF LIABILITIES OVER RESOURCES--October 31, 1959</u>		<u>304,355.47</u>

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY

STATEMENT OF INCOME, COMMITMENTS AND EXPENDITURES
FOR THE 10 MONTH PERIOD ENDED OCTOBER 31, 1959

Currency: Deutsche Marks
(Subject to Audit)

INCOME

Sales and Administration of Restituted Property	160,539.66
Sales and Interest - Restituted Securities	20,288.43
Interest Earned on Bank Accounts and Mortgages	7,476.72
Refund of Administrative Expenses by Jewish Trust Corporation and J.T.C. French Branch	82,258.07
Fees Charged to Board of Equity Claimants	97,433.60
Other Income	<u>272.60</u>

Total Income

368,269.08

COMMITMENTS AND EXPENDITURESAllocation Commitments to Participating Agencies

Jewish Agency for Israel	1,139,000.00(A)
American Joint Distribution Committee	561,000.00(A)
Council of Jews from Germany	220,000.00(B)
Smaller Organizations in Israel	<u>80,000.00(B)</u>
	2,000,000.00

Expenditures

Board of Equity Applicants	116,028.72
Administration Expenses of Restituted Property	19,323.93
Donation to Jewish Communities	2,666.68
Refunds to Land Berlin re Global Settlement	4,062.37
Consideration Paid for Restituted Property	61.29
Interest on Mortgages Payable	164.01
Court Fees	7,152.42
Payment of Hypothekengewinnabgabe	5,427.00
Expenditures for Preparation of Synagogue Indemnification Claims	81,700.95
Installation of Central Archives	9,315.70
Administration Expenses (Annex "E")	<u>147,844.77</u>

Total Commitments and Expenditures

2,393,747.84

Excess of Commitments and Expenditures over Income (Annex "A")

2,025,478.76

- (A) - Committed and paid through October 31, 1959
(B) - Committed, but not paid through October 31, 1959

116481

WJC C294

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
CONSOLIDATED STATEMENT OF RESOURCES, LIABILITIES AND GENERAL FUND
NEW YORK AND GERMANY

October 31, 1959

CURRENCY: U. S. DOLLARS

(Subject to Audit)

RESOURCES

Cash in banks	\$3,035.62	
<u>Accounts receivable</u>		
Due from Jewish Trust Corporation, Ltd. \$1,833.89		
Due from Jewish Trust Corporation, French Branch	341.21	<u>2,175.10</u>
<u>Total Resources</u>		<u>\$5,210.72</u>

LIABILITIES

Due to Conference on Jewish Material Claims Against Germany, Inc.	2,725.54	
Reserve for termination allowance	7,183.94	
Accrued expenses payable	<u>480.62</u>	
<u>Total Liabilities</u>		<u>10,390.10</u>

General Fund deficit \$ 5,179.38

General Fund deficit--January 1, 1959 \$12,145.02

Add: Excess of expenditures over income
for period January 1 to October 31,
1959 (ANNEX "D") 16,594.68

\$28,739.70

Deduct: Net changes in Frankfurt Control
a/c which are recorded in books
of JRSO-Germany in Deutsche Marks 23,560.32

General Fund deficit--October 31, 1959 (A) \$ 5,179.38

(A) This deficit will be absorbed by conversion
of Deutsche Marks into U. S. Dollars

116482

WJC. C204

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
CONSOLIDATED STATEMENT OF INCOME AND EXPENDITURES
NEW YORK AND GERMANY

FOR THE 10 MONTH PERIOD ENDED OCTOBER 31, 1959

Currency: U.S. Dollars
(Subject to Audit)

INCOME

Fees from Board of Equity Claimants	\$	40,377	
Fees for use of Central Archives		4,540	
<u>Total Income</u>			\$ 449.17

EXPENDITURES

General and Administrative Expenditures (Annex "E")			<u>17,043.85</u>
<u>Excess of Expenditures over Income (Annex "C")</u>			<u>\$16,594.68</u>

ANNEX "E"

GENERAL AND ADMINISTRATIVE EXPENDITURES
FOR THE 10 MONTH PERIOD ENDED October 31, 1959
(Subject to Audit)

	<u>Deutsche</u> <u>Mark</u>	<u>U.S. Dollars</u> <u>Consolidated</u>
Remittances to JRSO Office Germany		2,000.00
Salaries and Payroll Taxes	114,740.68	11,330.95
Telephone, Telegraph, Postage	11,447.90	45.01
Travel	9,427.79	354.69
Professional Fees (Legal and Audit)	4,612.92	2,875.00
Stationery, Printing and Office Supplies	3,843.59	125.10
Miscellaneous	(1,400.38)	17.31
Insurance	2,545.78	87.75
Employees' and Dependents' Transportation	562.41	--
Motor Pool Expenses	1,086.77	34.32
Representation and Public Relations	594.87	173.72
Fixed Assets	<u>382.44</u>	
 <u>Total General and Administrative Expenditures</u> (Annex "B" and Annex "D")	 <u>147,844.77</u>	 <u>17,043.85</u>

116483

WJC C294

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY
STATEMENT OF INCOME AND EXPENDITURES
FOR THE YEARS 1957 AND 1958
AS PER AUDITORS' REPORTS FOR THESE YEARS
CURRENCY: DEUTSCHE MARKS

<u>INCOME</u>	<u>1957</u>	<u>1958</u>	<u>Total</u>
Berlin Global Settlement	1,102,500.00	1,102,500.00	2,205,000.00
Sales and administration of restituted property	1,373,310.82	977,106.85	2,350,417.67
Sales and interest--restituted securities	431,807.38	113,482.45	545,289.83
Interest earned on bank a/cs	399,043.26	307,607.93	706,651.19
Refund of administrative expenses by Jewish Corpora- tion and French Branch	133,270.15	117,234.96	250,505.11
Estimated value of property received and donated to Jewish communities	128,100.00	3,700.00	131,800.00
<u>Total Income</u>	<u>3,568,031.61</u>	<u>2,621,686.19</u>	<u>6,189,717.80</u>
<u>EXPENDITURES</u>			
<u>Allocation to Participating Agencies</u>			
Jewish Agency for Israel	2,847,500.00	569,500.00	3,417,000.00
American Joint Distribu- tion Committee	1,402,500.00	280,500.00	1,683,000.00
Council of Jews from Germany	550,000.00	110,000.00	660,000.00
Smaller organizations in Israel	200,000.00	40,000.00	240,000.00
Board of Equity applicants	587,364.83	507,470.12	1,094,834.95
Income paid or payable to Jewish Trust Corporation and French Branch	206,619.99	28,916.61	235,536.60
Administration expenses of restituted property	127,217.87	184,861.16	312,079.03
Donation to Jewish communities	142,084.36	65,295.00	207,379.36
Refunds to Land Berlin re Global Settlement	22,509.26	25,132.69	47,641.95
Consideration paid for res- tituted property	9,150.81	15,993.28	25,144.09
Expenditures for synagogue indem- nification claims	---	67,931.23	67,931.23
Installation of Central Archives	---	5,571.68	5,571.68
Administrative expenses	337,296.33	335,583.37	672,879.70
	<u>6,432,243.45</u>	<u>2,236,755.14</u>	<u>8,668,998.59</u>

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WJC 2294

<u>EXPENDITURES</u> (continued)	<u>1957</u>	<u>1958</u>	<u>Total</u>
<u>Provision for Future Expenditures</u>			
Provision for payment to Jewish communities in American Zone	1,512,000.00	---	1,512,000.00
Additional provision for Hypothekengewinnabgabe	20,000.00	---	20,000.00
Additional provision for Joint Bank Account	611.25	---	611.25
<u>Total Expenditures</u>	<u>7,964,854.70</u>	<u>2,236,755.14</u>	<u>10,201,609.84</u>
<u>Excess of expenditures over Income</u>	<u>4,396,823.09</u>	(<u>384,931.05</u>)	<u>4,011,892.04</u>

116485

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
GERMANY

STATEMENT OF RESOURCES AND LIABILITIES

December 31, 1958

As per Auditor's Report for the Year 1958

Currency: Deutsche Marks

RESOURCES

Cash on hand and in Banks		4,825,454.12
Accounts Receivable		
on account of global settlement:		
Baden - Wurttemberg	150,000.00	
Berlin	66,005.00	
	<u>216,005.00</u>	
Less Reserve for Adjustments	<u>216,004.00</u>	1.00
Due from restitutors and purchasers		
of restituted property:		
Restitutors	63,532.71	
Less Reserve for doubtful accounts	<u>22,000.00</u>	41,532.71
Purchasers	302,345.40	
Less Reserve for doubtful accounts	<u>10,000.00</u>	292,345.40
Due from Board of Equity Claimants		
(nominal value)		1,820.00
Due from Jewish Trust Corporation, Ltd.		27,972.81
Other		97,880.24
Real Estate and other property	1,635,238.00	
Less Reserve for revaluation	653,610.00	981,628.00
Trust Property - B'nai B'rith	513,800.00	
Less Reserve	<u>513,800.00</u>	--
	<u>Total Resources</u>	6,268,634.28

LIABILITIES AND RESERVES

Allocations Payable

Council of Jews from Germany	1,040,784.95	
Smaller Organizations in Israel	<u>353,940.33</u>	1,394,725.28
Jewish Trust Corporation - French Branch		23,692.46
Accounts payable and accrued expenses		<u>184,344.61</u>
	<u>Total Liabilities</u>	1,602,762.35

116486

WJC 0204

Reserves for Future Expenditures

Payments to Jewish Communities in the American Zone	1,512,000.00	
Payments to Board of Equity Claimants	971,700.00	
Payments of tax levied on gains arising from repayment of mortgages in devaluated currency (Hypothekengewinnabgabe)	420,000.00	
Payment of mortgage expenses in arrear in connection with Berlin Global Settlement	35,000.00	<u>2,938,700.00</u>

Total Liabilities and Reserves 4,541,462.35

Excess of Resources over Liabilities and Reserves 1,727,171.93

116487

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
CONSOLIDATED STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
NEW YORK AND GERMANY
FOR THE YEARS 1957 AND 1958
AS PER AUDITORS' REPORTS FOR THESE YEARS
CURRENCY: U. S. DOLLARS

<u>RECEIPTS</u>	<u>1957</u>	<u>1958</u>	<u>Total</u>
Proceeds from conversion of 25,000 Deutsche Marks (1957) and 90,000 Deutsche Marks (1958)	\$ 5,925.00	\$21,417.00	\$27,342.00
Received from the Conference on Jewish Material Claims Against Germany, Inc. for expenses charged to Conference (net)	4,337.53	2,395.44	6,732.97
Settlement of special claims	2,386.56	294.07	2,680.63
Fees paid by Board of Equity applicants	60.00	1,164.50	1,224.50
Refund from United Restitution Organization	354.17	---	354.17
Other refunds and advances received	2,184.86	1,530.65	3,715.51
<u>Total Receipts</u>	<u>\$15,248.12</u>	<u>\$26,801.66</u>	<u>\$42,049.78</u>
<u>DISBURSEMENTS AND ADMINISTRATIVE AND GENERAL EXPENSES</u>			
Distribution of funds to United Help	\$ 713.00	\$ ---	\$ 713.00
Administrative and general expenses	30,761.56	20,034.49	50,796.05
Payment of accrued expenses	1,657.38	2,319.55	3,976.93
Advances to Jewish Trust Corporation, Ltd. (reimbursed by JTC in Deutsche Marks)	---	3,206.65	3,206.65
Payments to Board of Equity claimants	---	6,780.48	6,780.48
<u>Total disbursements and administrative and general expenses</u>	<u>\$33,131.94</u>	<u>\$32,341.17</u>	<u>\$65,473.11</u>
<u>Excess of disbursements over receipts</u>	<u>\$17,883.82</u>	<u>\$ 5,539.51</u>	<u>\$23,423.33</u>
<u>Cash Balance--January 1, 1957</u>			<u>25,074.05</u>
<u>Cash Balance--December 31, 1958</u>			<u>\$ 1,650.72</u>

116488

WJC 0294

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
CONSOLIDATED STATEMENT OF RESOURCES, LIABILITIES AND GENERAL FUND
NEW YORK AND GERMANY

December 31, 1958
As per Auditor's Report
Currency: U.S. Dollars

RESOURCES

Cash in Banks	\$ 1,650.72	
		<u>Total Resources</u>
		\$ 1,650.72

LIABILITIES

Due to Conference on Jewish Material Claims Against Germany, Inc.	6,228.78	
Reserve for Termination Allowance	7,183.94	
Accrued expenses payable	<u>383.02</u>	
		<u>Total Liabilities</u>
		\$13,795.74
<u>General Fund Deficit (A)</u>		<u>\$12,145.02</u>

(A) - This deficit will be absorbed by conversion of Deutsche Marks to U.S. Dollars.

116489

WJC C294

LOEB & TROPER

Certified Public Accountants
Five Hundred One Fifth Avenue, New York 17, N.Y.

November 3, 1958

The American Jewish Joint Distribution Committee, Inc.
3 East 54th Street
New York 22, N.Y.

In accordance with your request, we have examined the accompanying Statement of Expenditures on Behalf of Nazi Victims for the year 1957. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Field examinations for 1957 of the main J.D.C. European and Latin American branch offices and certain committees completely or substantially subsidized by J.D.C. (including ORT), and of J.D.C. and Malben, Israel, were made by our overseas staff.

This statement has been prepared in most cases on the basis of actual expenditures on behalf of Nazi victims, but in some instances (such as ORT, Malben, administration, etc.), by apportionment of part of the expenses to expenditures made on behalf of Nazi victims.

In our opinion, the accompanying statement (which is being submitted by you to the Jewish Restitution Successor Organization), presents fairly the expenditures made on behalf of Nazi victims during the year 1957.

LOEB & TROPER

CERTIFIED PUBLIC ACCOUNTANTS

116490

WJC 2294

STATEMENT OF
THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC.
1957 EXPENDITURES IN BEHALF OF NAZI VICTIMS

	<u>Total</u>	<u>General Relief</u>	<u>Ed., Cult. & Religious Activities</u>	<u>Medical Care</u>	<u>Child Care & Youth Aid</u>
COUNTRIES:					
Australia	\$ 254,600	\$ 18,300	900	\$ 1,600	\$ 24,600
Austria	757,700	153,900	32,900	21,700	6,100
Belgium	451,600	210,400	12,000	23,600	79,600
Brazil	13,100	-	-	-	-
Chile	5,000	-	-	-	-
Denmark	17,600	-	-	-	-
Dominican Republic	14,600	7,200	-	1,100	-
France	1,541,100	464,400	240,300	37,400	271,800
Germany	745,300	259,700	47,800	56,800	67,200
Greece	66,800	32,600	1,900	13,300	3,500
Haiti	3,500	2,300	-	1,000	-
Holland	70,400	-	-	-	2,000
Israel	4,569,000	-	330,000	1,557,000	31,000
Italy	561,800	265,700	26,300	67,300	5,200
Norway	11,700	5,000	6,000	-	-
Philippines	15,900	11,200	-	2,700	-
Poland	134,800	57,400	1,100	-	6,400
Portugal	20,600	8,500	4,100	7,500	-
Spain	24,800	11,500	1,800	8,400	-
Sweden	144,000	86,500	9,500	600	8,900
Switzerland	83,100	44,000	1,000	8,200	600
Uruguay	12,500	-	-	-	-
Yugoslavia	98,900	38,300	4,000	-	9,300
TOTAL COUNTRIES:	\$ 9,618,400	\$ 1,676,900	\$ 719,600	\$ 1,808,200	\$ 516,200

GEOGRAPHICALLY UNALLOCATED:

Relief in Transit	\$ 2,548,400	\$ 2,548,400	\$ -	\$ -	\$ -
Passover Relief	18,700	18,700	-	-	-
Survey of Old Age & Children's Homes	15,000	-	-	-	-
Various Welfare Activities	4,300	-	1,800	-	-
Administration - N.Y.	185,000	-	-	-	-
Administration - Overseas	588,900	-	-	-	-
TOTAL UNALLOCATED:	\$ 3,360,300	\$ 2,567,100	\$ 1,800	\$ -	\$ -
GRAND TOTALS:	\$12,978,700	\$ 4,244,000	\$ 721,400	\$ 1,808,200	\$ 516,200

116491

WJC C294

Care for Aged	RECONSTRUCTION		Resettle- ment Individual Rehabil.	Emergency Relief for Hungar. Refugees	Other Welfare Activ.	Capital Invest- ments	Functional Service Cost
	Kassas Loan	ORT					
\$ 7,100	\$ 9,000	\$ -	\$ 24,600	\$ 159,600	\$ -	\$ 8,900	\$ -
11,600	-	-	700	494,700	1,500	-	34,600
13,600	15,500	15,300	-	3,600	24,800	48,600	4,600
-	-	-	-	13,100	-	-	-
-	-	-	-	5,000	-	-	-
-	-	-	-	-	-	17,600	-
-	-	-	-	-	6,300	-	-
-	33,600	160,800	-	29,600	11,400	261,200	30,600
78,200	89,000	30,600	19,300	700	12,100	38,900	45,000
-	5,000	-	-	-	-	2,800	7,700
-	-	-	-	-	200	-	-
-	-	-	-	-	-	68,400	-
2,366,200	-	284,800	-	-	-	-	-
13,300	-	61,300	12,600	48,100	1,300	32,100	28,600
-	-	-	-	-	-	-	700
2,000	-	-	-	-	-	-	-
400	8,800	-	57,500	-	-	-	3,200
-	-	-	-	-	500	-	-
-	-	-	-	-	-	-	3,100
-	5,800	-	-	9,300	-	20,000	3,400
5,300	-	-	-	900	1,200	10,000	11,900
-	-	-	-	12,500	-	-	-
23,200	-	-	-	3,700	-	20,400	-
<u>\$ 2,520,900</u>	<u>\$ 166,700</u>	<u>\$ 552,800</u>	<u>\$ 114,700</u>	<u>\$ 780,800</u>	<u>\$ 59,300</u>	<u>\$ 528,900</u>	<u>\$ 173,400</u>
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	15,000
-	-	-	-	-	2,500	-	-
-	-	-	-	-	-	-	185,000
-	-	-	-	-	-	-	588,900
<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 2,500</u>	<u>\$ -</u>	<u>\$ 788,900</u>
<u>\$ 2,520,900</u>	<u>\$ 166,700</u>	<u>\$ 552,800</u>	<u>\$ 114,700</u>	<u>\$ 780,800</u>	<u>\$ 61,800</u>	<u>\$ 528,900</u>	<u>\$ 962,300</u>

116492

WFC 0204

LOEB & TROPER

Certified Public Accountants
Five Hundred One Fifth Avenue, New York 17, N.Y.

November 3, 1959

The American Jewish Joint Distribution Committee, Inc.
3 East 54th Street
New York 22, N. Y.

In accordance with your request, we have examined the accompanying Statement of Expenditures on Behalf of Nazi Victims for the year 1958. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Field examination for 1958 of the main J.D.C. European and Latin American branch offices and certain committees completely or substantially subsidized by J.D.C. (including ORT), and of J.D.C. and Malben, Israel, were made by our overseas staff.

This statement has been prepared in most cases on the basis of actual expenditures on behalf of Nazi victims, but in some instances (such as ORT, Malben, administration, etc.), by apportionment of part of the expenses to expenditures made on behalf of Nazi victims.

In our opinion, the accompanying statement (which is being submitted by you to the Jewish Restitution Successor Organization), presents fairly the expenditures made on behalf of Nazi victims during the year 1958.

LOEB & TROPER

CERTIFIED PUBLIC ACCOUNTANTS

116493

WJC C294

STATEMENT OF
THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC.
1958 EXPENDITURES IN BEHALF OF NAZI VICTIMS

<u>COUNTRIES:</u>	<u>Total</u>	<u>General Relief</u>	<u>Ed., Cult. & Religious Activ.</u>	<u>Medical Care</u>	<u>Child Care & Youth Aid</u>
Australia	\$ 191,800.	\$ 103,300.	\$ 1,300.	\$ 3,100.	\$ 23,800.
Austria	340,300.	181,000.	27,300.	21,200.	6,600.
Belgium	503,100.	169,000.	3,700.	24,600.	69,300.
Brazil	49,000.	100.	700.	-	-
Chile	5,000.	-	-	-	-
Denmark	14,800.	-	-	-	-
Dominican Republic	8,000.	4,200.	-	1,100.	-
France	1,953,500.	606,900.	309,900.	42,300.	370,300.
Germany	642,600.	160,000.	33,000.	48,700.	83,900.
Greece	104,500.	25,100.	2,300.	13,300.	4,600.
Haiti	3,600.	2,500.	-	1,100.	-
Holland	63,600.	-	-	-	-
Israel	4,697,400.	-	331,000.	1,907,900.	24,400.
Italy	522,000.	239,300.	10,300.	61,500.	4,800.
Luxembourg	4,000.	-	-	-	-
Norway	10,700.	-	-	-	-
Philippines	14,300.	9,900.	-	3,400.	-
Poland	685,900.	300,400.	33,000.	-	82,900.
Portugal	16,000.	6,700.	3,300.	5,600.	-
Spain	25,500.	10,400.	1,800.	9,200.	-
Sweden	199,500.	93,400.	5,700.	400.	6,100.
Switzerland	93,900.	39,900.	200.	10,100.	400.
Uruguay	400.	400.	-	-	-
Yugoslavia	94,400.	39,500.	3,500.	-	13,400.
<u>TOTAL COUNTRIES:</u>	<u>\$10,243,800.</u>	<u>\$1,992,000.</u>	<u>\$767,000.</u>	<u>\$2,153,500.</u>	<u>\$690,500.</u>
<u>GEOGRAPHICALLY UNALLOCATED:</u>					
Relief in Transit	\$ 3,068,600.	\$3,068,600.	\$ -	\$ -	\$ -
Passover Relief	15,100.	15,100.	-	-	-
Various Welfare Activities	2,200.	-	-	-	-
Administration-N.Y.	201,300.	-	-	-	-
" Overseas	647,400.	-	-	-	-
<u>TOTAL UNALLOCATED:</u>	<u>\$ 3,934,600.</u>	<u>\$3,083,700.</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>GRAND TOTALS:</u>	<u>\$14,178,400.</u>	<u>\$5,075,700.</u>	<u>\$767,000.</u>	<u>\$2,153,500.</u>	<u>\$690,500.</u>

116494

WJC 294

Care for Aged	RECONSTRUCTION		Resettle- ment & Individual Rehabil.	Other Welfare Activ.	Capital Invest- ments	Functional Service Cost
	Loan Kassas	ORT				
\$ 18,300.	\$ -	\$ -	\$ 34,200.	\$ -	\$ 7,800.	\$ -
11,500.	-	-	12,500.	34,500.	-	45,700.
18,200.	-	14,100.	-	23,200.	138,800.	42,200.
-	48,200.	-	-	-	-	-
-	5,000.	-	-	-	-	-
-	-	-	-	-	14,800.	-
-	-	-	-	2,700.	-	-
-	72,700.	167,500.	-	55,500.	271,400.	57,000.
30,900.	75,000.	26,100.	1,000.	16,600.	-	167,400.
-	15,000.	-	-	-	36,000.	8,200.
-	-	-	-	-	-	-
-	-	-	-	-	63,600.	-
2,141,200.	-	292,900.	-	-	-	-
14,200.	25,000.	59,600.	8,300.	5,400.	34,300.	59,300.
-	-	-	-	-	4,000.	-
-	-	-	-	-	10,000.	700.
1,000.	-	-	-	-	-	-
5,500.	40,700.	105,000.	64,700.	9,300.	-	44,400.
-	-	-	-	400.	-	-
-	-	-	-	-	-	4,100.
-	5,800.	-	-	-	84,200.	3,900.
6,400.	-	-	-	2,800.	27,500.	6,600.
-	-	-	-	-	-	-
29,600.	-	-	-	-	8,400.	-
<u>\$2,276,800.</u>	<u>\$287,400.</u>	<u>\$665,200.</u>	<u>\$120,700.</u>	<u>\$150,400.</u>	<u>\$700,800.</u>	<u>\$ 439,500.</u>
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	-	-	-
-	-	-	-	2,200.	-	-
-	-	-	-	-	-	201,300.
-	-	-	-	-	-	647,400.
-	\$ -	\$ -	\$ -	\$ 2,200.	\$ -	\$ 848,700.
<u>\$2,276,800.</u>	<u>\$287,400.</u>	<u>\$665,200.</u>	<u>\$120,700.</u>	<u>\$152,600.</u>	<u>\$700,800.</u>	<u>\$1,288,200.</u>

116495

UNITED HELP, INC.

Summary StatementIncome and Expenditures October 1, 1957--September 30, 1959

Cash balance as of September 30, 1957			\$ 61,876
<u>Receipts:</u>			
October 1957	JRSO	\$ 10,000	
January 1958	"	231,813	
September 1958	"	14,000	
October 1958	"	104,057	
June 1959	"	<u>20,000</u>	\$379,870
April 1958	JTC	163,520	
July 1958	"	63,500	
October 1958	"	31,800	
January 1959	"	39,300	
February 1959	"	45,000	
March 1959	"	64,300	
August 1959	"	<u>78,993</u>	486,413
January 1958	Gustav Wurzweiler Foundation		50,000
1958/1959	Interest		4,770
1957/1958	Special expense fund		<u>280</u>
			<u>921,333</u>
			Total \$983,209

Expenditures:

REGULAR ALLOCATIONS

Selfhelp, New York--Program for Ambulatory Aged	\$197,833	
Blue Card, New York--Program for Ambulatory Aged	68,200	
Help & Reconstruction--Nursery School Program	<u>29,213</u>	\$295,246

PROJECTS

New York

Beth Abraham Home	50,000	
Newark House	120,000	
Help & Reconstruction Building Fund	25,000	
Sisterhood Congregation Habonim	6,700	
YM & YWHA of Washington Heights & Inwood	<u>6,500</u>	208,200

116-196

WPC 0204

<u>Outside New York</u>			
Berkeley - Jewish Community Center	\$15,000		
Boston - Jewish Vocational Service	9,000		
Cleveland - Montefiore Home	10,000		
Denver - Jewish Family & Children's Service	20,000		
Detroit - Jewish Vocational Service	10,000		
Kansas City - Jewish Vocational Service	7,500		
Los Angeles - Jewish Club of 1933 & Jewish Centers Association	20,000		
Miami - Jewish Federation	15,000		
Milwaukee - Jewish Vocational Service	5,000		
Minneapolis - Jewish Family & Children's Service	10,000		
New Orleans - Jewish Federation	2,500		
Oakland - Jewish Family Service	2,000		
St. Paul - Jewish Vocational Service	4,470		
Tucson - Jewish Community Council	2,500		
Washington - Jewish Community Center	<u>2,000</u>	134,970	
INDIVIDUAL AID GRANTS			
Outside of Greater New York	36,175		
In Greater New York	<u>60,880</u>	97,055	
SCHOLARSHIP FUND		17,658	
OPERATING EXPENSES UNITED HELP INC.		67,933	
DEPOSITS & PETTY CASH		<u>925</u>	<u>821,987</u>
	Balance*		<u>\$161,222</u>

* Explanations in accompanying statement

116497

WJC C294

Explanations to Financial Statement October 1, 1957--September 30, 1959

Major sources of income for this period of time were JRSO, JTC and the Gustav Wurzweiler Foundation.

The difference between the cash balance of \$186,520 as shown in the statement of income and expenditures January 1, 1956 through September 30, 1957 and the cash balance of \$61,876 as of September 30, 1957 as shown in the present statement is to be explained as follows:

The former statement listed under receipts of July 23, 1957 a JRSO payment in the amount of \$174,150. Actually this amount was not received at that date but only announced in a letter dated July 23, 1957. The amount of money received out of this sum until September 30, 1957 was \$21,150. The actual balance as of September 30, 1957 was thus \$33,520 or the equivalent of \$186,520 minus \$153,000.

Our present statement shows a cash balance as of September 30, 1957 of \$61,876, which is \$28,356 in excess of the above \$33,520. This difference results from certain bookkeeping adjustments (funds transferred from the old Help and Reconstruction Fund for the Aged and certain funds received by Selfhelp prior to the existence of United Help), returned grants and repaid loans.

Grants have been paid out to all approved projects except \$45,000 for the Jewish Welfare Federation in San Francisco, \$15,000 for the IMAS in Boston, \$12,800 for the Jewish Vocational Service in Chicago and \$2,500 for the Jewish Community Council in Tucson. The latter will be paid on January 1, 1960, by arrangement with JCC, Tucson; the other grants have been withheld until we have assurance that the projects are under way. San Francisco's delay was caused by a change in the original project. Instead of purchasing a building for a residence club for elderly persons, they are going to construct one at a cost of \$145,000, made possible by a contribution of \$100,000 from the San Francisco Jewish Welfare Federation.

IMAS, Boston, has not succeeded in finding the proper building for its residence club. December 31, 1959 was set as a deadline for the inception of their project. Otherwise our grant will be withdrawn.

Chicago will start its sheltered workshop program in January 1960, at which time our grant will be paid.

Our grant to Seattle was cancelled because Seattle failed to keep its deadline.

The agreement with Beth Abraham Home, which is based on our grant of \$250,000, is working out satisfactorily.

The fourth floor of Newark House, to the construction of which we contributed \$120,000, was opened May 24, 1959 and is now operated as an infirmary floor.

The Kindergarten building of Help and Reconstruction will be opened by the end of December 1959.

116498

WSC 2294

KESSELMAN & KESSELMAN

(Practising in Israel since 1924)

November 21, 1959

Jewish Restitution Successor Organization
3 East 54th Street
New York 22, N.Y.

Gentlemen:

At the request of the Jewish Agency for Israel, for whom we act as accountants and auditors, we hereby certify the following:

The expenditure by the Jewish Agency for Israel for immigrant absorption and settlement during the period from October 1, 1956 to September 30, 1959, as recorded in its accounts, was IL 391,204,592 (\$241,531,205) as follows:

Absorption of immigrants	IL 38,616,082	\$ 23,942,937
Housing of immigrants	119,000,035	74,116,894
Youth immigration	33,885,328	20,832,318
Agricultural settlements	<u>199,703,147</u>	<u>122,639,056</u>
	<u>IL 391,204,592</u>	<u>\$ 241,531,205</u>

Expenditure made from October 1, 1956 to March 31, 1958 in Israel pounds was converted into U.S. dollars at the rate of exchange of IL 1.500 equalling U.S. \$1 and from April 1, 1958 to September 30, 1959 at the rate of exchange of IL 1.800 equalling U.S. \$1.

In accordance with statistical information furnished by the Jewish Agency for Israel, the number of immigrants who arrived during the period under review was 133,782 of which 71,702 came from European countries.

We further confirm that the amounts received from I.R.S.O. during the period under review aggregate D.M. 10,846,551 as recorded in the accounts of the Jewish Agency for Israel to September 30, 1959. From this total an aggregate amount of D.M. 200,000 was returned to I.R.S.O. during the financial year 1956/57 in repayment of a loan received in September 1955.

Yours faithfully,

(sgd.) Kesselman & Kesselman

KESSELMAN & KESSELMAN

116499

WJC C294

Bericht über die Geschichte des in der französischen Zone

beschlagnahmen jüdischen Vermögens

Das in der französischen Zone gefundene, in 36 Kisten verwahrte Gold, sowie die 12 kg Diamanten stammen vom Avar-Toldi'schen Eisenbahnzug. Ich hatte noch keine Gelegenheit, die Schriften offiziell einzusehen. Meine Informationen stammen von zwei aktiven Beteiligten.

Franz Vajta /ein ungarischer Journalist, Pfeilkreuzler/ erklärt, dass er, als er Erzherzogin Anna (die Frau von Erzherzog Joseph Franz) verliess, verhaftet und nach dem Gold ausgefragt wurde. Er wusste nicht, wovon die Rede sei, und nur nach einigen Tagen, als tschechische Soldaten festgenommen wurden, die das vergrabene Gold für den tschechoslovakischen Staat ergattern wollten, wurde es ihm klar, dass es sich um einen Teil jenes "Goldzuges" handelt, welcher von Budapest aus durch verschiedene Eisenbahnstationen endlich neben Kitzbühel landete und wo er diesen Zug zum letzten Mal gesehen hat. Angeblich zog er damals Avar und Toldi zur Verantwortung: wohin sie die Begleitdokumente des Zuges hingetan haben. Diese behaupteten, dass sie sie in ihrer Angst vernichteten und sich nur gegenseitig den Inhalt des Zuges mit ihrer Unterschrift bestätigten. Der Eisenbahnzug wurde bekanntlich nach Markt-Pongau befördert, dort in Verwahrung genommen; Avar wurde gleichzeitig freigelassen. Es wurde also klar, dass das obenerwähnte Gold einen Teil des aus dem Zug gestohlenen Goldes bildet, welches verschiedene Komplizen für sich sichern wollten. Es ist anzunehmen, dass kleinere-grössere Quantitäten irgendwo noch vergraben sind oder sich bei unbedeutenderen Personen befinden, die zu eruieren derzeit noch nicht gelang. Dessen ungeachtet betrachteten die französischen Behörden die Untersuchung als abgeschlossen.

Laut Vajta kann angenommen werden, 9 Kisten Gold befinden sich bei Erzherzogin Anna. Die Erzherzogin behauptet dagegen, dass Vajta sie kompromittieren und mit der Beschuldigung, sie sei an der Verschleppung des Goldes ebenfalls beteiligt, seine eigene Situation erleichtern wollte. Sie wisse nämlich genau, Vajta sei mit den Franzosen einig geworden, dass sie vom 1500 kg betragenden Goldschatz nur 700 Kg den Amerikaner anmelden werden: 700 Kg behalten sich die Franzosen, 100 Kg fällt Franz Vajta zu.

Was aus diesen von einander abweichenden Darstellungen wirklich wahr ist, liess sich bis jetzt nicht feststellen. Es wird dazu später, nach Abwicklung der amtlichen Angelegenheiten, allenfalls noch Gelegenheit sein.

116500

WJC H174

Bis dahin möchte ich nur bemerken, dass die Darlegungen der Erzherzogin durch den Umstand, dass die 36 Kisten mit je 30 Kg angemeldet wurden, was allein mehr wie 700 kg beträgt, - an Wahrscheinlichkeit stark einbüßen.

Aus dem Geständnis Toldi's und seiner Leute lässt es sich nicht genau feststellen, ob diese Schätze jüdischen Ursprunges sind. Das Material selber konnte ich nicht besichtigen, da es vor zwei Wochen nach Frankreich transportiert wurde. Es ist dies aber wahrscheinlich, da es aus Juwelen, Uhren und nur zum kleineren Teil aus Barren bestand.

Soweit ich Näheres in Erfahrung bringe, werde ich dies sofort melden.

116501

WJC H174



NARA APPROVED

[Handwritten signature]
S/300

September 7, 1950

Mr. F. Brassloff
Assistant Legal Adviser
World Jewish Congress
55 New Cavendish Street
London, W.I. England

Dear Dr. Brassloffs

Many thanks for your letter of August 29 and
the enclosed Chart on Restitution.

There isn't much to say about the contents of
the Chart except that it somehow mixes up restitu-
tion with compensation. Furthermore Point 9 is not uniform through-
out the Chart and no actual distinction is made between
countries in which spoliation occurred (Poland, France, etc)
on the one hand and countries to which spoliated property was
exported (Sweden, Switzerland).

While the Chart might be useful for reference pur-
poses especially in so far as the laws and decrees are concerned,
the substantive provisions are too vague to be of actual use to
the reader. Furthermore the date of a law is of little value
unless the source is given. Finally most of the enactments are
of a rather historical value since the time for claims has past
some time ago.

Sincerely yours,

Wahneema Lubiano

NRms

116502

WJC H179

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PARIS
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PRAGUE
V. Maislova 15

STOCKHOLM
11, Grev Magnigatan

SYDNEY, N.S.W.
G.P.O. Box 1869

FB-ff/LB

Dr. N. Robinson,
World Jewish Congress,
New York.

Dear Dr. Robinson,

Dr. Paul Weis has prepared a revised version of his Chart Survey on Restitution about which he has, no doubt, talked to you during his recent stay in New York. It is intended to have the Chart published by our London office.

I thought you might be interested in the manuscript and I am, therefore, sending to you a copy for your perusal and comment.

Yours sincerely,

F. Brassloff.
Assistant Legal Adviser.

encl.

116503

WSC H179

THIS CHART, prepared by Dr. P. Weis, formerly Legal Secretary of the Research Department, World Jewish Congress, British Section, presents a comparative survey of the main features of restitution of Jewish property in the various countries of Europe, according to the state of legislation at 30th June 1950. No guarantee for accuracy can be given and the survey is not intended as a substitute for legal advice in individual cases.

116504

WJC H179

FRANCE

BELGIUM

1. Estimated Jewish pre-war wealth	220-285 Million pounds.	70 Million pounds
2. Main sources of law on Restitution	Decrees: 12.11.43; 16.10.44; 14.11.44; am. 2.2.45; 11.4.45; 21.4.45 as amended; 9.6.45. Application to Indo-China decree 21.4.49.	a) Decree Law 10.1.41 b) Law 12.4.47.
3. Who can claim?	Owner or legal successor; if owner "sinistre" specially appointed administrator.	Dispossessed person or successor, (enemy nationals, if persecutees).
4. What property is excluded?	a) Property requisitioned because of public importance unless released by Conseil d'Etat. b) Securities sold at Stock Exchange or Bank. c) Property acquired at just price unless claimant proves duress	2b) creates presumption of duress in favour of persecutees between 9.5.40 and day of liberation of residence; transaction voidable.
5. Which authority a) decides on claims b) exercises temporary administration?	a) Court of Referees (speedy procedure). For recovered furniture and other movables, Ministry of Finance or Court.	a) Courts b) Office of Sequestration.
6. Relations between claimant and holder	Holder may claim consideration by which owner benefited. Holder must refund increments, reimburse damages.	No refunds to holder.
7. Compensation in lieu of restitution.	Subsidiary claim against State for War Damage.	_____
8. Time limits for claims.	31.12.49. 1 year from end of hostilities for movables recovered by the State. 2 months from publication of Decree 29.10.47.	3 years from conclusion of peace. 2 b) 20.10.47 20.4.49 in special cases.
9. Provisions re special claims	<u>Premises</u> : Decree 14.11.44, interests of tenants and occupier to be balanced. <u>Furniture</u> : special office, (Office des Biens et Interets Privés). <u>Jews' tax</u> , law 16.6.48. <u>War damages</u> : Law 28.10.46. <u>Assimilation of certain dispossessions to war damages</u> , law 4.9.47.	<u>Premises</u> : Decree Law 12.3.45 provides for reinstatement of former tenant. <u>Securities</u> : Decree Law ⁱⁿ order 18.5.45. <u>Indemnification for war damages to private property</u> : Law 1.10.47.
10. Special Provisions re heirless property.	Decree 21.4.45 provides for ex-officio avoidance in absence of claimant, listing of unclaimed property which shall be sequestered pending legislation. Law 29.10.47 provides for liquidation of property held by G.B.I.P. for the benefit of the Exchequer.	_____
11. Proposed new legislation	_____	_____
12. Special remarks	_____	_____

LUXEMBURG

NETHERLANDS

1. No estimate available.

110 million Pounds.

2. Decrees 22.4.44; 7.7.44;
13.7.44.

Decree E.100; 17.9.44 as
amended F.272; 16.11.45.

3. Dispossessed person or
successor

Any person violated in his
rights or legal successor.

4. ----

5. Courts.

Council for the Re-establishment
of Justice can intervene whenever
non-intervention would be inequitable.*

6. As in Belgium.

Equitable decision. Restitution
excluded if:-

- a) Bona fide acquisition.
- b) Acquisition from third party
for value.
- c) Acquisition for value.

Purchase price to be refunded.

7. ----

- a) If restitution not ordered.
- b) If property encumbered or has
lost in value.
- c) Claim for War Damages if
dispossession effected by Germans.

8. As in Belgium.

6 months from Institution of Council.

9. Indemnification for War Damages
Law 27.3.50 (No.21)
Stateless persons and aliens only
entitled if resident in Luxembourg
since 1930, and if rendered special
services to Luxembourg; priority for
victims of Nazi oppression.

Special provisions concerning
securities and representation of
absent owners.

10. ----

Council acts as trustee pending
special decree envisaged in E.100.

Jewish successor organization
approved in principle.

11. ----

12. ----

* Presumption of inequity if legal relation changed:-

- a) by force or undue influence by occupant.
- b) without legal cause or on ground of
void legal measures.

(This footnote to be included in the text of 5, Netherlands,
if space permits)

DENMARK

NORWAY

1. 18 - 22 Million pounds

3.5 Million pounds

2. Decree No.475, 1.10.45

Decree 29.7.41, as amended
17.8.45. Decree 18.12.42
Decree 21.9.45.

3. Danish citizens and their
relatives

Owner or legal successor

4. -----

5. Directorate for Registration
of Claims

Office for Restitution, Court.

6. No details known

No protection of bona fide
acquirer, no refund of purchase
price, but reimbursement of
expenses.

7. Exchequer to pay indemnification,
allowances, damages.

8. -----

9. Detailed provisions for damages
for deprivation of liberty,
injury to life and health,
including allowances and
pensions.

10. -----

11. -----

12. Only country to provide for
indemnification by State for
crimes against humanity.

118507

WSC H179

ITALY

GREECE

1. 36 Billion pounds
2. a) Article 78 Peace Treaty re restitution of property of UN nationals.
b) Decree law 20.1.44 (No.26)
Decree law 12.4.45 (No.222) concerning real estate and donations
c) Decree law 5.5.46 (No.393) concerning dispossessions by Government of Social Republic.
d) Decree law 24.4.48 (No.896) concerning restitution of property removed by Germans.
3. 2 b) Persons affected by Fascist Law and their successors.
2 c) Persons considered as Jews by Fascist Law; for missing persons Jewish community may demand appointment of administrator.
2 d) Holder at time of dispossession, or title holder prior to dispossession.
4. 2 b) Property transferred by contract if lesion less than $\frac{1}{4}$ of value.
5. 2 b) Office for Administration and Liquidation of Real Estates
2 c) Courts
2 d) Ministry of Industry and Commerce on advice of consultative Commission; in case of conflicting claims, courts.
6. 2 b) Restitution by Office, subsequent transfer irrelevant.
2 c) bona fide acquisition protected. (no bona fides for immovables). Refund of purchase price, improvements, costs of administration.
2 d) Actual expenditure and 4% for general costs must be refunded by claimant.
7. 2 b) Compensation by State optional.
2 c) Claimant may elect compensation instead of restitution from State or third party.
2 d) Proceeds if property sold by Ministry.
8. 2 b) 1 year from conclusion of peace.
2 c) Vindication 3 years.
Compensation from State 10 years.
Compensation from private persons 3 years.
2 d) 60 days from publication of list containing the claimed property. judicial proceedings within 30 days from administrative decision.
9. Reinstatement into civil rights, occupation, education, by various enactments.
10. Decree law 11.5.47 (No.364) appoints Union of Italian Jewish Communities as successor organization.
2 d) Unclaimed property escheats to State.
Trieste: Allied Order 27.1.48 (No.155) appoints Jewish Community of Trieste as successor organization.
11. -----
12. Donations made in consequence of Fascist laws may be revoked.

22 - 29 Billion pounds

Laws: 26.10.44 (No.2/44)
20.5.45 (No.357/45)
31.5.45 (No.808/45)

Owners and heirs up to 4th degree.

a) Courts
b) Jewish Property Administration Bureau.

Governed by civil law.

Owner may claim repayment of current value.

Law 18.1.46 (No.346/46) waives right of escheat, provides for Jewish Rehabilitation Fund.
Executive Decree 29.3.49 establishes successor organization for assistance and resettlement of Jewish survivors who were domiciled in G

116508

SWEDEN

SWITZERLAND

- | | | |
|-----|---|--|
| 1. | No estimate available | No estimate available |
| 2. | Law 14.7.45 (No. 520/26). | Federal Council Decree 10.12.45. |
| 3. | Rightful owner or assignee of property seized in war-occupied country. | Person dispossessed in war-occupied country. |
| 4. | ----- | ----- |
| 5. | Special Judicial Board
(Application to Foreign Office) | Federal Court (Special Division) |
| 6. | No protection of bona-fide acquirer, but may be indemnified by State. Purchase price to be refunded. | No protection of bona-fide acquirer, but may be indemnified by State. Purchase price to be refunded. |
| 7. | ----- | ----- |
| 8. | Law in force until 30.6.46. | 31.12.1947 |
| 9. | ----- | ----- |
| 10. | Heirless property to go to General Inheritance Fund, may be used for certain welfare purposes according to statute. Allies requested use for victims of German action. 95% to be used for Jewish victims. # | Allies requested use for victims of German action. 95% to be used for Jewish victims. # Polish-Swiss Agreement 25.6.49 provides for Polish heirless assets in S. to be paid into clearing account in favour of Polish exchequer. |
| 11. | ----- | ----- |
| 12. | Government paid 50 Million Kroner to IRO for use for rehabilitation and resettlement of non-repatriable victims of German action. (90% for Jewish victims). | Government paid on account of German assets 20 Million S.Francis to IRO for use for rehabilitation and resettlement of non-repatriable victims of German action (90% for Jewish victims). |

P.1, Art. 8 Final Act, Paris Reparation Conference, 1945, and Agreement on Allocation of Reparation Share of 14.6.46.

RESUMÉ

715 Million pounds

FRENCH ZONE

U.S. ZONE

- 1.
2. Ordinance 10.11.47 (No.120) as amended by Ordinances 10.6.48 (No.156), by 23.10.49 (No.186) 19.5.49 (No.213)
3. a) Owner, spouse and heirs up to 3rd degree, including cousins.
b) In absence of claimant, public prosecutor, common fund organizations of Nazi victims.
4. ———
5. a) Restitution Chamber at Landgericht (one assessor must be Nazi victim).
b) Directeur de l'Administration allemande des Biens Contrôlés.
6. Governed by civil law; charges extinguish; profits exceeding 2% of value go to common fund; purchase price to be refunded; first acquirer in good faith may demand consideration he paid.
7. ———
8. 3 a) 15.8.48
3 b) 31.12.49.
9. ———
10. Organizations to administer common funds for compensation of Nazi victims to be established by Law.
11. ———
12. Indemnification for Nazi wrongs regulated by Law legislation.
2. Law 10.11.47 (No.59) as amended.
3. Forcens subject to acts of confiscation or successors in interest (presumption of confiscation in favour of persecutees or members of persecuted groups).
4. a) Property appropriated for lawful public purpose and still so used.
b) Property acquired in the course of ordinary and usual business transactions.
c) Money
d) Securities, subject to exceptions.
5. a) Restitution Agency; if not competent, or claim contested, Restitution Chamber at Landgericht, (one judge must be persecutee)
b) Property Control Branch, REAC.
6. a) Aggravated confiscations; (transactions contre bones mures or under threat) governed by law of tort. Compensation for necessary expenditure in interest of claim.
b) Simple confiscations; liability for damage and adequate compensation for profits.
a) and b) for charges "limit of encumbrances" rule, no equitable lien.
7. a) in case 4, a)
b) Alternative claim for difference between received and fair purchase price against first acquirer.
8. a) Last posting date: 31.12.48. Last receiving date by Central Filing Agency, Bad Nauheim, 31.3.49.
b) For Public Prosecutor on behalf of successor organization: 30.6.49.
9. Exclusion from inheritance void; testaments may be voided. Adoptions, trade names, names of corporations may be restored. Insurances, industrial and copy rights may be regulated by special legislation.
10. Jewish Restitution Successor Organization designated by implementing Ordinance No.3.
11. ———
12. a) Board of Review appointed by Military Government may review decisions.
b) Law concerning redress of national socialist wrongs (General Claims Law) 10.8.49.

116510

WJC H79

GERMANY

1. 715 Million pounds.

BERLIN - WESTERN SECTIONS

~~to 715 Million pounds.~~

2. Allied Kommandatura Order HK/O/(49) 180
26.7.49.
3. Person whose property was subject to unjust deprivation or successor in interest. (Presumption of unjust deprivation in favour of persecutees or members of persecuted groups).
4. a) Property of less than RM.1000 value.
b) Property expropriated for lawful public purposes and still so used.
c) If property acquired in the course of ordinary and usual business transactions.
d) Currency.
e) Securities, subject to exceptions.
5. a) Restitution Office for Greater Berlin; if claim contested, Restitution Chamber at Landgericht, Berlin.
b) Treuhänder der Am., Brit. and Franz. Militärregierungen fuer Zwangsuebertragene Vermoegen, Berlin.
6. Net profits to be refunded. Encumbrances beyond "limit of encumbrances" extinguish; leases may be terminated; consideration received for free disposal to be repaid. No lien.
7. a) In case 4 b)
b) Alternative claim for difference between received and fair purchase price.
8. 30.6.50.
9. Exclusion from inheritance void; testaments may be voided; adoptions, trade and firm names may be restored.
10. Trust Corporation to be appointed; in U.S. Sector, S.R.S.O.
11. ———
12. Board of Review appointed by Military Government may review decisions

BRITISH ZONE

to 715 Million pounds.

2. British Military Government Law 12.5.49 (No.59).
3. Person whose property was subject to unjust deprivation, his heirs, or other successors in title. (Presumption of unjust deprivation in favour of persecutees or members of persecuted groups).
4. a) Property expropriated for lawful public purposes and still so used.
b) If property acquired in the course of ordinary and usual business transactions.
c) Currency.
d) Securities, subject to exceptions.
5. a) Restitution Agency; if claim contested, Restitution Chamber at Landgericht.
b) Central Office for Administration of Property (Bad Nenndorf) which also serves as central filing agency.
6. Net profits to be refunded. Encumbrances beyond original charges extinguish unless they enhance value correspondingly; leases may be terminated; consideration received for free disposal to be repaid; no lien.
7. a) In case 4 a)
b) Alternative claim for difference between received and fair purchase price.
8. 30.6.50.
9. Exclusion from inheritance void; testaments may be voided; adoptions, trade and firm names may be restored.
10. Trust Corporations to be formed; regulations impending.
11. Federal legislation concerning indemnification for Nazi wrongs requested by Allied High Command
12. Board of Review appointed by Military Government may review decisions.

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WSC #179

GERMANY.

1.

715 Million pounds.

EASTERN GERMANY.

Nothing known about special legislation except local regulations and Law for Thuringia of 14.9.45; this law deals with dispossession by official action.

Entitled to claim: owners and heirs up to 2nd degree.

Restitution in kind only.

Bona fide holder may be granted compensation.

Decision by Arbitration Tribunals.

Time limit for claims: 30.9.46.

Polish Occupied Territory:

See Poland.

German property seized.

Persons belonging to ethnic groups whose rights were restricted by German legislation not considered as German nationals.

(Decree 21.5.46, No. 182).

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WJC #179

AUSTRIA

1. 125 - 140 Million pounds.
2. a) Law 10.5.45 (No.10) as amended 27.2.46 (No.47).
b) Nullity Law 15.5.46 (No.106).
c) First Restitution Law 26.7.46 (No.156). Executive Order 15.9.46 (No.167).
d) Dispossession Registration Order 15.9.46 (No.166).
e) Administrator Law 26.7.46 (No.157) as amended 29.6.49 (No.163).
f) Second Restitution Law 6.2.47 (No.53)
g) Third Restitution Law 6.2.47 (No.54).

1st Restitution Law.

2nd Restitution Law.

3rd Restitution Law.

- | | | |
|---|---|---|
| <p>3. Owner and heirs up to 3rd degree; more distant relatives only if they lived in common household with deceased.</p> | <p>Owner and heirs up to 3rd degree; more distant relatives only if they lived in common household with deceased.</p> | <p>Owner and heirs up to 3rd degree; more distant relatives only if they lived in common household with deceased.</p> |
| <p>4. Provides for restitution of property seized by Germans at present in administration of Austrian authorities.</p> | <p>Provides for restitution of dispossessed property declared forfeit to Austrian State.</p> | <p>a) Basic law; 1st and 2nd Restitution Laws <i>lex specialis</i> only.
b) Agricultural property used for agricultural settlement purposes may be excluded in the National interest.</p> |
| <p>5. Provincial Directorate of Finance.</p> | <p>Provincial Directorate of Finance.</p> | <p>Restitution Commissions at High Court of first instance.</p> |
| <p>6. Property to be restored <i>tel quel</i>; including existing accessories.</p> | <p>Property to be restored <i>tel quel</i>; including existing accessories.</p> | <p>Property to be restored at least as it was on 31.7.46, including existing accessories; only consideration of which owners could freely dispose to be refunded. Mortgages expire except such covering necessary or useful expenses in favour of owner, easements.</p> |
| <p>7. -----</p> | <p>-----</p> | <p>If restitution economically impracticable, commission may award restitution of similar property, partnership, compensation by payment of estimated value.</p> |
| <p>8. 31.12.51</p> | <p>31.12.51</p> | <p>31.12.51.</p> |
| <p>9. Reinstatement into civil service (134/45), professions, private employment, (Nos. 417/47, 160/47).</p> | <p>(Nos. 103, 104, 145/45);</p> | <p>(Nos. 103, 104, 145/45);</p> |
| <p>10. -----</p> | <p>-----</p> | <p>-----</p> |
| <p>11. Article 44 (2) draft State Treaty provides that heirless property shall be used for rehabilitation and resettlement of surviving victims by organisations established by Allies in consultation with Austrian Government. Restitution Fund Law in preparation. Advance loan granted to Jewish Community of Vienna. Law concerning reinstatement of leases and tenancies under consideration.</p> | <p>by organisations established by Allies in consultation with Austrian Government.</p> | <p>by organisations established by Allies in consultation with Austrian Government.</p> |

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WJC # 179

12. 4th Restitution Law, 21.5.47 (No.143) concerning restitution of firm names.
 - 5th Restitution Law, 22.6.49 (No.164) concerning dissolved legal persons of economic nature and restitution of their property.
 - 6th Restitution Law, 30.6.49 (No.199) concerning restitution of patents and other industrial rights.
 - 7th Restitution Law, 14.7.49 (No.207) concerning claims arising from loss of employment or pensions in private enterprises.
 - Law 16.7.49 (No.210) concerning claims arising from loss of employment in agriculture and forestry.
- Restoration laws deal with dispossessions between 5.3.33 and 13.3.38.

HUNGARY

1. 140 Million pounds.
2. a) Article 26 Peace Treaty re restitution of property of U.N. nationals; executive decree 16.4.48 (No. 3520).
Article 27 (1) provides for restitution of property dispossessed on account of race or religion, or for fair compensation.
b) Order 200/1945 M. E. 5.2.45.
c) Decree 11.9.46 (No. 10490).
d) Decree 300/1946.
e) Law 24.5.48 (No. XXVIII) concerning treatment of abandoned property.
3. Discriminated persons and heirs up to 2nd degree. For absent persons appointed custodian.
4. Agricultural property affected by Agrarian Reform Act 18.3.45.
2 b) provides avoidance of usurious or grossly detrimental contracts.
2 c) applies to shops, premises, furniture.
2 d) applies to movables.
5. 2 b) Competent Court
2 c) District Court or Arbitration Commission.
2 d) District Court.
6. 2 b) For Jews presumption of duress.
2 c) damages to be refunded on basis of current value; purchase price may be taken into consideration.
2 d) No jus retentionis, no rest. from 3rd party unless acquired free of charge or closely related with 1st acq. No rest. from 1st acq. if vitally needed by him.
2 e) Declares abandoned property of absentee owners forfeited to State. Property of persons who left Hg to avoid application of anti-Jewish legislation exempt, if exemption ~~was~~ established by competent authorities; property may be left to holder if he is socially useful.
7. Current value to be paid by 1st acq. unless vitally needed by him.
8. 2 b) 17.3.47, in exceptional cases 1.1.50.
2 c) 31.12.46, unclaimed property goes to Commissioner for Abandoned Property.
2 d) Statute of Limitations (32 years).
9. Civil Servants 200 1945, Licences, etc. Various Orders.
10. Article 27 (2) Peace Treaty provides that heirless property be transferred to organizations representative of the persecuted groups, for relief and rehabilitation of surviving members. Law 15.11.46 (No. XIV) and Executive Ordinance 5.3.47 (No. 3200) provides for creation of National Jewish Rehabilitation Fund.

11. _____
12. _____

BULGARIA

18 - 22 Million pounds.
Decree of 24.2.1945.

Owner or his mandatory;
for absent Jews:
Jewish Consistory or
appointed Administrator.

Agricultural property handed
over to landless peasants
and Social Insurance Fund;
movables which cannot be
restored in kind.

Authority in charge of the
property.

Increments to be refunded.
Mortgages, improvements to
be redeemed.

7. In case property is not restored, compensation by the State; for movables, by persons responsible. No compensation for vis major.
8. 3 months from 2.3.45, movables for all claimants. 1 year for absent Jews for other property.
9. Special provisions for pharmacies, shares. Civil servants reinstated.

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CZECHOSLOVAKIA

YUGOSLAVIA

- | | | |
|-----|---|--|
| 1. | 250 - 290 Million pounds. | 36 Million pounds. |
| 2. | Presidential Decree 19.5.45 (No.5) implementing instructions 11.2.46. Law 16.5.46 (No.128) amended by Law 7.4.48 (No.79). | Law 24.5.45 (O.G. 36) as amended by Law 2.8.46 (No.454), (O.G. 64) |
| 3. | Aggrieved person and legal successors unlike , if presenting certificate of "national reliability"; Failing this, exchequer. (Law 25.10.48, No.108). | Owner, spouse, ascendants, descendants, brothers and sisters. |
| 4. | a) If restitution prejudices important public interests.
b) If interests of holder prevail over those of claimant; particularly in the case of small holdings (under 15 Ha.) | a) In case of large property only part to be restored.
b) If property required in the interests of National economy.
c) If property required for military purposes.
d) If considerable investments were made by others during dispossession.
e) Mines. |
| 5. | District court. | 5. People's Court; on 4 b) - d) Supreme Court.

State Administration of National property. |
| 6. | Rules of civil law for male-fide possession apply (exceptions). Anything received by claimant to be refunded. | 6. Governed by civil law; mortgages expire. |
| 7. | Compensation of current value if:
a) restitution not easily practicable.
b) if restitution would be hardship on holder and property not needed by claimant.
c) property nationalized or allocated to holder by National Reconstruction Fund. | 7. Subsidiary claim against State for War Damage. |
| 8. | 3 years from coming into force of law (quashing of illegal decision). | 8. No provision in law - applications for probate only after one year from termination of war. Claims of relatives of deceased owner one year from coming into force of law (17.8.47) or declaration of death, whichever is the later. |
| 9. | War Damages: notifications, assessment, Decree 54/45, 31.8.45. | 9. War damages: Law of 10.6.45. |
| 10. | Allocated to Currency Stabilization Fund. | 10. --- |
| 11. | --- | 11. --- |
| 12. | --- | 12. Relatives of owners acquire administration and usufruct only. |

POLAND

1. 750 Million pounds.
2. Decree 8.3.46 (No. 87), (O.G. 13).
3. Owner, relatives up to 2nd degree, spouse.
4. Property subject to nationalisation. (Agrarian Reform Act of 18.1.45. (O.G.No.3, pos. 13).
(Nationalisation of Certain Forests Decree 12.12.44, (O.G. No.15 pos. 82), Law concerning Nationalisation of Basic Branches of State Economy of 3.1.46 (O.G. No.3, pos.17).)
5. a) Court of First Instance (speedy procedure).
b) District Liquidation Office.
6. Persons who acquired from or on behalf of Germans are considered as acquirers in bad faith, and have no counter-claims. State, public corporations, persons deriving title from them, or owner, may claim refund of expenditure to the extent of increase in value.
7. Compensation for nationalised property under special legislation and for property sold by Liquidation Office because of danger of destruction.
8. 31.12.48. Treasury or special institutions acquire ownership of immovable property after 10 years; of movables after 5 years, from 1945.
9. Decree No.182, 21.5.46 (O.G. 28) regulates treatment of German nationals, assimilates German persecutees to Polish nationals.
10. Social Institutions and Relief Organisations of specially persecuted groups may obtain administration and usufruct of abandoned property (Section 12, Decree No.13).
11. ———
12. Non-owner to whom abandoned property is restored acquires possession and usufruct only; ownership under Statute of Limitations (10 years).

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DRAFT OF THE STATUTES OF THE
JEWISH INDEMNIFICATION (RECONSTRUCTION) COMMISSION

217/46

1. Name and Seat of the Commission

A Jewish Indemnification (Reconstruction) Commission shall be established, with its seat in New York City.

2. Purposes

The Commission shall deal with all aspects of reparations imposed on Aids nations, insofar as they are wholly or partially used for Jewish purposes. The competence of the Commission embraces intervention with all competent authorities everywhere to uncover new sources of reparations, dealing with funds already designated, delegation of members to participate in or supervise the use of such funds, and similar action. All disputes concerning the scope of activity must be decided by unanimous vote. All action is taken in the name of the Commission.

3. Composition

The Commission consists of delegations of representative Jewish organizations working in the field of political and economic assistance to European Jewry. The members of the Commission have full authority to act on behalf of their organizations.

It is envisaged that the Commission be at first composed of delegations from the following four organizations:

- {1} The American Jewish Conference
- {2} The British Board of Deputies
- {3} The Jewish Agency
- {4} The World Jewish Congress

The Commission comes into being as soon as at least two of the four above-mentioned organizations have nominated their delegates.

Further organizations are admitted by unanimous decision of the members of the Commission (the participating organizations).

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4/ Number and Rotation of the Members

Every constituent organization nominates three members to the Commission, one of them an full-time member. The members may be recalled at any time by a decision of the constituent organization.

5. Administration

The Commission shall have a President and Vice-President, elected by the members of the Commission, for a term of one year.

The full-time members of the Commission represent the administrative body. They are responsible for the day-to-day work of the Commission and are entitled to hire the necessary personnel, within the prescribed budget, and to sign routine letters.

6. Members of the Commission Voting

The Commission shall meet at least once a month; the President may, in addition, convene a meeting at any time.

All decisions of the Commission, unless otherwise provided for, are taken by a majority of votes, all the delegates of each participant organization together having one vote.

7. Rules of Procedure

The Commission lays down its rules of procedure within the limits of these statutes.

8. Funds

The members of the Commission are not entitled to remuneration by the Commission, except for expenses incurred. The expenses of the Commission are met by equal contributions of the participant organizations. The Commission will decide on the amount of necessary funds and its use by unanimous decision.

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9. Cooperation with Other Organizations

The Commission may cooperate with outside organizations in pursuit of its purposes.

10. Extension of Purposes

By unanimous decision of the members of the Commission, the purposes in paragraph 2 may be extended to ~~may~~ include matters closely connected with its original purposes.

11. Withdrawal

Every organization may withdraw from the Commission, giving at least three months advance notice.

CONFISCATED JEWISH PROPERTY NOW IN NEUTRAL COUNTRIES TO BE RETURNED TO OWNERS OR HEIRS

NEW YORK, April 21. (JTA)-- Property seized from Jews in Europe after 1933 and now located in neutral countries will be restored to their owners, or their heirs, if they can be found, or will be made available for Jewish rehabilitation and resettlement, it was announced today by the American Jewish Conference on the basis of correspondence with the State Department.

The State Department notified the American Jewish Conference that it has taken under advisement the proposal advanced by the Conference that heirless Jewish property should be made available for Jewish rehabilitation and resettlement.

The sum of \$25,000,000 allocated under the Paris Reparation Agreement for the rehabilitation and resettlement of non-repatriable victims of German action, constitutes a first and prior charge on the proceeds of German external assets, the American Jewish Conference has been assured in the communication received from the State Department.

J. Kenneth Galbraith, director of the Office of Economic Security Policy of the State Department, discussing the statement and recommendations on reparations submitted to the Secretary of State by the Conference, declared that the State Department "has reason to believe" that this is also the view of France and the United Kingdom. The three governments will therefore support this position in future international negotiations, both with the neutral countries involved and in the Inter-Allied Reparation Agency.

As for the non-monetary gold found by Allied forces in Germany, which is to be made available to the Intergovernmental Committee on Refugees over and above the \$25,000,000 referred to, it is contemplated that the gold would be melted down, sold for foreign exchange, and the proceeds turned over to the Committee.

The American Jewish Conference is now preparing a memoranda for submission to the "Big Four" meeting of Foreign Ministers scheduled for London on April 25th and the subsequent peace conference to be held in Paris in May. Since the treaties in question will affect considerable numbers of Jews now living in Rumania, Hungary, and Bulgaria, efforts will be made to have appropriate safeguard clauses inserted in the various treaties.

Joint consultations between representatives of the American Jewish Conference, the Board of Deputies of British Jews and the World Jewish Congress are scheduled to take place in London during the month of May. Among the points to be discussed at the consultations is the extension and expansion of the tripartite agreement to include representative Jewish organizations from other countries.

May 18, 1946

MEMORANDUM ON ITALY
FOR SUBMISSION TO THE PEACE CONFERENCE

FOURTH DRAFT

Letter De Convai

The following observations on the proposed treaty of peace with Italy are respectfully submitted by the World Jewish Congress, the American Jewish Conference, and the Board of Deputies of British Jews, which together represent the majority of the Jews of the world.

(This paragraph will explain the composition of the three bodies, and will follow roughly the text used at San Francisco, except that the names of certain national organizations will be recited under the heading of the Congress. It has to be decided whether this shall include a specific reference to Italy.)

MEMORANDUM

- 1) Jewish Communities in Italy were among the first in Europe to achieve emancipation. Until 1937 anti-Semitism was not a factor of any importance in the life of the Italian people and had no influence on government policy. It is significant that not even the considerable propaganda of the Fascist press, following the closer association between the Fascist and Nazi Governments, could break down the Italian people's resistance to an anti-Semitic policy which they regarded as an alien importation contrary to their national traditions.
- 2) In 1938 and 1939 the Fascist Government enacted legislation which was based on Nazi models and designed to reduce Italian Jews to the level of outcasts. In the course of the war, German influence resulted

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in acts of violence against the Jews, a number of whom were deported. Nevertheless, the Italian people, so far as it still remained within their power, contrived in a measure to hold up the enforcement of the legislation, and they continued throughout the war to afford refuge to Jews from other lands fleeing from Nazi persecution. Many Italians, among whom the Partisans were conspicuous, came to the rescue of their Jewish fellow citizens, often at the risk of their lives.

- 3) Article 31 of the Armistice terms of September 29th, 1943 signed by Italy with the United Nations reads as follows:

These terms have been executed by the successive Italian Governments which have since held office. Legislation has been enacted and administrative measures taken to restore the Jews to their former status, positions and public offices and to insure the restitution of their property. While the process is not yet complete in respect to restitution and reinstatement, the determination of the Italian Government to restore to the Jews of Italy their rights in law and in fact is not in doubt.

- 4) In the light of these considerations, the undersigned Jewish organizations do not feel it necessary to urge the inclusion in the treaty with Italy of special measures designed to safeguard the rights of Jews and Jewish communities. However, we would urge that the treaty should embody a pledge by Italy to respect and observe human rights and fundamental freedoms without discrimination on grounds, etc. and that the Italian Government should give an undertaking, to embody such rights and freedoms in the fundamental law of Italy.

5) The undersigned organizations feel compelled to make a reservation in regard to the future status of the Jews of Libya, especially in the light of recent events which have demonstrated their need for special protection. The native Jews of Libya have for centuries formed a community with a distinctive life of its own, which has been preserved by the undeviating faithfulness of their loyalty to the religious and cultural traditions and customs of their fathers. It is respectfully submitted that the treaty should make provision, whatever the ultimate disposition of Libya, for the maintenance by the Jewish community, of its religious, ethnic and cultural identity, and that the right of this community to the autonomous administration of its own affairs, including the maintenance of its rabbinical courts with their existing jurisdiction, should be recognized and protected.

Respectfully submitted.

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WJC #121

DEPARTMENT OF STATE

FOR THE PRESS

June 19, 1946
No. 436

Agreement has been reached by the Governments of the United States, the United Kingdom, France, Czechoslovakia and Yugoslavia in conference at Paris concerning matters pertaining to making available certain reparation funds for the rehabilitation and resettlement of non-repatriable victims of German action.

The agreement was worked out in accordance with the provisions of Article VIII of the final Act of the Paris Conference on Reparation, signed by eighteen nations on January 14, 1946, which made available a fund of \$25,000,000 out of German assets in neutral countries, out of all the non-monetary gold found by the Allies in Germany, and out of all the assets in neutral countries of victims of Nazi action who died without heirs. The conferring powers are of the opinion that the non-monetary gold and the "heirless funds" will amount to a few million dollars.

Since the overwhelming group of eligible victims were Jewish, the conference allocated \$22,500,000 out of German assets in neutral countries, 90 percent of the non-monetary gold and 95 percent of the "heirless funds" for the rehabilitation and resettlement of Jews. The remaining part of the fund was made available for those German and Austrian non-Jewish victims who were persecuted by the Nazis for religious, political, or racial reasons and who are in need of resettlement. The agreement gave general administrative responsibility to the Director of the Inter-governmental Committee on Refugees who will make funds available to authorized field organizations.

It is expected that the authorized Jewish field organizations will use a large part of these funds for the rehabilitation of refugees and for the resettlement in Palestine.

The United States representative was Dr. Eli Ginzberg of Columbia University. He was assisted by Mr. Irwin Mason and Mr. Jacob Kaplan of the Department of State.

The text of the agreement follows:

"In accordance with the provisions of Article VIII of the final Act of the Paris Conference on Reparation, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-governmental Committee on Refugees, have worked out, in common agreement, the following plan to aid in the rehabilitation and resettlement of non-repatriable victims of German action. In working out this plan the signatory powers have been guided by the intent of Article VIII and the procedures outlined below are based on its terms:

"In recognition of special and urgent circumstances, the sum of \$25,000,000 having been made available by Allied Governments as a priority on the proceeds of the liquidation of German assets in neutral countries, is hereby placed at the disposal of the Inter-governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations as soon as they have submitted practicable programs in accordance with this agreement.

"(A) It is the unanimous and considered opinion of the Five Powers that in light of paragraph H of Article VIII of the Paris Agreement on Reparation, the assets becoming available should be used not for the compensation of individual

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victims but for the rehabilitation and resettlement of persons in eligible classes, and that expenditures on rehabilitation shall be considered as essential preparatory outlays to resettlement. Since all available statistics indicate beyond any reasonable doubt that the overwhelming majority of eligible persons under the provisions of Article VIII are Jewish, all assets except as specified in paragraph B below are allocated for the rehabilitation and resettlement of eligible Jewish victims of Nazi action, among whom children should receive preferential assistance. Eligible Jewish victims of Nazi action are either refugees from Germany or Austria who do not desire to return to these countries, or German and Austrian Jews now resident in Germany or Austria who desire to emigrate, or Jews who were nationals or former nationals of previously occupied countries and who were victims of Nazi concentration camps or concentration camps established by regimes under Nazi influence.

"(B) The sum of \$2,500,000, amounting to 10 percent, arising out of the \$25,000,000 priority on the proceeds of German assets in neutral countries, 10 percent of the proceeds of the 'non-monetary gold', and 5 percent of the 'Heirless funds' shall be administered by the Inter-governmental Committee on Refugees or its successor organization through appropriate public and private organizations for the rehabilitation and resettlement of the relatively small numbers of non-Jewish victims of Nazi action who are in need of resettlement. Eligible non-Jewish victims of Nazi action are refugees from Germany and Austria who can demonstrate that they were persecuted by the Nazis for religious, political, or racial reasons and who do not desire to return, or German and Austrian nationals, similarly persecuted, who desire to emigrate.

"(C) The Director of the Inter-governmental Committee on Refugees or the Director General of the successor organization shall under the mandate of the agreement make funds available for programs submitted by the appropriate field organizations referred to in paragraphs A and B above as soon as he has satisfied himself that the programs are consistent with the foregoing. Only in exceptional circumstances may the cost of resettlement programs exceed a maximum of \$1,000 per adult and \$2,500 per child under 12 years of age. The action of the Inter-governmental Committee on Refugees or its successor organization shall be guided by the intent of Article VIII and by this agreement which is to place into operation as quickly as possible practicable programs of rehabilitation and resettlement submitted by the appropriate field organizations.

"(D) In addition to the \$25,000,000 the Inter-governmental Committee on Refugees or its successor organization is hereby authorized to take title from the appropriate authorities to all 'non-monetary gold' found by the Allies in Germany and to take such steps as may be needed to liquidate these assets as promptly as possible, due consideration being given to secure the highest possible realizable value. As these assets are liquidated, the funds shall be distributed in accordance with paragraphs A and B above.

"(E) Furthermore, pursuant to paragraphs C and E of Article VIII, in the interest of justice, the French Government on behalf of the five governments concluding this agreement, are making representations to the neutral powers to make available all assets of victims of Nazi action who died without heirs. The governments of the United States of America, the United Kingdom, Czechoslovakia, and Yugoslavia are associating themselves with the French Government in making such representations to the neutral powers. The conclusion that 90-5 percent of the 'heirless funds' thus made available should be allocated for the rehabilitation and resettlement of Jewish victims takes cognizance of the fact that those

funds are overwhelmingly Jewish in origin, and the 5 percent made available for non-Jewish victims is based upon a liberal presumption of 'heirless funds' non-Jewish in origin. The 'heirless funds' to be used for the rehabilitation and resettlement of Jewish victims of Nazi action should be made available to appropriate field organizations. The 'heirless funds' to be used for the rehabilitation and resettlement of non-Jewish victims of Nazi action should be made available to the Intergovernmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations. In making these joint representations, the signatories are requesting the neutral countries to take all necessary action to facilitate the identification, collection, and distribution of these assets which have arisen out of a unique condition of international law and morality. If further representations are indicated the governments of the United States of America, France and the United Kingdom will pursue the matter on behalf of the signatory powers.

"(F) To insure that all funds made available shall insure to the greatest possible benefit of the victims whom it is desired to assist, all funds shall be retained in the currency from which they arise and shall be transferred therefrom only upon the instructions of the organization to which the Intergovernmental Committee on Refugees or its successor organization has allocated the funds for expenditure.

"(G) The Director of the Inter-governmental Committee on Refugees shall carry out his responsibilities to the five governments in respect of this agreement in accordance with the terms of the letter of instruction which is being transmitted to him by the French Government on behalf of the governments concluding this agreement.

"In witness whereof the undersigned have signed the present agreement.

"Done in Paris, on the fourteenth day of June, 1946, in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of the French Republic, certified copies being furnished by that government to the signatories of this present agreement. Signed Eli Ginzberg, delegate of the United States of America, Joseph Vladimir Klvana, delegate of Czechoslovakia, Philippe Perier, delegate of France, Douglas MacKillop, delegate of the United Kingdom of Great Britain and Northern Ireland, Mato Jaksic, delegate of Yugoslavia.

"ANNEX TO THE AGREEMENT ON A PLAN FOR ALLOCATION OF A
REPARATION SHARE TO NON-REPATRIABLE VICTIMS OF
GERMAN ACTION:

"In accepting the phrasing of paragraph E of the agreement, the Czechoslovak and Yugoslav delegates have declared that the Republic of Czechoslovakia and the Republic of Yugoslavia have not by so accepting given up their claim to the forthcoming inheritance mentioned therein which, according to the provisions of international law, belong to their respective states. Signed Paris, 14th June, 1946, the Czechoslovak delegate: (signed) Joseph Vladimir Klvana, the Yugoslav delegate: (signed) Mato Jaksic."

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WJC #1121

Rabbi Bernstein

with the compliments of
Dr. Nussbaum

The Jewish Problem
of
Restitution in and Indemnification
by Germany.

I. General observations :

The obligation of the German people to make up for the wrong done to the Jews is based on elementary justice and is in principle recognized by the Allied Powers. Regarding the different kinds of claims, the following may be observed :

a) Restitution :

Jewish individuals, corporations and associations, including the Reichsvereinigung der Deutschen Juden, the communities, foundations and other institutions have a claim for restitution of all properties, rights and interests that have wrongfully been alienated from them under Nazi rule. The problem of restitution is one of vast magnitude. According to an estimate which the "German Property Branch" of Military Government in Berlin obtained, at my suggestion, from Dr. Bauer, a most competent expert of the Institut fuer Wirtschaftsforschung in Berlin, the value of Jewish property in Germany (Altreich), as per 1933, amounted to about 9 $\frac{1}{2}$ billions of Reichsmark. This is certainly not an exaggerated valuation, as in an official memorandum made by a Nazi Staatskommissar in November, 1938, ^{that property} was assessed at about 6 $\frac{1}{2}$ billions of Reichsmark.

b) Indemnification :

A great number of Jews have claims for indemnification for personal wrongs suffered, for loss of profession or employment or other damages. It seems that a reliable estimate of the total of those claims is not available, so far,

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but they certainly amount to a very large sum. There is, too, a claim of the Jewish people as a whole for Reparation, which, i. e., may be based on the fact that the Germans have uprooted European Jewry and thereby imposed on the Jewish people the burden of re-establishing hundreds of thousands of Displaced Persons, but this ^{German} Reparation claim was not within the scope of activities of the representation of the Jewish Agency for Palestine and is, therefore, not subject of the present report.

II. The competent Authorities and Organisations.

The tackling of the restitution and indemnification problem is especially difficult because of the great number of authorities and organisations involved.

(a) The Allied Powers.

A distinction must be made between the German territories west of the Oder-Neisse Line (hereinafter called "Western Germany") and those east of this Line (hereinafter called "Eastern Germany"). Western Germany comprises four Zones - the American, British, Russian and French Zone - and the City of Berlin. This latter is under the joint administration of the four Allied Powers, but is divided into 4 Sectors, each of which is under the supervision of one of the four Allied Powers. As regards Eastern Germany, the larger part is in the hands of Poland, the remainder in the hands of Russia. Either of these Powers considers and deals with that part of Eastern Germany which is under its control as an integral part of its own country, and not as only temporarily occupied territory.

Uniform legislation for the whole of Western Germany requires the agreement of U.S.A., Great Britain, Russia and France, whilst legislation for a single Zone only is within the competence of the respective Occupation Power. As regards

Berlin, legislation is possible on a quadripartite basis only.

Legislation for Eastern Germany is a matter of the Polish Authorities, as far as territory under Polish control is concerned, and is a matter of the Russian authorities, as far as territory under Russian control is concerned.

(b) German Authorities.

There being no central German Government, any German legislation can be enacted only by the single Laender, and by the Magistrat of Berlin. It is true that there is a machinery for the coordination of legislation of the Laender of each Zone, for instance the Laenderrat for the American Zone, but the fact remains that in each of the 4 Zones and in Berlin the Restitution problem is separately and differently approached, and in the Russian Zone there is even no coordination between the single Laender in dealing with restitution problems (see the following para. IV, 1).

(c) Jewish Organisations.

On the Jewish side, so far, no recognised representation of Jewry as a whole in relation to Restitution and Indemnification has been established. On behalf of the Jews residing in Germany, the "Interessenvertretung der Juedischen Gemeinden" in Stuttgart deals with the Restitution and Indemnification Problem. This organisation originally only comprised the Jewish communities in the American, British and French Zones, but recently the Jewish community in Berlin joined it and this latter is in contact with the Association of the Jewish Communities in the Russian Zone in formation, so that the Jewish communities of the whole of Western Germany are more or less brought in line.

Of the International Jewish Organizations, the Jewish Agency for Palestine, the American Joint Distribution Committee, the Jewish World Congress and others deal with the Restitution problem. The Jews from Germany living in other countries are represented in this matter by the "Council for the Protection of the Rights and Interests of Jews from Germany" in London.

The coordination of the Jewish Organizations has been facilitated by the appointment of Rabbi Bernstein as advisor of General Mc Narney and of Mr. Max Loewenthal as advisor of General Clay in Jewish matters.

III. Provisional Laws and Measures.

(a) Blocking and Control.

By the well-known Military Government Law No. 52 (Enclosure No. 1), which has been enacted in the whole of the occupied territory of Germany (in the Russian Zone as Soviet Order No. 124), property which was confiscated or sold under duress has been blocked and put under control. The control has been or is being delivered to the German authorities who, however, have to work under the supervision of, and according to, the directions of the Allied Authorities.

In the French Zone this Law has been supplemented by Arrête No. 24 of 8th December 1945 (Enclosure No. 2) under which persons being in possession or having knowledge of property which belonged to persecutees are obliged to give notice thereof, otherwise they are liable to penalty.

(b) Machinery for Registration of Claims, supplying Information etc.

As stated in the announcement of 10-7-46 (Enclosure No. 3), the British Government has made arrangements which will enable persons resident in the British Commonwealth and British citizens elsewhere to forward their claims for restitution through official channels. It appears from the Staff Memorandum of 8 November 1946 (Enclosure No. 4) that it is intended by the American authorities to make similar arrangements.

(c) Law Relating to the Creation of a Special Fund for the Purpose of Restitution.

This Law (Enclosure No. 5) has been enacted in the Laender of the American Zone. It provides that a special Fund shall be created from the proceeds of the Administration or disposition of confiscated Nazi property, or from other means, from which in case of an economic emergency interim payments or other support have to be granted to physical persons who suffered injuries during the National Socialist despotism. This law

is linked with the Restitution problem by the provision that payments made in virtue of it have to be deducted from the Restitution claim when it is definitely settled. The law, as it stands, applies to the persecutees described therein without making a distinction between persons residing in and persons residing outside of Germany. Therefore, I asked the Chief of OMGUS Legal Division to give the directions required to make payments under the Law to persecuted former officials of the Reich, the Laender etc. and of other persons entitled to pensions who live outside of Germany and are in economic distress. The Chief of the Legal Division, however, doubted whether the persons living abroad may benefit from the Law as in his opinion it was designed for residents of Germany only. The question is still under consideration.

If the Law would apply only to persons residing in Germany, it would, as a matter of fact, merely amount to an administrative arrangement for social purposes.

IV. Laws and Official Drafts regarding actual Restitution.

1. Western Germany.

a. The Thuringian Reparation Law.

The only law providing for actual restitution, enacted so far in Western Germany, is the Wiedergutmachungsgesetz of 14 September, 1945, promulgated on October 4, 1945 in Thuringia (Enclosure No. 6). No Restitution Law has been enacted in the other parts of the Russian Zone (Saxonia) nor is it, at present, likely that any such law will be enacted there. As regards the Thuringian law, it was feared last summer that its implementation would be stopped by the Russian Authorities but, as a matter of fact, the execution of the Law is being continued as I have reliably been informed.

b. The Draft of a Restitution Law for the American Zone as per 18-10-46.

No Law providing for actual restitution has been enacted so far in the occupied territory of Germany outside of the Russian Zone. In the American Zone, the Draft of a Restitution Law has been discussed in many meetings of the Legal Committee of the Laenderrat in Stuttgart and much thought and work has been devoted to it by the representatives of the Laender and those of Military Government, Berlin. But, nevertheless, it has not yet reached its final stage. The last draft is that of 18th October, 1946, but meanwhile in a new meeting the Legal Committee has resolved to propose several alterations of that Draft. What is more important, the Draft has not yet been confirmed by the American Government in Washington. Endeavours are being made there by the Jewish Organizations to secure the inclusion of important amendments, especially provisions to ensure that masterless Jewish private and public property be given to an International Jewish Organization and that the Courts should not be composed of German

American Judges only*. Under these circumstances there are prospects that the Comments of the Jewish Organizations, dated November 20, 1946, regarding the Draft will yet be taken into consideration by the Legislating Authorities. As these Comments are drafted with skill and ability and contain a number of relevant proposals, I endeavoured to facilitate their consideration as far as possible. For this purpose I made a German translation of the Comments and transmitted them to the German authorities concerned. Besides that, after having drafted the proposals of the American Organizations as far as they were not already drafted in their "Comments", I arranged a copy of the Draft of October 18, 1946, in which the proposals of the American Organizations - except the one to replace the non-contentious procedure provided for in the Draft by contentious procedure - were set out under the respective sections of the Draft (Enclosure No. 7) and submitted it to the Military Authorities.

In the meeting of the Legal Committee in which the Draft was discussed, the Interessenvertretung der Juedischen Gemeinden was mainly - and ably - represented by Dr. Benno Ostertag, a Jewish lawyer residing in Stuttgart. (I myself also attended these meetings several times). With Dr. Ostertag and with Dr. Philip Auerbach, the very active President of the Interessenvertretung and Staatskommissar for Political and Racial Persecutees in Bavaria, I reached full agreement on the line to be followed and in particular the adoption of the proposal that the masterless Jewish property be vested in a Jewish International Organization.

c. The Draft for the French Zone.

The Draft of September 1946 with its interesting "Reasons" (Koblenzer Entwurf) has been elaborated and adopted by the German Administrations of Justice in the French Zone (Enclosure No. 8). I take it from information received from competent authorities that contrary to the procedure in the American Zone the French Military Authorities did not take an active part in the preparation of this Draft but that it was submitted to the French Military Government for confirmation after it had been completed by the German Administrations of Justice.

d. The Draft of Berlin.

The Draft of a Reparation Law attached hereto (Enclosure No. 9) has been elaborated in the Magistrat of Berlin, but it must be stressed that meanwhile in consequence of the recent elections, the composition of the Magistrat has changed and that the Draft has not yet been submitted to the competent Allied Authorities.

* 10-11-46. After the writing of this Report I have been informed by Dr. Nahum Goldmann that the definite directions settling the question of the International Jewish Organization and the composition of the Courts in a satisfactory manner will probably be given shortly.

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c. The Draft for the British Zone.

There exists a draft which was recently discussed at a meeting of the Zonenbeirat at Bremen. According to reliable information, it provides

- (1) for Restitution and Indemnification;
- (2) does not exclude the Right of the State to inherit Jewish masterless property;
- (3) provides for Special Tribunals composed of German Judges or Assessors only.

However, the British Government intends, as I was informed by a competent British authority in Berlin, to follow the American example and to enact a Law providing for Restitution only on a zonal basis, if the solution of the whole problem on a quadripartite basis cannot soon be achieved. It should be possible to obtain exhaustive information regarding the plans for the British Zone from Col. Salomon.

2. Eastern Germany.

As regards the territory of Eastern Germany under Russian control, I took steps in order to find out the attitude of the Russian Government in respect to the Restitution of the Property alienated from Jews by the Nazis in that territory which have not yet yielded results.

Regarding the situation in that part of Eastern Germany which is under Polish control, I obtained from the legal adviser in the Polish Military Mission in Berlin the information contained in Enclosure No. 10. It is stated there that the Treasury of the Polish State will take over all property belonging to German Nationals, but that members of the Polish or other national groups persecuted by the Germans are exempt from this rule and can therefore claim the return of their property. In a previous conversation, the legal adviser expressly told me that Jews are deemed to be members of a national group persecuted by the Germans and can, therefore, claim the return of the property even if they had been German citizens. It appears from this information that the Restitution of Jewish property in the Polish part of Eastern Germany is actually possible. The necessary steps should be taken in order to organize the filing of all the Jewish claims in respect of property situated in that territory.

V. Comments on the Law and Drafts mentioned in Chapter IV, 1.

The Draft for the American Zone differs from the Koblenzer Entwurf (French Zone) and the Drafts of the Zonenbeirat (British Zone) and of the Magistrat Berlin in that its provisions are restricted to Restitution of Property and do not include indemnification for wrongs other than alienation of property.

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The reason is that in the opinion of the American Authorities Indemnification Legislation must, as yet, be delayed because it is connected with the general Reparation problem of Germany and with the re-establishment of the German currency, and that, unlike the Restitution problem, it can be solved on a quadripartite basis only and not on a zonal basis. As a matter of fact, the Drafts which deal with the Indemnification problem too, are designed for quadripartite legislation whilst the Stuttgart Draft is to be enacted in the Laender of the American Zone, independently of the legislation in other Zones. The Jewish side is, of course, interested in a Legislation which extends to the whole of the former Reich and settles the Restitution and the Indemnification problem simultaneously and immediately. But these are things which - apparently - cannot be had together. If we want a relatively speedy Legislation we must acquiesce in a Law which is restricted to Restitution and to the American Zone, as waiting for a comprehensive Law on a quadripartite basis would most probably be tantamount to a considerable delay of Restitution Legislation.

As regards the contents of the Draft for the American Zone, its provisions regarding Restitution compare favourably with those of the other Drafts and of the Thuringian Law, especially because the Draft for the American Zone excludes the right of the State to inherit heirless property and because it provides that dispositions of property made during Nazi rule by a member of a Group which was persecuted in its entirety, shall, in principle, be voidable. Needless to say that in spite of that the Stuttgart Draft of 18th October, 1946 is far from being perfect. All endeavours should be made that the Draft be amended as set out in Enclosure No. 7 and that with these amendments it be promulgated with the utmost speed in the Laender of the American Zone and, especially, not be delayed by the newly elected parliaments of the Laender.

After that we should do our utmost in order that the same or similar Restitution Legislation be enacted in all other Zones and in Berlin and that the Indemnification Legislation should not be delayed any longer. It has to be pointed out in this respect that most of the persons claiming indemnification are in greater economic distress than those claiming restitution.

VI. Transfer.

As a small percentage only of the Jewish claimants reside in Germany and all the others live outside that country, the question of the transfer of the proceeds from the property to be restituted and of the payments to be made is of first ranking importance. But the American authorities flatly refused any proposal for establishing a transfer machinery similar, for instance, to the transfer system of the "Haavara" Ltd.

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Their reply is that, as long as several hundred Millions of Dollars have to be paid out of the pockets of the American taxpayer in order to feed the German people, all the proceeds from German export have to be applied to the payment of the necessary imports. The objection that by expedient transfer arrangements the proceeds from German export could be increased, did not change their attitude. I suggest that the matter should be discussed with financial experts in order to find ways and elaborate proposals which might be acceptable to the Allied Powers. Foremost, the transfer of pension payments should be assured, as the sums involved are not very high and most of the persons entitled to the payments are in urgent need of them.

VII. Special Problems.

- (a) Objects of religious or cultural value for the Jewish people.

Nearly three months ago a statement was shown to me, from which it appeared that the establishment of a special International Jewish Organisation was proposed with the object of acting as Trustee in respect of the said objects and distributing them among the appropriate institutions as far as they are not identifiable. The only Palestinian institution proposed there for participation in the establishment of the said International Organisation was the Hebrew University. I suggested that the Vaad Leumi be added and - as Representation of the Jews from and in Germany - the "Council for the Protection of the Rights and Interests of Jews from Germany" in London, and I immediately drew the attention of the Jewish Agency to this question.

- (b) Claims in connection with Theresienstadt.

Attached hereto are a Report made by Mr. Brochnik (Enclosure No. 11) and a letter from Dr. Liebstein (Enclosure No. 12) which show that at a bank in Prague lies an amount of about 80 Million Marks which mostly represents money robbed from German Jews. The necessary steps to obtain the restitution of this money should be discussed.

VIII. Organisations to be established immediately.

The opportunity given by an international meeting such as the Zionist Congress in Basle should be used to start immediately the establishment

- 1) of an International Jewish Organisation for the purpose of representing the Jewish People in Restitution and Indemnification affairs and of receiving the masterless Jewish property in Germany;
- 2) an Agency to assist and represent Jewish claimants in preparing and forwarding their claims and in the administration of the property to be restituted.

116530 Munich, December 8, 1946

Dr. Meinhold Nussbaum

WJC H121

July 2, 1946
First DraftPEACE TREATY WITH HUNGARY

The undersigned organizations respectfully submit herewith their draft of a special chapter suggested for insertion in the proposed treaty of peace with Hungary. The draft sets forth detailed and specific measures designed to secure and safeguard the civil, religious, cultural, and property rights of Hungarian Jews.

The following considerations emphasize the need for specific protective measures for Hungarian Jews:

1. Hungary was one of the very first countries to embark upon a policy of depriving Jews of their rights and persecuting them, a policy which, in the course of time, culminated in the annihilation of the large part of its Jewish population, with the tragic result that out of a population of over 400,000 Jews within the borders of pre-war Hungary, only about 150,000 survive. Despite this decimation, Hungary still has one of the largest Jewish communities in Europe. In view of the past, it is apparent that the Hungarian Jewish community requires special consideration by the powers now shaping the peace of the world.

2. In considering the future of the Hungarian Jewish community we must recall that Hungary was after the First World War among the first "minorities" state to violate the provisions of the minorities clauses by introducing as early as 1920 a "numerus clausus" for Jewish students in schools. This measure was, however, only the most conspicuous among the violations of the treaty, as almost all the measures taken to implement it fell very short of its intent and purposes.

One of the reasons for the inadequacy of these previous treaty provisions in favor of the Jewish community was that they were couched in vague language and could, accordingly, be easily evaded or circumvented.

3. Their numerical importance and the awareness among Hungarian Jews of their distinctive religious, cultural and ethnic entity make it mandatory that their specific status be fixed by international agreement.

4. While asking for specific international protection, the undersigned do not wish this request to be considered as a reflection upon the good-will of the present Hungarian Government toward the Jews in their country. However, anti-Semitism is concededly so strong in Hungary that it would be injudicious on the part of those who are concerned with the future peace of the world to entrust the status and welfare of the Hungarian Jewish community to Hungary's discretion without adequate and specific international guarantees.

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PEACE TREATY WITH HUNGARY

Chapter _____ Status of the Jews

Article I

Status of Individual Equality

1. Hungary undertakes to secure to all persons under her jurisdiction, without discrimination as to race, sex, language, religion, nationality or place of birth, the enjoyment of human rights and fundamental freedoms, including the freedom of expression, of press and publication, of religious worship, of political opinion, and of public meetings.

All inhabitants of Hungary shall enjoy the right of a fair trial and freedom from arbitrary detention.

2. Hungary undertakes to insure to all its citizens adequate protection in their economic, social and cultural pursuits, including the right to engage in all gainful occupations, access to public office and unrestricted admission to public schools and educational institutions on the basis of full equality.

Article II

Nationality

1. All Jews who resided in Hungary on January 1, 1938, their spouses and children who do not claim any other nationality, are to be recognized as citizens, provided that, within a year from the publication of the present treaty, they file a declaration with the Ministry of the Interior to the effect that they were residents of Hungary on that date.

2. Hungarian nationality shall be acquired of right and without any formalities by any person born on Hungarian territory who has no other nationality through filiation, or by any person, born in Hungary, who, at the age of 20, shall make a declaration of option for Hungarian citizenship.

Article III

Religious and Cultural Rights of the Jewish Population

Hungary recognizes the right of Hungarian Jews to form freely and without any restrictions religious, cultural and charitable communities, associations and institutions, and to maintain all kinds of schools and other educational establishments. These communities shall enjoy the right of self-taxation and they, as well as all aforementioned associations and institutions, shall be granted the same official status and state or municipal financial and other support as given to any other organization of this or similar character. Jewish schools and other educational establishments shall enjoy the same official recognition, as given to state or municipal establishments of the same or similar kind.

Article IV

Properties and Positions

Hungary undertakes to restore within one year from the signing of this treaty (unless otherwise provided therein after) all properties, rights and interests confiscated, requisitioned or otherwise taken from Jews since May 1, 1938, and all properties, rights and interests transferred by Jews since that time under duress or any ~~such~~ other compulsion and to repay any and all exactions of discriminatory character. Hungary undertakes, furthermore, to compensate fully all Jewish owners of such properties, rights and interests which cannot be either restituted at all or are restored in a state inferior to the one they were when alienated or transferred. Hungary undertakes equally to compensate all Jews for the losses in life, limb and health and to restore the Jews to their positions, professions and vocations they lost at any time since May 1, 1938 in consequence of discriminatory legislation and practice, as well as to compensate

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them for the losses incurred through such deprivation.

This obligation shall contain, but not be restricted to, the following actions:

1. Restitution of possession and use of real estate

Jewish owners of real estate and tenants of professional and other premises evicted from their houses, buildings or premises by any measure of the Hungarian or German authorities or by individual action shall be reinstated at once in the possession of their buildings, dwellings, stores, factories and other property upon request. Compensation shall be made for the period of eviction and all rent collected during that time repaid to the owner. Insofar as full restoration was made in accordance with decree 7590/1945 M.E., the decisions shall be respected.

2. Restitution of and indemnification for expropriated, confiscated and transferred properties

(a) The Hungarian Government shall make full restitution in kind of all properties, rights and interests confiscated from Jews or their communities and institutions or otherwise taken from them by any discriminatory measure since May 1, 1938. In the event that such property cannot be restored, the Government shall pay compensation, at the discretion of the person who suffered the loss, either by delivery of identical goods or by payment in money. Compensation in money shall be made for any loss of value inflicted on these properties, rights and interests otherwise than by acts of god.

(b) The Hungarian Government shall repay within six months from the day this treaty is signed by it all discriminatory levies and taxes paid by Jews or Jewish communities and organizations.

(c) All transfers of properties, rights and interests by Jewish individuals or Jewish owned and controlled corporations or other institutions since May 1, 1938, shall be deemed to have been made under duress and all

these properties (including real estate, enterprises, merchandise, stocks, securities, tools etc.), rights and interests be restored to their Jewish owner in the same state in which such property, right or interest was at the time of transfer under repayment of any consideration the owner actually receive. Full compensation shall be paid for non-restitutable properties, rights and interests except for damages caused by acts of god.

(d) Jewish ownership in stock corporations shall be reestablished to the same state and same proportion of the total capital in which it was at the time of alienation or transfer.

(e) Lands confiscated from Jews and falling under the Land Reform Law of March 18, 1945, shall be restored to Jews to the same extent as non-Jewish owners are entitled to retain under these provisions.

(f) Restitution or compensation of properties, rights and interests made under existing legislation, especially the decrees M.E. No. 10490/1945, 8.540/1945, 300/1946 M.E. or others shall be recognized as satisfactory only if it is integral.

3. Reinstatement of and compensation for employees and professionals

(a) All Jewish officials and employees who lost their positions since May 1, 1938 because of racial or religious discrimination shall be reinstated in their former positions upon request within three months from the day this treaty is signed by Hungary. They shall have the same salary and enjoy all other benefits to which they would have been entitled if they were not dismissed. Officials and employees who cannot be reinstated in their former position should be given equivalent situations in similar offices or enterprises. Action taken in accordance with decree No. 200/1945 M.E., the decree of July 15, 1945 (concerning private employees) and others shall be deemed satisfactory, if reinstatement was total. All these persons shall receive

indemnity for the period of their dismissal until reinstatement or death, the payment being calculated on the basis of the salary persons in their position receive at the time of payment.

(b) All Jewish professionals who were prohibited from or limited in the practice of their rights shall be reinstated. They shall be indemnified on the same basis as under (a) above for the period of deprivation or limitation of practice in accordance with their average income during the three last years of their full activities.

4. Restoration of licenses

All former holders of beverages, tobacco and any other license shall be reinstated in their full rights and paid compensation for the period of deprivation of the license.

Action taken in accordance with the existing decrees (circulaire order No. 235.050/1945, XI; No. 210.190/1945, XIII; 230.150/1945 and other) -- shall not be deemed to be satisfactory, unless the license is restored unconditionally and full indemnification is paid.

5. Indemnification of victims of persecution and their heirs

(a) Without prejudice to the provisions stated above, all victims of deportation, internment or concentration, labor and similar camps, of labor battalions, massacres by German and their local tools shall be indemnified, within six months from the effective day of this treaty, for all losses sustained through these actions. In any case, they, their widows and minor children shall enjoy rights not inferior to those granted by Hungarian laws to war disabled, war widows and orphans.

(b) The Hungarian Government is obliged to restore to Jews evacuated or deported from Northern Transylvania during the Hungarian occupation of this region all properties taken from them and indemnify them for the losses sustained by this action in properties, life and health.

6. Masterless and unclaimed properties

All property belonging to extirpated Jewish families left masterless and/or unclaimed shall be transferred to the Hungarian Jewish community, to be used for purposes of Jewish reconstruction, rehabilitation and resettlement.

Note (1) In all instances enumerated in this Article which provide for restitution or payment of indemnity or compensation to Jews, such restitution and/or payment shall, in the event of the death of the claimant, accrue to his heirs, legal successors or assigns.

(2) All indemnification or compensation shall be paid in Hungarian currency, in amounts which will provide the claimant with purchasing power equivalent, at the time of payment, to the damage or loss sustained, using the price of wheat at the Budapest free market as an index.

Article V

Freedom of Emigration

1. Jews in Hungary, whether or not Hungarian citizens, have the right to emigrate at any time and take with them all their movable property, including furniture, personal effects, valuables, etc.

2. All emigrants are entitled to dispose freely of the proceeds of liquidation of real or other property owned in Hungary and to transfer them to their new country of resettlement.

3. Professionals, artisans, and owners of small industries are entitled to take with them their machinery, instruments and tools.

4. Industrialists have the right to sell their factories and to transfer the purchase price to the country of immigration and, in the event that they shall find no purchasers, to export all their machinery and equipment.

5. Jews who emigrated prior to the present treaty and could not take with them their properties shall enjoy the same rights.

Article VI

Outlawry of Racial and Religious Incitement

Within the borders of Hungary no act or deed shall be allowed which can affect the equal civil rights of any part of the population or which can incite hatred against members of a group differing from the majority in race, religion or language. Such action or deed shall be considered a crime and shall be punished in the same manner as any act or deed aimed against the safety of the nation.

Article VII

Guarantees

1. International Guarantee

Hungary agrees that the provisions of this Chapter are a matter of international concern and their execution is placed under the supervision of the body created by this treaty to insure the execution of the whole treaty or parts thereof, and/or of some other appropriate international authority either existing or to be created.

2. Constitutional Guarantee

The provisions of this Chapter are part of the constitutional law of Hungary and no other laws, administrative provisions or judicial decisions shall be in conflict with this basic law. These provisions cannot be suspended in whole or in part, even in cases of emergency, nor can they, or the laws to be enacted by virtue of this Chapter, or referred to herein, be modified or abrogated without the consent of the supervising and/or international authority.

Article VII

Deadline for Execution of the Present Treaty

The Hungarian State shall be obligated to carry out all the provisions of the present Chapter within a time limit of one year from the date of its signature by Hungary, unless otherwise provided herein.

PEACE TREATY WITH RUMANIA

The undersigned organizations respectfully submit herewith their draft of a special chapter suggested for insertion in the proposed treaty of peace with Rumania. It proposes detailed and specific measures designed to secure and safeguard the civil and property rights of Rumanian Jews both as individuals and as a national group.

The following considerations emphasize the need for specific protective measures for Rumanian Jews:

1. This is not the occasion to record the complete story of the tribulations and sufferings imposed by previous Rumanian Governments on their Jewish population. Rumania was one of the first countries to embark of its own accord upon a policy of depriving Jews of their rights and the extermination of its Jewish population, with the tragic result that out of a population of 800,000 Jews within the borders of pre-war Rumania, only 350,000 survived.

Despite all these persecutions, Rumania still has the largest Jewish community in Europe. In the light of the history of these persecutions, however, it is apparent that the Rumanian Jewish Community requires special consideration by the powers now shaping the peace of the world.

2. Since the establishment of Rumania as an autonomous unit and later as an independent State, the Jewish problem in that country has been a permanent item on the agenda of international conferences. When Rumania acquired its sovereignty under the Treaty of Berlin, 1878, special provisions were included in that treaty enabling the Jews residing in that country to secure Rumanian nationality. However, on the eve of World War I, out of a Jewish population of approximately 265,000 only 2,000 had been naturalized. Further evasions

of international commitments solemnly entered into occurred following the end of World War I, and the signing of the Minorities Treaty by Rumania. The provisions of that treaty were also implemented only to a very minor degree.

One of the reasons for the inadequacy of these legal provisions in favor of the Jewish Community was that they were couched in vague language and could, accordingly, be easily evaded or circumvented.

3. Their numerical importance and the awareness among Rumanian Jews of their distinctive religious, cultural and ethnic entity makes it mandatory that their specific status be fixed by international agreement, particularly since Rumania has enacted a Statute of Nationalities which, with certain adjustments, could be applied to the Jewish population -- a privilege which is at present denied to them.

4. While asking for specific international protection, the undersigned wish to underscore that this request is not to be considered as a reflection upon the good will of the present Rumanian Government toward the Jews in its country. However, the anti-Semitic tradition is concededly so strong in Rumania that it would be injudicious on the part of those who are concerned with the future peace of the world to leave the Rumanian Jewish Community to the local government's discretion without accompanying specific international guarantees.

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Third Draft
HJC
6/21/46

PEACE TREATY WITH RUMANIA

Chapter Status of the Jews

Article I

Status of Individual Equality

1. Rumania undertakes to secure to all persons under her jurisdiction, without discrimination as to race, sex, language, religion, nationality, or place of birth, the enjoyment of human rights and fundamental freedoms, including the freedom of expression, of press and publication, of religious worship, of political opinion, and of public meeting.

All inhabitants of Rumania shall enjoy freedom from arbitrary detention and the right of fair trial.

2. Rumania undertakes to insure to all its citizens, adequate protection of the elementary economic, cultural and social needs, including the right to pursue gainful occupation, access to public offices, and free and unrestricted access to public schools and educational institutions on the basis of equality.

Article II
Nationality

1. The law concerning the revision of nationality of the Jews, of January 21, 1938, is abrogated as of the date of its publication, and judiciary decisions concerning annulments of nationality rendered by application of this law are null and void. All Jews who were Rumanian citizens on or before January 21, 1938 are and remain Rumanian citizens.

2. All Jews who did not comply, within the fixed time limit, with the formalities of option provided for by the decree-law of May 28, 1919, ratified by Article 188 of the Constitution of March 29, 1923, as well as all Jews referred

to in Article 7 of the Treaty for the Protection of Minorities of December 9, 1919, acquire Rumanian nationality if they comply with the formalities provided for by the decree-law of May 28, 1919, within a year from the date of signature of the present treaty. This provision is also valid for the spouses and descendants of the Jews enumerated in this paragraph.

3. All Jews who have resided on the territory of Rumania on June 21, 1941, and were not recognized as Rumanian citizens, and who cannot claim any other nationality, are Rumanian citizens of right, provided that, within a year from the publication of the present treaty, they file a declaration with the clerk of the court of their domicile to the effect that they were residents of Rumania on June 21, 1941.

4. Rumanian nationality shall be acquired of right and without any formalities by any person born on Rumanian territory who has no other nationality through filiation, or by any person, born in Rumania who, at the age of 20, shall make a declaration of option for Rumanian citizenship.

Article III
Option

All inhabitants of regions ceded by Rumania to foreign countries, who declare themselves to be Jewish and who were, at the time of cession, of Rumanian citizenship or entitled to such a claim under Article II of this Chapter, will be granted the option of Rumanian citizenship, this option to be declared within one year from the effective date of this treaty.

Article IV
Collective Status of the Jewish Population

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Rumania recognizes that the Jewish population is a nationality in the sense of the existing Statute of Nationalities, and undertakes to make the

necessary adjustments to apply it so as to give to the Jews the same status and rights as are granted to any other nationality under the Statute.

Article V
Property and Positions

In the following cases "owner" "tenant" "payee" or any other beneficiary means the respective person and, in case of his death, his legal heirs.

1. Restitution, Possession and Use of Real Property

a. Jewish owners and tenants evacuated by the GMR (National Commissariat for Humanization) or otherwise, are entitled to be automatically reintegrated in their buildings, dwellings, shops, stores, etc. from which they have been evacuated, provided that, within 90 days from publication of the present treaty, they notify the person who is beneficiary thereof, of their intention of claiming such rights.

b. Transactions concluded under the law 11641/1945 shall be respected.

2. Reparations for Properties Expropriated or Confiscated and for Discriminatory Levies

a. Within six months from the publication of the present treaty, the Rumanian State shall reimburse the Jewish owners for sums received for rentals during the time of expropriation under deduction of taxes paid.

b. The Rumanian State shall also be bound to reimburse, within the same time limit, all money payments which Jews, physical or juridical persons,

necessary adjustments to apply it so as to give to the Jews the same status and rights as are granted to any other nationality under the Statute.

Article V
Property and Positions

In the following cases "owner" "tenant" "payee" or any other beneficiary means the respective person and, in case of his death, his legal heirs

1. Restitution, Possession and Use of Real Property

a. Jewish owners and tenants evacuated by the GHR (National Commissariat for Humanisation) or otherwise, are entitled to be automatically reintegrated in their buildings, dwellings, shops, stores, etc. from which they have been evacuated, provided that, within 90 days from publication of the present treaty, they notify the person who is beneficiary thereof, of their intention of claiming such rights.

b. Transactions concluded under the law 11641/1945 shall be respected.

2. Reparations for Properties Expropriated or Confiscated and for Discriminatory Levies

a. Within six months from the publication of the present treaty, the Rumanian State shall reimburse the Jewish owners for sums received for rentals during the time of expropriation under deduction of taxes paid.

b. The Rumanian State shall also be bound to reimburse, within the same time limit, all money payments which Jews, physical or juridical persons, including the Central Organization of Rumanian Jews, were compelled to remit to the State or to any agency of the State, or to any physical or juridical person under whatever form, under whatever title, or under whatever denomination, to the extent to which non-Jews were not compelled to make such payments.

c. All indemnifications in money shall be calculated in accordance with the sum in lei paid, made up in proportion with the rise of the index of the cost of living from the date of the payment to the date of the payment of indemnification.

d. The Rumanian State shall, in addition, be bound to restitute in kind within the period mentioned in par. 1 to all those who were expropriated or from whom they were confiscated or taken under whatever title, under whatever form, or under whatever definition, properties which were not required from other citizens in application of a legal provision or arbitrary measure, to wit, sums of

money, personal property, raw materials, clothing, merchandise, crops, seed, fodder, nautical equipment, etc., and in the event such property is not so cannot be restored in kind, the state shall reimburse, at the preference of the person who suffered the loss, either an identical quantity in kind, or the sum in led necessary for the acquisition of these goods on the free market on the date of the payment of indemnification.

3. Nullification of Alienation of Property under the Racial Laws of Any Nation

a. The Hungarian state shall be bound to reimburse before the end of the year 1946 all properties of Jewish inhabitants or Jewish corporations of Rumania in the state in which they were on August 9, 1940, except such damages as were caused by bombardments and earthquakes.

b. All buildings, enterprises (in whole or in part), as well as stocks of merchandise, raw materials, etc., plants and factories, stores, shops, professional installations, inventories, tools, instruments, stocks, of which Jews were dispossessed either as a result of agreements of any nature, or acquired without any title, etc., shall be returned to those who were their holders, regardless of the present purchaser or holder thereof, and regardless of their legal title to this property, by virtue of a decision of the referees taking into consideration the fact that the Jew was the factual owner thereof at the time of the alienation, notwithstanding the case where such property was registered under the name of another person.

This provision shall not apply to movable property which is the subject of the usual trade or industry of the vendor nor to sales of stock listed on the stock exchange.

Compensation should be paid for non-restorable properties and damages other than those mentioned above under a.

c. However of all kinds, acquired through violence or without title shall be returned to the dispossessed person, regardless of who is the present owner thereof, under reimbursement of the price actually received. In case

on the date of loss, majorated in proportion with the index of the cost of living on the date of payment of the indemnity.

d. Jewish ownership in stock corporations will be reinstated to the state in which it was at the time of the aforesaid alienations of the stocks and, in case new issues of stock have been made, the dispossessed Jew shall receive such amount of new stock as necessary to reestablish the portion of the capital stock of which he was in possession before the dispossession, under payment by him of the issuance price of each share.

e. Transactions, arbitral decisions, and judgments of annulment rendered by virtue of the law 607/1945 shall be respected.

4. Reinstatement of Employees and Professionals

a. All Jewish salaried employees who lost their employment or left their services after January 17, 1938, because of racial reasons shall be compulsorily and automatically reinstated, within 90 days after the signature of the present treaty by Romania, in their positions, in the enterprise from which they were discharged, or which they left, in the same function and of the same rank, salary, etc. to which they would have been entitled if they had kept their employ, notwithstanding the fact that the enterprise passed into the ownership of other persons, physical or juridical, of public or private law, and notwithstanding the fact that, in the meantime, the juridical nature of the enterprise has been modified or the employment has been discontinued. ⁹ The salaried persons reinstated after August 23, 1944, who resigned or concluded a compromise with their employers shall not be entitled to claim the provisions of the present section.

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d. Enterprises which have been compelled by law or administrative measure to conclude agreements of replacement or substitution shall be entitled to discharge the latter with the reinstatement of Jewish employees.

e. Discharged Jewish employees or salaried persons who cannot be reinstated by reason of the disappearance of the enterprises shall be automatically and compulsorily placed, in proportion to the number of their employees, in identical or similar enterprises of the same locality.

4. All Jewish professionals who were prohibited from or limited in the exercise of their professions for racial motives, shall be automatically reinstated in the unaltered exercise of these professions.

5. Reinstatement for Dismissed Employees and for Professionals Barred from the Exercise of Their Professions.

a. The Romanian State shall pay, within six months, indemnities to Jewish employees mentioned in the above paragraph of this Article, or to their heirs for the period from the date of the loss of their employment to the date of their actual reinstatement or their death, in case of intervening death.

b. The indemnity shall be calculated on the basis of the monthly salary provided for in the collective contracts (or in its absence, the usual salary) in force at the time of payment for an employment, which the discharged salaried person occupied on the date of his discharge, with all privileges to which he was entitled. This salary will be majorated by the number of months elapsed since the day of discharge until the day of actual reinstatement or death.

c. All professionals who have been deprived of their licenses -- phrase-
books, drugists, etc. -- or who were prohibited or limited in the exercise of their professions -- lawyers, physicians, movie theater businessmen, etc. -- shall be entitled to payment of damages calculated on the basis of income declared to the tax collector for the year preceding the interdiction or limitation of exercise, majorated by the rise of the cost of living.

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6. Property of Deportees, Evacuees and Internees

Without prejudice to the previous sections of this Article:

a. The Rumanian State shall within six months from the date of its signature of the present treaty, indemnify all deportees, all those who were interned in concentration camps or in labor camps, all those who were evacuated from villages, towns, and cities, and the heirs of the victims of the rebellion of January 1941, the massacres of June 1941 in the city of Jassy and other cities, for all losses sustained in any way through these measures ^{and} or acts or through or through the destruction of their real and movable property, as well as securities, ^{valuables} ~~jewelry~~, gold, etc. confiscated by the National Bank of Rumania.

b. The Rumanian State shall return the properties of Jews deported from Northern Transylvania in the state in which they were on the date of the occupation of this region; the Hungarian Government shall be responsible for the properties which have disappeared before that date.

c. The indemnities shall be paid in kind or their equivalent according to the free market price of purchase in lei at the time of payment, at the election of the interested person.

7. Pensions for Victims of Persecution and Their Heirs

Widows, orphans and disabled persons as a result of the massacres of Jassy, the rebellion at Bucharest and any other similar causes, or evacuation, deportation, internment, or forced labor, shall be assimilated to war widows, war orphans and war disabled, and shall receive the pension due them from the day of the accrual of their rights without prejudice of the indemnities mentioned in ^{paragraph} ~~section~~ 6 of this Article.

8. Masterless Property

All Jewish properties and titles of extinguished Jewish families left masterless and/or heirless and/or unclaimed as a result of persecution, shall be transferred to the Jewish Community, to be used for purposes of Jewish reconstruction, rehabilitation, and resettlement, through an appropriate Jewish body.

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Article VI
Freedom of Emigration

1. Jews, Rumanian citizens or foreigners, who are in Rumania have the right to emigrate at any time; they have the right to carry away with them all their movable property, including furniture, personal effects, valuables, etc.
2. Artisans, technicians, doctors, dentists, and all professionals in general are entitled to carry away with them the instruments and tools necessary to the exercise of their professions, the exploitation of their shops, work cabinets, and their respective equipments. The owners of small shops are entitled to remove the machinery and the tools therefrom.
3. Industrialists desiring to emigrate have the right to sell their industries and to transfer the purchase price to the country of immigration and, in the event that they shall find no purchasers and the State itself shall not be the purchaser, to export all their machinery and equipment.
4. Emigrants are entitled to dispose freely of the proceeds of liquidation of real or other property owned in Rumania and to transfer them to their new country of resettlement.
5. Jews who emigrated prior to the present treaty and could not carry away with them their properties shall enjoy the same right.

Article VII
Outlawry of Racial and Religious Incitement

Within the borders of Rumania, no action shall be allowed which can affect the equal civil rights of the population or which can incite hatred against members of a group differing from the majority in race, religion or language. Such action shall be considered punishable and shall be dealt with in the same manner as any other action aimed against the safety of the nation.

Article VIII
Guarantees

1. International Guarantees

Romania agrees that the provisions of this Chapter are a matter of international concern and their execution is placed under the supervision of the body created by this treaty to insure the execution of the whole treaty or parts thereof, and/or of some other appropriate international authority either existing or to be created.

2. Constitutional Guarantees

The provisions of this Chapter are part of the constitutional law of Romania and no other laws, administrative provisions or judiciary decisions can be in conflict with this basic law. Moreover, these provisions cannot be suspended in whole or in part, even in cases of emergency, nor can they or the laws to be enacted by virtue of this Chapter or referred to herein be modified or abrogated without the consent of the supervising ^{and/} or international authority, referred to in Section 1.

3. Criminal Law Guarantees

Any violation of these provisions will be deemed to be a criminal offense and punishable as such. The Romanian Government undertakes to enact legislation to implement this provision.

Article IX
Deadline for Execution of the Present Treaty

The Romanian State shall be obligated to carry out all the provisions of the present Chapter within a time limit of one year from the date of its signature ^{by Romania}, unless otherwise provided therein.

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June 26, 1945

MEMO

**TO: MEMBERS OF THE OFFICE COMMITTEE
FROM: DR. ROBINSON**

Dr. Perlmanig handed over to me the following cable received from
Dr. Rosenfeld:

**ACCORDING REPORT GOLD JEWELRY SILVER BULLION
WERE FOUND BY LOCAL AMERICAN MILITARY GOVERNMENT
IN REICHSBANK CELLAR RECOGNIZED REPRESENTING LOOT
FROM VICTIMS CONCENTRATION CAMPS STOP INTERVIEW
STATE DEPARTMENT FOR MEASURES SECURE ASSETS FOR
HEIRS VICTIMS.**

(Dated June 22)

(SIGNED) RUDOLF ROSENFELD

Attached is a rough draft of a letter to be sent on this subject by
the World Jewish Congress to the Department of State, the War
Department, and the Treasury Department.

cc
att.

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DRAFT OF A LETTER TO THE DEPARTMENT OF STATE,
WAR DEPARTMENT AND TREASURY DEPARTMENT

According to dispatches from Europe the Allied armies, among them most prominently American troops, have uncovered in Germany great treasures in gold, jewelry, securities and other valuables. A great part of these valuables are officially described as stolen from death camp victims or belonging to refugees (see the New York Times dispatches from Paris, June 19, 1945, and from Regensburg, June 24, 1945). It may be expected that more such caches are and will be found later, either in hideouts or with individual Nazis.

It is well known that under decrees issued by German authorities in Germany proper, Austria, Sudetenland and all occupied countries, Jews were forced to register all their valuables with specified authorities, to deposit them with German authorities, specified banks, and ultimately to deliver them to German institutions. Furthermore, the special decrees and authenticated reports from all over Europe prove that Jewish deportees were prohibited from taking with them any valuables of greater value and were obliged to surrender them to German offices; before murdering the victims, the Germans, as reliable reports show, robbed them of their watches, bracelets, gold teeth, etc. The greatest part of these valuables went to the German treasury, but not an inconsiderable part was appropriated by big Nazis:

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Under German laws, even before the war, emigrants were permitted to take with them only a small part of their property; they especially had to surrender foreign securities held not only in German, but even in foreign banks on their name.

Since it is too well known that the greatest number of refugees from Germany and German occupied territories consisted of Jews, and that Jews were the foremost represented among the victims of the death camps, there can be little, if any doubt, that almost all of the valuables described as belonging to death camp victims and of the securities belonging to refugees are Jewish property. Furthermore, since the vast amounts of Jewish blocked, confiscated and robbed jewelry, gold and other valuables did and could not have disappeared and very few cases of confiscations from non-Jews are known, the largest part of all other valuable things or gold and silver bullions must be Jewish property, even if the owner cannot always be identified, either because the valuables were salted down or the owners murdered.

Taking into consideration the above-described situation, we beg the Department of State to investigate the cases known so far of valuables found in Germany by American troops; to permit the taking of a thorough inventory of them in order to determine the amounts, kind and origin of the valuables; to let it be proven,

by acceptable evidence, the Jewish origin of the different parts of these treasures; to restore (with the assistance of a Jewish representative body) to the victims and their heirs who are alive and can prove their ownership, their valuables and securities or the equivalent thereof, and to let the balance of the treasures, whose Jewish origin can be sufficiently ascertained, be assembled in one place for their ultimate delivery to a special Jewish institution composed of trustworthy Jewish organizations, representing the world Jewry, for use in Jewish reconstruction the world over.

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April 24, 1946

War Department, Civil Affairs Division
Financial Section, Pentagon Building
Washington, D.C.

RE: 37392

Dear Sirs:

In the matter of the investigation of
the major German banks with reference to
their aryenization operations, I wish to
submit to you the enclosed statement made by
Mr. Bernhard Herzbach, one of the former co-owners
of the banking firm S. Herzbach, Offenbach/Main.

Sincerely yours,

Jacob Robinson
Director

cc:af
encl.

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