

NATIONAL ARCHIVES

DECLASSIFIED	RG	239
Authority NND 750168	Entry	26
JW NAR4 Date 9-29	File	
	Box	3

1. EFC - 3. Card from Roberts Comm. files
2. Bunjes Papers (Roberts Commission)
3. IDC Rpt. 19 RAL 142 pp. 27-8, 16-1-45
4. SHAEF MFAA Report for Feb, dated 31 Mar 45

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JUN 1975  
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Coll. - France

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## ROTHSCHILD COLLECTIONS

One Mlle PERROUX @ JANINE, mistress of SS Hans SOMMER OF Col Knochen's service is reported to have in her possession a section of the library belonging to the Rothschild and carpets from an apartment in 74 Ave. Foch. Her address is given as 22, rue de la Paix (dressmaker), Villa La Mouette, Bd. Edouard VII, Beaulieu, and Villa La Maison Rose, Port Marly. (5)

P. GRAUPE (qv) in a letter to GOLDSCHMIDT encloses copy of his letter to Baroness Alex. ROTHSCHILD, Culverton Princes, Risborough, Bucks. England, regarding her stolen collection saying the only items he can remember by heart are four van Goghs: Still Life, \$60,000 Green at St. Remy, \$45,000, Corner of Garden of St. Pauls Hospital, \$45,000 and Landscape, \$20,000. (6)

Jagdschloss Rothschild near Mariazell in Steiermark believed to be repository for these collections. (7)

According to report of interview with BUNJES (qv) 1 April 45, the most important French Jewish collections confiscated by Einsatzstab Rosenberg are at Neuschwanstein and Hohenschwangau Castles, Bavaria - including the entire holdings of Maurice and Edouard de Rothschild. (8)

Presented by La Ferriere,  
by his son, Capt.

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5. FPX 1565, 12-26-44
6. MI FIN 18595, 23 Mar 45
7. INTR/655/2/MFAA 22 March 45
8. MFAA Report for Feb -March, p. 23. (AMG 145 - Roberts Comm. files)

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Coll. Rothschild, Maurice

ROTHSCHILD COLLECTIONS

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COLL. FRANCE

List of items from the subject collection appears on an inventory of works collected at the Jeune de Paume as of 10 March 1942. These items were selected as being among the best modern pictures taken by the ERR. (9)

Von INGRAM (qv) was responsible for the theft of a number of art objects belonging to Maurice de ROTHSCHILD. (10)

Inventories of the contents of four cases and a trunk belonging to the subject family, deposited at Barckey's Bank, Paris, sent to Roberts Commission. (11)

List of items, from French sources, looted from subject collections, sent to Roberts Commission. (12)

For list of objects belonging to subject which were stolen by the Germans see source. (13)

Documentary evidence from Paris office of EINSATZSTAB ROSENBERG indicates that the E.R.R. looted collections from following members of subject family: Alexandrine ROTHSCHILD, 2 Rue Leonardo da Vinci, Paris; Catherine ROTHSCHILD, 3 Rue Michel-Ange, Paris; Edmund de ROTHSCHILD, 5 Rue de la Terrasse, Paris; Edouard ROTHSCHILD,

... by his son, Capt.

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9. XX7666 from French source (filed Confiscated Collections)
10. XX 7673 (card from ORION, London - Fr. source)
11. XX 7663 French Report 13 March 45
12. XX 7925
13. MFA & A, report of June 29, 1945. French source. (Sent to Roberts Com.)

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Coll. - France  
Coll. Rothschild, Maurice  
II E: 1

## FRANCE (SEINE-ET-MARNE)

CULTURAL INSTITUTIONS/ CHATEAU D'AMANVILLIERS

(Rothschild, Maurice de)

Collections, formerly the property of Mr. Maurice de Rothschild at the Chateau d'Amanvilliers (Seine et Marne) were confiscated. (Xavier Vallat report. Algiers note, Sept. 1943)

"Toilet of Venus", \$100,000 item in Maurice de Rothschild's collection, probably went to Goring who specializes in nudes, usually beefy.

"Erasmus", one of nine Holbein did in 1523 and 1530, belonged to Maurice de Rothschild. Germans regret great Holbein collections in England.

"The Reconciliation" or Le Retour au Logis, showing a husband returning to his estranged and luscious wife, is a superb example of the painting done for Marie Antoinette's romantic courtiers. Wildenstein bought it for \$40,000 in 1934, sold it to Baron Maurice de Rothschild. Its sentiment has not at all spoiled with the passage of time.

(Life, January 10, 1944, p. 63, 66, 68)

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ROTHSCHILD COLLECTIONS

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Coll. - France

2 Rue St. Florentin, Paris; Henry ROTHSCHILD, Chateau Vaux de Cernay; James ROTHSCHILD, Banque de France, Paris and 6 Avenue Napoleon, Compiègne; Maurice ROTHSCHILD, Chateau Ferrieres; Philippe de ROTHSCHILD, Societe Generale, Arcachon, near Bordeaux; and Robert ROTHSCHILD, Chateau Laversine, near Chantilly. (14)

According to source, ERR had 3,978 art objects belonging to subject collection. (14) Memo by SCHOLZ (qv) indicates that entire subject collection was looted by the ERR. (14)

Library of subject collection, looted by the ERR, found at former monastery at Tangenberg near Klagenfurt. (15)

Part of subject collection transferred to Bank of Paris, Holland, was under control of Lt. MEWE (qv). (16) Also under control of HARTMANN (qv), Mew's superior. (16)

JONEMANN (S.A. de Transport) (qv) removed 48 cases of paintings and art objects from subject collection for account of E.R.R. (16)

On Feb. 11, '44 a Sevres porcelain clock on the period of Louis XVI, ornamented with bronzes by Brasseux and with a turning movement, formerly part of subject collection, was sold at auction at the Hotel Drouot, Paris, for 90,000 francs. (16)

(18) FEA Report, August 1945 p.7 - same as (2).

First collection to be considered for LINZ Museum. (19)

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14. XX 7372 - Filed in ERR folder.
15. AMG 146
16. XX 8521-1 (Card from DGER - June, 45)
17. NCLS Card (Les Nouveaux Temps, 5,1039, Feb. 12, 1944, p.2)
19. D.I.R. #1 - Heinrich HOFFMANN, p. 3

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Rothschild collections, belonging to Edmond J. de Rothschild and James  
 A. de Rothschild, had been stored in the vaults of the Banque de France  
 and Credicor, Lyon, and it was the intention to compile a catalogue of  
 these art objects before returning them to the Bank of France.  
 These boxes will be sent to the French government to the extent of the collection  
 and the rest to be deposited in Paris.

From FOREIGN ECONOMIC ADMINISTRATION, Preliminary Report, May 5, 1950, "Looted Art  
 in Occupied Territories, Neutral Countries and Latin America." p. 14.

The Reichsbank's repeated protest caused the Germans to deposit 72  
 boxes of French works of art in the vaults of the Rothschild firm in  
 New York, so that the French museum officials might catalogue  
 them. On October 26, 1949, the French government officially accepted  
 this collection with the proviso that the collections deposited  
 in New York would be returned to the French government.

From FOREIGN ECONOMIC ADMINISTRATION, Preliminary Report, May 5, 1950, "Looted  
 Art in Occupied Territories, Neutral Countries and Latin America." p. 17.

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on, capt.

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Rothschild Collections, belonging to Edmond, Alexandre and James Armand de Rothschild and stored in 5 vaults in the Banque de France and Credit Lyonnais. These were the most valuable private collections in France. An additional Rothschild Collection was accidentally discovered at their Avenue de Longchamp residence. It consisted of Dutch and French 18th and 19th century paintings. The German Admiralty selected some of the best paintings and other items, paying for them from less important parts.

\*- From FOREIGN ECONOMIC ADMINISTRATION Revised Report, August, 1945, "Looted Art in Occupied Territories, Neutral Countries and Latin America." p. 7.

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[REDACTED]

French Government, which had been discovered and confiscated by the French Vichy regime. Some of the paintings in the German collection were notified so that it might select some of the best paintings and other items, paying for them from its entertainment accounts. It was agreed to [REDACTED]

From FOREIGN ECONOMIC ADMINISTRATION, Preliminary Report, May 5, 1945, "Looted Art in Occupied Territories, Neutral Countries and Latin America." p. 15.

120849

Germany US Zone  
CMC (c) Bavaria  
Kreis Traunstein  
BOX 3 *no file*  
*May 1945*

HEADQUARTERS  
U.S. FORCES, EUROPEAN THEATER

AG 014.1-1 (Germany) GE

AFO 757 (Main)

7 July 1945

SUBJECT: Administration of Military Government in the U.S. Zone in Germany

TO : Commanding General, Eastern Military District  
Commanding General, Western Military District1. OBJECT: This directive constitutes your directions for the administration of Military Government in your Military District.2. CONTENTS: This directive is divided into the following Sections, attached hereto:

Section I	General
Section II	Removal of Nazis and Militarists (Section II has already been published as a letter, HQ EFCUSA, AG 014.1-1 (Germany) GE, dated 29 June 1945)
Section III	Political Activities
Section IV	Civil Service and Administration
Section V	Administration of Justice
Section VI	Public Health and Welfare
Section VII	Education and Religious Affairs
Section VIII	Police and Fire Services
Section IX	Communications
Section X	Industry
Section XI	Food and Agriculture
Section XII	Internal Trade, and rationing, and Price Control
Section XIII	Inter-Zonal and Foreign Trade
Section XIV	Transportation
Section XV	Power
Section XVI	Finance
Section XVII	Property Control
Section XVIII	Monuments, Fine Arts and Archives
Section XIX	Reparations, Deliveries and Restitution
Section XX	Displaced Persons and Prisoners of War
Section XXI	Information Control
Section XXII	Demobilization and Disarmament
Section XXIII	Ocean Shipping
Section XXIV	Military Government Legislation
Section XXV	Reports and Information

3. MISSION: You are charged with primary responsibility for the administration of Military Government in your Military District, in accordance with the terms of this directive.4. APPLICATION: a. This directive applies to the administration of Military Government in the Military Districts of the U.S. Zone after the termination of Combined Command. It is intended to cover the initial period of Military Government in the U.S. Zone. It represents U.S. policy and will be modified as required to conform to agreements reached in the Allied Control Council for Germany.

b. The functions covered by the following Sections of this directive remain the responsibility of 12th Army Group until you are otherwise notified:

- (1) Section X Industry
- (2) Section XIV Transportation
- (3) Section XXI, Part I Prisoners of War
- (4) Section XXI Information Control
- (5) Section XXII Demobilization and Disarmament
- (6) Section XXIII Ocean Shipping

This directive has also been issued to the Commanding General, 12th Army Group, and you will carry out these Sections in accordance with his directions.

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SECTION XVIIBLOCKING AND CONTROL OF PROPERTY1. Classes of Property to be Restricted.

You will continue to enforce measures previously taken to prevent, except as permitted under licenses or other instructions previously issued or hereafter issued, any transaction or other dealing in any:

a. Property owned or controlled directly or indirectly in whole or in part by any of the following:

- (1) The German Reich, or any of the Landes, Gaue, or Provinces, or other similar political subdivisions or any agency or instrumentality thereof, including all utilities, undertakings, public corporations or monopolies under control of any of the above;
  - (2) Governments, nationals or residents of nations, other than Germany, which have been at war with any of the United Nations at any time since September 1, 1939, and governments, nationals or residents of territories which have been occupied since that date by such nations or by Germany;
  - (3) The NSDAP, all offices, departments, agencies and organizations forming part of it, attached to, or controlled by it; their officials, and such of their leading members and supporters as may be known to you or be specified by this Headquarters;
  - (4) All persons who hold under detention or any other type of custody by you;
  - (5) All organizations, clubs or other associations prohibited or dissolved by Military Government;
  - (6) Absentee owners of non-German nationality, including United Nations, and neutral governments or their nationals, and Germans outside of Germany;
  - (7) Any Kreis, municipality or other similar local subdivision.
  - (8) Any institution dedicated to public worship, charity, education or the arts and sciences, which has been used by the Nazi Party to further its interests or to cloak its activities; and
- b. Property which has been the subject of transfer under duress, wrongful act of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise;
- c. Works of art or cultural material of value or importance, regardless of the ownership thereof.

2. Classes of Property to be Taken Under Control.

You will also take into your control, custody or possession and hold and administer until you are otherwise directed, the following categories of property:

a. Properties indicated in Part I a. (1), when the governmental agency using them has been abolished by Military Government.

b. Such properties indicated in Par 1 a. (2), as are owned by the Japanese Nation or nationals, and by the former Austrian state and nationals.

c. All properties indicated in Par 1 a. (3).

d. All properties indicated in Par 1 a. (4), except furniture, clothing and other personal effects. Personal effects if known to be looted will also be taken under control.

e. All properties indicated in Pars. 1 a. (6) and 1 b.

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HOOVER INSTITUTION

SECTION XIX

REPARATIONS, DELIVERIES AND RESTITUTION

Part 1: Reparations

1. Restriction on Exports for Reparation.

Pending the formation of a reparation plan by the Allied Reparation Commission, you will not authorize any exports for reparation account. Such exports as may be authorized by this Headquarters for other accounts will be handled in accordance with the instructions for general exports, even though such exports may later become a charge against reparation. (See Section XIII).

2. Protection of Property for Reparations.

You will take appropriate measures prescribed in this directive to protect from damage any property, which may be subject to transfer for reparation account, pending formulation of an Allied reparation plan.

Part 2: Restitution

1. Policy.

It will be the policy in the U. S. Zone to carry out promptly such programs of restitution as may be embodied in Allied agreements. You will be notified of these agreements when they have been accomplished.

2. Report of Property Wrongfully Transferred.

You will forward a report to this Headquarters on any and all claims involving property which has been the subject of transfer under duress or wrongful acts of confiscation, disposition or spoliation, whether pursuant to legislation or by procedure purporting to follow forms of law or otherwise, and which has been or may be impounded or blocked under existing or previous instructions.

3. Handling of Claims for Restitution.

a. You will be advised at a later date of the procedure for settling, adjusting and disposing of claims for restitution.

b. Claims for restitution submitted by German nationals will be disposed of through appropriate German courts when they have been established under the supervision of Allied Military Government.

c. Claimants for restitution, other than Germans, will be advised that claims can be submitted only through the existing government of the territory wherein the property in question had its situs. In general, all transactions relating to restitution will be through the existing governments and not directly by any national thereof.

4. Restrictions on Restitution.

Restitution shall be restricted, initially, to identifiable property wrongfully obtained. Restitution will not be made without the approval of this Headquarters.

5. Protection of Property Subject to Restitution.

You will take appropriate measures to safeguard property identified as subject to restitution, pending its return.

SECTION XXPRISONERS OF WAR AND DISPLACED PERSONSPart 1: United Nations Prisoners of War1. Policy.

As a matter of national importance, the United States Government is committed to effecting the prompt recovery and repatriation of United Nations prisoners of war in Germany.

2. Responsibilities for Care and Handling.

a. The Theater Commander has assigned responsibility for implementing the above policy to Military District Commanders.

b. German authorities will be required to contribute to the maximum extent, food, shelter, clothing, medical care and supplies for all United Nations prisoners of war until such prisoners have been evacuated. Any deficiencies arising from the inability of German authorities to meet such requirements will be provided from United States sources.

c. Documents from all sources pertaining to United Nations prisoners of war will be preserved and reported to this Headquarters.

3. Operating Procedures.

Operating procedures for the recovery and repatriation of United Nations prisoners of war will be as contained in the following documents:

a. ETO Standing Operating Procedure No. 58, RAMP, 3 April 1945.

b. Letter, Hq. ETOUSA, AG 383.6 MPAGA, 27 April 1945, subject: Repatriation of Soviet Nationals.

c. The Halle Plan ("Plan for the Delivery through the Army Lines of former Prisoners of War and Civilians liberated by the Red Army and the Allied Forces" signed at Halle on 22 May 1945).

Part 2: United Nations Nationals, Stateless Persons and Refugees1. Policy.

It is the policy of the United States to locate, control, care for and repatriate or resettle United Nations nationals and Italians displaced by reason of the war, stateless persons and persons (of whatever national origin) persecuted because of race, religion or activity in favor of the United Nations who desire to be repatriated or resettled.

2. Responsibility for Feeding and Care.

a. You will establish and maintain facilities for the assembly and care of such United Nations displaced persons and assimiles and protect them against interference or ill-treatment.

b. You will insure that the German authorities make provision as necessary to avoid disease and unrest, for the maintenance, care and disposition of ex-enemy displaced persons, other than Italians and persons persecuted because of race, religion or activities in favor of the United Nations, and of refugees.

c. Such United Nations displaced persons and assimiles will be fed, sheltered, clothed and medically treated from German sources to the maximum extent. Any deficiency arising from inability of German sources adequately to supply the needs of such United Nations displaced persons and assimiles will be provided by United States authorities or by the United Nations Relief and Rehabilitation Administration.

d. You will make maximum use of United Nations Relief and Rehabilitation Administration, under your supervision, with a view toward its eventual assumption of complete responsibility for all such United Nations displaced persons and assimiles.



3. Control over Movement and Disease.

a. You will take measures to prevent any hindrance to Military Government arising out of lawlessness, uncontrolled movement or massing of displaced persons or refugees.

b. You will take special measures to prevent or control spread of disease among or by displaced persons or refugees.

4. Treatment of U.S., British and Soviet Nationals.

a. United States and British civilian internees will be treated as Allied prisoners of war and their presence communicated to Headquarters, United States Forces, European Theater.

b. Liberated Soviet citizens, including those who were former members of German armed forces, uncovered or captured after 11 February 1945, will be afforded the same treatment accorded Recovered Allied Military Personnel, and will be returned expeditiously to the control of the USSR without regard to their individual wishes.

5. Preferences for Political Prisoners.

a. You will insure that United Nations displaced persons and assimilates are given preference over German nationals in all voluntary employment.

b. You will insure that refugees, who were formerly political prisoners, receive preference over other refugees in matters of care and resettlement.

6. Provisions for Return to Former Residence.

a. United Nations nationals and nationals of neutral states will be registered and their presence communicated to their governments.

b. No United Nations national, stateless person, national of a neutral state or person persecuted because of race, religion or activity in favor of the United Nations will be compelled to return to his former domicile except to stand trial for a criminal offence. Liberated Soviet citizens uncovered after 11 February 1945 are excluded from this policy in accordance with para 4 above.

c. All German displaced persons in Allied countries or in Allied-occupied countries and all German refugees whose permanent domicile is in the U.S. Zone of Occupation will be accepted by military commanders having jurisdiction over the area of their domicile under arrangements coordinated by the Combined Displaced Persons Executive or by HQ USFET with the Allied Government or Occupying Authority concerned. All nonrepatriable displaced persons evacuated from Germany by U.S. forces will be accepted and cared for according to their nationality in the U.S. Zone.

d. You will initiate action to determine the origin of each stateless person so that his nationality may ultimately be established.

7. Operating Procedures.

a. A Combined Displaced Persons Executive (CDPX) formed from the existing staff of the Displaced Persons Branch, G-5, Supreme Headquarters, AEF, and from other branches and organizations will continue to implement existing Supreme Headquarters, AEF directives concerning displaced persons and existing Working Arrangements between Supreme Headquarters, AEF and Allied Governments and the United Nations Relief and Rehabilitation Administration. The CDPX will not be responsible for developing new policy.

b. The CDPX will act with the authority of the British C-in-C and the U.S.C.G.

c. The CDPX will continue its present operations for a period of approximately three (3) months at its present location.



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NARA APPROVED

12/8/116

DECLASSIFIED
Authority <u>775042</u>
By <u>AGT</u> NARA Date <u>6-21-00</u>

RG 260  
 Entry OMAUS  
 File Restitutions  
 Box 608

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)

Property Division

APO 742

Berlin, Germany

*M. Clay*  
050945 AM

AG 383.3 (PD)

25 April 1949

SUBJECT: Filing of Restitution Successor Organization (RSO) after 31 December 1948, pursuant to Article 70 Military Government Law No. 59

TO : The Military Governor

THRU : The Chief of Staff

1. Article 70 of Military Government Law No. 59 (attached at ~~comes to~~ <sup>see</sup> TAB A) provides that in certain circumstances the Public Prosecutor ~~will~~ <sup>at</sup> the seat of the Restitution Chamber may file on or before 30 June 1949 a petition on behalf of a successor organization where no petition for the restitution of confiscated property has been filed by ~~the~~ <sup>see</sup> ~~the~~ 31 December 1948.

2. On 28 February 1949 this headquarters sent to the Land Directors of Military Government, Letter AG 010.6 (PD), subject: Petitions by the Public Prosecutor: Military Government Law No. 59 (Restitution of Identifiable Property) (TAB B), setting forth a statement of the policy of Military Government with reference to the application of Article 70, the procedure to be followed pursuant thereto and the circumstances under which petitions may be filed under that Article. Among other things, the letter stated that Article 70 was not intended to serve as an extension of the filing period prescribed by Law 59, but rather was designed to permit Military Government to facilitate acceptance of petitions in extraordinary and meritorious cases, during a period of six months after the closing of the general filing period.

3. Article 73 of Law 59 (TAB C) requires persons possessing or having possessed, at any time since it was transferred by or taken from a persecuted person, any property which he knows or should know under the circumstances is confiscated or presumed to be confiscated property, to report that fact in writing to the Central Filing Agency by 15 May 1948. Military Government, through Amendment No. 1 to M.G. Law 59 (TAB D) extended this period until 15 August 1948; and by cable V-36452 dated 26 October 1948 (TAB E) gave financial institutions until 1 December 1948 to comply with the provisions of Article 73. However, these institutions have not in all cases been able to comply, even by the end of 1948, and many reports by them have reached the Central Filing Agency in 1949. The Jewish Restitution Successor Organization (RSO) was authorized by Military Government Authorization No. 1 to RSO (TAB F), in paragraph 7 (a) to examine these reports.

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Authority 775042

By AIT NARA Date 6-21-00

RG 260  
Entry OMAGUS  
File Restitutions  
Box 608

AG 383.3 (PD)

Filing of Petitions by Jewish Restitution Successor Organization (JRSO) after 31 December 1948, pursuant to Article 70, MG Law No. 59

4. JRSO has orally advised Property Division that it plans to submit in the near future, bulk petitions, numbering over 2,000 on 15 April, which contain more than 60,000 individual claims, based upon information contained in Article 73 reports, on the ground that the information on which the petitions are based was not available to JRSO at the end of the general filing period, and that therefore the claims are of an extraordinary and meritorious nature. Their argument is that they have been deprived of information essential to a timely filing through failure of persons subject to Article 73 to make a timely compliance therewith.

5. JRSO admits that it has not examined the merits of individual claims contained in the 60,000 above-mentioned, nor has it been determined that the former owners of the claimed property are in each case, Jewish. The AG letter at TAB B, as well as the Appointment of JRSO specifies that property claimed by the successor organization must fall within the scope of its appointment. In most of the cases the petition would be submitted only because a late report has been filed, without further investigation of the merits.

6. In carrying out its plan for the submission of petitions under Article 70, JRSO contemplates the use of prepared forms appearing at TAB G, to be presented to the Public Prosecutors and, if approval is recommended, passed on after signature to the Property Control and External Assets Branch, Property Division, OMAGUS. Although it is not yet known what examination will be made by the Public Prosecutor of the representations of JRSO, as briefly stated in the prepared forms, it is believed that the Prosecutors may merely forward the petitions to OMAGUS, and not examine them individually. We say this because of the sketchy information furnished, the large number of claims involved, and the shortage of time before 30 June 1949.

7. It is appreciated that JRSO could not have submitted petitions based upon the Article 73 reports in those cases where the latter were filed only after 1 January 1949, and that the failure of financial institutions to comply with Article 73 has worked a hardship on JRSO. It is, however, believed that the proposed broad plan of JRSO in effect amounts to an extension of the filing period for JRSO alone, since it is the only successor organization appointed by Military Government. JRSO is understood to have informed the Military Governor that it would not request an extension of the filing period under Law 59. Although a denial of the right to file may result in no restitution, it was never contemplated that there would necessarily be 100 percent restitution in Germany.

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RG 260  
 Entry OMAGIS  
 File Restitutions  
 Box 608

DECLASSIFIED	Authority <u>775042</u>
By <u>ATI</u>	NARA Date <u>6-21-00</u>

AG 383.3 (PD)

Filing of Petitions by Jewish Restitution Successor Organization (JRSO) after 31 December 1948, pursuant to Article 70, MG Law No. 59.

8. JRSO, by filing blanket petitions without individual examination, may be claiming non-Jewish property, property of living persons, who themselves may have filed claims under Law 59, or may duplicate their own claims previously filed as the basis of reports already filed by other persons under Article 73. In view of the fact that many other potential claimants under Law 59 have had their rights cut off with the end of the filing period, it is felt that allowance of petitions on the basis proposed would constitute discrimination in favor of JRSO. Since the end of the filing period, many individual claims have been received by the Central Filing Agency, many of which do not fall within Regulation No. 5 which protects those claimants who mailed their claims before the deadline, but all of which it has forwarded with notation that they were received or filed after the deadline. Many of such claimants, if the JRSO petitions are allowed, would have reason to argue similarly that their petitions should be validated.

9. This matter is brought to your attention since it is believed that JRSO will probably exert strong pressure in this matter either here or in Washington, to force recognition of the late claims. It is felt that the filing period for the main body of JRSO claims is fixed with sufficient clarity in Article 11 of Law 59, paragraph 1 of which reads:

"If within six months after the effective date of this Law no petition for restitution has been filed with respect to confiscated property, a successor organization appointed pursuant to Article 10 may file such a petition on or before 31 December 1948 and apply for all measures necessary to safeguard the property." (Underlining supplied)

10. IT IS RECOMMENDED that Military Government should not take favorable action on any claims submitted to it pursuant to Article 70 unless:

a. each claim submitted shows evidence of individual analysis and is reasonably well documented; and

b. evidence appears, to support the conclusion that the claim is well founded; and

c. evidence appears that the former owner falls within the class represented by the claiming successor organization; and

d. evidence to establish the claim as extraordinary and meritorious, should consist of facts other than proof that the claim is merely late.

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DECLASSIFIED  
Authority 775042  
By AII NARA Date 6-21-00

RG 260  
Entry OMGAL5  
File Restitutions  
Box 608

AG 383.3 (PD)

Filing of Petitions by Jewish Restitution Successor Organization (JRSO)  
after 31 December 1948, pursuant to Article 70, MG Law No. 59

11. Since JRSO had six months within which to claim property formerly owned by Jews, and made liberal use of that privilege in the filing of more than 163,000 claims, often on a blanket basis, and since it enjoyed broad privileges of examination of records, it is recommended that the deadline prescribed in Article 11 above, be observed, and that mass claims submitted under Article 70 be not favorably considered.

CONCURRENCE:

Legal Division (W.E.M. (July 29 April 1949))

*Phillip Hawkins*  
PHILLIP HAWKINS  
Director

Telephone 43750

G Clay - Recom approval Par 10 above -

ccy  
05-09-40

May

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 Entry OMGUS  
 File Arts, Museums & Arch  
 Box 3924

DECLASSIFIED

Authority 775042  
 By ATI NARA Date 6-21-00

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Y

20 April 1948

The Executive Committee  
 of the Combined Economic Area  
 2-4 Boersenstrasse  
 Frankfurt / Main

The Chairman

Bipartite Control Office  
 Attention: General Adcock  
 U. S. Chairman

SUBJECT: EXHIBITION OF GERMAN PAINTINGS IN USA.

I have been informed by cablegram from New York, sent by former Reichsminister Treviranus, that American art circles have been taking an active interest in the exhibition at the National Galleries in Washington, D. C. of German paintings now under the care of OMGUS. The proceeds from this exhibition have been credited to the German Relief Program. It has been suggested to show these works of art in other museums, like the Metropolitan in New York, and in St. Louis and Chicago as well, and to approach the Military Government with a view to postponing return of the paintings for some space of time.

This suggestion was conveyed by me to the Laenderrat at its session of 14 April and it has been approved of by the Minister Presidents. In view of these circumstances I beg to consider if the return of the art treasure, which according to newspaper reports received is imminent, could not be delayed until such time as the paintings have been shown also at other places in the USA, and the proceeds have been credited to the German Relief Program. Occasion for this delay might be given the more so as it does not seem likely that a similar show of European works of art is frequently made accessible to the American public.

I should be thankful if for submission at the respective departments in Washington my suggestion could be favourably endorsed by OMGUS.

/s/ Dr. Hermann Punder

21

*25K*

120860

120860

DECLASSIFIED  
Authority 775042  
By AGT NARA Date 6-21-00

RG 260  
Entry OMGUS  
File Restitution  
Box 511

Complaint Routing — Information — Filing Form  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)

AG Case No. 13-4-944

## Decimal Classification:

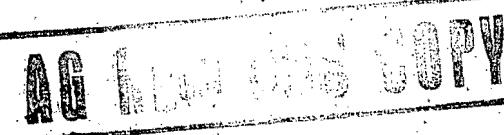
AG 602.5 Restitution

X-602.5

X-095 EBERSPÄCHER, J.

Suspense:

(Suspense File No. 42054)

Subject: Release of Restitutable Propertyat Firm J. EBERSPÄCHER,  
Esslingen, GermanyDate 1948Origin OMG USRADEKDigest: R/LI 2 Incls.

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
ECON AD	<u>Ind 13/4 functional Correspondence retained</u>	<u>13-4-48</u>	<u>JW Johnson 142079</u>

*SUSPENSE  
RELEASED  
RJ  
14 Apr 1948*

AG RECORDS  
Form OMGUS - 235  
(15 May 1947)

*86 MH*

For AG Use Only  
 Dispatch

File

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120861

RG 260  
Entry Omegas  
File Restitution  
Box 57

DECLASSIFIED

Authority 775042  
By AM NARA Date 6-21-00

AG 602.3 RESTITUTIONS

VOL III 1948

120862

AG 483 106 2

RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED  
 Authority 775042  
 By AIT NARA Date 6-21-00

Nr. 033 Telegramm

AG Records

## Deutsche Post

OM 4 1367 NEW YORK WUEN 6878/26 74 1/54 25 VFA WUN =

OMGUS

MILITARY GOVERNOR US OCCUPATION ZONE OMGUS

Recorded

JAN 1949

Aufgenommen

Tag 1949

Monat Jan

Jahr 1949

Zeit 10:00

Ort Berlin

Von

Durch

MILITARY GOVERNOR US OCCUPATION ZONE OMGUS

BERLIN =

durch

UNDERSIGNED ORGANIZATIONS MINDFUL OF THE PERSONAL INTEREST  
 THAT YOU HAVE TAKEN IN THIS MATTER DESIRE TO EXPRESS THEIR  
 KEEN APPRECIATION FOR THE DESIGNATION OF THE JEWISH RESTITUTION  
 SUCCESSOR ORGANIZATION AS SUCCESSOR ORGANIZATION OF JEWISH  
 PROPERTY IN GERMANY UNDER MILITARY GOVERNMENT LAW 59 - AMER  
 JEWISH COMMITTEE AMERICAN (JEWCOM) - JEWISH AGENCY FOR PALESTIN  
 COMM WORLD JEWISH CONGRESS AGUDAS ISRAEL WORLD ORGANIZATION  
 JEWISH AGENCY FOR PALESTIN

Siedlungsamt Nr. 945/1 Staatsdruckerei Berlin 10704 48/10000 Blätter

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RG 260  
Entry OMGAS  
File Restitution  
Box 511

DECLASSIFIED

Authority 775042  
By ATL NARA Date 6-21-00

6960213 Rester  
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SAC # 121  
Replace in file  
already typed in  
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RG 260  
Entry Oncas  
File Restitution  
Box 511

REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED  
Authority 775042  
By ATF NARA Date 6-21-00

AG 602.3 RESTITUTIONS VOL IV 1948

AG 48 B 184 2

RG

260Entry OMGUSFile RestitutionBox 511

DECLASSIFIED

Authority 775042By AJL NARA Date 6-21-00

Continuing Routing — Information — Filing  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)

PD-5/8- 8

AG Case No.

Decimal Classification:

*AG 602.3 Resti'*

Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: Preliminary Operations of Jewish      Date      Origin  
Restitution Successor Organization              5 Aug.      Prop. Div.

Digest:

Cable

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
	For Dispatch	05/12 15	Hulse - 43678
AG CABLES			

 AG RECORDSForm OMGUS - 235 •  
(15 May 1947)

For AG Use Only

 Dispatch*W.H.* File

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120866

RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED

Authority 775042  
 By AT NARA Date 6-21-00

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
 AG CABLES



## OUTGOING MESSAGE

UNCLASSIFIED

RECD 051740 Aug 48

ROUTINE

*Rec*

TO : DIRECTORS:  
 CMG BAVARIA, BREMEN, HESSE, WUERTTEMBERG-BADEN

INFO : EUCOM  
 USAFE FOR PROP CONTROL & EXTERNAL ASSETS BRANCH  
 PROPERTY DIV OMGUS  
 EUCOM FOR REP & REST BR, PROP DIV OMGUS  
 OMG BER SEC

FROM : OMGUS SGD HAYS

REF NO : V-34731

Subj is preliminary operations of Jewish Restitution Successor Organization, appointed pursuant to Regulation No 3 under Mil Govt Law No 59.

1. Effective 3 Aug 48 and until 1 Sept 48 or the issuance of a permanent authorization by OMGUS, prior to 1 Sept 48, JRSO is hereby authorized to make the necessary arrangements for hiring indigenous staff, procuring office space and office furniture and furnishings, arranging logistical support, engage in conversations with Property Control officials, German authorities, officials of the central filing agency and German Jewish Gemeinde with a view to developing procedures for its operations.

2. The foregoing authorization does not extend to nor include the actual examination by representatives of JRSO of files, records, repositories or collecting points of any agency. Such authority will be defined in the permanent authorization to be issued by OMGUS to JRSO shortly. You will be advised on issuance.

3. The names of the allied nationals authorized to act for and on behalf of JRSO within the scope of the activities authorized in Para 1 are: Mr Joel H Fisher, Mr Georg Weis, Dr Meinholt Nussbaum, Dr Joshua Starr, Mr Maurice Grynblatt, Mr Sidney Garber,

V-34731

UNCLASSIFIED

*154*

RG 260  
 Entry OMGAGS  
 File Restitution  
 Box 511

DECLASSIFIED  
 Authority 775042  
 By AT NARA Date 6-21-00

UNCLASSIFIED

REF NO: V-34731

- 2 -

Mrs Helen Fink, Miss Esther Cherkasky.

4. Please advise all Mil Govt and German Property Control authorities, Ministries of Justice, Restitution authorities, and custodians of records and files which would normally be of interest to the JRSO.

ORIGINATOR	:	PROP DIV	AUTH: F G HULSE
INFO	:	C/S LEGAL OMG BER SEC POL AFF	

V-34731 5 Aug 48 LW/gel AG 602.3

UNCLASSIFIED

120868

RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED  
 Authority 775042  
 By AG NARA Date 6-21-00

Correspondence — Information — Filing Room  
 OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

DD 14-8/ 277

AG Case No.

## Decimal Classification:

AG 602.9 ~~↳~~ Restitut<sup>e</sup>

## Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: Movement of valuable properties  
 including ritual objects

Date

Origin

14 Aug 48

Rep'd Rest Br.  
Prop Div.

## Digest:

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
Rep'd Rest Br.	Cable to OMG Heisse	14 Aug 48	F G Draper 43 051
Prop Div	AC cables for Dispatch		

AG RECORDS  
 Form OMGUS - 235  
 (15 May 1947)

*(Signature)*  
 155 RJA

For AG Use Only  
 Dispatch

*MH*  
 File

RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED

Authority 775042  
 By AT NARA Date 6-21-00

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG CABLES



## OUTGOING MESSAGE

~~UNCLASSIFIED~~

ROUTINE

RECD: 161217Z Aug 48  
gu

TO : OMG HESSE FOR RULE CHIEF PROPERTY DIV  
 INFO : EUCOM - REPARATIONS & RESTITUTION BR,  
         PROPERTY DIV, KARLSRUHE FOR HOWARD  
 FROM : OMGUS SIGNED HAYS  
 REF NO : V-34940

Confirming conference on 13 Aug 48 attended by Messrs McJunkins, Howard, Heinrich and Horne it was agreed that valuable properties including ritual objects, Jewish, Catholic and Masonic properties but excluding rare books which must be treated in the Offenbach Gas Chamber now located at the Offenbach Archival Depot will be moved to the Wiesbaden Collection Point for storage under Mil Govt custody.

The movement of these properties will start about 1 Sep and will be completed during that month. Other Jewish properties are to remain at Offenbach Archival Depot and will be segregated and concentrated in a separate storage area.

ORIGINATOR : PROP DIV AUTH: FREDERICK G DRAPER  
 INFORMATION : ECON ADV

V-34940

16 Aug 48

EE/gu

AG 602.3 (Repar)

~~UNCLASSIFIED~~

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RG 260  
Entry OMGAS  
File Restitution  
Box 51

DECLASSIFIED

Authority 775042

By ATI NARA Date 6-21-00

AG 602.3 RESTITUTIONS VOL V 1948

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RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED

Authority 775042  
 By ATI NARA Date 6-21-00

COPY

Berlin, Germany  
 21 October 1948

Dear General Dratvin:

This is in answer to your letter of 1 October and in furtherance of our interim reply to you of 6 October regarding certain Soviet restitution claims.

Although the equipment in question is of no value, we would like to point out that all of the material covered by the Soviet claims mentioned was captured from the German Wehrmacht by the US armed forces upon their conquest of Germany. Even though not found on the field of battle, such material may be appropriated by a belligerent occupying hostile territory if it can directly or indirectly be useful for military operations (Art. 53 of The Hague Regulations of 1907) in which case title to such property passes to the Government of the captor.

We dropped your claims after a recent survey when it was determined that the equipment had no value and had been disposed of as scrap.

Sincerely,

GEORGE P. HAYS  
 Major General, U. S. Army  
 Deputy Military Governor

Lieutenant General M. I. Dratvin  
 Deputy Commander-in-Chief  
 Soviet Military Administration in Germany  
 Berlin - Karlshorst

1921

120872

RG 260  
Entry OMGUS  
File Restitution  
Box 511

DECLASSIFIED

Authority 775042By AGT NARA Date 6-21-00

Conneouting — Information — Filing —

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)

PD 2-11/215(Rep &amp; Rest Br)

AG Case No.

Decimal Classification:

~~CONFIDENTIAL~~AC 602.3 *Paste*  
y 091 Soviet (Russia)

Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: Completion of Restitution to the  
Soviet Union

Date

2 Nov 48

Origin

Rep &amp; Rest

Digest:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-20-01 BY SP&R/SP&R



To (Office/Division)	Action	Date-Time Out	From (Name and Phone)
Rep & Rest	Cable to OMG Bavaria	1345/2/11	O. R. McJUNKINS 43050
PD	Approved for dispatch	1345/2/11	F. HAWKINS
AC Cables			

 AG RECORDS

FORM OMGUS - 235 a (15 MAY 1947)

CONFIDENTIAL

For AG Use Only

 DispatchIn  
 File

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DECLASSIFIED

Entry OMGUSAuthority 775042File RestitutionBy AGT NARA Date 6-21-00Box 511**CONFIDENTIAL**

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG CABLES

**OUTGOING MESSAGE**

RECD 021432Z Nov 48

**CONFIDENTIAL****ROUTINE**

TO : OMG BAVARIA PROP DIV REST BR OF THE LAENDER  
 INFO : EUCOM PROF DIV REST BR OMGUS KARLSRUHE FOR  
       DE KEYSERLINGK  
       REPARATIONS LIAISON SECTION FRANKFURT MIL  
       POST FOR MCCOLLUM  
       OMG BREMEN ENCLAVE PROP DIV REST BR OF THE  
       LAENDER  
       OMG HESSE PROP DIV REST BR OF THE LAENDER  
       OMG WUERTTEMBERG-BADEN PROP DIV REST BR OF  
       THE LAENDER

FROM : OMGUS SIGNED HAYS

REF NO : CC-6552

Subj is completion of restitution to the Soviet Union.

The investigation of restitution claims submitted by the Soviet Union has been substantially completed and releases for deliveries of these properties have been submitted to the Laender offices. We desire that restitution of these properties be made with the minimum of delay so that we can close out restitution, other than meritorious claims which we may possibly receive, to the Soviet Union at the earliest practicable date.

Clearance has been recommended for a Soviet restitution mission consisting of the chief of the mission, one secretary, one interpreter and one driver to enter the US Zone for a period of 30 days to accept deliveries of these properties. We expect the mission to arrive in the zone by 15 Nov 48 and request that action be taken now to arrange for the processing of their properties so that deliveries can be started immediately upon arrival of the Soviet mission in the

CC-6552

Copy No.

Exempt from paraphrase. Handle in compliance with AR 380-5.

Form OMGUS 253d  
(8 June 47)**CONFIDENTIAL**

223

120874

RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED

Authority 775042  
 By ATC NARA Date 6-7-00

~~CONFIDENTIAL~~

REF NO: CC-6552

zone.

Lt Col Robert J. C. Osborne will act as coordinator with the Soviet mission for delivery of their properties and we request that every cooperation be given Col Osborne to accomplish this task with the minimum of delay.

ORIGINATOR : PROP DIV AUTH: ORREN R MCJUNKINS

INFO : C/S  
 ECON ADV  
 POL AFF  
 INTELL

cc-6552

2 Nov 48 JLC/1w

AG 602.3

~~CONFIDENTIAL~~

120875

RG 260  
Entry OMGUS  
File Restitution  
Box 511

DECLASSIFIED

Authority 775042  
By ATL NARA Date 6-21-00Combined Routing - Information - Filing Form  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
AG Case No. \_\_\_\_\_

Decimal Classification:

24-11/836

AG 602.3 RESTI

Suspense:

(Suspense Clerk - Tel. No. 42054)

Subject:

JD Date

Origin

RE: JRSO HAS ON HAND ABOUT 50,000  
SHORT CLAIMS WHICH WE ARE MOST ANXIOUS TO  
DELIVER. REQ. ADVICE WHEN WILL BE REC'D. 24 NOV 48HQ JRSO  
NURNBERG

## AG RECORDS CARD

AGC IN 19488 DTG 24 NOV 48

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
PROPS DIV	Reply being made by Property Control + External Assets Br., Wiesbaden 1/29. Copy will be sent to OMGUS. No action here is necessary.	1/29 1:00 43750	F. Miller
AG Records	Please attach a copy of reply & return	1530 29/11	Cpl S. Read CLEARED
Prop Div. Miller	No cable action necessary settled verbally by JRSO reps + PD personnel at Wiesbaden 1/29	1/1 1100	F. Miller 43750
AG Records			

 AG RECORDS

Form OMGUS - 285 (15 MAY 47)

IMMEDIATE ACTION

For AG Use Only

 Dispatch File

120876

RG 260  
 Entry OMGUS  
 File Restitution  
 Box 511

DECLASSIFIED

Authority 775042  
 By ATI NARA Date 6-21-00

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG CABLES

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## INCOMING MESSAGE



48

/sl

UNCLASSIFIEDROUTINE

FROM : HQ JRSO NUERNBERG SGD FERENCZ  
 TO : OMGUS FOR PROP DIV FOR MR CASSODAY  
 INFO : PROPERTY CONTROL AND EXTERNAL ASSETS BR,  
       WIESBADEN FOR MR HARTSCH & MR PORTER  
 REF NO : 241000Z

*To be Returned & Handled**PROP DIV*

Our understanding at our last meeting was that upon our presentation of 10,000 claims they would be accepted and received by central filing agency. JRSO now has on hand about 50,000 short claims which we are most anxious to deliver. We would appreciate your advice as to when they will be received.

ACTION : PROP DIV

INFORMATION :  
 C/S  
 ECON ADV  
 CONT OFF  
 LEGAL  
 FIN ADV  
 LEGAL DIV ZONE  
 CONT OFF ZONE  
 FIN ADV ZONE

ACC IN 19436

24 Nov 48 EW/sl REF NO: 241000Z

UNCLASSIFIED

RG 260  
Entry OMGAS  
File Art Museums & Arch  
374  
Box

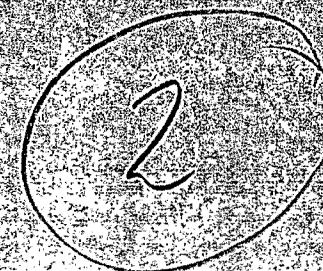
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Authority 775042

By AII NARA Date 6-21-00

AG 48

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AG 007 ART, MUSEUMS AND ARCHIVES

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120378

RG 260Entry OMGGS

File Art, Museums &amp; Arch

Box 394

DECLASSIFIED

Authority 775042By ACT NARA Date 6-21-00

copy/rf

WAR DEPARTMENT  
 OFFICE OF THE CHIEF OF STAFF  
 CIVIL AFFAIRS DIVISION  
 WASHINGTON 25

3 March 1948

SUBJECT: Ivory Diptych Discovered in America

TO : Commanding General  
 Office of Military Government for Germany (U.S.)  
 APO 742, 8 Postmaster  
 New York, New York

1. Reference is made to letters AG 333 (Civ)(ED) and AG 007 (ED), subject as above, to this Division, dated respectively 19 February 1948 and 20 February 1948, with reference to an ivory plaque now in the custody of the United States customs agent at Los Angeles, California.

2. The Department of State advises that subject plaque is being forwarded to the National Art Gallery in Washington, D.C., where a number of objects of art improperly removed from occupied areas are being gathered together for packing and eventual shipment to countries of origin.

3. The suggestion made in your letter of 19 February 1948 that a thorough investigation of Mr. Howard B. Travis and his brother be made is noted. Mr. Travis' brother is said to reside in Tennessee. The Bureau of Customs has in the past undertaken investigations of this nature. It is believed they will be willing to make an investigation of this case if they are provided with a list of the items sought. It is therefore requested that you furnish a list of the other objects of art which were removed from either the Reichsbahnunker at Kassel or the Schloss at Bad Wildungen to be used as a basis of any interrogation of the persons who may be suspected in connection with the removal of such items.

FOR THE CHIEF, CIVIL AFFAIRS DIVISION:

/s/ Robert L. Duncan  
 ROBERT L. DUNCAN  
 CAPTAIN, GSC  
 ASSISTANT EXECUTIVE

19/3

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RG 260Entry OMGCS

File Arts, Museum &amp; Arch

Box 394DECLASSIFIED  
Authority 775042  
By AT NARA Date 6-21-00C  
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November 21, 1946

RECEIVED FROM HOWARD F. TRAVIS fourteenth century French Ivory Diptych. Height 7-3/4" w. 4", each wing representing scenes from the Passions.

Left Wing: Entering Jerusalem, washing the feet - Judas kiss.

Right Wing: Last Supper, Christ on the Mount of Olives, Crucifixion.

This ivory plaque has been shown to Dr. Valentiner, Director Consultant at Los Angeles County Museum, by Howard F. Travis, V.M.C.A. Los Angeles, whose brother acquired it (for nothing, according to Mr. Travis) in Europe during the war. Mr. Travis asked Dr. Valentiner whether the ivory piece had any value. Dr. Valentiner recognized it as a rare 14th century ivory which according to his opinion might have been stolen from one of the European (probably German) museums, as such pieces are never found on the open market, and from which Museum it originates can be properly established after inquiries have been made in Washington through the Alien Property Custodian. Dr. Valentiner kept it in the Museum for one day to have it photographed and turned it over to the Customs House. Approximate value \$5,000.00.

/s/LeRoy B. Powers

LeRoy B. Powers  
US Customs Agent  
305 H. W. Hellman Bldg.  
354 So. Spring St.  
Los Angeles 13, Calif.

120880

RG 260  
 Entry OMGUS  
 File Arts Museums & Arch  
 Box 394

DECLASSIFIED

Authority 775042By AJF NARA Date 6-7-00C  
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y

MUSEUM OF ART  
 RHODE ISLAND SCHOOL OF  
 DESIGN  
 PROVIDENCE 9, RHODE ISLAND

November 27, 1946

Dr. W. R. Valentiner, Director  
 Los Angeles County Museum of History  
 Exposition Park,  
 Los Angeles 7, California

Dear Dr. Valentiner:

I have no doubt whatever that the ivory is identical with one preserved formerly in the museum at Cassel, Koechlin 794. But as far as I remember it wasn't outlined then. The dimensions are exactly the same. The Cassel piece is remarkable on account of the deviations from the usual scheme of composition of these passion diptychs. Berlin had the most remarkable specimen of the group. Cassel lacks the usual finesse. Unfortunately, I cannot tell you where you could find an illustration of the Cassel ivory but I repeat that there cannot be any doubt about their identity.

With kind regards,

Sincerely yours,

/s/Rudolf Berliner

Rudolf Berliner  
 Curator of Decorative Arts

1911

120881

RG 260

DECLASSIFIED

Entry OMGCSAuthority 775042

File Arts, Museums &amp; Arch

By ATL NARA Date 6-21-00Box 394S  
o  
p  
y

Copy of letter written in German

---

Dear Dr. Valentiner:

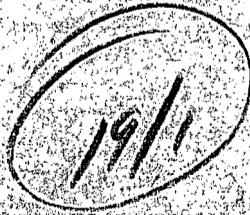
I believe that the ivory diptych of which you sent me a photograph comes from the Museum at Cassel. It belongs, as you know, to "Grands Diptychs de la Passion" of which there are not many in existence, and I do not know of another example of the group which has unusual arrangements of the scenes as in the ivory of your photograph, and it corresponds exactly with the one which was formerly at Cassel.

It is described in "Koechlin" - Ivory of the Middle Ages - (French publication) No. 794. Measurements given: 19,6 x 10 centimeters.

Sincerely yours,

/s/ George Swarzenski  
MUSEUM OF FINE ARTS  
Department of Decorative Arts  
of Europe and America  
Boston 15, Mass.

11/29/46



120882

RG 260Entry OMGCSFile Arts, Museums & ArchBox 394

DECLASSIFIED

Authority 775042By ATT NARA Date 6-21-00

December 19, 1946.

c  
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LeRoy B. Powers,  
U.S. Customs Agent  
305 H. W. Hellman Building  
354 South Spring Street  
Los Angeles 13, California

Dear Mr. Powers:

In accordance with my recent telephone conversation with you I enclose two photographs of the 14th century ivory diptych now in the possession of your office. I also enclose copy of each of two letters by internationally known specialists in European art. You will note that both agree that the piece, in their opinion, comes from the Museum at Cassel, Germany, and is, therefore, in the category of a German State owned work of art illegally removed from Germany.

May we suggest that one of the enclosed photographs be forwarded to Mr. John Walker, Curator of Paintings at the National Gallery of Art, Washington, D. C.? Mr. Walker is a member of the American Committee appointed by Mr. Roosevelt to deal with works of art stolen from enemy countries. He will know the correct procedure in handling the present item.

We would be pleased if you would keep us informed as to further developments in this case. Please bear in mind that we are eager to be of service if our help is required. As you probably know, Dr. William R. Valentiner, Director Consultant of the Los Angeles County Museum is known throughout the world as among the two or three leading specialists in the history of fine arts.

Please accept our thanks for your prompt action in taking over the custody of the ivory diptych. We shall look forward to hearing from you.

Sincerely yours,

James H. Breasted, Jr.  
Director

1911

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RG

260Entry OMGCS

File Arts, Museums &amp; Arch

Box

394

DECLASSIFIED

Authority 775042By ACT NARA Date 6-21-00

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LOS ANGELES COUNTY MUSEUM OF HISTORY, SCIENCE AND ART  
Exposition Park - Los Angeles 7 - California

Office of the  
Director

April 14, 1947

Dear Joe:

I enclose a copy of all of the correspondence and papers pertaining to the 14th century ivory diptych, a photograph of which is being sent to you under separate cover.

I have just spoken by telephone with Mr. LeRoy B. Powers, the U.S. Customs Agent in charge of the case involving the diptych. He informs me that a photograph with the information which I supplied was sent to the Baltimore Customs Office and from there a communication went to Mr. Walker at the National Gallery, but no acknowledgement from Washington has been received. The Baltimore office requested that Mr. Walker make some arrangements for the return of the diptych to its rightful place.

Meanwhile the ivory piece remains here in Los Angeles in a safe in the office of the U.S. Customs. Perhaps one of the Princeton people will be able to discover the source of the delay so that the work of art in question may be returned to Germany where it belongs. I should be glad to do anything further at this end which you or someone at Princeton might suggest.

With very best wishes,

Sincerely,

/s/ Jim  
James H. Breasted, Jr.  
Director

Mr. Joseph P. Kelleher  
Graduate College  
Princeton University  
Princeton, N. J.

•••  
191

120884

RG 260  
 Entry OMGUS  
 File Art, Museums & Arch  
 Box 394

DECLASSIFIED  
 Authority 775042  
 By AT NARA Date 6-21-00

EP/mk  
 16 February 1949

SUBJECT: Missing Brueghel Paintings.

TO : Office of Military Government for Germany (US),  
 Economics Division, Restitution branch,  
 APO 742, US Army  
 (ATTENTION: NYACA Section)

1. Following is a list of Brueghel paintings which  
 are still missing from Austrian collections.

After Brueghel Pieter d.A.

Two Dutch pictures on copper, size about 38x40 cm.  
 sign, fit, with black broad frames.  
 Proprietor: Martha Gerngross, VII, Marihilferstr. 38

Brueghel Pieter d.J.

Wolf and shepherd  
 Wood, sign. P. Brueghel, size 42x60 cm  
 Proprietor: Ernst Wallnau, I, Schubertring 7  
 No. 9

Brueghel Jan D.A.

Flower still-life, wood, size 47x71 cm, 17th cent.  
 (Lost at Schoenborn-Malibarn)  
 Proprietor: Acad. Galery of paintings in Vienna.  
 Inv. No. 1303

2. It is requested that you advise this office if any  
 of the above paintings are under your control.

JAMES A. GARRISON  
 Chief, RMAP Division

Telephone: VIMANA B-46431

Copy furnished to:  
 Art Collecting Center,  
 Munich.

20

120885

RG 260

DECLASSIFIED

Entry OMGUSAuthority 775042

File Art, Museums &amp; Arch

By AGT NARA Date 6-21-00Box 294Code Line Routing - Information -- Filing, Drn  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)

22-3/ 2654

AG Case No.

Decimal Classification:

AG 207

X 333

X 007

X 085 MALEY, ALEXANDER B

X 322 USA HD

25 MAR 48

Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: WORKS OF ART ALLEGEDLY LOOTED  
BY A U.S. ARMY OFFICER, NOW A  
CIV. - ALEXANDER MALEY

Date

Origin

10 MAR 48 WASH. D.C.

Digest:

5TH IND. 2 INCL&amp; N/C

AG RECORDS COPY

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
<b>THIS IS COMMANDER CORRESPONDENCE</b>			
AG MISC			
Prof Div Restitution	6th Ind prepared for Col. Garde's signature by this Branch 24 Mar 48	22 Mar	Welch 42332
AG Misc	For Dispatch /w 2 incis 6th Ind to EUCOM signed and disp.	25 Mar 930 25 Mar 1700 Dated	Jefferson 42348
		26 Mar 48	AG Misc-42492
			
D11346	30 MA		

 AG RECORDSForm OMGUS - 235  
(15 May 1947)

30 MA

For AG Use Only

 Dispatch File

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120886

RG 260  
 Entry OMGAS  
 File Art, Museums & Arch  
 Box 394

DECLASSIFIED  
 Authority 775042  
 By ATL NARA Date 6-21-00

1st Ind (copied)  
 AGO-D 201 Maley, Alexander  
 (3 Jan 48)

S:10 Feb 48  
 evw/LE 437

AGO, Dpt of the Army, Washington 25, D. C.

20 January 1948

TO: Commanding General, Fifth Army, Chicago, Illinois

1. This office is unable to identify any record of one Captain Alexander Maley, from the information furnished in basic communication.
2. It is desired that efforts be made to ascertain whether there is such a person by the name of Alexander Maley or some similar name in Naperville, Illinois, and if identified, that he be interrogated relative to the case in question.
3. A report of action taken is desired.

BY ORDER OF THE SECRETARY OF THE ARMY:

/s/Fred J Martinean  
 Adjutant General

ALFST-D Maley, Alexander 2nd Ind (copied)

HQ FIFTH ARMY, 1660 E Hyde Park Blvd, Chicago 15, Illinois, 27 Jan 1948

TO: Commanding Officer, 5030 ASU, Chicago MP Det., Chicago 15, Illinois

ATTN: Provost Marshal.

For appropriate action and report to this headquarters.

BY COMMAND OF LIEUTENANT GENERAL WALKER,

/s/ D A Maak  
 D A MAAK  
 Major, AGD  
 Asst Adjutant General

1 Incl: n/c

201-Maley, Alexander (Off.) 3rd Ind (copied)

Hq 5030 ASU Chicago MP Det., 1660 E Hyde Park Blvd, Chicago 15, Illinois, 2 March 1948

TO: Commanding General, Fifth Army, 1660 E. Hyde Park Blvd., Chgo.15, Ill.  
 ATTIN: Provost Marshal.

30

Report of investigation attached herewith as inclosure 1.

1 Incl: n/c Added: Rpt of inv (trip) /s/ Edward J KANE Major CMP  
 EDWARD J KANE Commanding

120887

RG 260  
 Entry OMGGS  
 File Arts, Museums & Arch  
 Box 394

DECLASSIFIED  
 Authority 775042  
 By ATI NARA Date 6-21-00

BASIC: Ltr fr OMG or Germany (US) APO 742, Berlin, Germany, file AG 007 (ED), dtd 3 Jan 48, subj: "Works of Art Allegedly Looted by a US Off.

AIFST-D 201 Maley, Alexander B. 4th Ind (copied)  
 HQ FIFTH ARMY, 1660 E Hyde Park Blvd, Chicago 15, Ill. 5 March 1948

TO: The Adjutant General, Department of the Army, Washington 25, D. C.  
 ATTN: AGPO-D

1. Your attention is invited to the report of investigation (Incl 2) which is forwarded herewith in compliance with 1st indorsement.

2. In regard to Exhibit "W" of the inclosed report of investigation, no reply to the letter has been received at this headquarters. However, in order not to delay this case any longer, a telephone conversation was held between this headquarters and the Railway Express Agency Inc., relative to the unanswered letter. The following information was obtained:

a. Conversation held between the office of the Transportation Section and a Mr. Elmer J. Pytlak, Chief of Government Claims Department, Railway Express Agency, Inc., 817 South Wells Street, Chicago, Illinois.

b. Mr. Pytlak informed this headquarters that the package containing the Greek amphora was shipped on Waybill No. 235436, and arrived at the New York Port of Embarkation on 27 February 1946.

FOR THE COMMANDING GENERAL:

/s/ R. H. Kraven  
 R. H. KRAVEN  
 Lt. Col., AGC  
 Asst Adjutant General

2 Incls: 1- n/e  
 2- Trip cy w/d

30

120888

RG 260  
 Entry OMGUS  
 File Arts, Museums & Arch  
 Box 394

DECLASSIFIED  
 Authority 175042  
 By ATI NARA Date 6-21-00

AGFO-D 201 Halsey, "Alexander B. 5th Inf (copied)  
 (3 Jan 48)

eve/1E 437

AGO, Dept of the Army, Washington 25, D. C. 10 March 1948

TO: Commanding General, Office of Military Government for Germany (US),  
 APO 742, c/o Postmaster, New York, New York.

Attention is invited to preceding endorsement.

BY ORDER OF THE SECRETARY OF THE ARMY:

2 Incls. n/c

/s/Sylvio L. Bouquin  
 Adjutant General

AG 607 (PD)

6th Inf.

JAP/eme

Office of Military Government for Germany (U.S.), Berlin, Germany,  
 APO 742, U. S. Army, 26 March 1948

TO: Commander-in-Chief, European Command, Frankfurt, AGO 737, U.S. Army

Attention is invited to paragraph 2 b of 4th Endorsement and  
 paragraphs 9, 10 b and 14 b of the Report of Investigation attached  
 as Inclosure 1, for necessary action and report.

FOR THE COMMANDING GENERAL:

2 Incls. n/c

C. E. GARRIS  
 Lieutenant Colonel, AD  
 Adjutant General

comeback copy sent to PD



D1/346

30

120889

RG 260

DECLASSIFIED

Entry OMGUS  
File Arts, Museums & Arch  
Box 344Authority 775042  
By A1 NARA Date 6-21-00*Prash*

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

TOO

241703Z

REF ID: 241703Z APR 48

GM-35724 end

FROM: OMC Returned & Removed by AG from USFA's Branch only  
SUBJ: OF THE ARMY FROM CSCAD

TO : OMGUS, USFA

REF NO : WX-80347

CITE: ECON

Reurads Oct P-7891, Feb P-1220 ourads Nov  
 WX-90948, Mar WX-97338 and Apr AG 333 ACA/X 3 Feb. Jewish  
 religious objects uncovered in inventory of Hungarian loot  
 train is subj. Subj to OMGUS concurrence request these items  
 be transferred to Offenbach Archival Depot, AmZone Germany, for  
 ultimate treatment in accordance gen policies to be developed  
 re disposition considerable quantities similar items uncovered  
 In Germany and assembled Offenbach. Request USFA and OMGUS take  
 necessary steps and advise.

P-7891 is not identified in AGC  
 P-1220 is not identified in AGC  
 WX-90948 is not identified in AGC  
 WX-97338 is not identified in AGC

ACTION : PROP-DIV

INFORMATION : CS, OFF-ECON-ADV, POL-AFF, CONT-OFF, LEGAL

ACC TN 2330

24 APR 1948 REC'D BY: FR NO: WX-80347

Copy No:

**CONFIDENTIAL**Form OMGUS-252  
(29 May 47)

Exempt from paraphrase.—Handle in compliance with AR 380-5

120890

RG 260  
 Entry OMGUS  
 File Art Museums & Arch  
 Box 394

DECLASSIFIED

Authority 775042  
 By ATI NARA Date 6-21-00

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
 AG CABLES



## OUTGOING MESSAGE

RECD 271013Z Apr 48

~~CONFIDENTIAL~~~~ROUTINE~~

TO : DEPT OF THE ARMY FOR CSCAD  
 INFO : USFA  
 FROM : OMGUS SIGNED HAYS  
 REF NO : CC-4053

Reur WX-80347.

Disposition of Jewish Religious objects is subject.

This is an interim reply to your WX-80347.

Restitution Branch OMGUS is in process of moving  
 to Karlsruhe and will be able to prepare a reply in approx 10 days.

WX-80347 is AGC IN 2330

ORIGINATOR : PROP DIV AUTH: F.G. HULSE  
 INFO : C/S  
 OFF ECON ADV  
 POL AFF  
 CONT OFF  
 LEGAL

CC-4053 27 Apr 48 MD/ms AG 007

*38* ~~CONFIDENTIAL~~

Copy No.

Exempt from ~~CONFIDENTIAL~~ Handle in compliance with AR 380-5.

RG 260Entry OMGGS

File Art, Museum &amp; Arch

Box 394

DECLASSIFIED

Authority 775042By AG NARA Date 6-21-00

RFH/rb

OCT 22 1948

OK  
CMCJ

AG 007 (FD)

AC RECORDS

AC RECORDS

SUBJECT: Art Objects Missing From Domkirche, Quedlinburg, Germany

TO : Director  
 Civil Affairs Division  
 Department of the Army  
 Washington 25, D. C.

1. Reference our letter of 2nd August 1948, AG 007 (FD), subject as above.

2. The letter referred to requested information concerning Detachment No. 35, BMG, Military Government, members of which might be in possession of information concerning the disappearance of art objects and reliquies from the Cathedral Treasury of Quedlinburg, Germany. Reply from your office indicated that 1st Lieutenant Kenneth L. Myers, CMC, Q-1583426, was assigned to this detachment, and indicated that he was at present employed by Office of Military Government for Wurttemberg-Baden. Recent information shows that Mr. Myers has returned to America and his address is Broken Bow, Nebraska.

3. It is requested that the information be transmitted to the appropriate agencies for investigation. A copy of our original letter and enclosed list of art objects belonging to the Quedlinburg Cathedral are inclosed.

FOR THE MILITARY GOVERNOR

R 2279

G. R. GARDE  
 Lieutenant Colonel, AGD  
 Adjutant General

copy sent to PD



67/2

120892

RG 260  
 Entry OMGUS  
 File Art, Museums & Arch  
 Box 394

DECLASSIFIED

Authority 775042By AT NARA Date 6-21-00

CARRIER SHEET MUST REMAIN WITH ATTACHED PAPER USE ENTIRE WIDTH OF SHEET NUMBER ITEMS NSEG VELY DRAW LINE UNDER EACH ITEM

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

APO 742

FILE NO PD 007

SUBJECT Art Objects Missing from Domschatz, Quedlinburg, Germany

NO TO FROM DATE (Has this been coordinated with all concerned?)

NOTE FOR RECORD

- 1 C/S PD 27 July 1948
1. It is alleged that American troops broke into the storage place and removed certain art objects belonging to the Quedlinburg Cathedral.
  2. We would like to locate the missing items if possible, and the attached letter is a request that certain investigations be made which may lead to the location of the missing items.
  3. It is requested that the attached letter be approved for signature and dispatch.

1 Encl: a/s  
 Rm 1010 Econ Bldg  
 Tel: 43050

  
 PHILIP S. HAWKINS  
 Director

- 2 C/S IG 29 Jul 1948 This Inspector General concurs in the proposed action.

Incl: n/c  
 Tel: 43627

  
 WALTER E. JENKINS  
 Colonel IGD  
 Inspector General

6 4

(Page No.)

120893

RG 260

DECLASSIFIED

Entry OMGUS  
File Art, Museums & Arch  
Box 394Authority 775042  
By ATI NARA Date 6-21-00

CARRIER SHEET - MUST REMAIN WITH ATTACHED PERS - USE ENTIRE WIDTH OF SHEET - NUMBER ITEMS CONSECUTIVELY - DRAW LINE UNDER EACH ITEM

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

APO 742

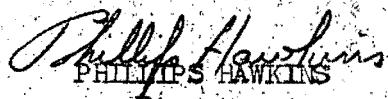
FILE NO. PD 007 (RES/MFAA)  
SUBJECT Art Objects Missing from Domschatz, Quedlinburg, Germany

NO. TO FROM DATE (Has this been coordinated with all concerned?)

1 C/S C/R&amp;R 20 NOTE FOR RECORD:

OMGUS Br. Oct 1. On 2 of August 1948 letter was dispatched to CAD requesting information which would lead to the discovery of members of detachment apparently involved in the looting of the treasure of Quedlinburg Cathedral. Investigation indicates that Mr. Kenneth L. Myers, Broken-Bow, Nebraska, may have information. The inclosed letter with its inclosures are designed to secure this information.

2. It is requested that the letter at the RED TAB be approved, signed and dispatched.

  
 PHILLIPS HAWKINS  
 Director

 Telephone Karlsruhe  
 617/251

672

 MSG  
 RECORDED  
 FILED

(Page No.)

120894

DECLASSIFIED

Authority 775042

By AIT NARA Date 6-21-00

RG

260Entry OMGUSFile RestitutionBox 511C O P YINTEROFFICE COMMUNICATION

SUBJECT: Successor Restitution Organization

2. 3 Feb 48 Pub. Director  
Welf.

Br.

(thru Int.Div.) As requested by telephone on 20 January the undersigned had a conference with Dr. Werner Peiser, restitution consultant of the American Joint Distribution Committee (Jewish Welfare Organization) and subsequently secured the following information concerning this organization from Legal Division and Property Control Branch, this headquarters.

a. The Successor Restitution Organization has not been formally organized or authorized to operate in US zone of Germany although provisions for the establishment of such an organization are clearly outlined in article 10-13 of OMGUS Control Council Law No. 59 (restitution of identifiable property).

b. Dr. Werner Peiser is not authorized at this time to require Military Government to submit information on heirless property in Land Wuerttemberg-Baden although he claims to have secured such information voluntary from OMG Bavaria and OMG Greater Hesse.

c. Property Control Branch this headquarters does not recommend the giving of this information to Mr. Peiser at this time without the specific written approval of OMGUS.

d. Legal Division this headquarters states categorically that their only responsibility under law 59 is the supervision of the claims courts which as yet have not been fully established in this Land.

2. At the time of our conversation I recommended to Dr. Peiser that before any additional action could be taken by this headquarters it would be advisable for him to have a definite written statement of policy and procedure for his organization from the responsible office at OMGUS. He

(over)

Ref.: 1(c)

76//

120895

DECLASSIFIED

RG 260Authority 775042Entry OMAGSBy AII NARA Date 6-21-00File RestitutionBox 511

agreed to attempt to secure this document if possible before his return to this Land.

3... Returned herewith is a copy of Law No.59 together with correspondence and other related material.

s/J.H.C.  
JAMES H. CAMPBELL  
Chief Pub.Welf.Br.

Tel. Ext. 548

Incls. 4

120896

DECLASSIFIED

RG 260  
Entry OMGGS  
File Restitution  
Box 511C O P Y

## INTEROFFICE COMMUNICATION

SUBJECT: Successor Restitution Organization

3 16 Feb 1948 Inte- Director  
rior OMG W/BTHRU:  
Govt.

1. This is the first instance the successor organization question has come to my attention. Apparently the basis for the request by Dr. Peiser was conveyed to the Director and to the Chief of Public Welfare Branch, this Office, through personal interviews and conversations; the details of the conversations are unknown.

2. Paragraph 1 b, Minute No.2 (Public Welfare Branch) contains statements inferring that Peiser requested information pertinent to all heirless property in Wuerttemberg-Baden. If that is the case, Peiser, his organization, authority and reliability should be scrutinized carefully.

3. Articles 8 and 10 (Law 59, attached) specifically state that successor organizations are to be appointed by Military Government, but neglect the designation of the appointing authority or Office of Military Government. Article 13, states that the manner of appointment will be provided by regulations to be issued by Military Government. Apparently, such regulations have not been issued; therefore, it must be deduced that Peiser is engaging in pre-authorized activities, a practice prohibited in general in Wuerttemberg-Baden, by SOP of this Office, based on sound reasons and past experiences.

4. Article 10, contains these words: "A successor organization to be appointed by Military Government, shall . . . be entitled to the entire estate of any persecuted person in the case provided for in Section 1936 of the Civil Code." It must be noted that the words employed are singular. Until otherwise defined, it would seem reasonable to construe that -- a successor organization must be appointed by Military Government for each case, persecuted person, or heirless estate, and not a successor organization empowered to exercise blanket jurisdiction over all heirless property.

5. If the foregoing construction is adopted, Mr. Peiser could require only that information pertaining to an estate for which he held specific successorship appointment, and then only after official appointment described in paragraph 3, above. Of course, such construction would not preclude the appointment of an individual or organization as a successor to more than one person or, estate, unless prohibited by the to be issued regulations.

6. While this is the first time the successor question has been raised, in the past, undesirable experiences have developed through pre-authorized activities of individuals and organizations on projects of somewhat similar character (Tracing of missing persons, for example). This Office should avoid similar recurrences.

Ref: 1(d)

(over)

120897

DECLASSIFIED

RG 260Entry OMGUSFile RestitutionBox 511Authority 775042  
By AJ NARA Date 6-21-00

7. Action in the matter by OMG Bavaria and Greater Hesse, as alleged by Peiser, should be of no consideration by this Office.

8. Recommend: That the recommendations of Property Control Branch, contained in paragraph 1 C (P/W), to the effect that no information be furnished, be followed, and further, should Mr. Peiser produce evidence of approval by OMGUS, that no information be transmitted and no successorship activities be permitted in Wurttemberg-Baden until the regulations referred to in Article 13 have been received and interpreted by this Office.

Ext.5107 LNU CUS 100000 TEL 100000 1-20-01 100000

J. WARD STARR, Director, Division of Interior

Ext.5107 LNU CUS 100000 TEL 100000 1-20-01 100000

J. WARD STARR, Director, Division of Interior

Ext.5107 LNU CUS 100000 TEL 100000 1-20-01 100000

J. WARD STARR, Director, Division of Interior

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J. WARD STARR, Director, Division of Interior

Ext.5107 LNU CUS 100000 TEL 100000 1-20-01 100000

J. WARD STARR, Director, Division of Interior

120898

DECLASSIFIED

Authority 775042By A11 NARA Date 6-21-00RG 260  
Entry OMGAGS  
File Restitution  
Box 511

## CLEAR TEXT

TO: OMG HESSE  
 OMG WUERTTEMBERG-BADEN  
 OMG BAVARIA  
 OMG BREMEN  
 RGCO STUTTGART

1. It has come to our attention that individuals claiming to represent a successor organization, as defined in Military Government Law No. 59, are obtaining information from Field Offices of Military Government, particularly those offices dealing with Property Control matters, and from the German Property Control authorities pertaining to Property which might be subject to claims filed in accordance with provisions of Military Government Law No. 59.

2. To date, no such organization or agency has been appointed, and, therefore, no organization or agency may exercise any of the rights which may be vested in the future in such successor organizations. Such successor organizations will be appointed by Military Government, in accordance with a regulation yet to be issued. When issued, each Land will be advised immediately and when a successor organization is appointed, the name of the organization and the names of the agents authorized by Military Government to act on behalf of said successor organization will be furnished each Land. It is, therefore, requested that a full report of activities of all unauthorized agents be forwarded to this headquarters as they come to your attention so that their unauthorized acts may be fully considered when the time for licensing the authorized agents arrives.

3. It is requested that the contents of this cable be transmitted to the German authorities so that they may take appropriate action.

*Impacted*  
*mix*

*7/11*

120899

DECLASSIFIED

RG 260Authority 775042  
By AGT NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 511

## IMMEDIATE ACTION

Combined Routing — Information — FILE — F

OFFICE F. MILITARY GOVERNMENT FOR GERMANY (U.S.)

OSS 5-4/11

AG Case No.

Decimal Classification: 602.3 (Restitutions)

X 602 3  
 X 201 Hays  
 X 093 Fisher, Joel H.

## Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: Request of AJDC to Undertake Certain Activities in Field of Restitution Date 2 Apr 48 Origin DMG

## Digest:

Ltr fr Gen Hays to Mr. Joel H. Fisher, General Counsel, AJDC

To (Office/Division)	Action	Date-Time Out	From (Name and Phone)
AG Records	For dispatch	1600/2 Apr	Gen Hays — 44655
Misc	ltr to Mr. Joel H. Fisher, Am. Joint Distribution Committee, Paris, 2 Apr, disp.  Cpy Mr. Fisher's ltr recd in records - Case R1202	3 Apr 48	AG Misc — 42492

 AG RECORDS

FILED — OMGUS — 285 (15 MAY 47)

IMMEDIATE ACTION

For AG Use Only  
 Dispatch  
 FileCopy  

REPRODUCED AT THE NATIONAL ARCHIVES

120900

DECLASSIFIED

Authority 775042

By AII NARA Date 6-21-00

RG 260  
Entry 0MGAS  
File Restitution  
Box 511Berlin, Germany  
2 April 1948

My dear Mr. Fisher:

In reply to your letter of 1 April 1948, I regret that I cannot authorize your agency to undertake any activities in the field of restitution other than that authorized in my letter of the 26th of March 1948. The reasons for this decision are those given to you verbally when you called on me in my office.

Sincerely yours,

GEORGE P. HAYS  
Major General, U.S.A.  
Deputy Military Governor

comeback copy sent to O/DMG

Mr. Joel H. Fisher  
General Counsel  
American Joint Distribution Committee  
European Headquarters  
119 rue St. Dominique  
Paris 7, France



R12027

76

AC RECORDS  
AC Records

120901

DECLASSIFIED

Authority 775042  
By AGT NARA Date 6-21-00RG 260  
Entry OMCAS  
File Restitution  
Box 511

## IMMEDIATE ACTION

Combined Routing — Information — Filing Form  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY S.

OSS 7-7-168

AG Case No.

Decimal Classification: ~~SECRET~~ag 602.3 Recd  
✓ ag 602.3  
✓ X 319.1  
✓ X 001 Hays

P-144-#16

Suspense  
(Suspense Clerk — Tel. No. 42054)

Subject: Report of AJDC for 1947

Date 7 Apr 48 Origin DMG

Digest:

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
	See memo fr General Hays	1115/7 Apr	Gen Hays — 41655
Property Control	Letters sent to the 4 Laender	1630/13 Apr	W.J. Dickman — 42934
PD Exec Off	For approval and dispatch		
OSS	151465 jw King 160116		
	Despatch letters. Memo to General Hays with copies of letters have been forwarded separately to General Hays	17/1415	Smith 42006
AG Misc	4 ltrs to OMCAS Bav, Hesse W-B and Bremen disp. <i>Records copies necessary</i>	19 Apr 48	AG Misc 42492
D 132 89-92			

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70/3

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120902

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Authority 775042  
By AIT NARA Date 6-21-00RG 260  
Entry OMAGS  
File Restitution  
Box 511

WJD/mm

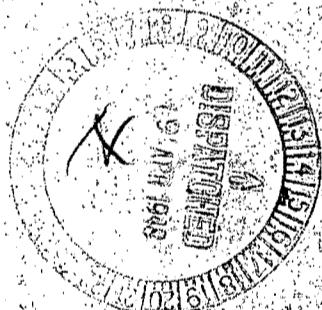
13 April 1948

## MEMORANDUM

SUBJECT: Illegal Activities of the American Joint Distribution Committee

TO : General George P. Keys  
Deputy Military Governor

Referring to your note of 7 April 1948, attaching ADJO report for 1947, copies of letters to the 4 Leander regarding the above subject are attached.

FRED E. HARTZOG, Chief  
Property Control and  
Internal Assets Branch

D13289-92

76/3

FILE SS/0

120903

DECLASSIFIED

Authority 775042By ATF NARA Date 6-21-00

RG

260Entry OMGGSFile RestitutionBox 511

13 April 1948

## SUBJECT: Illegal Activities of the American Joint Distribution Committee

TO : Director  
Office of Military Government for Bavaria  
APO 407, U.S. Army

1. The report of activities of the American Joint Distribution Committee in the United States Zone of Occupation for the year 1947 reveals (on pages 22 and 23) the following:

a. The American Joint Distribution Committee, prior to the passing of the Restitution Law, through its Legal Aid Division, has started an examination of all matters concerning Jewish property; has made investigations concerning such property in certain communities; has made searches in public registers for Jewish owned property and inquiries with German governmental agencies with respect to pensions and similar rights of Jews.

b. It has established a Restitution Division within its organization and has formed, together with the Jewish Agency, the Preparatory Office, Successor Restitution Organization. It has given this Preparatory Office the task of ascertaining the total property which will revert to the Successor Restitution Organization on the basis of the Restitution Law. It has assigned to this office the tasks of examining so-called Jewish "public property" and heirless property.

c. On advice of its Chief Council in Paris it has contacted the Berlin Registrat, acting under the Berlin Humiliation, and has raised with the Registrat specific objections to the Draft Restitution Law for the City of Berlin.

2. As it has been stated by Military Government in connection with the removal from this theater of Dr. Peledow, of the American Joint Distribution Committee, engaged in activities of similar nature, all the activities of the American Joint Distribution Committee dealing with restitution matters, and particularly with implementation and administration of Military Government Law No. 53, are unauthorized and illegal. This applies particularly to the activities in which it assumes, together with the Jewish Agency for Palestine, the role of predecessor to a future successor organization.

ETTE SS/O

763

120904

DECLASSIFIED

Authority 775042By AIT NARA Date 6-21-00RG 260  
Entry OMGCS  
File Restitution  
Box 511

2. It is requested that you take note of these previous illegal activities of the American Joint Restitution Committee and report to this Headquarters immediately any activities that might be considered in defiance of the measures undertaken by Military Government in that connection.

4. Until a successor organization is officially designated and issued instructions under an appropriate charter, restitution activities remain the responsibility of OMGCS and German officials as directed by OMGUS.

Telephone 42934

WILLIAM L. HANZLIK, Chief  
Property Control and  
Internal Assets Branch

763

120905

DECLASSIFIED

Authority 775042

By AIT NARA Date 6-21-00

RG 260  
Entry OMAGS  
File Restitution  
Box 511

13 April 1948

SUBJECT: Illegal Activities of the American Joint  
Restitution CommitteeTO : Director  
Office of Military Government for Berlin  
APO 632, U.S. Army

1. The report of activities of the American Joint Distribution Committee in the United States Zone of Occupation for the year 1947 reveals (on pages 22 and 23) the following:

a. The American Joint Distribution Committee, prior to the passing of the Restitution Law, through its Legal Aid Division, has started an examination of all matters concerning Jewish property; has made investigations concerning such property in certain communities; has made searches in public registers for Jewish owned property and inquiries with German governmental agencies with respect to pensions and similar rights of Jews.

b. It has established a Restitution Division within its organization and has formed, together with the Jewish Agency, the Preparatory Office, Successor Restitution Organization. It has given this Preparatory Office the task of ascertaining the total property which will revert to the Successor Restitution Organization on the basis of the Restitution Law. It has assigned to this office the tasks of securing so-called Jewish "public property" and把握 property.

c. On advice of its Chief Council in Paris, it has contacted the Berlin Magistrat, acting under the Berlin Kommandatura, and has raised with the Magistrat specific objections to the Draft Restitution Law for the City of Berlin.

2. As it has been stated by Military Government in connection with the removal from this theater of Dr. Feiner, of the American Joint Distribution Committee, who engaged in activities of similar nature, all the activities of the American Joint Distribution Committee dealing with restitution matters, and particularly with implementation and administration of Military Government Law No. 59, are unauthorized and illegal. This applies particularly to the activities in which it assumes, together with the Jewish Agency for Palestine, the role of predecessor to a future successor organization.

7613

120906

DECLASSIFIED  
Authority 775042  
By AII NARA Date 6-21-00  
RG 260  
Entry OMGUS  
File Restitution  
Box SPH

3. It is requested that you take note of these previous illegal activities of the American Joint Distribution Committee and report to this Headquarters immediately any activities that might be considered in defiance of the measures undertaken by Military Government in that connection.

4. Until a successor organization is officially designated and issued instructions under an appropriate charter, restitution activities remain the responsibility of OMGUS and German officials as directed by OMGUS.

Telephone 43934

EDWARD L. HANTZSCH, Chief  
Property Control and  
Internal Assets Branch

7d3

120907

DECLASSIFIED

Authority 775042By ATL NARA Date 6-21-00RG 260  
Entry OMGUS  
File Restitution  
Box 511

WJD/mm

13 April 1948

SUBJECT: Legal Activities of the American Joint  
Distribution CommitteeTO : Director  
Office of Military Government for Wurttemberg-Baden  
AMC 154, U.S. Army

Attn: Land Property Control Chief

1. The report of activities of the American Joint Distribution Committee in the United States Zone of Occupation for the year 1947 reveals (on pages 22 and 23) the following:

a. The American Joint Distribution Committee, prior to the passing of the Restitution Law, through its Legal Aid Division, has started an examination of all matters concerning Jewish property; has made investigations concerning such property in certain communities; has made searches in public registers for Jewish owned property and inquiries with German governmental agencies with respect to pensions and similar rights of Jews.

b. It has established a Restitution Division within its organization and has formed, together with the Jewish Agency, the Preparatory Office, Successor Restitution Organization. It has given this Preparatory Office the task of ascertaining the total property which will revert to the Successor Restitution Organization on the basis of the Restitution Law. It has assigned to this office the tasks of securing so-called Jewish "public property" and heirless property.

c. On advice of its Chief Council in Paris, it has contacted the Berlin Magistrat, acting under the Berlin Commandanture, and has voiced with the Magistrat specific objections to the Draft Restitution Law for the City of Berlin.

2. As it has been stated by Military Government in connection with the removal from this theater of Mr. Peiser, of the American Joint Distribution Committee, who engaged in activities of similar nature, all the activities of the American Joint Distribution Committee dealing with restitution matters, and particularly with implementation and administration of Military Government Law No. 59, are unauthorized and illegal. This applies particularly to the activities in which it assumes, together with the Jewish Agency for Palestine, the role of predecessor to a future successor organization.

263

120908

DECLASSIFIED

Authority 775042

By AT NARA Date 6-21-00RG 260  
Entry OMGUS  
File Restitution  
Box 511

3. It is requested that you take note of these previous illegal activities of the American Joint Distribution Committee and report to this Headquarters immediately any activities that might be considered in defiance of the measures undertaken by Military Government in that connection.

4. Until a successor organization is officially designated and issued instructions under an appropriate charter, restitution activities remain the responsibility of OMGUS and German officials as directed by OMGUS.

Telephone 42934

FRED R. HARTZOG, Chief  
Property Control and  
External Assets Branch

76/3

120909

DECLASSIFIED

RG 260Authority 775042Entry OMGUSBy ASST NARA Date 6-21-00File RestitutionBox 511

13 April 1948

SUBJECT: Illegal Activities of the American Joint Distribution Committee.

TO : Director  
Office of Military Government for Germany  
APO 751, U.S. Army

1. The report of activities of the American Joint Distribution Committee in the United States Zone of Occupation for the year 1947 reveals (on pages 22 and 23) the following:

a. The American Joint Distribution Committee, prior to the passing of the Restitution Law, through its Legal Aid Division, has started an examination of all matters concerning Jewish property; has made investigations concerning such property in certain communities; has made searches in public registers for Jewish owned property and inquiries with German governmental agencies with respect to pensions and similar rights of Jews.

b. It has established a Restitution Division within its organization and has formed, together with the Jewish Agency, the Preparatory Office, Successor Restitution Organization. It has given this Preparatory Office the task of ascertaining the total property which will revert to the Successor Restitution Organization on the basis of the Restitution Law. It has assigned to this office the tasks of securing so-called Jewish "public property" and heirless property.

c. On advice of its Chief Council in Paris, it has contacted the Berlin Magistrat, acting under the Berlin Kommandatura, and has raised with the Magistrat specific objections to the Draft Restitution Law for the City of Berlin.

2. As it has been stated by Military Government in connection with the removal from this theater of Dr. Poiser, of the American Joint Distribution Committee, who engaged in activities of similar nature, all the activities of the American Joint Distribution Committee dealing with restitution matters, and particularly with implementation and administration of Military Government Law No. 59, are unauthorized and illegal. This applies particularly to the activities in which it assumes, together with the Jewish Agency for Palestine, the role of predecessor to a future successor organization.

763

120910

DECLASSIFIED  
Authority 775042  
By AII NARA Date 6-21-00  
RG 260  
Entry OMGUS  
File Restitution  
Box 511

3. It is requested that you take note of those previous illegal activities of the American Joint Distribution Committee and report to this Headquarters immediately any activities that might be considered in defiance of the measures undertaken by Military Government in that connection.

4. Until a successor organization is officially designated and issued instructions under an appropriate charter, restitution activities remain the responsibility of OMGUS and German officials as directed by OMGUS.

Telephone 42934

JAMES E. HARTZOG, Chief  
Property Control and  
External Assets Branch

763

12091

DECLASSIFIED

Authority 175042

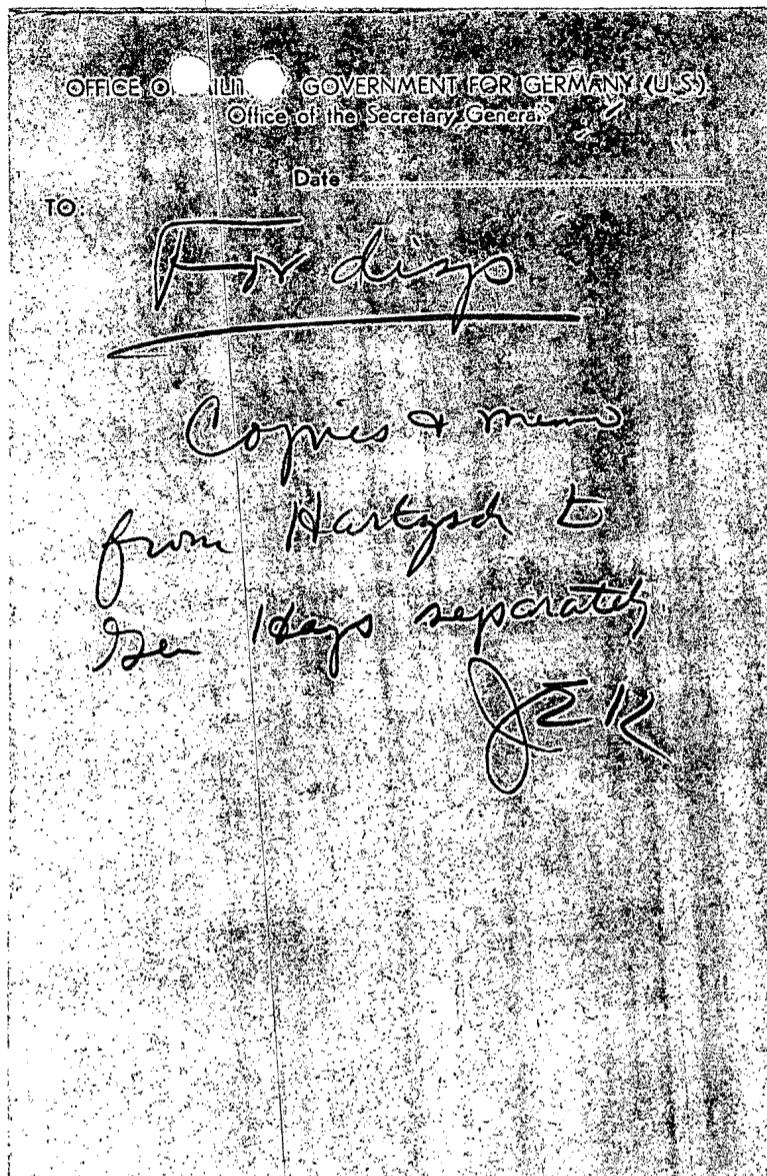
By AIT NARA Date 6-21-00

RG 260

Entry OMGAGS

File Restitution

Box 511



120912

DECLASSIFIED	RG <u>260</u>
Authority <u>775042</u>	Entry <u>OMAGS</u>
By <u>ATI</u> NARA Date <u>6-21-00</u>	File <u>Restitution</u>
	Box <u>511</u>

To AG  
Despatch letters  
Memo to Gen Hays  
Copy copies of letter  
have been forwarded  
separately to Gen  
Hays

120913

DECLASSIFIED

RG

260

Authority 175042

Entry OMAGS

By AGT NARA Date 6-21-00

File Restitution

Box 511

IMMEDIATE ACTION

Combining Record - Information - Filing For

PW

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

OSS 7-4/169

AG Case No.

Decimal Classification:

QJ 602.3 Resto 5/16/48  
 ✓ X 602.3  
 ✓ X 095 Peiser, Werner Recorded  
 ✓ X 201 Flags Suspense:  
 (Suspense Clerk Tel. No. 42054)

Subject:

Dr. Werner Peiser - American Joint Distribution Committee

Date

28 Mar 48

Origin

Gen. Hay's Office

Digest:

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
	Note and return	7/1535	OSG Smith 42300 MBP
CAD	Misdirected to PW Br. Should be sent to DP Br.	8 Apr 48	PW Br. SMITH - 42385 MBP
DP Br.	Noted.	22/1410	L.G. Kelly, OR DP Br., 42175
O/SS	23/1115 Lao Smith  File	23/1205	R. Smith 42300
AG Records			

 AG RECORDS

For AG Use Only

 Dispatch File

IMMEDIATE ACTION

120914

DECLASSIFIED	RG	260
Authority 775042	Entry	OMGAGS
By AII NARA Date 6-21-00	File	Restitution
	Box	511

*Send to CAD  
To noted return.*

120915

DECLASSIFIED

Authority 175042  
By AIT NARA Date 6-21-00RG 260  
Entry OMAGS  
File Restitution  
Box 511OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
Office of the Secretary General

TO:

Date

Gen. Gailey  
is answering

120916

DECLASSIFIED

Authority 775042By A1 NARA Date 6-71-00RG 260  
Entry OMGGS  
File Restitution  
Box 511

OFFICE OF MILITARY GOVERNMENT FOR RM (U.S.) Office of the Deputy Military Governor	
Date <u>5 April 1948</u>	
TO:	General Clay
To note.	
/s/ G.P.H.	
	

120917

DECLASSIFIED

RG 260Authority 775042  
By AJL NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 511

## AMERICAN JOINT DISTRIBUTION COMMITTEE

PCIRO ADMIN SUB-UNIT  
APO 407 c/o P.M.N.Y.N.Y.  
TEL M.M. 2425-8LOCAL ADDRESS  
MUNICH SIEBER STR 3

28th March, 1948.

TO : Major General Hayes,  
Deputy Military Governor,  
OMGUS - APO 742, US Army.

RE : DR. WERNER PEISER.

1. I am enclosing a letter addressed to Dr. Werner Peiser, requesting his immediate departure from Germany and reporting to the Paris Headquarters of the American Joint Distribution Committee.
2. I should like to take this opportunity of expressing to you my personal appreciation for your kindness and consideration during our conversation last Friday in Berlin.

*Samuel L. Haber*Samuel L. Haber  
ZONE DIRECTOR AJDC

SLH/gb

*General Clay**To note**JM**76/4*

120918

DECLASSIFIED

RG

260

Entry OMAGS

File Restitution

Box 511

Authority 775042  
By ALT NARA Date 6-21-00

28th March, 1948.

Dr. Werner Peiser,  
 American Joint Distribution Committee,  
 c/o P.C.I.R.C.  
 APO 757, U.S. Army.

Dear Dr. Peiser:

I was requested to confer with General Hayes on Friday, March 26th.

General Hayes' office telephoned me in Munich and advised me that it was a matter of the greatest urgency that I appear in his office. The General advised me that, because of certain actions which you, in the pursuit of your duties as Restitution Consultant for the American Joint Distribution Committee, committed and which are considered highly reprehensible, that your stay in the U.S. Zone of Germany should be terminated within three days.

When I arrived in Frankfurt I found that you had taken a one day leave. I am, therefore, notifying you officially that your services with the American Joint Distribution Committee in Germany are terminated; that you are requested to turn in your AJD documents; and that you and Mrs. Peiser are to leave Germany and report immediately to the Paris headquarters of the American Joint Distribution Committee.

I am fully cognizant and regret exceedingly the personal implications of this notice to you. Nevertheless, you will recognize that the larger interests of the American Joint Distribution Committee require that it be implemented immediately.

Sincerely yours,

Samuel L. Haider,  
 ZONE DIRECTOR AJDC.

SLH/gb

cc: General Hayes.  
 General Harrold.

76/4

120919

DECLASSIFIED

RG 260Entry OMAGSFile RestitutionBox 511~~SECRET~~Con nee outing — Information — Filing — mm  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)

ED223/309 (PD, PES)

AG Case No.

Decimal Classification:

~~AG 602.3 6-25~~*Ag 602.3 Restitutions*~~X 602.3~~~~X 091 Italy~~~~X 091 Yugoslavia~~

Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject:

Restitution of property removed  
from ceded areas

Date

Origin

22 Mar 48

Property Division

Digest:

Outgoing Cable

*Note: The 2 reference cables  
are filed in 602.3 Recl.  
See AG, 1947. Nos. 8 and  
30. Do Not F/W*

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
Exco, PD	For approval and dispatch <i>AG Cables</i>	12:00 hrs 22 Mar 48	Mr. Bachrach 43633 <i>RF</i>

~~SECRET~~

AG RECORDS  
Form OMAGS - 235  
(15 May 1947)

For AG Use Only  
 Dispatch *Cam*

 File*15 M/4*

120920

DECLASSIFIED

RG

260

Authority 775042

Entry OMGUS

By AIT NARA Date 6-7-00

File Restitution

Box 511

AMERICAN JOINT DISTRIBUTION COMMITTEE  
EUROPEAN HEADQUARTERS119 rue St. Dominique  
Paris 7, France

1 April 1948

Major General George P. Hayes  
 Deputy Military Governor  
 OMGUS  
 APO 742  
 U.S. Army

Dear General Hayes:

I write to acknowledge the receipt of a copy of your letter dated 26 March 1948 addressed to me concerning certain activities of this Committee in the field of restitution in the U. S. Zone of Germany.

With regard to our activities with respect to restitution, I must advise that any action on the part of Dr. Peiser in contacting the German authorities was completely and wholly unauthorized. Nevertheless, we do recognize the serious concern which this action must have caused you, and on behalf of the Committee I wish to express our deep regret that this incident occurred. It is obvious that Dr. Peiser's action was all the more uncalled for, since Military Government itself will insure that undesirable appointments will not be made by the German authorities to the Restitution Chambers.

We are, of course, aware that since no successor organization for restitution has been officially designated, it will be impossible to do preliminary work as a successor restitution organization.

In this connection, we are hoping that it may still be possible to do what our original project for Dr. Peiser was meant to do; namely, the collection of statistics and information concerning former Jewish property holdings in Germany. As I discussed with members of your staff this date, the American Joint Distribution Committee shares the interest of Military Government that the Germans should not benefit from property which was seized from Jews. To this end, we are prepared to collect statistics and information of all former Jewish property in the U. S. Zone. For this purpose we should like to bring one or two allied nationals to the U. S. Zone of Germany.

76/1

120921

DECLASSIFIED

RG

260

Authority 775042

Entry OMGS

By AIT NARA Date 6-21-00

File Restitution

Box 511

General Hayes

- 2 -

1 April 1948

The functions of these allied nationals would be to contact the German-Jewish communities by means of a circular letter and personally and with a view to obtaining information on previous Jewish holdings in the community area. In order to verify the information received from the German Jewish communities, these allied nationals would, in accordance with procedures to be agreed upon with OMGUS, also consult the Grundbuch which is a document of public record and also the documents in the Laender property offices which are also, we understand, public documents. The allied nationals would also be in touch with OMGUS in Berlin and in the field. We can offer you assurances that, under no circumstances, will these allied nationals or any indigenous personnel of the American Joint Distribution Committee contact directly or indirectly any member of the German Government in connection with this work without specific prior permission from OMGUS. We also specifically undertake not to contact the German restitution agency for such information and statistics.

As I stated to members of your staff, we believe it is most essential to collect this information as quickly as possible, particularly in view of the fact that all claims for heirless property and all claims for restitution of specific property must be made on or before 31 December 1948. In connection with our functions for giving legal protection to refugees and persecutees in accordance with the arrangements between the American Joint Distribution Committee and the PCIRO, we believe that information relating to the former German Jewish holdings in Germany will provide legal protection to persons who may not yet be specifically identified. We are therefore prepared to collect this information and we will, of course, offer specific assurances that when a successor organization is finally designated, we will turn over all such information to the successor organization. We also assure you that such records and information as we may obtain would, of course, be open to Military Government inspection.

I should be grateful to receive some indication from you as to whether we may proceed on the basis of the above plan.

As regard the records obtained by Dr. Peiser, it is my understanding that these records are almost completely based solely upon information furnished to us by the German-Jewish Communities. The records are presently located in Frankfurt and we have had no intention of removing the documents from Germany. We will be pleased to turn them over to whomever you designate or should you agree, we will hold the records and use them in connection with our operations under the above plan, and we would of course make whatever ultimate disposition of them as you may designate.

761

120922

DECLASSIFIED	RG	260
Authority 775042	Entry	OMAGS
By AIT NARA Date 6-21-00	File	Restitution
	Box	511

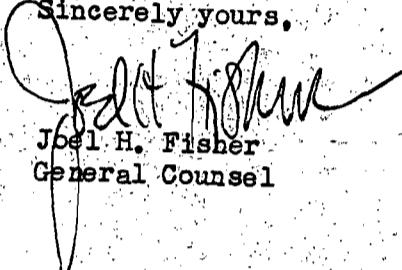
General Hayes

- 3 -

1 April 1948

Finally, I wish to express our appreciation to members of your staff for their understanding and consideration in connection with the oral discussion of the problems which are set forth in this letter.

Sincerely yours,

  
Joel H. Fisher  
General Counsel

7611

120923

DECLASSIFIED	RG <u>260</u>
Authority <u>775042</u>	Entry <u>OMGAGS</u>
By <u>AJL</u> NARA Date <u>6-21-00</u>	File <u>Restitution</u>
	Box <u>511</u>

**OFFICE OF MILITARY GOVERNMENT  
LAND WUERTTEMBERG-BADEN  
FIRST MILITARY GOVERNMENT BATTALION (SEP)-  
APO 154                            US ARMY**

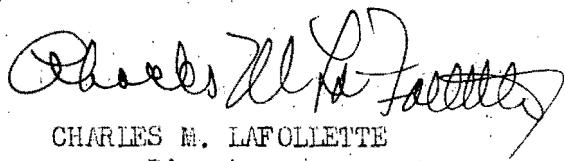
STUTTGART, GERMANY

24 March 1948

SUBJECT: Dr. Werner Peiser

TO : Major General George P. Hays  
 Deputy Military Governor  
 Office of Military Government for Germany (US)  
 Berlin, Germany  
 APO 742, US Army

1. I am pleased that you have taken action on the Werner Peiser matter as indicated by TWX seen by me on 23 March 1948.
2. To complete the file I enclose copies of correspondence between Peiser and the German Ministry of Justice which are marked respectively Inclosures A and B.
3. While one may agree with the general observations of Peiser in 2b, I still am of the opinion that Peiser's actions in asking to be permitted to review judges to be established by German authorities is contrary to Military Government policy in that only in the rarest of occasions does Military Government attempt to exercise such functions. This matter of unofficial people attempting to assert quasi-authority over German officials, which Military Government does not itself exercise, seems to me should be sternly and promptly ended.

  
 CHARLES M. LAFOLLETTE

Director

Incls:  
 a/s

76//

120924

DECLASSIFIED

RG

260

Authority 775042

Entry OMGS

By AGT NARA Date 6-21-00

File Restitution

Box 511

Combining Routing - Information - Filing Form  
 OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.) 3-4/ 138  
 AG Case No.

Decimal Classification:		AG 602.3 Resti. See CO-2119 / 602.3 Resti. (47) no 2/w X 602.3	
		CM/no	Suspense 17 Apr 49 (Suspense Clerk — Tel. No. 42054)
Subject: Successor orgn. for Jewish Property under Law 59 - Jewish Restitution Commission		Date 3 Apr 49	Origin D/A CSCAD
Digest: AGC IN 559 - 3 Apr 49 w X -98857			
AG RECORDS COPY			

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
LEGAL	action changed to PC	050900	
Shepler Apr 1900/3			
P.C.	Pursuant to conversation with Sgt. Legg, AG Records, action copy of cable retained in Property Division, Property Control and External Assets Branch, and will be answered at new duty station in Wiesbaden.	1000/16	Carper 45253
AG RECORDS			

AG RECORDS  
 Form OMGS - 235 • RESTORATION  
 (15 May 1947)

RESTORATION  
*REOPENED*

For AG Use Only  
 Dispatch

File

REPRODUCED BY OMGS A.G. Publications

120925

DECLASSIFIED

RG

260

Authority 175042

Entry OMGUSBy AGT NARA Date 6-21-00File RestitutionBox 511M

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

TOO: 022100Z

R E S T R I C T E D

RECD: 030125Z Apr 48

CN-06/03/gd

ROUTINE

FROM : DEPT OF THE ARMY FROM CSCAD

TO : OMGUS

INFO : EUCOM

REF NO : WX-98857

CITE: PG

Reurad Oct CC-2119. Successor orgn for Jewish property under law 59 is subject.

1. State and Army consider Jewish Restitution Commission an appropriate successor orgn for Jewish property in meaning of MG Law 59, provided that title to real estate (including mortgages) and other assets which are not subj to removal from Germany under license issued by MG and which constitute heirless Jewish property be vested in one or more legal entities organized and existing under German law. It is intended that determination of what property shall be removed from Germany shall be made by MG pursuant to its regular licensing mechanism. State has advised Jewish Restitution Commission of foregoing.

2. Concerning definition of term "heirless Jewish property" which Jewish successor orgn may claim, we will inform you our views later. Believe that definition of Nuremberg laws inappropriate for this purpose because too comprehensive.

3. Advise action taken.

CC-2119, 29 Oct 47, LEGAL ADV

ACTION : LEGAL

INFO : C/S  
OFF ECON ADV  
OFF FIN ADV  
CAD  
POL AFF  
PROP DIV

**RETURN TO CENTRAL FILES**

AGC IN 353 3 Apr 48

GEH/gd REF NO: WX-98857

**REF ID: A65124**

120926

DECLASSIFIED

RG

260

Authority 775042

Entry OMGS

By AIT NARA Date 6-21-00

File Restitution

Box 511

## IMMEDIATE ACTION

Combined Routing — Information — Filing Form

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG Case No. 14-4/1154

Decimal Classification:

AG 602.3 Restitution

X-602.3  
X-010.6**SECRET**

F/W AGC IN 359

Suspense: 16 Apr 48

(Suspense Clerk — Tel. No. 42054)

lwb

Subject: Successor Orgn for Jewish Proper- Date Origin  
ty under MG Law #59

14 Apr 48 D/A CSCAD

Digest:

AGC IN 1205

14 Apr 48

**AG RECORDS COPY**

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
PROP DIV	Pursuant to conversation with Sgt. Legg, AG Records, action copy of cable retained in Property Division, Property Control & External Assets Branch, and will be answered at new duty station Wiesbaden.	1000/16	Carper 45253
AG RECORDS			

**SECRET****CLEARED**

A-16/0

 AG RECORDS*[Signature]*

For AG Use Only

 Dispatch File

Form OMGS — 285 (15 May 47)

IMMEDIATE ACTION

120927

DECLASSIFIED

RG

260Authority 175042Entry OMGUSBy AGT NARA Date 6-71-00File RestitutionBox 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

S E C R E T

TOO 130929Z

REGD 132222Z April 48  
CN/39/13/vmr

ROUTINE

FROM : DEPT OF THE ARMY FROM CSCAD

TO : OMGUS

INFO : EUCOM

REF NO : WX-99481

CITE: PG

Recurad April WX-98857. Successor orgn for Jewish property under MG Law 59 is subj. Fol proposed definition Jewish property submitted to State by Jewish Restitution Commission is transmitted for such consideration as you deem appropriate in preparing regulations under law.

"For the purpose of this regulation: (1.) Jewish property shall include the property, rights, and interests of Jewish indivs and Jewish orgns

(2) The property of Jewish indivs shall include the property, rights, and interests of persons who belonged to a group or category which at any time between 30 Jan 33 and 10 May 45 was discriminated against or persecuted on the grounds of Jewish race or religion, unless the person involved has been proven to have embraced or to have belonged to another faith on or before 29 Jan 33 and unless adoption or profession of this other faith has never been revoked.

(3) The property of Jewish orgns shall include the property, rights, and interests of any combination of persons, whether or not a spearete legal entity, if the combination (orgn): (a) was a Jewish community; or (b) was concerned with matters related to worship in accordance with the Jewish faith; or (c) was maintained out of funds provided by Jewish indivs or orgns mentioned in a and b; (d) its funds were intended to serve Jewish indivs or orgns referred to in a and b; or (e) all its members

AGC TN 1203

Copy No. 1

DECLASSIFIED

RG

260Authority 775042Entry OMGAGSBy AIT NARA Date 6-21-00File RestitutionBox 511

S A M C A R T

-2-

REF NO : WX-9948

were Jewish indivs; (f) the majority of members were Jewish indivs and the orgn was dissolved or forced to dissolve for that reason."

WX-98857, 3 April 48 is AGO IN 359, PROP DIV

ACTION : PROP DIV

INFORMATION : C/S  
 LEGAL  
 OFF ECON ADV  
 OFF FIN ADV  
 CAD  
 GOVT AFF ADV  
 POL AFF

AGO IN 1203

14 April 48

WLC/vmr

REF NO WX-99481

S E C R E T

120929

DECLASSIFIED

RG 260Authority 775042Entry OMGUSBy AG NARA Date 6-21-00File RestitutionBox 511**RESTRICTED**

AMR 15.11.37

Cabling Routing — Information — Filing Amt  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

CO 15-4436

AG Case No.

Decimal Classification:

AG 602.3 ReletiSwage Ser 359

Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: Cable to Chief of Staff, US Army,  
Washington, D. C. re Successor Organization under Law No. 59.

Date 14 Apr 1948 Origin Legal Division

Digest:

Cable re Successor Organization under Law No. 59.

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
AG Cables	for dispatch	14 Apr 1948 1100 hours	I.S. Mason 43059

 AG RECORDS

Form OMGUS - 235 a (15 May 1947)

For AG Use Only

 Dispatch File82 **RESTRICTED**

DECLASSIFIED  
 Authority 775042 RG 260  
 By AGC Entry OMGUS  
 NARA Date 6-71-00 File Restitution  
 Box 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## OUTGOING MESSAGE

RECD 151137Z Apr 48

~~RESTRICTED~~~~ROUTINE~~

TO : CHIEF OF STAFF US ARMY WASH DC FOR CSCAD  
 INFO : EUCOM  
 FROM : OMGUS SIGNED HAYS  
 REF NO : CC-3877

Re your WX-98857 of 3 Apr.

Successor organization under Law No 59 is subj.

Request clarification as to meaning of phrase "Provided that title to real estate (including mortgages) and other assets which are not subj to removal from Germany under license issued by Mil Govt and which constitute heirless Jewish property be vested in one or more legal entities organized and existing under German law". This raises following questions:

What relationship is contemplated between Jewish Restitution Commission and German Legal Entities referred to in your cable? Is it contemplated that the German Legal Entities are to be controlled by the Jewish Restitution Commission or is it contemplated that they are to be designated as independent successor organizations? If the former, is it contemplated that title to the property referred to shall be transferred by the Jewish Restitution Commission to the Entities organized under German law after the Commission has filed a claim and obtained a settlement or judgment or is it contemplated that such legal Entities shall file claims on their own behalf?

WX-98857 is AGC IN 359 602-3 Restitutions

ORIGINATOR : LEGAL AUTH: J M RAYMOND  
 COL  
 INFO : C/S, OFF ECON AD, OFF FIN AD, CAD, POL AFF, PROP DIV  
 CC-3877 15 Apr 48 CB/ah AG 010 (LD)

Copy No.

Exempt from paraphrase. Handle in compliance with AR 380-5.

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RG

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Authority 775042

Entry OMGUS

By AGT NARA Date 6-21-00

File RestitutionBox 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES

## INCOMING MESSAGE



TOO: 081635Z

R E S T R I C T E D

RECD: 082002Z May 48

CN-1548/ed.

ROUTINE

Ag 602.3 (Rest)

FROM : DEPT OF THE ARMY FROM CSCAD

F/W CC-3877

TO : OMGUS

INFO : EUCOM

REF NO : WX-81392

CITE: PG

Reurad Apr CC-3877 and ourad Apr WX-98857. Successor organizations under MG Law 59 is subj. Relationship between Jewish Restitution Commission and German entities believed to be matter for your discretion. Ourad does not prohibit JRC control over German orgns if you believe appropriate. German orgns may be independent successor orgn or entities controlled by JRC as determined by you. Believed here OMGUS should also determine categories of properties to be licensed for removal from Germany. If JRC appointed as successor orgn and given control, it could then file claims for all property, and non-removable property could be trfd to German entities. If you determine that German orgns are to be independent of JRC, these orgns should have right to file claims for non-removable property.

602.3 Recd

CC-3877, 15 Apr 48, LEGAL  
WX-98857, 3 Apr 48, 1s AGC IN 359, LEGAL

ACTION : FROP DIV

INFO : C/S

OFF ECON ADV

OFF FIN ALM

CAD

POL AFF

LEGAL



NO ACTION REQUIRED BY  
AG Records  
N/A

AGC IN 3543

9 May 48

TIC/gd REF NO: WX-81392

R E S T R I C T E D

R E S T R I C T E D

Handle in compliance with AR 360-5

Copy No

Form OMGUS-252  
(29 May 47)

Exempt from paragraph

Handle in compliance with AR 360-5

N/A

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RG 260Authority 775042  
By AAT NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 511Conceded outing — Information — Filing form  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)  
AG Case No.

Decimal Classification:

DDC 6863*ag 602-3 Resti 2nd page in 359*

## Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject: Establishment of German Legal Entity     Date     Origin  
 to accept Title to certain Property recovered     24 Nov 48     Property Div  
 under MG Law 59 by JRSO.

## Digest:

To (Office/Division)	Action	Date - Time Out	From (Name and Phone)
PD Exec	For approval and dispatch	24 Nov	E. J. MILLER 43750
AG Cables			

*871A*

AG RECORDS  
Form OMGUS - 235 a  
(15 MAY 1947)

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 File

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Authority 775042

Entry OMGS

By AGT NARA Date 6-21-00

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**OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)**

AG CABLES

**OUTGOING MESSAGE**

RESTRICTED RECD: 242014Z Nov 48

ROUTINE

TO : DEPT OF THE ARMY FOR CSUSA FOR CSCAD FOR LYNCH

INFO : USAFE FOR PROP CONTR AND EXT ASSETS BR PROP DEV  
OMGUS

FROM : OMGUS SIGNED HAYS

REF NO : CC-6863 *MS 602 3 Rec'd*

Reurad WX-98857 dtd 3 Apr 48. Subject is Establishment of German Legal Entity to accept title to certain property recovered under MG Law 59 by JRSO.

1. Pursuant to Article III, Para 2 of JRSO appointment under Regulation No 3, MG Law No 59, JRSO has now submitted for OMGUS approval, a proposed agreement to establish a German legal entity to accept title to certain property which will be recovered by JRSO under Law 59, but will not be subject to export or remittance from Germany. A teleconference with you has been requested for 3 Dec, 1500 hours Z, to discuss our proposed action on the application.

2. Proposed agreement names Benjamin B Ferencz of New York as Dir Gen and following 3 persons as Directors of a Limited Liability Company to be established in Nurnberg. The persons are Saul Kagan of New York, Dr George Weis of London, and Dr. Meinholt Nussbaum of Israel, all connected with JRSO operations in Germany. The proposal specifies that the new Company is to assist, help, act for and on behalf of, and as successor to Jewish persons, organizations, cultural and charitable funds and foundations, and communities, which were victims of Nazi persecution and discrimination. Such action by the Company, to be known as JNO, Juedische Nachfolgeorganisation, is to be taken in all matters, relating to proceeds, properties, or other assets acquired on behalf of such victims, and it is to use such properties, proceeds, or other assets for the relief, rehabilitation, reestablishment, resettlement and emigration of such victims.

CC-6863

Copy No.

EXEMPT FROM PARAPHRASE. Handle in compliance with AR 380-5.

Form OMGUS 253e  
(8 June 47)**RESTRICTED**

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RG

260Authority 775042Entry OMGAGSBy ATI NARA Date 6-21-00File Restitution

Box

511

R E S T R I C T E D

-2-

REF NO: CC-6863

3. JNO would take title to and hold properties, rights and assets of all kinds to be acquired by JRSO, and would administer, maintain, operate, improve, alter, transfer, convey, assign, sell, rent, mortgage, pledge, or otherwise dispose of, and exercise all rights, powers and privileges of ownership with respect to subject property and assets. It would also make and execute contracts with 3rd parties, make purchases and incur liabilities, borrow and raise money, for purposes of the Company, and assume obligations and liabilities of JRSO on any person or firm, association or corporation, and pay the same.

4. It would further be formed to establish one or more legal entities to carry on business which is necessary, incidental, or proper to the exercise of the purposes of the Company.

5. JNO would do all acts or things incidental to or growing out of, or connected with aforesaid objects, in conformity with German law under which the Company is to be organized, and with laws and regulations of MG.

6. Company would have a capital of 20,000 DM, to which each Dir would subscribe 1/4th. Property of the Company could be disposed of by the Dir Gen and one Dir jointly. Otherwise matters of JNO can be handled by the Dir Gen solely or by 2 of the other Directors jointly.

7. Publications of the Company would be made only in minimum conformity with provisions of the law.

8. Trust Agreement would be formed, naming the Directors as trustees and JRSO as beneficiary, reciting that the trustees, each holding JNO shares to the extent of DM 5,000, for JRSO, agree to deal with, and to transfer the shares as directed by JRSO. JRSO agrees to indemnify the trustees against liabilities incurred through acquisition of the shares, and to pay costs incurred by the trustees in execution of the trust. This agreement would be subject to the laws of the State of New York.

9. Full text of application will be cabled at beginning of teleconference.

ORIGINATOR : PROP DIV AUTH: F G HULSE

INFO : C/S, LEGAL, FIN ADV, FIN ADV ZONE

CC-6863 25 Nov 48 LW/gd

R E S T R I C T E D

1209B5

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RG 260Authority 775042Entry OMGUSBy ATI NARA Date 6-21-00File RestitutionBox 511

## CLEAR TEXT

FROM : OMGUS SIGNED HAYS  
 TO : CHIEF OF STAFF, UNITED STATES ARMY FOR CSCAD FOR LYNCH.  
 INFO : USAFE FOR PROP CONTR AND EXT ASSETS BRANCH  
 PROPERTY DIVISION OMGUS

Reured WX-98857 dated 3 April 1948. Subject is Establishment of German Legal Entity to accept Title to certain Property recovered under MG Law 59 by JRSO.

1. Pursuant to Article III, para 2 of JRSO appointment under Regulation No. 3, MG Law No. 59, JRSO has now submitted for OMGUS approval, a proposed agreement to establish a German legal entity to accept title to certain property which will be recovered by JRSO under Law 59, but will not be subject to export or remittance from Germany. A teleconference with you has been requested for 3 December, 15<sup>00</sup> hours Zebra, to discuss our proposed action on the application.

2. Proposed agreement names Benjamin B. Ferencz of New York as Director General and following three persons as Directors of a Limited Liability Company to be established in Nurnberg. The persons are Saul Kagap of New York, Dr. George Weis of London, and Dr. Meinhold Nussbaum of Israel, all connected with JRSO operations in Germany. The proposal specifies that the new Company is to assist, help, act for and on behalf of, and as successor to Jewish persons, organizations, cultural and charitable funds and foundations, and communities, which were victims of Nazi persecution and discrimination. Such action by the Company, to be known as JNO, Juedische Nachfolgeorganisation, is to be taken in all matters relating to proceeds, properties, or other assets acquired on behalf of such victims, and it is to use such properties, proceeds, or other assets for the relief, rehabilitation, reestablishment, resettlement and emigration of such victims.

3. JNO would take title to and hold properties, rights and assets of all kinds to be acquired by JRSO, and would administer, maintain, operate, improve, alter, transfer, convey, assign, sell, rent, mortgage, pledge, or otherwise dispose of, and exercise all rights, powers and privileges of ownership with respect to subject property and assets. It would also make and execute contracts with third parties, make purchases and incur liabilities, borrow and raise money, for purposes of the Company, and assume obligations and liabilities of JRSO or any person or firm, association or corporation, and pay the same.

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DECLASSIFIED

RG

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Entry OMAGS

File Restitution

Box 511

Authority 775042  
By AIT NARA Date 6-21-00

4. It would further be formed to establish one or more legal entities to carry on business which is necessary, incidental, or proper to the exercise of the purposes of the Company.

5. JNO would do all acts or things incidental to or growing out of, or connected with aforesaid objects, in conformity with German law under which the Company is to be organized, and with laws and regulations of Military Government.

6. Company would have a capital of twenty thousand Deutsche Mark, to which each Director would subscribe one quarter. Property of the Company could be disposed of by the Director General and one Director jointly. Otherwise matters of JNO can be handled by the Director General solely or by two of the other Directors jointly.

7. Publications of the Company would be made only in minimum conformity with provisions of the law.

8. Trust Agreement would be formed, naming the Directors as trustees and JRSO as beneficiary, reciting that the trustees, each holding JNO shares to the extent of DM five thousand, for JRSO, agree to deal with, and to transfer the shares as directed by JRSO. JRSO agrees to indemnify the trustees against liabilities incurred through acquisition of the shares, and to pay costs incurred by the trustees in execution of the trust. This agreement would be subject to the laws of the State of New York.

9. Full text of application will be cabled at beginning of teleconference.

ORIGINATOR : PROPERTY DIV

PRECEDENCE : ROUTINE

INT DISTR : LD  
CEA  
C/S

CLASS : RESTRICTED

REF NO : WX-98857

AUTH : E. J. CASSODAY

COORD WITH : LD

P.M.

120937

DECLASSIFIED

RG 260Authority 775042Entry OMGCSBy AG NARA Date 6-21-00File RestitutionBox 511

IMMEDIATE ACTION

678Corruse Routing — Information — Filing  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)2-12-21AG Case No. 2-12-21

Decimal Classification:

AG 602.3 EST6863  
in fileRECORDEDAGCC 686381/1A

Suspense: 2 DEC 48

(Suspense Clerk — Tel. No. 42054)

EOM

Subject:

Date

Origin

ESTABLISHMENT OF GERMAN LEGAL  
ENTITY TO ACCEPT TITLE TO CERTAIN PROPERTY  
UNDER MG LAW 59

2 DEC 48

D/A

Digest:

AGC M 19906  
2 DEC 48ALL RECORDS COPY

To (Office/Division)	Action	Date-Time Out	From (Name and Phone)
PROP DIV	THIS IS COMMAND CORRESPONDENCE		
OSG	For clearance of PRIORITY Precedence. CSCAD requested Verification of this cable by 2 Dec 48.	2/1400	MILLER 43750
	2-12-1435 <i>H. Boyden</i>		
AG Cables	Res patch	021005	Board 4501
AG Records	Relay Comptred CP	021455	AG Cables
			<i>BUA 11/24/48</i>
			<i>13 Dec</i>
			<i>W</i>

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 Dispatch*4 Nov* File

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RG 260Authority 175042Entry OMGUSBy AG NARA Date 6-21-00File RestitutionBox 511**RESTRICTED**

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG CABLES



INCOMING MESSAGE

T 00-012326

RECD 020 Dec 48  
CN-07/02/mrb

R E S T R I C T E D

**ACTION COPY**

DEPT OF THE ARMY FROM CSCAD

To be Returned &amp; Removed by A.G. Records Branch only

INFO : EUCOM

REF NO : WZ-80461 CITE: ECON

Reurnal Nov CC-6886.

Establishment of German legal entity to accept title to certain property under Mil Govt law 59 is subject.

Re cable CC-6863 cited urao not identified here.  
Request verification by 2 December.CC-6886, 27 Nov 48, Prop Div  
CC-6863, 25 Nov 48, Prop Div

ACTION : PROP DIV

INFO : C/S  
LEGAL  
FIN ADV  
PROP DIV ZONE  
LEGAL ZONE  
FIN ADV ZONE

AGC IN 19906

2 Dec 48

GEM/mrb REF NO: WZ-80461

Copy No

Exempt from paraphrase Handle in compliance with AR 380-5

b) OMGUS-252-3  
29 June 48)**RESTRICTED**

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RG 260Authority 775042Entry OMGUSBy AF NARA Date 6-21-00File RestitutionBox 511

DEZ 2 1353

**OMGUS CABLE FORM**

CALL	CIRCUIT NO. NR	PRIORITY	GR	DATE - TIME OF ORIGIN
REF ID: <u>REF ID: 511</u> SPACES WITHIN HEAVY LINES FOR SIGNAL ONLY				
FROM: <u>OMGUS</u>	CLASSIFICATION <u>REF ID</u>			REF. NO.
ACTION TO:	RESTRICTED			
(1) CHIEF OF STAFF ( ) UNITED STATES ARMY ( ) FOR CSCAD FOR LYNCH	INFO TO: ( )			
INFO TO: ( ) (2) USAFE FOR PROP CONTR AND EXT ASSETS ER <u>REF ID: 511</u> , <u>OMGUS</u>				

RESEND: Cable Ref No. CC-8663 dated 25 November 48originated by Property Division.

to address as shown above.

**DUPPLICATE**

**RESTRICTED**

OMGUS INTERNAL DISTRIBUTION	CABLES REFERRED TO IN TEXT OF MESSAGE REF NO	COORDINATED WITH: PRECEDENCE: <u>NONE REQ</u> ORIGINATING DIV.: <u>PROPERTY</u> TYPED, NAME, RANK, TITLE NO <u>F. J. Miller</u> AUTHENTICATING SIGNATURE
	AGC IN IS IS IS IS	APPROVAL INITIALS

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RG 260Authority 775042  
By AG NARA Date 6-71-00Entry OMGUS  
File Restitution  
Box 511Code No. Routing — Information — Filing —  
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG Case No. \_\_\_\_\_

Decimal Classification:

*ag 602.3 Resti HuCC 6863 CC 6886*~~PD 010.6~~

Suspense:

(Suspense Clerk — Tel. No. 42054)

Subject:

Date

Origin

Establishment of German Legal Entity 27 Nov 48 FJMiller, Prop Div  
(JNO)

Digest:

To (Office/Division)	Action	Date-Time Out	From <i>R</i> (Name and Phone)
AGC	Attached cable for dispatch	<i>Rec'd 180 Nov 11 '48</i>	FJMiller 49750

AG RECORDS  
Form OMGUS - 235 a  
(15 May 1947)

**RESTITUTION**For AG Use Only  
 Dispatch*J*  
 File

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Authority 775042

Entry OMAGS

By AGT NARA Date 6-21-00

File Restitution

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**RESTRICTED**  
**OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)**



AG CABLES

**OUTGOING MESSAGE**

RECD. 8/1124Z NOV 48

**RESTRICTED****ROUTINE**

TO : CHIEF OF STAFF US ARMY FOR USCAD FOR LYNCH

INFO : USAFE FOR PROPERTY DIVISION OMAGS FOR PROP CONTR  
& EXTERNAL ASSETS BRANCH

FROM : OMAGS SIGNED HAYS

REF. NO. : CC-6886

602.3 Restit

Reourad CC-6863. Subject is establishment of German legal entity to accept title to certain property recovered under MG Law No. 59 by JRSO.

In reference to Teleconference requested between this Headquarters and your office at 1500 hours Z, 3 December 1948, desire to transmit herewith the text of document submitted by JRSO for approval. Text follows: Before the undersigned Notary Public appeared today: 1. Benjamin B Ferencz, permanently residing in the City of New York, United States of America, presently residing in Nurnberg, Germany, and 2. Doctor Meimold Nussbaum, permanently residing in Ramat-Gan, State of Israel, presently residing in Munich, Germany, and 3. Doctor George Weis, permanently residing in London, England, and presently residing in Nurnberg, Germany, and 4. Saul Kagan, permanently residing in the City of New York, United States of America, and presently residing in Nurnberg, Germany; the party mentioned under No. 1 is the Director General and the parties mentioned under 2, 3, and 4, Directors of the Plans and Operations Board of the Jewish Restitution Successor Organization (JRSO), a charitable organization incorporated under the laws of the State of New York on 15 May 1947, and designated by Regulation No. 3 under Military Government Law No. 59 as the Successor Organization authorized to claim Jewish property pursuant to Articles 8 through 11 of said Military Government Law No. 59.

In order to comply with the provisions of paragraph 2 of Article 3 of JRSO appointment, which provides that

CC-6886

Copy No.

Exempt from paraphrase. Handle in compliance with AR 380-5.

Form OMAGS 253e  
(8 June 47)**RESTRICTED**

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Authority 775042

Entry OMGS

By AIT NARA Date 6-21-00

File Restitution

Box 511

~~RESTRICTED~~

2

REF NO. : CC-6886

(quotes Article 3, paragraph 2 of JRSO appointment) the aforementioned parties conclude the following agreement:

1. We hereby establish under the firm name of "JRC, Juedische Nachfolgeorganisation" a Company with limited liability (Gesellschaft Mit Beschränkter Haftung). The main office of the Company is in Nurnberg, Germany.

2. The purposes for which the Company is formed are:

A. To assist, help, act for and on behalf of, and as a successor to, Jewish persons, organizations, cultural and charitable funds and foundations, and communities, which were victims of Nazi or Fascist persecution and discrimination in all matters relating to proceeds, properties, or other assets acquired on behalf of such victims and to use such properties, proceeds, or other assets for the relief, rehabilitation, reestablishment, resettlement and immigration of such victims. To acquire, take title to, own, and hold any and all properties, securities, evidences of debt, good will, patents, copyrights, trade names, rights and assets of all kinds and of every class or description acquired or to be acquired by the Jewish Restitution Successor Organization. To administer, maintain, operate, improve, alter, transfer, convey, assign, sell, rent, mortgage, pledge, or otherwise dispose of, and exercise all the rights, powers, and privileges of ownership respecting, in whole or in part, any and all properties and assets acquired. To make, perform and carry out contracts of every kind and description pertaining to the purposes of the Company and for any lawful purposes necessary and expedient thereto with any person, firm, association, or corporation. To make purchases which may be necessary, incidental, or proper to the exercise of any of the purposes of the Company, and to incur liabilities for same. To borrow or raise money for the purpose of attaining or furthering any of the objects or purposes of the Company. To assume the obligations or liabilities of the Jewish Restitution Successor Organization or any person, firm, association or corporation, and to pay the same. To establish one or more legal entities to transact and carry on all or any other business which may be necessary, incidental, or proper to the exercise of any or all of the purposes of the Company. To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes, the attainment of any of the objects, or the furtherance of any of the powers hereinbefore set forth, either alone or in connection with other companies, firms, legal entities, associations or individuals, and either as principals or agents, and to do every other act, thing or things, incidental or appurtenant to or

CC-6886

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RG 260Authority 775042Entry OMGUSBy AAT NARA Date 6-21-00File RestitutionBox 511R E S T R I C T E D

REF NO. : CC-6886

growing out of, or connected with the aforesaid objects, purposes or powers or any of them, provided that the same be not inconsistent with or in violation of the law under which this Company is organized and the laws and regulations of the United States Office of Military Government for Germany.

3. The capital of the Company is 60,000.--Deutsche Mark (DM 20,000) of which each of the aforementioned 4 members take over a share (StammEinlage) of 15,000 Deutsche Mark (DM 5,000).

4. Shares or parts of shares can be assigned only with the consent of all members of the Company.

5. Resolutions of the members of the Company are to be passed by the meeting of the members with the majority prescribed by the law. The meeting shall not be entitled to pass a resolution unless at least 3/4 of the members are present. A resolution passed unanimously in writing by all members shall be valid except in cases where, pursuant to a compulsory provision of the law, it must be passed by a meeting of the members.

6. The Company has 1 or more Directors (Geschaefts-fuehrer). The following are directors: Benjamin E Ferencz, Director General; Doctor Meinhold Nussbaum, Director; Doctor George Weis, Director; Saul Kagan, Director. Any disposition of property of the Company can be made only by the Director General and 1 Director jointly, in all other matters the Company can be represented by the Director General solely or by 2 or the other Directors jointly. Business year is the calendar year. The first business year shall begin with the registration of the Company in the Commercial Register. Publications of the Company are to be made only in cases where a publication is prescribed by a compulsory provision of the law and only in the Gezette which is recognized as the official channel for public notices in Bavaria.

The parties present then declared:

We hereby declare on oath that to the best of our knowledge the declaration made by us above will not result in any transfer of rights, claims, possession or ownership belonging to a person whose property is blocked by Military Government, pursuant to the law for the liberation from National Socialism and Militarism of 5 March 1946 and the Regulation, issued under that law, nor in any payment of money by such person nor in the deterioration or the impairing of the value of such blocked property, other than as prescribed by applicable Military Government Laws.

CC-6886

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260Authority 775042Entry OMGUSBy AT NARA Date 6-21-00File RestitutionBox 511R E S T R I C T E D

REF NO. : CC-6886

Furthermore, we declare on oath that our property is not blocked by Military Government and that we did not at any time take active part in the activities of NSDAP or any Organization affiliated to it in the meaning of the definition set forth in paragraph 4A 1-4 of Regulation No. 1 under Military Government Law No. 2 which definitions are known to us.

Furthermore, we declare on oath that we do not belong to the persons specified in class 1 or 2 of the schedule annexed to the law for the liberation from National Socialism and Militarism of 5 March 1946 and that we were not otherwise member of NSDAP or any organization affiliated to it and that no security measures have been taken against us pursuant to the law for the liberation from National Socialism and Militarism.

This record was read by the Notary Public to the parties present, confirmed by them and then signed by them and by the Notary Public.

## Text of proposed Trust Agreement follows:

Indenture made the day of between (name of each individual and residence separately) hereinafter called the Trustee, and the Jewish Restitution Successor Organization, a charitable organization established under the laws of the State of New York, hereinafter called the beneficiary.

Whereas certain shares to the extent of DM 5,000 in the "JNO, Juedische Nachfolgeorganisation, Gesellschaft Mit Beschränkter Haftung" were transferred to or acquired by the said Trustee or Nominee of the beneficiary, and it was agreed prior to the date of such transfer or acquisition that the Trustee should execute a Declaration of Trust to the beneficiary; now these presents witness as follows:

The Trustee hereby declares that he holds the shares specified above and all dividends or assets accrued or to accrue upon or in consequence of the same, upon trust for the beneficiary, and agrees to transfer and deal with such shares in such manner as the beneficiary shall from time to time direct. Upon the death of the Trustee Title to said shares and dividends shall automatically pass to the beneficiary.

The beneficiary will at all times hereafter keep indemnified the Trustee, his executors or administrators against all liabilities which he or they may incur by reason of such

CC-6886

R E S T R I C T E D

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DECLASSIFIED	RG <u>260</u>
Authority <u>175042</u>	Entry <u>OMGAS</u>
By <u>ACI</u> NARA Date <u>6-21-00</u>	File <u>Restitution</u>
	Box <u>511</u>

R E S T R I C T E D

- 5 -

REF NO. : CC-6886

shares having been so transferred or acquired in the name of the Trustee, and in particular punctually pay all calls and demands which the Trustee may be liable to pay in respect of any of said shares, and all costs and expenses incurred by the Trustee in the execution of said Trust.

This agreement shall be subject to the laws of the State of New York.

In witness whereof, the said beneficiary has caused these presents to be signed by its President as authorized on its Board of Directors, and its Corporate Seal to be hereunto affixed.

ORIGINATOR : PROP DIV AUTH: FRANK J. MILLER

INFORMATION : C/S  
 PROP DIV ZONE  
 LEGAL DIV  
 LEGAL DIV ZONE  
 FIN ADV  
 FIN ADV ZONE

CC-6886

27 NOV 48 EGW/jmf REF NO. PD 019.6

R E S T R I C T E D

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RG 260  
Entry Ongas  
File Restitution  
Box 512

AG 602.3 RESTITUTIONS VOL VI 1948

DECLASSIFIED  
Authority -175042  
By AFIT NARA Date 6-21-00

DECLASSIFIED

RG

260Authority 775042Entry OMGUSBy AIT NARA Date 6-21-00File RestitutionBox 512

מְדִינַת יִשְׂרָאֵל  
מִשּׁוֹרֵדִי הַקּוֹנְסָטוּרִית בְּתִימָנוֹן  
CONSULATE OF ISRAEL

בהתובות נוא להזכיר  
In reply, please quote

G/1/17

MUNICH

11, Maria-Therese Str., Phone: 42011  
Cable address: Memisrael, Muenchen

December 7, 1948

To : General Lucius D. Clay,  
CINCEUR and Military Governor

From : Dr. Chaim Hoffman,  
Provisional Consul of Israel.

Sir,

The Provisional Government of Israel has instructed me to apply to U.S. Military Government for a reasonable extension of the period, ending on December 31, 1948, within which pursuant to U.S. M.G. Law 59 (Art. 56, para 1) petitions for restitution shall be submitted to the Central Filing Agency in Bad Nauheim.

The Israeli Government is convinced that, owing to the abnormal conditions which have been prevailing in Palestine during the last year, many residents of Palestine will, without such extension, be unable to file their claims in time. This conviction is particularly based on the following facts:

M.G. Law 59 became effective on November 11, 1947. At the end of the same month disturbances started in Palestine and a few months later in May 1948, war broke out.

Postal communication was completely interrupted from February 1948 till May 1948 and was only gradually resumed by the Israeli Government after the termination of the British Mandate. The postal communication was, however, by no means, normal and many mail dispatches were lost. Even now, ordinary mail from Israel takes about four weeks to reach Germany and air-mail service is not yet regular. Therefore, claimants who send documents from Israel to Germany have, in many cases, to wait about two months for the confirmation of safe arrival. For several months the Central Filing Agency in Bad Nauheim was unable to mail answers to inquiries from Israel.

A considerable number of claimants joined the Israeli Army and, being stationed in far off places all over the country, they are very often entirely unable to get any information. Thousands of Jews in Jerusalem had to leave their flats and the papers necessary for submission of their restitution claims were left behind or lost. Moreover, Jerusalem was for many months entirely cut off from the outside world.

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- 2 -

It is obvious from all these circumstances that those persons, entitled to restitution under M.G. Law 59, who have their residence in Israel, are seriously hindered by war conditions from preparing and submitting their claims within the time prescribed in that Law. As, probably, not less than 25% of all persons entitled to restitution in Germany are residing in Israel, the usual practice to prolong prescriptive periods in war time should be followed also in respect of the filing period prescribed in M.G. Law 59.

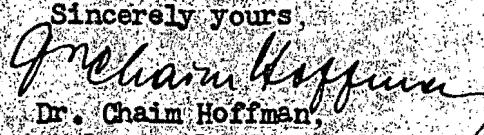
The more seems this to be necessary, because for additional reasons, concerning also the claimants residing in other countries than Israel, such prolongation is just and equitable:

a). The time limits prescribed in other Restitution Laws are longer than that provided for in U.S.M.G. Law 59. According to the latter, one year and 51 days were granted for submissions of claims, while the French Restitution Law Nr. 120 provides for a filing period of one and a half year, and there is reason to assume that this time limit will be extended. The Restitution Law in the Land of Thuringia which at first was fixed for one year September 14, 1945 till September 30, 1946 - has been extended for another 15 months, until December 31, 1947. Also the Polish Restitution Law, as amended, provides for a time limit of over two and a half years, i.e. from April 10, 1946 till December 31, 1948.

b). The time limit within which persons being or having been in possession of confiscated properties have to report to the Central Filing Agency ( Art. 73 ) has been extended for three months - from May 15 till August 15, 1948. These persons were not hindered to file the reports in due time, for, normally, they live in Germany and know the necessary facts from their own knowledge. In contrast hereto the overwhelming majority of the claimants live abroad and very many of them, being the children or other relatives of the previous owners, have no knowledge of the facts to be stated in the petition for restitution. Very often, the claimants have no other source of information regarding their property than the reports made under Art. 73. As the time limit for these reports has, as mentioned afore, been prolonged, the possibility of obtaining the information necessary to the claimants is given only since August 1948.

Trusting that, by the previous statements, Your Excellency will be satisfied of the necessity to extend the filing period prescribed in Art. 56, para 1 of M.G. Law 59, I should be obliged if you would recommend to U.S. Military Government an amendment of that Law providing for an extension of this period by, at least, three months. Likewise the dead-lines provided for in Art. 70 of M.G. Law 59 ( Filing of a petition for restitution by the Public prosecutor ) and in Art. 79 ( Avoidance of testamentary dispositions ) should be prolonged by three months.

Sincerely yours,



Dr. Chaim Hoffman,  
Provisional Consul of Israel

Dr. CH/sr.

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RG 260Authority 175042Entry OMGUSBy AGT NARA Date 6-21-00File RestitutionBox 512Berlin, Germany  
January 1949

Dr. Chaim Hoffman  
 Provisional Council of Israel  
 Consulate of Israel  
 11, Marie-Therese Straße  
 Munich

Dear Dr. Hoffman:

I have your letter of 7 December 1948, reference G/1/17, requesting a reasonable extension of the period within which petitions for restitution under Military Government Law 59 may be submitted. It is regretted that the requests contained in the last paragraph of your letter cannot be granted.

I appreciate the difficulties which confront some claimants in the assembling of information necessary to prosecute their claims. However, I believe that their rights have been adequately provided for, in that Law 59 prescribed a period of over 13 months during which claims might be filed; and particularly since, under Article 58 of the law, petitions were acceptable within that period, even though incomplete or in improper form. Under this provision, and in view of the wide publicity which the law received, it is my position that interested claimants should have asserted their rights.

I have not been fully informed as to the provisions of all the other restitution programs under the laws referred to in your letter. However, it is the policy of United States Military Government to complete the restitution program in the United States Zone as speedily as possible, for the common benefit of claimants, the United States Government, and the restoration of stability in Germany and Europe. It is therefore desirable to settle claimants' rights, remove cloud on title to thousands of properties, and facilitate normal purchase and sale, mortgage and improvements, none of which is easily possible so long as property-holders or claimants are uncertain of their rights. It is further felt that undue prolongation of the restitution program may adversely affect claimants, since all unpopular programs tend to incur resistance and often frustration of their purpose.



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Authority <u>775042</u>	Entry <u>OMAGS</u>
By <u>ATL</u> NARA Date <u>6-21-00</u>	File <u>Restitution</u>
	Box <u>512</u>

There is attached for your information and possible interest  
a copy of Regulation No. 5 under Military Government Law No. 59.  
Approved on 1 January 1949.

Sincerely,

1 Incl a/s

LUCIUS D. CLAY  
General, U. S. Army  
Military Governor

comeback copy sent to PD and O/SS

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File Restitution  
Box 510

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Authority -175042  
By ADM NARA Date 6-21-00

AG 602.3 RESTITUTIONS

1948

AG 48 B 183  
3

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RG 260Authority 775042Entry OMGUSBy AGT NARA Date 6-21-00File RestitutionBox 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES

## OUTGOING MESSAGE



RECD 311166 Jan 48

**RESTRICTED**  
RESTRICTED

P R I O R I T Y

TO : CHIEF OF STAFF US ARMY WASH DC FOR OSCAR  
 FROM : OMGUS SIGNED HAYS  
 REF NO : CC-3048

Reference our CC-2119 of 29 Oct.

602.3 Rest

Restitution Successor Organization is subject. No reply has been received to our request to be advised whether you and State consider Jewish Restitution Commission appropriate organization for designation as a successor organization under Restitution Law. Your attention is called to fact that under law no claims for restitution can be made after 31 Dec 48. In view technical difficulty of research and magnitude of task of preparing claims, successor organizations, if they are to adequately fulfill contemplated function, must be designated soonest.

Some doubts entertained here re name of above-named applicant as it should not convey impression that it is an official governmental body. If this organization is approved and name cannot be amended easily state of incorporation we might require it to indicate in all official documents that it is a successor corporation designated under Mil Govt Law. Preferable title might be Jewish Successor Corporation (Juedische Nachfolger Organisation).

ORIGINATOR	: LEGAL	AUTH: A.J. ROCKWELL
INFO	: CONT OFF FIN ECON CA PIO POL AFF	

CC-3048

31 Jan 48 MD/ms

AG 602.3 (Restitution)

**RESTRICTED**

Copy No.

Form OMGUS 253b  
(8 June 47)

Exempt from paraphrase.

Handle in compliance with AR 380-5.

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RG 260Authority 775042  
By AGT NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 510

AG 602.3 (PD)

Berlin, Germany  
6 July 1948SUBJECT: Appointment of Successor Organization to claim  
Jewish Property, MG Law No. 59.TO : Chief, Civil Affairs Division  
U.S. Army  
Washington 25, D. C.

Attention: Colonel Lynch

There are attached hereto for your information and use ten copies of Regulation No. 3 under Military Government Law No. 59 and Appointment thereunder, designating the Jewish Restitution Successor Organization as the organization authorized to claim heirless Jewish property under MG Law No. 59. Copies of official German translations are likewise enclosed, together with copies of OMGUS letter dated 23 June 1948 to the Offices of Military Government in the Laender of the U.S. Zone.

FOR THE MILITARY GOVERNOR:

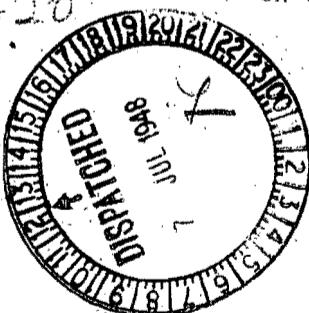
1 Incl: a/s (10 copies)

G. H. GARDE  
Lieutenant Colonel, AGD  
Adjutant General

AG RECORDS AG RECORDS F. G. HULSE

CP

7420 comeback copy sent to PD



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RG 260Authority 775042Entry OMGUSBy AIT NARA Date 6-21-00File RestitutionBox 510*Wm* MG

3 C

## THE JEWISH RESTITUTION SUCCESSOR ORGANIZATION

(A New York membership corporation organized under the New York  
Membership Corporations Law as

The Jewish Restitution Commission)

Suite 800  
270 Madison Avenue  
New York 16, N.Y.

July 2nd, 1948

General Lucius D. Clay  
 Military Governor  
 U.S. Zone of Occupation  
 APO 742  
 c/o Postmaster, New York, New York

Dear General Clay:

We have received, from the War Department in Washington, a copy of Regulation No. 3, issued under Military Government Law No. 59, designating the Jewish Restitution Successor Organization as the successor to Jewish property under that law. May I in my own behalf and in behalf of The Jewish Restitution Successor Organization take this opportunity to express to you our sincerest thanks, not only for the present action of OMGUS, but for your continual, complete sympathy and assistance in all of the negotiations and discussions which had led up to the issuance of Regulation No. 3.

May I call your attention also to the fact that while the officers of our organization have already approved the proposal to change the name of the organization to that of The Jewish Restitution Successor Organization, this change cannot technically become effective in New York state until a meeting of our membership has taken action to that effect. We are, however, planning to complete these legal technicalities within the very near future, and shall notify you as soon as the necessary action has been taken.

Sincerely yours,

*Dear Mr. Warburg**I thank you for your kind letter*

July 2nd, 1948  
 Edward M. M. Warburg, President  
 JEWISH RESTITUTION SUCCESSOR ORGANIZATION

*I assure you of the desire to facilitate your action  
 to make the work of the Jewish Restitution Successor  
 Organization most fully known and also successful*

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RG 260Authority 775042Entry OMGUSBy AT NARA Date 6-7-00File RestitutionBox 510

96023 Ref A Thru FF 16

60203

MEMORANDUM

080

TO : General Lucius D. Clay

Reported 1948

SUBJECT: Designation of Successor Organization under Military Government Law No. 59, "Restitution of Identifiable Property".

1. As you requested during our discussion yesterday, Friday, 6 February 1948, I have checked my files with a view to determining the extent to which the government has been committed throughout the negotiations on the Restitution Law to the establishment of an International Jewish Successor Organization as the successor to heirless and unclaimed properties of Jewish victims of Nazi aggression and of Jewish communal property.

While I can find no commitment in writing to the Jewish organizations that such an International Jewish Successor Organization would be recognized, I do find that you made this commitment to them orally during your conversations with their representatives in America in the Fall of 1946 and that this commitment was incorporated in an inter-office memorandum to General Hildring and approved by him. It was also incorporated in a memorandum drafted by the Jewish organizations and submitted to the State Department in November 1946 and transmitted by the State Department via War to OMGUS with the approval of both Departments. Various cables between War Department and OMGUS indicate that the War Department was clearly aware of this understanding and that the only question left open was whether or not the participating membership in the organization set up was sufficiently representative of world-wide Jewry. It was this question which you left for determination by the State Department.

As late as 30 July 1947 we indicated in a cable to the War Department that the British differed from ourselves by insisting that heirless property should go to a German corporation and asked for any comments or instructions that War Department might have prior to our issuing a unilateral law in view of our inability to get agreement with the British on this point. While Washington in its reply to this cable did suggest the possibility of using the formula of the Reparations Agreement as a possible compromise to this deadlock, they did not insist upon it when we pointed out the impracticability of such a formula, and at no time suggested that we accept the British position that the Successor Organization should be a German corporation. It was thus over this very question that we broke off negotiations with the British and issued a unilateral Restitution Law.

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By AIC NARA Date 6-21-00

General Clay

- 2 -

7 February 1948

2. The summary of negotiations concerning the Successor Organization set out in 1. supra, are based on the following documents in my files:

a. Memorandum from Mr. Hemmendinger (State Department) to General Hildring dated 3 December 1946: "... On November 21, 1946 representatives of the five leading Jewish organizations saw General Clay. The State Department has seen no minute of the conversation approved by General Clay. It appears, however, that General Clay agreed to the following points:

"1. An international Jewish organization should be recognized as trustee of unclaimed and heirless Jewish property and should be permitted to prosecute claims thereto before restitution tribunals. . . ."

b. Memorandum of the five organizations dated 27 November 1946 concerning the meeting of their representatives with General Clay: "... General Clay agrees that in the reservations to be made by Military Government at the time of signing the draft law it will be clearly provided that Military Government and not the German authorities will designate . . . the organizations to act as successors for the Jews who have died leaving no heirs. General Clay also stated that he would want the trustee for the Jews to be a Jewish organization representing Jews throughout the world. He also said that such trustee for the Jews would be the one who would be allowed to come into the tribunals in Germany and make claims on behalf of the Jews and Jewish bodies. . . ."

c. In a memorandum dated 27 November 1946 from the Jewish organizations to the State Department concerning the 18 October 1946 draft of the Restitution Law it was recommended: "... 1. Military Government and not the German authorities should designate the successors to heirless and unclaimed Jewish interests in corporations and unincorporated bodies and to Jewish communities and foundations; the successors to the claims of Jews who died leaving no heirs; and the persons who may claim on behalf of the aforementioned Jews and Jewish bodies before the tribunals provided in the law. Military Government should recognize a Jewish organization, representative of Jews throughout the world, including Jews now in Germany, as trustee for such Jewish interests. The property or its proceeds acquired by such trustee should be used exclusively for the purpose of rehabilitation and resettlement of Jews. . . ."

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Box

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General Cley

- 3 -

7 February 1948

In a letter dated 2 December 1946 from General Hilldring to General Echols, Chief, CAD, War Department, it was stated: "The Department of State has carefully considered the annexed memorandum dated November 27, 1946 . . . and concurs in the comments and suggestions made therein with respect to the draft German restitution law of October 18, 1946, with the following qualifications [not related to the matter discussed herein]. . . ."

d. In WCL 25176 (from War Department from Lowenthal) comment was requested from General Clay or Mr. Rockwell on the draft of incorporation papers for the Jewish Restitution Commission which was subsequently incorporated in the State of New York in April 1947. This cable stated: ". . . Organizations contemplate filing incorporating papers within few days and would like any comments suggesting changes that OMGUS may consider advisable." In our reply of 7 March 1947 we stated: "General Clay requests State Department be consulted re participating membership Jewish Restitution Commission . . . believes Department best qualified determine whether Commission has sufficient world-wide representation and will be guided by their opinion."

e. In your CC 1076 of 30 July 1947 to AGWAR you stated: "It appears unlikely that we will be able to reach quadripartite agreement on Restitution Law. The one major remaining obstacle is question of Escheat. The British have now adopted the position that they can accept only Escheat to a German organization. . . . I have personally talked to General Robertson who informed me that the British could now only accept the position set forth above. It is my belief that this is due to the fact that the British believe funds allotted to an outside organization might possibly be used in Palestine. As you know, I have made certain commitments regarding the issuance of a Unilateral Law. Our previous impression had been that the British would go along with our draft on a bizonal basis. This is no longer a possibility. However, before promulgating the law on a unilateral basis I wish to advise you of the positions of the other three powers and to receive any comment or instructions you might have."

In reply War cabled in its WX 83916 of 9 August 1947: ". . . would appreciate your views re compromise in successor organizations which would make possible quadripartite agreement. Your attention invited as a possible basis for solution of formula used in 14 June 1946 five power agreement implementing Article 8, Paris reparations agreement."

In your reply of 13 August 1947 (CC 1260) you stated: ". . . Only new ideas would be one international organization to

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Authority 775042  
By AII NARA Date 6-21-00Entry OMGS  
File Restitution  
Box 510

General Clay

- 4 -

7 February 1948

allocate funds with a certain percentage guaranteed for non-Jewish persecutees. . . . We do not believe that this would solve dilemma because first, Soviets are not members of IRO or any other such international organization, and second, percentage distribution does not answer the basic objections of the other powers as outlined in our previous cables. A Quadripartite body to receive and distribute heirless property would be faced with the same stalemate in which we now find ourselves in the Finance Directorate."

In AGWAR's WX87275 of 30 September 1947, they asked: ". . . will heirless property be handled by separate organizations pursuant Draft Law being worked out with British? We had hoped agreement would be possible at least with British on this matter. . . ."

In our CC 1871 of 7 October 1947 we replied: ". . . re your paragraph 3, the British cannot agree to our concept of successor organization and therefore heirless property will be handled differently in the two zones. . . ."

f. It thus appears that from November 1946 up to October 1947, both State and War were aware that it was contemplated that an International Jewish Successor Organization would be appointed and that this was the disagreement with the British on the basis of which we failed to obtain a Bizonal Restitution Law.

In your CC 2119 to War dated 29 October 1947, you stated that the Jewish Restitution Commission had been incorporated under the Membership Corporation Law of the State of New York for the purpose of claiming heirless and unclaimed property subject to restitution, and had requested that it be appointed Successor Organization for all Jewish property pursuant to the pertinent provisions of the Restitution Law: ". . . Before considering this request we ask to be advised whether you and State consider this organization to be appropriate one for designation as a successor organization under this law."

The question thus presented to War and State was merely as to the appropriateness of the membership of the instant applicant and not as to the nature of its organization.

*Irwin S. Mason*  
Irwin S. Mason  
Advisor on Internal Restitution

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RG 260Authority 775042Entry OMGUSBy AH NARA Date 6-21-00File RestitutionBox 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG CABLES.



## OUTGOING MESSAGE

~~CONFIDENTIAL~~

RECD: 061818Z Feb 48

~~PRIORITY~~

TO : DEPT OF THE ARMY PERSONAL FOR NOCE  
 FROM : CINCEUR SIGNED CLAY  
 REF NO : CC-3127

Reurad WX-95426, I believe that implied commitments to Jewish Restitution Commission would make the Government's position most difficult to explain if not untenable. It was our understanding that Gen Hilldring had almost 2 years ago accepted that an International Jewish Restitution Commission would be the successor organization to heirless Jewish property in Germany, and in several conversations which I have had with Jewish representatives headed by Judge Proskauer I have always let them understand that a Jewish Restitution Commission would be the successor organization. The composition of this Commission was to be determined by the State Dept. Later in seeking Quadripartite agreement, the question was raised on several occasions. While this question did not effect Quadripartite agreement, we would have been able to obtain Tripartite agreement to a non-denominational successor organization and Bipartite agreement with the British to a German organization as successor organization.

Our decision to publish a unilateral law was primarily based on the designation of a successor organization to heirless Jewish property as an International Jewish Restitution Commission. In point of fact it was our understanding that our Govt was unwilling for us to enter into any other agreement. Obviously, the Jewish Representatives in the US were familiar with these negotiations and clearly understood that the successor organization was to be a Jewish Restitution Commission. I do not know whether or not Judge Proskauer and his associates have any commitments in writing but I am quite sure that they were given clearly to understand by

CC-3127

~~CONFIDENTIAL~~

Copy No.

Exempt from paraphrase. Handle in compliance with AR 380-5.

CONFIDENTIAL

Form OMGUS, 253b  
(8 June 47)

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RG 260Authority 775042Entry OMAGSBy AT NARA Date 6-21-00File RestitutionBox 510~~CONFIDENTIAL~~REF NO. CC-3127

all responsible Govt Officials with whom they discussed the proposed Restitution Law over the past 2 years that the successor organization would be a Representative Jewish Commission. I know that in my own case I have always talked to the Jewish Representatives on this assumption which was certainly not my own assumption but based on my conversations and discussions with responsible Officials in both State and Army Depts. In point of fact, my original views were opposed in favor of a German corporation.

Regardless of these original views, I am sure that at minimum we would be breaking an implied agreement if we did not designate a Representative Jewish Commission as successor organization.

I would like to point out that early decision is imperative as claims under the law must be filed by the end of the present calendar year. By the time such a Commission is formed, the remaining time in which to file claims will be quite limited.

WX-95426 is AGC IN 84110

ORIGINATOR : CINCEUR  
GENAUTH: LUCIUS D CLAY  
GEN

INFO : C/SOCIM CHIEF DIV  
LEGAL DIV HEAD  
CONT OFF DIV HEAD  
FIN DIV HEAD  
ECON DIV HEAD  
CA DIV HEAD  
PIO DIV HEAD  
POL AFF DIV HEAD  
O N L Y

CC-3127

7 Feb 48

WLC/gd

AG 383.6 (Rest.)

~~CONFIDENTIAL~~

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260Authority 775042Entry OMGUSBy AII NARA Date 6-7-00File RestitutionBox 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)

Property Division

APO 742

Berlin, Germany

AG 010.6 (PD)

17 August 1948

SUBJECT : Authorization for the Jewish Restitution Successor Organization to Perform Functions Pursuant to its Appointment Under Regulation Number 3, Issued Under Military Government Law No. 59.

TO : The Chief of Staff

I. DISCUSSION.

1. Regulation No. 3 issued under Military Government Law No. 59 (Tab A) provides for the appointment of the Jewish Restitution Successor Organization as the successor organization to claim heirless Jewish property. Article III, paragraph 3 thereof concerning the written authorization to inspect property and records to be issued by OMGUS reads as follows:

"JRSO and its authorized representatives shall have all rights possessed by German entities and individuals, with respect to the inspection of property and records; in addition, OMGUS upon request of JRSO will authorize, in writing, JRSO and its authorized representatives to inspect such property and records and extract information from such other documents and records held by Military Government or German Governmental authorities or German persons, individuals or corporations, as OMGUS determines to be relevant to the proper performance of the functions of JRSO."

2. Article III, paragraph 4 thereof concerning the reports which will be required, reads as follows:

"The JRSO shall make monthly reports to OMGUS on its operations, and such special reports as are at any time required by OMGUS. The form of such report and the nature of the information to be submitted therein shall be determined by OMGUS."

3. The Jewish Restitution Successor Organization has applied to OMGUS, by its letter dated 2 August 1948, (Tab B), for authority to examine certain records and files as set forth therein.

4. OMGUS has two responsibilities in this matter, first: to authorize the successor organization to obtain as expeditiously as possible all information which it needs to file claims for property which may be subject to restitution, but which is not claimed because the owners of the property died heirless or because the heirs of the persecutee are unknown; and second, to protect the rights which all persons have to a

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RG 260Authority 775042Entry OMGUSBy AJDC NARA Date 6-7-00File RestitutionBox 510

certain degree of privacy in connection with official documents concerning their private affairs, the filing of which have been required by governmental authority. In other words, a government, requiring information under penalty of criminal prosecution concerning certain details of the person's personal or financial interests, can not without legitimate reason turn this information over to non-Governmental third parties unless the third party has a legitimate interest in the information.

5. The balancing of these two factors has been discussed in detail with the representatives in Germany of the JRSO, and the limitations as illustrated in the attached letter appear to represent the extent to which Military Government should go in making information freely available, without at the same time authorizing "fishing expeditions" into matters of a more or less private nature in which the JRSO could have only a general interest. The letter is based on the theory that if the Nazi Government required through a discriminatory or persecutory measure, the filing of information or production of evidence to form the basis of further persecutory measures, the successor organization probably has an interest in a large majority of such information and the right of privacy of the small minority can probably be disregarded.

6. It is, of course, obvious that the records and files being examined must remain in the custody of the person charged with the responsibility for the preservation of the records and adequate security measures must be worked out so that there can be no loss or mishandling of records during such examination. It is likewise obvious that the information obtained under authority of this authorization, should be used by the successor organization only in connection with the filing and prosecution of claims under the Restitution Law and should not be used for any other purpose or transferred to any other person or agency.

7. In April of 1948, Military Government investigated the case of one Dr. Peiser who, although attached to AJDC, had been representing himself in the various Laender as the preparatory committee for the successor organization. His activities consisted of gathering, from German property control channels a great deal of information with respect to properties under control as duress cases and likewise attempting to influence the selection of judges for the restitution chambers. Upon order of General Hays, Dr. Peiser and family were removed from the theater and all records and files, etc., were impounded. The JRSO has requested the return of that part of the impounded files and records which consist of individual cards, showing the description and location of property under control because they are properties which may have been taken under duress. It is proposed that these cards will be given to the JRSO immediately upon receipt of a release of all claims thereto by AJDC.

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Authority 775042

By AGT NARA Date 6-21-00

RG 260Entry OMGUSFile RestitutionBox 510

8. In order that OMGUS may know of the activities of JRSO and give general supervision to them, a report of a minimum amount of information is necessary and books of account should be maintained which would be open to inspection by OMGUS representatives.

II. ACTION RECOMMENDED.

9. That the letter at Green Tab No. 1 be dispatched to the successor organization; that the letter at Green Tab No. 2 be dispatched to the Directors of Military Government in the four Laender and Berlin Sector, inclosing a copy of the letter at Green Tab No. 1.

It is further recommended that the letter at Green Tab Number 3 be signed and dispatched.

III. CONCURRENCES.

Legal Division

(JWW 18 Aug 1948)

Control Office

(TS 18 Aug 1948)

for *PHILLIPS HAWKINS*  
Director

Tel: 43684

Note: letters to OMG US, Subject "Impounded Records and files of Dr. Werner Fries," OMGUS AG 18 Aug 48, and release signed by Mr. Fisher of JPSO, follow out in this file (This letter was originally Tab C of the study). jek.

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RG 260Authority 175042Entry OMGUSBy AIT NARA Date 6-71-00File RestitutionBox 510

Wiesbaden, Germany

2 August 1948.

Our Reference: JRSO/GEN/2

Mr. Eldon J. Cassoday  
 Deputy Director,  
 Property Division, OMGUS.  
 APO 742 U.S. Army

Dear Mr. Cassoday:

This will confirm to you in writing the request I made to you on this date on behalf of the Jewish Restitution Successor Organization (JSRO) for permission to examine various files in connection with its operations in the U.S. Zone of Occupation in Germany.

This request is made under Part III paragraph 3 of Regulation No. 3, issued pursuant to Military Government Law No. 59, promulgated on 23 June 1948.

Our first task will be to identify former Jewish owned property in Germany in order to make further investigations into whether or not such property is unclaimed or heirless. In order to identify and learn the location of such former Jewish owned property, we hereby request permission to examine, under such procedures set forth below and upon such conditions as you may require, the following sources of information which are under the supervision of the German Ministries of Finance and Justice:

1. Files referring to the registration of Jewish property in Germany in 1936, 1937, and 1938 (without restriction) as to which files may be examined.
2. Tax forms filed between 1933 to 1945 by Jews who were subjected to discriminatory taxes because of their race or religion. These files are with the Finanzaemter.
3. Files which have been established on the occasion of the deportation of Jews. These files are also with the Finanzaemter.
4. Files of the Devisenstellen which are specially marked "Jewish".
5. Registers and files which exist at some of the Handelskammern referring to Jewish business.
6. Official government files referring to the public auction of Jewish property.
7. Examine the land registers (Grundbuchaemter), commercial registers (Handelsregister).
8. Contact the notaries in order to obtain lists and general information concerning Jewish owned property in their districts, and examine their records on certification by them that those are the only Jewish owned properties.
9. Files of the German property custodians Agency of Jewish property between 1933 - 1945.

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Authority 775042

Entry OMGUS

By AIT NARA Date 6-21-00

File Restitution

Box

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10. Files of the Reichsbank concerning Jewish securities kept in depositories.  
 11. Records of the official pawn-brokers concerning the delivery of jewelry belonging to Jews.

In addition to the above specified sources of information we understand that because various files have been destroyed there may be the necessity of contacting other German authorities and files in order to develop needed information from other sources. Should this eventually arise, we would be, of course, in contact with OMGUS to obtain the necessary approval.

We also consider most essential that we receive information from the Property Controls of Military Government and German authorities and also from the Central Filing Agency of OMGUS. [redacted] Accordingly, we request that we be given a list of properties which are

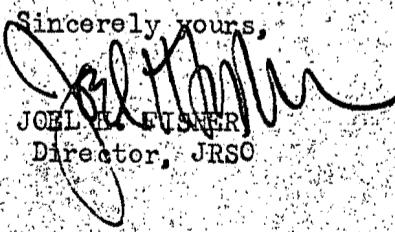
- a. either reported under Article 73 of Military Government Law No. 59, or
- b. under property control categorized as duress property "G", and concerning which
  - 1. no claims have been registered with Property Control authorities by a person claiming to be presently entitled to the property or
  - 2. no petition for restitution has been filed with the Central Filing Agency.

As indicated to you we believe it is most important to receive information from the Central Filing Agency at Bad Nauheim with respect to ~~pending~~ claims which have already been received and will be received. As I discussed with you, the availability of such information would greatly facilitate our operations; if we know that claims have already been filed with respect to specific properties we would be in position not to spend time searching for the heirs to the property when in fact the heir has already turned up.

Finally, we respectfully request that the index cards and records made by Dr. Werner Peiser of the Jewish owned property in Germany, which records are under control of OMGUS, be turned over to our organization as they would be most helpful indeed in connection with our mission.

In closing I should like to add that since the date for filing claims under Military Government Law No. 59 expires on 31 December 1948, we should be most grateful for early favorable action on these requests.

Sincerely yours,



JOEL H. FISHER  
Director, JRSO

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260Authority 775042Entry OMGUSBy ATI NARA Date 6-21-00File Restitution

Box

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O  
P  
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Berlin, October 18th, 1948

V. HOLJEVAC

Ref. No. S-131

Dear Sir,

I have the honour to inform you of the following:

Your organ, Chief of the U.S. Reparation and Restitution Branch, Mr. O. R. McJunkins, has, on September 8., 1948, officially declared to our representatives in Berlin the following:

1. Investigations in connection with the restitution of our Non-Cultural property in the U. S. Zone will cease on October 31., 1948.
2. The work on restitutions in the U. S. Zone will cease on December 31., 1948, after which date only special cases will be taken in consideration.

On October 11., 1948, however, the U. S. Authorities declared to our representatives in the Zone, that all the investigations and releasing of our property in the U. S. Zone must be finished by October 18., 1948, and that all our released property must be shipped to Yugoslavia till October 31., 1948.

In connection with the a/m statements of your organs, you will allow me to draw your attention to our Note of February 5., 1948, Ref. No. S-49, in which we have given the view of the Government of Federal People's Republic of Yugoslavia in connection with the setting of terms for submission of restitution claims in the U. S. Zone of Germany.

We consider the above decisions of your organs, which have set terms for work on restitutions, incorrect, and that they break the rights and the interests of Federal People's Republic of Yugoslavia.

The a/m decisions will make losses for Yugoslavia especially as there is still a great amount of looted Yugoslav property in the U. S. Zone of Germany.

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RG 260Authority 775042Entry OMGUSBy ATI NARA Date 6-21-00File RestitutionBox 510C  
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I point out that there are many reasons which give right to our request the work on restitutions in the U.S.Zone should be proceeded. Among others, I may mention the following:

1. We have still a large number of Non-Cultural and a very large number of cultural claims, which have not yet been investigated.
2. It is necessary to make further investigations for some claims which have not been sufficiently investigated.
3. We have good indications to find new datas and documents, on the bases of which we shall be able to submit new claims for our looted property.
4. The U.S. Military Authorities have not given enough help to our organs in the Zone at the investigations of our looted property.
5. The Germans made it very difficult for us to work on restitutions, hiding the looted property, and, thus, unabling us to discover it. They, also, made our investigations very difficult and, if the claims were released, they hindered the delivery of the property, by protesting to the U. S. Authorities.
6. Because of the short terms set, U.S. organs have, in a hurry, rejected many of our claims, making, thus, losses to our country.
7. By order of the U.S.Military Authorities we did not get trucks for shipments of our restitution goods from April 4, 1948 till June 26., 1948.

I consider that the a/m reasons quite clearly show the necessity to proceed with the work on our restitutions in the U.S.Zone of Germany.

Finally, such a decision, which your organs have brought forth, is in contradiction with the international laws and with the pledges of the U.S.Authorities who govern the Zone until the peace treaty with Germany is signed.

For the a/m reasons the decision of your organs cannot be accepted by the Government of the Federal People's Republic of Yugoslavia and we request, the work on our restitutions should be proceeded, so that Yugoslavia should not have losses due to such an incorrect decission.

Hoping that this incorrect decission will be withdrawn, I avail myself of this opportunity to extend to you, Sir, the expression of my highest esteem.

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RG 260Authority 775042Entry OMGUSBy A17 NARA Date 6-21-00File RestitutionBox 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## OUTGOING MESSAGE

RECD 171018Z Feb 48

~~RESTRICTED~~~~ROUTINE~~

TO : DEPT OF THE ARMY FOR CSCAD  
 INFO : EUCOM  
 FROM : OMGUS SIGNED HAYS  
 REF NO : CG-3219

Reurad Feb WX-95447 and ourad Oct CC-2054.

1. Paper on eligibility of additional nations comes up for Quadripartite consideration on 19 Feb and it appears probable that treaty nations will be favorably considered. Restitution to Austria and ex-enemies is presently a unilateral undertaking and therefore not included in ACA reports.

2. Following is status of Austrian and ex-enemy claims for non-cultural property as of 31 Jan 48. Austria: 250 claims filed; 71 dropped (by way of rejection or for reasons such as failure to locate, destruction of property, essentiality of property in German economy, etc.); 34 satisfied, 145 net active; value of property restituted in terms of 1938 prices, RM 1,084,070. Hungary; 942 filed; 115 dropped; 146 satisfied; 681 net active; value RM 119,186,924. Italy: 461 filed; 77 dropped; 27 satisfied; 357 net active; value RM 2,322,601. Roumania: 47 filed; 2 dropped; 3 satisfied; 42 net active; value RM 3,000 (covering only 1 of the 3 satisfied claims).

3. Completed restitution of non-cultural property has included the following among other items. Austria; 23 sewing machines, 7 vehicles, 1 trailer, furniture, 3 claims for industrial equipment, 129,445 kg metal sheeting, 70,142 kg leather, 1330 kg chemicals, 1 claim for household articles, 1 food preserving machine, 33 oxygen cylinders, fabrics, 3 drilling machines, 34 boxes of china, 3334 kg spare parts for machines, 2454 ball bearings, 50 kg electrical material, fats and oils, medical books,

CC-3219

~~RESTRICTED~~

Copy No.

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Exempt from paraphrase. Handle in compliance with AR 380-5.

DECLASSIFIED  
 Authority 775042  
 By AGT NARA Date 6-21-00  
 RG 260  
 Entry OM695  
 File Restitution  
 Box 510

R E S T R I C T E D

CC-3219

1 steam engine and 56 items of refugees' personal belongings.  
 Hungary: 33 tons of gold bars, 94 tons of silver bars, 2 tons of silver in other forms, money and valuables formerly deposited at the Hungarian National Bank, valued in excess of 1 million dollars, hospital equipment, bridge building material, 1 locomotive, 10 RR cars, railroad equipment, 243 vehicles, 174 Danubian vessels, laboratory equipment auto spares parts, 1 printing press, about 1152 horses, 166 sheep, 63 cows and 18 donkeys. Italy: 960 tons of electrical materials, 1 oil refinery, 1 air cracking plant, 1 RR car, 1 automobile, 1 calculating machine, 129 items of electrical equipment, 1 distillation plant, 36 bundles of rope, 16 cable drums, 271,570 meters of artificial silk cloth, about 309 machines and 475 items such as machinery parts, tools, motors, etc. Roumania: 18 Danubian vessels and 3 vehicles.

4. Following claims for cultural property had been received by 31 Jan 48. Austria: 50, involving 26,586 items, Hungary: 3, involving 20 items; Italy: 56, involving 21,118 items. Completed restitution of cultural property to Austria: 178,015 items of which 43,480 were books; to Hungary 2,983 items of which 423 were books; to Italy 225,625 items of which 224,620 were books. As these figures indicate, submission of claims has not been in practice a pre-requisite to restitution of cultural property.

5. Restitution Missions of these 4 countries have been operating in US Zone since second half of 1946. Their regular restitution shipments began after 1 June 1947 (see ourd May CC-9361), with earlier shipments having been made to Hungary. Sharp rise in submission of claims is expected as result of termination date of 30 April 1948 for filing of restitution claims in US Zone, as announced by US delegate at CORC meeting in Oct 47.

WX-95447 is AGC IN 84163

ORIGINATOR :	ECON	AUTH: JOHN H. ALLEN
		COL
INFO :	LEGAL	
	FIN	
	POL AFF	
	CONT OFF	
	FIN AD EUCOM	

CC-3219

17 Feb 48 EE/ms

AG 602.3 (Restit)

R E S T R I C T E D

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DECLASSIFIED

RG 260Authority 175042Entry OMGUSBy AG NARA Date 6-21-00File RestitutionBox 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

AG CABLES



## INCOMING MESSAGE

TOO 240026Z

RECD 241042Z APRIL 47  
697/24/ees~~CONFIDENTIAL~~~~CONFIDENTIAL~~

P R I O R I T Y

FROM : AGWAR FROM WDSCA ES  
 TO : OMGUS  
 INFO : EUCOM  
 REF NO : WX-96748

1. Reurad Apr CC-8656, CC-8730, CC-8781, Feb CC-7904, ourad W-90078. Re Par 4 ur CC-8781, fact that some of silver bars may have originated from melted silver leis and dinars not considered obstacle. In gen, question of settling irregularities, if any, in original acquisition is one of for determination between countries concerned.

2. Request you proceed with restitution Orphans Court deposits (2-D urad CC-8656) except packages containing currencies which may be disclosed by detailed inventory (see 5 following).

3. Please clarify expression "safekeeping" (Par 3 urad CC-8656). Does this mean property removed from individual safe-keeping deposits in Hungary, or was property entrusted to US Army by Hungarians in Germany or both? No objection in principle to restitution such of these cases not containing currencies. Latter should be retained together with other assets if in same packages. Is foreign currency these cases in clearly identifiable lots, i.e., is there some fairly conclusive indication as to source and/or ownership thereof?

4. Reply by JCS urad Feb CC-7904 has just been apd by SWNCC states that coins other than gold or numismatic are to be treated like other currency under ourad. Paper also auth unilateral disposition currencies and identifiable looted securities.

5. However, re currencies request you continue to defer action even after receipt of SWNCC auth until question of possible special treatment for specific lots of "identifiable" currencies.

AGC IN 56049

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Exempt from paraphrase. Handle in compliance with AR 380-5

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DECLASSIFIED

RG 260Authority 775042Entry OMGUSBy AIT NARA Date 6-21-00File RestitutionBox 510C O N F I D E N T I A L

REF NO: WX-96743

as it has arisen in Hungarian case can be clarified. Therefore, ten tons silver leis and ten tons silver dinar (Par 2-C urad CC-8656) should be retained together with any currencies in Orphans Court deposits and in 30 cases "safekeeping". Re silver dinar and leis, pls advise earliest circumstances in which this property came into Germany. Was it shipped in identifiable lot or lots? What is origin (Hungarian National Bank, etc.)? Pending final decision re disposition these coins suggest no info thereon be given Roumanians or Yugoslavs.

6. Re restitution Orphans Court and safekeeping deposits, admin practicality may suggest desirability not breaking up collections through elimination packages containing currencies. Consequently, if Hungarians prefer, you should retain collections intact and defer restitution pending final decision re currencies.

7. In view of foregoing points raised re currencies, and in view of any similar problems which may have arisen re other lots of foreign currencies in Am Zone Germany, can you suggest workable rule for disposition of certain "identifiable" lots of currencies to countries from which removed rather than countries of issue? Full info requested.

CC-8731 - 12 Apr 47 - FIN  
 CC-8656 - 2 Apr 47 - FIN  
 CC-8730 - 9 Apr 47 - FIN  
 CC-7904 - 4 Feb 47 - FIN  
 V-90078 not identified

ACTION : FIN

INFORMATION : C/S  
 POL AFF  
 US SEC ACA  
 LEGAL  
 CONT OFF  
 ECON  
 ECON AD EUCOM  
 I&C  
 TRANS

AGC TN 56049

24 April 47

CB/ees

REF NO: WX-96748

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

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DECLASSIFIED

RG 260  
Entry OMGUS  
File Restitution  
Box 510~~SECRET~~

TO : AGWAR FOR WDSCA ES FOR S/W  
 FROM : OMGUS SIGNED KEATING  
 REF NO : CC-8443

Reurads WX-93937, WX-93433, ourad CC-8344. Subject is "Restitution" of silver to Hungary.

1. Our CC-8344, 12 March, reviewed problem of restitution to ex-enemies under pertinent clauses in satellite Peace Treaties and advised you that evidence to date did not indicate that the silver had been brought to Germany by force or duress.
2. Facts on removal of silver from Hungary as obtained from Hungarian Restitution Mission and other sources now indicate that silver is not eligible for restitution whether under treaty provisions, JCS directive transmitted in WX-99226 as subsequently amended, United States proposal now in Allied Control Authority, or State Department's memorandum to Hungarian Government of 14 June 1946. Concrete evidence at hand indicates silver was shipped from Hungary voluntarily by Hungarian officials, probably before 20 Jan 1945. Treaty requires removal subsequent to 20 Jan 1945; JCS directive and United States proposal in ACA, as well as treaty, require removal by Germans; and all 4 plans require removal by force or duress as a condition of restituting non-cultural property.
3. Moreover, if silver were delivered to Hungary even outside restitution program, Hungary would be receiving better treatment than United Nations, which just prove removal by Germans or by other "enemies" of Claimant Government in order to receive any restitution at all. This might provoke Allied Claimant Governments to submit host of frivolous claims for "restitution" of property sent to Germany in ordinary commercial transactions by their own Governments or Nationals, which we could not reject without exposing ourselves to charges of discrimination and could not accept without undermining German economy and increasing the expense of occupation of United States taxpayers.
4. Since General Clay is in Moscow and his CC-8344 apparently had not reached you when your WX-93937 was dispatched request instructions as to whether silver is to be returned without reference to restitution standards or procedures.

WX-93937 is AGC IN 52059  
 WX-93433 is AGC IN 51324  
 WX-99226 is AGC IN 22212

Orig: Econ

Auth: Douglas H Patterson  
Maj

Info: O/S  
 Pol Aff  
 Fin  
 Legal

~~SECRET~~

CC-8443

19 Mar 47

WLC /cb

*[Handwritten Signature]**(43)*

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DECLASSIFIED

RG

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Authority 775042  
By AIT NARA Date 6-7-00Entry OMGUS  
File Restitution  
Box 510~~SECRET~~OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
AG Cables

INCOMING MESSAGE

TOO 210207Z

RECD 210824Z MAR 47  
728/21/ees~~SECRET~~

P R I O R I T Y

FROM : AGWAR FROM WDSCA ES FROM SW

TO : OMGS

INFO : CINCEUR PERSONAL FOR CLAY, MA MOSCOW COUNCIL OF FOREIGN MINISTERS  
MOSCOW

REF NO : WX-94503

1. Reurads Mar CC-8344, Mar CC-8443 and ourad Mar WX-93937, July 1946  
 WX-92218 Mar 1946 WX-99226. Restitution to Hungary is subj. This government  
 does not regard its commitments to Hungary and other satellites re restitution  
 dates or conditions as having been superseded by peace treaties. Peace treat-  
 ies spell out certain minimum rights for satellites in that regard, but this  
 govt free as matter of policy to carry out more generous restitution program  
 from Am Zones Germany and Austria to satellites than required by treaties.  
 This govt desires to stand by its previous commitments to govts concerned and  
 WX-99226, as amended re Hungary as well as other countries affected still re-  
 garded as fully effective.

2. Reason Directive WX-99226, as amended by WX-92218, provided property  
 to be subj restitution should have been removed from Hungary during period  
 15 Oct 44 to 15 May 45 is that during this period Hungarian Nazi Govt was in  
 power which was puppet of German Nazis. During this period substantial amount  
 mobile wealth of Hungary was moved westward to assure availability for German  
 war effort. Confusion during imminence was such that it would be difficult  
 establish by direct evidence in any particular case that property was moved  
 by order German Nazis. State and War Depts interpret Provision WX-99226 re  
 act of force to require no proof other than that removal was made by gen di-  
 rection Hungarian Nazi Govt during period in question. Absence any evidence  
 compensation by Germans also would bring within directive.

3. In typical case property remained either in safekeeping for Hungary  
 or in hands Hungarian custodians. Accordingly, if info here correct little  
 Hungarian property was brought to Germany for commercial purposes or has  
 actually been integrated into German economy. In these circumstances Par 6.  
 WX-99226, should be applied only in clearest case since property in question  
 was never German in economic sense and legal and equitable claim of Hungary  
 very strong. In this connection, should be noted that note from Sec State  
 to Hungarian Prime Minister, April 46, although referring to dates 15 Oct 44

AGC IN 52740

~~SECRET~~

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RG 260Authority 775042Entry OMGAGSBy AIT NARA Date 6-21-00File RestitutionBox 510

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to 15 May 45 and requirement act of force promised return displaced Hungarian property without mention any priority for needs German economy. Accordingly, very difficult for this Govt justify to Hungarian Govt retention property never brought to Germany for commercial or economic purposes and continuously in Hungarian control until divested by US auth.

4. Re Hungarian silver Frankfurt depository Par 4 urad CC-8443 desire that you make restitution in accordance with WX-93937 to Nyaradi himself who will return to Hungary via Germany soon.

5. Nyaradi claims fol restitutable property of great importance Hungarian political and economic life. Desire you effect earliest restitution in accordance with above.

- A. Deposits of Budapest Orphans Court
- B. Bridge building material off-loaded from Hungarian barges prior to restitution
- C. Hospital equip once turned over to UNRRA by Third Army. UNRRA in letter to OAD indicates it can relinquish control of equip if replacement by other equip be made by Army to extent necessary.  
Claim to restitution of portion property formerly Mil based upon Geneva Convention (Chapter 5, Arts 188 and 191, FM 27-10) requiring return hospital equip to control original country.
- D. Mauthner seeds stored in Passau; asserted that further storage would spoil completely their germinative factor. This includes 170 tons peas, return of which to Hungary would eliminate need for import similar quantity.

6. Please advise earliest action taken.

CC-8344 - 12 MAR 47 - DMG

CC-8443 - 19 MAR 47 - ECON

WX-93937 is AGC IN 52059 - 15 MAR 47 - ECON

WX-92218 is AGC IN 32578 - 18 JUL 46 - ECON

WX-99226 is AGC IN 22212 - 8 MAR 46 - INFO

ACTION : ECON

INFORMATION: SG

O/S

POL AFF

FIN

LEGAL

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AGC IN 52740 - 21 MAR 47

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REF NO: WX-94503

~~SECRET~~

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RG 260Authority 775042  
By AG NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 510~~CONFIDENTIAL~~OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
AG Cables

OUTGOING MESSAGE

RECD 121202Z MARCH 47

~~CONFIDENTIAL~~~~P R I V A T E~~

TO : AGWAR FOR WARCAD  
 FROM : OMGUS SIGNED CLAY  
 REF NO : CC-8344

Reurads WX-92684 and WX-93433, the latter cable I rather expected with the application of Nyaradi's high pressure tactics in Washington. Our proposal for restitution to ex-enemies has been withdrawn from Agenda until French Delegation is willing to discuss paper. Meanwhile, no general restitution program to ex-enemies is on the way. We have made transfers to USFA custody. Also we have returned Hungarian gold and certain Hungarian fire engines and horses. We have been slow in further restitution to Hungary while working for quadripartite agreement and also to meet a French request, as the French are indignant at slowness of Hungarian restitution to France. The French Delegation has never raised the question here in regard to the presence of the Romanian Mission in the American Zone but has expressed strong dissatisfaction with progress of Hungarian restitution to France. However, in taking further action in making restitution deliveries to peace-treaty ex-enemies, we would like to point out that present peace treaty with Hungary provides in Part 6, Article 20, Para 2, that "identifiable property of Hungary and all Hungarian nationals removed by force or duress from Hungarian territory to Germany by German forces or authorities after Jan 20, 1945 shall be eligible for restitution". We assume that these provisions supersede and cancel previous State Dept instructions. We propose that filing and processing of Hungarian claims shall be governed forthwith by provisions of peace treaty. We propose to proceed likewise for Italy, Rumania, Bulgaria and Finland. It is our view that the agreed provisions in the peace treaty now cover this and that further action by ACC is unnecessary.

We also assume that the "eligible" in para 2 of Article 30 indicates that restitution is not necessarily mandatory. Presumably we would be able to consider in restitution to ex-enemy countries the effect on German minimum economy and consequent cost to the US.

New subject: We have considered French conditions to accept the US proposal for 30 June being established as a termination date for filing of claims. Of course, the French conditions render such a termination date completely ineffective. Their first condition merely provides a means for establishing a number of general claims by submitting an inventory of all French property removed from France without preventing the actual filing of specific claims at any time thereafter. However, the principal French objection appears to come from our rule

CC-8344

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Authority 175042  
By AIT NARA Date 6-21-00Entry OMAGS  
File Restitution  
Box 510

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requiring proof of removal by force or duress. To us this rule appears reasonable. The French would also like complete freedom of action to search for property in the US Zone. We cannot accept such freedom of action as we do not have the facilities to freely accommodate French teams for this purpose. We are also apprehensive that it would become a great searching expedition.

We cannot accept the French position that our directives are paralyzing restitutions to French. We have restituted property valued at about 35,000,000 RM (1938 value) to France (exclusive of art objects) which represents 40% of French claims filed. We do make all German declarations of looted property available to all restitution missions including the French Mission and all reparations inventories available to IARA in Brussels. We have always held that restitution of items removed from France by force or duress is mandatory. However, we have also held that items removed from France by purchase under contract are eligible for restitution to the extent not required by the German minimum economy; that is, when their return would not represent an additional cost to the US. All of these matters are still under discussion with the French here.

Finally, with respect to the return to Hungary of 127 tons of silver, our evidence to date does not indicate that the silver was brought to Germany by force or duress. Under the treaty provisions it is therefore not subject to restitution. We have no objection to return of silver if its return is desired outside of the treaty provisions although this might create a precedent which would prove undesirable.

WX-93433 is AGC IN 51324  
WX-92684 is AGC IN 50237

ORIGINATOR : DMC

AUTH: M. C. ALLEN  
CAPT, WACINFORMATION : O/SS-C/S  
POL AFF  
FIN  
LEGAL  
CONT OFF

CC-8344

12 March 47

HB/WS

**CONFIDENTIAL**

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DECLASSIFIED

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260Authority 775042Entry OMGUSBy AIT NARA Date 6-21-00File Restitution

Box

510**SECRET**

FROM : AGMAR FROM WDSCA ES FROM S/W  
 TO : OMGUS PERSONAL FOR CLAY  
 INFO : USFET  
 REF NO : WX-93937

Hungarian Govt has represented to State Dept serious situation resulting from non-restitution Hungarian property in Germany. In view of US commitments to Hungarian Govt and public statements made by Mr. Byrnes in reputation of Soviet charges that US was contributing to serious Hungarian economic situation by failing to restitute from Germany, present pos is embarrassing to this Govt. Final decision is now made that US Govt must support the restitution of Hungarian property in Germany and that the decision should be implemented promptly in order that the most beneficial effects of the decision may be gained. Delay in implementing the decision would dissipate the benefits to be derived from the support given the Hungarian Govt.

Desire you make immediate restitution to Hungary of the silver bars and coins which belong to the Hungarian Ministry Finance and Mint. (It is reported here that approximately 127 tons of silver bars and coins belonging to Hungary are now located at the Foreign Exchange Depository at Frankfurt). The restitution of other items should proceed as promptly and expeditiously as possible.

ACTION : ECON  
 INFORMATION : O/SS-C/S  
 POL AFF  
 FIN  
 LEGAL

AGC IN 52059 15 Mar 47

JK/cb

REF NO: WX-93937

**SECRET**

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DECLASSIFIED

RG 260Authority 775042  
By ATT NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



TOC

PAW

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141640Z MAR 47

## INCOMING MESSAGE

682/1

JCB

SECRET

SAC-C

P R I O R I T Y

FROM : AGWAR FROM WDSCA ES FROM S/W

TO : OMGUS PERSONAL FOR CLAY

INFO : USFET

ECON

REF NO : WX-93937

Hungarian Govt has represented to State Dept serious situation resulting from non-restitution Hungarian property in Germany. In view of US commitments to Hungarian Govt and public statements made by Mr. Byrnes in reputation of Soviet charges that US was contributing to serious Hungarian economic situation by failing to restitution from Germany, present position embarrassing to this Govt. Final decision is now made that US Govt must support the restitution of Hungarian property in Germany and that the decision should be implemented promptly in order that the most beneficial effects of the decision may be gained. Delay in implementing the decision would dissipate the benefits to be derived from the support given the Hungarian Govt.

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ACTION : ECON

INFORMATION : 0/3S-C/S

AGC IN 52059 15 Mar 47

JK/cb

REF NO : WX-93937

*[Signature]*

Copy No.

Exempt from paraphrase. Handle in compliance with AR 380-5

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DECLASSIFIED

RG 260Authority 775042Entry OMGUSBy AGT NARA Date 6-21-00File RestitutionBox 510

OFFICE OF MIL. ATT.

GOVERNMENT FOR GERMANY (U.S.)



AG CABLES

OUTGOING MESSAGE  
**SECRET**

RECD 181657Z MAR/cw

**SECRET****P R I O R I T Y**

TO : AMERICAN EMBASSY MOSCOW; PERSONAL FOR GEN CLAY  
 FROM : OMGUS SIGNED KEATING  
 REF NO : CC-8442

Message is in 3 parts.

Part 1. Subject is restitution of property removed from Latvia, Estonia, Lithuania. On 8 March JCS cabled US SWNCC authorization to inform Kurochkin that US did not recognize incorporation of Baltic States into USSR but would accept information from Soviets on property looted by Germans from Baltic States, such acceptance to be without commitment as to ultimate disposal of such property as might be located in US Zone. We are also directed to advise Washington earliest of Soviet reaction. For your information and that of Sec State: We so advised General Kurochkin by letter on 15 March.

Part 2. New Subject: Restitution of Hungarian silver. On 13 March WDSCAS/W cabled that final decision was now taken that US must support restitution to Hungary and that decision should be implemented promptly. In particular the cable desired immediate restitution of silver. As this cable probably crossed your 12 March outgoing cable on same subjects, we have replied by cable to Washington (see part 3 below). Meanwhile we are arranging to proceed under treaty provisions with operational restitution to Hungary, Roumania, Italy, Bulgaria, and Finland in accordance with assumptions made in your cable of 12 March.

Part 3. Text of our reply to Washington on Hungarian silver follows:

"1. Our CC-8344, 12 March, reviewed problem of restitution to ex-enemies under pertinent clauses in satellite peace treaties and advised you that evidence to date did not indicate that the silver had been brought to Germany by force or duress.

CC-8442

**SECRET**

Copy No. 35

Exempt from paraphrase. Handle in compliance with AR 380-5

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RG 260Authority 775042Entry OMGUSBy ATT NARA Date 6-71-00File RestitutionBox 510S E C R E T

REF NO.: CC-8442

- 2 -

"2. Facts on removal of silver from Hungary as obtained from Hungarian Restitution Mission and other sources now indicate that silver is not eligible for restitution whether under treaty provisions, JCS directive transmitted in WX-99226 as subsequently amended, United States proposal now in Allied Control Authority, or State Department's memorandum to Hungarian Government of 14 June 1946. Concrete evidence at hand indicates silver was shipped from Hungary voluntarily by Hungarian officials, probably before 20 January 1945. Treaty requires removal subsequent to 20 January 1945; JCS directive and United States proposal in ACA, as well as treaty, require removal by Germans; and all 4 plans require removal by force or duress as a condition of restituting non-cultural property.

"3. Moreover, if silver were delivered to Hungary even outside restitution program, Hungary would be receiving better treatment than United Nations, which must prove removal by Germans or by other "enemies" of claimant government in order to receive any restitution at all. This might provoke Allied claimant governments to submit host of frivolous claims for "restitution" of property sent to Germany in ordinary commercial transactions by their own governments or nationals, which we could not reject without exposing ourselves to charges of discrimination and could not accept without undermining German economy and increasing the expense of occupation to United States taxpayers.

"4. Since General Clay is in Moscow and his CC-8344 apparently had not reached you when your WX-93937 was dispatched request instructions as to whether silver is to be returned without reference to restitution standards or procedures."

WX-93937 is AGC IN 52059

WX-93433 is AGC IN 51324

WX-99226 is AGC IN 22212

ORIGINATOR : ECON

AUTH : DOUGLAS H. PATTERSON  
MAJ.INFORMATION : C/S  
POL AFF  
FIN  
LEGAL  
CONT OFF

CC-8442

19 MAR 47

WLC/cw

S E C R E T

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RG 260Authority 775042  
By A17 NARA Date 6-71-00Entry OMGUS  
File Restitution  
Box 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)



AG CABLES



## OUTGOING MESSAGE

**SECRET**

RECD 181658Z MAR 47/cb

**SECRET****P R I O R I T Y**

TO : AGWAR FOR WDSCA ES FOR S/W  
 FROM : OMGUS SIGNED KEATING  
 REF NO : CC-8443

Reurads WX-93937, WX-93433, ourad CC-8344.  
 Subject is "Restitution" of silver to Hungary.

1. Our CC-8344, 12 March, reviewed problem of restitution to ex-enemies under pertinent clauses in Satellite Peace Treaties and advised you that evidence to date did not indicate that the silver had been brought to Germany by force or duress.

2. Facts on removal of silver from Hungary as obtained from Hungarian Restitution Mission and other sources now indicate that silver is not eligible for restitution whether under treaty provisions, JCS directive transmitted in WX-99226 as subsequently amended, United States proposal now in Allied Control Authority, or State Department's memorandum to Hungarian Government of 14 June 1946. Concrete evidence at hand indicates silver was shipped from Hungary voluntarily by Hungarian officials, probably before 20 January 1945. Treaty requires removal subsequent to 20 January 1945; JCS directive and United States proposal in ACA, as well as treaty, require removal by Germans; and all 4 plans require removal by force or duress as a condition of restituting non-cultural property.

3. Moreover, if silver were delivered to Hungary even outside restitution program, Hungary would be receiving better treatment than United Nations, which just prove removal by Germans or by other "enemies" of Claimant Government in order to receive any restitution at all. This might provoke Allied Claimant Governments to submit host of frivolous claims for "restitution" of property sent to Germany in ordinary commercial transactions by their own Governments or Nationals, which we could not reject without exposing ourselves to charges.

CC-8443

**SECRET**

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Exempt from paraphrase. Handle in compliance with AR 380-5.

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260Authority 775042Entry OMGGSBy AJ NARA Date 6-7-00File Restitution

Box

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REF NO: CC-8443

S E C R E T

-2-

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4. Since General Clay is in Moscow and his CC-8344 apparently had not reached you when your WX-93937 was dispatched request instructions as to whether silver is to be returned without reference to restitution standards or procedures.

WX-93937 is AGC IN 52059

WX-93436 is AGC IN 51324

WX-99226 is AGC IN 22212

ORIGINATOR: ECON

AUTH: DOUGLAS H. PATTERSON

MAJ

INFORMATION: C/S

POLE AFF

RIN

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CC-8443

19 Mar 47

WLC/cb

S E C R E T

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RG 260Authority 175042Entry OMGUSBy AII NARA Date 6-7-00File RestitutionBox 510

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



INCOMING MESSAGE

ECD 100Z MAR 47  
6/20 CP~~SECRET~~

SICREDI

*EON*

ROUTINE

TO : USMA MOSCOW PERSONAL FROM CLAY

TO : OMGUS PERSONAL FOR KEATING

FROM : MA-51139

Reurad CC-8442 do not understand cable. I personally asked General Galley to advise you to proceed immediately with restitution of Hungarian silver realizing fully that my 12 March cable had not reached Washington. However, if Washington desired change it would notify us. Having made our present, we must accept Governmental decision and our further policy becomes contentious. Please advise Washington that you have heard from me at Moscow that silver is to be returned as soon as physically practical.

New subject: If question of French recruitment in Germany arises our position must be that our agreement to operate means support of French request for such recruitment through the Allied Control Council subject to proper safeguards such as voluntary nature, a definite contract which permits transfer of funds received as wages to Germany, labor must be unemployed or must not be essential to minimum economy, etc. In advising French if they bring up subject of our willingness to support in such a manner with proper safeguards it is not necessary to spell out safeguards at this time. Do not open matter with French unless you do. Under no condition can we agree to unilateral action permitting French recruitment in US Zone alone.

8442, 19 Mar 47, Econ

ATTENTION

INFORMATION

AMERICAN

C/S

POLARIS

**ACTION COPY**

AG IN 52704

21 Mar 47

WLC/cb

REF NO: MA-51139

S E C R E T

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Entry Omegas  
File Restitution  
Box 511

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Authority 175042  
By AFC NARA Date 6-21-00

REPRODUCED AT THE NATIONAL ARCHIVES

AG 602.3 RESTITUTIONS VOL II

1948

AC 60 R 131

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RG 260Authority 175042Entry OMGUSBy AFF NARA Date 6-21-00File RestitutionBox 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

FROM : AGWAR FROM WDSCA ES  
 TO : OMGUS - USFA  
 INFO : USFET  
 REF NO : WX 9112

RECURED NOVEMBER WX-85965, MARCH WX-99226 this cable  
is in two parts:

PART 1.

There follows State Department Draft proposed JCS Directive to OMGUS and USFA in implementation of that part of Article 8 of Final act of Paris Conference Reparation signed by 18 nations on January 14, 1946 which provided:

"In recognition of fact that large numbers of persons have suffered heavily at hands of Nazishand now stand in dire need of aid promote their rehabilitation but will be unable to claim assistance of any government receiving reparation from Germany, the Governments of US of America, France, UK, Czechoslovakia and Yugoslavia, in consultation with Inter-Governmental Committee on Refugees, shall as soon as possible work out in common agreement plan on following general lines:

"A. Share or reparation consisting of all non-monetary gold found by Allied Armed Forces in Germany shall be allocated for rehabilitation and resettlement of non-repatriable victims of German action" and that part of Five-power Agreement of June 14 pursuant to Article 8 which provided: "the Inter-governmental Committee on Refugees" or its successor organization is hereby authorized to take title from appropriate authority to all "non-monetary gold" found by 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 highest possible realizable value"

(1.) You will make available on demand to duly accredited representative of IGCR all valuable personal property which represents loot seized or obtained either directly from political racial or Nazi

religious victims of Government or its

Copy No.

**RESTRICTED**

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DECLASSIFIED

Authority 175042

By AIT NARA Date 6-21-00

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Entry OMGS

File Restitution

Box 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

Ref.: WX-9112

RESTRICTED

-2-

~~religious victims of Nazi Government or its satellite governments or nationals thereof which was or may hereafter be found, seized or confiscated by USFET or by local authorities acting under direction or control of US Forces, subject to following conditions:~~

- a. That property cannot be restituted to government pursuant to WX-85965 November 1945 and WX-92226 March 1946 as amended and modified by Control Council action, because determination of national origin is impractical.
- b. That property cannot be restituted to lawful owners under laws in force in place where presently found either because lawful owner has died or ceased to exist without legal successor or because determination of individual ownership is impractical.
- c. That ownership interests in real property located in Germany and Germany currency or instruments of exchange payable in German currency will be accepted.
- d. That Jewish books, manuscripts and literature of cultural or religious importance will be excepted and disposed of pursuant to separate directive.
- e. That detailed inventory and tentative agreed valuation will be made of property subject to transfer to IGCR hereunder, and transfer will be made upon signing of joint inventory which shall be made part of receipt.

(2) You will permit property transferred hereunder to be removed from Germany and Austria or to be sold therein if payment can be made outside Germany/Austria in acceptable foreign currency, notwithstanding any laws for control of foreign exchange to ensure that maximum value be obtained therefrom.

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RG 260Authority 175042Entry OMGUSBy AGT NARA Date 6-21-00File RestitutionBox 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

Ref: WX-9112

R E S T R I C T E D

-3-

(3) You will seek to obtain Control Council agreement to disposition pursuant to terms of this directive of any property disposition of which is reserved to Control Council. Even prior to such agreements you will refer to execute directive and you may advise the representatives of Control Authority that you are doing so pursuant to obligation assumed by your government in subscribing to Paris Agreement on reparations.

(4) Expression "valuable personal property" as used in paragraph 1 of this directive shall be interpreted to exclude ordinary items of furniture, clothing and other personal property of small intrinsic value and to include any such items of uncommon value. In determination of impracticality of identification pursuant to paragraph 1 sub-paragraph a and b of this directive regard shall be had to extent of commingling with other property and difficulty and expense of determination of ownership in comparison with value of property. All property, as defined herein, will be considered as falling within this directive and will be made available to IGCR unless available evidence clearly is to contrary. You will establish such administrative machinery as may be necessary to execute this directive promptly and effectively."

PART 2.

Your comments desired soonest. Considered opinion of State that US policy should favor broadest possible interpretation of obligation under Article VIII and that in definition of "non-monetary gold" and application to specific cases, most liberal interpretation should govern. Entirely outside obligation under Paris Reparation Agreement, this program directly related to general responsibilities this government connection financing resettlement German and Austrian non-repatriables. To extent "non-monetary gold" made available from US Zones Germany and Austria and success in persuading UK and France to pursue similar policies their Zones, general financing burden of US will be decreased. Therefore position taken in proposed directive not decreased.

Copy No.

**RESTRICTED**Form OMGUS-252  
(29 May 47)

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Authority 775042  
By AFF NARA Date 6-21-00Entry OMGUS  
File Restitution  
Box 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)



AG CABLES



## INCOMING MESSAGE

viewed as strict construction Article VIII, but as being in line with more fundamental US interests.

As is well known non-repatriable financial position critical and desirable that non-monetary gold formula be established and applied without delay. Implementation thereafter should be given very high priority and preliminary steps taken now. IGGCR representatives will be made available to advise and assist you as required.

In order facilitate issuance of directive and implementation in field desired that your comments be submitted in form of any specific proposals for amendment which you may consider advisable. Repeat replies all addressees.

WX-85965 is SCC IN 15174, 3 Dec. 45 Info.  
WX-99226 is SCC IN 22212, 7 Mar. 46 Info.

ACTION	:	ECOM	SUSPENSE:	25 AUGUST
INFORMATION	:	O/SS FIN LEGAL I&C POW AFF POW & DP		

AGC IN 35354 23 Aug 46 1030B JDL/leh REF: WX-9112

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Form OMGUS-252  
(29 May 47)

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Authority 775042

Entry OMGUS

By AJT NARA Date 6-21-00

File Restitution

Box 511

18 March 1948

MEMORANDUM TO: Deputy Military Governor

SUBJECT : Werner Peiser, Restitution Consultant, AJDC

Reference is made to a letter to you from the Director of OMGWB, dated 5 March 1948, and your memorandum to the Chief of Staff, dated 11 March 1948 concerning the activities of Mr. Werner Peiser of the AJDC.

#### Background Information

As outlined to the Chief of Staff orally, certain bits of history should be taken into consideration in deciding any action on this letter. As you know, Military Government Law No. 59, "Restitution of Identifiable Property", provides that heirless property, which would ordinarily be subject to restitution under the law, will be given to successor organizations to be appointed by Military Government instead of escheating to the State, which would be the ordinary procedure under German law. A group of Jewish organizations in the United States have been jointly negotiating with the Department of the Army, the State Department, and General Clay (when he has been in the United States) concerning the drafting of the Restitution Law. These organizations have received some official recognition from the Government in that their agreed recommendations, subscribed to jointly, proposing restitution policy, have been received by the State Department and forwarded to us for consideration. These organizations have been very active since early 1946 when the Restitution Law was first under consideration and have commonly been assumed to be the organizations which will form one successor organization to be recognized as the successor organization for Jewish property.

After the decision was made to proceed with restitution on a unilateral basis, these Jewish organizations submitted to General Clay in Washington a request to be appointed as such a successor organization under the Restitution Law. The name of the applicant was the Jewish Restitution Commission, and the American Joint Distribution Committee is shown as one of its member organizations. After receipt of the application, a cable was dispatched from OMGUS to Washington requesting certain information from the State Department as to whether or not the applicant was truly representative of Jewish organizations located everywhere in the world. This cable has not been answered by the State Department except for a statement that they were studying the question.

A staff study on a regulation concerning appointment of successor organizations was circulated by Finance Division, and the non-concurrence of Legal Division is presently under study by Property Division. No

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Authority 775042

Entry OMAGS

By AJT NARA Date 6-21-00

File Restitution

Box 511

successor organization has been authorized by OMAGS and I believe it is safe to say that none will be until the promulgation of the regulation concerning the appointment of successor organizations. In November 1947, when the Restitution Law was published, I was told personally by telephone by a female professional employee in Mr. Peiser's office in Frankfurt that the AJDC was the successor organization. I told her definitely then that the AJDC was not a successor organization and that no successor organizations had been appointed; she immediately amended her statement to say that the AJDC was a part of the successor organization which would probably ultimately be appointed. In the reference letter, a statement is made that Mr. Peiser has received cooperation from the other Laender with reference to furnishing information concerning duress property. A preliminary check with the Laender offices in Bavaria and Hesse reveals that neither the German nor the American Property Control Agencies in Bavaria have been solicited by Peiser or his representatives so far as is known. It was suggested, however, that Dr. Auerbach, who is the State Commissioner for Racial Political Persecution, may have given certain information to Peiser.

In Hesse, Mr. Peiser, acting on the basis of a letter signed by the I.R.O. office of London attempted to collect certain information concerning transfers of Jewish synagogues and cemeteries. A Mrs. Gertrud Puttfarckes, representing Mr. Peiser's interest, worked at the offices of the LCAH in Wiesbaden for approximately one month, but has not been present there for the last few days. Permission to work in the office and obtain information for Peiser was not cleared with the Land Property Control Chief, and we understand that Peiser has now been presented with a letter from the Land Government stating that he would not be permitted to solicit further information concerning transfers of property in the State of Hesse unless he has prior written approval of Military Government. I understand that Dr. Newman plans to write to you on this subject.

This covers the entire history so far as is known to me. We have, of course, from time to time, received inquiries as to whether there was a successor organization. In each case they have been told that none such has been appointed. We have not, however, prior to the subject letter, been informed that anyone has been active in representing himself as officially representing a successor organization or in having engaged in any activity as censurable as that reported in the letter.

#### Present situation

If there were a duly appointed organization, with representatives within Germany specifically authorized to act for it, they would still have absolutely no right to interfere in any way with the appointment of judges by the Land Governments. Thus, from our own point of view, the seriousness of this matter is not the fact that the person claims to represent a successor organization, but the fact that he spoke to Dr. Kuester about who should or should not be judges. If any instructions are to be issued on qualifications of judges, Military Government is well able to take care of the matter.

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RG 260Authority 775042Entry OMGUSBy AJ NARA Date 6-21-00File RestitutionBox 511

The refusal of Military Government officials in Wuerttemberg-Baden to give any information to Mr. Peiser, or any other person, as a representative of a successor organization, is entirely within their own judgment. I have, in the past, told representatives of AJDC that since they receive many questions concerning the Restitution Law and its administration, we are perfectly willing to cooperate with them in giving them information in that field so that they can answer such questions. They can be helpful to us in this way and such cooperation is perfectly proper. However, there is a distinct difference between cooperation in ascertaining facts concerning the law and its administration, and demanding information to be used by a successor organization to further its own interests.

#### Recommendation

You have recommended that Mr. Peiser should be discharged by his organization and no longer be permitted to remain in Germany. From the point of view of this Division, we could agree very well with this recommendation, since we know that we must take immediate steps against any abuses of authority by persons claiming to be representatives of successor organizations. However, the overall effect of his immediate dismissal might not be a deterrent on future activities as much as would be desired. In the first place, we would probably be faced with having to argue the merits of our decision. We recommend that you call in the Director, in Germany, of the AJDC and their General Counsel, with or without Mr. Peiser, and state in forceful language that although your first reaction was to request dismissal and removal from the Theater, that since this is the first offense that has come to your attention, you are warning them that any repetition by Mr. Peiser or any other representative of their organization will result in the immediate removal of the employee from the Theater. Peiser may be doing this entirely on his own misconception of his position and without the knowledge of his superiors.

It is believed that the necessarily widespread dissemination of this information within AJDC would result in the information reaching other organizations, resulting in a greater effect on the actions of other possible "representatives" of successor organizations. This ultimatum could be accompanied by a statement in writing pointing out that no activity on the part of any successor organization is authorized and that it is not within the jurisdiction of AJDC, or any other group, to attempt to influence the German Land authorities on the composition of the Restitution Courts.

In order that each Land Director and German official knows specifically the status of any person representing himself as part of a successor organization, there is attached a proposed TWA to be dispatched to all Land

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RG 260Authority 775042Entry OMGGSBy AJ NARA Date 6-21-00File RestitutionBox 511

Directors. This should give them full authority to deal with any imitators. If the practice is presently widespread, those organizations and their representatives, who engage in such activities now, might later encounter trouble in getting approved as representatives of successor organizations.

1 Incl: a/s

Tel: 43684

*E J Cassoday*  
E. J. CASSODAY  
Deputy Director  
Property Division

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RG 260Authority 775042  
By AII NARA Date 6-7-00Entry OMGUS  
File Restitution  
Box 511

OFFICE OF MILITARY GOVERNMENT  
 LAND WUERTTEMBERG-BADEN  
 FIRST MILITARY GOVERNMENT BATTALION (SEP)  
 APO 154 US ARMY

STUTTGART, GERMANY

16 March 1948

SUBJECT: Dr. Werner PEISER

TO : Major Gen. George P. Hays  
 Office of Military Government for Germany (US)  
 Berlin, Germany  
 APO 742, US Army

1. The enclosed letter by Kuester of the German Justice  
 Ministry, Wuerttemberg-Baden, completes your file from me on  
 Peiser.

CHARLES M. LAFOLLETTE  
 Director

Incl:  
 a/s

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Authority 775042  
By AII NARA Date 6-21-00Entry OMAGS  
File Restitution  
Box 511

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## TRANSLATION

LEG/LTR

12 March 1948

Justice Ministry  
Dep. VI RestitutionStuttgart-O, 11 March 1948  
37 Gerokstrasse  
Tel. No. 91074, 92855  
P.O. 630401/644 Kus/Ro.TO  
Military Government for Wurttemberg/Baden  
Legal DivisionStuttgart

As requested, I take the liberty of submitting the following report concerning the participation of Dr. Werner Peiser in the decision of nomination of judges for the restitution courts:

On 20 January 1948, Dr. Peiser called at my office and introduced himself as legal advisor to the American Joint Distribution Committee in Frankfurt. This committee being the preparatory agency for the just being established successor organization according to the restitution law. Dr. Peiser told me that he had already reached an agreement with the Ministries of Justice of Bavaria and Hesse according to which his organization should be heard prior to the appointment of judges for the restitution courts. He requested that Wurttemberg-Baden should hear the organization too. In case of eventual political attacks this organization would then stand for them accordingly.

I then told Dr. Peiser that I did not mind to comply with his request but that, of course, the nomination of judges for the restitution courts could not be made dependent on the approval of his organization. I want to point out that our Ministry also contacts in the same way other self-administrative organizations of the persecuted in order to avoid later frictions.

The Minister of Justice agreed with me. Accordingly, in the middle of February, Dr. Peiser was sent by the Personnel Division of the Ministry a list of the proposed judges for the restitution courts. At the occasion of a session of the restitution committee of the Landerrat (Allied Control Council) a few days later, Dr. Peiser told me that he objects only to one of the proposed judges who formerly belonged to the SA. In his letter of 23 February 1948, which was regarded as confidential, he again expressed his hesitation. I then answered him in a kind of personal letter in which I clearly stated to him my principal non-concurring opinion.

As soon as I have got the approval of Dr. Peiser, I shall submit his letter of 23 February 1948. The heading of the letter is as follows:

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Authority 775042

By AII NARA Date 6-21-00

RG 260

Entry OMAGS

File Restitution

Box 511

## AMERICAN JOINT DISTRIBUTION COMMITTEE

Legal Division:  
e/o PGIRO AREA TEAM 1022  
APO 757, U.S. ARMY

Frankfurt Local Address  
Hobalstrasse 17  
Frankfurt, Germany  
Tel. No. Frankfurt 33626

Dr. Peiser did not leave any doubts that he is not representing  
an authority but a private organization.

s/ Kuester

t/ KUESTER

7/11

120996

DECLASSIFIED	Authority <u>775042</u>
By <u>All</u>	NARA Date <u>6-21-00</u>

RG 260  
 Entry OMGAGS  
 File Restitution  
 Box 511

18 March 1948

MEMORANDUM TO: Deputy Military Governor

SUBJECT : Werner Peiser, Restitution Consultant, AJDC

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After the decision was made to proceed with restitution on a unilateral basis, these Jewish organizations submitted to General Clay in Washington a request to be appointed as such a successor organization under the Restitution Law. The name of the applicant was the Jewish Restitution Commission, and the American Joint Distribution Committee is shown as one of its member organizations. After receipt of the application, a cable was dispatched from OMGUS to Washington requesting certain information from the State Department as to whether or not the applicant was truly representative of Jewish organizations located everywhere in the world. This cable has not been answered by the State Department except for a statement that they were studying the question.

A staff study on a regulation concerning appointment of successor organizations was circulated by Finance Division, and the non-concurrence of Legal Division is presently under study by Property Division. No

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Entry OMGUSFile Restitution

Box

511

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Authority 775042By ATI NARA Date 6-21-00RG 260  
Entry OMGUS  
File Restitution  
Box 511

The Refusal of Military Government officials in Wuertemberg-Baden to give any information to Mr. Peiser, or any other person, as a representative of a successor organization, is entirely within their own judgment. I have, in the past, told representatives of AJDC that since they receive many questions concerning the Restitution Law and its administration, we are perfectly willing to cooperate with them in giving them information in that field so that they can answer such questions. They can be helpful to us in this way and such cooperation is perfectly proper. However, there is a distinct difference between cooperation in ascertaining facts concerning the law and its administration, and demanding information to be used by a successor organization to further its own interests.

Recommendation

You have recommended that Mr. Peiser should be discharged by his organization and no longer be permitted to remain in Germany. From the point of view of this Division, we could agree very well with this recommendation, since we know that we must take immediate steps against any abuses of authority by persons claiming to be representatives of successor organizations. However, the overall effect of his immediate dismissal might not be a deterrent on future activities as much as would be desired. In the first place, we would probably be faced with having to argue the merits of our decision. We recommend that you call in the Director, in Germany, of the AJDC and their General Counsel, with or without Mr. Peiser, and state in forceful language that although your first reaction was to request dismissal and removal from the Theater, that since this is the first offense that has come to your attention, you are warning them that any repetition by Mr. Peiser or any other representative of their organization will result in the immediate removal of the employee from the Theater. Peiser may be doing this entirely on his own misconception of his position and without the knowledge of his superiors.

It is believed that the necessarily widespread dissemination of this information within AJDC would result in the information reaching other organizations, resulting in a greater effect on the actions of other possible "representatives" of successor organizations. This ultimatum could be accompanied by a statement in writing pointing out that no activity on the part of any successor organization is authorized and that it is not within the jurisdiction of AJDC, or any other group, to attempt to influence the German Land authorities on the composition of the Restitution Courts.

In order that each Land Director and German official knows specifically the status of any person representing himself as part of a successor organization, there is attached a proposed TWD to be dispatched to all Land

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Authority 775042  
By AIT NARA Date 6-21-00RG 260  
Entry OMGCS  
File Restitution  
Box SII

Directors. This should give them full authority to deal with any imitators. If the practice is presently widespread, those organizations and their representatives, who engage in such activities now, might later encounter trouble in getting approved as representatives of successor organizations.

1 Inc1: a/s

Tel: 43684

E. J. CASSIDAY  
Deputy Director  
Property Division4  
7611

121000

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RG 260  
Entry OMGUS  
File Restitution  
Box 511Authority 775042  
By AJ NARA Date 6-21-00

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

Office of the Deputy Military Governor

Date 11 March 1948

TO: Chief of Staff

It would seem that Mr. Werner Peiser has been conducting some illegal activities. If this proves to be correct, I should like to write a letter to this Jewish agency that employs Mr. Peiser and point out his activities are not authorized--that we would like to have Mr. Peiser discharged and can no longer be permitted to remain in Germany--that they must in the future insure that none of their employees take unauthorized action of this kind.

Please look into this matter and take care of it for me.

  
G.P.H.

SUBJECT: Werner Peiser, Restitution Consultant, AJDC

~~Return to the Office of the Military Governor~~

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Authority 775042  
By AGT NARA Date 6-21-00

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Entry OMGS

File Restitution

Box 511

## OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

Office of the Deputy Military Governor

Date 11 March 1948

TO Chief of Staff

It would seem that Mr. Werner Reiser has been conducting some illegal activities. If this proved to be correct I should like to write a letter to the U.S. Army that employs Mr. Reiser and point out his activities are now unauthorized—that we would like to have Mr. Reiser discharged and can no longer be permitted to remain in Germany—that they must in the future insure that none of their employees take unauthorized action of this kind.

Please look into this matter and take care of it for me.

SUBJECT Werner Reiser, Restitution Consultant, AGO

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